

# BAR HUMBUG

## BLOOMBERG

## BAR & GRI



## Mike's cigarette ban is official

By DAVID SEIFMAN  
City Hall Bureau Chief

It's lights out for smokers. Mayor Bloomberg and City Council leaders announced yesterday that they've reached a long-awaited deal to ban smoking in most indoor public spaces

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**NO IFS, ANDS OR BUTTS**

**THE SOUND OF Owners, drinkers crying in their beer**

By ANGELINA CAPPIELLO, JARED PAUL STERN and BILL HOFFMANN

New Yorkers from all walks of life huffed and puffed over the city's expected new smoking law last night, with some predicting the bar business will go in the tank and others hailing it as a breath of fresh air.

"Bloomberg says he's going to protect me, but he's not going to subsidize my rent or pay my bills. And this is going to hurt business," said Noelle Mooney, the bar manager at St. Andrew's on West 44th Street.

Kelly Jones, 31, an ad saleswoman from Astoria, Queens, fired up a cigarette outside her Midtown building and screamed: "Oh, God — we're turning into L.A.!"

At the La Veranda bar on West 48th Street, Dominic D'Agostino, 64, of Syosset, L.I., shot off a look of disgust as he nursed his drink and a butt.

"It sucks!" he roared. "Bloomberg should go back into private business. He used to smoke, now he's punishing us."

"I'll go to New Jersey to smoke if I have to!"

But Mary Shiratori, 27, a jobless Astoria resident, was ecstatic. "I had a sore throat all last week because of the bars in New York. I'm glad the mayor signed it. It's a relief to me," she said.

Marcus Baker, 40, a tourist from London, added, "The ban is great. I would much prefer to stand at a bar with no smoking. In London, the government wouldn't have the balls to do this."

Some smokers — and non-smokers — agreed inhaling and imbibing go hand in hand.

**Highlights**

- BANNED**  
 ■ Smoking in all indoor public places  
 ■ Smoking in all city-owned vehicles
- EXEMPTED**  
 ■ Seven existing cigar bars, but only under their current owners  
 ■ Private clubs like American Legion posts  
 ■ Bars operated by their owners, but there can be no more than four partners designated as owners  
 ■ Outdoor cafes that have no roof or ceiling enclosure  
 ■ Tobacco shops
- SMOKING ROOMS**  
 ■ Ventilated smoking rooms no larger than 350 square feet can be constructed in bars and nightclubs  
 ■ Residential health-care facilities may build smoking rooms
- FINES**  
 ■ Violators face fines of \$200 to \$2,000 for the third offense
- WHEN**  
 ■ The law takes effect 90 days after it's signed by Mayor Bloomberg next week



St. Andrew's owner Martin Whelan, 40, said, "The government has led us astray. I just spent \$1,500 on smoke eaters for the front and back of the bar and it's money down the drain."

"The city is asking us to be policemen. If they fine people for smoking that's fine, if they fine me, then that's losing money."

Emmett O'Lunney, 32, manager of O'Lunney's at West 46th Street said, "The mayor is interfering with the mom-and-pop shops. We will definitely have to investigate it. There's got to be a loophole."

Elaine Kaufman, owner of renowned Elaine's, says the idea employees need to be protected from smokers is "ridiculous."

"My help smokes more than the customers," she said. "They're always in the back grabbing puffs. I'd rather than that drinking, though."

Forbes FYI editor Christopher Buckley, author of the big-tobacco satire "Thank You for Smoking," said Bloomberg "appears to be rewriting H.L. Mencken's famous definition of Puritanism as the sneaking suspicion that someone, somewhere is enjoying a smoke."

"It's the most cockamamie thing I've ever heard," said Graydon Carter, editor of Vanity Fair. "It's the sort of plan that might work in an office building but makes no functional sense for a city or its restaurants."

Performer Denis Leary, whose smoke-filled act was once called "No Cure for Cancer," said, "I predict this law will be repealed within the next year."

"But until then I have a bar in my office, and people can come there and smoke."

At the Pig and Whistle on West 47th Street, bartender Jane Hickey, 28, of Maspeth, Queens, insisted, "If people can't come in and smoke while they're drinking, it's going to affect business."

Waitress Emily Kirwan, 19, of Woodside, Queens, added, "I think I'll make a lot less money now. I work off tips, and if smokers aren't allowed inside, they won't be coming here."

Pat Puglise, 56, a secretary for the Sea Isle City police in Cape May, N.J., said she's been smoking since she was 13 and Bloomberg's edict won't stop her.

"It's unfair. I just got used to smoking outside at work. It's like you have the plague if you're a smoker," she said.

At the 55 Bar on Christopher Street, bartender Donald Goettler was annoyed, but resigned.

"Drinks and cigarettes — they're the Happy Meal. I'm sure people will get over this like everything else — but it's just one more freedom taken away," he said.

Still, Goettler admitted, his own health will probably improve because "it'll keep me from smoking myself."

**Great New York smokeout a done deal**

**SMOKING from Page 1** — including bars, nightclubs and restaurants.

The new law takes effect 90 days after the mayor signs it, meaning late March or early April.

A public hearing is scheduled Friday at City Hall. Swift approval by the council is expected next week.

The legislation, among the most restrictive in the nation, is expected to be imitated by municipalities across the nation, anti-smoking advocates said.

Bloomberg reluctantly agreed to exempt seven existing cigar bars, owner-operated bars, fraternal organizations, outdoor

cafes, and bars willing to spend large sums to create separate high-tech smoking rooms where employees would be barred.

Licensed health treatment facilities, such as drug rehab units, would also be allowed to provide smoking rooms.

But few bars are likely to qualify for exclusions.

Council Speaker Gifford Miller admitted he wasn't even sure how many owner-operated bars there are.

"We don't know," he said.

Miller said he is happy with the compromise bill.

"No one should have to choose between their health and their job," Miller said. "The purpose

here is not to punish smokers, but to protect employees."

Hector Batista, executive vice president of the American Cancer Society, said the standard for the "negative pressurized" smoking rooms was so high that most bar owners won't be able to afford to build them.

"At the end of the day, this is going to be too expensive for some of these folks to do," said Batista.

The mayor agreed.

"From a practical point of view, very few bars and restaurants [will] take advantage of that," he predicted.

In fact, only bars — defined as those establishments which derive less than 40 percent of their

income from food sales — are eligible to create a sealed smoking room.

Even those bar operators willing to invest in ventilated rooms are taking a chance because of a sunset provision in the new law that could require ripping them out in three years.

Bloomberg, who's on an anti-smoking crusade, conceded he didn't get everything he wanted.

He downplayed the exclusions as "nothing substantive" and hailed the compromise as a lifesaver for 1,000 people in the city who die every year from second-hand smoke.

Violators face fines \$200 for the first offense, double the current penalty.

NO IFS, ANDS OR BUTTS

# BARROOM BAWLS



**Name:** Pete's Candy Bar  
**Location:** 709 Lorimer St., Brooklyn  
**In business:** Three years  
**Style:** Relaxed, housed in former candy store.  
**Busiest night:** Wednesday and Saturday (see about 100 plus drinkers).  
**Known for:** fajitas, Wednesday's quiz night, poetry readings.  
**Preparedness for ban:** Back room that could be converted into a smoking area, as the law permits.

## The music might die

### BAR 1

Pete's Candy Bar in Brooklyn could create a smoking room, but that might mean eliminating the live music space at the back of the bar.

Owners Juliana Nash and Andrew McDowell said they don't want to have to spend about \$20,000 to build another music room if they enclosed the area where music is now played.

"It would be terrible," said Nash. "It would make the room a totally different thing."

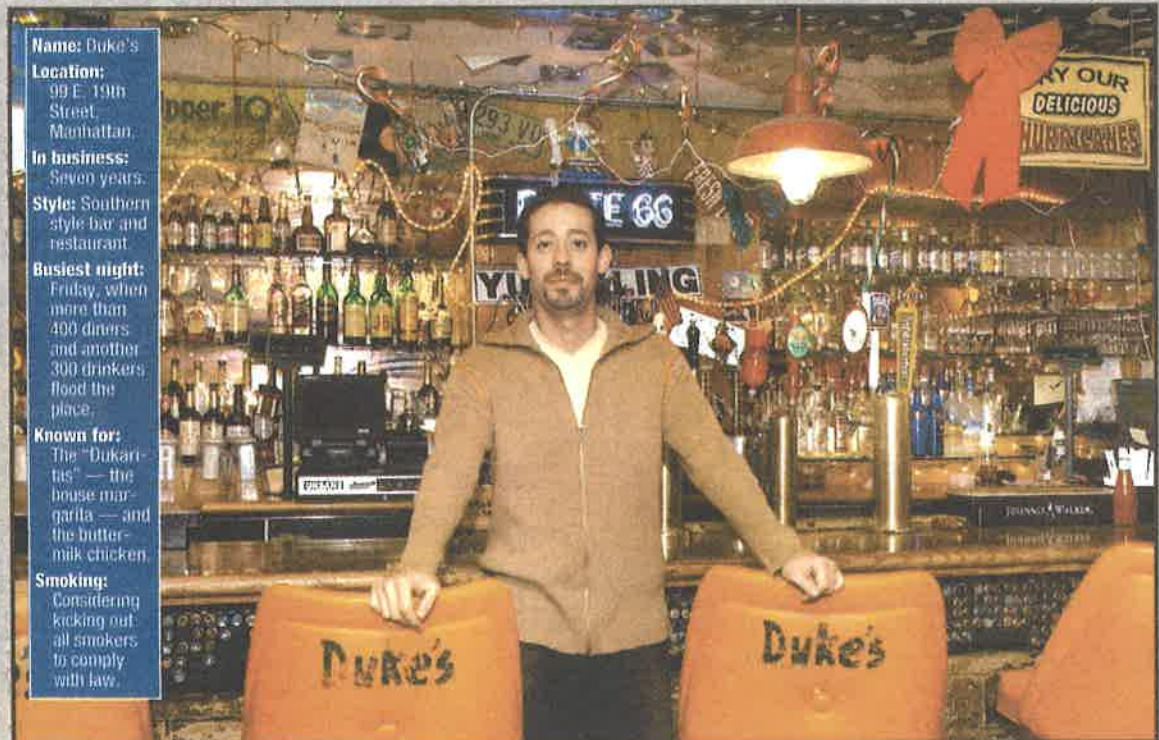
Nash says the new anti-smoking law is "crazy."

"Bloomberg is not making any friends of small business owners with this," said Nash, who estimates 70 percent of his patrons smoke.

"I suppose if every bar in New York does not have smoking then maybe we would only lose 20 percent of business." Leah Haines

**TORCH SONG:** It's a choice between live music and a smoking room for the owners of Pete's Candy Bar in Brooklyn.

Steven Hirsch



**Name:** Duke's  
**Location:** 99 E. 19th Street, Manhattan  
**In business:** Seven years  
**Style:** Southern style bar and restaurant  
**Busiest night:** Friday, when more than 400 diners and another 300 drinkers flood the place.  
**Known for:** The "Dukari-tis" — the house margarita — and the butter-milk chicken.  
**Smoking:** Considering kicking out all smokers to comply with law.

## Please take that outside

### BAR 2

To comply with the new law, Duke's says it's probably going to have to boot smokers outside.

The Manhattan eatery and bar has a non-smoking dining section, but smokers flock to the bar.

"We would probably go smoke-free and ask people to smoke outside," says manager Tony Mykoniatis.

It seems like a drastic move, especially for a bar that oozes the Southern lifestyle, but Mykoniatis says building a smoking room would spoil the "flow" of the open restaurant.

Mykoniatis estimates about 40 percent of his clientele are smokers, but he's not expecting too many complaints.

"I've not heard any of our customers saying that they will not come back if we ban smoking," he said. Leah Haines

**BAR NONE:** Tony Mykoniatis, manager of Duke's, says he'll likely require patrons who now smoke at the bar to go outside.

Steven Hirsch