

## FULL BOARD MINUTES

**DATE:** January 24, 2002  
**TIME:** 6:30 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street  
Cronin Auditorium, 10<sup>th</sup> Floor

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashkinazy, Tobi Bergman, Glenn Bristow, Charle Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Harriet Fields, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don MacPherson, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, John Short, Melissa Sklarz, James Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Jeanne Wilcke, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Helene Burgess, Arnold L. Goren, Don Lee, Rosemary McGrath, Robert Rinaolo, Ann Robinson, Debra Sandler, Wilbur Weder

**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 Alan Gerson's office; Andree Tenemas, Councilmember Margarita Lopez' office; Karen Maurer, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; Betty Rinckwitz, Rondi Lotter, Peter Falk, Tom McGeehan, Daniel R. Schaffer, John Leitgebs, Clio Vias, J. McDonald, Dan Leigh, Gary Deane, Karen Ginsberg, Jessie McNab, Gail Addiss, Ken Thelian, Clare Lambi, Janette Belkman, Kate Hixon, Alice Kirk, Josh Pickard, Michele Pia, Ellen Peterson-Lewis, Luis Plaza, Marko Gnann, Lynda Stern, Jonathan Dunrls, Sewin Chan, Alex Poulos, Mary K. Doris, Kelly Poulos, Peter Garidis, Jim Bond, Jose Caraballo, Christian Miller, Donato Savoie, David Zweig, Matt Lipstein, Stephen Wanta, Ann Rabinowitz, Peter Greenough, Nick Greenough, Scott Vandervoort, Vivien Goldman, T. Serkizis, G. Serkizis, Jessica Berk, Katy Bordonaro, Raju Mirchandani, Michelle Sandbri, Katharine Fricke, Eve Berkson, Paul Houtz, Frikakuh, Mark Heilhoff, Marc Rosa, Jane Alpert, Stefan Boublic, Thomas M. Doyle, Willam Cornwell, Jean Krampner, George Vellonakis, Eileen Bowser, Bunny Gabel, Margie Rubin, Bill Hine, Bill Talen, Christabel Gough, Zella Jones, iuke Liu, Howard Zipser, Susan Leonard, Andrew Glassberg, Kate Ayrton, Douglas Gowland, M. Felix, Tommy Zung, Steve Wygoda.

### MEETING SUMMARY

Meeting Date – January 24, 2002

Board Members Present – 38

Board Members Excused– 8

Board Members Absent - 3

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## II. PUBLIC SESSION

### Non-Agenda Items

#### West 13<sup>th</sup> St. Block Assn.

Clio Vlas spoke regarding block concerns.

#### Announcement

Marc Rosa, of the Public Advocate's office spoke.

#### Lower Manhattan Conference

Jane Alpert, of the Civic Alliance, announced a conference on February 7<sup>th</sup> on rebuilding Lower Manhattan.

#### Residents in Distress

Jessica Berk, from RID, spoke.

#### McBurney YMCA

Christian Miller gave an update.

### Business Items

#### Bull Bar, 54 Crosby St.

Stephen Wanta and Stefan Boublic, spoke against the proposal for the beer and wine license

### Parks, Recreation & Open Space

#### Plans to Renovate Abingdon Square Park

Thomas M. Doyle, William Cornwell, Jean Krampner, Eileen Bowser, Karen Ginsberg, Bunny Gabel, Margie Rubin, Betty Rinckwitz, Jessie McNab, Bill Hine, and Peter Falk, spoke against the proposal.

George Vellonakis, Dept. of Parks, spoke in favor of the renovation.

#### Public Hearing and Discussion of Possible Use of Seravalli Playground for Fashion Show on February

Peter Falk, Betty Rinciwitz and Jessie McNab spoke in favor of the resolution denying the use of the playground.

### Sidewalks, Public Facilities & Access Items

#### Village Farmers Market, Inc., d/b/a Turcquacino, 252 Bleecker St.,

Ann Rabinowitz, Nick Greenough, Peter Greenough, Marko Gnann and Michele Pia, spoke against the sidewalk café application.

Cornelia Street Café, 29 Cornelia St.  
Dan Leigh spoke against the sidewalk café renewal.

Rajmar Holdings, Inc. d/b/a Hudson Bar & Books, 636 Hudson St.  
Kate Ayrton, Douglas Gowland and M. Felix, spoke in favor of the resolution recommending denial of the sidewalk café application.

Steve Wygoda, architect for applicant, spoke in favor of the sidewalk café application.

Joe's Public, LLC, d/b/a Joe's Pub, 425 Lafayette St.  
Josh Pickard and Tommy Zung spoke in favor of the sidewalk café renewal.

### **Traffic and Transportation Items**

Renaming of West Street (bet. Morton & Barrow) to honor Detective Claude Daniel Richards  
Katy Bordonaro spoke in favor of the street renaming.

### **Zoning and Housing Items**

371 Lafayette St. (Cafeteria) - BSA variance application to allow restaurant use greater than 5,000 sq ft - continuance of hearing - #301-01-BZ.

Luis Plaza, Bil Talen, Alex Poulos, Zella Jones, Mike Liu, Howard Zipser, Susan Leonard and Andrew Glassberg, spoke in favor of the proposed application.

Christabel Gough and Vivien Goldman, spoke against the application.

John Leitgeb spoke regarding Cafeteria.

### **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 Alan Gerson's office.

Andree Tenemas, Councilmember Margarita Lopez' office,

Karen Maurer, of Councilmember Christine Quinn's office

#### **V. Adoption of Minutes**

Distribution and Adoption of December 2001 minutes

#### **VI. Executive Session**

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

### **STANDING COMMITTEE REPORTS**

#### **BUSINESS**

##### **1. Lembron Gourmet, Ltd., d/b/a Hasta La Pasta, 416 Sixth Avenue, NYC 10011**

**WHEREAS**, the applicant appeared before the committee; and

**WHEREAS**, this application is to upgrade from beer and wine to a full OP license, and

**WHEREAS**, the applicant stated that there would be no change in the menu or hours or method of operation, and

**WHEREAS**, this location has been in operation for nine years and has been under the same ownership for the past six years without incident; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an on premise license for Lembron Gourmet, d/b/a Hasta La Pasta, 418 Sixth Avenue, NYC 10011.

Vote: Unanimous, with 38 Board members in favor.

**2. D'O D Publicans, LLC., d/b/a Fiddlesticks, 54 Greenwich Avenue, NYC 10014**

**WHEREAS**, the applicant appeared before the committee; and

**WHEREAS**, this application is for a change of managing partner with the existing restaurant manager buying 90% of the partnership; and

**WHEREAS**, the applicant has been managing this location for the past three years; and

**WHEREAS**, there will not be any change in the method of operation of this premise; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application for a change of managing partner for D'O D Publicans, LLC. d/b/a Fiddlesticks, 54 Greenwich Avenue, NYC 10014.

Vote: Unanimous, with 38 Board members in favor.

**3. The Fifth Avenue Ballroom, LLC, d/b/a The Fifth Avenue Ballroom, 24 Fifth Avenue, NYC 10014**

**WHEREAS**, the applicant appeared before the committee; and

**WHEREAS**, this application is for an On Premise License for a catering hall; and

**WHEREAS**, the applicant stated that the premise will be used for typical catering hall functions only, weddings, Bar Mitzvahs, etc.; and

**WHEREAS**, the applicant is a well known operator with several prestigious locations; and

**WHEREAS**, the premise is located in a co-op building and the applicant has apparently passed the scrutiny of the co-op board; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application for an on premise license to The Fifth Avenue Ballroom, LLC. d/b/a The Fifth Avenue Ballroom, 24 Fifth Avenue, NYC 10011

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

**Bull Bar, Inc., 54 Crosby Street, NY 10012 (bet. Broome & Spring Sts.) Application for Wine & Beer License**

**WHEREAS**, Bull Bar, Inc., 54 Crosby Street, applied for a beer and wine license and, while such application is not subject to the 500-foot rule, CB#2, Man. held a hearing at the request of several neighbors who object to the grant of a beer and wine license. A number of its neighbors attended CB#2, Man.'s January meeting to urge rejection. CB#2, Man. has found that:

**This use is not currently permitted at these premises.** According to the NYC Buildings Department (DOB), there is a pending application for change of use (as described below) but no final inspections have been requested and no Certificate of Occupancy issued. Under these circumstances, the DOB will not issue a letter of no objection.

**There seems to be significant differences between the applications made to the NYC DOB and the State Liquor Authority (SLA).** This and visual inspection raise questions about the applicant's intentions. The applicant applied to Buildings for an Alt1 Change of Use of the second floor to UG6 eating and drinking and the excavation of a cellar for open access storage. The Mezzanine would continue as caretaker's apartment and the ground floor as UG9, Artist's Studio. However, the application to the SLA is not limited

to sale of wine and beer on the second floor. There is a large bar on the ground floor and ground floor occupancy of 63 persons. Additionally, the beautiful terrazzo tiling in the storage cellar and lovely access stairs seem to indicate an intended use other than storage.

**The premises are for sale. This raises concerns about responsibility for the operation of Bull Bar at this location.** The owner of the building, who is also the Applicant's principal, has told his neighbors that he intends to sell the building and return to Italy.

**The building's owner and principal of the applicant corporation has a history of non-conformance with the law.** For example, he added additional stories to his building without first obtaining a permit, made significant changes to the façade in violation of the Landmarks Law (for which there is an outstanding violation) and has dumped his sculpture on public property without first obtaining permission.

**On New Year's Eve there was a party at the applicant premises with people lined up outside late at night.** No Temporary Public Assembly Permit was issued. Neighbors are concerned such parties will become the norm should a license be granted.

**Bull Bar, with a stated capacity of over 120 persons, would significantly alter for the worse the nature of this quiet street.** Uses of the buildings fronting on Crosby Street are primarily Joint Living Work Quarters for Artists on the upper floors. Ground floors occupants are closed by 8 or 9 p.m. after which there is little activity on the street other than a reasonable amount of pedestrian and vehicular traffic and some activity at the delivery entrance to Balthazar Restaurant; and

**WHEREAS** numerous people in the community came and objected to this liquor license;

**THEREFORE, BE IT RESOLVED,** for the reasons cited above, that CB#2, Man. highly recommends that the SLA deny the application made by Bull Bar, Inc., 54 Crosby Street, for a wine and beer license; and

**BE IT FURTHER RESOLVED** that the Dept. of Buildings be sent a copy of this resolution with the recommendation that it ensure that any issued certificate of occupancy will make clear that the only permitted use on the ground floor and cellar are, respectively, Artists Studio and open access storage.

Vote: Unanimous, with 38 Board members in favor.

## INSTUTIONS

### **Lesbian, Gay, Bisexual & Transgender Center**

**WHEREAS** the west 13<sup>th</sup> St. Neighborhood Assn. has indicated that there have been ongoing problems stemming from the large population served by the LGBT Center that go back to the 1980's and

**WHEREAS** these problems relate to the approximate 5,000 persons coming weekly to the LGBT Center's various Twelve Step Programs most of whom live outside the block and

**WHEREAS** the specific problems are the congregation and loitering of large numbers of persons on the sidewalk and accompanying noise at various hours of the day and night that are disruptive to the residents of the West 13<sup>th</sup> St. block between 7<sup>th</sup> -8<sup>th</sup> Avenues and

**WHEREAS** the administration of the LGBT has indicated its willingness to ameliorate these problems and cooperate with the West 13<sup>th</sup> St. community in doing so including adhering to the LGBT's Code of Conduct and Good Neighbor Policy

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan calls upon the administration and trustees of the LGBT Center to allocate a sum of money within its \$5.5 million annual operating budget for security personnel to insure that its clients do not congregate outside on the sidewalk, and

**BE IT FURTHER RESOLVED** that the LGBT staff institute a procedure with its various 12 Step Program directors that the latter inform their respective client groups of the Code of Conduct and Good Neighbor Policy at each session and insure that these policies are followed, and

**BE IT FURTHER RESOLVED** that this matter will be monitored by all parties who agreed to meet in February to assess progress or lack thereof.

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

## LANDMARKS AND PUBLIC AESTHETICS

### PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, January 22<sup>nd</sup> & 29<sup>th</sup>

#### **1. LPC Item: 4 – 177 Macdougall Street - WITHDRAWN**

#### **2. LPC Item: 5 – 61 Grove St. - LAID OVER**

**3 LPC Item: 6 – 79 Barrow Street (Commerce/Hudson) A building built in 1906. Application is to legalize the installation of a metal garbage enclosure without LPC permits.**

**WHEREAS**, the applicant stated that it is not practical to store the garbage inside the building; and

**WHEREAS**, the existing enclosure that sits behind the encroachment of the adjacent buildings has metal bars and exposes the garbage to view;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. urges the LPC to explore other legal remedies creatively with the applicant, such as internal storage in the basement; and

**BE IT FURTHER RESOLVED** that if no such alternatives are possible, we would prefer in the existing location a solid enclosure more esthetically pleasing.

Vote: Unanimous, with 38 Board members in favor.

#### **4. LPC Item: 7 – 193 West 4<sup>th</sup> Street, a/k/a 2 Sheridan Square - A row house built in 1834 and later altered. Application is to create a master plan governing the future installation of storefronts.**

**WHEREAS**, we appreciate the effort the applicant took to unify the storefronts, although since the theater has just remodeled, it is unlikely this so-called Master Plan will be implemented; and

**WHEREAS**, the materials, scale, and rhythm of the fenestration is appropriate, but

**WHEREAS**, we reiterate our long-standing opposition to fixed awnings and prefer a retractable awning or no awning; and

**WHEREAS**, the proposal for a corrugated metal base should be amended to utilize a more sympathetic treatment;

**THEREFORE, BE IT RESOLVED** that CB#2, Man recommends approval of the materials and scale of the storefront, but recommends denial of the awning and corrugated metal base.

Vote: Unanimous, with 38 Board members in favor.

#### **5. LPC Item: 8 – 415 Lafayette Street (W 4<sup>th</sup>/Astor Pl.) A building built in the early 19<sup>th</sup> century with Italianate style details added in 1884 and later alterations. Application is to legalize the removal of storefront infill without LPC permits and the installation of new storefront infill**

**WHEREAS**, the proposed storefront is streamline and clean-cut, and we appreciate the effort to enclose the entry foyer; but

**WHEREAS**, the materials and style is not historically accurate and bears no relation to the streetscape or the nearby Public Theater;

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

Vote: Unanimous, with 38 Board members in favor.

#### **6. LPC Item: 9 – 43 Wooster Street (Grand/Broome) A store- and - loft building built in 1884. Application is to request the LPC to issue a report to the CPC pursuant to Section 74-711 of the ZR for a Modification of Use.**

**WHEREAS**, earlier we had reviewed and approved front façade work, and this proposed work on the rear façade is appropriate and serves a preservation purpose; and

**WHEREAS**, there is a preservation program in place for the building;

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

**BE IT FURTHER RESOLVED**, that such approval relates only to the Landmark portion of this 74-711 application and does not include changes of use, which shall be determined after public hearing before CB#2, Man.'s Zoning Committee.

Vote: Unanimous, with 38 Board members in favor.

7. LPC Item: 10 – 112 Greene - WITHDRAWN

**8. LPC Item: 11 – 77 Eighth Avenue – Individual Landmark/The New York County National Bank (Former Manufacturers Hanover Trust) A new-Classical style bank building built in 1907. Application is to install signage and flagpoles and banners.**

**WHEREAS**, since banners are not permitted elsewhere in the nearby Greenwich Village Historic District, and since the proposed banners are excessive in size and number;

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

Vote: Unanimous, with 38 Board members in favor.

## **LESBIAN, GAY, BISEXUAL & TRANSGENDER**

### **SONDA RESOLUTION**

**WHEREAS**, the New York State Senate is poised to pass the Sexual Orientation Non Discrimination Act (SONDA) after the State Assembly passed it in 2001 by the vote of 110-30 and with Governor Pataki in favor; and

**WHEREAS** some gay, lesbian and transgender activists feel the bill is incomplete as written by providing no civil rights coverage for transgender and gender variant people and these activists are lobbying groups around New York State for an amendment; and

**WHEREAS** the activists have approached Empire State Pride Agenda (ESPA) and Assembly Member Steve Sanders, the bill's author, and Assembly Member Deborah Glick in an effort to amend the bill for complete LGBT coverage; and

**WHEREAS** Mr. Sanders is deferring to ESPA and Ms. Glick before he seriously considers changing the existing bill by adding 17 lines to add the concept of "gender identity and expression" and it's definitions; and

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. support an amendment to SONDA to include "gender identity and expression" as appropriate for civil rights at the state level and

**BE IT FURTHER RESOLVED**, that CB#2, Man. further asks Assembly Member Glick to reiterate her support as mentioned in a January 17<sup>th</sup> City Hall Press Conference and to further lobby ESPA to change the current version of SONDA to include "gender Identity and expression."

Vote: Unanimous, with 38 Board members in favor.

## **PARKS, RECREATION AND OPEN SPACE**

### **1. Final Public Hearing On Plans To Renovate Abingdon Square Park.**

**WHEREAS** a plan has been presented to parks committee of CB#2-Man. to renovate Abingdon Square Park; and

**WHEREAS** following a number of meetings in addition to a final public hearing on January 2, 2002; and

**THEREFORE BE IT RESOLVED** that CB#2-Man. reiterates its previous position and votes to approve the plan to renovate Abingdon Square Park.

**THEREFORE BE IT FURTHER RESOLVED** that CB#2-Man. request the Department of Parks to appear before the parks committee on a regular basis in order to provide the committee with an update in the project's progress and in order to enable the committee to continue to have input in the project.

Vote: Passed, with 34 Board members in favor; 3 in opposition.

## **2. Request for Funds**

**WHEREAS**, the Bleecker Sitting Area is in run-down condition. with old rotting benches and an uneven surface which is sinking in many areas, and

**WHEREAS**, the Bleecker Sitting Area is an important and vibrant part of the West Village community, it is hereby

**RESOLVED**, that CB#2, Man. requests that Borough President Fields and City Council Member Quinn include, in their capital budget requests for Fiscal Year 2003, sufficient money to renovate the Bleecker Sitting Area.

Vote: Unanimous, with 38 Board members in favor.

## **3. Consideration of an Application by NYU to Hold Their 2002 Commencement on May 16, 2002, at Washington Square Park.**

**WHEREAS** New York University (NYU) has applied for permission to hold their 2002 commencement exercises in Washington Square Park, on May 18, 2002, for the 27<sup>th</sup> consecutive year; and

**WHEREAS** as in all previous years, NYU will clean the park before and after the exercises, mow the lawns, etc, and leave the park in better condition than they found it; and

**WHEREAS** NYU has been in the forefront of all our efforts to make Washington Square Park a cleaner, more beautiful and safer park;

**THEREFORE BE IT RESOLVED** that CB#2-Man. approves the application and recommends the Department of Parks also approve this application.

Vote: Passed, with 32 in favor, and 6 in opposition.

## **4. Public Hearing and Discussion of Possible Use of Seravalli Playground for Fashion Show on February 4<sup>th</sup> To February 14<sup>th</sup> 2002**

**WHEREAS** a proposal has been made by the Marc Jacobs Company to sponsor a fashion show in Seravalli Playground; and

**WHEREAS** the proposal is for the playground to be used for ten days from February 4<sup>th</sup> to February 14<sup>th</sup> 2002; and

**WHEREAS** this community feels playgrounds are for the use of our children; and

**WHEREAS** to deprive the children of this well-used playground is not acceptable;

**WHEREAS** this is an inappropriate use of space public space in a community which has far less park space than virtually all other communities in this city

**THEREFORE BE IT RESOLVED** that CB#2-Man. rejects using Seravalli Playground for a fashion show by the Marc Jacobs Company and asks the Department of Parks to do the same.

Vote: Passed, with 36 Board members in favor, 1 Recusal \_\_\_\_ and 1 Abstention.

## **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**NEW application for revocable consent to operate an unclosed sidewalk café for Hudson Bar & Books, 636 Hudson St., NYC, with 6 tables & 13 seats. DCA# 1092103.**

**WHEREAS** the area was posted, the applicant and his architect appeared before the committee and were willing to reduce the number of tables and seats; and

**WHEREAS** there were several people from the community to oppose this application and an overwhelming amount of signatures for and against this sidewalk café; and



**WHEREAS** the community states this establishment is not a good neighbor and has been putting tables and chairs out without a permit and were serving alcohol; and

**WHEREAS** the community claims this establishment has live jazz, is noisy and keeps its doors open; and

**WHEREAS** the applicant stated he no longer has live jazz, has installed springs on his front door and sound proof the ceiling; and

**WHEREAS** the applicant has agreed to install an awing to keep noise down and a removal railing around the sidewalk café; and

**WHEREAS** the applicant does not have a kitchen or an exhaust system, but will be serving prepared food from a pantry type kitchen;

**THEREFORE BE IT RESOLVED** that CB#2, Man recommends approval of a ONE-YEAR revocable consent to operate an unenclosed sidewalk café with 4 tables & 8 seats ONLY for Hudson Bar & Books, 636 Hudson St., NYC, DCA# 1092103.

Vote: Unanimous, with 38 Board members in favor.

**New application for revocable consent to operate an unenclosed sidewalk café for Bar Pitti Restaurant, 268 Sixth Ave., NYC, with 24 tables & 48 seats, DCA# 1097155.**

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

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

**WHEREAS** there was no opposition from the community; and

**WHEREAS** this is an existing unenclosed sidewalk café of 15 tables and 30 seats and the applicant is requesting additional seats; and

**WHEREAS** the applicant agreed to a reduced outdoor café of 20 tables and 40 seats;

**THEREFORE BE IT RESOLVED** that CB#2, Man recommends approval of a one year revocable consent to operate an unclosed sidewalk café with 20 tables & 40 seats, for Bar Pitti Restaurant, 268 Sixth Ave., NYC, DCA# 1097155.

Vote: Passed, with 35 Board members in favor, and 3 in opposition.

**New application for revocable consent to operate an unenclosed sidewalk café for Da Andrea Restaurant, 557 Hudson St., NYC, with 5 tables & 12 seats, DCA# 1096547.**

**WHEREAS** the applicant appeared before the committee stated he is a new owner of the establishment; and

**WHEREAS** the area was posted there was no opposition from the community; and

**WHEREAS** there is sufficient passage for pedestrian safety and public access;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one year revocable consent to operate an unenclosed sidewalk café to Da Andrea Restaurant; 557 Hudson St., NYC, for 3 tables & 8 seats, DCA# 1096547.

Vote: Unanimous, with 38 Board members in favor.

**New application for revocable consent to operate an unenclosed sidewalk café for Turcquacino Market, 252 Blecker St., NYC, with 10 tables & 20 seats, DCA# 1096951.**

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

**WHEREAS** an overwhelming amount of members of the community appeared before the committee to oppose this sidewalk café and;

**WHEREAS** the community board office has also received many letters from the community opposing this application and there are many complaints on file against this establishment; and

**WHEREAS** the nature of this business is not a restaurant and does not have waiter service; and

**WHEREAS** this sidewalk is narrow and very overcrowded at all times with pedestrian traffic, also two street signs, a tree and a fire hydrant in front of this establishment; and

**WHEREAS** there is an elementary school and a church across the street, having a sidewalk café would make it unsafe for children safety.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a revocable consent to operate an unenclosed sidewalk café to Turcquacino Market, 252 Bleecker St., NYC for 10 tables & 20 seats, DCA# 1096951.

Vote: Unanimous, with 38 Board members in favor.

**Renewal application for revocable consent to operate an unenclosed sidewalk café by Cornelia Street Cafe, 29 Cornelia Street, NYC with 6 tables & 12 seats, DCA# 786740.**

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

**WHEREAS** there was an overwhelming amount of opposition from the community and from the Central Village Block Association along with pictures of this sidewalk café; and

**WHEREAS** the community stated that the café sometimes has more customers then the sidewalk permit allows; and

**WHEREAS** the owner of this establishment does put an A-frame sign on this sidewalk along with having a serving station and many planters making it very difficult to walk; and

**WHEREAS** the owner has agreed to remove the A-frame board and other illegal sidewalk impediments immediately; and

**WHEREAS** this is a twenty (20) year old sidewalk café on a narrow sidewalk;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE-YEAR ONLY revocable consent to operate unenclosed sidewalk café Cornelia Street Café, 29 Cornelia St., NYC, for 6 tables & 12 seats, DCA# 786740.

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

**Renewal application for revocable consent to operate an unenclosed sidewalk café by Joe's Public, 425 Lafayette St., NYC with 20 tables & 51 seats, DCA # 1029371.**

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

**WHEREAS** this applicant is known in the community and has always been a good neighbor and;

**WHEREAS** there was some opposition from the community because this sidewalk café is located next to the Public Theatre and one time there were people camping out for tickets and;

**WHEREAS** the applicant agreed to have someone to organize the crowd when there are events at the public theatre, because there were some complaints from the co-op 439 Lafayette and;

**WHEREAS** there are no other complaints on file about this sidewalk cafe and;

**WHEREAS** this sidewalk is twenty one feet, two inches more than enough space for pedestrian safety and public access and;

**WHEREAS** the sidewalk has two eight foot planters, the owner has offered to reduce them to four feet or remove them altogether:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Joe's Public Restaurant, 425 Lafayette St., NYC, with 20 tables and 51 seats.

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

**Renewal application for revocable consent to operate an unenclosed sidewalk café for Ray’s Pizza Restaurant, 27 Prince St., NYC, with 4 table & 10 seats, DCA #782286.**

**WHEREAS** the applicant appeared before the committee and,

**WHEREAS** the area was posted there was no opposition from the community and;

**WHEREAS** there is sufficient passage for pedestrian safety and public 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 Ray’s Pizza Restaurant, 27 Prince St., NYC, with 4 tables & 10 seats.

Vote: Unanimous, with 38 Board members in favor.

**Renewal application for revocable consent to operate an unenclosed sidewalk café for Da Massimo Restaurant, 206 Thompson St., NYC with 5 tables & 10 seats. DCA # 885815.**

The Applicant Failed To Appear. We Will Hold Over Till February.

**TRAFFIC AND TRANSPORTATION**

**1. New York University Bus stops along West 3<sup>rd</sup> St. between Mercer St. and La Guardia Place.**

**WHEREAS;** New York University (NYU) has two bus stops along West 3<sup>rd</sup> St. between Mercer St. and La Guardia Place to service their student bus system, And;

**WHEREAS;** A survey by Washington Square Village Tenants Assoc. has shown that the need for two bus stops in the same block is questionable, And;

**WHEREAS;** NYU has asked CB#2, Man. to wait until July to make a final decision so that the University can reevaluate the need for both bus stops, And;

**WHEREAS;** NYU has offered support for interim measures that will allow additional parking, And;

**THEREFORE BE IT RESOLVED,** that CB#2, Man. requests that the NYCDOT reduce the length of both bus stops and define the minimum length necessary with appropriate signage, And;

**THEREFORE BE IT FURTHER RESOLVED,** that additional signage be posted that allows the bus stops to be used for drop off and pick up from 7 am to 4 PM and allows parking at other times, And,

**THEREFORE BE IT FURTHER RESOLVED,** that New York University return to the Traffic & Transportation Committee by July so that a final determination can be made on the need for both bus stops.

Vote: Unanimous, with 38 Board members in favor.

**2A. To extend the #1 Bus Line to City Hall and Provide Service until Midnight and on Weekends**

**WHEREAS;** the #1 bus line that runs down Broadway currently terminates at St. Marks Place after 6:00 PM and all day on weekends, And;

**WHEREAS;** recent events have greatly disrupted public transportation in all of lower Manhattan and has created an economic crisis in the downtown area

**THEREFORE BE IT RESOLVED,** that CB2, Man. requests that the NYC MTA extend the #1 bus line to City Hall and provide service until midnight and on weekends.

Vote: Unanimous, with 38 Board members in favor.

**2B. Improving Service on the #M1 Line.**

**WHEREAS,** the effort to revitalize community businesses in the area south of 14th Street requires strong public transportation; and

**WHEREAS** many of the bus systems, popular with visitors to our city, offer only severely limited services to NoHo, SoHo, Chinatown, Little Italy, and the downtown financial district; and

**WHEREAS** the #1 bus, a major line serving the Broadway corridor is a grim example of this lack of service, shutting down at 6:30 p.m. and inoperative on weekends'

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges the MTA to help in the revitalization of Lower Manhattan by (1) thoroughly reviewing bus service to Lower Manhattan with a view to prompt improvements for the duration of the present economic emergency (2) expanding bus service to South Ferry and other key downtown locations and (3) undertaking a vigorous promotion campaign to let the traveling public know that bus service has been improved

**AND BE IT FURTHER RESOLVED** that the MTA pay special attention to improving service on the M1 line, a particularly poor example of under service during the present emergency.

Vote: Unanimous, with 38 Board members in favor.

**3. To add a new street name in honor of NYPD Detective Claude Daniel Richards on West Street between Morton and Barrow**

**WHEREAS;** NYPD Detective Claude Daniel Richards lived for many years at 121 Morton Street before moving to 376 West Street And;

**WHEREAS;** Detective Richards was assigned to the Bomb Squad at the 6<sup>th</sup> Police Precinct which serves the Greenwich Village Area, And;

**WHEREAS;** On 9/11/01 Detective Richards responded to the attacks on the World Trade Center and died in the line of duty while helping others to escape from the towers.

**THEREFORE BE IT RESOLVED,** CB#2, Man. joins with the residents of West Village Houses in memory of our fallen hero and requests a new street name in honor of NYPD Detective Claude Daniel Richards on West Street between Morton and Barrow.

Vote: Unanimous, with 38 Board members in favor.

**4. Street Closings for the Mulberry Street Mall**

**WHEREAS;** Mulberry St. was closed for 4 weekends in December to accommodate a promotional event sponsored jointly by the Little Italy Merchants Association and NYC & Company And;

**WHEREAS;** The successful event was intended to assist businesses in Little Italy that were affected by the events of 9/11, And;

**WHEREAS;** The event was very quickly organized in 7 days and the sponsors gave no notice to local residents, And;

**WHEREAS;** Residents experienced limited access to their homes during the holidays and there were many problems with traffic flow due to street closings including traffic back up as far as Morton St., And;

**WHEREAS;** Community Board 2 Manhattan is very aware of the creeping problems of the Mulberry Street Mall and has received many complaints that remain unresolved;

**THEREFORE BE IT RESOLVED,** that CB#2, Man. requests that the Little Italy Merchants Association submit plans to Community Board #2 for review prior to the opening of the Mulberry Street Mall, And;

**THEREFORE BE IT FURTHER RESOLVED,** that the Little Italy Merchants Association shall establish a Community Advisory Committee in order to give voice to the concerns of the residents and to assist in spreading information, And;

**THEREFORE BE IT FURTHER RESOLVED,** that the Little Italy Merchants Association shall hire off duty police officers to direct traffic during the operation of the Mulberry Street Mall, And;

**THEREFORE BE IT FURTHER RESOLVED** That the Mayors Community Assistance Unit should submit reasonable rules of operation for the Mulberry Street Mall to Community Board #2 for review; And

**THEREFORE BE IT FURTHER RESOLVED** that traffic signs be placed warning drivers that a street closing is ahead.

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

**5. Proposed Bus Shelter Locations:**

**WHEREAS**, the NYC Dept. of Transportation has submitted a list of Bus Shelter Locations in our district, And

**WHEREAS**, The Proposed Bus Shelter at the SW Corner, Houston St. @ Mercer St. is in a Landmark District that does not allow advertising on the Bus Shelter.

**THEREFORE BE IT RESOLVED** that CB#2-Man. requests new bus stop shelters at: The SE Corner, Houston St. @ 6<sup>th</sup> Ave.

The SE Corner, 4<sup>th</sup> Ave. @ 12<sup>th</sup> St. (Not in CB#2)  
The SW Corner, Houston St. @ Mercer St.

**THEREFORE BE IT FURTHER RESOLVED** that the Proposed Bus Shelter at the SW Corner, Houston St. @ Mercer St. shall not allow advertising on the Bus Shelter.

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

**ZONING AND HOUSING**

**1. 357-371 Lafayette St. BSA #301-01-BZ Board of Standards and Appeals Variance Application to Allow Restaurant Use Greater Than 5,000 sq. ft.**

**WHEREAS** the community and preservationists came out in strong opposition against the displacement of the Jones Diner, one of the last of the working-class diners in the area and existing since 1938, saying its demise would change the character of the neighborhood; and

**WHEREAS** there was also support for the developers, based on the current restaurant they operate in Chelsea, their willingness to work with the community, the fact that the building is below the floor-area ratio allowed under current zoning regulations and the alternative variances for the lots could be far more onerous to this sensitive location; and

**WHEREAS** the site is a pivotal one, being smack in the middle of the NoHo district in the part of NoHo that is slated for, but not yet landmarked; and

**WHEREAS** the modern design is light and airy, and not the brick box construction with no redeeming qualities that we are firmly against, yet preservationists are very concerned about the impact on the overall district and the change in the character of the neighborhood architecturally; and

**WHEREAS** the abutting building at 20 Bond Street is home to artists and typical of the character of the neighborhood and it is crucial that any use differing from allowable zoning incorporate accommodations to the allowable uses; and

**WHEREAS** we understand that 20 Bond Street and the NoHo Neighborhood Association are working with the developers to mitigate impacts on the neighborhood, and any such agreements should be incorporated into the BSA's final decision; and

**WHEREAS** the community is concerned that the restaurant will be open 24 hours a day and that the terrace area on the third floor may be used for catering events which are not allowed, and, in addition, that the whole front of the restaurant can be opened and there is also outdoor seating along the whole Lafayette Street frontage, which can create noise problems to those who live in the district; and

**WHEREAS** although the site tapers off on the south side, it is not such a "highly irregular shape" as the applicant is arguing in its uniqueness finding; and

**WHEREAS** the applicant implies that existing businesses, such as automotive, are not economically feasible in the area, yet there are many such businesses in the area; and

**WHEREAS** the former automotive use across from the site which is cited as an example of outdated uses did not "go out of business" as the applicant cites, but instead was shut down and its sole use now is for a giant billboard, a use which gives no productive impact to the City as relates to the best and highest use of land, and is a thorn in the community's side which worked for many years on landmarking; and

**WHEREAS** the applicant cites "residential" uses in the area and this should be changed to reflect that the actual use is artists-in-residence; and

**WHEREAS** we have made requests for environmental data, seeing as this site has had industrial uses and has had tanks removed and we have not received all the requested data at this time, nor the time to review it; and

**WHEREAS** a check of NYS Dept. of Environmental Conservation's (NYSDEC) records shows that NYSDEC Petroleum Bulk Storage Data Base continues to list six underground storage tanks (USTs) at the site [PBS# 2-349836], and NYSDEC's Open Spill Data Base lists one spill (#9400935 on April 19, 1994) with no closure report, which circumstances would make the site unfit for the proposed development; and

**WHEREAS** the applicants failed to provide members of the Zoning and Environment Committees with the requisite and repeatedly-promised documentation to back up their own verbal claims that the six USTs have been removed and the site cleaned of toxic petroleum residue, nor was any mention made of the 1994 gasoline spill and of the NYSDEC report that remains open;

**THEREFORE BE IT RESOLVED** that we request of the developers to think about the unique opportunity and design elements of incorporating the diner into the new building and view such incorporation as the best of all give backs to the community; and

**BE IT FURTHER RESOLVED** that any agreements between the applicant and 20 Bond Street and the NoHo Neighborhood Association should be incorporated into the BSA variance, and neighborhood groups are concerned about the 24-hour operation, and the open doors and the open area uses that often lead to noise problems; and

**BE IT FURTHER RESOLVED** that this location is a pivotal one and right in the middle of the NoHo district, and although the community is not adverse to modern design, given that the second phase of landmarking NoHo is being undertaken, preservationists have expressed concern about the impact of the removal of the Jones Diner and the design impact of the new building; and

**BE IT FURTHER RESOLVED** that, despite repeated promises, the applicants have failed to provide CB#2, Man. with the requisite environmental documentation showing removal of and cleanup after six underground gasoline storage tanks, and an Environmental Committee check of NYSDEC's records show that NYSDEC's Bulk Storage Data Base continues to list six underground storage tanks (USTs) at the site [PBS #2-349836]; moreover, NYSDEC's Open Spill Data Base lists a spill (#9400935 on April 19, 1994) with no closure report; and

**BE IT FURTHER RESOLVED** that the environmental information requested must be received and opened upon before any decision is made, including Phase I and Phase II information and plans for venting of restaurant fumes, suppression of venting noise, and garbage storage and pickup; and

**BE IT FURTHER RESOLVED** that although the community is relieved to see plans for a three-story building being erected on the site and not one much higher, yet the community and preservationists strongly oppose the displacement of the Jones Diner, a use which is the soul of the community, a long-standing, working class diner, and therefore CB#2, Man. does not support the variance unless the Jones Diner can be incorporated into the design of the new building.

Vote: Passed, with 35 Board Members in favor, and 3 in abstention.

**2. 465 Broadway a/k/a 106-12 Grand St. City Planning Commission Special Permit Application C020189ZSM - Application To Allow Use Group 6A & 6B (Office And Retail Uses) And/Or Use Group 5A (Hotel Use) On The Ground Floor And In The Cellar**

**WHEREAS** no one from the public spoke against the application;

**WHEREAS** there is a safety concern about the corridor along the north side of the building and the applicant said the corridor would be gated and could be closed;

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends the approval of the special permit to allow office, retail or hotel uses on the ground floor and in the cellar of the building at 465 Broadway a/k/a 106-12 Grand St.

Vote: Unanimous, with 38 Board members in favor.

**3. 72-76 Greene Street - City Planning Commission Special Permit Application 02008-81ZSM Application To Allow Use Group 6 Below The Second Story In An M1-5a Zoning District.**

**WHEREAS** no one from the public spoke against the application; and

**WHEREAS** the current two stores at the site, an antique store and a clothing store (temporary), have not caused any problems in the neighborhood; and

**WHEREAS** there was concern expressed that if the spaces were combined, the total square footage of retail space would total 7213 sq. ft. on the first floor and mezzanine and 6288 sq. ft. in the cellar;

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends the approval of the special permit to allow Use Group 6 (retail) on the ground floor of 72-76 Greene Street except for eating and drinking, particularly if there exists the possibility of combining the spaces.

Vote: Unanimous, with 38 Board members in favor.

**4. New York University, 50 Washington Square East - Board Of Standards And Appeals Application To Amend Variance 267-70-BZ, and Thereby Subdivide A Lot In Order To Allow Lot Line Windows To Be Installed Which Would Otherwise Not Be Allowed**

**WHEREAS** there is concern about potential transfer of air rights in the future, but the amount of air rights is small;

**WHEREAS** New York University (NYU) Law School representatives promised to work with the Community Board to make several user-friendly modifications to the Sullivan Street park open space before it is reconstructed;

**THEREFORE BE IT RESOLVED** CB#2, Man. recommends the approval of the subdivision of the zoning lot in order to allow windows in the residential portion of the building in the adjacent zoning lot, currently lot line windows, to become legal windows, and appreciates NYU's willingness to work with the Community Board on making appropriate modifications to the Sullivan Street park to make it more user-friendly.

Vote: Passed, with 37 Board members in favor, and 1 recusal (C. Reichman).

**5. 69-71 Macdougall St. BSA application to legalize a new dining room at the rear of the building and a storage room in the cellar #292-01-BZ.**

**WHEREAS** the applicant stated that the unique physical or exceptional topographical conditions of the zoning lot which create the hardship are:

- II. The zoning lot has an odd size and configuration, although the site consists of two 20' x 100' lots, the same as the small lots across the street, and, as combined, are the same size and shape as the lots for 79-81 and 83-85 Macdougall St. on the same side of the street;
- III. The preexisting nonconforming use in a residential structure is not permitted to expand—which is the regulation for all such uses;
- IV. The fact that the structure was built prior to the zoning, which is certainly not unique; and

**WHEREAS** the applicant claims that because of the existing structure with its nonconforming use cannot be operated profitably, the property meets the requirements of Finding A; and

**WHEREAS** since none of the above constitutes the conditions specified for Finding A, the financial statements submitted are not relevant; and

**WHEREAS** at our hearing, it appears the reason the property does not yield a reasonable return is because the restaurant employs a large number of family members; and

**WHEREAS** the property was overbuilt before the rear yard was enclosed illegally for the restaurant six years ago; and

**WHEREAS** although the applicant claimed the restaurant is a legal nonconforming use, no Certificate of Occupancy of Consumer Affairs licenses for the restaurant, rear yard extension or sidewalk café were submitted;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the variance requested for 69-71 Macdougall St.

Vote: Unanimous, with 38 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,  
Secretary, Community Board #2, Manhattan