

FULL BOARD MINUTES

DATE: October 24, 2002
TIME: 6:30 P.M.
PLACE: Lucille Lortel Theater
121 Christopher Street

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Keith Crandell, Doris Diether, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Rosemary McGrath Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Mark Rosenwasser, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, Shirley H. Smith, Sean Sweeney, Martin Tessler, Lora Tenenbaum, Stephanie Thayer, Wilbur Weder, Jeanne Wilcke.

BOARD MEMBERS EXCUSED: Helene Burgess, Anthony Dapolito, Harriet Fields, Ann Robinson, Rocio Sanz, Ruth Sherlip, Betty Williams, Carol Yankay.

BOARD MEMBERS ABSENT: Noam Dworman, Lawrence Goldberg, Hyun Lee, Don Mac Pherson, Doris Nash, T. Marc Newell, James Smith.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, Senator Tom Duane's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gary Parker, Assembly Member Deborah Glick's office; Bradford Sussman, Man. Borough President C. Virginia Fields's office; Dirk McCall, Council Member Alan Gerson's office; Andree Tenemas, Council Member Margarita Lopez's office; Carin Mirowtitz, Council Member Christine Quinn's office; Christian Miller, Patricia Norman, Frank Bradshaw, Andrew Berman, Amelia Schwartz, M. Gelfman, David Ruth, K. Twelkar, Dierdre Carson, Jose Caraballo, Carlos Manzano, Sante Scardillo, Cynthia Smith, Jean Krampner, Anita Segal, Irene Da Costa, Steve ben Israel, Christine Calabrese, David Schaffar, Vittorio Assaf, Betty Rinckwitz, Patricia Hynes, Susan Goren, Ivan Karp, John McGann, Ray Fink, Patricia Brunson, Bill Goodman, Miriam Sarzin.

MEETING SUMMARY

Meeting Date: October 24, 2002
Board Members Present – 32
Board Members Excused– 8
Board Members Absent - 7

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II. PUBLIC SESSION

Non-Agenda Items

Pratt Institute

Patricia Hynes, representing Pratt, spoke about the opening of buildings on 14th St.

Cuts to Libraries

Amelia Schwartz, NYPL, spoke against the cutting of City funds to libraries.

YMCA

Christian Miller updated the community, stating that the building at 125 W. 14th St. is a month and a half away from completion.

Serafina, 393 Lafayette St.

Vittorio Assaf stated his opinion of the situation re: Serafina Lafayette.

Chinatown B.I.D.

Don Lee spoke re: B.I.D. proposal.

Ray Fink of the NYC Districting Commission spoke.

John McGann spoke.

Business Items

Sante Scardillo spoke against the renewal of a liquor license.

Thompson Hotel, 60 Thompson St.

David Ruth spoke re: the alteration to the liquor license.

Patricia Brunson, Ivan Karp and Frank Bradshaw spoke against the alteration application.

Parks, Recreation & Open Space

Seravalli Playground

Miriam Sarzin spoke regarding this topic.

Traffic and Transportation Items

Traffic Signs at Perry St.

Betty Rinckwitz spoke in favor of the traffic signs.

Zoning and Housing Items

Andrew Berman spoke re: zoning.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Daryl Cochrane, of Congressman Jerrold Nadler's office

Bronley Luhrs, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Gary Parker, of Assembly Member Deborah Glick's office

Bradford Sussman, Man. Borough President C. Virginia Fields's office

Dirk McCall, of Council Member Alan Gerson's office.

Andree Tenemas, Council Member Margarita Lopez' office

Carin Mirowitz, of Council Member Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption and Distribution of September minutes.

VI. EXECUTIVE SESSION

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

STANDING COMMITTEE REPORTS

BUSINESS

1. Rehandari, LLC., d/b/a Ara, 24 9th Avenue a/k/a 675 Hudson Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 35 seat 550 square foot restaurant; and

WHEREAS, the applicant stated that this would be a Indian style restaurant with hours of operation being 5PM to 1AM seven days; and

WHEREAS, the applicant stated that music will be background only; and

WHEREAS, no one from the public spoke in opposition to this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to Rehandari, LLC., d/b/a Ara, 24 9th Avenue a/k/a 675 Hudson Street, NYC 10014.

Vote: Unanimous, with 32 Board members in favor.

2. Spring Café Realty LLC., d/b/a Café Lebowitz, 14 Spring Street, NYC 10012

WHEREAS, the applicants and their attorney appeared before the committee; and

WHEREAS, this application is for a upgrade from beer and wine to a full OP License in this 55 seat, 1000 square foot premise; and

WHEREAS, the applicant has been operating at this location since April, 2002 without any registered complaints or violations; and

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

WHEREAS, four members of the community appeared in opposition to this application, stating that this area has become overrun with bars and restaurants. They also stated that this location has front and side windows that open to the street permitting inside restaurant sounds to be heard outside the premises. Music did not seem to be the problem; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for Spring Café Realty LLC., d/b/a Café Lebowitz, 14 Spring Street, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

Spice West Inc., d/b/a Peep, 177 Prince Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 75 seat Thai restaurant in the space formerly occupied by Quilty's, with hours from 11:30 AM to 12:30:AM daily; and

WHEREAS, the applicant stated that music will be background only; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to Spice West Inc., d/b/a Peep, 177 Prince Street, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

4. 183 Bleecker St. B Rest. Inc., 183 Bleecker Street, NYC 10012

WHEREAS, the applicant and his attorney appeared before the committee; and

WHEREAS, this application is for an On Premise license for this former poster shop; and

WHEREAS, 12 members of the community and representatives of BAMRA and the Chapter Leader of the Guardian Angels appeared in opposition to this application; and

WHEREAS, the opponents stated that this street is having extreme difficulty with crowds, noise and general rowdiness. They stated that the quality of life is quite poor and that any additional licensed premises in this area will only exacerbate the already horrendous conditions; and

WHEREAS, the applicant stated that they are good operators who currently operate several similar locations throughout the city including two in this Community Board and that they are always responsive to the concerns of the neighbors; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the On Premise license for 183 Bleecker St. B Rest. Inc., 183 Bleecker Street, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

5. 184 Bleecker Street Café Inc., d/b/a Le Figaro, 184 Bleecker Street, NYC 10012

WHEREAS, the applicant and appeared before the committee; and

WHEREAS, this application is for an alteration to move the existing bar from the rear dining room to the front area adjacent to the front door; and

WHEREAS, the applicant stated that the bar business in the rear dining room is not good and wants to move the bar to the front in order to attract more customers. He also stated that there would be no change in the method of operation, music policy or menu; and

WHEREAS, members of the community appeared and stated that this location is within 140 feet of the Little Red School House and therefore was probably originally licensed in 1991 using the Macdougall Street address, which is the entrance to the rear dining room as the main entrance. The Macdougall Street entrance is over 200 feet from the school. This move of the bar will put the main entrance at 184 Bleecker Street within the 200 foot limit; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the alteration of the On Premise license for 184 Bleecker Street Café Inc., d/b/a Le Figaro, 184 Bleecker Street, NYC 10012, provided that the State Liquor Authority is satisfied as to the legality of this application regarding the proximity to the school.

Vote: Unanimous, with 32 Board members in favor.

Thompson Hotel Associates LLC. & Tongkin Restaurant LLC., d/b/a 60 Thompson Street Hotel, 60 Thompson Street, NYC 10012

WHEREAS, the applicant and their attorney appeared before the committee; and

WHEREAS, this application is to convert an existing service bar located on the roof into a regular stand up bar; and

WHEREAS, on June 17, 1999 at the full board meeting of CB#2, Man. recommended denial of a liquor license for use on the roof in response to community concerns that a rooftop lounge would be noisy and disruptive to the quiet enjoyment of the nearby residents; and

WHEREAS, 16 members of the community appeared at the committee meeting to oppose this alteration stating that the existing operation is noisy enough and that any expansive use will only make matters worse.

They stated that they have had to complain on numerous occasions to the First Precinct regarding excessive noise emanating from the open rooftop bar; and

WHEREAS, there are no regulations that govern the hours of operation or noise from rooftop premises as there are for sidewalk cafes which take into account the fact that the premises are open to the sky; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of the alteration of the On Premise license for Thompson Hotel Associates LLC. & Tongkin Restaurant LLC., d/b/a 60 Thompson Street Hotel, 60 Thompson Street, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

Crosby Restaurant Inc., d/b/a Savoy, 70 Prince Street a/k/a 105 Crosby Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an alteration of the existing On Premise License to move the bar from the second floor to the first floor; and

WHEREAS, the applicant stated that there would be no change in the method of operation, hours or music policy; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the alteration of the existing On Premise License for Crosby Restaurant Inc., d/b/a Savoy, 70 Prince Street a/k/a 105 Crosby Street, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

Mirin Corp., d/b/a Marion's Continental, 354-356 Bowery, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an alteration of the existing On Premise License at this location to expand into the adjacent store; and

WHEREAS, the new space will add an additional 1000 square feet to the dining room on the street level and will create a lounge in the basement; and

WHEREAS, no one from the public spoke in opposition to this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the alteration of the On Premise License for Mirin Corp., d/b/a Marion's Continental, 354-356 Bowery, NYC 10012

Vote: Unanimous, with 32 Board members in favor.

ENVIRONMENT

Standing Water in Potholes and Gutters as Potential Breeding Sites for West Nile Mosquitoes.

WHEREAS, New York City Department of Health has been conducting a public education campaign to get residents and businesses to eliminate places in which standing water can collect and create breeding sites for mosquitoes carrying the West Nile Virus, including old tires, buckets, cans, etc.; and

WHEREAS, among the largest and most pervasive sites of standing water in New York City are potholes in the streets, along with gutters that do not drain properly toward the storm sewers, sometimes creating often large areas of standing water, not only rain but waste water, thrown out by merchants cleaning floors; and

WHEREAS, these pools of water make large, attractive breeding sites for mosquitoes;

THEREFORE BE IT RESOLVED that CB#2, Man. requests of NYC's Departments of Health and Transportation that they work together to identify these areas of standing water in the City's streets and gutters so that they may be repaired, thereby eliminating numerous potential breeding sites for mosquitoes carrying the West Nile Virus; and

BE IT FINALLY RESOLVED that, with regard to CB#2, Man.'s long-standing policy to preserve the Belgian Block on all roadbeds in our district, CB#2, Man. requests of DOT that, if any of these repairs are on roadbeds paved with Belgian Block, that the pavers be correctly re-laid, rather than patched with asphalt.

Vote: Tabled, sent back to committee.

INSTUTIONS

Funding For L/G/B/T Programs

WHEREAS CB#2, Man. has been meeting with the Lesbian, Gay, Bisexual & Transgender Center (LGBT) and the West 13th Street Community for the past year to assist in solving noise, sidewalk crowding, and related problems emanating from the exiting clients attending events at the Center, and

WHEREAS it is the opinion of CB#2, Man. that these problems can only be solved if:

- 1) space within the LGBT Center can be set aside for post meeting and event socializing coupled with earmarking security personnel for street monitoring and crowd control and
- 2) allocating funds for the physical setup in the Center and for the security personnel

THEREFORE BE IT RESOLVED that CB#2, Man. strongly urges the LGBT to allocate funds in its forthcoming annual budget for these items and

BE IT FURTHER RESOLVED that CB#2, Man. would support efforts to assist the LGBT in acquiring such funds from the various public sources open to such funding.

Vote: Tabled, sent back to committee.

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION (LPC), 10/22/02

1. LPC Item: 12 - 103 Prince Street – SoHo Cast-Iron Historic District - A neo-Colonial style post office designed by Thomas W. Lamb and built in 1910. Application is to legalize the installation of two bracket signs without LPC permits and while an application was pending.

WHEREAS, the two proposed signs are modest in size, are in scale with the building, and are innovative in design;

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

Vote: Passed, with 31 Board members in favor, and 1 in opposition.

2 LPC Item: 16 - 549 Hudson Street, a/k/a 114 Perry Street - Greenwich Village Historic District An apartment building built in 1890-91. Application is to install a new storefront infill.

WHEREAS, overall, the proposed alteration is sympathetic to the building in particular and the historic district in general in scale, symmetry, color palette and elements; but

WHEREAS, with the exception of the awning above the wrap-around window, there is a surfeit of awnings on the Perry Street side which serve no utilitarian or historic purpose; and

WHEREAS, the application proposes that the light fixtures will only illuminate the sign band and not the second-floor residential apartment's interior;

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

FURTHER, BE IT RESOLVED that CB#2, Man. recommends denial for so many fixed awnings on the Perry Street side.

Vote: Unanimous, with 32 Board members in favor.

3. Item: 17 - 13 MacDougal Alley - Greenwich Village Historic District A house designed by George E. Chisolm and built in 1937. Application is to legalize the installation of a door hood and to modify the construction of a rooftop addition without Landmarks Preservation Commission permits.

WHEREAS, we commend the willingness of the applicant to remove the extension of the rooftop addition and the three AC through-wall units; and

WHEREAS, the quirky door hood is in context with the roof vis à vis materials, color and slope;

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

Vote: Unanimous, with 32 Board members in favor.

4. Item: 19 - 34-36 Morton Street - Greenwich Village Historic District
An apartment building designed by Albert Huttira and constructed in 1890. Application is to install a garbage enclosure.

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

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

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

Vote: Unanimous, with 32 Board members in favor.

5. Designation of further areas in NoHo as an Historic District

WHEREAS, we appreciate the past designation of the western part of NoHo, known as NoHo 1, and we thank the Landmarks Preservation Commissioners and staff for their efforts in accomplishing this; and

WHEREAS, we would like to see the process of designating the eastern portion of NoHo, i.e., NoHo 2, to continue despite this delay of a few years, all the time realizing that the Commission's small staff is busy designating other important areas of the city as historic districts; and

WHEREAS, we would like to see the area designated whose boundaries start at the northeast corner of Lafayette Street and East Houston Street, then extend eastward on Houston to the northwest corner of the Bowery and East Houston, then turn to the north and continue up the Bowery to the south side of Astor Place, including the public art work, then extend westward to the west side of Lafayette Street, then turn southward on Lafayette Street and extend down to the northeast corner of Lafayette Street and East Houston; and

WHEREAS we realize that there are several empty lots and non-distinguished buildings within these boundaries, particularly on the north side of Houston Street and at Astor Place which may not be considered worthy of designation, but whose exclusion would lead to a cacophony of styles if NoHo 2 were designated, and so for practical reasons they should not be excluded; and

WHEREAS, we support the Commission's current focused efforts to designate Becker Street between Lafayette Street and the Bowery as a starting point for NoHo 2;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends designation of the area stated above, particularly Bleeker Street; and

BE IT FURTHER RESOLVED, we wholeheartedly thank the Commission for its time and efforts devoted to this issue.

Vote: Unanimous, with 32 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSGENDER

WHEREAS Greenwich Village has always been a unique and special place that has had a tradition of attracting people of all races from all over the world – allowing them to gather in its public spaces, often in close proximity to residences, schools and businesses, and

WHEREAS community groups and social service agencies have identified late night activities by At-Risk-Youth that seem to be challenging the traditional tolerance of some Greenwich Village community members, and

WHEREAS the problems that have been plaguing the West Village as a result of the clashes between businesses and local residents, on the one hand, and those members of the L/G/B/T community who come to the area, on the other, is an issue of great complexity, and

WHEREAS CB#2, Man. has already determined that the solution to these problems must come from concerted efforts of the well-trained officers of our local police precinct in concert with the efforts of the professional outreach workers of the social service agencies who provide valuable services within our district, and

WHEREAS CB#2, Man. has always had respect for community groups who have maintained successful street patrols in the past, and

WHEREAS these citizen patrol groups have recently enlisted the aid of non-community groups, such as The Guardian Angels, and

WHEREAS CB2's L/G/B/T committee heard testimony from professional outreach workers who stated that there seems to be a recent trend of rudeness, harassment, and even assault upon the outreach workers by groups who do not always seem to be accompanied by Community Patrol members, and

WHEREAS this harassment has been particularly noticeable against L/G/B/T people of color, and

WHEREAS these patrol groups and Guardian Angels operate without supervision, accountability or review by any source, and

WHEREAS some of these patrollers seem unable to make the distinction between Quality of Life Crimes and The Right of Public Assembly, and

WHEREAS it is important for members of the Community Patrol groups to recognize the necessary role performed by Social Service Providers who do Street Outreach Work, and

WHEREAS New York City law prohibits discrimination against the L/G/B/T community, as it does against People of Color.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that local residents and businesses work harder to support and not try to supplant the work being done by the local police and social service programs, which are working together to alleviate this problem in our neighborhood.

Vote: Passed, with 31 Board members in favor and 1 abstention.

PARKS, RECREATION AND OPEN SPACE

1. Resolution Opposing a Proposal by the Dept. Of Parks for A Project At Seravalli Park.

WHEREAS the Department of Parks requested CB#2, Man. to comment on a proposal for Seravalli Park that would include conversion of most of the asphalt space to artificial turf; and

WHEREAS the proposal included a component that was not fully explained for partial funding by a private school that is not in the CB#2, Man. area; and

WHEREAS the Department of Parks stated that there is no funding available for this proposal; and

WHEREAS at least 107 people attended a public hearing of the Parks Committee; and

WHEREAS about twenty people, including several children, spoke against the proposal, citing the importance of the current park uses; and

WHEREAS everyone attending the meeting opposed the proposal when asked to express their opinion by raising their hands; and

WHEREAS it was evident from the response at the meeting that this park is well-used and much-loved by the community for the uses it currently provides; and

WHEREAS the proposal would have a negative impact on many of the current uses, for example by eliminating most of the space for unstructured play and increasing the demand for league permits in the park; and

WHEREAS the park needs renovation;

THEREFORE IT IS RESOLVED that Community Board hereby expresses appreciation to the Department of Parks for considering a major proposal for improvement of one of our parks; and

IT IS FURTHER RESOLVED that CB#2, Man. hereby expresses its pleasure that this park plays such an important role in the lives of so many people in our community and hereby proclaims Seravalli Park to be a Community Treasure; and

IT IS FURTHER RESOLVED that CB#2, Man. opposes this proposal for Seravalli Park; and

IT IS FURTHER RESOLVED that CB#2, Man. requests the Department of Parks to consider renovation of the play field portion of the park including improving the sub-surface and leveling the play area.

Vote: Unanimous, with 32 Board members in favor

2. Proposal By Trinity Church And The Department Of Parks For Duarte Square At The Northwest Corner Of Canal Street And Avenue Of The Americas.

WHEREAS a conceptual design for expanding, reconstructing, and maintaining Duarte Square was presented to the committee by Trinity Church and the Department of Parks; and

WHEREAS the design is part of a proposed agreement before the City Planning Commission to de-map Sullivan Street between Canal and Grand Streets, transfer the de-mapped property to Trinity Church, and create a permanent open space easement on part of the de-mapped property to be used to expand the park, and this agreement would also include funding for park construction and maintenance by the developer; and

WHEREAS a resolution approved by the Zoning Committee and by the Full Board opposed the de-mapping proposal because the public benefits were not sufficiently quantified and there was very little clarity about the controls that would ensure these benefits in perpetuity and the community has serious issue with any street de-mapping because agreements associated with such de-mappings have eroded over time; and

WHEREAS the Zoning Committee has considered the concept plan for the park and has raised certain objections and concerns which were presented to the committee by a member of the Zoning Committee and with which the Parks Committee concurs; and

WHEREAS the representatives of the Planning Department and the Parks Department were unable to answer specific questions from the committee regarding the extent to which the concept design could be modified after the fact if the de-mapping agreement is concluded; and

WHEREAS the scheduling of the presentation to the committee two weeks prior to the scheduled vote of the City Planning Commission has excluded the Parks Committee from participation during the comment period; and

WHEREAS relocation of the Duarte statue should be done in consultation with the Dominican community and the organizations that have events at the statue; and

WHEREAS the proposed design is overly harsh and plaza-like and CB#2, Man. would prefer a more park-like design that has fewer acute angles, no stainless steel and concrete elements and furnishings, and relates less to the proposed new building and more to the surrounding neighborhood; and

WHEREAS the design does not include or anticipate locations for permanent or temporary public art; and

WHEREAS because of the proximity to Canal Street and tunnel entrances and exits this area experiences horrendous traffic congestion; and

WHEREAS although CB#2, Man. appreciates the last minute effort by the Planning Department and the Department of Parks to bring this design before the parks committee, by the failure to do this in a timely manner the process has failed to serve the needs of the community or the requirements of the City Charter with respect to the role of the Community Board in the design of the park;

WHEREAS to the extent that Trinity Church is responsible for park design and construction, this entire process should be under the supervision of the Department of Parks and the agreement should specify that appropriate payment be made to the department to cover the cost of contract supervision; and

WHEREAS to the extent that Trinity Church will be responsible for park maintenance that this should be done by means of appropriate contributions in perpetuity (including appropriate escalators) to a Trust and Agency Account and not by direct management of the public park by Trinity Church; and

WHEREAS the agreement should include specific requirements to protect the neighborhood from traffic and environmental impacts during construction including restriction on the hours of work and requiring use of low-sulfur fuels on all trucks and equipment; and

WHEREAS if the de-mapping agreement is approved construction and maintenance of the park must proceed prior to a specified date whether or not Trinity Church pursues its intention to build an office tower on the site; therefore

THEREFORE BE IT RESOLVED that the conceptual park design should be entirely removed from the agreement so that all aspects of the design can be presented to the parks committee and the board for comment in the future should the de-mapping agreement be approved; and

BE IT FURTHER RESOLVED that benefits to the immediate community must be included in the agreement and these must be substantial, reflect the stated preferences of the CB#2, Man., and be permanently secured independent of the progress and success of development on the site.

Vote: Unanimous, with 32 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW application to NYCDOT for revocable consent to install and maintain a fence, planting area and reconstruct a stoop at 183 to 185 West 4th Street, (between Barrow Street and 6th Avenue, NYC, By Richard Sammons.

WHEREAS, the area was posted, the applicant who is also the architect appeared before the committee and;

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

WHEREAS, after the fence is installed there will be eight feet four and a half inches of pedestrian walk way and;

WHEREAS, the planting will be inside the fence and;

WHEREAS, the fence is being installed for safety reasons this is a very busy street and;

WHEREAS, the fence is also being installed to prevent someone from writing graffiti and;

WHEREAS, there was no opposition from the community and;

WHEREAS, there are no complains on file at the board office.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of revocable consent to install a fence, planting area and to reconstruct a stoop for 183-185 West 4th Street, NYC.

Vote: Unanimous, with 32 Board members in favor.

2. Renewal application for revocable consent to operate an unenclosed sidewalk café, by Red Lion Bleecker Inc. 151 Bleecker Street, NYC. with 12 tables and 24 seats; DCA# 0981728.

The applicant failed to appear. We will hold till the November 2002 meeting.

3. Renewal application for revocable consent to operate an unenclosed sidewalk café, Florent Restaurant, 69 Gansevoort Street, NYC. With 5 tables and 14 seats DCA# 0934909.

WHEREAS, the applicant appeared before the committee and;

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

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

WHEREAS, this restaurant has had a sidewalk cafe for twelve years and;

WHEREAS, there was no opposition from the community and;

WHEREAS, there are no complaints on file at the board office;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a THREE YEAR revocable consent to operate an unenclosed sidewalk café to Florent Restaurant, 69 Gansevoort Street, NYC, with 5 tables and 14 seats.

Vote: Unanimous, with 32 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. The Temporary Street And Sidewalk Conditions That Have Been Proposed To DOT For The Construction Of The New Hotel At 18 Ninth Ave., By The Hotel Gansevoort Group, LLC.

WHEREAS, Representatives of the developer did not attend the committee meeting and have also have informed the board that they will not attend a meeting of the 14th Street Committee, And;

WHEREAS, there is concern that the construction company is working at hours that are in violation of city regulations, And;

WHEREAS, This project and the upcoming construction for the water tunnel project will take half of Ninth Avenue as a staging/construction area over several years disrupting a waiting area for busses and street parking for the local wholesale businesses, And;

WHEREAS, CB#2, Man. is concerned about the solutions being offered and that further, we need a clear understanding of the intentions of the DEP and the hotel development in order to weigh in responsibly,

THEREFORE BE IT RESOLVED, CB#2, Man. requests that NYCDOT require an analysis of the community impact from this construction project and the water tunnel project, And;

THEREFORE BE IT FURTHER RESOLVED. CB#2, Man. requests that a meeting be held with NYCDOT, DEP, MTA, the developer, building dept/city planning, community groups, and other important and interested parties who need to be involved in the conversation about the hotel/water tunnel project and their impact on the market so that we can have a meaningful discussion on how to proceed with both of these projects and still protect the interests of the businesses and residents of the surrounding community.

Vote: Unanimous, with 32 Board members in favor.

2. Proposal To Increase Fines For Parking Summons

WHEREAS, CB#2, Man. recognizes the importance of protecting business in our community and an increase fines for parking summons hurts business at a difficult time, And;

WHEREAS, the costs of commercial parking summons are passed along to consumers as a cost of business, And;

WHEREAS, there is not enough commercial parking and many commercial parking summons issued in error,

THEREFORE BE IT RESOLVED, CB#2, Man. requests that fines for commercial parking summons not be increased.

Vote: Passed, with 31 Board members in favor and 1 in opposition.

3. Change Of Parking Regulations on Perry St. Bet. Greenwich & Washington Streets

WHEREAS, CB#2, Man. has made similar changes in this area at the request of the community, And;

WHEREAS, the community has requested revisions that will accommodate additional for residents, And;

WHEREAS, the two adjacent blocks already have the regulations that are being requested for this block,

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

on Perry St. bet. Greenwich & Washington Sts., from “No Parking 8 AM to 6 PM Monday thru Friday” to “No Parking 12:30PM to 2 PM Monday & Thursday.”

Vote: Unanimous, with 32 Board members in favor.

3. To Change Parking Regulations On Leroy Street Bet. Washington & Greenwich Sts

WHEREAS, the commercial uses in this area have recently changed; And;

WHEREAS, the community has requested revisions that will accommodate additional parking for residents while also accommodating the needs for commercial parking,

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

- On the South side of Leroy Street Bet Washington & Greenwich Sts. from “No Parking 8 Am To 6 PM Monday thru Friday “ to “Alternate side of the Street Parking Tuesday & Friday 12:30 PM To 2:00 PM.”
- On The North side of Leroy Street Bet Washington & Greenwich Sts. from “No Parking 8 AM To 6 PM Monday & Friday“ to “Alternate Side of the Street Parking Monday & Thursday 12:30 PM to 2:00 PM.”

THEREFORE BE IT FURTHER RESOLVED that CB#2-Man. recommends that on the South side of Leroy Street, twenty feet from the corner of Washington Street, a sign be installed that says NO PARKING ANY TIME so that FEDX trucks can make a left hand turn when leaving their garage (the arrow must point south west) and, on the North side of Leroy Street, the new signage should be placed only on the existing pole.

Vote: Passed, with 28 Board members in favor, 3 in opposition and 1 abstention.

4. Proposed Bike Rack Locations

WHEREAS, the NYCDOT has submitted a list of Proposed Bike Rack Locations for review by CB#2, Man.; and

WHEREAS, CB#2, Man. has long recognized that the sidewalks on Canal Street are already congested, and;

WHEREAS, Broadway in SoHo is also congested because of the street venders;

THEREFORE BE IT RESOLVED, CB#2, Man. requests that Bike Racks not be installed anywhere along Canal St that they not be installed on Broadway between Spring St. and Houston St.; and;

THEREFORE BE IT FURTHER RESOLVED. That CB#2, Man. approves the other Bike Rack Locations.

Vote: Unanimous, with 32 Board members in favor.

ZONING AND HOUSING

1. 328 SPRING STREET Variance Application To Permit Residential Use In An M2-4 Zoning District And Use Group 6 (Retail Use) On The Ground Floor. BSA #36-01 BZ

WHEREAS, the applicant has modified the application from a 32 story residential building to a 14 story building and now to an 11 story building, which raises questions about the “minimum variance”; and

WHEREAS, we request that the prior resolutions from CB#2, Man. be read in conjunction with this resolution; and

WHEREAS, City Planning has proposed changes in the zoning regulations to this area to C6-2A, but it is just a proposal and the formal review process has not been undertaken at this time, therefore a change in zoning to C6-2A is not a foregone conclusion; and

WHEREAS, the applicant has proposed a building that would conform to height limitations under the proposed zoning, but the building does not conform to Quality Housing requirements and setbacks also required for C6-2A; and

WHEREAS, we have been gravely concerned about the precedent of acquiring air rights and then applying for a variance for a non-complying building;

THEREFORE BE IT RESOLVED that CB#2, Man. still does not approve the variance for 328 Spring Street unless there is strict adherence to the building requirements under C6-2A, the proposed zoning, which includes setbacks and Quality Housing requirements; and

FURTHER BE IT RESOLVED that this in no way implies an approval of a change to C6-2A zoning at this time as the formal review process has not yet begun; and

FURTHER BE IT RESOLVED that if the Board of Standard and Appeals accepts the transfer of air rights as part of this variance, their decision must be carefully worded in order that years from now applicants are not using this decision as a precedent for other transfers of air rights as part of a variance, which would have an effect on variance applications throughout the city;

Vote: Unanimous, with 32 Board members in favor.

2. 110 WAVERLY PLACE (BABBO) Variance Application To Permit Reestablishment Of Discontinued Use Group 6A Eating And Drinking Establishment In Cellar, Ground Floor And Second Floor Rear Of Building. BSA #3239-02-BZ

WHEREAS, as early as February 1998 when Babbo first applied for a liquor license, CB#2, Man. informed them that a variance was required and this information was forwarded to the State Liquor Authority and again when Babbo applied for a renewal license in July 2001; and

WHEREAS, despite the illegality of the use and our protests, Babbo was granted a liquor license and building plans were approved (in fact one of the applications to the buildings department was filed and signed by Leon Leonides on 9/11/98, the former owner, although he had already died); and

WHEREAS, now the applicant is applying for the variance; and

WHEREAS, the applicant has had a series of violations dating from 4/98 to 6/01 dealing with construction violations and operation without a place of assembly license (list attached); and

WHEREAS, the applicant removed the residential tenants from the building and apparently used the vacant apartments in connection with the restaurant use, which was not legal, and now the intention is to renovate and rent the other parts of the building for residential purposes, yet the apartments are still vacant and the windows covered, as seen in the photographs in the application; and

WHEREAS, in the past there have been noise issues; and

WHEREAS, there were people from the community who stated that the restaurant is a good neighbor, they had no noise problems and the increased traffic around the restaurant made the streets safer than some years ago when drug dealers hung around; and

WHEREAS, there were others who had noise complaints, specifically those whose buildings were in the back, although some complaints were about glass bottles as they are loaded into the garbage truck at 1:30-2am; and

WHEREAS, the applicant has put in state-of-the-art equipment and has worked to mitigate the sound problems; and

WHEREAS, neighbors next door do not hear noise, but it seems to be the case that buildings further away but in the line of sight of the equipment are recipients of the noise; and

WHEREAS, there are several other establishments that may also be the cause of, or contribute to the noise; and

WHEREAS, the applicant has considered putting barriers at the back of the roof which would help with the noise, but it would block city views for some neighbors; and

WHEREAS, there are questions about the financial analysis (i.e. Schedule E does not include medical offices around the corner at 31 Washington Sq. West, Schedule F does not consider the restaurant almost behind Babbo on Washington Place, other questions are attached and have been forwarded to the attorney);

THEREFORE BE IT RESOLVED that CB#2, Man. approves the variance for 110 Waverly Place;

FURTHER BE IT RESOLVED that the approval of the application must include a requirement to continue work on noise mitigation and outreach to the local block association and to those buildings which have a problem;

FURTHER BE IT RESOLVED that the applicant should visit those buildings with sound experts to determine the cause of the excessive noise and ways to alleviate the problem; and

FURTHER BE IT RESOLVED that, as a condition of the variance, the applicant must renovate and rent the apartments within a time period set by the Board.

Vote: Passed, with 30 Board members in favor, 1 in opposition and 1 abstention.

3. City Planning Commission Zoning Text Amendment re Sidewalk Cafes - N030119ZRY

WHEREAS many of the changes to the text are house-keeping items such as eliminating references to the Board of Estimate and relocating sections into a more orderly fashion; and

WHEREAS the major change is that unenclosed sidewalk cafes have been eliminated from most of the text; and apparently turned over to the Dept. of Consumer Affairs by changes to the Administrative Code, although we have not yet had a chance to see these changes; and

WHEREAS the sections on "Structural Requirements" which formerly covered both enclosed and unenclosed sidewalk cafes now refers only to enclosed cafes. This covers such things as refuse storage area, fixtures such as tables and chairs, and the requirement that doors, windows, etc., shall not project or swing beyond the boundaries of the sidewalk cafe, with only emergency fire exit doors being exempt; and

WHEREAS the section on "Signage" reads "No signs are permitted on an enclosed sidewalk cafe, except that the name and type of establishment may be placed upon the glass wall, but shall not obscure the required transparency" but there is no language spelling out "required transparency"; and

WHEREAS the section on "Enforcement and Administration" has been eliminated, but it is not clear who will be doing the enforcement and who will be granting the "consents" for the cafes, and this is a matter of great importance to CB#2, Man.; and

WHEREAS there has been no change in the restricted streets and areas in our district, and

WHEREAS the zoning considers trees with tree guards as an obstruction within the 8' clear space required to be left on the public sidewalk by a sidewalk cafe, but does not include as an obstruction a tree without a tree guard. We believe this should be added into this section of the text.

THEREFORE BE IT RESOLVED that CB#2, Man. approves the proposed text changes but requests clarification of our questioned sections be addressed before final passage, and especially that our concern about enforcement be addressed and that the enforcement agency have the necessary personnel to actually enforce the regulations.

Vote: Passed, with 16 Board members in favor, and 13 in opposition.

NEW BUSINESS

Resolution in support of maintaining the Handschu Agreement

WHEREAS in 1971, a civil lawsuit was filed by the New York Civil Liberties Union, on behalf of the Black Panthers and other groups, alleging that the New York City Police Department had engaged in extensive police surveillance activity without any evidence of illegal conduct, and

WHEREAS in 1985, the New York City Liberties Union settled the lawsuit ("consent decree, hereinafter referred to as the Handschu Agreement") against the NYPD, which stated that the police could only investigate political activity after gaining approval of a three-person panel who would ensure that the guidelines of the Handschu Agreement were complied with, and

WHEREAS said guidelines, among other stipulations, banned the use of undercover agents to infiltrate groups unless the activity is approved by the panel and it also prohibited the NYPD from sharing information about political groups with other law enforcement agencies, and

WHEREAS on September 25th, 2002, the City requested that the Court lift said restrictions as they threaten to hamper its counter-terrorism efforts, and

WHEREAS well established civil liberties of individuals and groups are not temporary and transient, but permanent and necessary to a democratic society, and

WHEREAS Greenwich Village has historically been a community where political groups and organizations have always flourished and existed and where individual civil rights have always been supported;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly opposes any attempts to lift the restrictions set forth in the Handschu Agreement, as regressive and inconsistent with well established civil rights principles.

Vote: Passed, with Board members in favor.

Respectfully submitted,

Robert Rinaolo
Secretary
Community Board #2, Manhattan