

FULL BOARD MINUTES

DATE: February 17, 2000
TIME: 7:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Glenn Bristow, Charles John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Carol Feinman, Rev. Keith Fennessy, Harriet Fields, Alan Jay Gerson, Elizabeth Gilmore, Arnold L. Goren, Jo Hamilton, Anne Hearn, Anthony Hoffmann, Brad Hoylman, Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Debra Sandler, Arthur Z. Schwartz, Ruth Sherlip, John Short, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.), Sean Sweeney, Lora Tenenbaum, Martin Tessler, Jeanne Wilcke, Suzanne Williamson.

BOARD MEMBERS EXCUSED: Enid Braun, Edward Gold, Michael Mirisola, Shirley Secunda, Verna Small, Wilbur Weder, Betty Williams, Carol Yankay.

BOARD MEMBERS ABSENT: Helene Burgess, Abraham Tan.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Vinnie Maniscalco, Congressman Jerrold Nadler's office; Scott Melvin, Senator Tom Duane's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Assemblymember Deborah Glick; Dirk McCall, Man. Borough President's office; Tom Castele, Councilmember Kathryn Freed's office; Coral Caporale, Councilmember Margarita Lopez' office; Tony Simone, Councilmember Christne Quinn's office; Lynne Brown, NYU; Robert Balachandran, Barbara Quart, Cathy Glasson, Ted Freiser, Betty Rinckwitz, Howard Zipser, Kathleen Faccini, Ellen Peterson-Lewis, Stacey Shorr, Julio Leder-Luis; Miro Stracar, Neil Fuhrer, Steghe Hanson, Mark Young, Jeff Weinstein, Vittorio Suffa, Mark Young, Jean Krampner, Albert Bennett.

MEETING SUMMARY

Meeting Date – February 17, 2000
Board Members Present – 38
Board Members Excused – 8
Board Members Absent - 2

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II. PUBLIC SESSION

Non-Agenda Items

Meg Reed, of Senator Martin Connor's office reported on the marriage tax penalty.

Hudson River Park Trust

Robert Balachandran, introduced himself and updated the community on the Hudson River Park plans.

NYU Chimney Vents

Barbara Quart, Washington Pl. Block Assn., spoke regarding the NYU chimney vents at 29 Washington Place.

NYU Buses

Lynne Browne, VP of NYU, spoke regarding the buses.

Vendor Restrictions.

Cathy Glasson, Grand St. Assn., spoke regarding vendor restrictions.

Census Jobs

Ted Freiser, U.S. Census Bureau, spoke regarding temporary jobs available for census tracking.
Betty Rinckwitz spoke in favor of the West Village Committee

Landmarks & Public Aesthetics Items

474 Broadway

Julio Leder-Luis, architect spoke regarding the landmarks application.

558 Broadway

Miro Stracar, representing the applicant, spoke regarding the application to legalize the storefront.

Zoning and Housing Items

Barrow/Greenwich Sts. Rezoning

Howard Zipser, representing the applicant, and Stacey Shorr, architect for the applicant, spoke in favor of the rezoning proposal. Kathleen Faccini, Ellen Peterson-Lewis spoke against the proposal.

Business and Institutions Items

Village Academy Bar Corp. d/b/a The Hangar, 115 Christopher St.,

Neil Fuhrer, representing the applicant, spoke in favor of the liquor license application

675 Hudson Vault, LLC d/b/a The Vault, 675 Hudson St. a/k/a 222-28 Ninth Ave.

Steghe Hanson, landlord of 675 Hudson St., spoke regarding the liquor license application.

The 393 Lafayette St. Meeting Room Corp., 21-23 E. 4th St.
Vittoria Suffa, principal of the above-referenced application spoke,

Mexican Radio Corp. 19 Cleveland Pl.,
Mark Young, principal, spoke in favor of the liquor license application.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Vinnie Maniscalco, Congressman Jerrold Nadler's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Debbie Roth, of Assemblymember Deborah Glick's office

Tom Castele, of Councilmember Kathryn Freed's office.

Tony Simone, of Councilmember Christine Quinn's office

V. Adoption of Minutes

Adoption of December and January minutes.

Distribution of February minutes.

VI. Executive Session

2. **Chair's Report** Jim Smith reported

3. **District Manager's Report** Arthur Strickler reported.

4. **Treasurer's Report** Jeanne Wilcke submitted CB 2 FY 2001 budget report.

SEE ATTACHED – EXHIBIT I.

Vote: Unanimous, with 38 Board members in favor.

4. West Nile Virus and the Spraying of the City of New York

WHEREAS, government, academic, medical and scientific experts have cautioned that Malathion is a poison which must be used under strict safety guidelines to prevent human and animal contact, the City has, however, described this neurotoxin as "harmless" in public announcements; and

WHEREAS, the City's program did not undertake to educate the public on precautions to prevent contact with Malathion and other pesticides, such as the wash-down of playground equipment after spraying, as is done in Los Angeles County and in other jurisdictions with greater experience-, and

WHEREAS, the City's notification to the community was not comprehensive, timely or accurate, with the consequences that parents with children in playgrounds, and people observing religious holidays, as well as many others, were sprayed directly with Malathion, because they were misinformed by the published spraying schedule; and

WHEREAS, jurisdictions with more experience, including Los Angeles County (with Mediterranean fruit flies) and Fire Island (with mosquitoes), have come to rely on preventive, 'Integrated Pest Management' (IPM) measures, including release of sterile insects to prevent reproduction (L.A.), placement of bacillus-impregnated rings in standing, water to stop larvae development, and release of dragonflies which consume huge quantities of adult mosquitoes (F.I.), while Los Angeles Unified School **District**, the largest school district in the country, has adopted IPM in a policy which states that "Pesticides pose special risks for children", and that "the District will strive to ultimately eliminate the use of all chemical controls"; and

WHEREAS, experts urge for the future a mosquito control program, with the necessary buildup of the City's public health infrastructure, including the Department of Health's Bureau of Pest Control, which once was effective and now has almost ceased to exist, in a dangerously complacent cost-cutting; and

WHEREAS, in testimony before the New York City Council Health Committee's Public Hearing on Malathion, held on October 12, 1999, Department of Health Commissioner Dr. Neal Cohen testified that the City has made no attempt to monitor the health consequences of the blanket spravilla of toxic pesticides and said that he had neither instructed City hospitals nor requested private hospitals to collect data regarding the incidences of pesticide-related illnesses to be compiled and forwarded to New York City's Department of Health;

NOW THEREFORE BE IT RESOLVED that the Manhattan Borough Board urges the City government and its Department of Health to make future mass air- and truck- spraying unnecessary by adopting a program of Integrated Pest Management, including blocking mosquito reproduction, as has been done very successfully with Mediterranean fruit flies in Southern California, and by locating and eradicating mosquito hibernation and breeding areas; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges the Mayor and the City Council to provide funds and authorization to build up the NYC Department of Health's Bureau of Pest Control to a level which would permit it once again to play an important public health role in pest prevention and public education; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges the Mayor to make no decision to recommence spraying in Spring 2000 without consultation with the City Council and the Borough Presidents; and

BE IT FURTHER RESOLVED that, should spraying be unavoidable, the Manhattan Borough Board urges the City government to use the least toxic alternatives to Malathion, and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges that in the event of future spraying the Mayor immediately undertake a high priority, aggressive and accurate program of public notification and education, including neighborhood posting outdoors and in stores and community centers to prevent exposure of people and animals; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges that, in the event of future spraying, the City administration immediately undertake an aggressive and accurate program of public notification and education, including public service announcements and outdoor posting of areas to be sprayed, to prevent exposure of people and animals, and to encourage citizens to report to their health care practitioners, local hospitals, or to the NYC Department of Health any ill effects from the spraying; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges the Commissioner of Health, in the event of future spraying, to undertake a mandatory program of data collection from these New York City health care practitioners, hospitals, and the NYC/DOH, concerning the health consequences of the spraying;

BE IT FINALLY RESOLVED that the Manhattan Borough Board urges our Mayor not to refer to Malathion as "harmless".

Vote: Unanimous, with 38 Board members in favor.

STANDING COMMITTEE REPORTS

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

1. Repealing of Rockefeller Drug Laws

WHEREAS the Rockefeller Drug Laws imposed extraordinarily harsh prison sentences on first time convicted of non-violent drug offenders; and

WHEREAS as many as 60% of the drug offenders in NYS prisons were convicted only of the 3 lowest felonies which involve only minute drug amounts, and as Cardinal O'Connor believes, a first-time drug user may be treated as harshly or harsher than a career criminal; and

WHEREAS these lengthy sentences have not served to effectively reduce the drug problem in New York State; and

WHEREAS the vast sums of money that imprisonment costs would be better spent on drug treatment programs

THEREFORE BE IT RESOLVED that we call on the Governor and our state legislators to repeal the Rockefeller Drug Laws and establish punishments that better fit the crimes.

Vote: Unanimous, with 38 Board members in favor.

2. Restoration of AIDS Funding

WHEREAS the number of people living with AIDS in New York is still rising; and

WHEREAS so many of those affected with AIDS are in need of a variety of services because so many of them are poor and/or homeless, and

WHEREAS the 6 million dollar cuts in AIDS service proposed by the Governor would severely hamper the delivery of necessary services such as the Homeless Housing Assistance Program, the HIV-specific job training and employment program, the Treatment Adherence Program, and the HIV Permanency Planning Program, to name a few of the services recommended for cuts and;

WHEREAS it would be cruel and insensitive to exclude any AIDS patients from receiving the care and assistance they need; and

WHEREAS the impetus to cut back on services to AIDS patients seems to be unwarranted if only because of the fact that New York State currently has a surplus of funds; and

THEREFORE BE IT RESOLVED that we call on the state legislature to restore the funding cuts for AIDS services proposed by Governor Pataki in his Executive Budget;

THEREFORE BE IT RESOLVED that CB#2-Man. strongly urges the State Legislature not only restore the AIDS service cuts but to increase AIDS services funding by ten percent.

Vote: Unanimous, with 38 Board members in favor.

ZONING AND HOUSING

1. Application to rezone from a M1-5 district to a C6-2 district the area bordered by Barrow and Morton Streets to the North and South, Washington Street on the West and, to the East, a line 100 feet west of Hudson Street.

WHEREAS, the applicant has made it clear that the primary intent of the rezoning application is to obtain relief for the owner of 636 Greenwich Street, who claimed three years ago that he was renovating the building as an as of right transient hotel but (a) the plans lacked the features for hotels and looked much more like an apartment building and (b) the building was immediately leased to NYU to be used for housing close to 400 students, which is not an as of right use; and

WHEREAS, there was also testimony that the second applicant, 95 Morton Street, is not an active participant and joined just because, should the current boom in rentals by high tech/new media businesses cease, and residential use be more profitable, they then have a fall-back; and

WHEREAS, 111 Barrow Street, another affected property owner, vehemently opposes the application. The tenants association of West Village Houses, located to the immediate west of the area, also opposes the conversion, as does the Morton Street Block Association. This indicates that the residents in the area do not find current as of right uses objectionable; and

WHEREAS, this is a mixed, dynamic neighborhood in which all current uses are conforming under existing zoning, with the exception of 111 Barrow Street, which converted to residential uses in the 1970's pursuant to a variance and the dormitory uses to which 636 Greenwich Street is currently being put without special permit or variance; and

WHEREAS, in light of continued community protests against the dormitory usage of 636 Greenwich Street, the President of Laroc, LLC, owner of 636 Greenwich Street, has written a letter committing that, once NYU vacates the building, the property will be renovated to become a residential rental building. Inasmuch as there is no indication that NYU will not exercise its option to renew the lease through August 2004 and there is no commitment not to issue a new lease to NYU, such a letter gives no comfort. The applicant and its affiliates have a long term relationship with NYU, both leasing dormitory space and building it for them and such a letter is most likely not binding; and

WHEREAS, the applicants' worst-case scenario excludes conversion of the State-owned property to C6-2 uses, but CB#2 is not convinced that the state-owned properties (particularly the open corner lot) will not be sold within the next 5 years. As a precedent, Alex Forkosh, through either the applicant company or one of its affiliates, acquired the former NY State offices at 400 Broome Street in Little Italy. 400 Broome Street not only serves as the applicant's headquarters, but its primary use is NYU student housing; and

WHEREAS, should 95 Morton Street convert to residential uses, the community would lose both existing manufacturing jobs and the potential for additional manufacturing jobs in the area. The State-owned property would also no longer be a potential manufacturing site; and

WHEREAS, CB#2 believes it vital that the City preserve space for the manufacturing industry, the largest business sector employing people without college degrees, in order to help diversify the City's economic base; and

WHEREAS, this is basically an attempt not to look like spot zoning, but the primary purpose is to aid a single property owner who has not been prevented from realizing a viable economic return from the existing zoning. Before we irrevocably change the area through variance and spot zoning, a comprehensive rezoning plan for the western area of the CB#2 planning district should be considered; and

WHEREAS, there has been no change in neighborhood condition that warrants rezoning;

THEREFORE, BE IT RESOLVED, that CB#2 finds, for the reasons cited above, that (i) there is no factual basis that warrants the proposed rezoning and (ii) the proposed rezoning would be of no benefit to the community, and strongly recommends denial of the rezoning application.

Vote: Unanimous, with 38 Board members in favor.

2. Mitchell-Lama Housing

WHEREAS, New York City is facing a housing crises and affordable housing is becoming more and more difficult to find, thus threatening the diversity of our communities ethnically, culturally, by age and by income; and

WHEREAS, the Mitchell-Lama housing program was responsible for the creation of close to 169,000 units of multi-family affordable rental or cooperative housing during the 1960s and early 1970s for persons in NY State whose incomes were too high for public housing but not high enough to afford housing developed through private enterprise; and

WHEREAS, 53 Mitchell-Lama rental developments and 37 Mitchell-Lama cooperatives are located in Manhattan; and, in CB#2 Manhattan, approximately 1800 people live in Mitchell-Lama housing -- in West Village Houses (420 rental units) and 505 LaGuardia Place (174 cooperative units); and

WHEREAS, the 20-year regulatory period has ended for all of such Mitchell-Lama housing in Manhattan, and many Mitchell-Lama housing companies are exercising their options to buy out of the program by paying off the balance of their mortgages, while giving tenants as little as three months notice prior to such buy-outs; and

WHEREAS, the rents on all bought-out units could be immediately raised to market rates and all existing tenants in Mitchell-Lama projects will be faced with eviction if they cannot afford market rate rents; and

WHEREAS such an event would further threaten the stability of our communities, particularly in areas, such as ours, where affordable units are very scarce; and

WHEREAS, Manhattan Borough President C. Virginia Fields established a Mitchell-Lama Task Force to address the issue of the Mitchell-Lama buy-outs and its impacts and which has recommended support of the following legislation:

- Bills S.3147 (Mendez)/A1988 (Lopez). This legislation would extend the Emergency Tenant Protection Act of 1974 (i.e., rent stabilization) to those buildings built after 1973 in order to ensure that current tenants can afford to live in their current apartments, while enabling project owners to collect rent increases more easily. *Passed Assembly 2/8/99.*
- Bills S.3460 (Goodman)/S.3145 (Mendez)/ A1989 (Lopez). This legislation would extend the 20-year period to 50 years before limited-profit housing companies may voluntarily buy-out of their mortgages or dissolve without consent of the regulatory agency. *Passed Assembly 2/8/99.*
- Bills S.3148 (Mendez)/A01990 (Lopez). This bill would (i) require any Mitchell-Lama housing company intending to remove itself from agency supervision to provide notice to every leaseholder at least 12 months in advance and to provide certain information relating to the dissolution and its anticipated impact on tenants; (ii) require the commissioner or supervising agency to prepare and make available within three months of such notice a report to all tenants showing the analysis, organized by household income broken down into \$5,000 increments, of the number of units and tenants, the number of tenants who are senior citizens, the number of tenants who are receiving rental assistance and the number tenants who are disabled; and (iii) provides that a notice shall not be deemed effective if it does not include the available required information. It aims to provide adequate notice to the tenants and to identify their needs. *Passed Assembly 2/8/99.*
- Bills S.2739 (Schneiderman)/A04550 (E.Sullivan). This bill would prohibit a mortgage buyout by or dissolution of any Mitchell-Lama housing company before the full term of the mortgage has expired, usually 40 years.

THEREFORE, BE IT RESOLVED, that CB#2, Man., supports and applauds the work of the Manhattan Borough President's Mitchell-Lama Task Force; and

RESOLVED FURTHER, that CB#2, Man. fully supports the legislation described above and calls upon our elected officials to actively support such bills; and

RESOLVED FURTHER, that CB#2, Man. calls upon our elected officials to actively seek means of adding to the stock of affordable housing in our district, as well as in the City of New York.

Vote: Unanimous, with 38 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Grand Street Vendor Restrictions from Mott St. To Bowery

WHEREAS the Street Vendor Review Panel recently restricted a section of Grand Street in Manhattan from Centre Street to Allen street, however two of the most congested heavily-trafficked blocks between Bowery and Mott within the restricted portion have been excluded; and

WHEREAS the community has long supported restricting these blocks and in fact both Community Boards #2 and #3 have passed resolutions in 1993 and 1999 to restrict an even larger portion of Grand street seven days a week, proposals that have been supported by Council Member Freed, Speaker Sheldon Silver and the 5th precinct; and

WHEREAS the Community Boards again affirmed their support of a ban on food peddling for Grand Street by passing unanimous resolutions with the original petition to restrict Grand Street which has been on file at the Dept. of Business Services since 1995, which was sent by consumer affairs where it had been on record since 1991; and

WHEREAS the City Council held hearings in March 1999 with testimony in favor of restricting the excluded blocks on Grand Street from Council Member Freed, the 5th Precinct, Community Boards #2, , The Grand Street Assoc., The Little Italy Chamber of Commerce, local businesses and residents, yet in spite of all this evidence in support of restricting these blocks, they were excluded; and

WHEREAS the Street Vendor Review Panel, the Dept. of Business Services, The Department of City Planning, and the DOT has seen fit to ignore the long standing history and position of the community on this issue, the testimony of elected officials, the residential and business community, it's outrageous and unconscionable, constituting an unprecedented bias against this community by the city; and

WHEREAS the Street Vendor Review Panel has also chosen to ignore the Mayor's Executive Order No. 22, Sidewalk Corner Clearances, defined as the area created by extending the building line to the curb and "Corner Quadrant" meaning the area from ten feet of either side of the corner by allowing vending to obstruct the use of Grand Street by pedestrians creating hazardous conditions that endanger life and limb as stated in Section 3 of the sidewalk corner clearance policy that is consistent with the provisions of the Americans with Disabilities Act of 1990; and

WHEREAS the heavily congested blocks of Grand between Mott and Bowery have a high rate of pedestrian and vehicle accidents, vehicle & pedestrian congestion, especially at the corner of Bowery & Grand which was the scene of a truck ripping off the top of a cab decapitating a HUMAN BEING; and

WHEREAS this is the exact location {Grand between Mott and Bowery) that the illegal dollar vans have chosen to set up their illegal bus stops, illegally parking on hydrants, in some cases tearing down "NO Standing Anytime" signs, idling and spewing out noxious diesel fumes from their oversized vans blocking traffic, literally getting stuck in the middle of the street between illegally parked cars and trucks creating gridlock for all the surrounding blocks and creating dangerous conditions for pedestrians and emergency vehicles; and

WHEREAS the 5th Precinct has tried to do some enforcement, it is not enough, more enforcement is needed by the Vendor patrol, and the Beat Patrol police officers need to be brought back to create a police presence in this neighborhood during peak traffic times including and especially Saturdays & Sundays;

THEREFORE BE IT RESOLVED that CB# 2, Man. urges the Street Vendor Review Panel, the Dept. of Business Services, The Department of City Planning, and the DOT to take into consideration the hundreds of letters and testimony at public hearings by elected officials, community organizations, residents and businesses to add Grand between Mott and Bowery to the restricted blocks; and

BE IT FURTHER RESOLVED that CB# 2, Man strongly urges the Mayor of the City of New York to exert Executive Order No. 22 Sidewalk corner Clearances, especially Section #3 as it relates to the provisions of the Americans with Disabilities Act of 1990; and

BE IT FURTHER RESOLVED that CB# 2, Man. and Community Board 3 through their long standing resolutions, as well as the problems on Grand street have been on the agenda at the District Service Cabinet of CB# 2, Man. for the past eleven years, is evidence supporting the communities position to restrict the above mentioned blocks-7 days a week; and

BE IT FURTHER RESOLVED that CB# 2, Man. urges the NYPD Traffic Patrol, NYC DOT and City Planning to support the 5th precinct's efforts in enforcing the law in this intensely commercially and residentially dense and congested area and to re-instate Beat Patrol police officers to this area on weekends and peak traffic hours during the week, re-install the torn down "No Standing Anytime" and other parking restriction signs; and

BE IT FURTHER RESOLVED that CB# 2, Man. demands that the Street Vendor Review Panel's new restrictions prohibiting food vending on Grand Street include the two blocks between Mott and Bowery for 7-days a week.

Vote: Unanimous, with 38 Board members in favor.

2. Spring Street from Broadway to Lafayette Traffic Congestion and Pedestrian Safety Crossing

WHEREAS Spring street between Broadway and Lafayette is a narrow, heavily used SOHO cross-town street, is gridlocked with traffic backing onto Broadway from Lafayette blocking the Crosby/Spring intersection; and

WHEREAS this heavily congested block has a high rate of pedestrian and vehicle congestion, especially at the corners of Broadway and Crosby @ Spring due to the newly, densely developed commercial, retail and restaurant establishments; and

WHEREAS the committee has received many complaints from the community about the safety of pedestrians inability to cross the street @ Crosby since there isn't a crosswalk or a stop sign for east bound traffic @ Crosby; and

WHEREAS the inability of emergency vehicles to get through these streets safely is in jeopardy since delivery trucks and other vehicles are double parked, parked on the sidewalk endangering pedestrians and their ability to use the sidewalk, or get to the subway, grid locking traffic causing a backup onto Broadway and jeopardizing the safety of pedestrians at the Broadway crosswalk as well as Crosby street;

THEREFORE BE IT RESOLVED that CB#2, Man. urges the Dept. of Transportation and the Dept. of City Planning to make the following immediate changes on Spring St. between Broadway and Lafayette

- 1). install an "All Way Stop" sign @the corner of Spring and Crosby with visible crosswalks and a flashing Red Light for eastbound traffic;
- 2). install high visibility crosswalks on all four corners of Spring and Broadway
- 3). Install "NO STANDING ANYTIME" on the **south** side of Spring street from Broadway to Lafayette
- 4). Install "No Standing except trucks loading and unloading" 7 days a week on the **north** side of Spring Street from Broadway to Lafayette.

BE IT FURTHER RESOLVED that CB# 2, Man. calls on City Planning to work with EDC to study the area as was proposed in the SOHO Master Plan for signage, street, sidewalk and lighting repairs to keep up with the growing SOHO and Little Italy communities increased traffic congestion, commercial density that has gone beyond the par of rational comprehension seven days a week effecting the safety and quality of life.

Vote: Passed, with 34 Board members in favor and 4 in opposition.

BUSINESS AND INSTUTIONS

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

Old World Holding, Inc., 312 Spring St., NYC 10013 (Held over to March per mutual request)
The 393 Lafayette St. Meeting Room Corp. d/b/a The Meeting Room, 21-23 E. 4th St., NYC 10003
(Lafayette-Bowery)

WHEREAS the applicant operates Serafina Restaurant @ 393 Lafayette St., which abuts this premises and **which is a completely separate restaurant with a separate entrance, and separate kitchen, and**

WHEREAS the applicant is proposing to open a new 2,300 sq. ft. restaurant with a lower price menu with a capacity of 22 tables, 96 seats and 1 bar; and

WHEREAS the applicant has taken cognizance of the zoning limitations in M15-B where restaurants cannot exceed 5,000 sq. ft. (the applicant's existing restaurant is 4,997 Sq. ft.) and has applied for a completely separate restaurant, but CB#2, Man. is concerned that the division of the 900-foot ground floor of the building into two separate restaurants owned by affiliated corporations is a violation of the area's zoning; and

WHEREAS the applicant operates a bonafide restaurant establishment under the Serafina name and proposes to do the same with the 21-23 E. 4th St. venue and

WHEREAS the applicant has indicated that it **has voluntarily agreed** to a 1:30 AM nightly closing **along with other stipulations concerning operations and neighborhood comporment that have been presented by the NOHO Neighborhood Association and which are to be presented to the SLA and made part of their on-premises license and**

WHEREAS the landlord, Fisher Realty Corp., who owns this landmarked building, has indicated by letter, which will be made part of this record file, that should a transfer of the lease ever be made, **"under no circumstances would we approve a club or entertainment establishment whose tendency for noise might prove disruptive to our other tenants, the building or the community"**, and

WHEREAS there are more than 3 on-premises liquor license establishments within 500' of the applicant,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on premises license to **The 393 Lafayette St. Meeting Room Corp. d/b/a The Meeting Room, 21-23 East 4th St., NYC 10003, subject to verification by CB#2, Man. that this restaurant is permissible under the zoning and provided that its plans for the restaurant meet with NYC Dept. of City Planning zoning approval and,**

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' Rule Hearing so that the views of the community can be heard and taken into account.

Vote: Unanimous, with 38 Board members in favor.

Eight Mile Creek, Inc., 240 Mulberry St.. NYC 10012 (Prince-Spring).

WHEREAS the applicant is proposing to operate under a new on-premises license after having operated under a B&W license, and

WHEREAS the applicant operates a bonafide restaurant where liquor is an adjunct to its main business and has voluntarily agreed to remain open until 2AM and has also agreed to various other conditions with the intent of being a "good neighbor" to the Little Italy Neighbors Association, which CB#2, Man. encourages and which is hereby made part of this record,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises license by the SLA to Eight Mile Creek, Inc., 240 Mulberry St., NYC 10012 and calls upon the SLA to hold a 500' rule hearing so that the views of the community can be heard.

Vote: Unanimous, with 38 Board members in favor.

675 Hudson Vault, LLC, 675 Hudson St. a/k/a 222-228 Ninth Ave., NYC 10014 (cont'd).

WHEREAS this is a continuation from the month of December 1999 wherein there was insufficient information and plans submitted by the applicant, and

WHEREAS CB#2, Man. went on record by asking the SLA to withhold any action on this application until sufficient information was presented, and

WHEREAS as of this date the applicant has still not submitted the requested information but CB#2, Man. has been notified that there will be a 500' rule SLA hearing on February 22, 2000

THEREFORE BE IT RESOLVED that CB#2, Man. opposes any approvals on this license application that the SLA may grant and strongly recommends that the SLA withhold any action on this license until such time as CB#2, Man. can review the full plans and arrive at a decision for forwarding to the SLA.

Vote: Unanimous, with 38 Board members in favor.

D.D. Greenwich St. Café, Inc. d/b/a Greenwich Café, 75 Greenwich Ave., NYC 10014 (Bank-11th)

WHEREAS the applicant is purchasing the business and will be a new operator, and

WHEREAS the applicant has missed 2 meetings of CB#2, Man. where this item has been scheduled on the agenda and thus has had no opportunity to query the applicant about certain problems stemming from previous ownership, and

WHEREAS Greenwich Café has posed problems to CB#2, Man. on numerous occasions, namely their use of the backyard for which CB#2, Man. has received complaints of noise from neighbors, and

WHEREAS these complaints have expanded to the point where garbage collection has been switched from in front of their premises on Greenwich Ave. to the 11th St. entrance of an apartment building,

THEREFORE BE IT RESOLVED, that in the absence of the SLA holding a 500' rule hearing where the neighboring public can be heard, CB#2, Man. urges the SLA to inquire of the new owners whether they are aware of the various noise and garbage problems posed by the Greenwich Café operation and asks that the SLA require the new owners to meet with their neighbors to redress these problems, and

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the SLA withhold any action on approving this transfer of license until these problems are resolved.

Vote: Unanimous, with 38 Board members in favor.

Chamaja, Inc. d/b/a Boom, 152 Spring St., NYC 10012 (W. Bway.-Wooster)

WHEREAS the applicant has operated this establishment for approximately 10 years and

WHEREAS the applicant is changing the corporate structure as a result of net leasing the building and desires to keep the business separate from the real estate, and

WHEREAS this establishment, also known as Boom, has been the subject of complaints through the years it has been in operation, and there is a question as to whether the area was posted for this public hearing

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that this matter be held over and sent back to committee to assure the public's input on this application and requests that the SLA postpone any action on this application for Chamaja, Inc. d/b/a Boom, 152 Spring St. NYC 10012

Vote: Unanimous, with 38 Board members in favor.

Mexican Radio Corp., 19 Cleveland Place, NYC 10012 (Kenmare-Spring)

WHEREAS the applicant is proposing to open a 35 table 70 seat restaurant, and

WHEREAS the applicant is proposing to move their existing restaurant from 250 Mulberry St. to 19 Cleveland after being in the Mulberry St. location since 1996, and

WHEREAS the applicant has operated on Mulberry St. as a "good neighbor" but is moving to venue that has had a notorious reputation as a "bad club" which has resulted in numerous complaints from tenants and neighbors as to noise, loud crowds, 4 AM operation, and many other similar complaints which has resulted in pending litigation, and

WHEREAS the applicants have met with the community and have agreed to operate as a restaurant and not a bar-club and to correct noise problems by soundproofing the premises and mechanical equipment and have also expressed their general intent to continue acting as a "good neighbor on Cleveland Place as on Mulberry St.,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises liquor license to Mexican Radio Corp., 19 Cleveland Place, NYC 10012.

Vote: Unanimous, with 38 Board members in favor.

1b. Applications to the SLA for Alteration to Sell Liquor On premises

Village Academy Bar Corp. d/b/a The Hangar, 115 Christopher St., NYC 10011

WHEREAS the applicant submitted plans stating that the effect of the alteration was to add **an additional bar for better control of service**, and

WHEREAS there was no opposition from the community,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises liquor license to Village Academy Bar Corp. d/b/a The Hangar, 115 Christopher St., NYC 10011.

Vote: Passed, with 34 Board members in favor and 4 abstentions.

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION-2/29/00

1. LPC Item: 6 - 113 Seventh Avenue South (Christopher St.) A one-story commercial building built in 1974. Application is to install a storefront and replace the roof railing.

WHEREAS, we appreciate the introduction of a retractable awning; but

WHEREAS, bi-fold doors effectively eradicate a large portion of the façade during business hours and have presented many problems in our community, since noise from inside emanates outside and disturbs citizens' sleep into the wee hours; and

WHEREAS, we object to the interior illuminated neon plastic signage, and

WHEREAS, the applicant could not specify the color of the sign or the color of the stucco treatment; now

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this application regarding the doors and neon plastic sign, and

BE IT FURTHER RESOLVED that CB#2, Man. recommends the applicant to return with accurate specifications regarding color and materials.

Vote: Unanimous, with 38 Board members in favor.

2. LPC Item: 7 156 West 13th Street (6/7Ave) A Greek revival style row house built in 1846 and altered in 1873. Application is to construct a rear yard and rooftop addition.

WHEREAS this proposal would remove what appears to be a 19th century tea room; and

WHEREAS none of the original rear façade would remain; and

WHEREAS the rooftop addition is noticeable; now

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 38 Board members in favor.

3. Item: 8 - 558 Broadway

WHEREAS, due to miscommunication with the Community Board office, the applicant did not appear before the landmarks committee; but

WHEREAS, the applicant did appear before the full community board with a presentation; and

WHEREAS, the milieu of a full community board meeting prevented a protracted debate and a judicious decision; now

THEREFORE BE IT RESOLVED that CB#2, Man. does not have a recommendation for this application.

Vote: Unanimous, with 38 Board members in favor.

4. LPC Item: 9 - 143 Prince Street (SoHo Cast-Iron H.D.) A warehouse built in 1898 by Franklin Baylies. Application is to install a storefront, and bracket signs, and alter the stairway and railing.

WHEREAS, we appreciate the restoration of the glass vault crystals, the extension of the storefront to the building line, and removal of a stairway which seriously impedes pedestrian traffic; but

WHEREAS, we would prefer that the applicant put signage across the frieze; and

WHEREAS, this signage proposal is overdone by utilizing two projecting illuminated signs on each corner of the building which produces an unbalanced effect, not to mention the two wall plaques and the door sign; and

WHEREAS, the pivot door is not historical; and

WHEREAS, the proposed stainless steel treatment is inappropriate; at times the juxtaposition of modern elements and cast iron works well together, in this case it does not; now

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application regarding the stairs, vault lights, and reconfiguration of the store front entrance; but

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of this application regarding the stainless steel treatment, the excessive signage, and the pivot doors.

Vote: Unanimous, with 38 Board members in favor.

5. LPC Item: 10 - 474 Broadway

WHEREAS, due to miscommunication with the Community Board office, the applicant did not appear before the landmarks committee; but

WHEREAS, the applicant did appear before the full community board with a presentation; and

WHEREAS, the milieu of a full community board meeting prevented a protracted debate and a judicious decision; now

THEREFORE BE IT RESOLVED that Community Board does not have a recommendation for this application.

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 11 - 686 Broadway (NoHo H.D.) A two-story building altered in 1993. Application is to install illuminated signage and a painted wall sign.

WHEREAS the initial application for signage presented to the committee was excessive and subsequently rejected; but

WHEREAS commendably, the applicant returned the next day with considerable changes to the original signage application; and

WHEREAS the current application calls for the company's name in metal channel lettering with back-lit illumination, as well as the removal of an illuminated "entrance" sign; and

WHEREAS the applicant has agreed to limit the size of the painted business sign on the north wall to an area six times the store frontage, which we find appropriate; but

WHEREAS we believe that the term "store frontage" refers to the front of a store and not to the rear; and

WHEREAS in this case particularly, the rear of the store enters onto Jones Alley, a desolate dead-end alley with a locked gate to keep pedestrians out which should in no way be used to calculate the size of the painted sign;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application, but requests LPC not to include the rear of this locked dead-end alley as part of the frontage calculation.

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

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. New application for revocable consent to operate an enclosed sidewalk cafe by Rasa Sayang Malaysia Cuisine Corp, 47-49 7th Avenue So., with 21 tables and 52 seats, DCA #1025304.

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

WHEREAS no one from the community spoke in opposition to the application and;

WHEREAS there is sufficient passage for pedestrian access and;

WHEREAS this application represents a change in ownership;

THEREFOR BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an enclosed sidewalk cafe by Rasa Sayang Malaysia Cuisine Corp, 47-49 7th Avenue So., with 21 tables and 52 seats, DCA #1025304.

Vote: Unanimous, with 38 Board members in favor

2. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by 333 Hudson Square Food Court, Ltd. d/b/a 333 Hudson Square Food Court, 333 Hudson St., with 11 tables and 22 seats, DCA #983268.

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

WHEREAS the applicant stated that the restaurant did not have outdoor waiter service for food which the rules and regulations require for an unenclosed sidewalk cafe;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a three (3) year revocable consent to 333 Hudson Square Food Court, Ltd. d/b/a 333 Hudson Square Food Court, 333 Hudson St., with 11 tables and 22 seats, DCA #983268.

Vote: Unanimous, with 38 Board members in favor.

3. Renewal of application for revocable consent by The Nut Club Ltd. d/b/a Garage, 99 7th Ave. So. St., with 27 tables and 54 seats.

WHEREAS the area was posted, the applicant appeared before the committee and one member of the community spoke against the application; and

WHEREAS in January 1999, the applicant appeared before this committee requesting an increase of 23 tables to 27 tables and 46 seats to 54 seats; and

WHEREAS in January, 1999, the committee approved maintaining the number of tables and chairs at 23 and 46 respectively and denied the application for an additional increase; and

WHEREAS the Department of Transportation subsequently approved the applicant's request for an increase to 27 tables and 54 seats, despite the recommendations of the community board;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to The Nut Club Ltd. d/b/a Garage, 99 7th Ave. So. St. for 23 tables and 46 seats but recommends denial of the current request for 27 tables and 54 seats.

Vote: Passed, 35 Board Members in favor, 2 in opposition and 1 recusal.

4. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Costa Azzurra, Inc 134 Mulberry St., with 6 tables and 12 seats, DCA #885817.

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 operate an unenclosed sidewalk cafe to Costa Azzurra, Inc 134 Mulberry St., with 6 tables and 12 seats, DCA #885817.

Vote: Passed, with 36 Board Members in favor and 2 in opposition.

5. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by La Dolce Vita Cafe, Inc. with 11 tables and 22 seats, DCA #698453.

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

WHEREAS the applicant needs to keep the tables in line and not let them sprawl over into public pedestrian space;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe by La Dolce Vita Cafe, Inc. with 11 tables and 22 seats conditioned on the applicant maintaining his tables and chairs within the agreed upon area. DCA# 698453.

Vote: Unanimous, with 38 Board members in favor.

6. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Ferrara Bakery & Cafe, Inc. d/b/a Ferrara Pastries, 195 Grand St., with 3 tables and 12 seats, DCA #497969.

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 operate an unenclosed sidewalk cafe to Ferrara Bakery & Cafe, Inc. d/b/a Ferrara Pastries, 195 Grand St., with 3 tables and 12 seats, DCA #497969.

Vote: Unanimous, with 38 Board members in favor.

7. Modification of application for revocable consent to operate an unenclosed sidewalk cafe by DO'D Publicans, LLC d/b/a Fiddlesticks, 54-56 Greenwich Ave., Inc. with 10 tables and 14 seats, DCA #1002604.

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

WHEREAS in March 1999, the applicant appeared before the committee on a new application and requested 11 tables and 23 seats which the committee approved; and

WHEREAS DOT and/or City Planning subsequently only granted the applicant 10 tables and 14 seats; and

WHEREAS the applicant now requests 17 tables and 28 seats, and

WHEREAS the committee, at this point, will follow the DOT approval of 10 tables and 14 seats in one row along the building line; and

WHEREAS the applicant does have permitted space for 7 additional seats inside the building line if the applicant so chooses to utilize said space; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFOR BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to DO'D Publicans, LLC d/b/a Fiddlesticks, 54-56 Greenwich Ave., Inc. with 10 tables and 14 seats, DCA #1002604.

Vote: Unanimous, with 38 Board members in favor.

JOINT PARKS, RECREATION & OPEN SPACE AND ARTS

Proposal for a Temporary Public Sculpture at the Mercer Street Park

WHEREAS Dennis Oppenheim has requested that his sculpture “Tar Roses” be placed as a temporary public art work in Mercer Park; and

WHEREAS he will assume responsibility for maintaining the condition of the works, gain final approval from the Parks Department and work with the community to ensure that placement of the work will not interfere with normal use of the public space; and

WHEREAS CB#2, Man. wishes to encourage temporary public art;

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan approves the siting of “Tar Roses” in Mercer Park as a temporary public art work until June, 2000, with the understanding that should the artist want an extension of the time he will return to the Board with that request.

Vote: Unanimous, with 38 Board members in favor.

NEW BUSINESS

Landmarks Commission Notification

WHEREAS, the Landmarks Preservation Commission (LPC) notifies Community boards or certificate of appropriateness public hearings through their monthly calendar; and

WHEREAS, the LPC does tell applicants to get in touch with the affected community board, it is not always done, especially in a timely matter; and

WHEREAS, Community Boards must refer all issues to the relevant committee before establishing a position at the full board meeting, a process that may take more than 30 days; and

WHEREAS, receipt of the LPC calendar is in the same month as the hearing date, not giving the Community Board enough time to properly perform our charter-mandated functions; and

WHEREAS, requests to the LPC to at least keep the record open for just I month, are not being honored by the Commission, even though the granting of such a request would still allow the Commission to act timely; and

WHEREAS, other NYC agencies dealing with land use issues such as variances do have statutory time periods Community Board review; now

THEREFORE, BE IT RESOLVED, Community Board 6 urges the Landmarks Preservation Commission to notify, the affected Community Board a minimum of 60 days before the Certificate of Appropriateness public hearing is held; and

BE IT FURTHER RESOLVED, we request the Manhattan Borough Board to take up this issue and develop a position on behalf of all Manhattan Community Boards; that a copy of this resolution be sent to all members of the Borough Board (Borough President, Community Boards, City Council members) inviting their thoughts on this issue.

Vote: Unanimous, with 38 Board members in favor.

Respectfully submitted,

Doris Nash, Assistant Secretary
Community Board #2, Manhattan