

FULL BOARD MINUTES

DATE: July 24, 2003
TIME: 6:30 P.M.
PLACE: NYU Law School, Vanderbilt Hall
40 Washington Sq. South, Room 110

BOARD MEMBERS PRESENT: Tobi Bergman, Keith Crandell, Marie P. Derr, Doris Diether, Harriet Fields, Edward Gold, Lawrence Goldberg, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Don Lee, Edward Ma, Don MacPherson, Rosemary McGrath, T. Marc Newell, Rick Panson, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Sean Sweeney, Martin Tessler, , Jeanne Kazel (Wilcke), Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Steve Ashkinazy, Helene Burgess, Elizabeth Gilmore, Aubrey Lees, Dr. John Maggio, Chad Marlow.

BOARD MEMBERS ABSENT: Doris Nash, Robert Riccobono, Ruth Sherlip, 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,; Christian Miller, Olivia Stinson, Ann Arlen, Mon Levinson, Ellen Peterson-Lewis, Dan Rafalin, David Schaffer, George Enninga, Karen Santoro, Kathryn Freed, NuRis Rodriguez, George Blueci, Zhao Mei Qing, Souk Ling Lai, Peter Breger, Jenn Moran.

MEETING SUMMARY

Meeting Date July 24, 2003
Board Members Present – 38
Board Members Excused– 6
Board Members Absent - 4

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II. PUBLIC SESSION

Non-Agenda Items

Actors Playhouse

Peter Breger spoke re: landmarks.

YMCA

Christian Miller and Jenn Moran gave a general update.

Friends of the High Line

Olivia Stinson introduced the organization and provided information.

St. Vincent's Hospital

Karen Santoro spoke regarding the ED expansion.

Business Items

Ruth Restaurant, Inc. d/b/a Ruth, 192 Mott St., NYC

Zhao Mei QingSouk Ling Lai, spoke against the proposed liquor license application.

Sidewalks, Public Facilities & Access Items

Benches in front of Mama's Food, 222 Sullivan St.

George Bueci spoke re: the benches at a commercial space in a residential area.

Zoning and Housing Items

Zoning Text Change

George Enninga, Sco-ops by Canal, spoke against the zoning text change. Mon Levinson spoke on the new zoning for NoHo and SoHo.

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 minutes.

VI. EXECUTIVE SESSION

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

STANDING COMMITTEE REPORTS

BUSINESS

1. Mulberry Street Bar LLC., d/b/a Mare Chiara, 176-1/2 Mulberry Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is a transfer of the existing license at this location that has been operating since the 1950's; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to 2 AM, 7 days; and

WHEREAS, the applicant stated that he may add food to the method of operation in the future; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this alteration application for **Mulberry Street Bar LLC d/b/a Mare Chiara, 176-1/2 Mulberry Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

2. S.T.D. Restaurant Corp., d/b/a Onyx, 168 Sullivan Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 50 seat restaurant and bar at this location, formerly IL Bocconcino; and

WHEREAS, the hours of operation will be from Noon to Midnight on weekdays and from Noon to 1 AM on weekends; and

WHEREAS, the music will be background only; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **S.T.D. Restaurant Corp., d/b/a Onyx, 168 Sullivan Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

3. Ruth Restaurant Inc., d/b/a Ruth, 192 Mott Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to license a 74 seat restaurant and bar at this location, however, the plans that were presented showed a total of 100 seats between the main floor and basement, that would require a Public Assembly license; and

WHEREAS, the applicant stated that they will remain open until 4AM, Seven days; and

WHEREAS, this premise is located a few doors away from a school that houses the New York Foundation Senior Citizens Program and The Chinatown Head Start facility that has been serving families and children for over 25 years; and

WHEREAS, over 40 members of the public testified that the issuance of a license at this location will impact negatively on the Chinatown community; and

WHEREAS, there are already 14 licensed premises within 500 feet of this location; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for an on premise license to **Ruth Restaurant Inc., d/b/a Ruth, 192 Mott Street, NYC**

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500 foot Rule Hearing so that the views of the community can be heard and taken into account.

Vote: Unanimous, with 38 Board members in favor.

4. Healthy Experience Inc., 685 Washington Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 58 seat seafood restaurant with an eight seat bar; and

WHEREAS, the applicant stated that the hours of operation will be until 12 AM weekdays and 2 AM on weekends.

WHEREAS, the applicant stated that music will be background only and that possibly a piano player will perform from time to time; and

WHEREAS, the applicant has met with members of the West Village Houses Tenants Association 3 times and these meetings have resulted in a 10 point Memorandum of Understanding between the parties that the applicant has agreed to have attached as a stipulation of their license; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for an on premise license for **Healthy Experience Inc., 685 Washington Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

5. JEC II Rest., d/b/a ONE, 1 Little West 12th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 4400 square foot restaurant, bar and lounge on two floors; and

WHEREAS, the applicants stated that music will be by DJ, however, there will be no dancing; and

WHEREAS, there hours of operation will be until 4 AM, seven days; and.

WHEREAS, in response to community concerns, the applicant agreed to keep the front door closed at all times to contain the music; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an on premise license for **JEC II Rest. d/b/a ONE, 1 Little West 12th Street, NYC**

Vote: Passed, with 26 Board members in favor, 10 in opposition, and 2 abstentions.

6. SoHo Billiards Sports Center Inc., 56 East Houston Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an upgrade from Beer and Wine to a full On Premise license; and

WHEREAS, the applicant stated that there would be no changes to the décor or hours of operation or method of operation; and

WHEREAS, there were no violations on record for this applicant; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for an on premise license for **SoHo Billiards Sports Center Inc., 56 East Houston Street, NYC**

Vote: Passed, with 22 Board members in favor, 14 in opposition, and 2 abstentions.

7. Mixx Lounge Corp., 84 Seventh Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is a transfer from the current licensee at this location; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **Mixx Lounge Corp., 84 Seventh Avenue South, NYC**

Vote: Unanimous, with 38 Board members in favor.

8. Big Fat Happy LLC., d/b/a Chow Bar, 184 West 10th Street, NYC

WHEREAS, this application is to change the corporate structure from a Corporation to an LLC; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Big Fat Happy LLC d/b/a Chow Bar, 184 West 10th Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

9. Public Restaurant Group L.P. d/b/a Public, 208-210 Elizabeth Street, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for a restaurant and bar at this location that was formerly used as a bakery; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to 1 or 2 AM, seven days; and

WHEREAS, the music will be background only; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Public Restaurant Group L.P. d/b/a Public, 208-210 Elizabeth Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

10. Cesare Bruni, d/b/a Caffe Cubano, 14 Prince Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, the applicant stated that this will be an Italian/Cuban style café bar; and

WHEREAS, the hours of operation will be from 9AM to Midnight or 1 AM seven days; and

WHEREAS, the music will be background only; and

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

THEREFORE, BE IT RESOLVED the CB#2, Man. has no objection to the issuance of an On Premise license for **Cesare Bruni, d/b/a Caffe Cubano, 14 Prince Street, NYC**

11. Fuelray Café and Lounge Inc., d/b/a Fuelray, 68 West 3rd Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is an upgrade from Beer and Wine to a full On Premise license; and

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

WHEREAS, the applicant agreed to attempt to control any noise emanating from the rear garden in response to community concerns; and

THEREFORE, BE IT RESOLVED the CB#2, Man. has no objection to the issuance of an On Premise license for **Fuelray Café and Lounge Inc., d/b/a Fuelray, 68 West 3rd Street, NYC**

Vote Passed, with 34 Board members in favor, 3 in opposition, and 1 abstention.

12. Hairy Canary, Inc., d/b/a Chick-Inn, 420 Hudson Street, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, the current licensee at this location, Anglers and Writers, has a Beer and Wine license and the current principal will be a partner in this new operation; and

WHEREAS, the applicants stated that there would be no change to the current method of operation that has existed for the past 15 years; and

WHEREAS, the applicants stated that the hours of operation will be until Midnight on weekdays and until 2 AM on weekends; and

WHEREAS, the applicant stated that there are only two other licenses within 500 feet of this location; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Hairy Canary, Inc., d/b/a Chick-Inn, 420 Hudson Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

13. Gallo Nero Inc., d/b/a Ciao, 185 Bleecker Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to extend the existing license to include the sidewalk café; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the alteration of the existing On Premise license to include the sidewalk café for **Gallo Nero Inc., d/b/a Ciao, 185 Bleecker Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

14. 151 Mulberry Street Corp., d/b/a Il Palazzo, 151 Mulberry Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to extend the existing license into an adjacent building located at 185 Grand Street adding an additional dining room with 42 seats; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the alteration of the existing On Premise license for **151 Mulberry Street Corp., d/b/a Il Palazzo, 151 Mulberry Street, NYC**

Vote: Unanimous, with 38 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

LPC Item: 11 - 19 Mercer Street - SoHo-Cast Iron Historic District

A store and factory building built in 1861. Application is to install storefront infill.

WHEREAS, the projecting vitrine windows are not historical, but in this case they not obscure architectural elements, and the reconfiguration of the fire escape is welcomed along with the addition of the protective diamond plating; now

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

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 12 - 121 Spring Street, a/k/a 90 Greene Street - SoHo-Cast Iron Historic District. A store and loft building designed by J.B. Snook and constructed in 1878. Application is to replace the sidewalk.

WHEREAS, the DOT work on the street and curbstones caused damage to the historic bluestone pavers of the sidewalk, and most of pieces of original bluestone cannot be salvaged; 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 - 343 Canal Street - SoHo-Cast Iron Historic District

A neo-Grec/French Renaissance style store and loft building designed by Issac F. Duckworth and built in 1868. Application is to legalize the installation of an awning and signage without Landmarks Preservation Commission permits.

WHEREAS, the material, scale and size of the awning and signage is inappropriate; now

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

Vote: Unanimous, with 38 Board members in favor.

LPC Item: 14 - 425 6th Avenue (Jefferson Market Library side entrance)- Greenwich Village Historic District. A neo-Gothic/Renaissance Revival style courthouse built in 1874-77 designed by Clarke Withers and Calvert Vaux. Application is to construct a barrier-free access ramp at the West 10th Street facade.

WHEREAS, the ramp is intrusive and out of context, too modern for the 19th century exterior and is not harmonious with the garden fence to the right (west) that the community paid for; and

WHEREAS, this proposal would cause us to lose the stoop; now

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

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

LPC Item: 15 - 551 Hudson Street (Alfama Restaurant) - Greenwich Village Historic District. An apartment building built in 1900, designed by Moore & Landsiedel. Application is to legalize the installation of a flagpole without Landmarks Preservation Commission permits.

WHEREAS, we question the position and attachment of the pole; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application, but the applicant should work with LPC to come up with a suitable solution, particularly filling in the holes in the masonry.

Vote: Unanimous, with 38 Board members in favor.

Item 17 - 17-19 MacDougal Alley - Greenwich Village Historic District. A stable built in 1877 and altered in 1934 by Noel and Miller. Application is to legalize the installation of a kitchen exhaust duct without Landmarks Preservation Commission permits.

WHEREAS, after much debate, there was a split vote and, after two votes – pro and con -there was no clear majority for or against the application, now

THEREFORE, BE IT RESOLVED that CB#2, Man. has no position on the application.

Vote: Unanimous, with 38 Board members in favor.

Item 18 - 87 7th Avenue South (Sushi Samba)- Greenwich Village Historic District. A one-story commercial building. Application is to modify the construction of rooftop alterations executed in non-compliance with Certificate of Appropriateness 01-2327 and to legalize the installation of a chimney flue without Landmarks Preservation Commission permits.

LAID OVER UNTIL SEPTEMBER

Item 19 -11-13 West 10th Street - Greenwich Village Historic District

A Greek Revival style rowhouse built in 1847 and altered in 1888 by Ernest Flagg, with additional alterations in 1919. Application is to replace the sidewalk.

WHEREAS, in this instance, since there is no compelling reason to remove the historic blue stones, we would like to see them preserved; now

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

Vote: Unanimous, with 38 Board members in favor.

Item 20 - 108 7th Avenue South, a/k/a 72 Christopher Street (Karavas Greek Diner) - Greenwich Village Historic District. A taxpayer designed by William H. Kaiser, and built in 1925. Application is to install storefront infill.

WHEREAS, the applicant responded very well to the process, working with the Commission, making appropriate changes and exercising a good effort to do the right thing; and

WHEREAS, the elements, style, materials, configuration are appropriate for this building; now

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

Vote: Unanimous, with 38 Board members in favor.

Item 21 - 208 West 13th Street – Greenwich Village Historic District. An Italianate style school building. Application is to install signage.

WHEREAS, the signage is not obtrusive; now

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

Vote: Unanimous, with 38 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW application to NYCDOT for revocable consent to maintain two benches in front of Mama’s Food, LLC 222 Sullivan Street, NYC.

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

WHEREAS, there was no opposition from the community was present but the Chair of this Committee received a letter from a neighbor to oppose the benches, and;

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

WHEREAS, there is a conflict between the landlord and the Building Department as to whether the premises should be commercial or residential, and;

WHEREAS, the Committee decided to allow the benches until this matter is resolved which could take years.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of two benches for Mamma’s Foods, LLC at 222 Sullivan Street, NYC.

Vote: Passed, with 19 Board members in favor, 16 in opposition, and 1 abstention.

2. NEW application for revocable consent to operate an unenclosed sidewalk café by La Palapa Restaurant, 359 Sixth Avenue, NYC with 6 tables and 12 seats, DCA#1141303.

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 used to be known as McBell’s Restaurant, with 7 tables and 15 seats and;

WHEREAS, the applicant has other restaurant in the village and has the reputation of being a good neighbor;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by La Palapa Restaurant, 359 Sixth Avenue, NYC with 6 tables and 12 seats.

Vote: Unanimous, with 38 Board members in favor.

3. NEW application for revocable consent to operate an unenclosed sidewalk café by Cascada Restaurant, 174 Bleecker Street, NYC, with 2 tables and 4 seats, DCA# 1141909.

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;

WHEREAS, the applicant must remove the tree guard around the tree in front of his establishment and;

WHEREAS, there are no complaints on file 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 Cascada Restaurant, 174 Bleecker Street, NYC with 2 tables and 4 seats.

Vote: Passed, with 34 Board members in favor, 3 in opposition, and 1 abstention.

4. NEW application for revocable consent to operate an unenclosed sidewalk café by La Palapa Restaurant, 359 Sixth Avenue, NYC with 6 tables and 12 seats, DCA#1141303.

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 used to be known as McBell's Restaurant, with 7 tables and 15 seats and;

WHEREAS, the applicant has other restaurant in the village and has the reputation of being a good neighbor;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by La Palapa Restaurant, 359 Sixth Avenue, NYC with 6 tables and 12 seats.

Vote: Unanimous, with 38 Board members in favor.

5. NEW application for revocable consent to operate an unenclosed sidewalk café by Cascada Restaurant, 174 Bleecker Street, NYC, with 2 tables and 4 seats, DCA# 1141909.

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;

WHEREAS, the applicant must remove the tree guard around the tree in front of his establishment and;

WHEREAS, there are no complaints on file 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 Cascada Restaurant, 174 Bleecker Street, NYC with 2 tables and 4 seats.

Vote: Passed, with 34 Board members in favor, 3 in opposition, and 1 abstention.

6. NEW application for revocable consent to operate an unenclosed sidewalk café by Il Fornaio Restaurant, 132A Mulberry Street, NYC, with 7 tables and 14 seats DCA#1143227.

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

WHEREAS, there is no opposition from the community and;

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

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

WHEREAS, his establishment reduced the number of tables and seats from 11 and 22;

THEREFORE, BE IT RESOLVED That CB#2, Man. Recommends Approval of a ONE YEAR consent revocable to operate an unenclosed sidewalk café to Il Fornaio Restaurant, 132 Mulberry Street, NYC for 7 tables and 14 seats.

Vote: Unanimous, with 38 Board members in favor.

7. NEW application for revocable consent to operate an unenclosed sidewalk café by Cipriani Downtown Restaurant, 376 West Broadway, NYC with 8 tables and 20 seats DCA# 1137036.

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

WHEREAS, there was opposition from the community and;

WHEREAS, there are complaints on file at the Board office and;

WHEREAS, this is an M1-5A zoning in SoHo which does not allow sidewalk cafes on West Broadway and;

WHEREAS, the applicant, when building his establishment, was able to make a sidewalk café within his building line with 8 tables and 20 seats and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends DENIAL of revocable consent to operate unenclosed sidewalk café to Cipriani Downtown Restaurant, 376 West Broadway, NYC with 8 tables and 20 seats.

Vote: Unanimous, with 38 Board members in favor.

NEW application for revocable consent to operate an unenclosed sidewalk café by Pioneer Restaurant, 218-220 Bowery, NYC with 16 tables and 34 seats, DCA #1135858.

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

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.

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends APPROVAL of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to Pioneer Restaurant, 218-220 Bowery, NYC with 16 tables and 34 seats.

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

NEW application for revocable consent to operate an ENCLOSED sidewalk café by Agave Restaurant, 140 Seventh Avenue South, NYC, with 12 tables and 24 seats, DCA # 1133739.

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

WHEREAS, this restaurant used to be known as Montana Eve and Woody's and has an enclosed sidewalk café for 13 years and;

WHEREAS, the new owner purchased this restaurant in November, 2002 and applied for his enclosed sidewalk café to Consumer Affairs in January, 2003 and;

WHEREAS, is sufficient passage for pedestrian safety and pubic access.

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends approval of a ONE YEAR, revocable consent to operate an enclosed sidewalk café to Agave Restaurant, 140 Seventh Avenue South, NYC with 12 tables and 24 seats.

Vote: Unanimous, with 38 Board members in favor.

RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Café Rafaella Restaurant, 134 Seventh Avenue South, NYC with 17 tables and 41 seats. DCA # 1073412.

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, this establishment is not one store but two stores, allowing for this amount of sidewalk seating;

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café for Café Rafaella Restaurant, 134 Seventh Avenue South, NYC with 17 tables and 41 seats.

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

RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Café Espanol Restaurant, 78 Carmine Street, NYC with 10 tables and 30 seats, DCA# 1105132.

WHEREAS, the area was posted, the applicant and his attorney 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 has a removal railing around his sidewalk café;

THEREFORE, BE IT RESOLVED That CB#2, Man. Recommends APPROVAL for a TWO YEAR revocable consent to operate and unenclosed sidewalk café to Café Espanol Restaurant, 78 Carmine Street, NYC with 10 tables and 30 seats.

Vote: Unanimous, with 38 Board members in favor.

RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Mekong Restaurant, 44 Prince Street, NYC with 6 tables and 12 seats. DCA #0928327.

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

WHEREAS, there was no opposition from the community and;

WHEREAS, there are no changes to the layout of this existing sidewalk café and;

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

WHEREAS, this applicant has a sidewalk café for eight years;

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Mekong Restaurant, 44 Prince Street, NYC with 6 tables and 12 seats.

Vote: Unanimous, with 38 Board members in favor.

RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Frascati's Restaurant, 100 Seventh Avenue South, with 16 tables and 36 seats. DCA #0782412.

WHEREAS, the applicant appeared before the committee and;

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

WHEREAS, there is sufficient passageway for pedestrian safety and access and;

WHEREAS, there has been a sidewalk café at this location for 20 years and;

WHEREAS, there were no blueprints on file at the Board office, the Committee requested blueprints for this establishment and received them two days later.

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Frascati’s Restaurant, 100 Seventh Avenue South, NYC with 16 tables and 36 seats.

Vote: Unanimous, with 38 Board members in favor.

RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Sammy’s Asian Gourmet Restaurant, 301-303 Sixth Avenue, NYC with 10 tables and 32 seats, DCA #1027523.

WHEREAS, the applicant appeared before the committee; and

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

WHEREAS, the block association supported this application; and

WHEREAS, there have been no changes to this sidewalk café;

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Sammy’s Asian Gourmet Restaurant, 301-303 Sixth Avenue, NYC, with 10 tables and 32 seats.

Vote: Unanimous, with 38 Board members in favor.

TRAFFIC AND TRANSPORTATION

Parking changes on SOUTH SIDE ONLY of Leroy Street. Between Washington Street and Greenwich Street NYC, From “No Parking Tuesday and Friday 12:30PM to 2PM” to “NO Parking Except Trucks loading and unloading Monday to Friday 8AM to 6PM”

WHEREAS, we changed the regulations from No Parking 8AM to 6PM to alternate parking regulations and;

WHEREAS, this change of parking regulations does not work, because truck traffic is backing up on all of the streets and;

WHEREAS, Leroy Street is a truck route and;

WHEREAS, FedEx trailers can not make turns on to Leroy Street, because cars park too close to the corner and;

WHEREAS, Raffettio Pasta company is force to double-park in order to unload their trailers:

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval to add No Parking Except Trucks Loading and Unloading Monday to Friday 8Am to 6Pm on the SOUTH SIDE ONLY of Leroy Street between Washington Street and Greenwich Street.

Vote: Passed, with 32 Board members in favor, 3 in opposition, and 3 abstentions.

ZONING AND HOUSING

1. 277 Canal St. BSA variance application that would permit retail Use (Use Group 6) in 5,737 sq. ft. of the first floor that is not already used for retail and would permit 214 sq. ft. of -retail in the cellar.

WHEREAS; The area was posted and there was no community opposition to this application, And,

WHEREAS, This specific location is not typical of SoHo despite the M1-5B zoning district, but is typical of the retail shopping area along Canal St., And,

WHEREAS, The proposed usage is consistent with the other legal uses in this building and in the surrounding area,

THEREFORE BE IT RESOLVED, That Community Board #2 Manhattan has no objection to this proposed usage at this specific location.

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

2. Resolution: 030489ZRM & 030490ZSM Amendment of the text of Section 74-712 of the Zoning Resolution to allow, by City Planning Commission special permit, modification of use regulations for vacant or substantially vacant sites within M1-5A and M1-5B zoning districts located in historic districts designated by the Landmarks Preservation Commission.

WHEREAS; This proposed zoning text change is exceptionally neighborhood-specific and would only apply to the M1-5A and M1-5B zoning districts of SoHo and NoHo, And,

WHEREAS, Changes in the proposed text would allow any use to be permitted, And,

WHEREAS, Most of the buildings currently under construction in CB#2, Man. are being built on former parking lots and the Board is greatly concerned about the loss of so many parking spaces in our community. This loss of parking will result in increased traffic and noise congestion as cars cruise, worsening the already bad air quality endemic to this area, And,

WHEREAS, SoHo and NoHo were founded as arts orientated communities and there is no provision in this text change that would require an arts-related project be incorporated in each application. Not having this provision will further diminish SoHo's and NoHo's reputation as world-famous arts neighborhoods, And,

WHEREAS, These communities have been inundated by a proliferation of billboards that greatly detract from the historic architecture and the quality of life, And,

WHEREAS, The existing type of residential use in SoHo and NoHo is restricted to Joint Live Work units for artists with a minimum size of 1,200 Sq. Ft. and the wrong type of new residential units would overwhelm these low-rise, low-density neighborhoods and a larger unit size would be harmonious to what currently exists. ,And,

WHEREAS, CB#2, Man. and the community have long requested the land marking of NoHo in the area east of Lafayette,

THEREFORE, BE IT RESOLVED, That CB#2, Man. requests that the City Planning Commission reconsider the wording of this proposed zoning text change and further requests that City Council carefully review the implications of this application, And,

BE IT FURTHER RESOLVED That CB#2, Man. does not support this application for a zoning text change of Section 74-712 unless it contains the following provisions:

- That the only uses allowed under this Special Permit will be residential units, allowing Joint Live Work Quarters, and use group 6 retail on the ground floor.
- The minimum size of all residential units will be 1,200 sq. ft.
- That eating and drinking establishments and catering facilities of any kind not be allowed.
- That an arts-related project be incorporated in each application and that the applicant be required to allot a minimum of 5% of the cost of construction to this component.
- That the existing Floor Area Ratio of 5 be maintained.
- That the existing streetwall requirements be maintained.
- That residential yard regulations be required.
- That the maximum size retail space on a wide street is 5,000 sq. ft. and on a narrow street is 3,600 sq. ft.
- That there will be no merging of retail spaces by "breaking through" to adjoining spaces.
- That any existing billboards or advertising signs be amortized over 5 years and then removed.

BE IT FURTHER RESOLVED, That CB#2, Man. requests that any applicant for this Special Permit be required to review the feasibility of incorporating parking in their design and, if it is found to be feasible, that parking spaces for a minimum of 20% of the units be provided, And,

BE IT FURTHER RESOLVED, That CB#2, Man. strongly urges that the Landmarks Commission proceed with land marking the remaining areas of NoHo.

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

Resolution: 030489ZRM & 030490ZSM 465 Broadway, special permit pursuant to the amended text of Section 74-712 to permit construction of a new residential building with ground-floor retail use on a site located at 465 Broadway (a.k.a. 106-112 Grand Street) on the north side of Grand Street between Broadway and Mercer Street in Manhattan.

WHEREAS, this project has been previously reviewed by Community Board #2 when the building was originally intended to be a hotel, And,

WHEREAS, The applicant has appeared before the board and has met with community groups and public officials on numerous occasions, And,

WHEREAS, The building will be constructed as per the approved landmarks design previously reviewed by CB#2, Man., And,

WHEREAS, Most of the buildings currently under construction in CB#2, Man. are being built on former parking lots and the Board is greatly concerned about the loss of so many parking spaces in our community, And,

WHEREAS, The community has requested that an arts-related project be incorporated to support and preserve SoHo's status as an arts orientated community and the applicant has expressed the same desire and will provide an art gallery that will feature local artists, And,

WHEREAS, The existing type of residential use in SoHo and NoHo is restricted to Joint Live Work units for artists with a minimum size of 1,200 Sq. Ft. and the wrong type of new residential units would overwhelm these low-rise, low-density neighborhoods and a larger unit size would be harmonious to what currently exists , And,

WHEREAS, The Courts have already confirmed that SoHo is over saturated with licensed eating and drinking establishments,

THEREFORE, BE IT RESOLVED, That CB#2, Man. thanks the applicant for his willing participation in the community review process and for modifying this project in response to community concerns, And,

BE IT FURTHER RESOLVED, That CB#2, Man. continues to support the design of the building as previously approved by CB#2, Man. and the Landmarks Commission, And,

BE IT FURTHER RESOLVED That CB#2, Man. requests that the applicant review the feasibility of incorporating parking in the design and, if it is found to be feasible, that parking spaces for a minimum of 20% of the units be provided, And,

BE IT FURTHER RESOLVED, That CB#2, Man. supports this application for this specific building providing that the applicant complies with the following provisions:

- That the building will have only residential units with use group 6 retail on the ground floor.
- The minimum size of all residential units will be 1,200 sq. ft.
- There will be no eating and drinking establishments of any kind and any use group in this building.
- That the applicant will provide and maintain an art gallery that will feature local artists.
- That the existing Floor Area Ratio of 5 be maintained.

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

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo
Secretary
Community Board #2, Manhattan