

## FULL BOARD MINUTES

**DATE:** April 23, 2003  
**TIME:** 6:30 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> St.  
Cronin Auditorium

**BOARD MEMBERS PRESENT:** Tobi Bergman, Helene Burgess, Keith Crandell, Maria P. Derr, Harriet Fields, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.), Edward Ma, Don MacPherson, Rosemary McGrath, Dr. John Maggio, Doris Nash, T. Marc Newell, Rick Panson, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, James Smith, Shirley H. Smith, Lora Tenenbaum, Martin Tessler, Stephanie Thayer, Wilbur Weder, Jeanne Kazel (Wilcke), Betty Williams.

**BOARD MEMBERS EXCUSED:** Steve Ashkinazy, Anthony Dapolito, Doris Diether, Judy Paul, Sean Sweeney, Carol Yankay.

**BOARD MEMBERS ABSENT:** Noam Dworman, Hyun Lee, Ruth Sherlip.

**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, Lindsay Hyde, Anastasia Werner, Suzy Yong, Charles L. Walker, Mary K. Doris, Sheri Lagin, Ellen Peterson-Lewis, Bill Murawksi, Raymond W. Cline, John Bacon, Sante Scardillo, Jean Krampner, Kay Rogers, Craig Brasheun, Jenny Belanger, Meredith Quinn, Leonie Hamson, Daniel Schaffer, Sasha Statman-Weil, Sabine Musso, Alexis Offen, Michael Gates, Amelia Schwartz, Don Rogers, Susan Goren, Ann Arlen, Andrew Berman, Victor Azzarra, Ruby Dreyer, Sharon Sullivan, Carla Jackson, E. Dennehy.

### MEETING SUMMARY

Meeting Date: April 23, 2003  
Board Members Present:  
Board Members Excused:  
Board Members Absent:

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Historic Districts

Andrew Berman spoke re: Gansevoort Historic District, etc.

#### McBurney YMCA

Carla Jackson gave an update.

#### Pier 40

Bill Murawski spoke re: shows at Pier 40.

### **Business Items**

Sherry Lagin spoke against new liquor licenses

#### 28 7<sup>th</sup> Ave. South Restaurant, LLC, 28 7<sup>th</sup> Ave. So.

Victor Azzara spoke against the liquor license.

#### Garage Café, 99 7<sup>th</sup> Ave. So.

Ruby Dreyer and Sharon Sullivan spoke against the alteration application.

### **Parks, Recreation and Open Space**

#### Mounds at Washington Sq. Park

K. Rogers and Leonie Hamson spoke in favor of the mounds.

### **Zoning and Housing Items**

#### Hudson Sq. East Rezoning

Ann Arlen spoke in favor.

## **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 March minutes.

**VI. EXECUTIVE SESSION**

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

**STANDING COMMITTEE REPORTS**

**BUSINESS**

**APPLICATIONS FOR NEW LICENSES**

**MarBar, LLC (D/B/A La Palapa Rockola), 359 6<sup>th</sup> Avenue, NYC 10014 (Washington Place & West 4<sup>th</sup> Street)**

**WHEREAS**, the applicant proposes to operate a new Mexican cuisine restaurant with 20 tables/40 seats and one bar with 8 seats; and

**WHEREAS**, the applicant proposes to operate 12:00 p.m. (noon) to 12:00 a.m. (midnight); and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for MarBar, LLC (D/B/A La Palapa Rockola), 359 6<sup>th</sup> Avenue, NYC 10014.

Vote: Unanimous, with 40 Board members in favor.

**N.E.C.F. Inc. (D/B/A Mr. Dennehy's), 63 Carmine Street, NYC 10014 (7<sup>th</sup> Avenue South & Bedford Street)**

**WHEREAS**, the applicant proposes to operate a new American/international cuisine restaurant with 22 tables/70 seats and one bar with 17 seats; and

**WHEREAS**, the applicant proposes to operate Monday through Friday from 11:45 a.m. to 11:00 p.m. and Sunday 12:00 p.m. (noon) to 10:00 p.m.; and

**WHEREAS**, the applicant laid over its SLA application until this meeting in order to present a complete menu and architectural renderings/floor plans to the Community Board; and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for N.E.C.F. Inc. (D/B/A Mr. Dennehy's), 63 Carmine Street, NYC 10014.

Vote: Unanimous, with 40 Board members in favor.

**28 7<sup>th</sup> Ave. South Rest. LLC, (D/B/A Punta), 28 7<sup>th</sup> Avenue South, NYC 10014 (Leroy & Carmine Streets)**

**WHEREAS**, the applicant proposes to operate a new Mediterranean cuisine restaurant with 27 tables/126 seats and one bar with 7 seats; and

**WHEREAS**, the applicant proposes to operate Sunday through Tuesday from 5:00 p.m. to 1:30 p.m. and Wednesday through Saturday from 5:00 p.m. to 2:30 a.m.; and

**WHEREAS**, several community residents and a representative from the Morton Street Block Association raised concerns about the proposed operation including an illegal garbage dumpster used by the former operator (Neva Restaurant), the late hours of operation and Landmarks violations at the location; and

**WHEREAS**, in response to community concerns, the applicant stated that the 8 Landmarks violations have been cleared and the dumpster would be removed and not used in their operation; however, the applicant has no intention in revising the hours of operation to an earlier closing time; and

**WHEREAS**, late night operations at this location has had a history of being problematic with respect to late-night noise and other matters that impact the quality of life for community residents and the applicant has not proved to the satisfaction of CB#2, Man. that its operation will not have the same negative impact; and

**WHEREAS**, there are three or more on-premise liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500-foot Rule Hearing; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the applicant's request to the SLA for an on-premises liquor license for 28 7<sup>th</sup> Ave. South Rest. LLC, (D/B/A Punta), 28 7<sup>th</sup> Avenue South, NYC 10014 and calls upon the SLA to hold a 500-foot Rule Hearing.

Vote: Passed, with 32 Board members in favor, and 8 in opposition.

**Pinxtos 2002, Inc. (D/B/A Pinxtos), 510 Greenwich Street, NYC 10013 (Spring & Canal Streets)**

**WHEREAS**, the applicant proposes to operate a new Spanish cuisine restaurant with 16 tables/32 seats; and

**WHEREAS**, the applicant proposes to operate from 11:30 a.m. to 1:00 a.m.; and

**WHEREAS**, the applicant received no community opposition and received support from a representative of the Friends of Hudson Square; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for Pinxtos 2002, Inc. (D/B/A Pinxtos), 510 Greenwich Street, NYC 10013.

Vote: Unanimous, with 40 Board members in favor.

**Caswell/Pearson Enterprises Ltd. (D/B/A Primitivo), 202 W. 14<sup>th</sup> Street, NYC 10013 (7<sup>th</sup> and 8<sup>th</sup> Avenues)**

**WHEREAS**, the applicant proposes to operate a new Italian cuisine restaurant with 18 tables/60 seats and one bar with 4 seats; and

**WHEREAS**, the applicant proposes to operate from 5:00 p.m. to 12:00 a.m. (midnight); and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for Caswell/Pearson Enterprises Ltd. (D/B/A Primitivo), 202 W. 14<sup>th</sup> Street, NYC 10013.

Vote: Unanimous, with 40 Board members in favor.

**Yamasak Restaurant Corp. (D/B/A Cascata), 174 Blecker Street, NYC 10012 (MacDougal & Sullivan Streets)**

**WHEREAS**, the applicant proposes to operate a new Italian cuisine restaurant with 20 tables/45 seats, two bars with 10 seats and a backyard area with 4 tables and 10 seats; and

**WHEREAS**, the applicant proposes to operate from 11:00 a.m. to 11:00 p.m.; and

**WHEREAS**, the applicant stated that the last seating in the backyard area will be at 11:00 p.m.; and

**WHEREAS**, there are concerns about late night noise from the backyard area since patrons will stay in the backyard beyond 11:00 p.m.; and

**WHEREAS**, there are three or more on-premise liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500-foot Rule Hearing; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the applicant's request to the SLA for an on-premises liquor license for Yamasak Restaurant Corp. (D/B/A Cascata), 174 Bleecker Street, NYC 10012 and calls upon the SLA to hold a 500-foot Rule Hearing.

Vote: Unanimous, with 40 Board members in favor.

**Hero's Restaurants (D/B/A DoSirak), 30 E. 13<sup>th</sup> Street, NYC 10003 (University Place & 5<sup>th</sup> Avenue)**

**WHEREAS**, the applicant proposes to operate a Korean cuisine restaurant with 18 tables/60 seats and one bar with 4 seats; and

**WHEREAS**, the applicant proposes to operate Monday through Saturday from 12:00 p.m. (noon) to 10:00 p.m.; and

**WHEREAS**, the applicant has been in operation for about a year without any community complaints on file; and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for Hero's Restaurants (D/B/A DoSirak), 30 E. 13<sup>th</sup> Street, NYC 10003.

Vote: Unanimous, with 40 Board members in favor.

**DCT Garden LLC (D/B/A Sumile), 154 W. 13<sup>th</sup> Street, NYC 10011 (6<sup>th</sup> & 7<sup>th</sup> Avenues)**

**WHEREAS**, the applicant proposes to operate a new Japanese cuisine restaurant with 25 tables/60 seats and one bar with 6 seats; and

**WHEREAS**, the applicant proposes to operate from 12:00 p.m. (noon) to 2:00 a.m.; and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for DCT Garden LLC (D/B/A Sumile), 154 W. 13<sup>th</sup> Street, NYC 10011.

Vote: Unanimous, with 40 Board members in favor.

**Ohstanton, Inc. (D/B/A Deborah), 43 Carmine Street, NYC 10014 (Bedford & Bleecker Streets)**

**WHEREAS**, the applicant proposes to upgrade from a beer and wine license to a full liquor for a American cuisine restaurant with 20 tables/40 seats (no bar); and

**WHEREAS**, the applicant proposes to operate Tuesday through Sunday from 11:30 a.m. to 11:00 p.m. (Closed Monday); and

**WHEREAS**, the applicant has been in operation for approximately three and a half years without any community complaints on file; and

**WHEREAS**, the applicant received no community opposition and a representative from the Carmine Street Block Association spoke in favor in of the applicant; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for Ohstanton, Inc. (D/B/A Deborah), 43 Carmine Street, NYC 10014.

Vote: Unanimous, with 40 Board members in favor.

**Jamilah, LLC (D/B/A Jamilah), 264 Bowery, NYC 10012 (Houston and Prince Streets)**

**WHEREAS**, the applicant proposes to operate a new American cuisine restaurant with 15 tables/64 seats; and

**WHEREAS**, the applicant proposes to operate Monday through Thursday from 11:00 a.m. to 2:00 a.m. and Friday and Saturday from 11:00 a.m. to 3:00 a.m.; and

**WHEREAS**, the applicant has met with community residents to address noise and other concerns; and

**WHEREAS**, the applicant acquired a sound consultant, Acoustilog, to evaluate and make recommendations regarding problems with sound transmission to upstairs apartments; and

**WHEREAS**, the applicant stated that they would submit a stipulation to the SLA incorporating the Acoustilog recommendations:

1. Install eight small JBL Control 1 speakers throughout the restaurant,
2. Modify some of the speakers by installing a series 50-microfarad capacitor in one of the wires, thus reducing bass from those speakers. Mount speakers 6 feet above the floor on the walls,
3. Install a limiter, such as a DBX model 166 before the amplifiers, set by the sound installer and accessible only with a special screwdriver. Set limiter's ratio control to infinity and test noise levels outside the space to ensure compliance with the law,
4. Install a 3-layer 5/8" sheetrock hung ceiling. Seal all cracks around pipes and the entire perimeter of the floor and ceiling with a flexible caulk and a silicone caulk for heat pipes. Support hung ceiling using resilient spring/rubber mounts, black iron bars and metal furring channels below the wood joists with an air space filled with fibrous insulation. All the seams would not be taped between adjoining pieces of the sheetrock and each layer should be laid not to line up with the previous layer. The bottom of the sheetrock would not touch the top of the black iron and leave a 1/2" gap. A Chicago bar would connect to the black iron.
5. Seal the fireplace with two layers of 5/8" sheetrock, siliconed to the brick.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for Jamilah, LLC (D/B/A Jamilah), 264 Bowery, NYC 10012, subject to the applicant's submission of a stipulation to the SLA incorporating all the Acoustilog recommendations.

Vote: Unanimous, with 40 Board members in favor.

**637 Hudson Café, Inc. (D/B/A Bivio), 637 Hudson Street, NYC 10014 (Horatio Street)**

**WHEREAS**, the applicant proposes to operate a new Tuscan cuisine restaurant with 25 tables/70 seats and one bar with 8 seats; and

**WHEREAS**, the applicant proposes to operate Monday through Thursday from 10:00 a.m. to 12:00 a.m. (midnight) and Friday and Saturday from 10:00 a.m. to 1:00 a.m.; and

**WHEREAS**, the applicant received no community opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the applicant's request to the SLA for an on-premises liquor license for 637 Hudson Café, Inc. (D/B/A Bivio), 637 Hudson Street, NYC 10014.

Vote: Unanimous, with 40 Board members in favor.

**APPLICATIONS FOR ALTERATIONS TO EXISTING LICENSES**

**1. The Nut Club Ltd. (D/B/A Garage Cafe), 99 7<sup>th</sup> Avenue South, NYC 10014 (Grove & Barrow Streets)**

**WHEREAS**, the applicant notified CB#2, Man. of its intent to apply for an alteration to its existing on-premise liquor license; and

**WHEREAS**, the applicant has requested to be laid over at previous Community Board meetings; and

**WHEREAS**, the applicant has not submitted plans to the Community Board regarding the proposed alteration; and

**WHEREAS**, approximately 30 residents and representatives from community groups appeared before the Community Board and have written letters to express opposition to any rooftop operation at this location; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. calls upon the SLA to not take any action on an alteration until the prospective applicant, The Nut Club Ltd. (D/B/A Garage Cafe), 99 7<sup>th</sup> Avenue South, NYC 10014, has presented its plans and the applicant has appeared before the Community Board.

Vote: Passed, with 39 Board members in favor, and 1 recusal (R. Rinaolo).

**York Food Corp. (D/B/A Falucka), 162 Bleecker Street, NYC 10012 (Thompson & Sullivan Streets)**

**WHEREAS**, the applicant proposes to operate a cabaret with live belly dancing; and

**WHEREAS**, the applicant proposes to operate from 6:00 p.m. to 4:00 a.m.; and

**WHEREAS**, on November 18, 1999, CB#2, Man. recommended approval of the liquor license for York Food Corp. to operate a new Middle Eastern/Moroccan restaurant with 15 tables/48 seats, one bar with 6 seats and hours of operation from 12:00 p.m. to 1:00 a.m.; and

**WHEREAS**, the applicant stated that the hours of operation have been extended from the original 1:00 a.m. to 4:00 a.m. and its operating as a bar only with live belly dancing performances (**no restaurant**); and

**WHEREAS**, community residents complained about noise and vibrations in their apartments due to loud music from the establishment; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the applicant's request for a cabaret license with NYC Department of Consumer Affairs for York Food Corp. (D/B/A Falucka), 162 Bleecker Street, NYC 10012; and

**BE IT FURTHER RESOLVED** CB#2, Man. calls upon the SLA to investigate York Food Corp.'s change in operation from the original plans submitted for its on-premise liquor license.

Vote: Unanimous, with 40 Board members in favor.

#### **ELECTION OF NOMINATING COMMITTEE**

Board Chair Aubrey Lees called the meeting to order for the purpose of electing a nominating committee. The following Board members were nominated: Elizabeth Gilmore, Ed Gold, Jeanne (Wilcke) Kazel, Keith Crandell, Jo Hamilton, Ann Hearn, Melissa Sklarz, Rocio Sanz, Mark Rosenwasser, Don Lee, Maria P. Derr, Don MacPherson, Helene Burgess, Rosemary McGrath.

The following 7 Board members were elected: Elizabeth Gilmore, Ed Gold, Jeanne (Wilcke) Kazel, Keith Crandell, Melissa Sklarz, Jo Hamilton and Rosemary McGrath.

The Chair of this committee is determined by the highest vote-getter. Keith Crandell and Jeanne (Wilcke) Kazel tied for first place. Mr. Crandell bowed out; therefore Jeanne (Wilcke) Kazel became chair of the committee. It should also be noted that there was a three-way tie for the 6<sup>th</sup> and 7<sup>th</sup> seats. As per our by laws lots were drawn between Ann Hearn, Rosemary McGrath and Jo Hamilton. The winners were Rosemary McGrath and Jo Hamilton.

#### **ENVIRONMENT**

##### **Re: 'E' Designations In The Proposed Hudson Square Rezoning**

**WHEREAS**, in the course of its study for the possible "Hudson Square" rezoning of areas in the Far West Village and Hudson Square, New York City Planning Commission found certain sites with possible hazardous materials conditions and in its report recommended an "E" designation for these sites; and

**WHEREAS**, residents of the Far West Village conducted historical research on past uses in the Far West Village portion (the northern section) of the proposed rezoning and found that historical Sanborn Maps and archival records identify all of the 22 lots in the northern proposed rezoning area as having had manufacturing uses of the type that typically leave significant deposits of lead, petroleum by-products and other toxic contaminants for which there are legal requirements for health and safety precautions during excavation and construction; and

**WHEREAS** this northern section has a high water table that allows contaminants to migrate from site to site; and

**WHEREAS** the City Planning Commission study included only 13 of the 22 lots in the scope of work for its study for the possible rezoning of the northern section, and recommended an "E" designation for 11 of these lots, either because of prior hazardous use or adjacency to prior hazardous use; and

**WHEREAS** although lots adjacent to the Printing House lot were given an E designation because of the prior hazardous materials use of the Printing House, the Printing House itself does not have an E designation because it was not included in the scope, owing to its having already received a residential variance; and

**WHEREAS** there are six other such lots that are residential by variance, so were not included in the scope, yet they have a prior history of hazardous materials use and could be demolished and excavated in the future, thereby creating toxic exposure hazards; and

**WHEREAS** zoning changes are for at least 30 years according to CPC's land use policy, and there is no guarantee that the buildings on all of the lots that do not have an E designation of prior hazardous material use would not be demolished by design or a catastrophic event within that time;

**THEREFORE BE IT RESOLVED** that, in recognition of the fact that historical Sanborn Maps and archival records identify all of the 22 lots in the northern proposed "Hudson Square" rezoning area as having had manufacturing uses of the type that typically leave residues of lead, petroleum by-products and other toxic contaminants for which health and safety precautions are legally required during excavation and construction, CB#2, Man. requests of the City Planning Commission that all 22 lots in the northern (Far West Village) section of the proposed Hudson Square rezoning be given an "E" designation with specification of current of prior hazardous materials use for each site, as is customary; and

**BE IT FINALLY RESOLVED** that an "E" designation will insure that soil and groundwater will be tested prior to excavation, development or redevelopment of these lots in order to insure that the health and safety of the neighboring community, the workers, and the future occupants will be protected.

Vote: Passed, with 17 Board members in favor and 15 in opposition

### **LANDMARKS AND PUBLIC AESTHETICS**

On Tuesday, April 22, 2003 at 9:30 am, a public hearing was held in the Conference Room at 1 Centre St., 9th Fl., Borough of Manhattan with respect to the following properties and then followed by a public meeting.

**Item 9 - 119 Spring Street - SoHo-Cast Iron Historic District.** A store building built in 1879 designed by Robert Mook. Application is to legalize the installation of a flagpole and banner without Landmarks Preservation Commission permits.

**WHEREAS**, the applicant came with no information as to how the flagpole was installed or the actual size of the violated banner; and

**WHEREAS**, the banner appears too large; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 10 - 536 Broadway, a/k/a 85 Spring Street - SoHo-Cast Iron HD.** A store building built in 1901-1902 designed by Delemos & Cordes. Application is to legalize the installation of a flagpole in non-compliance with PMW 91-0501.

**WHEREAS**, we are concerned that correcting the installation will irreparably damage the facade; and

**WHEREAS**, approval of this installation should not be thought to be a precedent for future installations; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the existing installation

Vote: Unanimous, with 40 Board members in favor.

**Item 13 - 829 Greenwich Street (Horatio) - Greenwich Village Historic District.** A building built in 1847-48, later altered, and now partially demolished. Application is to demolish the existing structure and construct a new four-story building with a penthouse. Zoned R6

**WHEREAS**, we would like to have seen a façade treatment that reflected stronger references to the historic elements and materials of the Greenwich Village Historic District; but

**WHEREAS**, we were pleased with the completeness of the presentation and the effort of the applicant to reach out to the community; and

**WHEREAS**, we understand that this is a unique site at the edge of the district and that allows for a more liberal interpretation of a modern townhouse than we would normally accept; and

**WHEREAS**, we feel that the design would have a minimum impact on the neighborhood; and

**WHEREAS**, we applaud the careful attention to the design approach and the quality of the architecture overall – inside and out; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 14 - 200 Mercer Street**, a/k/a 631-635 Broadway - NoHo Historic District. A vernacular style stable building, designed by John G. Prague, and built in 1870-1871 and altered in the 20th century. Application is to install a fence along the Broadway facade.

**WHEREAS**, we feel that the fence as designed is appropriate for the NoHo Historic District; but

**WHEREAS**, we also feel that the fence, at 60”, is too high and we would prefer to see it reduced to 42”; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application subject to the lower height.

Vote: Unanimous, with 40 Board members in favor.

**Item 15 - 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 applicant did not appear but did contact the Community Board to explain his absence; now

**THEREFORE, BE IT RESOLVED** that CB2 recommends denial of this application but urges the applicant to return at a future time with an appropriate design.

Vote: Unanimous, with 40 Board members in favor.

**Item 16 - 77 Bleeker Street**, a/k/a 643 Broadway - NoHo Historic District. A group of Italianate style loft buildings designed by Griffith Thomas and Henry Fernbach, built between 1866 and 1883, and altered in 1979-81 by Avinash K. Malhotra. Application is to replace the sidewalk on Broadway.

**WHEREAS**, we understand that the restoration of the granite pavers presents a significant additional cost to the applicant; but

**WHEREAS**, we think this work is essential in order to preserve the historic fabric of the district; now

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

Vote: Passed, with 38 Board members in favor, and 2 in opposition.

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

### **Resolution Supporting Reconstruction Of the Mounds.**

**WHEREAS** the "Little Hills" or "Mounds" in Washington Square Park were built in 1969 as part of a unique children's playground that was popular for 30 years; and

**WHEREAS** in an otherwise flat neighborhood, these hills, however small, offer a special and valuable experience for children; and

**WHEREAS** this playground fell into disrepair, was fenced off two years ago, and is now unused and unattractive; and

**WHEREAS** the playgrounds in our neighborhoods are often overcrowded; and

**WHEREAS** a groups of community residents has expressed interest in working with the Parks Department toward a suitable restoration of this area and is willing to raise funds privately for this purpose;

**THEREFORE BE IT RESOLVED** that CB#2, Man. supports the efforts of these neighbors and urges the Parks Department to work with them; and

**BE IT FURTHER RESOLVED** that CB#2, Man. supports continued use of this area as a children's playground; and

**BE IT FURTHER RESOLVED** that CB#2, Man. withdraws support for removal of the hills and hereby registers its support for their renovation in their current configuration and height, with a new surface that is safe and durable, so they can continue to provide a place for children to run and climb and sled.

**BE IT FURTHER RESOLVED** that CB-2 reiterates its support a new dog run for small dogs and requests that the Parks Dept. proceed with construction of this dog run without waiting for approval of a plan for reconstruction of the hills.

Vote: Unanimous, with 40 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1. NEW application for revocable consent to operate an unenclosed sidewalk café by Filomena Restaurant, 39 Greenwich Avenue, NYC, with 13 tables and 26 seats. DCA# 1133448.**

**WHEREAS** the area was posted, the applicant's expediter 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 restaurant use to be known as Little Basil and earlier years as Jeans Patio and;

**WHEREAS**, one person spoke in favor of the applicant;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to Filomena Restaurant, 39 Greenwich Avenue, NYC, with 13 tables and 26 seats.

Vote: Unanimous, with 40 Board members in favor.

**2. NEW application for revocable consent to operate an unenclosed sidewalk café by IL Palazzo Restaurant, 151 Mulberry Street, NYC, with 5 tables 10 seats, DCA# 1133767.**

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

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

**WHEREAS**, this restaurant has been in business since 1995, there are no complaints on file at the board office and;

**WHEREAS**, the Department of Consumer Affairs sent this application to the community board on April 7<sup>th</sup>, 2003, the meeting was on April 14<sup>th</sup>, 2003 and;

**WHEREAS**, area was posted to notified the community and;

**WHEREAS** the chair of this committee went to the area of this restaurant on April 11<sup>th</sup>, 2003 at 8 PM, and again at 11:30 PM on Sunday April 13<sup>th</sup>, 2003 the chair found all postings were up.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by IL Palazzo, 151 Mulberry Street, NYC, with 5 tables and 10 seats.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

**3. NEW application for revocable consent to operate an unenclosed sidewalk café by Umberto's Clam House Restaurant, 386 Broome Street, NYC, with 17 tables and 50 seats, DCA# 1135113.**

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

**WHEREAS** the board office received this application after the calendar went out and;

**WHEREAS**, the area was posted to notified the community and;

**WHEREAS**, the chair of this committee went to the area of this restaurant on April 11<sup>th</sup>, 2003 at 8PM, again on Sunday April 13, 2003 the chair found the area was posted and;

**WHEREAS**, there is sufficient passage for pedestrian safety and public access this sidewalk is sixteen feet nine inches wide and;

**WHEREAS**, this restaurant occupies two stores and;

**WHEREAS**, there are no complaints on filed at the board office.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to Umberto's Clam House Restaurant, 386 Broome Street, NYC with 17 tables and 50 seats.

Vote: Passed, with 38 Board members in favor, and 2 in opposition.

**4. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Da Nico Restaurant, 164 Mulberry Street, NYC, with 4 tables and 8 seats DCA# 0949447.**

**WHEREAS**, the applicant's expediter appeared before the committee and;

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

**WHEREAS** this restaurant has been in business for ten years and has had a sidewalk café since 1993 and;

**WHEREAS**, this application was received after the calendar was sent out and;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends Approval of a TWO YEAR consent revocable to operate an unenclosed sidewalk café to Da Nico's Restaurant, 164 Mulberry Street, NYC for 4tables and 8 seats.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

**5. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by White Horse Tavern Restaurant, 567 Hudson Street, NYC, with 29 tables and 86 seats DCA# 0769952.**

**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 and;

**WHEREAS**, the applicant submitted new plans for this sidewalk café and;

**WHEREAS** the applicant states this location has been a restaurant for over forty-five years and;

**WHEREAS**, this restaurant has had a sidewalk café for twenty-five years;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for a TWO YEAR revocable consent to operate and unenclosed sidewalk café to White Horse Tavern Restaurant, 567 Hudson Street, NYC, for 29 tables and 86 seats.

Vote: Unanimous, with 40 Board members in favor.

**6. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Da Silvano, 260 Sixth Avenue, NYC with 22 tables and 47seats DCA# 1106166.**

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

**WHEREAS**, there was no opposition form the community and no complaints on file at the Board office and;

**WHEREAS**, there has been an unenclosed sidewalk café at this location twenty –years and;

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

**WHEREAS**, this sidewalk is twenty-six feet wide and;

**WHEREAS**, this restaurant has been in business for twenty-eight years;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate unenclosed sidewalk café for Da Silvano Restaurant, 260 Sixth Avenue, NYC with 22 tables and 47 seats.

Vote: Unanimous, with 40 Board members in favor.

**7. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Pao Restaurant, 322 Spring Street, NYC with 16 tables and 32 seats, DCA # 0957079.**

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

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

**WHEREAS**, this has been a sidewalk café since 1997 and;

**WHEREAS**, there are no complaints on file at the Board Office;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Pao Restaurant, 322 Spring Street, NYC, with 16 tables and 32 seats.

Vote: Unanimous, with 40 Board members in favor.

**8. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Sambuca Café Restaurant, 105 Mulberry Street, NYC, with 8 tables and 16 seats, DCA # 0953308.**

**WHEREAS**, the applicant's expediter appeared before the committee and;

**WHEREAS**, the area was posted to notify the community and;

**WHEREAS**, the Chair of this Committee went to the area of this restaurant on April 11, 2003 at 8 p.m. and again on Sunday, April 13, 2003 at 11:30 p.m. The Chair found that all postings were there;

**WHEREAS** this has been a sidewalk since 1997;

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Sambuca Café Restaurant, 105 Mulberry Street, NYC, with 8 tables and 16 seats.

Vote: Unanimous, with 40 Board members in favor.

**9. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Silver Spurs Restaurant, 490 La Guardia Place, NYC with 16 tables and 32 seats. DCA # 0941701.**

**WHEREAS** the area was posted, the applicant appeared before the committee 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** the applicant has really brought life to this block with this restaurant;

**THEREFORE BE IT RESOLVE** that CB#2, Man. recommends approval of a TWO-YEAR revocable consent to operate an unenclosed sidewalk café for Silver Spurs Restaurant, 490 La Guardia Place, NYC, with 16 tables and 32 seats.

Vote: Unanimous, with 40 Board members in favor.

**10. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Cascina Restaurant, 281 Bleecker Street, NYC with 10 tables and 20 seats. DCA # 1074964.**

**WHEREAS** the area was posted and;

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

**WHEREAS** this has been a sidewalk café since 1998, and 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. approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Cascina Restaurant, 281 Bleecker Street, NYC, with 10 tables and 20 seats.

Vote: Unanimous, with 40 Board members in favor.

**11. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Tortilla Flats Restaurant, 767 Washington Street, NYC, with 11 tables and 21 seats. DCA # 0805433.**

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

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

**WHEREAS**, we advise the owner of this restaurant not to install wind curtains for the sidewalk café and;

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Tortilla Flats Restaurant, 767 Washington Street, NYC, with 11 tables and 21 seats.

Vote: Unanimous, with 40 Board members in favor.

**SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES**

**Request for Federal Funding for Bellevue Hospital and other HHC hospitals.**

**SEE ATTACHED RESOLUTION - EXHIBIT I.**

Vote: Passed, with 39 Board members in favor, and 1 abstention.

**TRAFFIC AND TRANSPORTATION**

**Resolution To Recommend Locations For Bus Stop Shelters And Benches In Bus Shelters.**

**WHEREAS**; NYC DOT has requested that CB#2, Man. recommend locations for bus stop shelters and benches in bus shelters;

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the following locations be considered for new bus shelters:

NE corner of 8 AVENUE and BLEEKER STREET ID# WMN02010  
NE corner of BOWERY and HESTER STREET ID# WMN02002  
SW corner of BOWERY and KENMARE STREET ID# WMN02001  
8<sup>th</sup> Ave, east side between 12<sup>th</sup> and Bleecker  
M21 at the SE Corner Spring & Greenwich It is the terminus/beginning for the route.  
M20 at the NE Corner Hudson St. & Spring

**THEREFORE BE IT FURTHER RESOLVED** that Community Board No. 2, Manhattan requests that the following locations be considered for new bus benches in bus shelters:

M11 on 9<sup>th</sup> Avenue, east side, b/w 13<sup>th</sup> and 14<sup>th</sup>  
M21 at the SE Corner Spring & Greenwich It is the terminus/beginning for the route.  
M20 at the NE Corner Hudson St. & Spring

Vote: Unanimous, with 40 Board members in favor.

**1. Resolution to repair and reset cobblestones on Horatio St. between Greenwich St. and Hudson St.**

**WHEREAS;** The cobblestones on this block of Horatio St. are in an extreme state of disrepair as a result of years of deterioration and neglect, and;

**WHEREAS;** the street is unsightly and in potentially dangerous condition, and

**WHEREAS;** this block is part of an historic district and these cobblestones are an important part of our City's history;

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYC DOT renovate the street and repair and reset cobblestones on Horatio St. between Greenwich St. and Hudson St.

Vote: Unanimous, with 40 Board members in favor

**2. Resolution to Inspect and Repair and Reset Cobblestones Community Board #2, Manhattan as Necessary**

**WHEREAS;** NYC DOT has requested that CB#2, Man. submit a list of cobblestone streets for inspection and repair and resetting of cobblestones as necessary, and;

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the following streets be inspected:

- Leroy Street between Washington Street and Greenwich Street
- Bond St Between Broadway and Bowery
- Mercer, Greene and Wooster between Canal and Houston
- Crosby St. between Canal and Bleecker
- Greene Street between W. 4th & Waverly
- Horatio Street between Washington and Greenwich
- The area in the Gansevoort Plaza, which is the area where Greenwich Street, Gansevoort Street, and Ninth Avenue meet and the surrounding streets in the Meat Market Area
- 14th Street corridor between 9th Avenue and 10th Avenue
- Jane Street between Greenwich St. & Washington Street
- West 4th St. between West 12th St. and West 10th St.

Vote: Unanimous, with 40 Board members in favor.

**YOUTH**

**National Immigration Law Center**

**WHEREAS** the Immigrant Children's Health Improvement Act (ICHIA) gives states the option to use federal funds to provide health care for lawfully present pregnant women and children regardless of their date of entry, and

**WHEREAS** under current law, lawfully present pregnant women and children who entered the country after August 22, 1996 are barred from Medicaid for the first five years they are in the country, and

**WHEREAS** children of immigrants are three times as likely as children of native-born citizens to lack a usual source of health care, and more than twice as likely to be in fair or poor health, and

**WHEREAS** failure to provide basic preventive care for children leads to a reliance on expensive emergency care and increases the likelihood of serious and costly health problems for these children in later life, and

**WHEREAS** failure to provide prenatal care increases the need for costly medical after birth, and

**WHEREAS** CB#2, Man. learned at forums on biological, chemical and nuclear terrorism that the safety of all of us depends on the willingness and ability of all of us to seek prompt medical attention, and

**WHEREAS** lawfully present women and their families who work pay taxes into the system that supports the very programs from which they are restricted, and

**WHEREAS** their children will learn in school that the Boston Tea Party was a protest of taxation without representation,

**THEREFORE** CB#2, Man. signs on to the National Immigration Law Center (NILC) letter urging members of Congress to enact ICHIA, to protect the health of lawfully present residents who have waited many years for all family members to enter this country, and, once here, can be called on to defend this, their chosen country.

Vote: Passed, with 39 Board members in favor and 1 abstention.

**NEW BUSINESS**

Respectfully submitted,

Robert Rinaolo  
Secretary  
Community Board #2, Manhattan