



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036

tel: 212-736-4536 fax: 212-947-9512

www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

October 16, 2015

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: **BKUK Corporation**
d/b/a Cara Mia
654 Ninth Avenue (45th/46th Streets)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the alteration alteration of BKUK Corporation d/b/a Cara Mia to upgrade from a Wine and Beer License to an On Premise license and to extend that license to a sidewalk café. Given the intense over-saturation of On Premise licenses in the blocks surrounding this applicant and serious concerns about the operation of this establishment and its owner, the granting of the On Premise license sought in this application would not serve, and would be contrary to, the public interest.¹

This establishment falls within the 500 foot rule as there are *46 (forty-six)* On Premise licenses within 500 feet of this address (per the SLA's website), including at least 10 Italian restaurants similar to this applicant. These blocks are already heavily over-saturated with licensed premises, and adding an additional On Premise license would present a serious risk of additional noise and disturbance from patrons and increased vehicular and pedestrian traffic, causing significant disruption to residents who live near this establishment. Granting an On Premise license to yet another Italian restaurant in a neighborhood that already has multiple Italian restaurants with such licenses would contribute nothing new or different to the community nor would it serve the public interest.

Of primary concern, a member of MCB4 reported that he several times observed wine being served to patrons seated at the sidewalk café of this establishment. (Photos taken in April and May 2015 are enclosed.) Although the applicant's license permits it to serve wine and beer *inside* the establishment, that license has not been extended to the sidewalk café. The applicant's willingness to violate the terms of its current Wine and Beer License raises serious concerns about whether it would behave responsibly and lawfully should it be granted an On Premise License.

At the September 8, 2015 meeting of MCB4's Business Licenses and Permits Committee at which this application was considered, multiple community members spoke in opposition to this application, citing the already exceedingly high concentration of On Premise licenses in these blocks, the increased noise and congestion that would likely accompany an additional On Premise license here, and violations of the existing license stipulations at this establishment (including those regarding the closing of doors and windows). No one (other the applicant) spoke in favor of this application.

Unfortunately, MCB4 also must report that it has had numerous complaints and issues extending over a period of more than two years with another establishment, Limon Jungle, which has the same owner as the present applicant -- Mr. Besim Kukaj. These problems include Limon Jungle's failure to close at the times stipulated in its license, its refusal to adhere to other license stipulations, and its disregard of its agreement with MCB4 to cease using its rear yard. The details of these issues and complaints are set out in the enclosed July 23, 2014 and November 10, 2014 letters from MCB4 to Mr. Kujak and the enclosed October 16, 2015 letter to the SLA in connection with a pending alteration application at Limon Jungle. Although MCB4 recognizes that Limon Jungle and Cara Mia are separate establishments, it remains the case that they are owned by the same individual and are located less than 10 blocks apart in the same immediate neighborhood. MCB4 thus believes that the lengthy track record of problems with Limon Jungle and its owner are relevant to the decision whether to grant an On Premise license to the same owner for a nearby restaurant.

MCB4 accordingly urges denial of the present application.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet
Chair

[signed 10/16/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee









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CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 23th, 2014

Mr. Besim Kukaj
BKUK Corporation
803 - 9th Avenue
New York, NY 10019

RE: Limón Jungle

Dear Mr. Kukaj,

This letter serves as a follow-up to Manhattan Community Board 4's (MCB4) Quality of Life Committee meeting that took place on July 14th, 2014, to which you were invited to respond to numerous community complaints regarding the operation of your Mexican restaurant, Limón Jungle.

As the sole owner of Limón Jungle, it is mystifying as to why you decided to go on vacation just 24 hours prior to the Quality of Life meeting, and instead chose to send Nazib Malik, the restaurant's manager, who had insufficient time to prepare.

Located on 9th Avenue between 53rd and 54th, Limón Jungle is situated on a busy Hells Kitchen block that is saturated with at least 19 other "on premises" liquor-serving establishments that are within 500 feet of your restaurant. Despite the fact that the sidewalks are highly congested and that there is protracted street construction, Limón Jungle has consistently violated New York City codes and created safety hazards by cluttering the crowded sidewalk with menu boards, plants and promotional placards, and running electrical cords across the doorway entrance. Please keep your frontage free and clear of any potential obstructions and safety hazards.

Despite the fact that MCB4 twice *declined* to support your request for backyard dining, you none-the-less decided to extend the restaurant into rear yard. Please cease and desist.

Residents have also filed complaints about the noise emanating from the restaurant. As per your Liquor License Stipulations Agreement application, please keep front windows and entrance doors closed *whenever* there is amplified music. If not, by "11PM Friday and Saturday and 10PM on all other days."

It has also come to our attention that you are letting patrons and staff linger past the permitted hours of operation. Please make sure all patrons have *vacated* the premises no later than midnight daily. The staff is to leave immediately after completing their work and not use the backyard. We strongly recommend that you institute consistent staff and security training.

We ask that you personally appear along with your managers at MCB4's September 2014 Quality of Life committee meeting to provide a status update. Until then, please address these issues expeditiously and work more diligently to be a good neighbor.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine Berthet", is placed over a light gray rectangular background.

Christine Berthet
Chair

[Signed 7/23/14]
Tina DiFeliciano
Co-Chair
Quality of Life Committee

Cc: Nazib Malik, manager, Limón Jungle
Rosa Sanchez, RMS Business Licensing & Consulting Inc.



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CHRISTINE BERTHET
Chair

NELLY GONZALEZ
Acting District Manager

November 10, 2014

Mr. Besim Kukaj
BKUK Corporation
803 - 9th Avenue
New York, NY 10019
RE: Limón Jungle

Dear Mr. Kukaj,

This letter serves as a follow-up to Manhattan Community Board 4's (MCB4) Quality of Life Committee meeting that took place on October 6th, 2014, which you attended with several members of your staff Nazib Malik, the restaurant's manager, in response to ongoing community complaints regarding the operation of your Mexican restaurant, Limón Jungle.

The meeting and letter also serve to follow up on our correspondence dated July 23, 2014 (attached), which detailed many of the concerns raised again at our October meeting. Despite the earlier meeting and letter, many of the concerns and complaints remain. Therefore, we write to reinforce these issues and affirm your agreement to abide by **all** the stipulations you agreed to and signed during the liquor license application process with Community Board 4's Business Licenses and Permits Committee on (DATE) (attached), and to those agreed to at the October 6th meeting. Specifically:

- Windows and entrance doors are to be closed *whenever* there is amplified music. If not, by 11PM Friday and Saturday and 10PM on all other days.
- No use of the rear yard.
- Removal of menu boards, plants and promotional placards, and electrical cords across the doorway entrance/sidewalk for any reason.
- Monthly meetings, as requested, with the Block Association to address concerns.

We live in a crowded city and it is incumbent on all of us to be good neighbors to ensure that we can live harmoniously and minimize strife. At the same time, agreements are reached between liquor-serving establishments and the community board to develop enforceable stipulations, and adhering to them is not optional, but necessary.

We are hopeful that we will receive positive reports from the community and from Board members and that no further action is required to ensure that quality of life is maintained and liquor license obligations are met.

Thank you.

Sincerely,



Christine Berthet
Chair

[Signed 11/10/14]
Tina DiFeliciano
Co-Chair
Quality of Life
Committee

[Signed 11/10/14]
David Pincus
Co-Chair
Quality of Life Committee



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District Manager

October 16, 2015

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: **9th Ave Lime Jungle Inc.**
d/b/a Limon Jungle
803 Ninth Avenue (53rd/54th Streets)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of an alteration to the On-Premise Liquor License for 9th Ave Lime Jungle Inc. d/b/a Limon Jungle because the rear yard alcohol service and extended operating hours sought in this application would not serve, and would be contrary to, the public interest.¹

This establishment falls within the 500 foot rule as there are **20 (twenty)** OP liquor licenses within 500 feet of this address, including Mexican restaurants similar to this applicant. In our experience, extending the license to this establishment's rear yard (where the applicant seeks to have 15 tables and 30 seats) would seriously disturb the hundreds of community residents whose windows (often bedroom windows) face the large courtyard of which the applicant's rear yard is one part. Similarly, the extended hours sought in the application present a serious risk of increased vehicular and pedestrian traffic and gatherings outside to smoke, generating excessive street noise in the early morning hours and causing significant disruption to surrounding residents.

The applicant first submitted an alteration application to extend its license to its rear yard and to extend its hours in 2014. By letter dated April 11, 2014 (a copy of which is enclosed), MCB4 recommended denial of that application, describing the applicant's failure to adhere to its license stipulations (including staying open later than its stipulated closing times) and serious community issues and concerns with the applicant's operations.

Unfortunately, the problems with the applicant set out in the April 11th letter continued from that time to the present. As set out in the enclosed letters dated July 23, 2014 and November 10, 2014, the applicant twice appeared before MCB4's Quality of Life Committee to respond to community

complaints about its operations. In response to those complaints and concerns and as reflected in the November 10th letter, the applicant in October 2014 reiterated its agreement to abide by its license stipulations and to cease use of its rear yard.

MCB4's Business Licenses and Permits (BLP) Committee considered the applicant's present alteration application at its September 8, 2015 meeting. At that meeting, multiple community residents -- including representatives of the condominium board of an adjacent building -- spoke against the application, citing the concerns outlined above. MCB4 also received written submissions from 18 neighbors of this establishment, describing problems at the establishment and urging denial of the application. No one (other than the applicant) spoke or wrote in favor of the application. Community members whose windows faced the courtyard containing the applicant's rear yard explained that noise travels readily through the courtyard and that any kind of eating and drinking in the applicant's rear yard would be heard in their apartments (as well as hundreds of other apartments) and would seriously compromise their quality of life. These residents noted that typically it is the bedrooms of their apartments -- often occupied by small children -- that face the courtyard and would bear the brunt of the noise from the applicant's rear yard. They also reported that the establishment failed to properly dispose of its trash, contributing to a rodent problem in this area. Most troublingly, community members reported that the applicant was still failing to abide by its agreements: the applicant was continuing to use its rear yard (in violation of its October 2014 agreement to cease doing so), was violating its license stipulations including those regarding the closing of its doors and windows, and was unlawfully cluttering the sidewalk with menu boards, signage, and other obstructions.

Given that the establishment's present operation has proven significantly detrimental to its neighbors, MCB4 and the community believe that granting the alteration application -- to permit the applicant to serve alcohol even later into the early morning hours and in its rear yard surrounded by multiple residential buildings -- would multiply the problems that the community has had with this establishment and would be contrary to the public interest and the well-being of local residents. MCB4 accordingly urges denial of the present application.

Thank you for your attention and cooperation with this application.

Sincerely,



Christine Berthet
Chair

[signed 10/16/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
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