

FULL BOARD MINUTES

DATE: February 18, 1999

TIME: 7:00 P.M.

PLACE: NYU Law School, 40 Washington Square South
Room 110

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Donna Blau, Enid Braun, Glenn Bristow, Helene Burgess, Charles John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Lise Esdaile, Carol Feinman, Alan Jay Gerson, Chair, Community Board #2, Man. (CB#2-Man.); Emily Giske, Edward Gold, Arnold L. Goren, Anne Hearn, Anthony Hoffmann, Honi Klein, Rachel Lavine, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David

Reck, Carol Reichman, Debra Sandler, Arthur Z. Schwartz, Ruth Sherlip, John Short, James Smith, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams.

BOARD MEMBERS EXCUSED: Helen Iannello, Verna Small, Sean Sweeney, Carol Yankay.

BOARD MEMBERS ABSENT: Caroline Crumpacker, Harriet Fields, Oscar J. Gonzalez, Veronica Johnson, Shirley Secunda, Sharon Slotnick, Abraham Tan,

BOARD STAFF PRESENT: Arthur Strickler, District Manager.

GUESTS: Andrew Berman, Senator Tom Duane's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Dirk McCall, Man. Borough President C. Virginia Field's office; Tom Castele, Councilmember Kathryn Freed's office; Councilmember Margarita Lopez; Damaris Reyes, Councilmember Margarita Lopez's office; Kamel S. Bahary, Ralph Riley, Howard Geneslaw, Lillian Tozzi, Dai Moy, Stuart Hoy, Robert McBrien, David Sarner, M. Ledner, Patrick Daley, D. Corpel, Joan Engel, Dan Weill, Marna Lawrence, Karen Lanza, George Camarda, Ross Grala, Richard Willard, Alex Picken, Joanne Mariner, Cory Henkel, Emily Folpe, Eli Hausknecht, Janice DeYoung, Susan Nayowith, Jon Brayshaw, Joseph Rosen, Marilyn Geyer, Albert Bennett, Robert Fauckner, Martin Braun, Bob O'Sullivan, Jennifer McGlynn, Ric Hardwright, Stan Ries, John Casalnuovo, April Cardenas, John West, Robert Coleman, Nancy English, Tom DeLuca, Marjorie Dufour, Bruce S. Gordon, Joe Ruggiero, Suzanne Williamson, Marcia H. Lemmon, John Fernandez, Vic Azzara, Tom Michaels, Magda Vavakova, Earnest Rice, James Rouse, Al McGrath, Ave Casale, Adriane Kufa, Tom Cahill, M. McDonald, E. Mondschein, M. Finney, D. Vulevitch, Joseph Vasta, Jubal Reade, Carol Lewis, Jonn Cornyn, Gus Theodoro, Jan Klucevseh, Richard Korchak, Jim Bozart, Tom Cahill, Gary Hill, Mary K. Doris, Mary Ann Arisman, Katy Bordonaro, Gardner Rankin, Sante Scardillo, Nancy Miller, Aaron Matz, George Watson, James Null, Mark Healy, Jean Krampner, Lisa LaFrieda, Sherry Langin Spitzer, Judith Hendra, Brunner, D. Kahn, Fran Dropkin, Robert J. Iannello, Mark A. Koenig, Alice Gerrard, Joy Tomchin, Joan M. Kenney, Eleanor Levine, Marcia Lemmon.

MEETING SUMMARY

Meeting Date - February 18, 1999
Board Members Present - 38
Board Members Excused - 4
Board Members Absent - 7

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II. Public Session

Non-Agenda Items

City Budgets Cuts to Libraries

Robert McBrien, Regional Librarian, of the Jefferson Market Library, reported that the Mayor's \$18.5MM in budget cuts will devastate the library. Would like additional funding for computers, connections, in libraries throughout the City.

Demolition of NYU Loeb Student Center

Al McGrath, President of Friends of LaGuardia Pl., stated his concern about the project. Have any plans been issued? The Chair stated that the item will be discussed at the Business & Institutions Committee.

Noise Problem at Two Potato Bar

James Rouse, resident, sleeps with headphones due to excessive noise from this location; stated that he is afraid for his safety. The Chair stated that the Board office will follow up.

Landmark Violations Officer Assistance

Gardner Rankin proposed that Landmarks violations officers be given an assistant.

Joint Environment/Waterfront Items

Gansevoort Peninsula

Ann Arlen, Chair of Environment, spoke re: the Gansevoort Peninsula. Alan Gerson, Board Chair, also spoke regarding the timetable on the Gansevoort Peninsula-sooner rather than later. He also thanked Tony Dapolito, Chair of Parks, for all his work on the playgrounds.

Dan Klein, Dept, of Sanitation, spoke re: a memo of understanding between City and State to use Gansevoort in 1988. The Dept. planned to store trucks on Gansevoort from District 3. New Water Act asked Sanitation to find other sites for garage operations, either 1, 2 or 3 sites. Ross Graham, of CB#4-Man., stated that CB4 has 3 districts and several facilities; it has agreed to take two (2&5) and will accept if CB#2-Man. takes a district. CB#2-Man. and CB#4-Man. share designation of park on the peninsula.

Eli Hausknecht, Friends of Hudson Square, spoke against the resolution and

how the hearing was not fair because the commissioner know Yellow Freight would not be picked. Joseph Vasta also spoke against the it, and stated the park is a good idea, how his community is a center for trucks and this will set the clock back. Stan Ries also spoke against it. Nancy Miller also spoke. Howard Geneslaw, attorney for UPS, and Ralph Riley, Real Estate Division, UPS, spoke against the resolution as well and stated that 115 trailers are necessary, that they cannot operate the building without a lot; traffic will be increased and trailers will be forced to park in the streets or shut down, also will cause unemployment to part-timers. Jon Brayshaw, St. John's Bldg., was against the resolution and stated the movie studio will be harmed and jobs will suffer. Katy Bordonaro, West Village Houses, spoke against Sanitation on Morton St. Albert Bennett, Morton St. Block Assn., and Sherry Langin Spitzer, St. Luke's Block Assn., spoke against the Yellow Freight and Clarkson St. sites. Cory Henkel spoke in favor of the resolution. The Chair explained procedure for the decision and process, stated that notice was given and the meeting was posted. Board officers worked with Sanitation to develop proposals!

Landmarks & Public Aesthetics Items

NoHo Landmarking

Marilyn Geyer, NoHo Neighborhood Assn. spoke in favor of the resolution and asked for support of the Landmarks Preservation Commission not to split landmark districts in NoHo; it will exclude the east side of the district. Jeff Weinstein and Judith Hendra spoke in favor of the resolution.

Business & Institutions Items

396-397 West Rest. Corp., 396-397 West St.

Joan Kenney, spoke against the liquor license application; no notice was given, and there is a history of problems with the owner. Joy Tomchin spoke against the application and how it took 2 years to close previous establishment. Why does the applicant have need for security guards? John West, of Rockrose, also spoke against the application due to bad experiences with clubs, and concern with the park being made. John Fernandez also spoke against the liquor license.

David Sarner spoke in favor of the application; said there was no opposition at committee meeting, has sound system and security reports, and stated the space is zoned for such use. He took a smaller space to be a good neighbor. Alex Picken, broker for Riverview, also spoke in favor of the application and stated that the hotel wants to upgrade and feels the block assn. doesn't want any use at the site.

15 Acres, Inc. d/b/a Kettle of Fish, 57-59 Christopher St.

Jim Bozart, Tom DeLuca, T. Cahill and Gus Theodoro, spoke in favor of the liquor license application.

Street Permit Items

Mulberry St. Mall

Sante Scardillo, of LINA, spoke against the mall; he stated that the resolution doesn't go far enough.

Lillian Tozzi was in favor of the resolution and spoke about traffic congestion. Dai Moy also spoke in favor of the resolution and how the mall has increased to _ a year with no notice; complained of no access. Bruce Gordon, and Eleanor Levine were also in favor of the resolution. Marcia Lemmon, chair of Ludlow Block Assn., was also in favor of the resolution, and spoke about the process being short-circuited, no oversight, and access is poor. Joan Engel, Joe Ruggiero, Marna Lawrence, Karen Lanza, Dan Weill, George Camarda, John Casalnuovo, and Suzanne Williamson, of LINA, spoke in favor.

The Chair stated that the committee should have a meeting with a mayoral official.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Andrew Berman, of newly-elected Senator Tom Duane's office reported on Senator Duane being in Abate's office now. He is currently working on 1) a Bias Bill (raising the penalty for crimes and recording of crimes; it will become a bipartisan bill with Sen. Roy Goodman, and 2) a Clinic Access Bill. He also reported on budget cuts.

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported on breast cancer awareness, the City school budget, and a bus forum.

Debbie Roth, of Assemblymember Deborah Glick's office reported on the expiration of the Loft Law; There was a Town Hall on CUNY open admission policy held to try to save open admissions. Also reported that Family Fitness day is March 27th.

Dirk McCall, of Man. Borough President C. Virginia Fields' office reported on the shooting of Amadou Diallo; residences for NYC Police Dept.; the end of the 48-hour rule; Board appointments for CB#2-Man.; and a meeting with the Landmarks Preservation Commission.

Tom Castele, of Councilmember Kathryn Freed's office reported on the following items: 1 M-10 bus; 2) NoHo Historic district; she wants all of NoHo landmarked; 3) Billboards-no permits issued (criminal offense).

Councilmember Christine Quinn, gave out her temporary telephone number and address: (212) 924-9104, at 250 Broadway.

Councilmember Margarita Lopez was outraged by the killing of a merchant by the NY Police Dept. Town Hall meetings will be held to discuss NYPD misconduct, and possible legislation. She also reported on the creation of a Youth Congress to indoctrinate young people to politics, budget matters. She currently has not taken a position on the landmark issue in SoHo.

V. Adoption of Minutes

Adoption of January minutes. Distribution of February minutes.

VI. Executive Session

A. Chair's Report. 1) There will be a Youth services meeting next Tuesday to announce new services; 2) There will be an upcoming meeting re: cameras at Washington Square Park; 3) meeting with NYU re: buses; 4) Mediation Ctr. telephone has been established; 5) EPA to work with CB#2-Man. on noise from bars; 6) computer consultant to report next week.

B. District Manager's Report Arthur Strickler spoke re: an emergency resolution for the landmarking of Stonewall Inn. He also motioned to change agenda to move the Waterfront Committee up.

STANDING COMMITTEE REPORTS

BUSINESS & INSTITUTIONS

1a. Applications to the SLA for New Licenses to Sell Liquor on Premises:

3 Micks Restaurant, 59 Fifth Avenue, NYC 10003.

WHEREAS the applicant is proposing a new restaurant in the same location where two previous restaurants operated with an on-premises liquor license; and

WHEREAS this location is next door to the infamous location at the southeast corner of 13th Street & 5th Avenue (the former Lone Star Café and its successor) which was the recipient of numerous citations from the NYPD 6th Precinct for shootings, underage drinking, unlicensed gun possessions, and other major violations; and

WHEREAS the community suffered for the more than 2 years it took to close down this operation; and

WHEREAS the applicant proposes to operate a 174-seat restaurant with an upper and lower level with late-serving hours from 5 PM to 4 AM; and

WHEREAS in the considered opinion of CB#2-Man., this location, being in a predominantly residential neighborhood, is not considered to be a late-night venue and if allowed to open will become a problem because of late night hours; and

WHEREAS the previous restaurant establishments in existence at this location have operated with normal closing hours (i.e. midnight-1 AM); and

WHEREAS a 4 AM closing time strongly suggests a bar/club that will attract late night revelers to a residential neighborhood that was forced to endure the problems cited above caused by an SLA on-premises licensee; and

WHEREAS suggestions by CB#2-Man. to the applicant to allow a stipulation for 2 AM closings on weekends and midnight-1 AM closings on weekdays at least for the first several months following the opening of the premises; and

WHEREAS the applicant was against such a stipulation; and

WHEREAS the applicant's premises is within 200' of the New School, Parsons School, and Cardozo Law School,

THEREFORE, BE IT RESOLVED that CB#2-Man. recommends denial by the SLA of an on-premises license for 3 Micks Restaurant, 59 Fifth Avenue, NYC 10003 until such time as applicant is willing to enter into a stipulation that its closing hours follow those of other bonafide restaurants that are located in the immediate neighborhood which are, decidedly, not 4 AM.

Vote: Unanimous, with 38 Board members in favor.

Mexicana Mama, Inc. d/b/a Mexicana Mama, 525 Hudson Street, NYC 10014 (10th-Charles).

WHEREAS the applicant has been in business for approximately 1 year; and

WHEREAS the applicant proposes to continue the same hours of operation from noon until 1 PM; and

WHEREAS there have been no complaints and applicant has operated as a good neighbor;

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting of a liquor license to Mexicana Mama, Inc. d/ba/ Mexicana Mama, 525 Hudson Street NYC 10014.

Vote: Unanimous, with 38 Board members in favor.

Ye Waverly Inn, Inc., 16-18 Bank Street, NYC 10014.

WHEREAS this is the second consecutive month that applicant has failed to appear albeit with some reason as to why; and

WHEREAS CB#2-Man. is seriously concerned that the time clock on delay is being worked to the advantage of the applicant and to the disadvantage of the community because of the failure of the applicant to sit and discuss long standing issues with the community that stem from the current licensee and have not been redressed for over 4 years and which are likely to continue unless the SLA is made aware of same; and

WHEREAS garden and use it for entertainment of its patrons which have been the cause of community complaints regarding late night noise by the surrounding residents; and

WHEREAS the current licensee has for the past several years continued to

serve liquor in the garden area and use it as a venue for entertainment despite having no SLA on-premises license for this part of the premises and despite complaints from the residential neighbors who border Ye Waverly Inn, that the unenclosed area was noisy and disruptive to the community; and

WHEREAS the current licensee has illegally operated in the garden area ever since they commenced operations in 1993 without the benefit of the SLA license covering this premises; and

WHEREAS CB#2-Man. has found that operating in unenclosed garden areas in the midst of a residential area generates noise problems to the residents; and

WHEREAS CB#2-Man. recently adopted a policy of not approving any expansion or alteration to an on-premises licensee because of this very problem;

THEREFORE BE IT RESOLVED that CB#2-Man. will not oppose granting a license to the applicant for the enclosed premises but strongly opposes the granting of any alteration to the license to allow for the serving of liquor in the garden area until such time as the applicant meets with the affected residents and they mutually agree to stipulated conditions on operation within the garden area including but not limited to hours and months of service, noise reduction, singing and entertainment and limitations on tour operators bringing in bus loads of customers; and

BE IT FURTHER RESOLVED that CB#2-Man. requests the applicant to produce its NYC Building Department Certificate of Occupancy to show that it is in compliance with existing law which is a condition that the SLA itself requires and which the current applicant has never complied with.

Vote: Passed, with 37 Board members in favor, and 1 in opposition.

421 Restaurant Corp., 421-425 West 13th Street, NYC 10014.

WHEREAS the applicant is proposing to establish a new 133- seat restaurant with a closing hour of 2 AM; and

WHEREAS the applicant's premises is in a building with no residential tenants and in an area that is not near any residential uses but in a growing restaurant venue area in midst of the Gansevoort Meat Market District; and

WHEREAS there was no neighborhood opposition;

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting of a license by the SLA of an on-premises liquor license to 421 Restaurant Corp., 421-425 Hudson Street, NYC 10014.

Vote: Unanimous, with 38 Board members in favor.

Sun Tzu Consulting Group, Inc. d/b/a West Street Lounge, 507 West Street, NYC 10014 (cor. West & Jane).

WHEREAS the applicant is proposing a club/lounge/bar in the Riverview Hotel which is an existing NYC licensed Single Room Occupancy (SRO) hotel containing some 150+/- SRO rooms; and

WHEREAS the hours of operation will be until 4 AM daily, 7 days per week; and

WHEREAS the applicants were affiliated with the operation and management of a club called Chaos which has been a major problem to the community for many years and which thus causes some wariness and not any "guilt by association"; and

WHEREAS CB#2-Man. has concerns that the type of operation being proposed will bring in clientele from a wide geographic area who, unlike the patrons coming to the theater located in the Riverview Hotel arrive and then exit after the performance, will linger to the early morning closing hours of 4 AM and create problems for the SRO residents and for the

residents of the surrounding Jane Street residential neighborhood; and

WHEREAS the security personnel that applicant is proposing to retain outside the premises and to deploy as far as Horatio Street is indicative of these concerns and believes they are problems that will be self-fulfilling; and

WHEREAS it is noted that the new Hudson River Park is being developed immediately to the west along the waterfront and CB#2-Man. looks upon the creation of an upland area with late hour liquor establishments as being inharmonious to the new park; and

WHEREAS CB#2-Man. believes that there are 3 or more on-premises liquor establishments within 500'; and

WHEREAS there is a question as to whether the posting notice of the applicant's premises was left standing so that the surrounding community was aware of this pending application; and

WHEREAS in the absence of any dialogue between the applicant and the community CB#2-Man. wishes to give the applicant all benefit of the doubt notwithstanding a consensus that this is not the type of use it would like fronting on the new Hudson River Park;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends deferral of any action by the SLA of an on-premises liquor license to Sun Tzu Consulting Group, Inc. d/b/a West Street Lounge, 507 West Street, NYC 10014, until such time as the applicant presents their plans and the community has had a chance to react; and

BE IT FURTHER RESOLVED that CB#2-Man. calls upon the SLA to hold a 500' rule hearing so that the SLA can ascertain neighborhood feelings as to the concerns noted and the impact of the other licensed premises and the proposed West Street Lounge.

Vote: Passed, with 36 Board members in favor and 3 in opposition. **(This resolution was subsequently revised by Martin Tessler - SEE ATTACHED - EXHIBIT I).**

15 Acres, Inc. d/b/a Kettle of Fish, 57-59 Christopher Street, NYC 10014

WHEREAS the premises has been a restaurant for many years and has not had an on-premises license; and

WHEREAS there are more than 3 on-premises locations within 500' of applicant's premises; and

WHEREAS there was no opposition nor was there a record of complaints for the applicant's premises,

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting of an on-premises license to 15 Acres, Inc. d/b/a Kettle of Fish, 57-59 Christopher Street NYC 10014.

Vote: Unanimous, with 38 Board members in favor.

Caviarteria Soho LLC, d/b/a Caviarteria, 310 W. Broadway NYC 10013 (Soho Grand Hotel).

WHEREAS the applicant currently operates a restaurant in the Soho Grand Hotel; and

WHEREAS the applicant is proposing to add the serving of vodka as an adjunct to its menu; and

WHEREAS there was no neighborhood opposition;

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting of an on-premises license to Caviarteria Soho LLC, d/b/a Caviarteria, 310 West Broadway.

Vote: Unanimous, with 38 Board members in favor.

Sublime 15, Inc., 15 Waverly Place, NYC 10003.

WHEREAS the applicant is proposing a restaurant with a capacity of 200 persons and with hours until 4 AM; and

WHEREAS the applicant's premises is in a corridor of other eating and drinking establishments and will occupy a basement level with a split entrance and exit along Waverly Place with the exit being closest to Greene Street, which is the entry to a residential cooperative building that is situated above the applicant's; and

WHEREAS there are 3 or more on-premises liquor establishments within 500' of applicant of applicant;

THEREFORE BE IT RESOLVED that CB#2-Man. calls upon the SLA to hold a 500' rule public hearing so that the views of the community can be ascertained.

Vote: Unanimous, with 38 Board members in favor.

1b. Applications to the SLA for Alterations to License to Sell Liquor On-Premises.

144 Tavern Corp., d/b/a Elbow Room, 144 Bleecker Street, NYC 10012 (Bleecker-Thompson).

WHEREAS the applicant is proposing to expand into a mezzanine space in a building that contains other residential units above; and

WHEREAS the applicant's business operations includes the playing of amplified rock music that travels well beyond the premises; and

WHEREAS the layout and juxtaposition of the buildings along Bleecker Street intensifies this sound especially late at night; and

WHEREAS CB#2-Man. has on file numerous complaints to the NYC Dept. of Environmental Protection from neighbors who reside along Thompson Street which is adjacent to the applicant's premises regarding the level of noise that disturbs their sleep; and

WHEREAS soundproofing plans to contain the noise are being worked on but we have not been apprised of their effectiveness; and

WHEREAS any approval to the license alteration by the SLA would result in exacerbating these conditions and making matters worse to the residents in the neighborhood;

THEREFORE BE IT RESOLVED that CB#2-Man. strongly recommends denial by the SLA of an alteration to the license of 144 Tavern Corp. d/b/a Elbow Room, 144 Bleecker Street, NYC 10012; and

BE IT FURTHER RESOLVED that this matter be referred to the full Board of the SLA so that appropriate community commentary may be heard.

Vote: Unanimous, with 38 Board members in favor

Annam Restaurant, Inc. 38-40 Carmine Street, NYC 10012.

WHEREAS the applicant is proposing a minor alteration to its stand-up bar and has no impact upon the community; and

WHEREAS CB#2-Man. recently approved the applicant for an on-premises liquor license;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends approval by the SLA of an alteration to the license of Annam Restaurant, Inc., 38-40 Carmine Street, NYC 10012.

Vote: Unanimous, with 38 Board members in favor

Culture Club of NYC, Inc. d/b/a Polly Esther's, 179 Varick Street, NYC 10014.

WHEREAS the applicant is proposing interior alterations that are not considered to have any impact upon the surrounding community;

THEREFORE BE IT RESOLVED that CB#2-Man. does not object to the alteration to the license of Culture Club of NYC, Inc. d/b/a Polly Esther's, 179 Varick Street NYC 10014.

Vote: Unanimous, with 38 Board members in favor

2. Application to the SLA for Renewal of License to Sell Liquor On-Premises.

K & E restaurant Corp. d/b/a McGovern's Bar, 305 Spring Street, NYC 10013.

WHEREAS CB#2-Man. unanimously voted against granting this on-premises liquor license in November 1997; and

WHEREAS it is CB#2-Man.'s understanding that the bar was closed on August 27, 1997, because the previous licensee lost his lease and reopened on December 18, 1998, using the previous owner's license; and

WHEREAS CB#2-Man. had no knowledge or communication to this effect; and

WHEREAS this location and all previous licensees have posed major problems to the surrounding community in terms of police action, violations of the ABC laws including drugs, serving liquor to minors, assaults, noise complaints to the NYC Dept. of Environmental Protection, and numerous citations by the NYPD 1st Precinct;

THEREFORE BE IT RESOLVED THAT:

- a. CB#2-Man. expresses great concern that this licensee has been allowed to operate considering the record of municipal and State violations occurring at the premises, and
- b. CB#2-Man. strongly opposes any renewal, transfer, alteration, modification or other type of SLA approval for the continuance of this license/licensee, K & E Restaurant Corp. d/b/a McGovern's Bar 305 Spring Street, NYC 10013.

Vote: Unanimous, with 38 Board members in favor.

Application to the NYC Dept. of Consumer Affairs for Cabaret License

Carousel Cafe, Inc., 77 Clarkson Street, NYC 10014

WHEREAS the applicant is already operating at the premises with performance dancing and patron dancing; and

WHEREAS this activity is being done in violation of applicable NYC regulation regarding cabaret regulations; and

WHEREAS there is presently located a pornographic video store that operates openly and in full view and access to the public; and

WHEREAS the applicant stated that the video store is not operating and, upon personal inspection by two members of CB#2-Man., it was disclosed that it was operating thus seriously bringing into question the veracity of the applicant; and

WHEREAS subject premises is considered to be well within 500' of a major residential complex; the West Village Houses with over 1200 residents including 230 children under the age of 17 and thus is in violation of NYC's recently enacted pornographic zoning control regulations,

THEREFORE BE IT RESOLVED that CB#2-Man. strongly recommends denial of a

cabaret license by the NYC Dept. of Consumer Affairs for Carousel Cafe; 75-77 Clarkson Street, NYC 10014.

Vote: Unanimous, with 38 Board members in favor.

JOINT ENVIRONMENT/WATERFRONT

SITE FOR SANITATION EQUIPMENT STORAGE

WHEREAS, the Department of Sanitation (DOS) has expressed a willingness to abandon the Gansevoort Peninsula (excepting a driveway leading to the presently unused Waste Transfer Station), moving its trucks and salt pile to other locations, so long as space in Manhattan Community Boards 2 and 4 can be found to park trucks and other equipment from Sanitation Districts 1, 2 and 5; and

WHEREAS, CB#2-Man. has long advocated park use for this seven-acre peninsula of land which extends out into the Hudson River below Fourteenth Street; and

WHEREAS, CB#4-Man. has agreed to site a garage for two Sanitation Districts, not serving District 4, provided CB#2-Man. will find a site for trucks serving at least one district and will include CB#4-Man. equally in planning for the Gansevoort Peninsula; and

WHEREAS, the result is that the DOS has been able to ask CB#2-Man. to accommodate only one district, CB#1-Man., the district with the least number of trucks; and

WHEREAS, the DOS, after examining two dozen possible sites, including some suggested by CB#2-Man. in District 1, has identified two sites in CB#2-Man.:

- 1) the Yellow Freight Site, bounded by Morton, West, Leroy and Washington Sts.;
- 2) the UPS Site, bounded by Spring, West, and Washington Sts, and the St. John Bldg.;

WHEREAS, a third site, the Clarkson Street Site, bounded by Leroy, West, Clarkson and Washington Streets, was suggested by the community; and

WHEREAS, these options were discussed at the January 1999 Environment Committee meeting; at a subsequent HRPC meeting with DOS Real Estate Director Dan Klein; and described in the January report of the Environment Committee, including a specific description of the minimal impact alternative which the committee voted to accept on February 10, 1999; and

WHEREAS, a well-attended public hearing was conducted on February 10, 1999; and

WHEREAS, after consideration of these and other sites, CB#2-Man. has determined that the UPS site at Spring between Washington and West Sts. offers an opportunity to accept District 1 trucks while incurring no new DOS trucks in the area, because the DOS trucks to be parked at the UPS site are those currently parked at the DOS Canal Street facility across the street and on neighboring streets and because UPS trucks will likely have to be removed from the new site; and

WHEREAS, the DOS Canal St. facility has shown itself to be a good neighbor which keeps its facility in good shape and does a far better job in that regard than some of the private carters who have been located in our community; and

WHEREAS, the Yellow Freight Site is not a desirable location because it is bounded by residential uses on the north and the east sides, including the southernmost buildings of West Village Houses; and

WHEREAS, according to DOS Director of Real Estate, Dan Klein, the Clarkson Street Site would require the taking by eminent domain of ten local area businesses; and

WHEREAS, the DOS has represented that:

- 1) garbage may not be stored overnight at the site;
- 2) in general, trucks are not parked with garbage in them; and
- 3) should that happen, garbage must be emptied within the next eight-hour shift; and

WHEREAS, an Environmental Impact Statement will be required for this project, which will provide this community with an opportunity for a City-funded traffic study of the area; while the anticipated five-year period before implementation will provide time to address environment and quality of life issues, such as queuing and traffic, the selection of exit and entry locations and truck routes, issues relating to Washington St. direction, and the need for DOS to use less polluting fuels and engines;

THEREFORE, BE IT RESOLVED, that CB#2-Man. agrees to the placement of a Sanitation parking facility on the United Parcel Service Site at Spring and Washington Sts., in exchange for DOS removal from the Gansevoort Peninsula and with the following conditions:

- 1) That the facility house only trucks from Sanitation District 1 in an open air parking lot;
- 2) That the DOS maintain its existing facility at Canal and Spring Sts. for use in conjunction with the UPS site - where, it is understood, DOS will house its truck-washing bays, its vehicles which cannot remain out-of-doors, and its offices;
- 3) That the DOS agrees to work with CB#2-Man. and a community advisory committee to study the serious traffic problems in the immediate area surrounding the site and to develop a plan, as stated above, to address environmental, traffic and quality-of-life issues which may arise from the placement of a Sanitation parking facility prior to including implementation of a safety plan for the neighborhood and handicapped pedestrians;
- 4) The DOS will minimize the impact on the neighborhood by its agreement (as stated above) not to permit trucks to store garbage on the location, to enforce the three-minute idling law, on the lot or off, and not to do heavy maintenance on the site;
- 5) The DOS agrees to work with the Community Board advisory and Community Committee in designing the new parking facility so that design and materials are sensitive to and enhance the surrounding community, with the inclusion of landscaping and public art, should the community favor such amenities;
- 6) That CB#4-Man. acceptance of DOS plans to site a trucking garage for two districts in the block between 29th and 30th Sts. and Eleventh and Twelfth Aves. remain in effect and the plans go forward; or another site for two districts be chosen; and
- 7) The condition of this change will be the subject of a view of understanding with the community;

BE IT FURTHER RESOLVED, that CB#2-Man. acknowledges that CB#4-Man., having accepted a burden of trucks from two districts not serving its own district in order to clear the Gansevoort Peninsula for a park, shall have an equal share with CB#4-Man. in planning, programming and designing for this site just south of the boundary between the two Boards; and

BE IT FURTHER RESOLVED, that CB#2-Man. opposes any future reopening of the Waste Transfer Station on the Gansevoort Peninsula, given that the rest of the peninsula will become a park.

Vote: Passed, with 26 in favor, 6 in opposition and 1 abstention.

STREET ACTIVITY

1. Street Fair Permits

WHEREAS a number of people have expressed by phone, letters and in person, dissatisfaction with vendors who violate the rules by, not displaying the name of the sponsor address and promoters name; and

WHEREAS one of the complaints is the absence of a person in charge present, during the hours the fair is in progress, who is able to answer on-site problems and solve them;

THEREFORE BE IT RESOLVED that CB#2-Man. will monitor all street fairs in our community and sponsors who violate these rules will not be given a renewal

Vote: Unanimous, with 38 Board members in favor.

2. Mulberry Street Mall

WHEREAS CB#2-Man. has in the last year received a number of complaints as to noise, access to and egress from local parking lots, and access to their homes and the lack of an advisory group to resolve disputes in relation to the Mulberry Street mall; and

WHEREAS some, including the contention by the residents that the three-block mall operates six months a year, 4 days per week and 14 hours a day, complained about the size of the mall and the length of time it operates; and

WHEREAS these complaints came to a head at a CB#2-Man. public hearing on street activities held on February 2, 1999, when a number of citizens from the Little Italy area testified and appealed to CB#2-Man. for help in resolving these issues; and

THEREFORE BE IT RESOLVED that CB#2-Man. calls on Mildred Duran, of the Mayor's Street Activity Permit Office, to convene a meeting of all interested parties in her office or CB#2-Man.'s office with a view toward meeting the legitimate complaints which protect health, safety and quality of life of the residents in the area.

Vote: Unanimous, with 38 Board members in favor.

LANDMARKS

LANDMARKS PRESERVATION COMMISSION (LPC) HEARING FOR MARCH 2, 1999

Vote: Unanimous, with 38 Board members in favor.

SEE ATTACHED RESOLUTIONS (EXHIBIT II).

COMMUNITY COURT, PUBLIC SAFETY & HEALTH

SEE ATTACHED RESOLUTION (EXHIBIT III).

VOTE: Defeated.

PARKS, RECREATION AND OPEN SPACE

Family Day at Washington Square Playground

WHEREAS many of the organizations who are already involved in helping and keeping Washington Square Park a beautiful Park have bonded together and are again planning to sponsor a family day in the park on Saturday, May 1st; and

WHEREAS among the organizations participating are the Washington Square Playground, New York University, and The Friends of Washington Square Park;

THEREFORE BE IT RESOLVED CB#2-Man. heartfully endorses this effort to project such a positive image of our community and happily supports this application to have a family day in Washington Square Park on Saturday, May 1, 1999.

Vote: Unanimous, with 38 Board members in favor

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. **New application for a one year revocable consent by The Greenwich Cafe, 75 Greenwich Ave., to operate an enclosed sidewalk cafe with 10 tables and 20 seats.**

WHEREAS the area was posted, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a one (1) year revocable consent to The Greenwich Cafe, 75 Greenwich Ave., to operate an enclosed sidewalk cafe with 10 tables and 20 seats;

Vote: Passed, with 37 Board members in favor and 1 in opposition.

2. **Renewal of application for revocable consent by RDK Restaurant Corp., d/b/a Bistro Les Amis, 180 Spring St., to operate an unenclosed sidewalk cafe with 6 tables and 13 seats.**

WHEREAS the area was posted, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to RDK Restaurant Corp., d/b/a, Bistro Les Amis, 180 Spring St., to operate an unenclosed sidewalk cafe with 6 tables and 13 seats.

Vote: Unanimous, with 38 Board members in favor.

3. **Renewal of application for revocable consent by Maneken Corp., d/b/a Petite Abeille, 466 Hudson St., to operate an unenclosed sidewalk cafe with 6 tables and 11 seats**

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Manekan Corp., d/b/a Petite Abeille, 466 Hudson St., to operate an unenclosed sidewalk cafe with 6 tables and 11 seats.

Vote: Unanimous, with 38 Board members in favor.

4. **Renewal of application for revocable consent by Nilo, Inc. & Viola Consulting LLC, d/b/a Mezzogiorno Associates, 195 Spring St., to operate an unenclosed sidewalk cafe with 11 tables and 26 seats.**

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3)

year revocable consent to Nilo, Inc. & Viola Consulting LLC, d/b/a Mezzogiorno Associates, 195 Spring St., to operate an unenclosed sidewalk cafe with 11 tables and 26 seats.

Vote: Unanimous, with 38 Board members in favor.

5. Renewal of application for revocable consent by C & O Coffee Shop, Inc. d/b/a La Bonboniere, 28 Eighth Ave., to operate an unenclosed sidewalk cafe with 5 tables and 10 seats.

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to C & O Coffee Shop, Inc. d/b/a La Bonboniere, 28 Eight Ave., to operate an unenclosed sidewalk cafe with 5 tables and 10 seats.

Vote: Unanimous, with 38 Board members in favor.

6. Renewal of application for revocable consent by Airchef Incorporated, d/b/a Baluchi's, 361 Sixth Ave., to operate an unenclosed sidewalk cafe with 8 tables and 14 seats.

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS the applicant agrees to keep the tables and chairs within the limits of the sidewalk cafe area; and

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Airchef Incorporated, d/b/a Baluchi's, 361 Sixth Ave., to operate an unenclosed sidewalk cafe with 8 tables and 14 seats.

Vote: Unanimous, with 38 Board members in favor.

7. Renewal of application for revocable consent by Francesca Restaurant Group, Inc., d/b/a Francesca, 87-89 Macdougall St., to operate an unenclosed sidewalk cafe with 4 tables and 10 seats

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Francesca Restaurant Group, Inc., d/b/a Francesca, 87-89 Macdougall St. to operate an unenclosed sidewalk cafe with 4 tables and 10 seats.

Vote: Unanimous, with 38 Board members in favor.

8. Renewal of application for revocable consent by Japonica, 70 University Pl., to operate an enclosed sidewalk cafe with 15 tables and 36 seats.

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Japonica, 70 University Place, to operate an enclosed sidewalk cafe with 15 tables and 36 seats.

Vote: Unanimous, with 38 Board members in favor.

9. Renewal of application for revocable consent by Red Lion Bleecker,

Inc., d/b/a Red Lion, 151 Bleecker St., to operate an enclosed sidewalk cafe with 7 tables and 13 seats.

WHEREAS the area was posted, there was no complaints on file at the Board office, the applicant appeared before the committee; and

WHEREAS, there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Red Lion Bleecker, Inc., d/b/a Red Lion, 151 Bleecker St., to operate an enclosed sidewalk cafe with 7 tables and 13 seats.

Vote: Unanimous, with 38 Board members in favor.

10. New application for revocable consent to operate an enclosed sidewalk cafe for Karavas Food Ltd. d/b/a Karavas Place Tavern, 162 W. 4th St., with 8 tables and 26 seats.

WHEREAS, the area was posted, the applicant appeared before the committee, and

WHEREAS, two neighborhood residents appeared before the committee one speaking in favor of the application and the other against; and

WHEREAS, the applicant presently has a revocable consent to an **unenclosed** sidewalk cafe on West 4th St. only; and

WHEREAS, the location of this cafe is situated on a very congested corner that of Cornelia St. and West 4th St.; and

WHEREAS, this Board has taken a position of not supporting new enclosed cafes which result in permanent year-round sidewalk obstructions that inhibit free and comfortable pedestrian access;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **denial** of this application for an enclosed sidewalk cafe for Karavas Food Ltd. d/b/a Karavas Place Tavern, 162 West 4th Street, Manhattan.

Vote: Unanimous, with 38 Board members in favor.

11. Renewal application for revocable consent to operate an unenclosed sidewalk cafe for DNA Incorporated, d/b/a Xando, 504 Avenue of the Americas with 4 tables and 14 chairs.

WHEREAS the area was posted, the applicant appeared before the committee; and

WHEREAS, a speaker from the Upper West 13th St. Block Assn. spoke favorably about the application but urged the applicant to be more vigilant about keeping the sidewalks around the cafe cleaner by hosing them down on a regular basis, and in general to improve the general maintenance of the site; and

WHEREAS the applicant agreed to these improvements;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Xando, 504 Avenue of the Americas, to operate an unenclosed sidewalk cafe with 4 tables and 14 seats along the 6th Avenue building line only.

Vote: Unanimous, with 38 Board members in favor

12. Renewal of application for revocable consent by Tortilla Flats, 767 Washington St., to operate an unenclosed sidewalk cafe with 11 tables and 21 seats.

WHEREAS, the area was posted, the applicant appeared before the committee; and

WHEREAS, the Community Board office received two citizen complaints

describing the same incident of late night noise; and

WHEREAS, the applicant indicated that he would increase his efforts to reduce noise during the hours of operation.

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Tortilla Flats, Inc., 767 Washington St., to operate an unenclosed sidewalk cafe with 11 tables and 21 seats.

Vote: Unanimous, with 38 Board members in favor.

13. Renewal of application for revocable consent by Laric Entertainment Corp., d/b/a The Duplex at 61 Christopher St., for an unenclosed sidewalk cafe with 18 tables and 36 seats.

WHEREAS, the area was posted, the applicant appeared before the committee; and

WHEREAS, a neighborhood resident expressed his opposition to excessive street furniture such as beach chairs and palm trees interspersed between the tables and chairs of the cafe and to late night noise emanating from the cafe; and

WHEREAS, the committee indicated that furniture other than the approved tables and chairs were not permitted on the sidewalk; and

WHEREAS, the applicant agreed to remove the street furniture in question;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends **approval** of a three (3) year revocable consent to Laric Entertainment Corp., d/b/a The Duplex, 61 Christopher St. to operate an unenclosed sidewalk cafe with 18 tables and 36 seats on 7th Ave. So. only.

Vote: Passed, with 37 Board members in favor and 1 in opposition.

14. Renewal of application for revocable consent by Porto Alegre, Inc. d/b/a Cafe Colonial, 73 E. Houston St., to operate an unenclosed sidewalk cafe with 7 tables and 15 seats.

WHEREAS, the area was posted, the applicant appeared before the committee; and

WHEREAS, the revised site plan was not available for the committee to review; and

WHEREAS, several neighborhood residents appeared before the committee to register venting/odor complaints and number of tables and seats in actual use; and

WHEREAS, the applicant and residents agreed to discuss these matters in an attempt to resolve them before the next committee meeting when the site plan will be reviewed;

THEREFORE BE IT RESOLVED that CB#2-Man. lay this matter over to March.

Vote: Unanimous, with 38 Board members in favor.

WATERFRONT

1. Pier Cuts

WHEREAS the condition of Piers, 42, 46 and 51 are such that use by the public is extremely dangerous; and

WHEREAS the failure to cut off those piers from the bulkhead has resulted in use by the public; and

WHEREAS cutting these piers off, by cutting away a 20-foot section of the decking, will prevent public use without impacting on the plans to restore those piers as part of the Hudson River Park,

THEREFORE BE IT RESOLVED that CB#2-Man. approves cutting off Piers 42, 46 and 51 from the bulkhead pending their restoration as part of the Hudson River Park; and

BE IT FURTHER RESOLVED that CB#2-Man. reiterates its desire and that of the CB#2-Man. community that Pier 42 be restored to its full length, as proposed by the Hudson River Park Conservancy, as quickly as possible.

Vote: Passed, with 37 Board members in favor and 1 in opposition.

2. Comprehensive Waterfront Governance, Program and Design Resolution - Restatement and Refinement of Community Board #2, Manhattan's Previous Resolutions on Segment 4 of the Hudson River Park

Vote: Unanimous, with 38 Board members in favor. **SEE ATTACHED RESOLUTION (EXHIBIT IV).**

Respectfully submitted,

Carol Yankay, Secretary
Community Board #2, Manhattan