

FULL BOARD MINUTES

DATE: March 20, 2003
TIME: 6:30 P.M.
PLACE: The New School, Parsons Auditorium, 66 Fifth Ave.
Ground Floor

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Helene Burgess, Keith Crandell, Doris Diether, Elizabeth Gilmore, Lawrence Goldberg, 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.) Don MacPherson, Rosemary McGrath, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Ann Robinson, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, Melissa Sklarz, James Smith, Shirley H. Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Stephanie Thayer, Ma Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Anthony Dapolito, Harriet Fields, Edward Ma, Jeanne Kazel (Wilcke).

BOARD MEMBERS ABSENT: Noam Dworman, Edward Gold, Hyun Lee, Doris Nash, Wilbur Weder,

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Brian Sogol, 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, Alfred Ferrer III, Scott Gibson, Alexis Offen, K. Faccini, T. Nygard, A. Bennett, David E. Levy, Christian Miller, Bob Russo, Michael Namer, Barry Lafer Lindsay Drogin, Vincent Rotolo, Karen Chapmock, Allan Horland, Don Williams, John Kochenn, Tim Healy, Geo Jakdi, Cynthia B. Smith, George Schoen, David Hapgood, Ellen Peterson-Lewis, Eliza Nichols, Alexis Erovart, Patrick Erovart, May Erovart, Fiona Rooney, Bob Schafer, Kay Rogers, D. Rogers, Lawrence Kapture, Betsy Mickel, Charles Rich, Bob Barkan, Nancy Rudolph, Ingrid Ladendorf, Susan Goren, Alex Korizir, Bob Campbell, Jessica Harvey, Jen Roth, Stuart Waldman, Tod Levenback, Tina Fuchs, Bill Murawski, George Haikalis, Gene Kaufman, Robert Woodworth, Maria Gustafson, Rosemary Rowley.

MEETING SUMMARY

Meeting Date - March 20, 2003
Board Members Present – 38
Board Members Excused– 4
Board Members Absent - 5

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II. PUBLIC SESSION

Non-Agenda Items

Waterfront – Pier 40

Michael Namer, Karen Chapwick, Tod Levenback, spoke against Pier 40-Home Depot.

Elizabeth Gilmore spoke against the Waterfront Committee.

Bob Russo, Barry Lafer, spoke in favor of Pier 40. Don Williams spoke in favor of keeping playing fields at Pier 40.

Bill Murawski, of DeWitt Clinton Presents, spoke re: shows for Pier 40.

Lindsay Drogin spoke in favor of waterfront issues. Charles Rich spoke on Pier 40.

Budget Cuts

Lawrence Kapture, of New York Public Library, spoke against budget cuts.

Town Hall Meeting

Alexis Offen reminded everyone about the meeting at NYU with John Sexton.

Roundtable Announcement

Betty Williams spoke re: upcoming roundtable for housing for the homeless and disabled.

Community Support of Agriculture

Tina Fuchs, of St. Vincent's, spoke re: new program to get affordable, fresh vegetables from Stoneledge Farm.

YMCA

Christian Miller updated everyone on services and upcoming events.

By Law Change

Albert Bennett spoke against the by-laws change re: meetings.

Landmarks & Public Aesthetics Items

341 Canal St.

Gene Kaufman spoke in favor of the project.

Lesbian, Gay, Bisexual & Transgender

Funding for LGBT Community Center

Robert Woodworth, LGBT, spoke in favor of the resolution recommending release of the funds, and for them to work with community, and become a member of the W. 13th St. Block Assn.

Maria Gustafson, 13th St. Block Assn. spoke. Rosemary Rowley, 13th St. Block Assn., spoke in favor of clearing up pedestrian congestion.

Parks, Recreation And Open Space

Mounds at Washington Sq. Park

Kay Rogers, Eliza Nichols, Don Rogers, Mary Erovert, Fiona Rooney, Nancy Rudolph, spoke in favor of saving the 3 mounds at Washington Sq. park. Ann Arlen spoke.

Traffic and Transportation Items

Perpendicular parking on West 3rd St. between Mercer St. and La Guardia Place

George Haikalis, Allan A. Hoarland, Tim Healy, spoke against this proposal.

Zoning and Housing Items

Hudson Square Rezoning

Betsy Mickel, K. Faccini, T. Nygard, Jen Roth, Stuart Waldman, spoke against the rezoning.

Ellen Peterson-Lewis spoke against the northern side of rezoning, but spoke in favor of the southern side of rezoning plan.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler's office

Brian Sogol, 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 February minutes.

VI. EXECUTIVE SESSION

g. **Chair's Report** Aubrey Lees reported

h. **District Manager's Report** Arthur Strickler reported.

i. **By-Law Change**

COMMUNITY BOARD #2, MANHATTAN BY-LAWS

AS ADOPTED BY COMMUNITY BOARD #2 ON MARCH 21, AND APRIL 18, 1985 AND AMENDED ON 4/19/1990, 10/18/1990, 4/18/1991, 2/18/1993, 4/17/1997, 7/1, 2002, 9/20/2002 and March 20th, 2003

The Bylaws of Community Board #2, Manhattan, (the "Board") shall conform to the provisions of the New York City Charter, including but not limited to Section 2800.

The Board boundaries, unless changed by State and City law, are 14th Street, Canal Street, Fourth Avenue/the Bowery, the Hudson River.

There shall be a Community Board in each community district as provided in the City Charter. The number of boards and district lines shall be determined by the City Planning Commission as provided for in section 83 of the City Charter.

I. MEMBERSHIP

A. The Board shall consist of not more than fifty persons appointed by the Borough President, one-half of whom shall be appointed from nominees of the District Council Members and, as non-voting members, Council Members elected from the Board area. The Borough President and Council Members shall give due regard to representation from the different geographic sections and neighborhoods within Community Board #2, Manhattan. Not more than 25 percent of such appointments shall be City employees.

G. Members of the Board shall be appointed for staggered terms of two years, one-half of the membership being renewed each year. They may be reappointed, and shall be removable by the Borough President for cause. Three consecutive unexcused absences from regular meetings called in any one year shall be sufficient cause for removal. A vacancy shall be filled by the Borough President for the remainder of the unexpired term in the same manner as regular appointments.

2. Members of the Board shall serve as such without compensation.

3. Membership on the Board shall as much as possible have such diversity of interests as shall be representative of the community.

4. Members of the State Legislature and the U.S. House of Representatives whose districts include any part of the Board area shall be ex-officio non-voting members of the Community Board.

5. All members shall serve on the Board in their capacity as private citizens only. Their actions shall not be instructed by, or responsible to, any other organization with which they may be affiliated. Any members participating in the Board's consideration of a matter involving self-serving or conflicting interest shall state the nature of the conflict in speaking to the issue and shall abstain from voting on such matters and shall be so recorded.

6. Any member appearing before a government body and making a statement which conflicts with positions adopted by the Board shall first, before making such statement, identify herself/himself as a member of Community Board #2, Manhattan, and clearly state that the position being taken is not the position of CB#2-Man. No member shall represent the Board's position before any City or other government agency or authority unless designated to do so by the Board Chairperson.

7. Each Board member shall regularly attend meetings of the Full Board plus two Standing Committees of which he/she is a member.

8. The Chairperson may, after consultation with the Executive Committee, recommend to the Borough President the removal of a Board member for cause.

9. Such "cause" shall include but not be limited to a Member's failure to fulfill any of the duties or responsibilities outlined in Section 7 above. Recognizing that regular attendance at Board or committee meetings is essential in order for a member to fulfill his or her responsibilities, the Board has determined that four unexcused absences within any period of twelve consecutive months from regular meetings of the Board, or four unexcused absences within a period of twelve consecutive months from regular meetings of a standing committee to which a member has been appointed, shall constitute cause for removal.

II. ELECTION OF OFFICERS

A. Except as hereinafter set forth, at the Board's regular meeting in the month of April, the Board shall elect by open ballot a Nominating Committee consisting of seven members, with that nominee receiving the greatest number of votes to be designated the Chairperson of said committee. Any tie or ties shall be resolved by lot.

Such committee shall meet as often as necessary thereafter in order to report to the Board at its May meeting one or more candidates for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, as well as such additional offices as the Board shall establish, so long as the function and duties are not in conflict with the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer.

B. All members of the Board who desire to become candidates for the offices described in Article II A shall contact a member of the Nominating Committee within two (2) weeks after the election of the Nominating Committee.

B.1 Any member of the Board who is a candidate for any of the offices described in Article II A may not serve on the Nominating Committee in the year(s) in which he/she is running for said office, unless no other candidate for a given office emerges, in which case a member of the Nominating Committee may be nominated by the Nominating Committee from the floor for such an office.

B.2 Meetings of the Nominating Committee shall be held in Executive Session and persons attending meetings of the Nominating Committee shall be restricted to members of the Nominating Committee and candidates being interviewed by the Nominating Committee for those offices which are being considered by the Nominating Committee.

C. All candidates for offices being considered by the Nominating Committee shall be informed by the Nominating Committee within 48 hours of the Committee's decision. At the regular May meeting of the Board members of the Board may offer additional nominees from the floor. There shall be no further nominations from the floor at the June meeting unless there is no nominee for a vacant office. All nominees suggested by the Nominating Committee as well as nominees offered from the floor for the Board offices shall be made known to each member of the Board in the written notice of the election of officers at the June meeting.

D. Whenever there is more than one candidate for an office, at the election meeting each candidate shall have up to (5) minutes to state why he/she wishes to serve.

E. At the June meeting of the Board there shall be a separate open election held for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board.

F. If included in the written notice of the election for the June meeting, election of any other officers described in (A) above shall be held.

H. Voting for each office shall be by written open ballot.

III. THE BOARD OFFICERS

A. The officers of the Board shall be Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer and such other officers designated by the Board. Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure including:

1. Terms:

Each required Officer shall serve for the year with the term beginning July 1st following the election and terminating on June 30th of the following year.

Terms of the members shall commence on April 1 of each year.

2. Rotation of Chairpersons:

A. To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms.

B. In the event the Chairperson leaves office before his/her term expires and the remainder of her/his term is more than six(6) Months, the remainder shall be counted against the successor as a full term and, if six (6) months or less, the remainder shall not be counted at all.

3. Duties of Chairperson:

- a. To perform all duties as prescribed in the City Charter and any other duties prescribed under law.
- b. To receive Calendars and notices of meeting of all City Agencies required to refer matters to the Community Boards pursuant to the City Charter and to inform the Board members of such Calendars and notices.
- c. To attend any meetings required by the Mayor and the Borough President pursuant to the City Charter or to designate his/her representative or representatives to attend.
- d. To open regular monthly meetings at the time and date at which the Board is to meet, by taking the chair and calling members to order.

- e. To announce the business before the Board according to the agenda.
- f. To state and put to a vote all questions or resolutions which are to be moved or which necessarily arise in the course of the Board's business and to announce the result of the vote.
- g. To interpret and enforce Robert's Rules of Order, except as otherwise provided by the By-Laws herein.
- h. To decide all questions of order.
- i. To represent and stand for the Board and perform all necessary functions according to the decisions duly made by the Board, including communicating with government agencies. Such communications shall be sent directly to the appropriate Government agency with a copy of the same simultaneously forwarded to the Borough President's office, and any other pertinent City, State or Federal office or elected official's office.
- j. To authenticate all acts, orders and proceedings of the Board including the countersigning of all letters and documents of whatever nature going out from the Board, unless otherwise authorized, and to be the sole spokesman for the Board in relation to the news media, agencies of government and the public at large, except as he/she shall otherwise specifically authorize.
- k. To adjourn regular monthly meetings.
- l. To appoint, suspend or remove Chairpersons of the Standing Committees of the Board and to establish and appoint, suspend or remove the Chairpersons of such special committees as may from time to time be deemed necessary for the best performance of the Board's function. All such Chairpersons shall serve only during the term of the Board Chairperson appointing him/her. The Board Chairperson shall be an ex officio member of each committee. The Chairperson of the Board shall appoint members of all committees.
- m. To prepare and deliver the Chairperson's report.
- n. Because of the possibility of the Vice Chairpersons having to act in the absence of the Chairperson as hereinafter provided, to keep the Vice Chairpersons informed of all information, orders, directives and other matters coming to the Chairperson's attention.
- o. The term "Chairperson" is used in these by-laws to describe the presiding officer of the Board. Any individual elected to that office may not style himself/herself by other terms. This rule shall also apply to the First Vice-Chairperson and the Second Vice Chairperson.
- p. The Chairperson may appoint a parliamentarian, if he/she chooses.

j. Duties of Vice Chairpersons:

C. The First Vice Chairperson shall preside at the regular monthly meeting in the place of the Chairperson when the Chairperson is absent. In the absence of the First Vice Chairperson, the Second Vice Chairperson shall preside at the meeting.

D. The First Vice Chairperson and the Second Vice Chairperson shall assist the Chairperson when necessary and required. If the Chairperson can no longer serve or is unable to serve as Chairperson before his/her term has expired, the First Vice Chairperson shall succeed the Chairperson for the balance of the term for which the Chairperson was elected. If both the Chairperson and the First Vice Chairperson can no longer serve or are unable to serve, the Second Vice Chairperson shall succeed the Chairperson for the balance of the term for which the Chairperson was elected. If the Second Vice Chairperson can no longer serve or is unable to serve, then the last elected Nominating Committee shall convene in an emergency meeting, with its original Chairperson continuing to serve as Chairperson of the Committee and shall report to the Executive Committee (which shall convene prior to the upcoming full board monthly meeting) one or more nominees for the vacant offices of Chairperson, First Vice Chairperson and Second Vice Chairperson.

i) Should the previously elected Chairperson of the Nominating Committee be unavailable, that member of the Nominating Committee who at the time of Nominating Committee elections had received the second highest number of votes, shall serve as Chairperson of the Committee.

ii) The Executive Committee will report in writing the nominee or nominees for the offices of Chairperson and First and Second Vice Chairpersons to the Board Members at the next Full Board monthly meeting.

- iii) The Secretary shall serve as Chairperson of the Executive Committee and Full Board until a temporary Chairperson is elected.
- iv) The Assistant Secretary shall serve as Vice Chairperson until a temporary Vice Chairperson is elected.
- v) The election of these temporary officers shall be by open ballot.
- vi) These temporary officers shall serve until the terms of the original officers would have expired.

5. Duties of Secretary:

- a. The Secretary shall be the recording officer of the Board taking the minutes of the regular monthly meetings and shall be assisted in the compilation and typing of such minutes by the Board staff. The final version of the minutes as submitted by the Secretary and approved by the Chairperson shall be distributed, and copies forwarded to the Borough President and the offices of City, State, and Federal elected officials representing the Board.
- b. If both the Chairperson and the First and Second Vice Chairpersons are absent from a meeting, then the Secretary shall assume the duties of Chairperson for that meeting only.

6. Duties of Assistant Secretary:

- a. The Assistant Secretary shall act as Secretary and record and report the minutes if the Secretary is not present at the regular monthly meeting. He/she shall also, if the Secretary is present, aid the Secretary in any manner deemed necessary and also take the minutes of the Monthly Executive Committee Meeting, to be submitted to the Board Office and Chairperson of the Board.
- b. Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary, as herein provided, the Secretary shall keep the Assistant Secretary informed of all information, orders, directives and other matters coming to the Secretary's attention.

7. Duties of the Treasurer:

- a. The Treasurer shall oversee the bookkeeping procedures of the Board and shall be responsible for all fiscal matters pertaining to the Board's Operating Budget. He/she shall present to the Board annual reports of current allocations, prorated expenditures, and proposed operating budgets.

IV. EXECUTIVE COMMITTEE

The Board shall have an Executive Committee. The Executive Committee shall include within its number, the Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, Treasurer, and standing Committee Chairpersons. Also, the outgoing Chairperson of the Board should be given an automatic seat on the Executive Committee, for one year, with full Committee rights. During those months when the Board does not meet, the Executive Committee may transact such business as necessary, but notice shall be given to all members of the Board of the proposed meetings, with an opportunity to attend and observe the action of the Executive Committee.

In emergency situations, the Executive Committee may act on behalf of the Board providing any such action shall be ratified by the Board membership at the next regular monthly meeting.

If not so ratified, there shall be no further implementation of the action after such meeting, and steps must be taken to withdraw the action.

V. BOARD MEETINGS

C. There shall be at least one regular, monthly meeting of the Board per month, except in July and August, as provided for in the City Charter, at such time and place as shall be designated by the Chairperson in the notice of the meeting sent to the Board members as hereinafter provided. However, the Board shall not meet on New York State-recognized Federal holidays, unless necessary to the proper execution of the Board's responsibilities in the opinion of the Board Chairperson.

- 1. A majority of the appointed members of the Board shall constitute a quorum of such Board.

2. Whenever any act is authorized to be done or any determination or decision made by the Board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of the majority.

3. Except as otherwise specifically required by the By-Laws or by any applicable provision of Robert's Rules of Order, all action shall be decided by a majority of the quorum present. An abstaining member shall not be counted for purposes of determining a majority vote.

B. There may be special and emergency meetings.

1. A special meeting shall be a meeting other than the regular monthly meeting and shall be called by the Board Chairperson:

- a. at the Board Chairperson's own volition,
- b. at the Borough President's request,
- c. upon resolution adopted by the Board, by majority vote,
- d. upon written request of at least one-third of the Board's membership and presented to the Board Chairperson.

2. A special meeting shall be called upon five day's notice, in writing, with specification of the purpose of the meeting and a delineation of the agenda of such meeting, and such meeting shall be governed by the same procedures as a regular Board meeting.

3. An emergency meeting shall be a meeting in the manner of a special meeting but in circumstances where time is of the essence and decisions are required immediately. Where the five days' notice cannot be given, at least 48 hours notice must be given. Notice for an emergency meeting may include telephonic or other rapid means of communication.

C. The following are the rules governing attendance and excused absences:

1. A Board member may be properly excused for the following reasons: for military service, in the event of serious personal illness, or serious illness or death in the immediate family (the immediate family is defined as either a parent, a spouse, or a child or sibling). No other excuse will be permitted unless the Chairperson considers it to be good cause.

2. A Board Member shall not be deemed present at a meeting unless he/she is in attendance during substantially all of the meeting.

VI. COMMITTEE MEETINGS

A. Committee meetings shall be conducted under the same procedures as Board meetings, however, committees may adopt additional procedures consistent with the Board procedures in these Bylaws.

B. Committee meetings shall be open to the public with the following exceptions:

1. Nominating Committee meetings.
2. Membership and staff evaluation meetings.

C. Members of the public may be appointed by the Board Chairperson to serve on committees; but the number of public members appointed to a Committee shall be fewer than the number of Board Members, except in the case of special committees approved by the Board, including the Youth Committee.

D. The vote of the Public Members shall be taken and tallied separately.

E. Committees shall keep attendance records and shall report all resolutions adopted in writing, together with the voting tally of both Board and Public Members, who are appointed members of the Committee.

F. Any resolution that received a majority vote of the committee, both the Board and the public members taken together, shall be brought to the Full Board for its consideration.

G. Committee Agendas and Public Hearings shall be arranged allowing sufficient time for the Committee to recommend and the Full Board to adopt or amend recommendations and transmit them to the appropriate government bodies, in keeping with these same government bodies' calendars; where appropriate within the time frame established by the Uniform Land Use Review Procedures.

H. All Board meetings shall be conducted in accordance with Robert's Rules unless otherwise specified in these Bylaws.

I. No committee meeting shall be held on New York State-recognized Federal holidays unless necessary to the proper execution of the Committee's responsibilities in the opinion of the Committee Chairperson.

VII. AGENDA

A. An agenda shall be drafted by the Chairperson of the Board with the assistance of the Executive Committee and District Manager at least 10 days before each regular meeting. The agenda should outline the Board Chairperson's suggestion of business to be transacted at the meeting. This agenda, plus the notice of time and place of the meeting, shall be forwarded to reach each Board member at least three days before the regular monthly meeting of the Board.

B. The agenda shall consist of the following:

1. opening of the meeting and adoption of the Agenda;
2. public session.

There shall be a Public Session at each regular monthly meeting. In the interest of affording the maximum opportunity to all citizens to be heard, each speaker shall be limited to a period of no more than three minutes, less otherwise permitted by the Board Chairperson. The Public Session shall consist of the following:

- a. items not listed on the agenda. The unlisted portion of the Public Session shall be that period during which a member of the community who has a residence or a business, professional or other significant interest in the district shall be afforded an opportunity to bring to the attention of the Board any matter not already listed upon the agenda, which the speaker believes to be general or common interest to the community and the Board.
- b. items listed on the agenda. The listed portion of the Public Session shall be that period during which members of agencies of government who have requested a place on the Agenda shall be afforded the opportunity to express themselves to the Board on matters of public interest.

3. Executive Session

There shall be an Executive Session embracing all items on the Agenda listed below. The Executive Session shall be that portion of the Board meeting where only members of the Board may debate the issues and vote on such issues. However, the public is invited to be present as observers of the Board's proceedings except as the Board may decide by a vote of the majority of the quorum present and voting. The proponent of an issue before the Board, not a Board member, upon request may respond to questions in the Executive Session. Executive Session items on the agenda shall be limited to three minutes for each speaker except when otherwise decided by the Chairperson.

- a. Adoption of minutes.
- b. Community Board Chairperson's report.
Together with other pertinent items the Board Chairperson shall include in his report to the Board all written communications from the Borough President's office and convey such other communications as shall come from the Borough President and other government agencies in relation to the work of the Board.
- c. Borough President's report delivered by the Boardliaison.
- d. Council Members' reports and other public officials' reports.
- e. District Manager's report.

- f. Committee Chairpersons' reports. Written committee reports shall be submitted to the Board Office for typing and duplication, by each Committee Chairperson and distributed at each Full Board Meeting.
- g. Old business--unfinished items from previous meetings.
- h. New business--matters added to the Agenda at the meeting along with any other business that may properly come before the Board.
- i. Adjournment.

VIII. VOTING

- A. The Board must record in its minutes the votes of each of its members on every vote taken by the Board.
- B. Members are required to disclose his/her specific interest in any matter before the Board; however, members who have a direct financial interest in any matter should be recorded as not voting.
- C. If a matter before the Board requires further information or deliberation, that matter may be referred to the appropriate Board Committee for a report of recommendations and decisions by the entire Board at the next regular monthly meeting.
- D. All voting in Board meetings shall be in person only. No proxy will be accepted.

IX. DISTRICT MANAGER

In accordance with Chapter 70, Section 2800, part "F" "The District Manager shall serve at the pleasure of the Board". The duties of the District Manager are:

- A. Assist the Chairperson and Committee Chairpersons in carrying out their responsibilities.
- B. Administer the Board Office. Direct the complaint procedures; plan agendas and chair the District Service Cabinet; oversee the Board operating budget expenditures and draft annual Board operating budgets; provide information and referrals to agencies, local institutions, groups and individuals.
- C. Guide the Board and its Committees through the various phases of participation in the City's budget process, and prepare necessary testimonies and other paperwork.
- D. Supervise processing of street and park permits.
- E. Attend Board, community, and government body meetings when necessary.

X. AMENDMENTS

These by-laws may be amended by a vote of the majority of the quorum present and voting, only if notice of the proposed amendment(s) has been mailed to all members of the Board at least ten (10) days in advance of the meeting at which such amendment(s) is to be voted upon.

A proposal for an amendment(s) to these by-laws may be placed on the agenda of the Board by either a vote of the quorum present and voting or by written request of the Borough President.

Vote: Unanimous, with 38 Board members in favor.

STANDING COMMITTEE REPORTS

BUSINESS

1. Bruzia Food Inc., d/b/a Cascina, 281 Bleecker Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for the transfer of the existing On Premise license at this location; and

WHEREAS, the applicant stated that there would be no change to the name, hours, menu, décor, music policy or method of operation; 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 **Bruzia Food Inc., d/b/a Cascina, 281 Bleecker Street, NYC.**

Vote: Unanimous, with 38 Board members in favor.

2. 7th & Barrow, LLC., d/b/a Sushi Samba, 87 7th Avenue South, NYC 10014

WHEREAS, the applicant's attorney appeared before the committee; and

WHEREAS, this application is to extend the existing license at this location to include the sidewalk cafe; and

WHEREAS, the community has a long and difficult history with this applicant who has a complete disregard for the laws of the City of New York; and

WHEREAS, the restaurant currently is operating without a Public Assembly permit ever having been issued and is therefore not legal to operate a restaurant at all; and

WHEREAS, the committee cannot recommend the any extension of the already illegal operation of this applicant's business; and

WHEREAS, there are twelve outstanding violations regarding the illegal occupancy of this applicant; and

WHEREAS, fifteen members of the community appeared in opposition to this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of the alteration of the On Premise license for **7th & Barrow, LLC., d/b/a Sushi Samba, 87 7th Avenue South, NYC 10014**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. calls upon the State Liquor Authority to heed the previous recommendations of denial with respect to the original issuance and subsequent renewals of this license by immediately revoking or suspending the existing license unless and until the applicant legalizes their use and occupancy of these premises and cures the outstanding violations.

Vote: Unanimous, with 38 Board members in favor.

3. Christopher Street LLC., 5 Ninth Avenue, NYC 10014

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for an On Premise license at this location, currently a vacant building; and

WHEREAS, the applicant stated that this will be a 180 seat, 3000 square foot bar/lounge with limited food and a rear yard; and

WHEREAS, the hours of operation will be from 5 PM to 2 AM weekdays and 4 AM weekends; and

WHEREAS, the applicant stated that music would be background sometimes and DJ music at other times; 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 **Christopher Street LLC., 5 Ninth Avenue, NYC**

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

AOC LLC., d/b/a AOC, 14 Bedford Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a transfer of the existing On Premise license in the space formerly occupied by Boughalem; and

WHEREAS, the applicant stated that this will be a 50 seat French restaurant open from Noon to 11:30 PM daily; and

WHEREAS, some members of the community said that they would have no objection to the issuance of this license, provided that the applicant agreed not to keep his café doors open past 8 PM which the applicant readily agreed to; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for AOC LLC., d/b/a AOC, 14 Bedford Street, NYC 10014

Vote: Unanimous, with 38 Board members in favor.

5. 28 7th Avenue South Rest., LLC., d/b/a Punta, 27 7th Avenue South, NYC 10014

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for the transfer of the existing On Premise license at this location, currently Neva Restaurant; and

WHEREAS, the applicants stated that this will be a 80 person capacity Mediterranean restaurant; and

WHEREAS, the applicant stated that the hours of operation will be from 5 PM to 1:30 AM weekdays and until 2:30 weekends; and

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

WHEREAS, a number of members of the community spoke against this application as the current operation has been problematic; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **28 7th Avenue South Rest., LLC., d/b/a Punta, 27 7th Avenue South, NYC 10014**

Vote: Unanimous, with 38 Board members in favor.

Ignacio Carballido, d/b/a Café El Portal, 174 Elizabeth Street, NYC

WHEREAS, the applicant appeared before the Committee; and

WHEREAS, this is a dual application to upgrade the existing Beer and Wine license to an On Premise license and to extend the license into the rear yard; and

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

WHEREAS, several community members spoke against both the upgrade and the rear yard extension; and

WHEREAS, there are residential apartments above the premises; and

WHEREAS, the Committee sought to strike a compromise; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the upgrade from Beer and Wine to an On Premise license for **Ignacio Carballido, d/b/a Café El Portal, 174 Elizabeth Street, NYC**; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the extension of liquor service into the rear yard as it will be disruptive to the many residents above and around this location.

Vote: Unanimous, with 38 Board members in favor.

Pen Entertainment , d/b/a Cielo, 14-20 Little West 12th Street, NYC 10014

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

WHEREAS, this application is for a Cabaret license at this existing location; and

WHEREAS, this 300 person capacity location is currently operating as a Cabaret on a temporary Public Assembly permit; and

WHEREAS, no one from the community spoke against this application;

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of a Cabaret license to **Pen Entertainment , d/b/a Cielo, 14-20 Little West 12th Street, NYC 10014.**

Vote: Unanimous, with 38 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

On Tuesday, March 25, 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: 7 - 130 Bowery a/k/a 108-114 Elizabeth Street - Bowery Savings Bank – Individual Landmark/Interior Landmark A Roman Revival style bank interior built in 1893-95 designed by McKim, Mead and White. Application is to construct a sound booth and install glass enclosures at the stairs in the Banking Hall.

WHEREAS, this applicant originally stated to the community board that a catering hall was planned for this location, but instead has opened a loud nightclub that has greatly disrupted the sleep and the peace of neighbors in the surrounding blocks, as reported in various news articles, nightlife columns and police reports; and

WHEREAS, since opening as a boisterous night spot, it has received numerous LPC violations for interior work done without permits, further examples of the disingenuous and egregiously outrageous behavior that has characterized this project from the start; and

WHEREAS, sleep-deprived residents and community leaders appeared before us to voice their opposition to this application for a sound and lighting booth for a DJ; and

WHEREAS, the applicant continues to lie to the community board, still claiming this is currently a catering facility, despite all the evidence to the contrary; and

WHEREAS, since it is apparent that a booth to control a sophisticated lighting and sound system is not characteristic of a true catering hall, but rather a disco; and

WHEREAS, the applicant, in trying to have it both ways, is attempting to get away with yet another perfidious request; and

WHEREAS, the proposed modern glass enclosures for the staircase are out of context with this lovely Classical interior; now

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

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 8 - 109 Bedford Street - Greenwich Village Historic District
A Greek Revival style rowhouse built in 1843 and designed by George Harrison. Application is to legalize the installation of a stoop gate without Landmarks Preservation Commission permits.

WHEREAS, generally it is the board's position to deny requests for stoop gates, since they are not usually original elements in the Greenwich Village Historic District, and, further, we do not want to turn our neighborhood into a 'gated' community; but

WHEREAS, there have been rare instances, particularly on Christopher Street - a busy thoroughfare with a active nightlife and street scene - where he have recommended the installation of a stoop gate; and

WHEREAS, this series of Greek Revival homes are just a few feet off Christopher Street and residents reported to us incidents of unseemly behavior on their property; and

WHEREAS, the gates are all identical and stylistically compatible with the Greek Revival houses; now

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

BE IT FURTHER RESOLVED that similar applications should be decided on a case-by-case basis.

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

LPC Item: 9 - 111 Bedford Street - Greenwich Village Historic District

A Greek revival style rowhouse 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, generally it is the board's position to deny requests for stoop gates, since they are not usually original elements in the Greenwich Village Historic District, and, further, we do not want to turn our neighborhood into a 'gated' community; but

WHEREAS, there have been rare instances, particularly on Christopher Street - a busy thoroughfare with a vibrant nightlife and street scene - where he have recommended the installation of a stoop gate; and

WHEREAS, this series of Greek Revival homes are just a few feet off Christopher Street and residents reported to us incidents of unseemly behavior on their property; and

WHEREAS, the gates are all identical and stylistically compatible with the Greek Revival houses; now

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

FURTHER, BE IT RESOLVED that similar applications should be decided on a case-by-case basis.

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

LPC Item: 10 - 113 Bedford Street - Greenwich Village Historic District

A Greek Revival style rowhouse built in 1843 and designed by George Harrison. Application is to legalize the installation of a stoop gate and two through-the-wall air conditioning units without Landmarks Preservation Commission permits.

WHEREAS, generally it is the board's position to deny requests for stoop gates, since they are not usually original elements in the Greenwich Village Historic District, and, further, we do not want to turn our neighborhood into a 'gated' community; but

WHEREAS, there have been rare instances, particularly on Christopher Street - a busy thoroughfare with a vibrant nightlife and street scene - where he have recommended the installation of a stoop gate; and

WHEREAS, this series of Greek Revival homes are just a few feet off Christopher Street and residents reported to us incidents of unseemly behavior on their property; and

WHEREAS, the gates are all identical and stylistically compatible with the Greek Revival houses; but

WHEREAS, the through-the-wall AC units destroyed original building fabric; now

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

FURTHER, BE IT RESOLVED that similar applications should be decided on a case-by-case basis; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the request to legalize the wall AC units.

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

LPC Item: 11 - 115 Bedford Street - Greenwich Village Historic District

A Greek Revival style rowhouse built in 1843 and designed by George Harrison. Application is to legalize the installation of a stoop gate and a through-the-wall air conditioning unit without Landmarks Preservation Commission permits.

WHEREAS, generally it is the board's position to deny requests for stoop gates, since they are not usually original elements in the Greenwich Village Historic District, and, further, we do not want to turn our neighborhood into a 'gated' community; but

WHEREAS, there have been rare instances, particularly on Christopher Street - a busy thoroughfare with a vibrant nightlife and street scene - where he have recommended the installation of a stoop gate; and

WHEREAS, this series of Greek Revival homes are just a few feet off Christopher Street and residents reported to us incidents of unseemly behavior on their property; and

WHEREAS, the gates are all identical and stylistically compatible with the Greek Revival houses; but

WHEREAS, the through-the-wall AC units destroy original building fabric; now

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

BE IT FURTHER RESOLVED that similar applications should be decided on a case-by-case basis; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the request to legalize the wall AC units.

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

LPC Item: 12 - 340 Sixth Avenue - Greenwich Village Historic District
A Moderne style bank building constructed in 1954. Application is to install illuminated signage.

WHEREAS, the signage is in scale with the building; and

WHEREAS, the letters are aluminum face with back-lit neon lighting; and

WHEREAS, this type of subdued illumination may not be appropriate for most buildings in the Greenwich Village Historic District, but it is compatible with this modern building; now

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

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 13 – 31 Jane Street Withdrawn

LPC Item: 14 – 27 Christopher Street (Waverly)-Greenwich Village Historic District A building constructed in 1911 and designed by Joseph Duke Harrison. Application is to install a barrier-free access ramp and signage.

WHEREAS, we greatly appreciate the care and expense taken in removing the two steps at street level and installing an interior handicap lift; but

WHEREAS, we feel the request for an advertising banner on the corner of the roof is inappropriate because it will set a precedent, will be observable from only the western portion of the street, and is unnecessary for this organization which, as a destination point, is not dependent upon passing pedestrians for business; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the handicap-access portion of this application; but

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the request for a banner.

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 15 - 108 7th Ave. South, a/k/a 72 Christopher Street (Karavas Restaurant) A taxpayer designed by William H. Kaiser, and built in 1925. Application is to legalize the installation of storefront infill and upper story windows without Landmarks Preservation Commission permits.

WHEREAS, we prefer all the windows of the building to be configured in the original style of the building; and

WHEREAS, we are concerned with the relatively low height of the bulkhead on the Seventh Avenue South side of the building; and

WHEREAS, we encourage this applicant to work with the staff to resolve these concerns; now

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

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 16 - 341 Canal Street (Greene St.) - SoHo-Cast Iron Historic District
A vacant lot. Application is to construct a new six-story building. Zoned M1-5B

WHEREAS, many felt that the engineering and construction methods employed, namely, the use of caissons and exterior cables to support the exoskeleton of the façade, while innovative, draws attention to the building, in contrast to the understated elegance of the other buildings on Greene Street; and

WHEREAS, the choice of yellow for the exterior cables is overstated; and

WHEREAS, some felt that the screen wall on Canal Street is unnecessary and would prefer to see the façade built right up to the lot line, not angled; and

WHEREAS, also would prefer to see the Greene Street articulation brought around to the Canal Street side; and

WHEREAS, the ground floor height is considerably lower than traditionally seen in SoHo; but

WHEREAS, there are many aspects of the project which are appropriate, for instance: the care taken not to damage adjacent historic buildings, the rhythm and uniformity of the bays, the articulation, the shadow-play, the references to contributing buildings in the Cast-Iron District, the massing, the height in relation to surrounding buildings, the signage, the lighting, the interior roll-down gates, and other features; and

WHEREAS, there was a thoughtful debate and a split-vote on this application; now

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

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

LPC Item: 17 - 112 Mercer Street, a/k/a 541 Broadway - SoHo-Cast Iron Historic District A neo-Classical style store and loft building designed by Charles Mettam and built in 1869. Application is to install storefront infill.

WHEREAS, this application is a big improvement over the existing condition; and

WHEREAS, the raising of the floor to street level does not detract from this contributing building; and

WHEREAS, the diamond plating will be retained and other changes are minimal; now

THEREFORE, BE IT RESOLVED that recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 18 - 475-477 West Broadway (Houston) - SoHo-Cast Iron Historic District A neo-Grec style building built in 1878-79, designed by Frederick H. Gross. Application is to amend Certificate of Appropriateness 99-2387 for the installation of a painted wall sign.

WHEREAS, the addition of extra wording to this previously approved sign is harmless; but

WHEREAS, there was a presentation of another sign which may be requested in a few months; now

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

BE IT FURTHER RESOLVED any future applications for a Certificate of Appropriateness for a different sign come before us and not be renewed automatically.

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 19 - 543 Broadway (Spring/Prince)- SoHo-Cast Iron Historic District
A neo-Classical style warehouse built in 1902-03 designed by John W. Stevens.
Application is to replace windows on the 10th floor of the south elevation.

WHEREAS, the addition of windows on the secondary façade will not detract from the building; but

WHEREAS, we would prefer to see the inclusion of horizontal dividers to reflect traditional fenestration in the district; now

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

Vote: Unanimous, with 38 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSENDER

LGBT CENTER

WHEREAS in December CB#2, Man. voted to award \$5,250 from the Archives Fund to The Lesbian and Gay Community Services Center to be used for Capital Improvements, and

WHEREAS The LGBT Center must meet a daily operating budget of more than \$15,000.00, in order to provide services to the 6,000 people who use the Center weekly, many of whom would have no place else to go if not for the programs at The Center; and

WHEREAS more than 100 different local organizations use The LGBT Center on a regular basis, and

WHEREAS The LGBT Center has won numerous awards on a National and State level for its Social Service and Mental Health Programs, and

WHEREAS The LGBT Center is the Co-founder of the National Association of LGBT Community Service Centers, which now numbers more than 100 Centers, and

WHEREAS CB#2, Man. is proud to have The LGBT Center within our community, and

WHEREAS CB#2, Man. has received complaints from the 13th Street Block Association regarding the noise and congestion on their street caused by people coming to and leaving from The LGBT Center, and

WHEREAS due to these complaints CB#2, Man. voted in November 2002 to withhold payment of this award until The LGBT Center was able to correct this situation, and

WHEREAS The LGBT Center is responding to these complaints through its “Good Neighbor Program” which educates all users of the Center about the importance of local quality of life issues, and

WHEREAS this “Good Neighbor Program” is dedicated to improving the quality of life on West13th Street by:

- Placing large, educational Posters in every room of The LGBT Center to inform Center users of the neighborhood’s quality of life concerns.
- Providing direct outreach to leaders of all groups that use The LGBT Center
- Empowering the front desk reception staff to inform groups that are leaving The LGBT Center to disperse quickly and quietly.
- Allocating money for increasing lighting in front of the building, and

WHEREAS The LGBT Center locks its doors at 11PM, and most groups leave by 10:30PM, and most of the later traffic on the street is a result of people going to and from the late night places in the West Village, and

WHEREAS CB#2, Man. had responded to complaints of the 13th Street Block Association by including among its demands to The LGBT Center that they hire a full time Security Guard to patrol the street, and

WHEREAS The LGBT Center has made it clear that they are financially unable to hire such a full time Security Guard in these times of diminished funding, and

WHEREAS The LGBT Center, through its newly instituted policies, has already effectively reduced the incidence of noise and congestion on 13th Street, and

WHEREAS realistic expectations must be set that acknowledge that no single institution can completely eliminate street activity on a Greenwich Village Street, and

WHEREAS every other grant awarded under the Archive Fund has already been distributed, and it makes sense to close finally close out this Archive Fund bank account,

THEREFORE BE IT RESOLVED that CB#2, Man. release the \$5,250 grant to The LGBT Community Services Center as promised; and

BE IT FURTHER RESOLVED that CB#2, Man. urge The LGBT Center to continue working together with the block association to improve the quality of life on 13th Street; and

BE IT FURTHER RESOLVED that CB#2, Man. urges The LGBT Community Services Center to become a member of the 13th Street Block Association.

Vote: Passed, with 38 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Resolution Supporting Retaining At Least One of the Mounds.

WHEREAS the “mounds” in Washington Square Park are derelict, dangerous, unattractive, and closed to public access; and

WHEREAS the Department of Parks. is planning to remove the mounds and plant grass in this area; and

WHEREAS the Department of Parks has suggested that it may be willing to include hills of some kind in the plan for the new lawns; and

WHEREAS CB#2, Man. has already approved this project; and

WHEREAS concern has been expressed by members of the community because:

- 1) They provide a small grade change that is significant because the park and the neighborhood are otherwise flat.
- 2) This grade change is greatly enjoyed by children, especially young children, and especially when snow-covered.
- 3) The mounds, however unattractive in their current condition, have a certain place in the history of the park and the community

THEREFORE IT IS RESOLVED that CB#2-Man. appreciate the Department of Parks. promise to proceed with construction of the dog run as promised is dependent of future work on the hills, and

BE IT FURTHER RESOLVED that CB#2-Man. appreciates the Department of Parks commitment to work with community members to come up with a solution for the mounds area, and

that the Parks Committee will hold a public hearing to discuss the proposed solution for the mounds area.

Vote: Unanimous, with 38 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Panchito’s Restaurant, 103 Macdougall Street, NYC, with 12 tables and 27 seats. DCA# 0855696;

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

WHEREAS, there was no opposition from the community and;

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

WHEREAS, this establishment has been a restaurant with an unenclosed sidewalk café since 1990 and;

WHEREAS, the applicant did not do any renovations to the enclosed café portion of this establishment;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café for Panchito’s Restaurant, 103 Macdougall Street, NYC, with 12 tables and 27 seats.

Vote: Unanimous, with 38 Board members in favor.

2. RENWEAL application for revocable consent to operate an unenclosed sidewalk café by Florio’s Restaurant 192 Grand Street, NYC, with 7 tables 20 seats, DCA# 0890546.

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 this sidewalk and;

WHEREAS, this has been a unenclosed sidewalk café for twenty one years;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Florio's Restaurant, 192 Grand Street, NYC, with 7 tables and 20 seats.

Vote: Unanimous, with 38 Board members in favor.

3. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Chez Jacqueline Restaurant, 72 Macdougall Street, NYC, with 7 tables and 14 seats DCA# 0881019.

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

WHEREAS, there was no opposition from the community and;

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

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval for a TWO YEAR revocable consent to operate and unenclosed sidewalk café to Chez Jacqueline Restaurant, 72 Macdougall Street, NYC, for 7 tables and 14 seats.

Vote: Unanimous, with 38 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. 2nd Avenue Subway Resolution

WHEREAS; the East Side of Manhattan, New York is historically and currently underserved by local public transportation and the only subway line, the Lexington Avenue 4, 5, and 6 trains, currently operates with passenger loads that exceed New York City Transit guidelines and the overcrowded conditions are expected to increase, and

WHEREAS; the proposed 2nd Avenue Subway project is intrinsically connected to the redevelopment of Lower Manhattan as the increased accessibility would promote growth in Lower Manhattan, and

WHEREAS; a 2nd Avenue Subway would provide a viable alternative for Metro North commuters disembarking at the 125th Street station instead of the over-crowded Grand Central Terminal, and

WHEREAS; already \$1.05 billion have been earmarked in the 2000-2004 MTA Capital Program and are currently being used for the design and engineering of the proposed 2nd Avenue Subway line, and

WHEREAS; the Metropolitan Transportation Authority has adopted an aggressive schedule, with initial construction scheduled for 2004.

THEREFORE BE IT RESOLVED that, CB#2, Man. believes that the construction of the 2nd Avenue Subway is vital to the accessibility of the East Side of Manhattan as well as Lower Manhattan, and be it further

THEREFORE BE IT RESOLVED that we petition the United States Senate and House of Representatives to give the proposed 2nd Avenue Subway construction project top priority and provide the necessary funding, and

BE IT FURTHER RESOLVED that we encourage the United States Senate and House of Representatives to reauthorize the TEA-21 legislation, which has been responsible for the successful upgrade of transportation infrastructure across the country.

Vote: Unanimous, with 38 Board members in favor.

2. Resolution for Perpendicular Parking On West 3rd St. Between Mercer St. And La Guardia Place.

WHEREAS; NYC DOT has requested that CB#2, Man. review a plan for perpendicular parking and;

WHEREAS; CB#2, Man. has had many meetings in regards to traffic and pedestrian issues on this block, and;

WHEREAS; Representatives of New York University and the Washington Square Village Tenants Association expressed great concern and noted the continuing history of problems at this location, and;

WHEREAS; The mid block crosswalk has a large volume of vehicular traffic and a large volume of pedestrians from Washington Square Village and from New York University, And;

WHEREAS; questions were raised about the safety of the plan for perpendicular parking;

THEREFORE BE IT RESOLVED that CB#2, Man. requests that the NYC DOT plan for perpendicular parking on West 3rd St. between Mercer St. and La Guardia Place not be enacted, and;

BE IT FURTHER RESOLVED, That CB#2, Man. recommends that the mid block crosswalk be repainted with high visibility striping, that new signage be installed indicating that it is a pedestrian crossing, and that a new traffic light be installed to slow traffic.

Vote: Unanimous, with 38 Board members in favor.

3. Resolution To Establish A Bus Stop For Private Charter Buses On Bowery Between Canal St. And Hester St.

WHEREAS; there are extensive problems with parking for private charter buses throughout lower Manhattan that has been recognized at meetings of the CATS Early Implementation Task Force, and;

WHEREAS; The need for an over all plan to solve this problem is clearly established, and

WHEREAS; CB#2, Man., recognizes the economic hardship that the businesses in lower Manhattan have been suffering, and;

WHEREAS; Asian American Tourist Inc. has been operating private charter buses at this location for 13 years, and;

WHEREAS; CB#2, Man. , wishes to help this business but is reluctant to endorse this request as a permanent solution without an overall plan

THEREFORE BE IT RESOLVED that CB#2, Man. requests that NYC DOT enact regulations for a bus stop for private charter buses on Bowery between Canal St. and Hester St. on a temporary basis, signage to read NO STANDING EXCEPT BUSES LOADING AND UNLOADING, 7:30 AM to 9:00 AM, seven days, and;

BE IT FURTHER RESOLVED, That CB#2, Man. requests that NYC DOT work with the three downtown Community Boards and the private charter bus operators to establish an overall plan that addresses this serious issue.

Vote: Passed, with 34 Board members in favor 3 in opposition and recusal by Doris Diether.

YOUTH

1. NYAC HIV/AIDS Education

WHEREAS New York City's policy for HIV/AIDS education in schools was established in 1991, and

WHEREAS this policy has never been fully implemented, and

WHEREAS Mayor Bloomberg announced last week at a national HIV/AIDS conference that the city has set a goal to reduce the HIV infection rate by 50% by 2005, and

WHEREAS reducing the infection rate among young people of school age must be an important part of this goal,

THEREFORE BE IT RESOLVED that CB#2, Man. signs on the New York AIDS Coalition letter to Chancellor Joel Klein, Mayor Bloomberg's office, City Council Representatives and Dr. Marjorie Hill, calling upon the city administration, the Department of Education and the Department of Health to re-examine and revise the city's policy on HIV/AIDS education in schools.

Vote: Unanimous, with 38 Board members in favor

2. Dedication to Ruth Sherlip

WHEREAS Ruth Sherlip has been the chairperson of the Youth Committee of Community Board 2 for 13 of the past 16 years, and

WHEREAS during that time she has dedicated herself tirelessly and effectively to meet the needs of youth who live in and visit our community, and

WHEREAS her knowledge of and sensitivity to the issues that affect youth have been enormously helpful in shaping Community Board 2's policies for youth, and

WHEREAS her extensive knowledge and understanding of the agencies that control youth policy, both in our city and state governments and in the private sector, has been extremely effective in securing resources for the youth of our community,

THEREFORE BE IT RESOLVED that CB#2, Man. commends Ruth Sherlip for her many years of service to the youth of our community.

Vote: Unanimous, with 38 Board members in favor.

ZONING AND HOUSING

1. Hudson Square Rezoning App. #C030237ZMM

Resolution One - Proposed change of zoning between Spring, Washington, Canal and Hudson Streets from M2-4 and M1-6 to C6-2A.

WHEREAS, City Planning is proposing to amend the zoning map to change the area between Spring, Washington, Canal and Hudson from M2-4 and M1-6 to C6-2A which would allow new residential while continuing to permit commercial and light industrial uses to remain, but new manufacturing could not move in; and

WHEREAS, the FAR of C6-2A is 6.02 for residential, 6.50 for community facility and 6.0 for commercial, which is a 40% decrease in FAR in the M1-6 area, but permit a maximum height of 120'.higher than many other buildings in that area; and

WHEREAS, in general the community had no opposition to this change, but would like to see a zoning change similar to what is being proposed to the north, which is an overlay district with a lower FAR and we ask that City Planning consider this; and

WHEREAS, the community also suggested that the blocks of Charlton Street, Dominick, Watts and Broome Streets be added to the area to be rezoned;

THEREFORE, BE IT RESOLVED that CB#2, Man. approves the amendment to the zoning map to change the zoning to C6-2A, but requests additional blocks be added to the rezoned area and that, prior to enacting any changes, City Planning should reconsider an overlay district similar to that being proposed for the northern area of the Hudson Square Rezoning proposal.

Vote: Unanimous, with 38 Board members in favor.

Resolution Two - Proposed change of zoning of the area of Barrow and Morton on the north, Hudson on the east, Clarkson and Leroy on the south, and Greenwich, Washington and West Streets on the west to a special mixed-use district of M1-5/R7x with an MX-6 overlay;;

WHEREAS, City Planning is also proposing to amend the zoning map for the 5-1/2 block area bounded by Barrow and Morton on the north, Hudson on the east, Clarkson and Leroy on the south, and Greenwich, Washington and West Streets on the west to a special mixed-use district of M1-5/R7x with an MX-6 overlay; and

WHEREAS, this zoning would allow residential but keep the FAR of 5.0 and prohibit tower development but limit height to 125 feet, still taller than most buildings in that area; and

WHEREAS, the community in this area stands in opposition to this zoning change; and

WHEREAS, it was noted that there are only 2 real developable sites and the rest of the sites would all be residential conversions; and

WHEREAS, the community felt that buildings would be warehoused for residential conversion as soon as this rezoning took place; and

WHEREAS, the community did not feel that this land use plan would stop the plethora of variances in the neighboring manufacturing zones, but in fact might encourage them; and

WHEREAS, there is no comparison study of the impact on the approximately 5000 jobs cited in the City Planning report if these sites were converted to residential; and

WHEREAS, we received letters and comments of concern from commercial and manufacturing groups, particularly on the potential loss of jobs during this difficult economic time; and

WHEREAS, representatives of the West Village Houses expressed concern that they and their moderate income neighbors will eventually be displaced and/or priced out of their homes should this rezoning take place; and

WHEREAS, the statements whereby the West Village Houses is reported to be rent stabilized are incorrect and need to be changed;

THEREFORE, BE IT RESOLVED that CB#2, Man. does not approve of the rezoning of these blocks to a special mixed-use district which would allow residential; and

BE IT FURTHER RESOLVED that most of the residential would come from conversions, not new development, and the concern is the displacement of a significant amount of jobs as owners warehouse and sell their buildings; and

BE IT FURTHER RESOLVED that the community feels strongly that the proposed zoning would not create a mixed-use district, but instead would force the area headlong into residential conversions, thus destroying the very fabric of the neighborhood that they wish to be preserved.

Vote: Passed, with 21 Board members in favor, and 15 in opposition.

Resolution Three - Draft Environmental Impact Statement and Scope of Work

WHEREAS, one of the largest problems that the community had with the Hudson Square Rezoning proposal was with the rezoning process itself; and

WHEREAS, the community did not feel that other zoning alternatives were given a fair hearing for the northern portion; and

WHEREAS, there were numerous problems with the Draft Environmental Impact Statement and the Draft of the Final Scope of Work; and

SEWERS

WHEREAS, the area has a big problem with sewage backup - problems particularly fresh in people's minds because of the rain on the day of the hearing and the resulting sewage in basements; and

WHEREAS, this problem is created by New York City's Combined Sewer Overflow system which releases overflow into the rivers, by means of tide gates, when the volume of sewage and storm water exceeds the capacity of the treatment plants, but during a high tide the gates do not open and therefore create backups; and

WHEREAS, the draft EIS determines that this acknowledged problem does not require action because the criteria for significance is defined as a storm that would likely occur only once in a 25 year period, and

WHEREAS, this definition of no effect does not address our concerns for the serious health risks and financial hardships created for residents and businesses, whether once in 25 years or twice in any one year, depending on the serendipity of weather patterns, and

WHEREAS, this definition of no effect does not consider the cumulative effect of development in the area which would increase sewage volume, and could exacerbate the problem of backups during storm events; and

WHEREAS, the draft EIS for the Hudson Square re-zoning documents that there is a history of sewage backing up into the buildings and streets of this area during major storm events, CB#2, Man. asks that the Department of City Planning consider requiring that any new development in the area address the problem of sewer backups, perhaps using a system of check valves and holding space, in order to not exacerbate the current situation; and

HAZARDOUS MATERIAL SITES

WHEREAS, many, if not all, of the sites in the proposed rezoning in the M1-5 district have a history of a prior or current Hazardous Material Use or are adjacent to sites that have a history of prior or current Hazardous Material Use; and

WHEREAS, zoning changes in CPC land use policy is for at least 30 years; and

WHEREAS, there is no guarantee that the sites that are not designated with an "E" will not be demolished by design or a catastrophic happening and then rebuilt with new construction; and

WHEREAS, perhaps many more Blocks and Lots in the proposed rezoning should have an "E" designation to protect the health and safety of the community from hazardous materials thereby insuring that soil and ground water will be tested prior to construction and a Health and Safety plan should be developed to protect the Community and workers, and we ask City Planning to revisit the issue; and

AIR QUALITY

WHEREAS, the community stated that the methodology used to assess the air quality is flawed and significant items of importance were left out of the study. i.e. the Holland Tunnel vent shaft, the monitors, or lack thereof, on Canal St., etc; and

WHEREAS, we request that City Planning meet with those members of the community most familiar with this scope of the EIS and incorporate appropriate changes into the EIS; and

NOISE

WHEREAS, new development has to meet certain noise guidelines when constructing residential within a mixed-use district, yet we request that these guidelines be applicable to "significant" rehabilitation or conversions of buildings; and

WHEREAS, we ask that City Planning and/or the Dept. of Environmental Protection review the current noise guidelines and address changes that need to be made as mixed-use zones have evolved; and

OTHER ITEMS

WHEREAS, we ask that other items be addressed, and we attach these items as questions;

CONCLUSION

THEREFORE, BE IT RESOLVED that the community felt the Draft Environmental Impact Statement, the Draft of the Final Scope or Work and the process itself were flawed; and

BE IT FURTHER RESOLVED that the community takes issue that Public Hearings have already begun on approving the proposal when the Draft Environmental Impact Statement is still not final; and

BE IT FURTHER RESOLVED that we ask City Planning to meet with various parties with concerns about the EIS and incorporate their recommendations and observations into the EIS; and

BE IT FURTHER RESOLVED that we ask City Planning to take a leading role in getting regulations changed or added, i.e. on noise, which would alleviate the conflicts inherent in mixed uses in the same area.

Vote: Unanimous, with 38 Board members in favor.

2. 32-40 Bond Street Application for a Variance to develop a mixed-use 15-story with residential and retail use in the M1-5B zoning district in NoHo.

WHEREAS, the applicant came before us several months ago for a Special Permit to allow retail use in an as-of-right 12-story hotel to be built on an empty lot; and

WHEREAS, now the applicant states that the economics are such that they cannot successfully build a hotel and are now proposing a 15-story residential building and 1 floor of mechanicals; and

WHEREAS, the Floor-to-Area ratio (FAR) of 8.57 is outrageous in an area zoned for an FAR of 5; and

WHEREAS, even groups that have proposed zoning changes to the area never proposed FAR's close to that level; and

WHEREAS, a recent proposal for a zoning text change in NoHo and SoHo in the Historic does not even propose such an increase in FAR; and

WHEREAS, a building of this size would change the core of NoHo forever and alter the character of what has been termed the "quintessential" block of NoHo; and

WHEREAS, this is not a minimum variance by any means, in fact developers on the West side have argued for minimum variances of 6.5 FAR and we find it farfetched that this application could be so different than the numerous applications filed in the past years, and we can find no substantiation for the findings; and

WHEREAS, the applicant has not met the finding of hardship by any stretch of the imagination - the lot is a rectangular lot on a fairly wide side street, what is the hardship?; and

WHEREAS, the residential component of the project was not completely opposed by the community, but we feel that if the applicants wants to put residential in a manufacturing zone, they should enlarge the units to sizes more compatible with the underlying zoning which would encourage the work/live character of the neighborhood; and

WHEREAS, the rear yard is mostly 20 feet wide and the applicant argues that this conforms to the commercial and manufacturing zoning of the district - yet we argue back that if you are going to put a use that is not allowed into a district, then you should conform to certain requirements of residential districts - which is a rear yard of 30 feet; and

WHEREAS, the applicant is setting back the building from the front lot line, thereby creating a break in the street wall on this block, and if there was no setback the 30' rear yard would be possible; and

WHEREAS, a 20' rear yard which will have greenery, will be so dark that an extra 10' would make a large difference in light and air; and

WHEREAS, the applicant is incorrect in stating that there is no residential zoning in Manhattan of 5 FAR or less, yet a good portion of Community Board 2, Manhattan is zoned R6, with an FAR of 3.44; and

WHEREAS, the applicant lists numerous "multiple-dwelling" units in the area and most, if not all, are Joint Living Working Quarters for artists, in fact at least 21 listings are wrong (and probably more, as we are still counting them) and this is a major error; and

WHEREAS, the applicant states that the Community Board and the community was opposed to the as-of-right hotel; and

WHEREAS, the Board and the community had concerns about the formerly proposed hotel, particularly nightclub/lounge use, but the Community Board never opposed the hotel and the applicant should withdraw these statements; and

WHEREAS, this site once had gas tanks and an oil tank on it and before any building occurs on the site the applicant should investigate the status of the tanks; and

WHEREAS, the applicant did not provide us with any comparables for a building with Joint Living Working Quarters for Artists, and we request this analysis be done;

THEREFORE BE IT RESOLVED that we oppose the application for a variance for residential and retail use at 32-40 Bond St because:

1. The 8.57 requested FAR is not a minimum variance;
2. The height of the building would completely alter the character of this block and the NoHo neighborhood;
3. We can not find any substantiation for the finding of hardship; and

BE IT FURTHER RESOLVED that a building of this height in an area that is the last piece of NoHo that people have fought to get landmarked would be disastrous.

Vote: Unanimous, with Board members in favor.

3. 433 Broadway Application for a Special Permit to permit retail uses below the second story for retail uses. City Planning # 030255ZSM

WHEREAS, the applicant plans to build an as-of-right commercial building at the Northwest corner of Howard St. and Broadway; and

WHEREAS, we commend the applicant for an application that was complete and thorough; and

WHEREAS, are sorry to see the removal of so many full grown trees on this lot; and

WHEREAS, the retail space will be 5439 sq. ft on the ground floor and 4606 sq. ft in the cellar and is expected to be leased to one user;

THEREFORE BE IT RESOLVED that CB#2, Man. approves the Special Permit for 433 Broadway.

Vote: Unanimous, with 38 Board members in favor.

NEW BUSINESS

Respectfully submitted,
Secretary, Community Board #2, Manhattan