

## **FULL BOARD MINUTES**

**DATE:** September 21, 2000  
**TIME:** 7:00 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street  
Cronin Auditorium, 10<sup>th</sup> Floor

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashinazy, Tobi Bergman, Glenn Bristow, Helene Burgess, Charle-John Cafiero, Keith Crandell, Doris Diether, Noam Dworman, Carol Feinman, Harriet Fields, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Anthony Hoffmann, Brad Hoylman, Honi Klein, Lisa LaFrieda, Don Lee, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Debra Sandler, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Anthony Dapolito, Alan Jay Gerson, Arnold L. Goren, Ann Robinson, Verna Small, Suzanne Williamson.

**BOARD MEMBERS ABSENT:** Rev. Keith Fennessy, John Short

**BOARD STAFF PRESENT:** Arthur Strickler, District Manager

**GUESTS:** Daryl Cochrane, 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; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Kariny Santana, Councilmember Margarita Lopez' office; Maura Keaney, Councilmember Christne Quinn's office; Dirk McCall, Man. Borough President's office; Thomas Heaney, Josh Pickard. Kevin Abbott, Bonnie Metzgar, Mary K. Doris, Joanne Spano, Linda Yannuzzi, F. Chan, Y. Zhao, Frank Collierius, Jose Caraballo, Livvie Mann, Stu Waldman, Amy Trumpeyter Seibert, Rebecca Bazell, Robert Ruxbaum, Josef Eisinger, Lynn Andriani, Larry Seibert, Martin Hechtman, Electa Brown, Marian Rogers, Bonnie Hall, Patsy Ong, Carol Chen, Barbara Reuther, Francis Angelino, Christopher Caslin, Emily Wood, Jean Krampner, Konrad Abbott, Devin Chisolm, Shoko Mitani, Xiau Tong Dong, Lyndsay Bright, Eddie Bergman, Esilda Buxbaum, Lynn Reiser, Kevin Abbott.

### **MEETING SUMMARY**

Meeting Date –September 21, 2000  
Board Members Present – 42  
Board Members Excused– 6  
Board Members Absent - 2

## **I. SUMMARY AND INDEX**

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	3
STANDING COMMITTEE REPORTS	7
ZONING AND HOUSING	7
ARTS	10
LANDMARKS	11
BUSINESS	13
ROLL CALL	17

## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Tobacco Settlement Money

Wilbur Weder, Bellevue Hospital Community Advisory Board, stated that settlements are not going to Health & Hospitals Corp. Bellevue is holding a fundraiser for childcare.

#### Jefferson Market Library

Frank Collier spoke regarding the library's expanded hours and that they are open 7 days a week.

#### T Town

Melissa Sklarz, invited everyone to attend a Transgender T Town meeting with elected officials, to be held on September 28<sup>th</sup>

### **Sidewalks, Public Facilities & Access Items**

#### Sidewalk Problems

Mary K. Doris spoke regarding various sidewalk problems.

#### Child at Liberty High School

Nina Bektic, a young Serbian child is in the country for medical treatment. She needs help with a place to stay.

### **Joint Sidewalks, Public Facilities & Access, Traffic & Transportation Items**

#### Update re: Widening of 8<sup>th</sup> Street

Electa Brown, Livvie Mann, and Josef Eisenger spoke against the proposal.

### **Business Items**

#### 101 Greene St. Café, d/b/a 101 Greene St.

Esilda Buxbaum, Amy Seibert, and Lynn Reiser, spoke against the proposed liquor license, stating there was a proliferation of bars, trash and noise in the area.

#### New York Shakespeare Festival, d/b/a Joe's Pub, 425 Lafayette St.

Kevin Abbott, applicant, Bonnie Metzgar, Public Theatre, spoke in favor of the liquor license

### **Parks, Recreation and Open Space Items**

#### William Passanante Playground

Stu Waldman spoke against the closing of the playground.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Daryl Cochrane, of Congressman Jerrold Nadler's office introduced himself as the new community Board liaison, and reported on proposed new laws for hate crimes, and raising money for housing for people with AIDS.

Scott Melvin, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported on Assembly Speaker Silver holding an "Energy Summit", the Transportation Board Act, and a proposed plan for Governor's Island (museum, garden, conference center).

Debbie Roth, of Assemblymember Deborah Glick's office on Con Ed rate hikes and how they should be lowered, and a letter to the MTA on articulated bus service.

Tom Castele, of Councilmember Kathryn Freed's office.

Kariny Santana, Councilmember Margarita Lopez' office,

Maura Keaney, of Councilmember Christine Quinn's office

## **V. ADOPTION OF MINUTES**

Adoption of June minutes.                      Distribution of July minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.
3. **Special Executive Committee**

## **WATERFRONT**

### **1. Screening of Film by Minetta Brook on Holland Tunnel Ventilation Building**

(See material enclosed with report for visual perspective)

**WHEREAS** Minetta Brook, a non-profit arts organization which organizes public arts projects, had Proposed to screen a documentary film titled "Time After, Time Along The River, by Marie Jose Burk, as part of its Hudson River Project, and has proposed to screen the film for a two week period between September 29, 2000 and October 12, 2000, and

**WHEREAS** Minetta Brook has worked with numerous civic and community organizations, including, the River Project, the Downtown Boathouse, Floating the Apple, and Manhattan Youth, and over 80 neighborhood residents in the implementation of this project, and

**WHEREAS** the presentation being proposed is entirely non-commercial, and the Board has a general objection to the illumination of the Holland Tunnel Vent Building,

**THEREFORE BE IT RESOLVED** that CB#2, Man. approves the screening, of the film Time After Time Along, on the Holland Tunnel Vent Building for one week during the period September 29 to October 12, 2000, with the understanding that this shall not serve as a precedent for the screening of other films on this structure without a public review process ' arid

**BE IT FURTHER RESOLVED** that CB#2, Man. takes the occasion of this screening to reiterate its opposition to the use of the waterfront, or any Structure on the waterfront, for commercial advertising.

Vote: Passed at the August 24<sup>th</sup> Executive Committee. The action on this resolution was not sustained at the September 21<sup>st</sup> Full Board and was sent back to committee.

### **2. Holland Tunnel Vent Shaft Lighting**

**WHEREAS** the Holland Tunnel, as a whole, is listed on the National Register of Historic Places, and **WHEREAS** members of the Waterfront Committee observed the lit Lip vent shaft building and agreed that the lighting distracts from the beauty of the Cityscape, distracts from the beauty of the waterfront, and does not allow observers to focus on the lights shimmering off the harbor,

**IT IS HEREBY RESOLVED** that CB#2, Man. agrees to the lighting of the Holland Tunnel Vent Shaft Building one day per year.

Vote: Failed at the August 24<sup>th</sup> Executive Committee. Returned back to Committee at the September 21<sup>st</sup> full Board.

**LANDMARKS AND PUBLIC AESTHETICS**

**501 Broadway/ 72 Mercer - An empty lot Application is to construct a 5-story building on Broadway and 7-story building on Mercer.**

**WHEREAS** the bulk of the proposed building is within the scale of the surrounding buildings; and

**WHEREAS** the geometry of the main outer plane and the inner window plane, and the bold verticality of the facade and the deep mullions with the windows set back, as well as the ground floor infill are all attractive and appropriate; and

**WHEREAS** the ground floor design is consistent with other neighborhood buildings; however we wish that the concept were carried to the upper floors; and

**WHEREAS** the floor lines were out of synch with the two adjacent buildings; and

**WHEREAS** historically in SoHo floor heights and window size decrease on the upper floors of a building, which is not the case here; and

**WHEREAS** we do not believe that the huge top floor windows with the multi-paned mullions were appropriate; and

**WHEREAS** the applicant referenced the upper-floor windows of the Little Singer Building as precedent for a multi-paned transom above a large window; in fact the Little Singer Building windows had a much broader band separating the transoms and windows; and

**WHEREAS** the applicant also referred to the Little Singer Building as a precedent for having canopies above the Broadway store entrance; in fact no photos were presented to support that assertion or the additional assertion that canopies were at one time commonplace above Broadway entrances; and

**WHEREAS** canopies were common above the loading docks of factories and commercial establishments on service streets like Crosby and Mercer; their proposed addition above the artists' residence entrance on Mercer Street is without precedent; and

**WHEREAS** there is too much glass, for example: its appearance on the non-load bearing mullions and the inappropriate use of sidewalk vault glass on the copper gridwork of the façade; and

**WHEREAS** the insertion of over a half dozen holes in the cornice, ten inches deep, is a overused post-modern detail that we would not like to see introduced into the historic district;

**THEREFORE BE IT RESOLVED** that CB#2, Man. feels that this is an ambitious first attempt and the applicant should go back to tone down the excess of inappropriate decorative elements; and further,

**BE IT FURTHER RESOLVED** that approval of portions of this application by the community board should not be construed by the applicant to infer community board approval of any future zoning variances.

Vote: Unanimous, with 42 Board members in favor.

**TRAFFIC AND TRANSPORTATION**

**1. Parking Restrictions on 14<sup>th</sup> Street**

**WHEREAS** 7 bars and restaurants occupy the area on the south side of 14<sup>th</sup> Street, from 8<sup>th</sup> Avenue to the Sequoia garage and

**WHEREAS** 3 bars and restaurants occupy the area on the north side of 14<sup>th</sup> Street, from Our Lady of Guadalupe Church to the Associated Supermarket and

**WHEREAS** there have been numerous complaints from residents in regard to "entrepreneurs" selling parking spaces that are public parking spaces and

**WHEREAS** cars, limos and taxis double and triple park in the delineated area causing traffic jams, noise and arguments all night long and

**WHEREAS** these vehicles block the sidewalk from the view of passing Police Patrols and

**WHEREAS** the Fire Department has expressed a concern about being able to access these densely populated establishments in case of fire or another emergency situation

**THEREFORE BE IT RESOLVED** that Community Board #2 is requesting a **"NO STANDING, EXCEPT TRUCKS LOADING AND UNLOADING, BETWEEN 7PM AND 7AM, 7 DAYS A WEEK, INCLUDING SUNDAY** from the Sequoia Garage (south side of 14<sup>th</sup> Street) to 8<sup>th</sup> Avenue and from Our Lady of Guadalupe Church (north side of 14<sup>th</sup> Street) to the Associated Super Market.

Vote: Unanimous, with 42 Board members in favor.

## **2. Articulated Buses**

**WHEREAS** Articulated Buses are currently operating on the 79th Street routes and the 86<sup>th</sup> Street routes and Community Board #8 is opposing their use because of traffic congestion and layover issues, and

**WHEREAS** the increased length of Articulated Buses causes them to "block the box" at intersections thus contributing to grid lock, and

**WHEREAS** the use of Articulated Buses represents a reduction in service because of the reduction in frequency and an increase in waiting time thus causing passengers to wait longer for a bus ride that will take longer, and

**WHEREAS** such reduction of frequency and design are of particular hardship to the City's senior citizens and people with disabilities, who are particularly dependent on bus service

**WHEREAS** Articulated Buses take longer to load and unload (dwell time) which causes them to "bunch up" and contribute to traffic congestion, and

**WHEREAS** the only Articulated Buses made use diesel fuel and CB#2 Man. has strongly supported the use of alternative fuel clean air buses, and

**WHEREAS** Articulated Buses require longer bus stops that will eliminate some parking at most stop, and

**WHEREAS** there may well be appropriate routs for these buses, CB#2 Man. strongly questions their use on the local Manhattan street grid, and

**WHEREAS** these buses have been deployed on 23<sup>rd</sup> St. in Community Board #4 without any notification or public hearing.

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests the Metropolitan Transit Authority/New York City Transit Authority to establish a moratorium on the implementation of new routs pending an investigation of the problems evident on the 79th Street route and the 86<sup>th</sup> Street route where they are currently operating; and

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. requests that Metropolitan Transit Authority/New York City Transit Authority conducts public hearings to obtain the appropriate community input.

Vote: Passed, with 41 Board members in a favor and 1 in favor.

## **BUSINESS**

**Transfer of liquor license, Rabaco, Inc., d/b/a Soho Steak 90 Thompson St.**

This restaurant is just north of Spring St., with 30 tables seating 60 people and a bar seating 3. The restaurant has a front that opens, and is in a 6 story residential building. It is across from a playground. At the time of my visit, there were three tables straddling the entranceway, with one chair inside and one outside the premises. The place currently has a liquor license, and this is a transfer to a new corporate name. There is recorded music.

**WHEREAS** the area was posted and no one appeared at the hearing to complain, and CB#2, Man. office had no record of complaints, and

**WHEREAS** this restaurant seats 60 people at the 30 tables and 3 more at the bar, and

**WHEREAS** the owner has agreed to keep all the tables and chairs within the boundaries of the restaurant,

**THEREFORE BE IT RESOLVED** CB#2-Man, has no objection to the transfer of the liquor license for these premises, but request the 500' hearing since there are three other premises selling liquor within the 500' radius.

Vote: Unanimous, with 42 Board members in favor.

**Application for second cabaret license for "SPA," 76 East 13 St. (formerly "Key Club.") just west of 4<sup>th</sup> Avenue**

**WHEREAS** this premises has been operating as "Spa" for some time now, with a minimum of recent complaints, and

**WHEREAS** the second cabaret license is required since the space has been divided in part by a new wall, creating two dance floors, and

**WHEREAS** the area was posted and only a few people showed up for the hearing, with either minor complaints or praise for the place, and

**WHEREAS** the current manager, Peggy Millard, has been meeting with the community advisory board monthly, per the Memorandum of Understanding,

**THEREFORE BE IT RESOLVED** CB #2,Man. does not object to the grant of a second cabaret license to "SPA" provided the license is not transferable to other management, but only so long as the current management practices as practiced by the current manager continues and any change in such practices will require a new license for both spaces.

Vote: Passed, with 30 Board members in favor and 6 in opposition.

**425 Lafayette St., New York Shakespeare Festival, Joe's Pub - Extending liquor license to sidewalk cafe.**

**WHEREAS** Joe's Pub already has a liquor license and this new application is to permit the to sell liquor in the newly approved sidewalk cafe, and

**WHEREAS** the area was posted and no one appeared to oppose the application, and

**WHEREAS** there is music inside the Pub, but no music will be played outdoors,

**THEREFORE BE IT RESOLVED** CB#2, Man. does not object to the additional liquor license for Joe's Pub at 425 Lafayette St.

Vote: Failed, at the Special Executive Committee meeting on August 24<sup>th</sup>. See substitute resolution below.

**425 Lafayette St., New York Shakespeare Festival, Joe's Pub - Extending liquor license to sidewalk cafe. -(SUBSTITUTE)**

**WHEREAS** Joe's Pub initially operated as an adjacent to the Public Theatre theatrical operations and has become a separate cost/profit center, and

**WHEREAS** Joe's Pub already has a liquor license which was supported by CB#2, Man. on the basis that operations would be limited to earlier closing hours and definitely not to a 4 AM closing and;

**WHEREAS** extending the service of liquor to the sidewalk would make it appear that CB#2, Man. supports a 7 day -4 AM operation which was not the original intent of the Public Theatre as presented to CB#2, Man;

**THEREFORE BE IT RESOLVED** that CB#2, Man. opposed the granting by the SLA of an alteration to the license of Joe's Pub, 425 Lafayette, NYC 10003

Vote: Passed, at the Special Executive Committee meeting on August 24<sup>th</sup>.

**497 Broome St. - Cafe Marie - New liquor license (former license expired)**

**WHEREAS** Cafe Marie was granted a liquor license in 1996 for these premises, but due to construction problems, it never opened, and

**WHEREAS** the restaurant, bar, and lounge will have a total capacity of 74 people, and

**WHEREAS** the area was posted and no one appeared at the hearing to oppose, and there were no calls to the CB office protesting this opening,

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not object to a liquor license for Cafe Marie at 497 Broome St. but requests that the application form be corrected to indicate 74 patrons, not 150 patrons.

Vote: Unanimous, with 42 Board members in favor.

**289 Bleecker St. - Ecco L'Italia Restaurant, 76-78 Carmine St.**

**El Patio Caribeno, 575 Hudson St.**

**Papillion - near West 11 St. Formerly American Tapas Bar**

**WHEREAS** the applicant was visited, was sent the application forms with information on the hearing, and the area was posted, and

**WHEREAS** the applicant neither called nor contacted the community Board in any way to request a postponement of the hearing,

**THEREFORE BE IT RESOLVED** CB#2, Man. opposes the granting of a liquor license to 289 Bleecker St., Ecco L'Italia Restaurant, 76-78 Carmine St.; El Patio Caribeno, 575 Hudson St., Papillion, near West 11 St. Formerly American Tapas Bar lacking this important step in the approval process.

Vote: Unanimous, with 42 Board members in favor

**STANDING COMMITTEE REPORTS**

**ZONING AND HOUSING**

**1. Zoning Text Amendment That Would Modify NYC's Sign Regulations (N010065 ZRY)**

**WHEREAS**, CB#2, Man. has, for years, been desperately calling for a cure for the outdoor advertising signage epidemic that has blighted our neighborhoods and brought anger, outrage and despair among us; and

**WHEREAS**, CB#2, Man. is pleased to see modifications of a sort come out (finally), but we are saddened by the fact that what we are being proposed is too little too late. Less than two months ago, a freestanding billboard of the kind that grace interstate highways was constructed in such a way as to obscure our beautiful landmarked Puck Building from people travelling Broadway. Under the new proposal, it (or a replacement of the same level of nonconformity) can stay there forever; and

**WHEREAS**, while we agree that accessory signage is highly appropriate in business districts and have accepted the required flashing and glitzy accessory and advertising signage in the Times Square District, we disagree entirely with the concept that property owners have the right to erect advertising signage on their premises. As with noise pollution, water pollution and air pollution, the visual pollution brought upon us (to say nothing of the poor souls who peer out of their homes through mesh signs) is a blight on our City and on the psyche of those who live and work here; and

**WHEREAS**, CB#2, Man. is appreciative of the following features:

- Restrictions on accessory sign sizes along arterial highways and near some public parks.
- Banning of flashing signs on piers and platforms and restriction of flashing signs to 50 square feet elsewhere along the waterfront.
- Restrictions on signage in manufacturing districts, including banning of directly illuminated or flashing advertising signs of any size and restrictions on size of indirectly illuminated or non-illuminated

advertising signs. We are particularly appreciative of the recognition that manufacturing districts in which people legally live are different and require further size restrictions.

- No replacement of nonconforming painted signs or fabric signs stretched across a building without any fixed structure.
- Concept of controlling illumination level. However, we are concerned that the acceptable level is to be determined by the Commissioner of Buildings and that no set time for such determination to be made.
- Establishment of a formula to determine maximum square footage of signage, with less footage allowed for illuminated signs.
- We really like the concept of a maximum cumulative allowable surface area of all permitted signs in a zoning lot. We would like confirmation that this means that, should the amount of existing grandfathered nonconforming signage meet or exceed that level, no additional signage of any type would be permitted as long as the grandfathered signage remains; and

**WHEREAS**, CB#2, Man. considers the following to be serious flaws that must be rectified:

- Grandfathering is way too broad.
- Rather than grandfather freestanding billboards, the owners should be given the right to make a certain gain on their investment and then the owner should remove the billboards, according to a formula set by the City. That is equitable. No billboards should be protected as a non-conforming use forever.
- It is absolutely unacceptable to allow non-conforming advertising signs of any type to be reconstructed or replaced to the same level of non-conformity.
- As with tax laws, which can be retroactive to the time first proposed, we believe that there should be no grandfathering of billboards constructed since the release of this proposal. Let it be the risk businesspeople take. Otherwise, what is to stop someone who knows they will have to remove a fabric sign from a building from immediately erecting a 1,000 square foot 80 foot tall freestanding billboard one foot away from the façade?
- There is no need or equity in giving a one-year grace period to reduce illumination to the level determined by the Buildings Commissioner. The grace period should be reduced to one month.
- There should be some flexibility built into the text to allow for the development of new technology, such as the projected images that have sprung up since the drafting of the text amendment began, as they develop. What if someone wants to add smells to the billboards, or subliminal flashing of messages?
- We need additional protection for landmark districts and individual landmarks. No advertising signs should be permitted within 500 feet of a historic/landmarked district or building.
- We are concerned that non-profits and community facilities are erect accessory signs and should be only on their buildings and signs should be limited and controlled and might be able to erect advertising signs without restriction. We would like the text clarify that they may only erect accessory signs.
- Surveillance cameras should be banned from billboards and their mountings.
- Three-dimensional signs should be banned.
- No signs, either with structural support or not, should be permitted over the windows in buildings in which people legally reside.
- We do not understand why 2- or 3-sided billboards would be permitted to project further out across street lines than one-sided billboards.

**THEREFORE BE IT RESOLVED** that CB#2, Man. finds it to be in our best interest to stop the erection of more advertising billboards and other large “structured” and “nonstructured” signage as soon as possible and, to that end, quite reluctantly supports this flawed proposal and urges an expedited approval process; and

**BE IT FURTHER RESOLVED** CB#2, Man. is appalled at the extent of visually polluting billboard which would continue in place under grandfathering provisions and strongly urges that grandfathering provisions be revised, as suggested above, so that we can restore our streetscape over time, just as a polluted lake can be brought back to life; and

**BE IT FURTHER RESOLVED** we would like to see our recommendations incorporated in the Zoning Resolution, either as part of the current proposal or, if that would delay adoption, by means of an immediately – submitted new proposal to further revise the new text.

Vote: Unanimous, with 42 Board members in favor

## 2. 81 Spring Street (at Crosby)



**WHEREAS**, this is an application made to City Planning for a special permit to allow (i) conversion from a warehouse into joint living-work quarters for artists and (ii) use group 6 retail use on the ground floor, cellar and subcellar; after having received NYC Landmarks Preservation Commission’s approval and report; and

**WHEREAS**, while CB#2 had generally approved the application to the LPC, it did at the time note some reservations about, among other things, the visibility of the new penthouse from the ground (the only consideration allowed by the LPC). However, the penthouse epidemic in SoHo and NoHo is irrevocably changing the nature of the community, and making it easier for non-compliant residential use by non-artists to occur. That concern is more appropriately made here; and

**WHEREAS**, CB#2 does not believe it in the best interests of our community for City Planning to continue to allow the FAR “saved” by the carve-out of mechanical space to appear in the form of penthouses on the roofs of already non-compliant buildings, which is the case here; and

**WHEREAS**, it has been recommended that CB#2 automatically oppose any conversions to JLWQA (i) absent absolute assurance that only artists certified by the department of cultural affairs and their families would occupy such spaces or (ii) if rooftop additions carved out of mechanical space cause the building to exceed 75 feet in height, CB#2 believes it more appropriate to consider each application on its own merits; and

**WHEREAS**, the applicant has agreed to a restrictive declaration that no eating or drinking establishment of any type shall be permitted among the retail uses. While plans are for a Museum of Modern Art retail store to occupy the retail component of these premises, we must look at what the worst-case scenario could be should UG6 uses be permitted, that is, an eating and drinking establishment. The applicant is located across the street from Balthazar, which often has upwards of 10 limousines in the “No standing Anytime” parking zone on a very narrow-heavily trafficked Spring Street. The north side of Spring Street has “No Standing Anytime Except for Trucks Loading and Unloading” signage. These signs were recently put in to help deal with the traffic problem on that section of Spring Street: and

**WHEREAS**, the applicant has also agreed to indicate on all of its advertising that the only permitted use of the condo units being sold is joint living-work quarters for artists;

**THEREFORE, BE IT RESOLVED** that CB#2, Man., recommends approval of the application with the proviso that there be the restrictive declaration agreed to by the community and the Applicant; and

**BE IT FURTHER RESOLVED** CB#2, Man., would like to see the penthouse addition denied; and

**BE IT FURTHER RESOLVED** that CB#2, Man., strongly urges that the special permit also require, as agreed to by the Applicant, that all advertising and informational descriptions of the JLWQA (including, without limitation, printed advertisements, verbal advertisements, electronic advertisements and signage) clearly indicate in full that the condo units are strictly “Joint Living Work Quarters for Artists” and that at least one occupant of each unit be certified as an artist by the Department of Cultural Affairs and, should any advertising appear without such language and be submitted to the Commissioner, the special permit be immediately withdrawn.

Vote: Passed, with 41 Board members in favor and 1 in opposition.

### **3. 52-62 Cooper Square (Carl Fischer Building)**

**WHEREAS**, this is an application for a Section 42-142 Zoning Authorization from the City Planning Commission to convert from vacant office and manufacturing use to joint living-work quarters for artists on all of the upper floors of the Carl Fischer Building, which is located in NoHo (M1-5B zoning). The first floor and cellar will continue its UG6 retail use; and

**WHEREAS**, City Planning and the applicants are aware that we continue to be concerned about two common problems which are relevant to this application: (i) compliance with the permit or authorization once the right to construct joint living work quarters for artists has been given and (ii) the burgeoning practice of carving out just enough mechanical space from inside the building as is necessary to construct penthouses without impacting the FAR.

**WHEREAS**, it has been recommended that CB#2, Man, automatically oppose any conversions to JLWQA (i) absent absolute assurance that only artists certified by the department of cultural affairs and their families

would occupy such spaces or (ii) if rooftop additions carved out of mechanical space cause the building to exceed 75 feet in height, CB#2 believes it more appropriate to consider each application on its own merits; and

**WHEREAS**, CB#2, Man. found the plan to alter the ground floor facades and install storefronts and signage “tasteful and appropriate” and recommended approval by the NYC Landmarks Preservation Committee; and no neighborhood opposition was voiced at the hearing (in fact, two persons came to speak in favor of the application);

**THEREFORE BE IT RESOLVED** that CB#2 Man. recommends approval of the application but would also like to see the famous painted clock restored after construction and would prefer that the penthouse additions be denied; and

**BE IT FURTHER RESOLVED** that CB#2 Man. strongly urges that the authorization require that all advertising and informational descriptions of the JLWQA (including, without limitation, printed advertisements, verbal advertisements, electronic advertisements and signage) clearly indicate in full that the buildings are strictly “Joint Living Work Quarters for Artists” and that at least one occupant of each unit be certified as an artist by the Department of Cultural Affairs and, should any advertising appear without such language and be submitted to the Commissioner, the authorization be immediately withdrawn.

Vote: Passed, with 41 Board members in favor, and 1 in opposition.

#### **4. Cheers of Manhattan, Inc., d/b/a Stonewall, 51-53 Christopher Street.**

**WHEREAS**, a Special Permit application to the BSA to permit an eating and drinking establishment with entertainment and dancing on the second floor of the premises was granted in 1998, despite opposition from CB#2, which had concerns about negative impact of crowds lining up to enter and about the safety of the narrow corridor to be constructed for entry; and the applicant now seeks to reopen and extend the term of the special permit for an additional 3 years past its 24 March 2001 expiration date; and

**WHEREAS**, CB#2, Man had not objected to a liquor license for the second floor premises as long as the second floor was not used for patron dancing; and

**WHEREAS**, the second floor has been used as a bar with music and entertainment but no patron dancing for about two years, during which time no problems were reported to the CB#2 office. The applicant reports that the few complaints about loud noise had been dealt with to the satisfaction of the complainants; and

**WHEREAS**, the matter was on the calendar and the area was posted, but in contrast to CB#2’s 1997 hearings, there was no opposition from the community and, in fact, a number of people came to the meeting to urge approval, largely on the basis of the historical significance of Stonewall Tavern;

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends the reopening and extension of the term of the special permit for an additional three years in light of the historical significance of Stonewall Tavern in the struggle for Gay rights and in particular the right of same-sex dancing.

Vote: Unanimous, with 42 Board members in favor.

### **ARTS**

#### **1. Art Commission**

**WHEREAS**, on May 24, 2000, several members of the City Council introduced a bill which calls for the dismantling of the Art Commission and its powers and responsibilities transferred to the City Planning Commission, the Landmarks Preservation Commission and the Department of Parks and Recreation; and

**WHEREAS**, the Art Commission, created in 1898, is responsible for the review and approval of a wide variety of works of art, architecture, and landscape architecture on City-owned property for its aesthetic appropriateness; and

**WHEREAS**, the Art Commission’s review process has been, at times, slow and lacked adequate coordination with the community and elected officials; and

**WHEREAS**, however, overall, the Art Commission has played an important role in preserving and improving the City’s visual quality of life for over a 100 years; and

**WHEREAS**, the Art Commission met with City Council members, including Council Member Christine Quinn, earlier this month to discuss how to improve the working relationship with the Council;

**THEREFORE BE IT RESOLVED**, that Manhattan Community Board 2, in acknowledgement of the Art Commission's important role in the preservation and improvement of the City's wide spectrum of public art and architecture, calls for the retention of the Commission; and

**BE IT FURTHER RESOLVED**, that Manhattan Community Board 2 recommends that the Art Commission undertake improvements to (1) shorten the processing time for the review and approval of artwork and architecture and (2) better integrate the community and local elected officials into the Commission's review process.

VOTE: Unanimous, with 42 Board members in favor.

**2. "The Wall" Sculpture At 599 Broadway (Houston Street/Broadway)**

**WHEREAS**, there is an application before the Landmarks Preservation Commission for the removal of all or parts of the Forrest Myers sculpture, The Wall, at 599 Broadway in the SoHo Cast Iron District of Manhattan Community District 2; and

**WHEREAS**, since 1972, The Wall, a 12-story minimalist three-dimensional mural also known as the Gateway to SoHo is a widely recognized work of art and an important part of SoHo's history; and

**WHEREAS**, it is Manhattan Community Board 2's understanding that the current owners of 599 Broadway cites damage to the structural wall as the reason for removing the sculpture; however, an independent engineering inspection procured by the Municipal Art Society and Landmarks Conservancy confirm that the sculpture has not caused damage to the building and, if properly restored, will not do so; and

**WHEREAS**, there is a need for funding to undertake proper restoration of the sculpture; and

**WHEREAS**, there is community support for the restoration of the sculpture, including the Municipal Art Society, Landmarks Conservancy, Historic Districts Council, Committee to Save The Wall and SoHo Alliance;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends denial of the application before the Landmarks Preservation Commission for the removal of the sculpture, The Wall, at 599 Broadway; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. calls upon Mayor Rudolph Giuliani, the Department of Cultural Affairs, and all other governing elected officials and City agencies to allocate funds for the proper restoration of the sculpture in order to preserve one of the City's most important and recognized artistic treasures.

VOTE: Passed, with 41, Board members in favor and 1 in opposition.

**LANDMARKS AND PUBLIC AESTHETICS**

**1. LPC Item:1- 33 Wooster Street –Laid over.**

**2. LPC Item: 2 - 124 Spring Street (s.e. corner Greene) A neo-Grec style store building built in 1883 designed by Fernbach. Application is to install a storefront infill and a flagpole & banner.**

**WHEREAS**, we appreciate this thoughtful restoration which will enhance the storefront of a building that contributes to the Cast-Iron District; but

**WHEREAS** the removal of the muntins on the Spring Street façade to create a large plate glass window will really not facilitate the public's view of the store's interior but will, however, remove original material; and

**WHEREAS**, although the existing banner and flagpole may have been legalized by Landmarks several years ago, the proposed banner at 30 square feet area is oversized and we would like a banner half that size, or better yet, a blade sign;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application with the exception of the large plate glass windows on Spring Street and the oversized banner.

Vote: Unanimous, with 41 Board members in favor.

**3. LPC Item: 3 – 523 Broadway (Spring/Broome) A hotel built in 1854 designed by Snook or Thomas. Application is to legalize alterations made to the storefront while the permit was pending, and to install signage and lighting.**

**WHEREAS** the gooseneck lighting is appropriate; and

**WHEREAS** the muntins are not original and their removal does not detract from this particular building and storefront; but

**WHEREAS** we would prefer a small discreet blade sign; and

**WHEREAS** if that is not possible, the current sign, which disturbs the integrity of the building, should be reduced in size so as not to obstruct the pilasters;

**THEREFORE BE IT RESOLVED** that CB#2, Man., recommends approval of this application contingent on modification of the proposed signage.

Vote: Unanimous, with 41 Board members in favor.

**4. LPC Item: 4 - 477 Broome Street (s.e. corner Wooster) A neo-Classical style store built in 1872 designed by E. Sniffen. Application is to construct a rooftop addition.**

**WHEREAS** the addition is only marginally visible from the street and this rooftop already has substantial existing rooftop structures;

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

Vote: Passed, with 29 in favor, 7 in opposition and 1 abstention.

**5. LPC Item: 5 - 151 Spring Street (West Broadway/Wooster) A neo-Grec style store and loft building built in 1889 designed by J.B. Snook & Sons.**

**WHEREAS** the applicants seemed to feel that since they could not produce photos of the original storefront configuration, they were at liberty to impose upon the Cast-Iron District any design that pleased them; and

**WHEREAS** the modernist narrow window frames of brushed stainless-steel painted white and the solid glass doors with glass side-panels are inappropriate for this building; and

**WHEREAS** the 20" high bulkhead is rather low, reflecting an additional modernity inappropriate to this building; and

**WHEREAS** the existing adjacent bulkhead at 22", although only 2" higher, at least possesses decorative inset panels which confer a modicum of aesthetic distinction; and

**WHEREAS** the application proposes to replace the existing double door with a single door which changes the traditional look of a building of this period;

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

**BE IT FURTHER RESOLVED** that CB#2, Man. send a letter to the LPC pointing out the disturbing trend this application represents.

Vote: Unanimous, with 41 Board members in favor.

**6. LPC Item: 6 598 Broadway Application is to install a painted wall sign. Laid over.**

**7. LPC Item: 7-615-1/2 Hudson Street**

**WHEREAS** the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

**WHEREAS** the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 41 Board members in favor.

**8. LPC Item: 8 - 63 W. 8th St.**

**WHEREAS** the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

**WHEREAS** the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 41 Board members in favor.

**9. LPC Item: 9 - 45 W. 11th Street**

**WHEREAS** the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

**WHEREAS** the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 41 Board members in favor.

**10. LPC Item: 10 81-87 7<sup>th</sup> Avenue South**

**WHEREAS** the multi-pane, stained-glass window treatment is inappropriate for the Greenwich Village Historic District;

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

Vote: Unanimous, with 41 Board members in favor.

**BUSINESS**

**Cobalt Group, LLC, d/b/a/ Bowlmor Lanes. 110 University Pl.,**

**WHEREAS** the applicant has hired a soundproofing engineer who has suggested several changes to minimize noise transmission, and

**WHEREAS** the applicant has indicated the Dept. of Buildings is Examining the plans for the change of use, and

**WHEREAS**, to improve fire safety, the corridors around the bubble are to be enlarged, a change in the stairs to the bowling alley floors is to be made, and a wooden slat floor is to be installed in the exterior pathway around the bubble so that collected water will not freeze causing slippery conditions,

**THEREFORE BE IT RESOLVED** CB#2, Man. does not object to the extension of the liquor license to include the bubble area provided, A copy of the approved soundproofing plan is sent to the CB, A complete inspection of the premises be conducted by both the Dept. of Buildings and the Fire Dept. before an amended Certificate of Occupancy be issued for use of the bubble.

Vote: Passed, with 41 Board members in favor and 1 in opposition.

**KLG Restaurant LLC, new restaurant unnamed, 140 West Houston St.**

**WHEREAS**, the restaurant will be a Shanghai restaurant with a small 9' bar seating 4 people and seating capacity of 90, and Whereas the only music to be provided is Background Ambient music, and Whereas the hours of operation will be from 5 p.m. to 1 am, and

**WHEREAS**, although there is a small garden area behind the 140 W. Houston St., The owner has assured us that it will not be used by the restaurant for Restaurant use, and- -

**WHEREAS**, The area was posted by both the Community Board 4~the Macdougall-Sullivan Garden Association, and no one appeared at the hearing in opposition,

**THEREFORE BE IT RESOLVED** CB#2, Man. does not object to a new liquor license for KLG Restaurant, LLC at 140 West Houston St., provided the garden area is not used by the restaurant but requests the 500' hearing since there are more than three other premises selling liquor within the 500' radius.

Vote: Unanimous, with 42 Board members in favor.

**F I Merge, Inc., d/b/a Merge, 142 West 10 St.**

**WHEREAS** the restaurant will seat 80 persons, primarily at tables although there is bar area, and

**WHEREAS** the applicant has agreed to a 1 A.M. closing time, and

**WHEREAS** there has been a restaurant at this location for some time and there were no complaints on file at the community Board office, and

**WHEREAS** the area was posted and no one appeared at the hearing to oppose the application,

**THEREFORE BE IT RESOLVED** CB#2, Man. does not oppose the grant of a new liquor license to Merge, at 142 West 10 St., but, because this is primarily a residential block, the proposed 1 AM closing time should be incorporated into the license, and, since there are more than 3 establishments selling liquor within the 500' area, we request the 500' hearing to hear the views of the community.

Vote: Unanimous, with 42 Board members in favor.

**Marylou's, 21 West 9 St.**

**WHEREAS** the applicant did not appear at this hearing to provide us with the required information such as number of patrons, hours of operation etc, and

**WHEREAS** as a result of the area being posted, a number of residents appeared with complaints about the operation, and

**WHEREAS** the CB#2, Man. computer pulled up a number of violations for this address, including blocking a fire door at the rear of the kitchen, fire extinguishers blocking areas, problems with the Public Assembly license, and several fines for Public Assembly, and

**WHEREAS** complaints from residents included after-hours operations until 8 AM private parties with dancing, patrons arriving at 3:30 or 4 AM instead of leaving at that time, and

**WHEREAS** this is a transfer of a license and the new owners have continued the former practices and indicated no interest in working with the community.

**THEREFORE BE IT RESOLVED** CB#2, Man. opposes the granting and the transfer of a liquor license to the Marylou's Restaurant or any other name given to the premises at 21 West 9<sup>th</sup> St. until such time as the owners meet with the Community Board at an open meeting to answer questions regarding fire violations, public assembly violations, and after hours operations.

Vote: Unanimous, with 42 Board members in favor.

**Barney Mac LLC, d/b/a Barney Mac's, 186 West 4 St.**

**WHEREAS** this is a replacement for a similar establishment and will have a seating capacity of 90 people at 40 tables and 30 people at the bar, and

**WHEREAS** the hours of operation will be 11:30 am to 4 am 7 days a week, and

**WHEREAS** music will be supplied by tapes, and

**WHEREAS** the owner has applied for a sidewalk cafe permit and there was one there previously, but

**WHEREAS** the **new owner is already operating** the sidewalk cafe without a permit, and selling liquor there,

**THEREFORE BE IT RESOLVED** CB#2, Man. does not oppose the transfer of the liquor license to Barney Mac LLC d/b/a Barney Mac's at 186 West 4 St., for the restaurant itself, but opposes a new liquor license for the sidewalk cafe at this time. When the applicant has the required sidewalk cafe permit, he may re-apply for a license to extend it to the sidewalk cafe.

Vote: Unanimous, with 42 Board members in favor.

**New York Shakespeare Festival, d/b/a Joe's Pub, 425 Lafayette St.**

**WHEREAS** Joe's Pub already has a liquor license and this new application is to permit them to sell liquor in the newly approved sidewalk cafe, and

**WHEREAS** the area was posted and no one appeared to oppose the application, and

**WHEREAS** there is music inside the Pub but no music will be played outdoors, and

**WHEREAS** the owners and operators are now aware that any change in this stated operations will require them to come back to the community board, and

**WHEREAS** the sidewalk café will close at midnight although the indoor part is open to 4 AM.

**THEREFORE BE IT RESOLVED** CB#2, Man. does not object to the additional liquor license for Joe's Pub at 425 Lafayette St. with the understanding that the sidewalk café will close at midnight.

Vote: Passed, with 38 Board members in favor and 4 in opposition.

**101 Greene St. Café, d/b/a 101 Greene St.**

**WHEREAS** the application calls for a capacity of 180 people, but floor plans were not supplied and the hours of operation were not filled in on the application, and

**WHEREAS** the owner operates another establishment in the area, the SoHo Kitchen at 103 Greene St., apparently without problems, but

**WHEREAS** the previous establishment here caused major disruptions in the neighborhood and the building owner has not always complied with regulations, and

**WHEREAS** there was considerable community opposition to this application,

**THEREFORE BE IT RESOLVED** CB#2, Man. opposes this application for a liquor license for Greene St. Cafe, 101 Greene St., unless the owner agrees to the following conditions:

1. To supply the committee with complete floor plans for the restaurant and the roof plan showing venting and air conditioning equipment,
2. The owner agrees to operate only a white tablecloth restaurant as defined in the alcohol beverage control law,
3. The hours of operation will be until midnight.
4. The owner guarantees he will not re-open SPY or a similar operation here.

These conditions should be contained in a Memorandum of Understanding filed with the Community Board.

Vote: Passed, with 41 Board members in favor and 1 in opposition.

**Slaughtered Lamb at 182 West 4<sup>th</sup> and Little Charlie's Oyster Bar, 19 Kenmare St.**

**WHEREAS** the applicant did not appear at the Sept. 5 hearing, despite notice that it was scheduled, and **WHEREAS** this is the second time applicant did not appear,

**THEREFORE BE IT RESOLVED** CB#2 opposes the granting of a liquor license to Slaughtered Lamb, 182 West 4 St.; Little Charlie's Oyster Bar, 19 Kenmare St., lacking this important step in the approval process.

Vote: Unanimous, with 42 Board members in favor.

**Umberto's Clam House, 388-386 Broome St. a/k/a 178 Mulberry St.**

**WHEREAS** the area was posted and no one came to the hearing to object to the renewal of the liquor license, and

**WHEREAS** this restaurant has been in the community for many years without problems,

**THEREFORE BE IT RESOLVED** CB#2, Man. has no objections to the renewal of the liquor license for Umberto's Clam House at 388-386 Broome St.

Vote: Unanimous, with 42 Board members in favor.

**Mirabi, Inc. d/b/a "Down the Hatch", 175-179 West 4 St.**

This club is located on the lower level of a building on West 4 St. near Jones St. The posted notices brought out a vocal group of neighbors who told of fights in the street weekly, noise, loud music, and all the related problems that come with a rowdy crowd. Not only residents but also a business person from West 4 St. was there to complain about the establishment. Neighbors circulated a petition and sent it to the State Liquor Authority. Despite this, and the fact that CB #2 had not yet heard testimony on the renewal application, we understand that the SLA has now already renewed the application. We have sent a letter to the SIA complaining about their early grant of the renewal without waiting for comments from us.

**WHEREAS** the area was posted and it brought out a vocal protest from both residents and at least one business in the immediate area, and

**WHEREAS** this area has a plethora of establishments selling liquor that are not causing trouble, so one that does cause trouble does not seem to be necessary,

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends that the renewed liquor license be revoked after a thorough investigation by the SLA into the complains, and also that police reports of calls involving this establishment be secured and made part of the record against this license.

Vote: Back to October Business Committee.

Respectfully submitted,

Secretary  
Community Board #2, Manhattan