

****REVISED****
FULL BOARD MINUTES

DATE: November 15, 2001
TIME: 6:30 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Glenn Bristow, Charle Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Harriet Fields, Alan Jay Gerson, Edward Gold, Arnold L. Goren, Jo Hamilton, Brad Hoylman, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don MacPherson, Rosemary McGrath, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Rocio Sanz, Shirley Secunda, Ruth Sherlip, John Short, Melissa Sklarz, James Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke.

BOARD MEMBERS EXCUSED: Steve Ashkinazy, Helene Burgess, Carol Feinman, Elizabeth Gilmore, Anne Hearn, Debra Sandler, Arthur Z. Schwartz, Betty Williams, Carol Yankay

BOARD MEMBERS ABSENT: Noam Dworman, Rev. Keith Fennessy, Verna Small

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; Gary Parker, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Andree Tenemas, Councilmember Margarita Lopez' office; Karen Maurer, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; JoseCaraballo, Carol Slater, Jodi Doff, Steve Wygoda, Kishore Mirhandani, Raju, Mirchandani, Elaine Young, Miriam Sarzin, Christian Miller.

MEETING SUMMARY

Meeting Date – November 15, 2001

Board Members Present – 37

Board Members Excused– 9

Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

Will Weder, on behalf of Bellevue Hospital, spoke regarding their upcoming events.

Christian Miller, representing the McBurney YMCA, updated everyone on the Y's progress.

Landmarks & Public Aesthetics Items

43 Wooster St-application for report from LPC re: Modification of Use pursuant to Sec. 74-711 for UG 6 Carol Slater spoke in reference to the application.

Public Safety and Health

Decriminalization of Prostitution

Jodi Doff, PONY spoke against the resolution.

Sidewalks, Public Facilities & Access Items

Hudson Bar & Books, 636 Hudson St.

Kishore Mirchandani and Raju Mirchandani, applicants, and Steve Wygoda, representing the applicants, spoke in favor of the application for a sidewalk café.

Miriam Sarzin spoke in favor of the resolution denying the sidewalk café application.

Zoning and Housing Items

848 Washington St. Variance application to the BSA for a 32-story residential building and parking garage in an M1-5 district.

Elaine Young, of VARROOMM, spoke in favor of the resolution.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Daryl Cochrane, of Congressman Jerrold Nadler's office

Scott Melvin, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Gary Parker, of Assemblymember Deborah Glick's office

Tom Castele, of Councilmember Kathryn Freed's office

Andree Tenemas, Councilmember Margarita Lopez' office

Karen Maurer, of Councilmember Christine Quinn's office

V. Adoption of Minutes

Adoption and Distribution of October minutes.

VI. Executive Session

1. **Chair's Report** Aubrey Lees reported
2. **District Manager's Report** Arthur Strickler reported.

STANDING COMMITTEE REPORTS

BUSINESS

1. FT 17 Cleveland Corp, 17 Cleveland Place, NYC 10011

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an on premise license to operate a 30 seat, 750 sq. ft. panini bar; and

WHEREAS, the applicant currently operates a similar establishment; and

WHEREAS, this applicant has hired a sound consultant to minimize any annoyance to the residents above this location; and

WHEREAS, no one from the community appeared at the committee meeting in opposition to this application; and

WHEREAS, there are more than 3 licensed premises within 500 feet of this location;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of an on premise license for FT 17 Cleveland Corp., 17 Cleveland Place, NYC 10011 and asks for a 500-ft. rule hearing.

Vote: Unanimous, with 37 Board members in favor.

2. Café Valdino, Inc., d/b/a V-Bar, 225 Sullivan Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a change of corporate principal only; and

WHEREAS, this location has been a noise problem to some neighbors in the past; and

WHEREAS, two members of the public appeared at the meeting in opposition to this application complaining that the owner allows the front door to remain open permitting interior noise to emanate into the street and the applicant would not compromise on this point; and

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends denial of this application for a corporate change for Café Valdino, Inc., d/b/a V-Bar 225 Sullivan Street, NYC 10014

Vote: Unanimous, with 37 Board members in favor.

3. Gallo Nero, Inc., d/b/a Ciao, 185 Bleecker Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to upgrade from a beer and wine license to a full on premise license; and

WHEREAS, the applicant has been licensed since June 2001 without any complaints; and

WHEREAS, the applicant presented the committee with a petition signed by 80 residents supporting this upgrade;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application for an on premise license to Gallo Nero, Inc., d/b/a Ciao, 185 Bleecker Street, NYC 10014 and asks for a 500-ft. rule hearing.

Vote: Unanimous, with 37 Board members in favor.

4. Partizan, Inc, d/b/a Palacinka, 28 Grand Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an upgrade from a beer and wine license to a full on premise license; and

WHEREAS, the applicant stated that the hours of operation will be from 11 am to 11 PM; and

WHEREAS, the applicant stated that there will be no change to the operation or menu of this 40 seat restaurant; and

WHEREAS, no one from the community appeared in opposition to this application;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application for an on premise license for Partizan, Inc., d/b/a Palacinka, 28 Grand Street, NYC 10014, and asks for a 500-ft. rule hearing; and

BE IT FURTHER RESOLVED that Palacinka Restaurant restrict the parking of motorcycles to legal street parking or garage, and not on the Grand Street sidewalk which blocks pedestrian passage.

Vote: Passed, with 36 Board members in favor, and 1 abstention.

5. Mi Cocina Corp., d/b/a Mi Cocina, 57 Jane Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, the location has been the Mi Cocina restaurant for many years; and

WHEREAS, this application is due to the fact that the applicant has expanded into the adjacent store, enlarging from 40 seats to 60 seats; and

WHEREAS, the applicant stated that there would be no changes to the menu or method of operation; and

WHEREAS, no one from the community appeared in opposition of this application;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of an expansion for Mi Cocina Corp., 57 Jane Street, NYC 10014

Vote: Unanimous, with 37 Board members in favor.

6. Britti Corp., 110 Thompson Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an on premise license for an 18-seat panini bar; and

WHEREAS, the applicant stated that the hours of operation will be until 10 AM to 11 PM; and

WHEREAS, the co-op residents above this location have approved this concept; and

WHEREAS, there was no opposition to this application from the community and the applicant presented the committee with a petition signed by 175 persons in support of this application;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application for an on premise license for Britti Co., 110 Thompson Street, NYC 10014 and asks for a 500-ft. rule hearing.

Vote: Unanimous, with 37 Board members in favor.

7. La Lanterna, 129 Macdougall Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is a result of the applicant having expanded into an adjacent building adding 350 sq. ft. and 10 seats to this existing location; and

WHEREAS, the applicant stated that the hours of operation will be the same as they are currently; and

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application to expand for La Lanterna, 129 Macdougall Street, NYC 10014

Vote: Unanimous, with 37 Board members in favor.

8. The 393 Lafayette St. Meeting Room Corp., 21-23 East Fourth St., NYC 10003 (Alteration) (See also 393 Lafayette St. Restaurant Corp. d/b/a Serafina)

WHEREAS, this applicant currently has two on premise licenses at this location, one for the Meeting Room and one for Serafina; and

WHEREAS, CB#2, Man. was very reluctant to recommend approval of the second license to Meeting Room Corp. 21-23 East 4th Street based on the fact that the premise is located in the M15-B zoning district where restaurants cannot exceed 5000 square feet and that the combined square footage of both places would exceed 9000 square feet in direct violation of the zoning ordinance; and

WHEREAS, the applicant assured CB#2, Man. and the NoHo Neighborhood Association that each premise would be totally separate from the other with separate kitchens, restrooms, entrances, utilities, etc.; and

WHEREAS, the applicant entered into a Memorandum of Understanding with the NoHo Neighborhood Association that they agreed would be made part of and a condition of their liquor license.

WHEREAS, the Memorandum of Understanding states that the applicant would run a family friendly Italian restaurant “aspiring to excel in the food industry”; and

WHEREAS, the Memorandum of Understanding also states that the Meeting Room will ensure that music or noise from the premises will not be heard by tenants in their or the neighboring buildings; and

WHEREAS, the applicant opened the second location as a bar/lounge/disco without any kitchen or bathroom facilities nor does it have a separate entrance. Entrance to the location is through the Serafina Restaurant effectively combining the two spaces into one location with two on premise liquor licenses.

WHEREAS, it is obvious to CB#2, Man. that this applicant misled the State Liquor Authority, the committee, the full board and the NoHo Neighborhood association in order to be approved for a licensed premise exceeding 9,000 square feet with no intention whatsoever of living up to their verbal or written representations; and

WHEREAS, the premise has been a source of excessive noise and sidewalk congestion and has been issued violations for disorderly premise, operating a cabaret without a cabaret license, no public assembly permit, blocked fire exits, music playing into the street, failure to control crowds, blocked sidewalks and overcrowding; and

THEREFORE BE IT RESOLVED, that CB#2, Man. strongly recommends denial of the alteration of the on premise license for The 393 Lafayette St. Meeting Room Corp, 21-23 East Fourth St., NYC 10003, based on the fact that they are a 9,000 square foot premise in a zone that permits a maximum of 5,000 square feet and based on the excessive number of violations issued to this premise and based on the fact that this applicant has misled and frustrated the community and continues to do so; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to revoke the license of the Meeting Room Corp., 21-23 East 4th Street, NYC 10003, based on the applicant’s failure to adhere to the Memorandum of Understanding attached to and made part of their license approval and based on the fact that they misled the community and the SLA on the application that resulted in the issuance of this license.

Vote: Unanimous, with 37 Board members in favor.

ENVIRONMENT

Community Board #2 Manhattan Supports NYC’s Firefighters in Their Quest for Firefighter Remains Still Entombed At the World Trade Center

WHEREAS, 343 firefighters were killed in the collapse of the World Trade Center towers after the September 11th attack, including many from fire companies in Manhattan’s Community Board #2 district; and the remains of most of those killed remain entombed at the site; and

WHEREAS, the City’s surviving firefighters have been central to the gradual recovery of the remains of their brothers and of others buried at the site, but recently the number of firefighters allowed to work at the site has been restricted by the City administration to 50, a number the two major firefighters’ associations say will restrict their ability to retrieve remains, to the extent that remains will be hauled off to Fresh Kills landfill; this is an indicator, they say, that the City no longer places recovery of remains at the highest priority, but instead prioritizes turning the area into a building site in order to more quickly restore business vitality to the downtown area; and

WHEREAS, although the City administration seeks to justify restriction as a safety measure, data from the Occupational Safety and Health Administration and the City’s own Department of Health indicate that hazards at the site have been declining since late September, and that firefighters have had a lower injury rate at this site than other rescue workers;

THEREFORE BE IT RESOLVED that New York City and the entire nation admires these heroes of the September 11th atrocity, both the survivors and the missing, and it is therefore incumbent upon the City to accord them the respect due them by removing the restriction placed upon their continued search for remains; and

BE IT FURTHER RESOLVED, that CB#2, Man. strongly supports the associations of New York City firefighters and the recently formed association of the widows of firefighters still buried at the site, in their insistence upon the removal of the restriction on the number of firefighters permitted at the site, in order to ensure that the maximum care is taken that no remains buried at the site are removed to Fresh Kills

Vote: Passed, with 34 Board members in favor and 3 abstentions.

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, 11/27/01

1. LPC Item: 6 – 444 Broadway

WHEREAS, the LPC'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 37 Board members in favor.

2. LPC Item: - 43 Wooster Street (Broome/Grand). A store building built in 1884. Application is to request a report to the City Planning Commission requesting an authorization pursuant to Sec. 111-23 of the Zoning Resolution to permit use group 6 on the cellar and ground floors. Zone M1-5A

WHEREAS, the preservation plan calls for removal of the unsightly fire escape, window sill and stonework repairs, new windows, replacing the cornice, cleaning of the fire damaged brickwork, repointing, et. al; and

WHEREAS, the applicant has confirmed an on-going preservation plan including a regular architectural report every five years, i.e., a restrictive declaration in exchange for a Special Permit; and

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

Vote: Unanimous, with 37 Board members in favor.

3. LPC Item: 8 - 584 Broadway (Prince/Houston) A commercial building built in 1897. Application is to install a storefront infill.

WHEREAS, the new storefront will help unify the ground floor façade; and

WHEREAS, the materials proposed are appropriate for a building of this period; and

WHEREAS, the blade sign and window decals are modest in size and effect; and

WHEREAS, the bulkhead at a mere 1' 3" above grade is very low for the district, although the applicant claims such low bulkheads were common in buildings of this era; but

WHEREAS, we voice our perennial complaint that the proposed fixed awning, approved at staff level, is not there to provide shade as much as it to function as a permanent huge advertising banner, of which we would like to see fewer in the cast-iron district;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application, but urges the applicant to invest in an historically-accurate retractable awning.

Vote: Unanimous, with 37 Board members in favor.

4. LPC Item: 9 – 53 Mercer Street

WHEREAS, the LPC'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 37 Board members in favor.

5. LPC Item: 10 – 611 Broadway Held over.

6. LPC Item: 11 – 20 7th Avenue, a/k/a 203 W. 12th Street (Greenwich Ave.) (O’Toole Building) A contemporary building built in 1962. Application is to install an illuminated backlit sign.

WHEREAS, the indoor public-parking garage is hidden and very hard to find, and could use something to bring attention to it; but

WHEREAS, this commercial sign is inappropriate, especially since it immediately abuts a residential building and would shine into a residential window 24 hours a day;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application and respectfully urges the applicant to find a better solution.

Vote: Unanimous, with 37 Board members in favor.

7. LPC Item: 12 – 240 West 12th Street

WHEREAS, the LPC’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 37 Board members in favor.

8. LPC Item: 13 – 384 Bleecker Street (Perry St.) An apartment building built in 1914. Application is to alter the storefronts.

WHEREAS, the applicant wishes to re-open the brick wall on Perry Street to restore fenestration which had once existed; and

WHEREAS, the old analogue clock will remain, with only the name of the business being replaced; but

WHEREAS, there was no presentation for proposed signage and there was a request for a fixed awning;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application, but urges a careful review by the LPC of any signage request in lieu of the presence of the advertising clock and fixed awning.

Vote: Unanimous, with 37 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

1. Presentation of The Scope For The Renovation of Abingdon Square Park

WHEREAS Councilmember Christine Quinn has made money available to renovate this historic park; and

WHEREAS Abingdon Square Park is badly in need of a renovation; and

WHEREAS Department of Parks architect George Vellonakis has presented these plans to Community Board #2's Parks committee at a well-attended meeting on November 7, 2001; and

WHEREAS all present were impressed and well satisfied with the plans presented by the Department of Parks;

THEREFORE BE IT RESOLVED that CB#2-Man. approves the plans for the renovation of Abingdon Square Park.

Vote: Unanimous, with 37 Board members in favor.

2. Presentation By Department Of Parks Of The Scope For The Restoration Of Washington Square Arch

WHEREAS the Department of Parks, at a meeting of the Parks Committee of CB#2-Man., presented a scope for the reconstruction of the Washington Square Arch; and

WHEREAS the presentation included the site history, existing conditions and what it would take to complete the job;

THEREFORE BE IT RESOLVED that CB#2-Man approves the present progress of the reconstruction of the Washington Square Arch and urges full speed ahead.

Vote: Unanimous, with 37, Board members.

PUBLIC SAFETY AND HEALTH

Street Prostitution

WHEREAS parts of our district, but especially northwest Greenwich Village, for decades have been the site of street prostitution and attendant loitering, vandalism, public urination and, sometimes, public sex and

WHEREAS changes in the character of the Times Square district (which was the predominant "sex-for-sale" locale in Manhattan South) has brought increased street prostitution in certain areas of Community Board #2 (CB#2) and a change in demographics has increased the residential population of these areas and

WHEREAS these changes have resulted in an increased nuisance with more residents than ever here feeling personally menaced and made unsafe by unwholesome and illegal behavior occurring in their midst and

WHEREAS police action to alleviate the problem has so far been inconclusive resulting merely in the rotation of activity from one site to another within the overall area and **WHEREAS** such action and neighborhood watches have, sometimes, unwittingly led to the abuse of the law-abiding members of the lesbian, gay, bisexual and transgender community in the area and

WHEREAS scores of residents individually and as signers of an organized petition have made known their demands for greater police enforcement against street prostitution and

WHEREAS our district is a magnet for lesbian, gay, bisexual and transgender youth (LGBTY) who perceive our area as a safe haven for the exploration of their identities and

WHEREAS CB#2, in its concern for the condition of such youth, supports the work of social service organizations who minister to LGBTY here but also recognizes with alarm the dangers of drug addiction, HIV/AIDS infection and homelessness which beset such youth and lead them, as a matter of survival, to become street prostitutes and

WHEREAS CB#2, in its desire for intelligent, sensitive but firm action to alleviate the problem of street prostitution, approvingly notes that the Midtown Community Court (MTCC) may now include our catchment with respect to arrests for prostitution and

WHEREAS the MTCC (which adjudicates nuisance crimes to which the traditional justice establishment gives low priority) may mete out jail time, it may instead sentence defendants to constructive participation in programs of therapy and community service and

WHEREAS the MTCC encourages police to give serious attention to “quality-of-life” crimes by providing tools and resources to police in fighting such behaviors and, by providing a venue for the serious treatment of such crimes, dispels police frustration at the traditional pointlessness of such arrests and

WHEREAS, in making its determinations, the MTCC actively considers the interests of neighborhoods and utilizes the testimony of local residents affected by crime and

WHEREAS, although the ultimate answer to the problem of street prostitution may require changes in the law (to be dealt with by a separate CB#2 resolution), CB#2 supports the efforts of police, court and community in alleviating the problem of street prostitution in our catchment.

THEREFORE BE IT RESOLVED that Community Board #2 (Manhattan) supports ongoing work by our Sixth Police Precinct and the Midtown Community Court to alleviate the problem of street prostitution here and urges them to meet to coordinate their efforts to this end and, paramount, include in all such meetings local block associations and any other members of the community who may wish to participate and representatives of the social service providers who reach out to our lesbian, gay, bisexual and transgender youth populations.

Vote: Unanimous, with 37 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. New application to NYC Dept. Of Information, Telecommunications & Technology (NYCDOITT) for consent to install Pay Telephones in Community Board #2 for 41 Locations by Telebeam Telecommunications.

WHEREAS the applicant and a representative appeared before the committee; and

WHEREAS this application is for an approval of 41 additional pay phone locations in CB#2, Man. with a total of 82 phones, all with lighted advertising attached; and

WHEREAS the applicant currently operates approximately 50 pay phone locations in CB#2, Man.; and

WHEREAS the chair of this committee and one another board member went into the field and inspected all forty one locations that is being applied for and found that there are many other pay phones within less than half a block of every one of these locations; and

WHEREAS public safety or convenience will not be enhanced or increased as a result of these additional phones; and

WHEREAS the committee feels that the streets in CB#2, Man. are already overcrowded with street furniture of every kind; and

WHEREAS the only purpose that will be served by the approval of this application will be to increase the amount of mini billboard advertising and sidewalk obstructions on our already crowded sidewalks; and

WHEREAS the design of these pay phones are very unsafe someone can get mugged while talking on the phone; and

WHEREAS the companies that own these pay phones do not care about picking up the quarters that are in phone they only care about the revenue from the advertising that is on the phone sheds; and

WHEREAS the fastest growing retail stores in the world is CELL PHONE stores. Cell phones are in demand leaving a huge decline in the use of pay phones; and

WHEREAS the chair of this sidewalk committee called NYCDOITT and spoke to Nick Burriesci who said there are already seven hundred and seventy six (776) pay phones in;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of an application for an additional 82 pay phones at forty one locations; for Telebeam Telecommunications (please see attached locations)

Vote: Unanimous, with 36 Board members in favor.

2. NEW application to NYCDOT for revocable consent to construct maintain and use new entrance on west 13th Street with steps and railing, and on Ninth Avenue two NEW entrances with steps, one entrance for the restaurant and one entrance for retail space 29-35 Ninth Avenue, NYC.

WHEREAS the applicant notified CB #2 board office about this application on November 7th, 2001 and,

WHEREAS the applicant needed to be heard November 12th at the sidewalk meeting, because the due date is December 1st, 2001 and,

WHEREAS the applicant did not show up for the meeting, but was on the agenda,

THEREFORE BE IT RESOLVED that CB#2, Man. denies this application for a NEW entrance on 13th Street, and two New entrances on Ninth Avenue for 29-35 Ninth Avenue, NYC.

Vote: Unanimous, with 37 Board members in favor.

3. NEW application for revocable consent to operate an unclosed sidewalk café for Bar and Books, 636 Hudson Street, NYC, with 8 tables and 18 seats. DCA# 1092103.

This item has been tabled until January 2002.

4. Renewal application for revocable consent to operate an unenclosed sidewalk café for Bandito Ditto Restaurant, 33 Greenwich Avenue, NYC, with 14 tables 28 seats, DCA# 938608.

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

WHEREAS there is sufficient passage for pedestrian safety and access on this street and,

WHEREAS there was no opposition from the community;

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unclosed sidewalk café with 14 tables and 18 seats for Bandito Ditto 33 Greenwich Avenue, NYC

VOTE: Passed, with 36 Board members in favor and 1 abstention.

5. Renewal application for revocable consent to operate an unenclosed sidewalk café by Sapore Restaurant, 55 Greenwich Avenue, NYC, with 18 tables and 34 seats, DCA# 984703.

WHEREAS the applicant appeared before the committee in 1998, 2000, and November 12, 2001, the committee recommends 10 tables and 20 seats on Greenwich Avenue ONLY and,

WHEREAS the committee does not approve the sidewalk café of the restaurant wrapping around the building and going into a residential street for additional tables and seats and,

WHEREAS when the applicant came before this committee on April, 2000 he agreed not to put tables and chairs on Perry Street which is a residential street, but that agreement was not kept.

THEREFORE BE IT RESOLVED that Community Board #2 Manhattan Recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Sapore Restaurant, 55 Greenwich Avenue, NYC for 10 tables and 20 seats on Greenwich Avenue ONLY.

VOTE: Unanimous, with 37 Board members in favor.

6. Renewal application for revocable consent to operate an unenclosed sidewalk café for The Noho Star, 330 Lafayette Street, NYC, with 16 tables and 32 seats DCA# 0931822.

WHEREAS the applicant appeared before the committee and,

WHEREAS there was no opposition from the community and

WHEREAS the chair of this committee measured the fence around this sidewalk café and noticed it was two feet from the wall of the building only allowing for six feet of pedestrian walkway and

WHEREAS the applicant will adjust the fence closer to the building allowing eight feet of walkway for pedestrian safety,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to NoHo Star, 330 Lafayette Street, NYC for 16 tables and 32 seats.

VOTE Unanimous, with 37 Board members in favor.

7. Renewal application for revocable consent to operate an unenclosed sidewalk café for Senor Swanky’s Restaurant, 518 LaGuardia Place, NYC with 45 tables and 90 seats, DCA #9732875.

WHEREAS the area was posted, the applicant appeared and there was no opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café for Senor Swanky’s Restaurant, 518 LaGuardia Place, NYC for 45 tables and 90 seats.

VOTE: Passed, with 36 Board members in favor and 1 Board member recusal- Robert Rinaolo,

8. Renewal application for revocable consent to operate an unenclosed sidewalk café for Xando Cosi, 841 Broadway, NYC with 14 tables and 36 seats, DCA# 1027305.

WHEREAS the applicant failed to appear for three months and the committee agreed to deny this application.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a three (3) year revocable consent to operate unenclosed sidewalk café to Xando Cosi Restaurant, 841 Broadway, NYC for 14 tables and 36 seats.

VOTE Unanimous, with 37 Board members in favor.

9. Renewal application for revocable consent to operate an unenclosed sidewalk café for Porto Bello Restaurant, 208 Thompson Street, NYC with 2 tables and 5 seats, DCA #924708.

WHEREAS the area was posted, and

WHEREAS the applicant appeared before the committee, there were no complaints from the public or on file;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an enclosed sidewalk café to Porto Bello Restaurant, 208 Thompson Street, NYC, with 2 tables and 5 seats.

VOTE; Unanimous, with 37 Board members in favor.

10. Renewal application for revocable consent to operate an unenclosed sidewalk café for Camaje Restaurant, 85 Macdougall Street, NYC, with 1 table and 2 seats, DCA #1037077.

WHEREAS the applicant and architect appeared before the committee, and

WHEREAS there is sufficient passage for pedestrian access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Camaje Restaurant, 85 Macdougall Street, NYC, with 1 table and 2 seats.

VOTE: Unanimous, with 37 Board members in favor.

11. Renewal application for revocable consent to operate an unenclosed sidewalk café for Ray’s Pizza, 27 Prince Street, NYC with 4 tables and 10 seats. DCA # 782286

The applicant did not appear, so we will hold till next sidewalk meeting January, 2002.

10. Renewal application for revocable consent to operate an unenclosed sidewalk café by Poy Laung Thai Restaurant, 210 Thompson Street, NYC, for 4 tables and 8 seats.

WHEREAS the applicant and a representative appeared before the committee there was no opposition from the community and

WHEREAS there is sufficient passage for pedestrian safety and access on this street;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Poy Laung Thai Restaurant, 210 Thompson Street, NYC with 4 tables and 8 seats.

Vote: Unanimous, with 37 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. To Change Parking Regulations On The West Side Of Weehawken Street Between Christopher St. And West 10th St.

WHEREAS alternate side of the street regulations used to exist on this block however, the signage on the westside has been missing for many years; and

WHEREAS garbage frequently accumulates because proper street sweeping can not be done; and

THEREFORE BE IT RESOLVED, that CB#2-Man. recommends that parking regulations be changed to NO PARKING 11AM TO 2PM Mon. and Thurs. on the west side of this block.

Vote: Unanimous, with 37 Board members in favor.

2. No Through Trucks Signage on King Street between Varick St. And 6th Ave.

WHEREAS Community members have conducted a survey that shows significant numbers of large trucks pass through this exclusively residential street; and

WHEREAS this street is part of an Historic District with very old buildings can be damaged by vibrations from large trucks; and

WHEREAS this street is not an authorized truck route and should not have though trucks; and

WHEREAS NO THROUGH TRUCKS signage used to exist on this block but has been missing for many years;

THEREFORE BE IT RESOLVED, that CB#2-Man. recommends that NO THROUGH TRUCKS signage installed on both the North East corner and the South East corner of King Street and Varick St.

Vote: Passed, with 36 Board members in favor and 1 in opposition.

ZONING AND HOUSING

1. 2-8 FIFTH AVENUE PARKING GARAGE BSA #727-59-BZTRANSIENT PARKING Application to renew a variance for 15 transient parking spaces.

WHEREAS CB#2, Man. approved the renewal of the variance for 2-8 Fifth Avenue in 1991; and

WHEREAS in August of 2001, CB#2, Man. stated that it could not recommend the continued renewal of the variance until such time as the applicant adheres to the conditions of the original variance; and

WHEREAS the original variance and subsequent renewals allude to “conditions “of the variance but do not specifically state what those conditions are; and

WHEREAS these conditions may concern signage, entrance and emergency exit restrictions and lighting; and

WHEREAS the applicant has now appeared before us and believes they are in compliance with all conditions but the specific conditions of the variance are not stated in the original Board of Standard & Appeals record;

THEREFORE BE IT RESOLVED CB#2, Man. approves the renewal for the variance for 15 transient parking spaces subject to the original conditions of the variance being investigated and met.

Vote: Unanimous, with 37 Board members in favor.

2. 848 Washington St. Variance application to the BSA for a 32-story residential building and parking garage in an M1-5 district.

SELF-CREATED HARDSHIP

WHEREAS it appears that the predecessors in title, the Astors:

- II. Owned the lots
- III. Had an ownership interest in the NY Central Railroad
- IV. Granted the easement to build the High Line which appears to be freely given for compensation and therefore it appears that a predecessor in title created the hardship, which negates the finding of the applicant;

CHARACTER OF THE NEIGHBORHOOD

WHEREAS the residential development of this site, not to mention the 32-story height of the main building, would absolutely alter the character of the neighborhood which consists of low-rise buildings of mixed use and includes the meat market, which would definitely be at risk, altering the character of the neighborhood forever; and

WHEREAS the applicant states that the site is near R and C zones, therefore would not change the character of the neighborhood, yet although it is near these zones, the site exists dead center in the middle of an M zone; and

WHEREAS the small evidence produced of a proliferation of residential use is thin, and the buildings cited are small in scale; and

WHEREAS the applicant's letters from former meat market tenants stating that the variance would not impact their operations is completely at odds from the representatives of the meat market that appeared before us, and the fact that some of the letters produced by the applicant are from former tenants at the site who have now left or were forced to leave, or left because of a building that was not improved to industry standards, makes us suspect of these dissertations; and

WHEREAS we heard testimony that although the meat market industry has changed, this area is an important and vital sub market for meat wholesaling and distribution, and in addition provides jobs, much needed in this new economy; and

WHEREAS pushing this market out has other implications of increased traffic, longer truck routes and resulting pollution and delays; and

WHEREAS after September 11th, it was important to have a meat distribution network downtown, which impact was far reaching; and

WHEREAS club and bar owners testified that such residential development threatens their establishments, and that this area is one of the few areas where they can operate legally, and this is one of the few times we have seen bar and club owners come out so vocally and feel so threatened; and

WHEREAS no shadow studies were done to show the impact of such a tall building on the neighborhood;

UNIQUE CONDITIONS

WHEREAS the applicant cites that the meat market no longer holds a commanding presence and that the buildings on the site are obsolete, thereby rendering the site unique, yet we find the meat market is an important sub market and distribution portion of the meat market industry; and

WHEREAS the meat market is thereby vital, as recently seen by the September 11th disaster, where if not for these wholesalers and distributors, the problems would have been magnified, and if other main line thoroughfares and bridges had been shut down or terrorized, basic food needs would not have been met, therefore showing that the meat market definitely has a commanding and necessary presence in the neighborhood, if not in Manhattan; and

WHEREAS the applicant argues that the meat market is dwindling and this fact makes the lots unique is not a good argument as there are other commercial uses in buildings in the meat market area, and the applicant could do the same; and

WHEREAS the applicant states that the High Line railroad is unique in this district of Community Board 2, thus making it a unique condition, yet it traverses 22 blocks, making it not unique in lower Manhattan; and

MINMUM VARIANCE / REASONABLE RETURN

WHEREAS the applicant cites this as the minimum variance for economic relief, yet this property is in the unusual position of having the property and buildings assessed with comparable sites, the common method of evaluation, yet the High Line is an integral part of the site, and somehow this fact should be part of the estimated price in order to fully assess the reasonable rate of return;

ENVIRONMENTAL

WHEREAS this site is a medium manufacturing zone and we request the following for any project on this site, particularly as this site was a potting factory:

- 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;
- Shrouding and wetting down among the methods to be employed; Ongoing testing of groundwater contaminants, with appropriate containment and diversion where contamination is found;
- Establishment of a community advisory panel to meet regularly with the developers if and as the work goes forward.

WHEREAS, again, concerns were raised about adding more residential into a district that has had concerns about the infrastructure, particularly sewage capabilities, which problems have adversely affected this district; and

WHEREAS concern was raised that wind studies should be done, due to the architectural design and the proximity to the river; and

THEREFORE BE IT RESOLVED Community Board 2 Manhattan rejects the application for a 32 story residential and mixed-use building because the findings as required under Sec. 72-21 of the Zoning Resolution cannot be made.

CHARACTER OF THE NEIGHBORHOOD

1. The proposed 32-story building is inappropriate to the low-rise character of the neighborhood and would set a precedent for walling off the waterfront from the upland area;
2. The meat market is a vital sub market to the industry and is threatened by continuing variances for residential;
3. The bars and nightclubs in the area are also threatened by the impact of continuing residential development in this manufacturing district and this is one of the few areas left for these types of establishments;
4. We are worried about the loss of steady jobs, particularly in this economy which the development of residential would cause by pushing out existing uses;

SELF-CREATED HARDSHIP

1. The predecessor in title created the hardship and was instrumental in creating the railroad that has an easement above the property;

MINIMUM VARIANCE / RATE OF RETURN

1. The rate of return based on the land and building appraisal does not incorporate the High Line, which is an integral fixture to the property, and somehow this fact should be part of the base price used to calculate the return;

UNIQUE CONDITIONS

1. The assertion that the meat market no longer holds a commanding presence and the buildings are obsolete is not an argument for uniqueness as the meat market is a vital sub market for distribution and wholesaling, and, besides, there are also other uses in buildings in the area , and a commercial building of another nature could be built;

2. An approval of this application has far reaching consequences on the properties surrounding the rest of the High Line and should be considered heavily in light of the implications on future applications if every property around the High Line is considered unique; and

BE IT FURTHER RESOLVED the site has former industrial uses, and precautions should be used during construction, of any building at this site because there is concern about the impact of added residential use on the infrastructure, particularly sewer capacity, and wind and shadow studies should be performed.

Vote: Unanimous, with 37 Board members in favor.

3. 419-421 Broome St. Bet. Crosby & Lafayette Sts. Special Permit to allow conversion to retail use in the cellar and ground floor and Joint Living Working Quarters for Artists on the top 4 floors. 020084ZSM

WHEREAS the applicant has a right to construct a mezzanine between the fifth floor and the roof; and

WHEREAS the applicant proposes to construct a penthouse, in addition to the mezzanine, stating that it is an as of right use, yet although it as of right for a commercial building, it is not as of right for the proposal to change to a use of joint living working quarters for artists and you can't have it both ways; and

WHEREAS the building is being constructed for commercial use thereby taking advantage of zoning under those auspices, yet there was never any intention to keep it a commercial building, and we resent the "bait and switch" tactics being employed, that it is being built to commercial standards when the intention is for joint living quarters for artists, a different standard; and

WHEREAS it is particularly offensive that the applicant admits that the Department of Buildings approved the commercial plans, knowing full well that the applicant never intended it to be a commercial building; and

WHEREAS we have issue with the attempts to rent the building to commercial tenants as the advertising that the building is in "Nolita" is just plain wrong and creates a different market than advertising the correct "SoHo"; and

WHEREAS the \$45 advertised cost is far above the market, particularly for unrenovated buildings in that area and the comparables for Broadway, Avenue of the Americas and West Broadway are for finished Class B space, and this building is not even close to similar in quality and renovation, whether for ground floor or upper floor space; and

WHEREAS the applicant states that potential tenants "did not want to wait for relocation of the elevator", but a relocation of an elevator is a major reconstitution of a building this size and it is almost impossible for any tenant to be take possession and operate within a property this size during the relocation of an elevator (and committee members who are involved with similar projects know this to be a fact), so we find these reasons for not renting almost ludicrous and a complete sham; and

THEREFORE BE IT RESOLVED that CB#2, Man. has no issue with the conversion to joint living quarters for artists nor the retail use but denies the application for the following reasons:

V. We have issue with the method in which the applicant is going about adding a penthouse, which is allowable under current zoning, but not allowable for the applied for change in use to joint living quarters for artists, and the applicant is taking advantage of current zoning, making the penthouse a fait de accompli, then turning around and asking for another use, and they can't have it both ways;

VI. The advertising over the past year used to prove that the spaces were unrentable under the current use were incorrect, being the wrong area of "Nolita", when it should have been "SoHo", which has completely different potential tenants, and applicant's only proof of advertising was a letter from the applicant's real estate agent, no proof from newspapers or brokers as is usual under this zoning proposal.

VII. The \$45 price per square foot is at least \$10 above where they should have been asking based on the location and the fact that the spaces were not finished;

VIII. No tenant could possibly rent in a building and conduct business when the entire elevator was being moved, thereby dissuading any potential tenants.

Vote: Passed, with 31 Board members in favor, and 6 in opposition.

4. 541 Broadway a/k/a 112 Mercer St. City Planning Special Permit Application 020122ZSM Special Permit Application to Allow Use Group 6 (Retail) Below the Level of the Second-Story on the Broadway Side of the Building. The Mercer Street Half of the Building Already Permits Retail Use.

WHEREAS the first floor of this building has been used for retail use for many years, albeit not legally, and the application requests a change to retail use thereby legalizing the space; and

WHEREAS the upper floors are joint living quarters for artists and the building is a coop and we have been told the coop owns the ground floor space; and

WHEREAS the applicant's representatives advise that no other space within the building is affected by the change; and

WHEREAS the use appears benign and no one in the community spoke in opposition; and

WHEREAS despite the current long-term lease, a change to retail use would allow eating and drinking establishments, yet Broadway is a wide street and main thoroughfare that could easily handle such use, and, being a coop, the owners would have say over whether such a use is in their best interests, should the matter ever arise;

THEREFORE BE IT RESOLVED CB#2, Man. recommends the approval of the special permit to allow Use Group 6 (retail) on the ground

Vote: Unanimous, with 37 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo, Secretary
Community Board #2, Manhattan