

FULL BOARD MINUTES

DATE: January 23, 2003
TIME: 6:30 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Keith Crandell, Doris Diether, Elizabeth Gilmore, Lawrence Goldberg, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Rosemary McGrath, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Ann Robinson, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, James Smith, Shirley H. Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Stephanie Thayer, Wilbur Weder, Jeanne Kazel (Wilcke), Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Helene Burgess, Anthony Dapolito, Edward Gold, Arnold L. Goren, Jo Hamilton, Don Lee, Robert Rinaolo, Ruth Sherlip.

BOARD MEMBERS ABSENT Noam Dworman, Harriet Fields, Hyun Lee, Don MacPherson, Doris Nash.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, Senator Tom Duane's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gary Parker, Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Andree Tenemas, Council Member Margarita Lopez' office; Carin Mirowtiz, Council Member Christne Quinn's office, Jeanne Michels, Andrew Miller, Sarah Roberts, Irene Da Costa, Christian Miller, Frank Collierius, Ronnie Billini, Glenn Marshall, Cynthia Smith.

MEETING SUMMARY

Meeting Date – January 23, 2003
Board Members Present – 34
Board Members Excused– 8
Board Members Absent - 5

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II. PUBLIC SESSION

Non-Agenda Items

Department of Health Update

Sarah Roberts reported on the agency's NYC smallpox vaccination plans.

Bellevue Hospital

Will Weder, Bellevue Community Advisory Board reported that they need new members.

YMCA Update

Christian Miller gave an update re: activities at the new location.

Business Items

60 Thompson Hotel, Thom Bar, etc., 60 Thompson St. liquor license renewal

Jeanne Michels and Irene Da Costa spoke against the renewal of the license.

Doris Diether spoke.

Andrew Miller, of Forest City Ratner, signed up but did not speak.

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

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 December 2002 minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Aubrey Lees reported
2. **District Manager's Report** Arthur Strickler reported.
3. **Resolution Reaffirming Commitment to Civil Liberties**

WHEREAS, CB#2, Man. has a long and distinguished history of supporting the civil rights and civil liberties of its residents; and

WHEREAS, CB#2, Man. has a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, CB#2, Man. is committed to upholding the human rights of all persons and their free exercise and enjoyment of any and all rights and privileges secured by the constitution and laws of the United States; and,

WHEREAS, the United States Constitution guarantees all persons living in the United States the fundamental rights including - freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, effective means of ensuring the security of our people must be balanced against the reductions in basic civil liberties; and

WHEREAS, several actions recently taken by the federal government, including the adoption of the USA Patriot Act, several Executive Orders, and the Homeland Security Act may allow the federal government, when pursuing matters of security, to sacrifice fundamental liberties protected by due process and "probable" cause including freedom of speech, assembly, and privacy; the right to legal counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the constitutions of the United States; and

WHEREAS, national responses to extremist threats can be both effective in reducing such threats and still respect our Constitution's most basic and treasured freedoms; and

WHEREAS, The USA PATRIOT Act signed by George W. Bush on October 26 2001, has a number of provisions that contradict the above mentioned rights and fundamentally alters the nature of our civil liberties and does little to increase public safety; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and Executive Orders that may violate the constitution and rights and civil liberties are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Gives law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations"
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime
- Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limits disclosure of public documents and records under the Freedom of Information Act; and

THEREFORE BE IT RESOLVED that CB#2, Man. affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people the United States and the World; and

BE IT FURTHER RESOLVED that CB#2, Man. affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that CB#2, Man. calls on our United States Representatives and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and only legislation that does not violate those rights should be considered.

Vote: Passed, 20 with Board members in favor, 6 in opposition and 2 abstentions.

STANDING COMMITTEE REPORTS

BUSINESS

1. Application to the Dept. of Consumer Affairs for a Cabaret License for Alma LLC, d/b/a Alma, 861 Washington Street, NYC

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

WHEREAS, this application is for a Cabaret license at this over 400 seat capacity location; and

WHEREAS, when the applicant appeared before the committee for their liquor license they stated that they would not be applying for a Cabaret license; and

WHEREAS, an examination of the plans reveals that the applicants are building this premise as a Cabaret with all the requirements of Use Group 12 indicating that this was their intention from the outset; and

WHEREAS, the plans revealed that the required waiting area of 4 square feet for every person allowed i.e. 400 persons X 4 square feet = 1600 square feet of waiting area was not shown on the plans. A small waiting area in the basement was the only “safe zone” demonstrated on the plans.

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial of a Cabaret license for **Alma LLC, d/b/a Alma, 861 Washington Street, NYC**

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the Department of Consumer Affairs to thoroughly examine the paperwork of this applicant, especially with regard to the waiting area issue outlined above.

Vote: Unanimous, with 34 Board members in favor.

2A. SoHo Grand Center, LLC., 161 Grand Street a/k/a 157 Lafayette Street, NYC 10013

WHEREAS, the applicant’s representative appeared before the committee; and

WHEREAS, this application is for a 128 seat restaurant and lounge located in the lobby of a new 42 room hotel under construction at this location; and

WHEREAS, the applicant stated that this would be an International food restaurant with hours of operation being 4 PM to 1 AM 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 SoHo Grand Center, LLC., 161 Grand Street a/k/a 157 Lafayette Street, NYC

Vote: Failed, with 12 Board members in favor, 14 in opposition, and 2 abstentions.

SEE ATTACHED SUBSTITUTE RESOLUTION. EXHIBIT I.

2B. SoHo Grand Center, LLC, 161 Grand Street a/k/a 157 Lafayette Street, NYC 10013

Vote: Passed, with 16 Board members in favor, 7 in opposition and 1 abstention.

3. Kareem Café, Inc., d/b/a Caffe Rafaella, 134 Seventh Avenue South, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a new On Premise license in the existing restaurant that has been at this location for the last 12 years; and

WHEREAS, the applicant stated that the hours of operation would not change, nor would the menu or music policy; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **Kareem Café, Inc., d/b/a Caffe Rafaella, 134 Seventh Avenue South, NYC 10014**

Vote: Unanimous, with 34 Board members in favor.

4. Sweet Pea Holdings, Inc., d/b/a Sweet Pea, 39 Greenwich Avenue, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a transfer of the On Premise license at this location, currently Little Basil; and

WHEREAS, the applicant stated that this will be a neighborhood café with Italian American food; and

WHEREAS, the hours of operation will be from Noon to 10:30 PM seven days with background music 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 **Sweet Pea Holdings, Inc., d/b/a Sweet Pea, 39 Greenwich Avenue, NYC 10014**

Vote: Passed, with 33 Board members in favor, and 1 abstention.

5. 24 Prince Street LLC., Beau Monde, 24 Prince Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a Bistro type restaurant with 35 seats inside in addition to a 12 seat bar and another 35 seats in the rear yard; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to Midnight outside and until 1 AM inside; and

WHEREAS, there are eight apartments directly above this location and the applicant was unwilling to withdraw the rear yard portion of the application as a compromise; and

WHEREAS, the applicant's former location in Board 1 resulted in a revocation of the license for noise and other problems; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise license for **24 Prince Street LLC, Beau Monde, 24 Prince Street, NYC.**

Vote: Unanimous, with 34 Board members in favor.

6. L’Atre Enterprises Inc., d/b/a L’Aile Ou La Cuisse, 314 Bleecker Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is a transfer from the restaurant currently known as Grove that has been at this location for ten years; and

WHEREAS, the applicant stated that the hours of operation will be from 8 AM to Midnight seven days with background music only; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **L’Atre Enterprises Inc., d/b/a L’Aile Ou La Cuisse, 314 Bleecker Street, NYC 10014**

Vote: Unanimous, with 34 Board members in favor.

7. Jungla Associates, LLC., 180 Lafayette Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS there are 3 or more similarly-licensed establishments within 500 feet despite the claims of the applicant; and

WHEREAS, the applicant seeks to license the main floor and basement of this newly constructed building for what he described as a restaurant; and

WHEREAS, the “menu” that was presented showed four sandwiches and four pizzas as the only offerings; and

WHEREAS, a close examination of the plans that were submitted revealed no kitchen on the premise and no second means of egress from the basement; and

WHEREAS, the plans appeared to be those of a thinly disguised bar/lounge/cabaret; and

WHEREAS, the applicant stated that DJ music would be employed; and

WHEREAS, the applicant’s other location on Eighth Avenue and 24th Street is operated as a cabaret; and

WHEREAS the building’s Certificate of Occupancy does not permit an eating and drinking establishment and the zoning prohibits cabarets;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise license for **Jungla Associates, LLC., 180 Lafayette Street, NYC 10012.**

Vote: Unanimous, with 34 Board members in favor.

8. Thompson Hotel Associates, LLC, 60 Thompson Street, NYC 10012

WHEREAS, this application is for a renewal of the On Premise license at this location; and

WHEREAS, over 20 members of the community representing 8 buildings in the immediate area and their attorney, Barry Mallin, appeared at the Committee meeting to strongly oppose the renewal of this license; and

WHEREAS, the community members presented the Committee with letters from other community members who could not attend the meeting as well as a log listing scores of complaint calls that have been made to various City agencies and to the Police regarding the egregious behavior of this applicant and a Statement in Opposition prepared by their attorney (copies of all are attached); and

WHEREAS, these neighboring community members told horror story after horror story about how the peaceful enjoyment of their homes and lives has been shattered by the fact that liquor licenses have been issued to these applicants; and

WHEREAS, the hotel has three venues that are a constant source of noise and mayhem every night of the week into the wee hours of the morning; and

WHEREAS, all three venues are thinly enclosed with only canvas separating their noise from the residents that surround them. Unfortunately, the management of this hotel has chosen to operate their licensed areas in a manner that shows no regard whatsoever for the surrounding neighborhood; and

THEREFORE, BE IT RESOLVED that CB#2, Man. vehemently opposes the renewal of the On Premise license for **Thompson Hotel Associates, LLC, 60 Thompson Street, NYC 10012**

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the State Liquor Authority to employ every possible method in their power to revoke or not renew the On Premise license for this applicant.

Vote: Unanimous, with 34 Board members in favor.

9, SoHo House New York, LLC and SoHo House, Inc., 29-36 Ninth Avenue, NYC 10014

WHEREAS, SoHo House, Inc. currently has an approved application with the State Liquor Authority for liquor service throughout this 4-story hotel premise. This application seeks to delete the 6th floor and roof from the current approval and obtain a separate license for these two floors only under the SoHo House New York LLC entity. The new entity is to be licensed as a private club-not open to the public; and

WHEREAS, the SLA will only issue a “private club” license to a Not For Profit entity which SoHo House New York LLC has established itself as; and

WHEREAS, the applicant intends to use the roof as an open sundeck, with a swimming pool that will be enclosed in a solarium. Food and liquor will be served by waiter service only from the floor below with no bar or kitchen on the roof level; and

WHEREAS, the applicant has an existing 12-point stipulation with the Community Board that is attached to its current liquor license which regulates various aspects of their operation. The applicant has agreed to append this same stipulation to the new private club license and has added an additional point regarding the operation of the roof wherein the hours of operation on the roof will be from 7 AM to 11 PM with the roof being completely cleared of all customers and closed by Midnight. (Copy of stipulation is attached); and

WHEREAS, no one from the public appeared in opposition to this application and four members of the public including one Board member spoke in favor of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of a Private Club Liquor License to SoHo House New York, 29-35 Ninth Avenue, NYC 10014

Vote: Passed, with 31 Board members in favor, and 3 in opposition.

ENVIRONMENT

Diesel Fuel Storage in Buildings

WHEREAS tens of thousands of gallons of diesel fuel are stored in Telecom Hotels and other buildings in New York City; and

WHEREAS diesel fuel stored in 7 World Trade Center was largely responsible for the collapse of that building after the 9/11/01 terrorist attack, due to the intensity of the diesel-fueled fires; and

WHEREAS, those fires were largely responsible for the noxious smoke to which most of Lower Manhattan was subjected during most nights for over three months following the attack; and

WHEREAS, Lower Manhattan is home to several Telecom Hotels, at least one of which has twice as much fuel as 7 World Trade Center in a building half the size, and this use poses a significant and unacceptable risk to those who live and work nearby; and

WHEREAS, other buildings store large quantities of diesel, including Con Ed substations that store diesel containing PCBs; and

WHEREAS Fire Department and Buildings Department records on fuel storage in these and other buildings are incomplete and do not always agree; and

WHEREAS the safety and health of those who live and work in New York City should be the foremost concern of New York City government, yet waivers of building and fire codes ignoring the underlying safety considerations that informed the codes appear to have been issued in the past;

NOW THEREFORE BE IT RESOLVED THAT CB#2, Man. joins Community Board #1 Manhattan and Council Member Alan Jay Gerson in calling for the following:

1. That swift action be taken to ensure that all fuel tanks are in full compliance with all existing building and fire codes.
2. That fuel tanks not in compliance with existing codes, including any that have previously been granted waivers, be immediately removed.
3. That relevant laws, regulations and codes be expeditiously reviewed and revised to incorporate the lessons of 9/11.
4. That this be done in a transparent process subject to public review and comment.
5. That New York City institute a moratorium on the installation or use of any additional fuel storage tanks until review and revision is complete.
6. That changes in relevant laws, regulations and codes apply to all fuel storage tanks, regardless of use or when they were installed, or whether there were previous waivers.
7. That New York City explore and encourage the use of alternative fuels and technologies that are safer to store and less polluting and quieter to use; and

BE IT FURTHER RESOLVED that CB#2, Man. urges that standards for proximity to residential uses, parks and schools, be established during revision of relevant laws, regulations and codes, both for security and to prevent unhealthy chronic exposure to noise and diesel smoke from generators; and

BE IT FINALLY RESOLVED that CB#2, Man. urges that substations and other power company facilities that involve storage of diesel fuel be included in revision of relevant regulations and codes, and that safety standards be established for diesel oil containing PCBs and stored on-site.

Vote: Unanimous, with 34 Board members in favor

LANDMARKS AND PUBLIC AESTHETICS

On Tuesday, January 28th, 2003 at 9:30 am, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting:

LPC Item: 8 – 2 Bethune Street, a/k/a 597 Hudson Street - Greenwich Village HD
An apartment building designed by Thomas E. Goodwin and built in 1893. Application is to legalize the installation of a storefront and security gates, tracks and housing installed without Landmarks Preservation Commission permits.

WHEREAS, the applicant stated he did not receive a meeting notice by mail but saw it posted on a lamppost that morning, and consequently had no boards or photos to show us; and

WHEREAS, the applicant was straightforward in his verbal presentation, but from what we heard it seemed there could be problems with the appropriateness of his requests; now

THEREFORE, BE IT RESOLVED that CB#2, Man. has no recommendation regarding this application since we have nothing concrete on which to base a decision; and

BE IT FURTHER RESOLVED that if it is possible, the applicant could return next month and show us boards or photos of his storefront.

Vote: Unanimous, with 34 Board members in favor.

Item: 9 - 111 Bedford Street - Greenwich Village Historic District
A Greek Revival-style townhouse built in 1843 and designed by George Harrison. Application is to legalize the installation of a stoop gate without Landmarks Preservation Commission permit(s).

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. strongly recommends denial of this application in the absence of this very important step in the review process .

Vote: Unanimous, with 34 Board members in favor.

Item: 10 - 33-35 Eighth Avenue (Manley's Liquors) - Greenwich Village Historic District. A building designed by Aaron Marsh and built in 1843. Application is to legalize the installation of storefront infill, exterior roll-down security gates, and light fixtures without Landmarks Preservation Commission permits.

WHEREAS, there was unanimity that the exterior security gate should be moved inside; and

WHEREAS, there was some disagreement over the appropriateness of the several small lights that illuminate the awnings, but everyone agreed that the side lanterns were fine; and

WHEREAS, the infill was appropriate and we had no problem with the mahogany stain; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application with the exception of the security gates.

Vote: Passed, with 33 Board members in favor, and 1 abstention.

Item: 11 - 183 West 10th Street, a.k.a. 233 W. 4th Street - Greenwich Village HD
An apartment building with a commercial base, built in 1897 and remodeled in a California Mission style in 1927. Application is to install storefront infill.

WHEREAS, this proposal is an unfortunate example of form following function: were it not for the proposed use, a café, there would be little reason for requesting French café - style windows and their insinuation into a quintessential American historic district (besides, traditional Village coffee houses do not have this style windows); and

WHEREAS, members of the board also objected to these windows for practical reasons: when found in late-night restaurant/bars, they often cause problems for residents, since they open up the storefront and permit noise to escape which greatly disturbs neighbors' sleep; and

WHEREAS, when opened up – as they are most of the time – these window effectively eliminate a portion of the façade for no historic benefit; but

WHEREAS, this is not a distinguished building in the first place, so the windows will hardly detract from it; and

WHEREAS, the proprietor stated that the café would close around 11 or 12 p.m. and can only seat 27 people, so a noise problem is not likely; and

WHEREAS, the proposed storefront is symmetrical and proportioned, the awning retractable, the signage in scale, and the materials and palette appropriate; now

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

BE IT FURTHER RESOLVED that this particular approval should not be used for routinely permitting these style windows in our historic districts.

Vote: Passed, with 31 Board members in favor, 2 in opposition, and 1 abstention,

Item: 12 - 73 Washington Place (Progressive Era Club) - Greenwich Village Historic District
A late Greek Revival style house built in 1847. Application is to modify a window and to install a door.

WHEREAS, the proposed door is a different height than the adjacent window that is being retained, which will introduce an asymmetry into the facade; and

WHEREAS, this proposal will destroy historic fabric; now

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

Vote: Unanimous, 34 with Board members in favor.

Item: 13 - 116-118 7th Avenue South, a/k/a 75 Christopher St Greenwich Village HD
A taxpayer built in 1932 designed by Phelps Barnum. Application is to legalize the installation of signage, flagpoles, exterior light fixtures and security gates, tracks, and housing without Landmarks Preservation Commission permits.

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. strongly recommends denial of this application in the absence of this very important step in the review process.

Vote: Unanimous, with 34 Board members in favor.

Item: 14 - 575 Broadway (Houston) - SoHo-Cast Iron Historic District

A store building designed by Thomas Stent and built in 1881-81. Application is to legalize the installation of signage.

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. strongly recommends denial of this application in the absence of this very important step in the review process.

Vote: Unanimous, with 34 Board members in favor.

Item: 15 - 521 Broadway - SoHo-Cast Iron Historic District

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. strongly recommends denial of this application in the absence of this very important step in the review process.

Vote: Unanimous, with 34 Board members in favor.

Items 16 & 17: LAID OVER

Item: 18 - 593 Broadway (Houston) - SoHo Cast Iron H.D. A Classical style store building built in 1860. Application is to install storefront infill.

WHEREAS, some board members expressed concern about the introduction of blue glass in the sidewalk bulkhead, but most thought it appropriate; and

WHEREAS, the signage is historic and in scale; and

WHEREAS, the application calls for exposing an encased cast-iron column; now

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

Vote: Passed, with 33 Board members in favor, and 1 in opposition.

Item: 19 - 70 Greene Street - SoHo-Cast Iron Historic District

A store and tenement building built in 1860. Application is to modify storefront infill installed in non-compliance with Certificate of Appropriateness 99-4665.

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. strongly recommends denial of this application in the absence of this very important step in the review process.

Vote: Unanimous, with 34 Board members in favor.

Item: 20 - 625 Broadway - NoHo Historic District

A Renaissance Revival style store and loft building designed by David W. King and built in 1896-98. Application is to legalize the replacement of entrance infill without Landmarks Preservation Commission permits.

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. strongly recommends denial of this application in the absence of this very important step in the review process.

Vote: Unanimous, with 34 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Reaffirmation of Support for A Dog Run for Small Dogs.

WHEREAS a group of community residents has worked for over a year to find a small area for a dog run for small dogs; and

WHEREAS CB#2-Man. passed a resolution favoring of a run for small dogs in Washington Square Park; and

WHEREAS a small area for small dogs would take up very little additional space in the park but would bring a positive use to the park and thereby also help to displace negative uses that prevail in the park, and also contribute to the quality of life of the surrounding area;

THEREFORE IT IS RESOLVED that CB#2-Man. expresses its disappointment at the refusal of the Parks Department to respond favorably to this request; and

BE IT FURTHER RESOLVED that CB#2-Man. reaffirms and reiterates its previous request for a small dog run; and

BE IT FURTHER RESOLVED that CB#2-Man. will support any appropriate alternate location but not one that is carved out of the existing dog run which is often over-crowded; and

BE IT FURTHER RESOLVED that CB#2-Man. calls upon our elected officials to actively support this proposal.

Vote: Passed, with 32 Board members in favor and 2 abstentions.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

- 1. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Happy walking Boys Corp D.B.A. Chow Restaurant, 184 West 10th. Street, (between West 4th and Bleecker Streets) NYC, with 6 Tables and 13 seats, DCA# 1072271.**

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

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

WHEREAS, the area was posted, 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 Happy Walking Boy Corp D.B.A. Chow Restaurant, 184 West 10th Street, NYC with 6 tables and 13 seats.

VOTE: Unanimous, with 34 Board members in favor.

- 2. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Riviera Cafe Restaurant, 225 West 4th Street, NYC, (between West 10th Street and 7th Avenue South) with 27 tables 60 seats, DCA# 0922650.**

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

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

WHEREAS, this establishment has had an unenclosed sidewalk since the year 1980 and:

WHEREAS, this establishment is known as a landmark in Greenwich Village it has been at this location for thirty-five years and;

WHEREAS, there was no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of a THREE YEAR revocable consent to operate an unenclosed sidewalk café to Riviera Cafe Restaurant, 225 West 4th Street, NYC with 27 tables and 60 seats.

VOTE: Passed, with 33 Board members in favor, and 1 in opposition.

- 3. RENEWAL application for revocable consent to operate an enclosed sidewalk café by Riviera Café Restaurant, 225 West 4th Street, NYC, (between West 10th Street and 7th Avenue South) with 17 tables and 36 seats, DCA# 06296216**

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

WHEREAS, there is no opposition from the community and;

WHEREAS, the applicant is well known in the community and has been in business at this location for thirty-five years and;

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

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

WHEREAS, this has been an enclosed sidewalk café since 1980;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends Approval of a THREE YEAR consent revocable to operate an ENCLOSED sidewalk café to Riviera Café Restaurant, 225 West 4th Street, NYC for 17 tables and 36 seats.

VOTE: Unanimous, with 34 Board members in favor.

ZONING AND HOUSING

129 LAFAYETTE ST. Application #C030139ZSM Special Permit Application to allow the conversion of the upper floors of a former industrial building to 27 units of Joint Living-Work Quarters for Artists. The ground floor will remain a non-conforming Use Group 6 retail space.

WHEREAS, there was no opposition to the conversion to Joint Living-Work Quarters for Artists (JLWQA); and

WHEREAS, there was great concern about potential uses on the ground floor; and

WHEREAS, we have had bad experiences with nightclub-type establishments on the ground floor of JLWQA buildings; and

WHEREAS, we have seen residents promised that the ground floor would never be allowed to have an objectionable use, yet later that is exactly what happens; and

WHEREAS, the primary objective of this application is the Joint Living-Work Quarters conversion and we are not intent on turning the entire application down because of concern about future ground floor use; and

WHEREAS, we strongly caution the applicant to bear in mind our concerns; and

WHEREAS, we understand that the applicant was intending to keep the building as a commercial or manufacturing building but had no success in finding tenants, and only then decided to convert the building to JLWQA; and

WHEREAS, typically we see one full year of advertising for as-of-right uses when a Special Permit is applied for; and

WHEREAS, in this case the Department of City Planning agreed with the applicant that because they had been searching for as-of-right tenants for some time before deciding to convert the building, City Planning felt that a good-faith effort had been made and that placing ads in newspapers every week for a year, the typical process, was not necessary; and

WHEREAS, we understand this, but there was insufficient back up in the application to substantiate the claims that the applicant had been trying for a long time to find as-of-right tenants; and

WHEREAS, we requested back up to show they did what they said they did, particularly because many of the letters of outreach the applicant included are fairly recent and do not verify what the applicant maintains was a long-term effort;

THEREFORE BE IT RESOLVED, that CB#2, Man. approves the Special Permit to convert 129 Lafayette St. into Joint Living-Work Quarters for Artists, on the condition that the applicant submit evidence substantiating the claim that there was a long-term, ongoing effort to find as-of-right tenants, because the documentation provided to us does not verify these claims; and

BE IT FURTHER RESOLVED that we are concerned about objectionable ground floor uses and caution the applicant to bear in mind the potential problems to both the residents and the community; and

BE IT FURTHER RESOLVED that the Condo Offering Plan showing JLWQ be submitted as part of this application; and

BE IT FURTHER RESOLVED that the applicant has submitted additional evidence of marketing efforts, and although it is not completely satisfactory, it does indicate that efforts were made to lease the building to as-of-right uses; and

BE IT FINALLY RESOLVED that the applicant has agreed to prohibit the use of the space as a bar, nightclub, or an eating and drinking establishment which cooks on site, but would have businesses such as Starbucks or Balducci's, as examples, which would serve food but are not in the food preparation business, and they have agreed to incorporate such a restriction into the condominium's papers which will be filed with the Attorney General.

Vote: Unanimous, with 34 Board members in favor.

NEW BUSINESS

Proposal by the Dept. of Parks re: Intro 160: Clarification of the general vending law to protect public parks from unregulated intrusion.

Vote: Tabled, with 17 Board members in favor, and 14 in opposition

SEE ATTACHED PROPOSAL-EXHIBIT II.

Respectfully submitted,

Martin Tessler
Assistant Secretary
Community Board #2, Manhattan