

FULL BOARD MINUTES

DATE: May 24, 2001
TIME: 7:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Glenn Bristow, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Rev. Keith Fennessy, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Brad Hoylman, Lisa LaFrieda, Don Lee, Aubrey Lees, Edward Ma, Rosemary McGrath, Don MacPherson, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, 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: Helene Burgess, Noam Dworman, Harriet Fields, Honi Klein, Debra Sandler, Ruth Sherlip, Verna Small.

BOARD MEMBERS ABSENT: Arnold L. Goren, John Short

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Andrew Berman, 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; Andree Tenemas, Councilmember Margarita Lopez' office; Maura Keaney, Councilmember Christine Quinn's office, Blane Roberts, Man. Borough President's office; Nakia Howell, Donato Savoie, Eli Hausknecht, Cynthia E. Smith, Caroline Stone Keating, Roslyn Kramer, Joseph Vasta, Nino Vendome, George Rudge, Lawrence White, Lyman Gaylord, Eric Palatnik, M.K. Doris, John Theodorellis, Daniel Scheffer, Peter Corrales, Steve Wada, Takako Wada, Rebecca Lepkuff, Timothy W. Cravens, Robert McBrien, Rondi & Johan Lotter, Ernie Molinari, Carol Giunta, David Gruber, Sung W. Cho, Albert Bennett, Kathleen M. Faccini, Katy Bordonaro, Christin Argentina, J. Hendricks, George Bliss, Richard Barrett, Sheldon Lobel, Alan Ritchie.

MEETING SUMMARY

Meeting Date – May 24, 2001
Board Members Present – 40
Board Members Excused– 2
Board Members Absent - 7

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II. PUBLIC SESSION

Non-Agenda Items

Children’s Services

Nakia Howell, Talbot Perkins Children’s Services

Canal Housing Subcommittee

Glenn Bristow spoke regarding housing at Canal St. Rebecch Lepkoff spoke against the tall construction of building.

Lesbian, Gay Bisexual & Transgender Items

Marriage Equality-Same-Sex Marriage

Tim Cravens spoke in favor of a petition to endorse Marriage Equality (supporting same-sex-marriages).

Zoning and Housing Items

328 Spring St. A.k.a. 489-495 Washington St. - Philip Johnson Building. Variance Application to Construct A 28-Story Residential & Community Facility

Sheldon Lobel, Eric Palatnik, representing the applicant, Alan Ritchie, of Philip Johnson, and Nino Vendome, the applicant, spoke in favor of the application.

David Gruber, Eli Hausknecht, Joseph Vasta, Richard Barrett, Hendriks spoke against the application.

Parks, Recreation & Open Space Items

Plan for Triangle at Broome & Watts Sts.

George Bliss, and Lawrence White, spoke against the proposal for the park.

Business Items

76 Wooster St. Corp. d/b/a The Mix, 76 Wooster St.

Caroline Stone Keating spoke against the beer and wine license for the above location.

Da Nico, 164 Mulberry St. – Renewal and Alteration Applications

John Theodorellis, representing the applicant, spoke in favor of the renewal and alteration of the liquor license.

Denial, 46 Grand St. Renewal Application

Steve Wada and Lyman Gaylord spoke against the renewal of the liquor license.

Veruka, 525 Broome St. Renewal
Sung W. Cho spoke against the illegal bar.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler's office

Andrew Berman, Senator Tom Duane'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.

Andree Tenemas, Councilmember Margarita Lopez' office reiterated that the Navy should stop the bombing in Vieques.

Maura Keaney, of Councilmember Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption of April minutes. Distribution of April minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.
3. **NOMINATING COMMITTEE**

1. Three members of the current slate of Board officers have formally indicated a desire to be re-elected to a new one-year term beginning on July 1, 2001.
2. Three other members of the Board have informed either the Board office or the Chair of the Nominating Committee of an intention to seek a Board office for the one-year term beginning July 1, 2001.

Therefore, the Nominating Committee recommends the following slate of officers for a one-year term beginning July 1, 2001:

Chair: Aubrey Lees
Vice Chair: Carol Yankay
Vice-Chair: Ann Arlen
Treasurer: Jeanne Wilcke
Secretary: Robert Rinaolo
Asst. Secretary: Martin Tessler

Respectfully submitted, Don Lee, Chair; Keith Crandell, Doris Diether, Lisa LaFrieda Rosemary McGrath, David Reck, and Rocio Sanz.

Nominated and unopposed for election next month.

Vote: Unanimous, with 40 Board members in favor.

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION May 22 & 29, 2001

1. LPC Item: 6 - 43 Mercer Street (Grand/Broome) A store and storehouse building built in 1868 by Fernbach. Application is to replace the storefronts.

WHEREAS, the application calls for the removal of the unattractive roll-down security gate as well as the graffiti; and

WHEREAS, the proposed signage at 10 inches high and 4 feet long on the façade is in scale with this building; and

WHEREAS, the materials and scale of the proposed storefront and door are not out of character with other storefronts in the cast-iron district;

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

Vote: Unanimous, with 40 Board members in favor.

2. LPC Item: 7 – 129 Spring Street (Greene/Mercer) (SoHo Bistro) A Federal-style row house built in 1817. Application is to install a bracket sign

WHEREAS, the small blade sign at 2' by 3' is in scale with this old house, and the concept and materials of the blade sign have historical precedence; and

WHEREAS, the palette for the sign is harmonious and becoming;

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

Vote: Unanimous, with 40 Board members in favor.

3. LPC Item: 8 – 83 Wooster 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 CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

4. LPC Item: 9 – 595 Broadway

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 40 Board members in favor.

5. LPC Item: 10 – 597 Broadway

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 40 Board members in favor.

6. LPC Item: 11 – 560 Broadway

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 40 Board members in favor.

7. LPC Item: 12 – 130 Bowery (Individual landmark – The Bowery Savings Bank) A Roman Revival – style bank interior built in 1893 by McKim, Mead and White. Application is to modify the interior, create new door openings, install stairs in the areaway, and install a barrier-free access lift.

WHEREAS, since there is a precedent in Roman architecture and throughout late-19th century architecture for faux entrances and finishes, we do not find objectionable the two new side door openings (mandated by code requirements); and

WHEREAS, due to the adaptive reuse of the interior, the marble tellers will be removed and stored in the basement; and

WHEREAS, we like to see a legal covenant drawn that insures future owners will not discard these marbles *sub poena*; and

WHEREAS, the use of uplighting for the grand columns that is concealed in the radiator housing is a clever idea; and

WHEREAS, the barrier-free lift is grandfathered and required by law; and

WHEREAS, we find the overall restoration to be superb;

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

Vote: Unanimous, with 40 Board members in favor

8. LPC Item: 13 – 434 Lafayette Street (Individual landmark/La Grange Terrace/NoHo H.D. – ‘The Colonnades’ – the *Blue Man Group* theater) A Greek Revival–style townhouse built in 1832. Application is to install a marquee, signs, and gate to replace elements that were installed without LPC permits.

WHEREAS, we applaud the genuine efforts to restore the buildings and the removal of the flagpole and roll-down; and

WHEREAS, we appreciate the reduction in size of the marquee, recognizing that a marquee was present at the time of designation

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

Vote: Unanimous, with 40 Board members in favor.

9. LPC Item: 14 – 439 Lafayette 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 CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

10. LPC Item: 15 – 656 Broadway

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 40 Board members in favor.

11. LPC Item:16 – 688 Broadway A parking lot. Application is to construct a temporary commercial building.

WHEREAS, the applicant wrote a letter "... (hoping) they will be able to attend the next scheduled meeting", but made no other effort to inform the Board of its status, although it is calendared for the May 29th LPC meeting, which is unusual; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application until the applicant appears before the Board.

Vote: Unanimous, with 40 Board members in favor.

12. LPC Item: 17 – 62 Bank Street A Federal-style house built in 1836. Application is to construct a rear yard addition.

WHEREAS, we have no objection to the proposed rear addition in brick to what may be an 18th century dwelling (although, ideally, wood shingling would have been more characteristic); and

WHEREAS, the addition is not intrusive, and is consistent with the scale and materials of the historic district and does not extend out further into the rear yard than the two adjoining buildings;

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

Vote: Unanimous, with 40 Board members in favor.

13. LPC Item: 18 – 20 Greenwich Avenue A one-story building built in 1954. Application is to demolish the existing building and construct a 6-story building.

WHEREAS, this item brought out the largest turnout to the Landmarks Committee in over a decade with well over a hundred citizens attending - as well as two elected officials - in addition to submissions of over a hundred letters in protest, and petition sheets with 950 signatures; and

WHEREAS, the pedestrian materials and style of the glass and steel building entrance, the fixed awnings, the sliding glass windows, as well as the lack of ornamentation are uncharacteristic of the adjacent historic buildings; and

WHEREAS, the building is out of scale with the historic buildings of West 10th, not to mention Patchin and Milligan Places;

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

Vote: Unanimous, with 40 Board members in favor.

14. 92 Greene Street A parking lot. Application is to construct a five-story building and two stories of penthouses.

WHEREAS, the rooftop additions will not be visible from the street; and

WHEREAS, the proposed building has similar articulation, rhythms and materials as the adjacent buildings; and

WHEREAS, the gray shades of paint are characteristic of the district; and

WHEREAS, we like the innovative use of dating the building utilizing an electronic-style font;

THEREFORE, BE IT RESOLVED that although we think it would be more historically sympathetic to issue the permit to a building owner to rebuild the original façade - as he wished to do- nonetheless, we recommend approval of this application.

Vote: Passed, with 35 Board members in favor and 5 in opposition.

BUSINESS

71-73 Gansevoort St. - MGT Enterprises

WHEREAS this is an application for a full liquor license for the premises at 71-73 Gansevoort St., and

WHEREAS the hours of operation will be 11 AM to 2 AM, with a capacity of 110 persons, with 45 tables and one bar setting 12, and

WHEREAS there are no plans for a sidewalk cafe or rear yard garden, and

WHEREAS there was some concern expressed by a Board member about the corner entrance and its impact on traffic at that corner, and the applicant said he would check on this when the premises opened, and

WHEREAS, there are more than 3 on-premises liquor licenses within 500 feet of this location.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this liquor license for 71-73 Gansevoort St. for MGT Enterprises, but request that more doors be added to the premises for safety reasons; and

BE IT FURTHER RESOLVED that since there are more than 3 on-premises licenses within the 500', we request a 500' hearing be held.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

46 Grand St. - Denial - renewal

WHEREAS the applicant for the renewal for Denial was requested *to* come to the meeting because of noise complaints, and

WHEREAS no one showed up to explain the complaints, and

WHEREAS there were two complainants at the meeting, and

WHEREAS a check of the records at the Community Board office uncovered a Citizen Complaint to DEP regarding noise, and

WHEREAS there were two Police Reports, April 8th and June 1st last year, and both reports cited excessive noise which could be heard outside the premises, and

WHEREAS people at the meeting noted that sometimes the doors at Denial are left open, and

WHEREAS there are 10 other licenses within 500' of this establishment,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that the State Liquor Authority revoke the license for Denial, at 46 Grand St.

Vote: Unanimous, with 40 Board members in favor.

504 LaGuardia Pl. - JPR Restaurant Co. Corp. - transfer

WHEREAS this is listed as a transfer but the same owners will be involved, and

WHEREAS this location was formerly called Tutta Pasta but the name is being changed to Nonna; and

WHEREAS this location is being completely refurbished, and will be a restaurant for 74 people with 20 tables and 68 seats and a bar seating 6, and

WHEREAS the site formerly had a sidewalk cafe for which they had a permit, and they intend to continue it, but they have no plans for backyard use, and

WHEREAS there were no complaints at the hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this transfer for 504 LaGuardia Pl.

Vote: Unanimous, with 40 Board members in favor.

89 Macdougall St. –Sitco Food Corp. d/b/a Macdougall Cafe - Upgrade

WHEREAS this establishment has been in operation since 1977 and has had a beer license which expires in June 2003, and

WHEREAS it is now requesting an upgrade to a full liquor license, and

WHEREAS the premises has a sidewalk cafe 16 tables and 32 seats, and

WHEREAS the hours of operation are Sun to Thurs., 9 AM to 1 AM and Fri. & Sat., 9 FM to 3 AM, and

WHEREAS there are 16 booths indoors seating 65 people, and There were no complaints on file or at the meeting, but

WHEREAS on the on-site inspection on a Saturday, the sidewalk café, which is licensed for 32 seats actually had 58 seats on the sidewalk, some of them under the building's fire escape ladder.

THEREFORE BE IT RESOLVED that although the CB#2, Man. does not object to the upgrade to a full liquor license, we request that it clearly state that the license is only for 16 tables and 32 seats outdoors, and that if this is violated, the license can be revoked, and

BE IT FURTHER RESOLVED that there are more than 3 on-premises licenses within the 500' area, we request a 500' hearing; and

BE IT FURTHER RESOLVED that the Committee recommends that the Board office send a complaint to the Dept. of Consumer Affairs about the additional seating above the permitted number.

Vote: Unanimous, with 40 Board members in favor.

147 Mercer St. - Mercer Hotel - alteration

WHEREAS the Mercer Hotel presently has an on-site liquor license to dispense liquor to the hotel rooms, and

WHEREAS the Hotel proposes to change the small service bar in the cellar used for private parties to a regular bar, and

WHEREAS the application also calls for a renewal of the existing liquor license,

WHEREAS a letter of complaint was received at the Board office from a representative of the owners of 149 Mercer St., stating that a rear roof of the hotel began to operate an outdoor eating area, and we were told that this was the balcony of a room rented by one of the hotel guests. Since this poses a problem to the adjoining building and a fire hazard to the hotel, we presume the owner will inform the tenant to discontinue this practice, and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of both the renewal of the existing liquor license and the alteration to permit the service bar in the cellar to be a regular bar to be used for private parties.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

117 Mulberry St. - Duo Amici d/b/a Teresa's Italian Restaurant - beer & wine

WHEREAS this is an application for a new beer and wine license for a tiny restaurant on Mulberry St., and

WHEREAS, on the site visit, the premises was observed to have French doors opening onto a platform with a table outside, and a sandwich board and table in front of the entrance to the building, and

WHEREAS the sidewalk table had guests drinking wine which we were told they had brought in themselves, although no bottle was visible on the table, and

WHEREAS the applicant did not appear at the hearing to present the application, and

WHEREAS there were more than 3 other on-premises licenses within the 500' area,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that the SLA deny a new beer and wine license to 117 Mulberry St. - Duo Amici d/b/a Teresa's Italian Restaurant.

Vote: Unanimous, with 40 Board members in favor.

164 Mulberry St. - Da Nico -

RENEWAL

WHEREAS this is an application for a renewal of the existing license for the original configuration of the rear yard, interior space and sidewalk café; and

WHEREAS the hours of operation are noon to 11 PM Sun. to Thurs., and to midnight on Friday and Saturday, and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the renewal of the license for Da Nico Restaurant at 164 Mulberry St.

Vote #1 to separate resolution: Passed with 35 Board members in favor 4 in opposition, and 1 recusal (Lisa LaFrieda).

Vote: #2 Renewal: Passed, with 37 Board members in favor, 2 in opposition, and 1 recusal (Lisa LaFrieda).

164 Mulberry St. - Da Nico -REVISED

ALTERATION

WHEREAS this is an application for an alteration of the liquor license for the additional area for Da Nico Restaurant in the rear yard; and

WHEREAS the addition reduces the rear yard for the adjoining residential buildings to less than the required 30' and CB#2, Man. opposed the licensing of this space by the City to the restaurant; and

WHEREAS the new emergency exit for the backyard area is now through the cellar of the adjoining residential building, and

WHEREAS the alteration application was filed only after owner was notified it was required and an amended C of O and Public Assembly permit would also be required;

THEREFORE BE IT RESOLVED that CB#2, Man. **opposes** the application for the alteration to Da Nico Restaurant, at 164 Mulberry St., for the additional tables and seats.

Vote: Passed, with 32 Board members in favor, 7 in opposition, and 1 recusal (Lisa LaFrieda).

105 Thompson St. - Snack Co. LLC d/b/a Snack New beer & wine

WHEREAS this is a tiny place with 5 tables and a counter for service, and

WHEREAS it is in the vicinity of Vesuvio Park, with only 3 licenses within the immediate area, and

WHEREAS it was noted that the owners had a bench outside the premises on the sidewalk which they agreed to remove, not realizing that they needed a permit for it, and

WHEREAS there were no objectors at the hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the new beer & wine license for Snack at 105 Thompson St.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

76 Wooster St. - d/b/a-The Mix - beer & wine

WHEREAS this is an application for a beer & wine application for an establishment with 152 seats and 7 patrons at the bar, and

WHEREAS this is the same applicant who previously applied for a full liquor license for the same premises, and

WHEREAS, again, there were a number of people from the neighborhood and their lawyer who protested this application, seeing it as the opening wedge for a new liquor license, and

WHEREAS this site has been a problem in the past since the owner does not control who he leases the space to, and

WHEREAS, although the claim was that there would be a full-time manager on premises, but the owner is an absentee owner,

THEREFORE BE IT RESOLVED that CB#2, Man. again rejects this applicant's application, and does not recommend the grant of a new wine & beer license for 76 Wooster St. Corp. d/b/a The Mix.

Vote: Unanimous, with 40 Board members in favor.

90 West 3 St. - Lexi's Restaurant - upgrade

WHEREAS this is an application for an upgrade from beer & wine to a full liquor license, and

WHEREAS this establishment opened in Feb. of this year and received a beer & wine license, and

WHEREAS the capacity is 40 at the 20 tables, and the hours of operation are 11 AM to 11 PM, and

WHEREAS there are no plans for either a sidewalk cafe or backyard use,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the upgrade to a full liquor license for Lexi's Restaurant at 90 West 3 St.

Vote: Unanimous, with 40 Board members in favor.

2ND REVISION

230 West 4 St. (184 West 10 St.) Happy Walking Boys Corp. d/b/a Chow Bar - transfer

WHEREAS this is merely a transfer of the license and not a new application, and

WHEREAS the hours of operation are 11 AM to 4 AM daily, and

WHEREAS it was pointed out to the applicant that the dumpster on West 10th St. was not legal and should be removed, and the owner has agreed to remove it;

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the transfer of the license.

Vote: Passed, with 38 Board members in favor, and 2 in opposition.

234 West 14 St. - Michael Ortega, d/b/a Michael's Restaurant

WHEREAS this is an extension of an existing restaurant with license to the adjoining space, and

WHEREAS it will seat 29 persons with hours from 5 to 11 PM weekdays, to midnight on weekends, and

WHEREAS it does not plan either a sidewalk cafe or rear yard use, and

WHEREAS there was no opposition to this application at the hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. does not object to a liquor license for Michael Ortega d/b/a Michael's Restaurant at 234 West 14 St.

Vote: Unanimous, with 40 Board members in favor.

135 7th Ave. So. – True Providence, Inc. d/b/a Tanti Baci Caffè (beer & wine)

WHEREAS this is a new license for a beer & wine license, under the same management as an establishment of the same name around the corner on West 10 St. which already has a beer & wine license, and

WHEREAS this location has 8 tables and 16 seats inside, and 5 tables with 10 seats in the front courtyard, and

WHEREAS the hours of operation are from 4 to 11 PM. weekdays, to midnight Fri. & Sat., with brunch on Sat. & Sun., and

WHEREAS it was pointed out that the establishment sometimes puts tables out on the public sidewalk also, outside their patio, which is illegal,

THEREFORE BE IT RESOLVED that CB#2, Man. has not objection to the beer & wine license for True Providence, Inc. d/b/a Tanti Baci Caffè at 135 7th Ave. So., but will monitor the sidewalk tables.

Vote: Passed, with 39 Board members, and 1 in opposition.

ZONING AND HOUSING

1. 499 Greenwich/35 Renwick- Variance to Construct a 14-Story Residential Building in an M1-6 Zone.

Laid over to next month.

2. 328 Spring St. A.k.a. 489-495 Washington St. - BSA #36-01-Bz Philip Johnson Designed Building. Variance application to the BSA to construct a 28 story residential and community facility mixed-use building.

WHEREAS the Philip Johnson designed building received great praise for its aesthetic design and boldness, but it was felt to be a magnificent building in the wrong location and that the height of 28 stories was overwhelming;

UNIQUE CONDITIONS

WHEREAS the subsurface conditions cited by the applicant are common in this area and not unique to this site, yet despite the problem soil and underground conditions, the applicant plans to build a 28 story tower and we question how this is less of a construction problem and less costly than an as-of-right building;

WHEREAS the proposed building is next to the landmarked James Brown House, commonly known as the Ear Inn, which was built in 1817 and is a fragile building which the applicant claims shares a wall with the current building at 328 Spring St., yet it is not uncommon in New York for buildings, many much larger than the 2 1/2 story Ear Inn, to share a wall and for a developer to be required to ensure the integrity of the adjoining building, therefore it is not a unique occurrence, although we are fully supportive of work done to aid in the Ear Inn’s survival, as it is a much-loved institution;

WHEREAS the site is near the Ventilation Building of the Holland Tunnel and the Sanitation Garage which are legal uses in an M2-4 district, which is why residential is not permitted in these medium manufacturing districts, therefore it is not a unique condition for the findings;

WHEREAS the applicant cites the Appellate Division of the NY State Supreme Court and BSA cases that the two obsolete structures on the site make the site difficult to improve and therefore this is a unique condition, yet the legal cases cited were not expounded upon and therefore we have no information on how similar this applicant’s situation is to these other legal cases, and we question why this is a unique condition for building a 28 story residential building when a lower as-of-right building could be built;

REASONABLE RETURN

WHEREAS the Real Estate Appraisers Consultants’ report refers to the subject area of analysis as “this area” and “this neighborhood” but does not further define the area and then in sections refers to the entire CB#2, Man. area, therefore the context of the remarks remains uncertain without defining specifically “the area” of the report;

WHEREAS the consultant’s report keeps referring to the land as \$4,460,000, but an analysis of the figures seems to show that with a lot area of 7,805 sq. ft at \$40 a sq. ft, the value would be only \$546,350, and even factoring a 5 FAR the land value would still be only \$2,731,750, about half of what is shown;

WHEREAS all of the comparables in the report – vacant land sales, condominium sales, retail rentals – compare this property with other sites in either Tribeca, Chelsea, SoHo and areas quite a distance from this site, and the applicant needs comparables in the immediate area;

WHEREAS the retail rentals include only 1 building in CB 2 and no uses are shown, and since the proposed retail use is a restaurant, there are many restaurants in the nearby area that should be used for comparison, therefore the \$40 a sq. ft for restaurant use is probably not accurate;

WHEREAS the consultant’s report includes the rental figures for Lots 72, 73, 71 and 76 in the computations, we do not understand the rationale since the applicant is not buying the properties, only the air rights, and would not be collecting rentals for these properties;

WHEREAS we are concerned about the additional FAR from the air rights since our calculations based on the applicant’s figures indicate that only 8,373 sq. ft of floor area would be transferred at 5 FAR and it appears that 10 FAR is being transferred;

	LOT 71	LOT 72	LOT 73	LOT 74
Lot size	1105 S.F.	1110 SF	733 SF	2000 SF
x FAR	x 5	x 5	x 5	x 5
= FA	5525	5550	3685	10000
- Existing	-2211	-4210	-2732	-6314
=	3314	1340	933	3686

3314 + 1340 + 933 + 3686 = **8,373** S.F. AVAILABLE TO BE TRANSFERRED

CHARACTER OF THE NEIGHBORHOOD

WHEREAS the applicant states that by purchasing the air rights of nearby buildings they would maintain the character of the neighborhood as these buildings would remain at their current heights forever, yet the proposed building would definitely alter the character of the neighborhood by its sheer 26 story size;

WHEREAS 72-21© does not only say that the variance “will not alter the essential character of the neighborhood”, it also says “will not substantially impair the development of the adjacent properties” and certainly, by keeping the buildings at their present level, it would impair the development;

WHEREAS the application cites a previous residential variance granted by CB#2, Man., as a reason supporting this application, but all variances must stand on their own merit and the granting of one variance

should not be used as a reason to grant all the next variances, otherwise the whole point of variances is circumvented;

WHEREAS no shadow studies were done to show the impact of such a tall building on the neighborhood, nor was an open space study done;

WHEREAS we are concerned because of the proximity to the Ventilation Shaft of the Holland Tunnel and whether this poses a health hazard;

WHEREAS questions remain whether the building cantilevers over the Ear Inn and whether it has been approved by the Landmarks Commission, whether the terrace of one apartment extends over the sidewalk, and whether the insertion of a new Ear Inn kitchen into the new building would be permitted by the Department of Buildings and whether this violates separation of uses;

WHEREAS we have opposing views on whether the site is in the flood plain or not and this should be clarified, but in any event, nearby lots are in the flood plain and this poses additional issues regarding dewatering at the site and the cumulative effect on our sewage system;

SELF-CREATED HARDSHIP

WHEREAS the applicant does not spell out the exact unnecessary hardship, but instead alludes to them and we would like these hardships detailed so we may evaluate them;

MINMAL VARIANCE

WHEREAS we have been told that in order to preserve the aesthetic design of the building, the height can not be lowered, and we find that this reasoning does not support the minimal variance finding;

THEREFORE BE IT RESOLVED that the Philip Johnson designed 26 story building receives a great deal of interest due to its aesthetic design and boldness, yet it is out of proportion due to its extraordinary height and this combined with the lack of findings required for a variance leads CB#2, Man. to oppose this variance application;

FURTHER BE IT RESOLVED that we ask the City Planning Commission to work with CB#2, Man. and the area residents and businesses to address the current zoning as the huge variances being applied for in the recent months are creating a cumulative effect of density and change of use without the benefit of proper planning and the granting of such large variances has the risk of rezoning the area without the guidance an overall plan would provide and the procedures mandated by law.

ENVIRONMENTAL REQUESTS:

This site is a medium-manufacturing zone and we request the following for any project on this site:

- I. Containment and suppression of fine dust during excavation, demolition and construction to insure that particles of dangerous substances do not migrate into surrounding communities where they would pose a health hazard to young children and others;
- II. Shrouding and wetting down among the methods to be employed;
- III. Ongoing testing of groundwater contaminants, with appropriate containment and diversion where contamination is found;
- IV. Establishment of a community advisory panel to meet regularly with the developers if and as the work goes forward.

Vote: Passed, with 39 Board members in favor and 1 recusal (Anthony Dapolito).

LESBIAN, GAY, BISEXUAL & TRANSGENDERED

Presentation from MARRIAGE Equality about same-sex marriage

WHEREAS, under any interpretation of American Constitutional law, marriage is considered a basic civil right,

THEREFORE BE IT RESOLVED that Community Board #2 strongly endorses the passage of legislation in New York State recognizing the right of same-sex couples to marry.

Vote: Unanimous, with 40 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. To Change Parking Regulations On Barrow St. Between Greenwich St. And Washington St.

WHEREAS, the commercial uses on this block have recently changed; and

WHEREAS, the community has requested revisions that will accommodate additional evening and weekend parking for residents while also accommodating the needs for commercial parking during week days, and

WHEREAS, CB#2-Man. has received numerous reports of the abuse of film parking permits.

THEREFORE BE IT RESOLVED, that CB#2-Man. recommends that parking regulations be changed as follows:

- On Morton Street between Greenwich Street and Washington Street :
On the North side, the existing NO PARKING ANYTIME regulations are to be changed to NO PARKING ANYTIME MONDAY AND THURSDAY 11A.M. TO 2 P.M. and on the South side the existing NO PARKING TUESDAY AND FRIDAY 11 A.M. TO 2 P.M. are to remain.
- On Clarkson Street between Washington and Greenwich Streets:
The existing NO PARKING 8A.M. TO 6 P.M. regulations are to be changed to NO PARKING MONDAY AND THURSDAY 11 A.M. TO 2 P.M. on the North side and NO PARKING TUESDAY AND FRIDAY 11 A.M. TO 2 P.M. on the South side.
- On the South side of Leroy Street between Washington and Greenwich Streets
The existing NO PARKING 8A.M. TO 6 P.M. regulations are to be changed to NO STANDING EXCEPT TRUCKS LOADING AND UNLOADING.
- On Leroy Street between Hudson Street and Washington Street NO PERMIT PARKING are to be installed.

Vote: Unanimous, with 40 Board members in favor.

2. Locations for New Bus Shelters

WHEREAS, the NYC Department of Transportation now has bus stop shelters available in a variety of sizes, which will allow us to have them installed at more sites than in the past, and

WHEREAS, the NYC Department of Transportation has submitted list of suggested locations in our district,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests new bus stop shelters at the SW corner of 14 STREET and UNIVERSITY PLACE (WMNO2015) and at SW corner of HOUSTON STREET and MERCER STREET (WMN02016)

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. also requests new bus stop shelters at the east side of 8th Ave, south of West 12th St. and on the west side Broadway, between 13 & 14th St.

Vote: Unanimous, with 40 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Presentation of Final Plans for the Renovation of the Traffic Island at Broome, Watts and Thompson Sts. by the Department Of Parks.

WHEREAS for many years the community has tried to renovate the traffic island at Broome, Watts, and Thompson Sts.; and

WHEREAS after many failures, a green street project has been proposed where the Dept. of Transportation and the Dept. of Parks cooperate to create a new space on Dept. of Transportation land;

WHEREAS the park is very small and the planting areas constrain the available space and create a visual barrier between the park and the street; and

WHEREAS residents have agreed that in addition to green that this park continue to be a place for art in a arts community lacking public places for display of art; and

WHEREAS CB#2-Man. objects to the removal of art from this location despite several prior resolutions to the contrary

THEREFORE BE IT RESOLVED that CB#2-Man. approves the general outline of this plan, which is already underway

IT IS FURTHER RESOLVED that without causing substantial delay to this project and without reducing the number of trees and without requiring removal of work already completed, CB#2-Man. urges the Department of Parks to meet with community residents and create an open park plan with ample space for temporary sculpture exhibitions including permanent return of sculptures by Bob Boles located here for many years.

Vote: Unanimous, with 40 Board members in favor.

ENVIRONMENT

1. Cellular Telephone Antenna Installations

SEE ATTACHED – EXHIBIT I.

Vote: Unanimous, with 40 Board members in favor.

2. City Planning Commission Study of Manufacturing Zones

WHEREAS in a recent letter to James Chin, Chair of the Board of Standards and Appeals, City Planning Director Joe Rose urged restraint in granting variances for the manufacturing zones on the West side of this district down to Canal Street on the basis that the granting of so many variances in the area amounts to a de facto zoning change without the requisite study of the area; and

WHEREAS the letter stated that a zoning and land use study of this area by Department of City Planning is presently underway; and

WHEREAS it is important that such a study include the important environmental aspects, including subsurface water and soil conditions, historical uses and influences and archaeological resources, and environmental infrastructure, particularly functional sewerage capacity, because there is a well documented history of problems with sanitary sewerage backups into homes and businesses during rainstorms;

NOW THEREFORE BE IT RESOLVED that CB#2, Man. urges Director Rose and the Dept. of City Planning to include within the land use and zoning study of the manufacturing zones on the far west side of CB#2, Man. the following:

1. subsurface water and soil conditions;
2. the environmental infrastructure, particularly functional sewerage and water capacity;
3. historical uses and influences;
4. archaeological resources remaining from historical uses;

AND BE IT FURTHER RESOLVED that there be consultation with the involved members of the community and of CB#2, Man., in the interest of the best possible outcome from a study of the environmental factors in the study area.

Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

Application to NYCDOT for revocable consent for: restoration of historic brownstone stoop and fence at 88 Bedford Street.

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

WHEREAS the applicant agreed to remove the guard rail around the tree to increase pedestrian access and safety and;

WHEREAS the proposal is consistent with and conforms to the character of the block;

THEREFORE BE IT RESOLVED that the application to NYCDOT for revocable consent to remove existing steps and to restore historic brownstone stoop and fence at 88 Bedford Street is approved.

Vote: Unanimous, with 40 Board members in favor.

1. New application for revocable consent to operate an unenclosed sidewalk cafe by 1 Malatesta Trattoria, Inc., 649 Washington St., with 17 tables and 33 seats, DCA #1076713

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

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to 1 Malatesta Trattoria, Inc., 649 Washington St., with 17 tables and 33 seats, DCA#1076713

Vote: Unanimous, with 40 Board members in favor.

2. New application for revocable consent to operate an unenclosed sidewalk cafe by Toda café, Inc. d/b/a Caffe Sha Sha, 510 Hudson St., Washington St. with 3 tables and 9 seats, DCA # 1076103.

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

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Toda Café, Inc d/b/a Caffe Sha Sha, 510 Hudson St., with 3 tables and 9 seats, DCA # 1076103.

VOTE: Unanimous, with 40 Board members in favor.

3. New application for revocable consent to operate an unenclosed sidewalk cafe by D & K Bleecker, Inc., d/b/a Village Cottage, 343 Bleecker St., with 8 tables and 18 seats, DCA #1077310.

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

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to D & K Bleecker, Inc., d/b/a Village Cottage, 343 Bleecker St. with 8 tables and 18 seats DCA #1077310.

Vote: Unanimous, with 40 Board members in favor.

4. New application for revocable consent to operate an unenclosed sidewalk cafe by Cheers of Manhattan Inc., d/b/a Stonewall, 113 Seventh Ave. So Hudson St. with 13 tables and 26 seats, DCA #1078190.

Since the applicant failed to appear the matter is scheduled for next month's Committee meeting.

5. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Village R & B Ltd. d/b/a Groove, 125 Macdougall St., with 8 tables and 16 seats, DCA #1006220.

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 Village R & B Ltd. d/b/a Groove, 125 Macdougall St., with 8 tables and 16 seats, DCA #1006220.

Vote: Passed, with 37 Board members in favor and 3 in opposition.

6. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Greenwich 103 Rest. Ltd. d/b/a Day-O, 103 Greenwich Ave. with 10 tables and 22 seats, DCA #1022294.

The matter is rescheduled for the June committee meeting per the applicant request.

7. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Pee Wee & Tyson, Ltd., d/b/a Café Gitane, 242 Mott St, with 4 tables and 8 seats, DCA #1011960.

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 Pee Wee & Tyson, Ltd., d/b/a Cafe Gitane, 242 Mott St., with 4 tables and 8 seats DCA #1011960.

Vote: Unanimous, with 40 Board members in favor.

8. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by DO'D Publicans, LLC d/b/a Fiddlesticks, 54-56 Greenwich Ave., with 16 tables and 29 seats, DCA #1002604.

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 DO'D Publicans, LLC d/b/a Fiddlesticks, 54-56 Greenwich Ave., with 16 tables and 29 seats, DCA #1002604.

Vote: Passed, with 38 Board members in favor and 2 in opposition.

9. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Miso Restaurant, Inc., d/b/a Souen, 210 Sixth Ave., with 6 tables and 12 seats, DCA #1004604.

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

WHEREAS the applicant agreed to place 4 tables on Macdougall Street, 2 tables on Prince street and no tables on Sixth Avenue 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 Miso Restaurant, Inc., d/b/a Souen, 210 Sixth Ave., with 6 tables and 12 seats, DCA #1004604.

Vote: Unanimous, with 40 Board members in favor.

WATERFRONT

Opening Segment 4 During Construction

SEE ATTACHED – EXHIBIT II.

Vote: Unanimous, with 40 Board members in favor.

Pier 40

SEE ATTACHED – EXHIBIT III.

Vote: Unanimous, with 40 Board members in favor.

NEW BUSINESS

Respectfully submitted,
Secretary
Community Board #2, Manhattan