

FULL BOARD MINUTES

DATE: September 23, 2004
TIME: 6:30 P.M.
PLACE: Metro NY DDSO, 75 Morton St., Activity Center

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Galal Chater, Keith Crandell, Maria P. Derr, Doris Diether, Harriet Fields, Edward Gold, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Aubrey Lees, Don MacPherson, Dr. John Maggio, Chad Marlow, Rosemary McGrath, Philip Mouquinho, T. Marc Newell, Rick Panson, David Reck, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.); Shirley H. Smith, Sean Sweeney, Martin Tessler, Wilbur Weder, Carol Yankay.

BOARD MEMBERS EXCUSED: Elizabeth Gilmore, Don Lee, Judy Paul, Betty Williams, Michael Xu.

BOARD MEMBERS ABSENT: Helene Burgess, Lawrence Goldberg, Edward Ma, Ronald Pasquale, Ruth Sherlip.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Danielle Cabaldi-Micca, Senator Tom Duane's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Gregory Brender; Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Council Member Margarita Lopez' office; Kate Seeley-Kirk, Council Member Christine Quinn's office; Angel Seda, Heather Horgan, Jane Di, Carsten Borne-Mann, Sante Scardillo, Gayle Patrick-Odeen, Steve Ben Israel, Marie Evans, J. Symmons, Thomas Cannella, Irene Da Costa, Joseph Donnarumma, John Evans, George Bliss, Artemis Daphnis, Demetri Daphnnis, Mary O'Connor, Jonathan Conant, Connie Fishman, Mary Sampson, Judy Segil, Michael Bloomberg, Ivy Brown, Frank Dobbs, Donna Mitchell, Salvatore Cacciato, Eli Hausknecht, Angelo Cosentini, Peter Howard, Emily Csendes.

MEETING SUMMARY

Meeting Date - September 23, 2004
Board Members Present – 34
Board Members Excused– 5
Board Members Absent - 5

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	1
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	3
NOMINATING	3
STANDING COMMITTEE REPORTS	8
BUSINESS	8
INSTITUTIONS	16
LANDMARKS AND PUBLIC AESTHETICS	17
LESBIAN, GAY, BISEXUAL & TRANSGENDER	20
PUBLIC SAFETY AND HEALTH	20
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	20
TRAFFIC AND TRANSPORTATION	21
WATERFRONT	22
ZONING AND HOUSING	22
NEW BUSINESS	23
ROLL CALL	24

II. PUBLIC SESSION

Non-Agenda Items

Queer Youth Drop-In Center

Angel Seda, of FIERCE, spoke in favor of a drop-in center.

“Operation West Side”

Heather Horgan, of FIERCE, spoke against this.

Falun Gong

Jane Di and Carsten Borne-Mann spoke re: the organization.

Filming on City Streets

Mary Sampson and Judy Segil spoke against filming at 66 Morton St.

Ombudsman Program

Emily Csendes signed up for this topic but did not speak.

Business Items

Licenses in Gansevoort St. Meat Market Area

Mary O’Connor spoke against liquor licenses in the Gansevoort Market area.

Rondure, 24 Prince St.

Sante Scardillo, LINA, spoke against the upgrade to a liquor license.

Ginx, Inc. d/b/a Lola, 15 Watts St.

Gayle Patrick-Odeen, principal, addressed the Board re: concerns on the proposed liquor license. J. Symmons spoke in favor of the proposed license.

Steve Ben Israel, Marie Evans, Thomas Cannella, Irene Da Costa, Joseph Donnarumma, John Suaos, George Bliss, Artemis Daphnis, Demetri Daphnis, spoke against the liquor license. Dirk McCall, of Council Member Alan Gerson’s office, spoke against the liquor license.

Little Rest Twelve, Inc. d/b/a Buddha Bar, 25 Little W. 12th St.

Michael Bloomberg and Ivy Brown spoke against the proposed liquor license.

D&C Nightlife NYC, Inc., 250 Hudson St.

Frank Dobbs and Donna Mitchell, Eli Hausknecht, Angelo Cosentini, spoke against the proposed liquor license.

Salvatore Cacciato, principal, and Peter Howard spoke in favor of the proposed liquor license.

Waterfront Items

Trapeze School

Jonathan Conant, Trapeze School, spoke in favor of the proposal.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler’s office

Danielle Cabaldi-Micca, Senator Tom Duane’s office

Deborah Lester, of Assembly Speaker Sheldon Silver’s office

Gregory Brender, of Assembly Member Deborah Glick's office

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

Council Member Margarita Lopez’ office,

Kate Seeley-Kirk, of Council Member Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption and distribution of July minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.
3. **Nominating Committee-Election of 2nd Vice Chair**

Don MacPherson was nominated for 2nd Vice Chair. There was no one nominated on the floor. Therefore, Don MacPherson was elected 2nd Vice Chair.

Vote: Unanimous, with 34 Board members in favor.

4. Standing Committee Reports

These resolutions were passed at the Special Executive Committee on August 19, 2004, and adopted by the Full Board on September 23, 2004.

BUSINESS

1. La Minetta LLC d/b/a Bellavita, 24 Minetta Lane, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 2,200 square foot location that has a 74 person capacity; and

WHEREAS, the applicant stated that this will be an upscale Italian restaurant featuring specialty Italian products that the applicant will import from Italy; and

WHEREAS, the applicant stated that the hours of operation will be from 5 PM to Midnight six days and closed on Monday; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **La Minetta LLC d/b/a Bellavita, 24 Minetta Lane, NYC**.

Vote: Unanimous, with 34 Board members in favor.

2. Village 122 Café Inc d/b/a MacDougal Street Ale House, 122 MacDougal Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 1000 square foot 64 person capacity bar at this location; and

WHEREAS, the applicant stated that his father was the prior owner of this premise and due to a security agreement, he is returning as the operator; and

WHEREAS, the applicant stated that there will be no change to the method of operation or hours; 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 **Village 122 Café Inc d/b/a MacDougal Street Ale House, 122 MacDougal Street, NYC**

Vote: Unanimous, with 34 Board members in favor.

3. Huron Club LLC d/b/a SoHo Playhouse, 15 Van Dam Street, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, the applicants are the new lessees of the Soho Playhouse and this application is to license the intermission bar at the location; and

WHEREAS, the applicant stated that the bar is open prior to each performance and during intermission and for 30 minutes after; and

WHEREAS, the applicant stated that the bar will not be open at any other times; and

WHEREAS, no one from the public 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 **Huron Club LLC d/b/a SoHo Playhouse, 15 Van Dam Street, NYC**

Vote: Unanimous, with 34 Board members in favor

4. Lets Eat LLC d/b/a Extra Virgin, 259 West 4th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to extend the existing On Premise license to include three additional tables that the applicant sets up in front of a neighboring shop with the shop owner's permission and within the building line; and

WHEREAS, the applicant presented a letter from the neighboring shop owner granting such permission; and

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

WHEREAS, no one from the community 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 **Lets Eat LLC d/b/a Extra Virgin, 259 West 4th Street, NYC**.

Vote: Passed, with 31 Board members in favor, and 4 in opposition.

5. Little West 12th Restaurant Group Inc 22-26 Little West 12th Street, NYC

WHEREAS, the applicant was unable to appear before the committee; and

WHEREAS, the applicant's attorney requested an adjournment to the September committee meeting, however, he stated that he was unable to delay filing this application with the SLA and would file this application on or about August 20th; and

WHEREAS, it is the policy of this Committee not to grant adjournments unless the applicant agrees not to file the application until the Committee has had an opportunity to interview the applicant and review the application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an on premise license for **Little West 12th Restaurant Group Inc 22-26 Little West 12th Street, NYC**; and

BE IT FURTHER RESOLVED That the applicant has been rescheduled to appear at the September 2004 Committee meeting and that CB#2, Man. respectfully requests that the SLA not to take any action on this application until after the Community has had an opportunity to make its recommendation in September.

Vote: Unanimous, with 34 Board members in favor.

6. William Gilroy or an entity to be formed by him, 510 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 1600 square foot 74 person capacity restaurant currently operated as Café Sha Sha with a Beer and Wine license, sidewalk café and rear yard seating; and

WHEREAS, the committee was concerned that the upgrade from Beer and Wine to a full On Premise license coupled with the use of the rear yard would become a problem for the two residential tenants above this location; and

WHEREAS, the owner of the building occupies one of the residential units and her son occupies the other; and

WHEREAS, the applicant produced a letter of support signed by the landlord and her son acknowledging the upgrade and the closing time of 4 AM; and

WHEREAS, the applicant stated that the hours of operation will be until 9:00 AM until 4 AM seven days; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an on premise license for **William Gilroy or an entity to be formed by him, 510 Hudson Street.**

Vote: Passed, with 33 Board members in favor, and 2 in opposition.

LANDMARKS AND PUBLIC AESTHETICS

LPC Item 7: 463 Broome Street A store building built in 1867. Application is to replace storefront.

WHEREAS, instead of this revised proposal, we actually prefer the design with the taller doors that was originally proposed by the applicant; but

WHEREAS, nevertheless, the materials, configuration and symmetry of the revised design contribute to the character of the building; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application in either the original or revised design.

Vote: Unanimous, with 34 Board members in favor.

LPC Item 9: 137-139 Wooster Street a/k/a 455 West Broadway An empty lot. Application is to modify the design of a building previously approved under C of A 91-0060

WHEREAS, this is an application under newly enacted ZR 74-712, which permits a change to non-conforming use for new buildings built on empty lots in the landmarked portions of SoHo and NoHo; and

WHEREAS, this change of use applies only to the landmarks portion of the M1-5a zoning district, with the understanding that having been granted the opportunity to profit from a non-conforming use, the developer would construct a building worthy of this historic district; and

WHEREAS, the applicant volunteered that this design is even simpler than the 1990 design proposed for the as-of-right use: for example, the lintels of the punch-out windows have been removed as well as a proposal for a smaller bulkhead under the display window on the West Broadway façade, and

WHEREAS, the proposed materials are mundane, the Wooster Street portion lacks any imagination and is more reminiscent of a government building than a luxury condo, the West Broadway façade looks like the rear of a common factory building on a back street, unworthy of a prime position on what has become in the past fourteen years SoHo's premier strip; and

WHEREAS, although simplicity can at times be elegant, in this instance we feel it serves no esthetic or historic purpose, just an opportunity to save on construction costs; and

WHEREAS, instead of skimping on this luxury residential development, the applicant should be constructing an elegant and attractive building to give something back to the community which, along with the City Administration, supported the 74-712 zoning change which promotes residential development, while in turn guaranteeing we get first-class design; and

WHEREAS, there was opposition from the community to this cookie-cutter design in 1990 when it first was presented and this dissatisfaction with the design still exists, based on the testimony of the dozen residents who appeared in the middle of August to speak against it, including two architects; and

WHEREAS, members of the Board concurred with the residents, feeling that the design did not age well in the intervening fourteen years and is a commonplace design that can be found anywhere in Manhattan, and

WHEREAS, it is ironic that in our community board, some remarkable projects by world-class architects are underway in the non-landmarked areas, for instance, the billowing residential building by Charles Gwathmey on Astor Place, the attractive commercial building by Rem Koolhaas going up in Hudson Square, the striking museum designed by Frank Gehry proposed for the waterfront, not to mention the Jean Nouvel building slated for West Street, while in the world-famous historic Cast-Iron district we have witnessed mainly mediocre buildings going up in recent years, mostly replicas of the originals or generic modern buildings in which category this current proposal would be included; and

WHEREAS, it is about time that the Commission address this inconsistency, starting with this proposal, and demand that the applicants present us with a design worthy of this historic district and not the pedestrian suggestions that have been getting approved of late; now

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

BE IT FURTHER RESOLVED that CB#2, Man. strongly and respectfully requests that the Commission discard this proposed design entirely and have the applicant return with a modified design with more detail, inspiration, drama, style and historicity.

Vote: Unanimous, with 34 Board members in favor.

LPC Item: 10 475 West Broadway (Houston) A neo-Grec style building built in 1878. Application is for the recurring seasonal installation of a tent.

WHEREAS, the owner of this restaurant placed a fence in the front areaway without an LPC permit, and the subsequent warning notice should be addressed before we proceed further; and

WHEREAS, the applicant could not think of any other historic district in the city where a tent was permitted; and

WHEREAS, although the tent may be seasonal, it is not really temporary, since it will recur every year for four months. On a ten-year lease, that represents some three-and-a-half years – a long time for a so-called temporary structure; and

WHEREAS, the materials are inappropriate, there is no precedent historically for such a structure, and it would open the floodgates for owners of empty lots in landmark districts to apply for cheap tents instead of constructing memorable buildings; and

WHEREAS, currently there is a violation on similar structures on the empty lot at Broadway and Howard Street where a daily flea market sets up structures similar to the one proposed; and if it not acceptable there neither should it be acceptable here; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application and suggests the owner build an appropriate permanent structure for his restaurant extension.

Vote: Unanimous, with 34 Board members in favor.

LPC Item 11 – 91 Greene Street (Spring/Houston) A one-story building built in 1998. Application is to install new storefront infill.

WHEREAS, the change in design is insignificant and does not detract from the building; now

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

Vote: Unanimous, with 34 Board members in favor.

LPC Item 12 – 367-369 Bleecker (Charles) A pair of French Second Empire houses built in 1868. Application is to construct a roof deck with fence, railings and a bulkhead.

WHEREAS, the cornice line is where the roof meets the sky and on this Second Empire mansard roof it is an important element in the building's design, and this visible fence will fight that important look; and

WHEREAS, this building came before us about a year ago requesting legalization for multi-pane windows, which we approved; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the fence be moved further back so that it will not be visible.

Vote: Unanimous, with 34 Board members in favor.

LPC Item 13 – 377 Bleecker Street (Perry) An Italianate style dwelling built in 1867. Application is to construct a one-story rear yard addition.

WHEREAS, the changes proposed do not harm any historic fabric nor detract from the building, although there was some concern that the addition would intrude into the "doughnut"; now

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

Vote: Unanimous, with 34 Board members in favor.

LPC Item 14 – 267-269 West 4th Street A Greek Revival style house built in 1828. Application is to replace a storefront.

WHEREAS, we were not supplied photos and the presentation was somewhat incomplete; but

WHEREAS, the applicant was amenable and flexible to our suggestions; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the applicant proceed before the Commission and refine the design according to the Commission's recommendations.

Vote: Unanimous, with 34 Board members in favor.

LPC Item 16 – 802 – 816 Washington Street, a/k/a 91-95 Horatio Street A neo-Classical style warehouse built in 1931. Application is to install new storefront infill, signage and awnings.

WHEREAS, some residents testified that this structure was not part of the original building, but constructed under the High Line by Rockrose years ago; and

WHEREAS, the residents further noted that this deli occupies 802 and 804 Washington Street, so the application should apply to this address only and not extend to 816 Washington, since the deli does not reach that far up the block; and

WHEREAS, because we had no factual documentation for the condition at the time of designation and there was testimony from residents that the current storefront was installed within the past few months; now

THEREFORE, BE IT RESOLVED that CB#2, Man. has not enough information to make an informed decision and requests the applicant come back to us with more info.

No vote.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Service Corp. d/b/a Mix It, 20 Prince Street, with 6 tables and 11 seats, DCA#1173208.

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

WHEREAS, this restaurant is located between Mott and Elizabeth Streets; and

WHEREAS, there is sufficient passage for pedestrian safety and public access as there is an 8 foot clearance sidewalk passageway with no obstructions; and

WHEREAS, there is no opposition from the community and no complaints on file;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by Service Corp. d/b/a Mix It, 20 Prince Street, with 6 tables and 11 seats, DCA# 1173208.

Vote: Unanimous, with 34 Board members in favor.

STANDING COMMITTEE REPORTS

BUSINESS

1. Little Rest Twelve Inc., d/b/a Buddha Bar, 25 Little West 12th Street a/k/a 416 West 13th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 13,000 square foot location that has not been previously licensed; and

WHEREAS, the applicant stated that this will be a 280 seat restaurant with a total capacity of 400 persons; and

WHEREAS, the applicant stated that the hours of operation will be from 6 PM to 2 AM seven days and that music will be played by a DJ. There will not be any dancing permitted and no Cabaret license will be applied for as Cabaret use is prohibited in the lease; and

WHEREAS, the applicant stated that he was an employee of the Buddha Bar in Paris and he now is a licensee of the Buddha Bar name and that 5 million dollars of financing will be provided by an English bank; and

WHEREAS, 8 members of the community appeared in opposition to this application stating that there are over 33 other similarly licensed premises within 500 feet of this location; and

WHEREAS, the community members also appealed to the Committee to deny this application based on the fact that this is a very large space with large capacity. The Meat Market area has grown rapidly and too many liquor licenses have been issued in a short period of time without regard to the impact on the surrounding community and problems with traffic, noise, smokers etc. have become intolerable; and

WHEREAS, in an effort to address community concerns, the applicant who was heard at the July Committee meeting, asked for a reconsideration; and

WHEREAS, the applicant altered their plans to include an indoor atrium to accommodate smokers that reduced their capacity by over 50 persons; and

WHEREAS, the applicant also increased their indoor waiting area from 300 square feet to over 600 square feet in an effort to reduce sidewalk congestion; and

WHEREAS, there is no residential occupancy in the immediate area surrounding this premise;

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for Little Rest Twelve Inc., d/b/a Buddha Bar, 25 Little West 12th Street a/k/a 416 West 13th Street, NYC.

Vote: Passed, with 20 Board members in favor, 10 in opposition, and 1 abstention.

2. Eat Well, Inc., 75 Greenwich Avenue, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to license a 74 seat 1700 square foot restaurant at this location formerly known as the Greenwich Cafe; and

WHEREAS, the applicant stated that they will remain open from 7 AM until 2AM, Seven days; and

WHEREAS, that music will be background only; and

WHEREAS, the applicant has been an operator of restaurants in CB4 for over 15 years with a good track record; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for Eat Well Inc., 75 Greenwich Avenue, NYC.

Vote: Unanimous, with 34 Board members in favor.

3. Paris Commune LLC, 99 Bank Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 90 seat 2,500 square foot restaurant and bar at this premise formerly known as Nadine's that has been licensed since well before 1992; and

WHEREAS, the applicant stated that the hours of operation will be from 5 PM until 2 AM seven days; and

WHEREAS, the applicant stated that 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. has no objection to the issuance of an On Premise license for Paris Commune LLC, 99 Bank Street, NYC.

Vote: Unanimous, with 34 Board members in favor.

4. C & H Restaurant LLC d/b/a Maurizio, 35 West 13th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is to upgrade from Beer and Wine at this 2000 square foot 75 seat restaurant formerly known as the Indian Pavilion; and

WHEREAS, the applicant has been in business at this location for the past three months without incident; and

WHEREAS, the hours of operation are until 11:30 PM and that there will be no change in their method of operation; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for C & H Restaurant LLC d/b/a Maurizio, 35 West 13th Street, NYC.

Vote: Unanimous, with 34 Board members in favor.

5. Bonarue Bleu Industries, Inc., d/b/a Florencia 13, 183/185 Sullivan Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 1000 square foot 40 person capacity restaurant formerly known as the Green Papaya; and

WHEREAS, the applicant stated that the hours of operation will be until 1 AM weekdays and until 3 AM weekends; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for Bonarue Bleu Industries, Inc., d/b/a Florencia 13, 183/185 Sullivan Street, NYC

Vote: Unanimous, with 34 Board members in favor.

6. CJZ 2 LLC d/b/a Sacha, 189 West 10th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a transfer of the existing On Premise license at this location that has been operated as La Metairie since 1982; and

WHEREAS, the applicant stated that the only major change will be to add an eight seat bar increasing the total capacity to 58 persons with no other changes to the existing method of operation; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for CJZ 2 LLC d/b/a Sacha, 189 West 10th Street, NYC.

Vote: Unanimous, with 34 Board members in favor.

7. Archangels Bar and Restaurant, Inc., d/b/a Archangels, 310 Bowery, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 2200 square foot 74 person capacity restaurant and bar at this location; and

WHEREAS, the applicant stated that the hours of operation will be from 11 AM to 4 AM, seven days; and

WHEREAS, the music will be by juke box with live performances such as ventriloquists and folk singers from time to time; and

WHEREAS, the applicant stated that all food will be provided by a concessionaire who also serves the bar next door known as the Bowery Poetry Club and that the same kitchen that is in the basement of both premises will be used for both licensees; and

WHEREAS, a representative of the SoHo Neighborhood Association appeared in opposition to this application raising the question as to whether this premise is physically open and accessible to the premise next door by means of an opening in the wall that separates these premises and also raising concerns about the over saturation of On Premise licenses in this area; and

WHEREAS, the Committee has some concerns regarding the legality of the kitchen sharing and the open access between the two adjacent licenses premises; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for Archangels Bar and Restaurant Inc., d/b/a Archangels, 310 Bowery, NYC provided the SLA is satisfied that the concerns raised above are not problematic.

Vote: Passed, with 32 Board members in favor, 2 in opposition, and 1 abstention.

8. Rebel Barbeque LLC d/b/a Matador Bistro Latino, 57 Greenwich Avenue, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for this 50 person capacity Spanish restaurant at this location formerly operated as Sapore Due; and

WHEREAS, the applicant stated that the hours of operation will be until Midnight 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 Rebel Barbeque LLC d/b/a Matador Bistro Latino, 57 Greenwich Avenue, NYC.

Vote: Unanimous, with 34 Board members in favor.

9A. D & C Nightlife Inc., 250 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 9800 square foot location that has not been previously licensed; and

WHEREAS, the applicant stated that this location will have a total capacity of 550 persons; and

WHEREAS, the applicant stated that the hours of operation will be from 9 PM to 4 AM seven days and that music will be played by a DJ. Dancing will be permitted and a Cabaret license will be applied for; and

WHEREAS, 8 members of the community appeared in opposition to this application stating that the impact of this establishment on their neighborhood will be disastrous; and

WHEREAS , this applicant had appeared at the July Committee meeting and was willing to postpone the Committee decision for one month during which they met with the community leaders in an effort to gain their support. The applicant was willing to stipulate to a number of concessions, however, the community was not willing to give their endorsement; and

WHEREAS, the community members also appealed to the Committee to deny this application based on the fact that this is a very large space with large capacity; and

WHEREAS, the applicants appealed to the Committee stating the area is zoned for this use and that while no location is ideal for this use this location being just one block from the Holland Tunnel will have the least negative impact; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **D & C Nightlife Inc., 250 Hudson Street, NYC.**

Vote: Failed, with 29 Board members in opposition, and 4 favor. See substitute resolution below.

9B. D&C Nightlife NYC, Inc., 250 Hudson St., Ground Floor, NYC, NY 10013

WHEREAS, the Hudson Square community is strongly opposed to this Liquor License application; and

WHEREAS, this new night club would be on the same street and a short distance from Club 'NV' which is about the same size and population count and there are at least nine existing Liquor Licenses within 500 feet with pending applications for two additional licenses including one for a Lounge in this same building; and

WHEREAS, this building is surrounded with residential buildings; and,

WHEREAS, within 500 feet there are three now residential buildings currently under construction with several other new residential buildings about to start construction; and,

WHEREAS, CB#2, Man. strongly supported the recent Hudson Square rezoning that recognizes the residential part of this neighborhood and Community Board #2 recommended that the residential buildings surrounding this proposed Night Club be included in the rezoning; and,

WHEREAS, the community impacts from a club this size, which include shootings, stabbings, drug dealing, excessive noise, traffic congestion, and huge crowds, are well known in the Community Board and in Hudson Square; and,

WHEREAS, the community, the Community Board, local public officials, and the I" Precinct Police have had many meetings in an attempt to address the long list of complaints about nightclubs in this area with little success; and,

WHEREAS, the Traffic and Parking Study submitted to the Board does not address the extensive night life related traffic problems that currently exist at this location including long lines of limos and taxis double parked directly across the street from 250 Hudson St. and the severely congested intersection of Spring St. and Hudson St.; and,

WHEREAS, in that Club 'NV' and the proposed Night Club are a short distance apart and they are the same size, we can expect to have at least double the problems on this section of Hudson St.; and,

WHEREAS, the principals of D&C Nightlife do not have a viable plan to address the negative community impacts nor do they have the ability or the authority to exercise any control beyond their front door; and

WHEREAS, the Hudson Square community has no need for an additional nightclub that will only add to the ongoing problems; and

WHEREAS, these problems are the very issues that the 500 foot rule was intended to address;

THEREFORE, BE IT RESOLVED, that CB#2, Man. opposes this Liquor License application for D&C Nightlife NYC, Inc., 250 Hudson St., Ground Floor, NYC, NY 10013 because it does not meet the required findings of the 500 foot rule; and

BE IT FURTHER RESOLVED, that CB#2, Man. finds that the granting of this Liquor License would not be in the public interest nor would it be in the interest of the Hudson Square community; and

BE IT FURTHER RESOLVED, that CB#2, Man. asks the New York State Liquor Authority to also reject this Liquor License application.

Vote: Passed, with 30 Board members in favor, and 5 in opposition.

10. Rondure Corp., 24 Prince Street, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for an upgrade from Beer and Wine at this 70 person capacity Russian style restaurant at this location; and

WHEREAS, the applicant stated that they have been in operation for the past eight months without complaint or incident and that it is difficult operating a Russian restaurant without vodka; and

WHEREAS, this premise normally closes at Midnight and that there will not be any changes to the current method of operation; and

WHEREAS, one member of the public appeared in favor of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for Rondure Corp., 24 Prince Street, NYC, provided that the SLA is satisfied that this location is more than 200 feet from Old St. Patrick's School.

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

11A. Ginx Inc., d/b/a LoLa, 15 Watts Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a 200 seat 3500 square foot restaurant and bar with a side yard outdoor seating area and front windows that open to the street at this premise formerly known as Chaos; and

WHEREAS, the applicant stated that the hours of operation will be only until Midnight seven days; and

WHEREAS, the applicant stated that music will be live most of the time and background at other times; and

WHEREAS, several members of the community spoke in opposition to this application. They stated that this location has wreaked havoc on the community in its past life and that there are currently over 33 similarly licensed premises within 500 feet of this location. They also stated that the residents in proximity to this location are at the breaking point with traffic, noise, public urination, sidewalk smoking etc; and

WHEREAS, the applicants have a good track record at their current location on 22nd Street where they have been operating for the past 20 years; and

WHEREAS, the Committee felt that these applicants with their positive long term track record were among the better choices for this location; and

WHEREAS, in response to the concerns of the community and in exchange for approval of the Committee, the applicants agreed to remove the outdoor side yard area from this application leaving them with no outdoor seating and not to reapply for this area for at least 3 years. The applicants also agreed to use front windows that do not open to the street thereby containing their live music sounds to the interior of the premises. The applicants also agreed to maintain the Midnight closing time that was stated on their application to the Committee; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Ginx Inc., d/b/a LoLa, 15 Watts Street, NYC**; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to notify the Community Board if any of the conditions in the last WHEREAS are not adhered to on the license application.

Vote: Failed with 34 Board members in opposition. See substitute resolution below.

11B. Ginx, Inc., d/b/a LoLa, 15 Watts Street, New York, NY 10013

WHEREAS, this nightclub/restaurant would be located within 500 feet of at least two dozen (24) licensed premises; and,

WHEREAS, dozens of community residents and property owners, one of the largest turn-outs to appear before the community board in years in opposition to the granting of a liquor license, expressed their conviction that the granting of a liquor license in this instance may benefit an individual's private interest, but would not serve the public interest; and

WHEREAS, the SoHo Alliance, the neighborhood community association, provided statistics showing that in SoHo there is approximately one liquor license for every eighty residents - a clear case of over saturation - and strongly opposes this application; and

WHEREAS, elected officials State Senator Martin Connor and NYC Council member Alan Gerson are in opposition to this application; and

WHEREAS, restaurant guides like:

ZAGAT'S characterized this establishment as 'always a party' with its 'cramming, jamming bar', 'live music and hand-clapping brunch', that 'makes you want to dance', and is 'overpriced and overcrowded';

CITISEARCH stated, "You would not want to live above this place."; and

WHEREAS, NYC zoning regulations do not permit eating and drinking establishments with entertainment in SoHo without a Special Permit from the NYC Board of Standards and Appeals, and this premise has no such Permit; and

WHEREAS, the applicant wants a sidewalk café, but new zoning restrictions in 2004 have re-affirmed the decades-old exclusion of sidewalk cafes in SoHo; and

WHEREAS, this building is proximate to residential tenement buildings of working-class, ethnic South Greenwich Village families, some of whom have lived there two and three generations, and

WHEREAS, these old-timers are appalled at the huge increase of licensed premises in their community, from only three to some two dozen currently, and

WHEREAS, these citizens feel that their neighborhood, which is under study for designation as a Landmark Historic District, is losing its unique flavor and is fast becoming another generic Restaurant Row, and,

WHEREAS, the applicant intends to have a rear courtyard component to the restaurant located within feet of the bedroom windows of many families who would not be able to sleep if people were drinking and partying here well past midnight; and

WHEREAS, although the applicant graciously offered to install soundproof windows in the apartment of these unfortunate neighbors, the applicant agreed without a trace of irony that the windows would have to be kept shut 24/7/365 to be effective. She stated this to co-op residents who have lived in their lofts for over thirty years and who pioneered this highly successful neighborhood to which this applicant now wishes to introduce this noisy operation; and

WHEREAS, a real estate broker testified that having a courtyard restaurant open til the wee hours would depreciate surrounding real estate prices; and

WHEREAS, the community supported a zoning variance for this property last year to encourage retail use, with the understanding that it would not be used for a licensed premise, but a retail business that would benefit the neighborhood (a deli, boutique, gallery, book store, furniture store, electronics shop, etc.); and

WHEREAS, the applicants stated that there were no complaints in their twenty years on 22nd Street; but they did not state that 22nd Street is an industrial/commercial block with few, if any, residents; and

WHEREAS, the rear of Lola currently abuts busy West 23rd Street, but the rear yard here on Watts Street would abut a large residential buildings, a big difference; and

WHEREAS, CB#2, Man. strongly supports the residential component of the SoHo and South Village neighborhoods; and

WHEREAS, the location of this proposed licensed premises is in the direct path of the Holland Tunnel traffic, and Watts Street is already overly congested with cars and trucks causing extreme air and noise pollution; and

WHEREAS, no traffic mitigation plan was provided by the applicant; and

WHEREAS, the community, the Community Board, local public official and the First Police Precinct have had many meetings in an attempt to address the long list of complaints about licensed premises in this area (with little success); and

WHEREAS, the applicants do not have the ability or authority to exercise any crowd control beyond their front door; and

WHEREAS, the negative impact on the community from another licensed establishment with live music in an area that already has well-known problems with excessive noise, traffic congestion and huge crowds would be detrimental to the common good; and

WHEREAS, very importantly, the Community Board finds the applicants are not credible because, when scrutinized, they changed the representations they made to the liquor-license subcommittee regarding sound-proofing, closing time, and use of the rear courtyard when they appeared a few days later before the Full Community Board, and this initial representation falsely misled the subcommittee into initially approving the application; and

WHEREAS, these problems are the very issues that the 500 ft rule pursuant to the Alcohol Beverage Control Law was intended to address; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. unanimously opposes this Liquor License application for Ginx, Inc., d/b/a, 15 Watts Street New York, NY 10013 because it does not meet the required findings of the 500 ft rule, And,

BE IT FURTHER RESOLVED, that CB#2, Man. unanimously finds that the granting of this Liquor License would not be in the public interest nor would it be in the interest of the SoHo and South Village communities; and,

BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests the New York State Liquor Authority to reject this Liquor License application.

Vote: Unanimous, with 34 Board members in favor.

12. Sleepy SoHo LLC d/b/a Slaperige, 5 King Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 1200 square foot 70 seat French/American restaurant at this location; and

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

WHEREAS, the hours of operation will be until Midnight seven days; and

WHEREAS, the Committee is concerned that this premise is within 200 feet of Saint Anthony's Church and school; 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 Sleepy SoHo LLC d/b/a Slaperige, 5 King Street, NYC provided that the SLA is satisfied that this premise is more than 200 feet from Saint Anthony's Church and School

Vote: Passed, with 30 Board members in favor, 4 in opposition, and 1 abstention.

13. La Ripaille Corp., d/b/a La Ripaille, 605 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an expansion of the applicant's existing On Premise license to include the store next door; and

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

WHEREAS, the applicant has operated this premise for the past 25 years without incident; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the expansion of the existing On Premise license for La Ripaille Corp., d/b/a La Ripaille, 605 Hudson Street, NYC.

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

14. Fiddlesticks LLC d/b/a Fiddlesticks, 54 Greenwich Avenue, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an alteration of the existing On Premise license at this 2500 square foot 189 person capacity location to include the addition of an additional ten foot long bar that will be constructed; and

WHEREAS, the applicant stated that there will 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. has no objection to the alteration of the existing On Premise license for Fiddlesticks LLC d/b/a Fiddlesticks, 54 Greenwich Avenue, NYC.

Vote: Unanimous, with 34 Board members in favor.

15. 7th & Barrow LLC, d/b/a Sushi Samba, 87 Seventh Avenue South, NYC

WHEREAS, the applicant failed to appear before the committee; and

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

WHEREAS, since being licensed, this applicant has continually displayed complete disregard for the rules and regulations of virtually every agency that has jurisdiction over this type of establishment including the State Liquor Authority; and

WHEREAS, the applicant has been issued violations by the Building Department and has been sued by the Landmarks Preservation Commission, however, rather than comply the applicant seems to view these issues as part of the cost of doing business; and

WHEREAS, the Committee has a copy of the license application that was filed with the SLA and has determined that the plans that were used to obtain the license are the plans of the former tenant in the space. This applicant completely gut renovated the premise and the current layout has no resemblance to the plans that are on file; and

WHEREAS, the Committee is concerned that the applicant filed for the license with the former tenants plans in an effort to conceal from the SLA the fact that he was spending over two million dollars on the renovation. Concealing this material information would be a serious violation of the SLA rules and would subject the applicant to revocation of their license; and

WHEREAS, the applicant has operated this premise with contempt for the well being of the residential tenants in the same and neighboring buildings; and

WHEREAS, members of the community as well as tenants of the building where this premise is located appeared in opposition to this application; and

THEREFORE, BE IT RESOLVED the CB#2, Man. strongly objects to the renewal of the On Premise license for 7th & Barrow LLC, d/b/a Sushi Samba, 87 Seventh Avenue South, NYC and calls upon the State Liquor Authority to fully investigate the allegations set forth above and to take appropriate action should the allegations prove to be factual.

Vote: Unanimous, with 34 Board members in favor.

16. T. Hospitality Inc., d/b/a Highline, 835 Washington Street, NYC

WHEREAS, the applicant failed to appear before the committee or seek a postponement; and

WHEREAS, it is the policy of this Committee to deny a recommendation of approval to all applicants who do not make an appearance at the Committee; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise license for T. Hospitality Inc., d/b/a Highline, 835 Washington Street, NYC and calls upon the SLA to return this applicant to the Community Board should the applicant file for an alteration to their existing license without first making their plans known to the community.

Vote: Unanimous, with 34 Board members in favor.

17. JEC II LLC., d/b/a One, 1 Little West 12th Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a Cabaret License at this 5200 square foot 275 person capacity restaurant, bar and lounge; and

WHEREAS, the applicant stated that they need the Cabaret License purely as a precautionary measure as patrons are sometimes inclined to dance in place and the applicant is fearful that they may be ticketed or closed; and

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

WHEREAS, members of the community spoke in opposition to this application stating that if a Cabaret License is issued to this applicant, this premise will become a full scale dance club as it currently caters to a trendy late night young clientele; and

WHEREAS, the applicant insists that his intentions are honorable; and

WHEREAS, the Committee is highly skeptical of any promises made by this applicant as the Committee has been lied to by this applicant in the past; and

WHEREAS, there is a very large vacant space adjacent to this premise and the community members who spoke against this application fear that this applicant will expand and become more of a nuisance to the community than they already are; and

WHEREAS, the entire meat packing area has become a significant problem to the adjacent residential area with crowds, noise, traffic etc. becoming unbearable for the residents and the issuance of another Cabaret License will only exacerbate the already untenable conditions; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of a Cabaret License for JEC II LLC., d/b/a One, 1 Little West 12th Street, NYC

Vote: Unanimous, with 34 Board members in favor.

INSTUTIONS

Commercialization of Washington Square Park

WHEREAS, there has been a series of pre-planning meetings on NYIBC with the Parks Dept., Councilmember Alan Gerson's office and the community, and

WHEREAS, feedback from the community was supposed to result in a set of ground rules for this 2 day event, and

WHEREAS, CB#2, Man. appreciates the good faith effort of Councilmember Gerson in bridging differences between NYBIC and the community but is still in the dark in the absence of any set of written ground rules and who should be in attendance, and

WHEREAS, CB#2, Man. has always fought against any commercialization of Washington Sq. Park which has been a legacy from its longtime Parks Committee Chair, Tony Dapolito, and

WHEREAS, CB#2, Man. remains unconvinced that this event is not a commercialization of Washington Sq. Park in light of the commercial sponsorship by the *New York Times*, Target Stores and various publishing houses whose goal is branding and commercial book sales camouflaged as a literary and reading event,

THEREFORE, BE IT RESOLVED that CB#2, Man. calls upon the NYC Parks Department to air its "UPSCALE EVENTS" policy in public meetings with the CB#2, Man. community as it relates to future use of Washington Sq. Park so that it can receive vital community input before it considers any future city-wide event in what has historically been regarded as a neighborhood park.

Vote: Withdrawn by Committee Chair Martin Tessler.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

LPC Item 1: 85 Charles Street-Greenwich Village Historic District A French Second Empire style townhouse designed by Henry Engelbert and constructed in 1868. Application is to construct a rooftop addition, and to modify the parlor floor window openings. Zoned C1-6

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

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

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

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 2 - 310 West 4th Street - Greenwich Village Historic District WITHDRAWN

LPC Item: 3 - 634 Hudson Street - Greenwich Village Historic District. A townhouse built in 1849. Application is to legalize the installation of a roll-down security gate without Landmarks Preservation Commission permits.

WHEREAS, the applicant unfortunately brought no photos of the existing condition, so we could not weigh in with informed opinion; but

WHEREAS, from the applicant's description of the condition, the existing roll-down gate is only minimally obtrusive and does not appear to distract from the historic district; now

THEREFORE, BE IT RESOLVED that CB#2, Man. cannot proffer an opinion on a condition we have not seen, despite its seeming innocuousness.

No vote.

LPC Item: 4 – 833 Washington Street - Gansevoort Market Historic District. A Utilitarian style market building. Application is to construct a rooftop bulkhead and to modify the canopy.

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

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

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

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 5: 421 - 435 West 14th Street (9th&10th Aves) - Gansevoort Market Historic District An Arts and Crafts style market building, designed by James S. Maher and constructed in 1914. Application is to replace a storefront.

WHEREAS, although in the Gansevoort Historic District, this property is located in Community Board 4 and it is not our policy to vote a recommendation on a matter in another community board; but

WHEREAS, the applicant did appear and gave a thorough presentation and we certainly can comment on it, especially since it involves an historic district located predominately in our community; now

WHEREAS, the simple minimalist storefront, without signage, awnings, canopies or excessive hardware, does not distract from the building or the district; and, further,

WHEREAS, since there is a large frontage, the owner should work with the Commission to formulate a master plan for the eight storefronts in this building; now

THEREFORE, BE IT RESOLVED that CB#2, Man. has no direct recommendation on how to vote, but comments favorably on the proposed design and suggests a master plan may be in order for the eight storefronts, as well as a master plan for the large adjacent building owned by the same landlord.

No vote.

LPC Item 6: 400 West 14th Street (9th&10th Aves)- Gansevoort Market H.D. A Neo-Grec style warehouse designed by Joseph M. Dunn built in 1886. Application is for alterations to the storefront.

WHEREAS, the materials and configuration of the proposed storefront are attractive; but

WHEREAS, the one-foot high bulkhead is inappropriate, for it references neither the taller height of an historic bulkhead nor the minimal height of a retrofitted modern bulkhead; and

WHEREAS, we would prefer the bulkhead go one way or the other, preferably higher, but do not want it at this compromised height; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for the storefront, but recommends that the bulkhead be either of an historic or a modern scale, not an in-between compromise.

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 7 - 647 Hudson Street (Gansevoort St.) - Gansevoort Market H.D. A Greek Revival style row house built in 1840 and altered in the 20th-century. Application is to install a new storefront.

WHEREAS, in style, materials, and scale, the design is a vast improvement on the existing conditions; but

WHEREAS, traditionally, the storefronts of Greek-Revival buildings wrap around the side of the building only a few feet; and

WHEREAS, this proposal wraps around about twenty feet, removing original material in the process; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of most of the storefront, except the extension of the storefront and cornice that wraps around the corner of the building much too far, contrary to traditional design, removing original material in the process.

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 8 - 200 Mercer Street aqua 631-635 Broadway (Bleecker/Houston) - NoHo Historic District. A group of Italianate style store and loft buildings built in 1853-54. Application is to install chimney flues.

WHEREAS, the material proposed, brushed stainless steel, neither detracts nor distracts from the district; and

WHEREAS, a tall chimney is not out of character in this former industrial district; now

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

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 9 - 422-430 6th Avenue (W. 9th) (former Balducci's)- Greenwich Village Historic District. An apartment house, built in 1958. Application is to replace the storefront bulkheads, and install a canopy at the storefront entrance.

WHEREAS, replacing the plywood bulkhead with black granite contributes to the building; but

WHEREAS, we can think of no retail establishment within the Board that has a canopy; and

WHEREAS, despite the applicant's claims that Balducci's had a canopy, not one of the dozen members of the Committee remembered a canopy; and

WHEREAS, the applicant could not provide a photo to back up the assertion and

WHEREAS, at time of designation, there was a row of small stores, and the Designation Report does not mention any canopies; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval for replacing the bulkhead, but strongly doubts that a canopy is grand fathered at this location and does not want to set a precedent for having canopies in front of retail establishments in the Village.

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 10 - 346-354 6th Avenue (Washington)- Greenwich Village H.D. A two-story building built in 1964. Application is to replace the facade and construct a three story and penthouse addition.Zoned R7-2

WHEREAS, the masonry, fenestration, details, style and scale of the project will add to the historic district; but

WHEREAS, we felt that a canopy of 11' X 14' was inappropriate; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for the building, with the exception of the large canopy.

Vote: Unanimous, with 35 Board members in favor.

LPC Item: 11 - 87 7th Avenue South (Sushi Samba)- Greenwich Village HD. A 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. Zoned C4-5

WHEREAS, the stucco and glass rooftop addition to the restaurant is not out of place in this portion of the historic district; and

WHEREAS, although we understand the restaurant's need for venting, the applicant did not explore nor entertain the possibility of a different venting system that would obviate such a tall flue, and

WHEREAS, perhaps the Commission will encourage the applicant to investigate an alternative venting solution; now

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

Vote: Failed, 29 with Board members in favor, and 6 in opposition.

2ND LANDMARKS MEETING

10 Fifth Ave. a/k/a 1 West 8th Sr. (Northwest cor) – Application is to install a barrier-free access ramp.

WHEREAS, the "step" from sidewalk to floor of store is only 4", and

WHEREAS, the applicant claims that a complaint was lodged about access for wheel-chair patrons, and

WHEREAS, the proposed ramp 44" wide and approximately 4' long, extending onto the sidewalk at the 8th Street entrance, and in stainless steel with one railing along the top, and

WHEREAS, this ramp will create an obstruction on the otherwise clear sidewalk, and

WHEREAS, in other cases the Community Board has suggested that there could be other ways to accommodate wheelchairs without a permanent structure on the sidewalk;

THEREFORE, BE IT RESOLVED CB#2, Man. recommends that the Landmarks Commission approve some other means of access that would be removable such as a portable ramp instead of proposed permanent stainless steel ramp.

Vote: Passed, with 30 Board members in favor, and 5 in opposition.

465 Broadway a/k/a 40 Mercer St.-Application is to amend the Current Certificate of Appropriateness approved by the Landmarks Preservation Commission 5/11/2/01.

WHEREAS, when the original Certificate of Appropriateness was issued in 2001, the proposed new building was to be a hotel, and

WHEREAS, the proposal is now planned to be an apartment building, under the new zoning amendments adopted by the City Planning Commission recently, and

WHEREAS, the changes proposed are minor in regard to the design of the building:

1. The base of the building is reduced from 6 to 5 stories, but the ceiling heights have been increased so the *difference in* height of the base is only 4' shorter than previously.
2. The building height has been increased from 12 to 13 stories, but again, because of the change in ceiling heights, the overall height still matches the height of the building on the north corner of the block.
3. There is a minor change in the horizontal size of the tower above the base, moving it further back from the street line.
4. In line with the requests from the SoHo community for parking since the new building would eliminate a parking lot, reducing available parking in the area, a sub-grade level has been added to contain a public parking garage, (which will require an additional Special Permit from CPC), and
5. The entrance to this parking garage has been located off Mercer St. within but not obstructing the through-block visual corridor created by the rear garden, and
6. The width of the rear yard garden has been increased; and

WHEREAS, after viewing the plans and changes, CB#2, Man. feels that the minor nature of the changes are in line with the original CB#2, Man. approval of this project,

THEREFORE, BE IT RESOLVED CB#2, Man. has no objections to these amendments to the original Certificate of Appropriateness.

Vote: Unanimous, with 35 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSENDER

This was a joint resolution adopted between the Lesbian, Gay, Bisexual & Transgender and Public Safety, Public Health Committees

Greenwich Village Homicide

WHEREAS, on July 16, 2004, a teenage youth was fatally stabbed on West 10th Street between Hudson and Greenwich Streets; the first homicide on Greenwich Village's sidewalks in three years, as reported by The Villager;

WHEREAS, according to reports in other newspapers, the accused assailant had strolled over to three transgender individuals and tried to engage them in conversation, which resulted into an argument and then the stabbing of the teenage youth;

WHEREAS, The accused assailant, who fled the crime scene, was later tracked down by officers from the Sixth Precinct with the assistance of three transgender individuals who witnessed the crime; and

WHEREAS, it was reported that officers from the Sixth Precinct took the transgender individuals on a patrol of the area in a squad car and arrested the accused assailant at Greenwich and Gansevoort Streets, in possession of the alleged murder weapon.

THEREFORE BE IT RESOLVED, that CB#2, Man. commends the Sixth Precinct for its display of strong community policing as demonstrated through its responsiveness and effectiveness in working with the individuals from the transgender, gay, lesbian and bisexual communities in order to expeditiously apprehend the accused assailant and rid our streets of an alleged murderer.

Vote: Unanimous, with 34 Board members in favor.

PUBLIC SAFETY AND HEALTH

Con Edison

WHEREAS, CB#2, Man. met twice with representatives of Con Edison to discuss the metal plate problems and electrical stimulation of these plates; and

WHEREAS, CB#2, Man. was assured that Con Edison was in compliance;

THEREFORE, BE IT RESOLVED, that CB#2, Man. fully supports the Public Service Committee investigation of Con Edison inspections and correction of the metal plates in question and an ongoing inspection of all the potential plate malfunctions

Vote: Unanimous, with 34 Board members in favor

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Spring Leopard LLC, 307 Spring Street, with 6 tables and 12 seats, DCA# 1175526.

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

WHEREAS, this restaurant is located between Greenwich and Hudson Streets; and

WHEREAS, the applicant has had an existing sidewalk café, at another location (the corner of Spring and Greenwich Streets) a restaurant named “ Pao” for seven years, without any complaints; and

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

WHEREAS, there is no opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by Spring Leopard LLC, 307 Spring Street, with 6 tables and 12 seats, DCA# 1175526.

Vote: Unanimous, with 34 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Traffic Issues in CB#2, Man., in connection with the Proposed West Side Stadium

WHEREAS, the Hudson Yards ULURP Application includes the planned construction of a West Side Stadium (the “Stadium”) that will result in unusually severe traffic congestion on days when the stadium hosts major events, according Community Board No. 4 and a coalition of civic and professional organizations that have reviewed the Hudson Yards Draft Environmental Impact Statement (i.e., Citizens Union of the City of New York, Natural Resources Defense Council, New York Public Interest Research Group and the Regional Plan Association) in a report called “A Citizens Guide to the Hudson Yards Draft Environmental Impact Statement” (the “Report”); and

WHEREAS, while most football games at the Stadium will be held on Sunday afternoons, when traffic is generally somewhat lighter, other events are expected to be held on weeknights which will according to the Report result in “massive traffic delays” along the West Side Highway, including portions of this community board; and

WHEREAS, according to the Report and the Draft Environmental Impact Statement, 91 percent of the off-street parking spaces will be filled in an area that stretches as far south as 21st Street, as far north as 51st Street and as far east as 6th Avenue, which will also affect this community board; and

WHEREAS, traffic congestion could be higher than current estimates based on the fact that while proponents of the Stadium claim that 70% of its patrons will arrive by public transport, according to the Tri-State Transportation Campaign, only 30-40% of attendees of events at Madison Square Garden take public transportation, yet the Madison Square Garden is far better served by public transit (i.e., subways, LIRR and NJ Transit) than would be the Stadium; and

WHEREAS, it is noted that the Department of City Planning was invited, but did not attend, the meeting of this community board’s Traffic and Transportation Committee where this issue was discussed.

THEREFORE BE IT RESOLVED that CB#2, Man., opposes the Hudson Yards ULURP Application to the extent that such application (i) will have an adverse affect on traffic flow, parking availability and quality of life concerns associated with excessive traffic congestion in this community board and (ii) does not currently include proposals to mitigate the problems caused by excessive traffic.

Vote: Unanimous, with 34 Board members in favor.

2. Tiles Memorializing 9/11 at the MTA’s Site on Mulry Square

WHEREAS, ceramic tiles memorializing the tragic events of September 11, 2001 are displayed on a chain link fence on Greenwich and 7th Avenues and the South Side of West 11th Street at Mulry Square; and

WHEREAS, the community strongly feels that the memorial tiles should be preserved; and

WHEREAS, the area surrounded by the fence, which is owned by the MTA and used to store equipment, could be a very beneficial public amenity if converted to park.

THEREFORE BE IT RESOLVED that CB#2, Man. requests that the MTA consider preserving the tiles memorializing September 11 displayed on the chain link fence at Mulry Square and work with the relevant committees of this community board (i.e., the Parks and Landmarks Committees), the Parks Department and local elected officials to devise a plan to incorporate the tiles into a new public park which would serve as a Greenwich Village memorial to the tragic events of that day that deeply affected our community.

Vote: Unanimous, with 34 Board members in favor.

WATERFRONT

1. Trapeze School

WHEREAS, the Trapeze School is an artistically desirable business that is currently located on Vestry Street in the Hudson River Park; and

WHEREAS, the school is required to move from their current location and is in need of significant space to continue their operations; and

WHEREAS, the Hudson River Park Trust has located space at Pier 40 on the southeast side of the pier on the roof adjoining the soccer field; and

WHEREAS, this enterprise falls within the accepted guidelines of the 50% commercial space; and

WHEREAS, this school does not impact the use or affect the size of the “passive” space that Community Board #2 has insisted be enlarged and made more attractive;

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the plan to locate the Trapeze School at Pier 40.

Vote: Unanimous, with 34 Board members in favor.

2. Ashes Snow Exhibit at Pier 54

WHEREAS, the Bianimale Foundation wishes to place an art exhibit entitled “Ashes and Snow” at Pier 54 which requires temporary construction costing \$2.5 million that would enhance the structure; and

WHEREAS, Community Board #2 has previously reviewed the proposal and has had ample opportunity to comment and request amplification; and

WHEREAS, the art exhibit is now scheduled for opening in February of 2005 and closing in June of 2005, as opposed to the previous plan which would encumber the pier during the entire summer season; and

WHEREAS, the cost for admission has been clarified to include \$6 for students and seniors, \$12 for adults and free one day per mid-week; and

WHEREAS, the Hudson River Park Trust has completed a review and has assured us that it has the proper legal authority to utilize this pier for this use; and

WHEREAS, Community Board #2 has a long history of support for the Arts and wishes to be a part of this international exhibition;

THEREFORE, BE IT RESOLVED that CB#2, Man. is desirous of seeing this exhibit move forward as long as the time frame is adhered to and as long as the exhibit structure is removed as planned, allowing the pier be able to be used by the residents of the community from July forward for normal recreation.

Vote: Unanimous, with 34 Board members in favor.

ZONING AND HOUSING

1. 62 Cooper Square Block 544, Lot 7501 Cal. #238-04-BZ Special Permit pursuant to Section 73-36 of the New York City Zoning Resolution to permit the use of the cellar, first floor and mezzanine by the New York Health & Racquet Club, as a physical culture establishment (health club).

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

WHEREAS; The Condominium Board of this building has reviewed the plans and has given its approval, and,

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

WHEREAS; The health club will be accessed from an entrance that is directly from the sidewalk and separate from other building entries which is appropriate for this usage;

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit, and,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals special permit for a Physical Culture Establishment at this location for a term not to exceed ten years.

Vote: Unanimous, with 34 Board members in favor.

2. 443-445 Broadway/20-22 Mercer Street, Block 231, Lots 1001 and 1002 (between Howard and Grand Streets) ULURP No. 020043ZAM CEQR No. 04DCP026M. Application pursuant to Section 42-142 of the Zoning Resolution, for an authorization to allow the conversion of the second through fifth floors and proposed two level penthouse for Joint Living Work Quarters for Artists (JLWQA) in an M1-5B zoning district.

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

WHEREAS, The proposed usage is consistent and compatible with the other legal uses in the surrounding buildings, And,

WHEREAS, The converted building will result in a reduction in the F.A.R. to 5.02 which will more closely conform to the underlying FAR of 5.0, And;

WHEREAS, The rooftop recreation space will be provided in accordance with the requirements of the Zoning Resolution., And;

WHEREAS, The applicant has obtained a proper Certificate of Appropriateness from the Landmarks Preservation Commission

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this authorization, and,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application to allow the conversion of the second through fifth floors and proposed two level penthouse for Joint Living Work Quarters for Artists (JLWQA) in an M1-5B zoning district.

Vote: Unanimous, with 35 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Secretary
Community Board #2, Manhattan