

FULL BOARD MINUTES

DATE: September 22, 2005

TIME: 6:30 P.M.

PLACE: NYU Silver Building, 32 Waverly Place, Room 714

BOARD MEMBERS PRESENT: Steve Ashkinazy, Helene Burgess, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Harriet Fields, Garth Harvey, Anne Hearn, Brad Hoylman, Susan Kent, Raymond Lee, Aubrey Lees, Edward Ma, Rosemary McGrath, Philip Mouquinho, Patrick Munson, T. Marc Newell, Rick Panson, Judy Paul, David Reck, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Richard Stewart, Sean Sweeney, Wilbur Weder, Betty Williams, Michael Xu, Carol Yankay

BOARD MEMBERS EXCUSED: Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Arthur Harris, Dr. John Maggio, Shirley H. Smith

BOARD MEMBERS ABSENT: Galal Chater, Don Lee, Don MacPherson, Chad Marlow, Ronald Pasquale, Arthur Z. Schwartz, Melissa Sklarz

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Arturo Garcia-Costas, Congressman Jerrold Nadler's office; Jon Prosnit, Senator Tom Duane's office; Matt Viggiano, Sen. Martin Connor's, John Ricker, Comptroller William Tompson's office; William 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; Tanako Okamura, Richard Byrnes, Tom Odeen, Gayle Procod, Margaret P, Miriam Kaplan, Kaveri Malathe, Melissa Passman, Cyrell Preposi, Edy Selman, Sharon Woolems, Jayne Haynes, Richard Lobil, D. Usier, Erin Bogart Johnson, Susan Goren, Gloria Sylvestro, Marjorie Rubin, Garret Feringer, Michael Bloomberg, Mary Johnson, Alicia Hurley, Kent Underwood.

MEETING SUMMARY

Meeting Date September. 22, 2005

Board Members Present – 31

Board Members Excused– 6

Board Members Absent - 7

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II. PUBLIC SESSION

Non-Agenda Items

Comptroller's Office

John Ricker, Comptroller William Thompson's office reported.

NYU Government Relations

Alicia Hurley introduced herself as a replacement for Michael Haberman.

Issues

Michael Bloomberg spoke regarding traffic and a new restaurant liquor license.

Washington Square Park

Sharon Woolums spoke regarding litigation about Washington Square Park. Susan Goren spoke on the fountain. Marjorie Rubin, Edy Selman, Mary Johnson, spoke against the plans for Washington Square.

Noise from Newgate, 535 La Guardia Pl.

Miriam Kaplan spoke against this establishment. Kent Underwood also spoke.

VA Hospital

Wilbur Weder spoke regarding the upcoming hearing.

Enforcement

Jayne Haynes spoke regarding the enforcement of "No Standing."

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Arturo Garcia-Costas, Congressman Jerrold Nadler's office

Jon Prosnit, 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 of June minutes and distribution of July minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Maria Passannante Derr reported

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

3. STANDING COMMITTEE REPORTS - AUGUST EXECUTIVE COMMITTEE

BUSINESS

1. Dragon Palace Rest., Inc., 202 Centre Street, NYC 10013

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for a full On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Dragon Palace Rest., Inc., 202 Centre Street, NYC 10013, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 31 Board members in favor.

2. Namjit, Inc., 36 East 8th Street, NYC 10003

WHEREAS, the president of the applicant and their attorney appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a 2,100s.f. Thai restaurant located in a mixed use building between Broadway and University Place; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 12 a.m., 7 days a week; music will be provided as background only; and,

WHEREAS, the applicant stated there are no plans to include an outdoor café or a backyard garden; 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 approval of an On Premise license to Namjit, Inc., 36 East 8th Street, NYC 10003.

Vote: Unanimous, with 31 Board members in favor.

3. Compass Group USA, Inc. d/b/a Chartwells, 55 West 13th Street, NYC, 10011

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Compass Group USA, Inc. d/b/a Chartwells, 55 West 13th Street, NYC, 10011, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 31 Board members in favor.

4. Saigon Spice, Inc., 91-93 University Place, a/k/a 41 East 11th Street, NYC 10003

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 6,000 s.f. restaurant trading as Saigon Grill, located in a commercial building on University Place between 10th and 11th Streets, consisting of 220 table seats, one bar with 15 seats, without a sidewalk café or backyard garden; and

WHEREAS, the applicant operates three similar Vietnamese restaurants in Manhattan with no known complaints; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 12 a.m., seven days a week; there will be no music, no sidewalk café and no backyard garden; 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 approval of an On Premises license to Saigon Spice, Inc., 91-93 University Place, a/k/a 41 East 11th Street, NYC 10003.

Vote: Unanimous, with 31 Board members in favor.

5. Buffanna, Inc. d/b/a IL Piccolo Bufalo, 141 Mulberry Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of an existing Beer and Wine license to an On Premise license for an 1,800 s.f. Italian restaurant, located in a mixed use building between Hester and Grand Streets, consisting of 44 table seats, a sidewalk café and no backyard garden; and,

WHEREAS, the applicant stated that the hours of operation are 11 a.m. – 11 p.m., 7 days a week; there will be background music 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 approval of an On Premise license to **Buffanna, Inc. d/b/a IL Piccolo Bufalo, 141 Mulberry Street, NYC 10013.**

Vote: Unanimous, with 31 Board members in favor.

6. N & G Food Corp., 137 7th Avenue South, NYC 10014

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to N & G Food Corp., 137 7th Avenue South, NYC 10014, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 31 Board members in favor.

7. Washington Street Rest., LLC, 22 9th Avenue, NYC 10014

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Washington Street Rest., LLC, 22 9th Avenue, NYC 10014, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

PLEASE NOTE THAT THIS RESOLUTION WAS RESCINDED DUE TO THE FACT THAT IT WAS A RENEWAL RATHER THAN A NEW APPLICATION. THE APPLICANT ERRED ON HIS RENEWAL LETTER. THERE ARE NO COMPLAINTS ON FILE.

Vote: Unanimous, with 31 Board members in favor.

8. Chanto Rest., LLC, 133 7th Avenue South, NYC 10014

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

WHEREAS, this is an application for an On Premise license in a 4,000 s.f. restaurant, formerly Chateau, located between West 10th and Charles Streets, in a commercial building, with 99 table seats and one bar with no seats; and,

WHEREAS, the applicant stated that the hours of operation are 5 p.m. – 1 a.m., seven days a week, with the caveat that, should demand exist, brunch/lunch service may be added; music will be background only and there will be a sidewalk café; there will be no backyard garden; the menu will be Japanese cuisine; and,

WHEREAS, the applicant is an experienced operator with roughly 40 restaurants in Japan; 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 approval of an On Premise license to Chanto Rest., LLC, 133 7th Avenue South, NYC 10014.

Vote: Unanimous, with 31 Board members in favor.

9. Pitbull 68 Restaurant Group, LLC, d/b/a Daddy-O, 44 Bedford Street, NYC 10014

WHEREAS, the applicant, their consultant, and the previous owner of the establishment appeared before the committee; and,

WHEREAS, this is an application for the transfer of an existing On Premise license, pursuant to the purchase of the establishment by the previous owner’s manager, in a 550 s.f. restaurant/bar operating as Daddy-O, located between Leroy Street and 7th Avenue, in a mixed use building, with 28 table seats and 12 bar seats; and,

WHEREAS, the applicant stated that the hours of operation are 5 p.m. - 4 a.m., Monday through Friday, and 11 a.m. - 4 a.m. Saturday and Sunday; music is background only; there will be no sidewalk café or backyard garden; and,

WHEREAS, the applicant stated that there will be no changes in operation under the new ownership; 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 approval of the alteration to the On Premise license of Pitbull 68 Restaurant Group, LLC, d/b/a Daddy-O, 44 Bedford Street, NYC 10014.

Vote: Unanimous, with 31 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

Item 2 – 84-86 4th Ave. a/k/a 65 East 10 St. – Grace Church & School – Individual Landmark. A Gothic Revival style church designed by James Renwick, Jr. and built in 1843-45 & a Gothic Revival style school building designed by James Renwick, Jr. and built in 1881-83, Application is to alter the garden wall, construct an addition, and excavate and construct a sub-grade gymnasium.

WHEREAS, this complex of buildings was designated an individual landmark site in 1966, and

WHEREAS, no work is planned to the main church building, and

WHEREAS, it is proposed to excavate the East 10th St. yard to create an underground gymnasium 28’ below grade to accommodate a 50’x 84’ basketball court which can be used for other sports and activities, replacing an undersized court currently in the school building, and

WHEREAS, to gain access to this underground space a current free-standing screen wall (screening the adjacent building from the church property) will be demolished and a new screen wall will be built 15’ further forward, to contain a small elevator and a double stair to the underground space and an emergency stair exiting to the yard, and

WHEREAS, a closed passageway will be created between the school building and the adjacent loft building for access to the stairs and elevator, and

WHEREAS, the new screen wall is even more in character with the existing Gothic church than the current one, with stronger pointed arches and glass windows, and more detailing, and

WHEREAS, the proposal also will also move the current surface level playground further away from the Honor Room with stained glass windows which will be more visible, and

WHEREAS, three street trees and the large on-site tree in the church yard will be removed (the last because it is diseased), but two street trees and the churchyard tree will be replaced, and

WHEREAS, Grace Church met with the Board of Stewart House, 70 East 10 St., across from the church, and board members attended the Landmarks meeting and had no objection to the Church plans,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the proposed plans for the changes required to Grace Church to accommodate the underground gymnasium.

Vote: Unanimous, with 33 Board members in favor.

Item #3 – 293 West 4 St. – Originally a bakery, dwelling and stable built by J.J. Smith in 1910-II. Application is to replace front façade and construct a rooftop addition.

WHEREAS, this building is currently a 2-story stucco-clad building with third floor set back and tall vertical windows, and

WHEREAS, the proposal is a major renovation, removing the stucco cladding, bringing the current 3rd floor even with the two street-line lower floors, adding a new 4th floor set back from the façade, installing new 2 over 2 windows, putting small lintels over the windows, creating a new cornice at the 3rd floor ceiling, and installing a new single front door with glass transom and side panels, and

WHEREAS, the proposal is more in keeping with the surrounding Historic district than the current stucco clad building with vertical windows, but

WHEREAS, the detailing, especially of the new door treatment, was not in the style of buildings in District,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the concept shown at the committee, but requests more work be done on the details of the façade.

Vote: Unanimous, with 33 Board members in favor.

Item 4 – 38-42 Commerce St. (Cherry Lane Theater) – A building originally erected as a brewery in 1836, and a brick house built in 1858. Application is to install windows, doors, a marquee, and signage.

WHEREAS, the Cherry Lane Theater is a well known Village cultural resource, and

WHEREAS, this proposal will substantially change the façade of this building by creating two entries to the theater, one in the existing box office lobby currently used, and the other through wooden double doors under the awning, and

WHEREAS, the current awning over the entrance will be replaced with a glass and metal canopy, and

WHEREAS, the current wood frame box signs will be replaced with 8' x 2' banners stretched over larger wooden frames, and

WHEREAS, the current wood framed glass doors to the box office lobby will be replaced with clear glass doors down to the sidewalk, and

WHEREAS, several neighbors objected to the change from traditional to the modern look,

THEREFORE, BE IT RESOLVED CB#2, Man. opposes most of the changes to the theater—the glass canopy, new signage, the clear glass floor length doors to the lobby—but would not object to the door leading directly into the theater space and evening out of the entry to make the theater more handicapped accessible.

Vote: Unanimous, with 33 Board members in favor.

Item #5 – 36-40 Gansevoort St. – a commission approved new building. Application is to amend the application to construct rooftop bulkheads.

WHEREAS, the use of this building, formerly to be occupied by a number of companies, has been changed to a single user, “Theory,” which will use the ground floor for retail and have its offices and showrooms on the upper floors, and

WHEREAS, the changes requested are:

- Reduce the number of retail entrances to one corner entrance,
- Extend the elevator to the roof with the required higher bulkhead,
- Install one extra set of stairs going directly to the roof from the top floor with its bulkhead, and

WHEREAS, the diagrams and photos taken from the furthest open distance showed almost no additional site line problems,

THEREFORE, BE IT RESOLVED CB#2, Man. does not oppose these minor changes to the plans for 36-40 Gansevoort Street.

Vote: Unanimous, with 33 Board members in favor.

Jefferson Market Garden – Replacement of street lamps.

WHEREAS, The Village Committee for the Jefferson Market Area, Inc. has requested the replacement of two existing cobra head street lamps on Greenwich Ave, with Bishop’s Crook poles and teardrop luminaries, and

WHEREAS, there are already such lights on the Sixth Ave. side of the garden, and

WHEREAS, these lamps are appropriate for such a prominent site,

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the proposal for two Bishop’s Crook lamps on Greenwich Ave.

Vote: Unanimous, with 33 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Midnight Café, 224 Lafayette Street, New York, N.Y. 10012, with 8 tables and 16 seats DCA#1203228.

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

WHEREAS, this restaurant is located between Spring and Broome Streets; and

WHEREAS, the owners appeared before the committee and agreed to reinforce the side walk doors leading to the basement; and

WHEREAS, there is sufficient passageway for pedestrian safety; and

WHEREAS, there was 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 to Midnight Cafe, 224 Lafayette Street, New York, N.Y. 10012, with 8 tables and 16 seats.

Vote: Unanimous, with 31 Board members in favor.

STANDING COMMITTEE REPORTS

BUSINESS

Beleza Group Corp., 3 Ninth Avenue, NYC 10014

WHEREAS, the applicant, their attorney, head chef, and the premise landlord’s real estate agent, appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a 2,500 s.f. restaurant to be called Fum Barbeque Bistro, located in a commercial building at Gansevoort Street, consisting of 140 table seats, and 1 bar with 8 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 12 p.m. – 11 p.m., 7 days a week plus brunch on Saturdays and Sundays, with the caveat that the restaurant will remain open later if the kitchen is open due to demand; music will be provided as background only; the applicant stated there are plans to include an outdoor café and a backyard garden; and,

WHEREAS, community members appeared in opposition to this application; applicant was willing to engage in discussions and a positive dialogue was begun between applicant and community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to Beleza Group Corp., 3 Ninth Avenue, NYC 10014.

Vote: Unanimous, with 31 Board members in favor.

2. Woody McHale’s LLC, 234 West 14th Street, NYC 10011

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an existing On Premise license for a 1,200 s.f. bar/ restaurant currently operating as Woody McHale’s, located in a mixed use building between 7th and 8th avenues; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 2 a.m., 7 days a week; there will be no changes in operation; music will be provided as background only; and,

WHEREAS, the applicant stated there are no plans to include an outdoor café or a backyard garden; 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 approval of an On Premise license to Woody McHale’s LLC, 234 West 14th Street, NYC 10011.

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

3. Maracas Greenwich Ave Partners LLC, 33 Greenwich Avenue, NYC, 10014

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a 2,500 s.f. restaurant, located in a mixed use building at West 11th street, with 126 table seats and 1 bar with 24 seats; the applicant operates several Arte Pasta and Maracas locations; and,

WHEREAS, the applicant stated that the hours of operation will be 11:30 a.m. – 12 a.m. Sunday – Thursday, 11:30 a.m. – 2 a.m. Friday and Saturday; music will be provided as background only; and,

WHEREAS, the applicant stated there are plans to include an outdoor café but not a backyard garden; 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 approval of an On Premise license to **Maracas Greenwich Ave Partners LLC, 33 Greenwich Avenue, NYC, 10014.**

Vote: Unanimous, with 31 Board members in favor.

4. 2005 Pravda Associates, LLC, 281 Lafayette Street, NYC 10013

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to **2005 Pravda Associates, LLC, 281 Lafayette Street, NYC 10013**, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

5. TWIMC, LLC, d/b/a Besito, 357 West Broadway, NYC 10013

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

WHEREAS, this application is for alteration of an existing Beer and Wine license to an On Premise license for an 1,500 s.f. restaurant, located in a mixed use building between Broome and Grand Streets, consisting of 50 table seats, a bar with 7 seats, no sidewalk café and no backyard garden, which has been operating without violations for over 9 months; and,

WHEREAS, the applicant stated that the hours of operation are 12 p.m. – 12:30 a.m. Monday – Thursday, 12 p.m. – 1:30 a.m. Friday – Sunday, with background music only; the applicant agreed in writing to stipulate in their SLA application to these hours, and to keeping their front doors closed each night after 11 p.m.; these stipulations are the result of negotiations between the applicant and community representatives; and,

WHEREAS, no one from the community appeared in opposition to this application, but several appeared in support; there was one letter in opposition and six in support of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license, which incorporates the stipulations above, to **TWIMC, LLC, d/b/a Besito, 357 West Broadway, NYC 10013**.

Vote: Unanimous, with 31 Board members in favor.

6. Colonnades Restaurant Associates, Ltd., 428 Lafayette Street, NYC 10013

WHEREAS, the applicant, applicant's attorney and applicant's landlord (who lives on premises), appeared before the committee; and,

WHEREAS, this application is for a new On Premise license, pursuant to an ownership change, for a currently operating 7,500 s.f. restaurant/theatre, located in a mixed use 5 story building between West 4th Street and Astor Place, with 107 table seats and 2 bars with 13 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 5:00 p.m. – 2:00 a.m. Sunday – Thursday, 11:00 a.m. – 2:30 a.m. Friday and Saturday; music is provided by live band, D.J. and musical theatre; and,

WHEREAS, the applicant stated there are no plans to change current operations or to include an outdoor café or a backyard garden; 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 approval of an On Premise license to Colonnades Restaurant Associates, Ltd., 428 Lafayette Street, NYC 10013.

Vote: Unanimous, with 31 Board members in favor.

7. Tom Kenny or an entity to be formed, d/b/a Kenny's Castaways, 157 Blecker Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license, pursuant to an ownership change, for a currently operating 2,000 s.f. bar, located in a mixed use 2 story building between Thompson Street and LaGuardia Place, with 80 table seats and 1 bar with 15 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 12 p.m. – 4 a.m., 7 days a week; music is both live and background; and,

WHEREAS, the applicant stated there are no plans to change current operations or to include an outdoor café or a backyard garden; and,

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

THEREFORE, BE IT RESOLVED that has no objection to the approval of an On Premise license to Tom Kenny or an entity to be formed, d/b/a Kenny's Castaways, 157 Bleecker Street, NYC 10012.

Vote: Unanimous, with 31 Board members in favor.

8. Village 122 Café, Inc, 122 MacDougal Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license, pursuant to an ownership change, for a currently operating 1,000 s.f. bar, located in a mixed use 5 story building between Bleecker Street and 3rd Street, with 48 table seats and 1 bar with 16 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 4 a.m. Monday – Saturday, 12 p.m. – 4 a.m. Sunday; music is jukebox only; and,

WHEREAS, the applicant stated there are no plans to change current operations or to include an outdoor café or a backyard garden; 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 approval of an On Premise license to Village 122 Café, Inc, 122 MacDougal Street, NYC 10012.

Vote: Unanimous, with 31 Board members in favor.

9. Stella 58 d/b/a Salt, 56-58 MacDougal Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for the upgrade of a Beer and Wine license held for the past three years, to an On Premise license in a 600 s.f. restaurant operating as Salt, located between Houston and Prince Streets, in a mixed use 6 story building, with 40 table seats and 1 bar with 6 seats; and,

WHEREAS, the applicant stated that the hours of operation are 6 p.m. – 11 p.m., Monday through Thursday, and 6 p.m. - 12 a.m. Friday and Saturday, closed Sunday; music is background only; there will be no sidewalk café or backyard garden; and,

WHEREAS, the applicant stated that there will be no changes in operation from that of the previous 3 years; 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 approval of the On Premise license of Stella 58 d/b/a Salt, 56-58 MacDougal Street, NYC 10012.

Vote: Passed, with 29 Board members in favor, and 2 recusals (M. Rosenwasser, R. Sanz).

10. 33 Pronto, Inc., 33 Crosby Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for the alteration of an On Premise license to encompass additional leased space in a 1120 s.f. tapas restaurant, operating as N, located between Grand and Broome Streets, in a mixed use 6 story building, with 30 table seats and 1 bar with 17 seats; and,

WHEREAS, the applicant stated that the hours of operation are 5 p.m. – 2 a.m., 7 days a week; music is background only; there will be no sidewalk café or backyard garden; and,

WHEREAS, the applicant stated that, aside from the additional space, there will be no changes in operation from that of the previous 11 years; 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 approval of the alteration to the On Premise license of 33 Pronto, Inc., 33 Crosby Street, NYC 10013.

Vote: Unanimous, with 31 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1st SEPTMEBER 2005

Item 5 – 675 Hudson St. – GansEvoort Market Historic District. A vernacular/neo Greco style factory building built in 1849, enlarged in 1854-60 and altered c. 1884. Application is to construct two exterior stairs at the sidewalk.

WHEREAS, the applicants were unable to answer many questions about the project—when & where exactly the stairs had been earlier, the location of the bus stop and the width of the sidewalks, and

WHEREAS, this appears to be a relocation and not a restoration, and

WHEREAS, although it may be true that two means of egress are required for the underground vault area, there was no clear explanation about why both stairs had to be on the public sidewalks, and

WHEREAS, despite the applicant’s assertion, this is a commercial area in the Meat Market District which is gaining more and more traffic especially on the sidewalks, and

WHEREAS, it appears the relocation of the bus stop some time ago would lead to conflicts with the traffic to the stair on 9th avenue, and

WHEREAS, a citizen from the area questioned whether the 9th Ave. stair would conflict with the use of the existing elevator within the building, and

WHEREAS, the stair on 13th St. is a new stair, which there was no proof had existed previously, and 13th St. is a narrow sidewalk,

THEREFORE, BE IT RESOLVED that CB#2, Man. does not recommend approval of this project at 675 Hudson St. as presented.

Vote: Unanimous, with 33 Board members in favor.

Item 6–135-139 West 4 St.– Greenwich Village Historic District. A Romanesque Revival style church (Washington Sq. Methodist Church) designed by Charles Hadden and built in 1860. Application is for alterations to the rear façade and mechanical alterations at the roof.

WHEREAS, the proposal is to convert this church into a residential building with 8 apartments, and

WHEREAS, minimal changes are proposed for the exterior of the building, primarily replacing the bluestone behind the fence and slanting it slightly to the side door to make the building handicapped accessible, and

WHEREAS, the changes to the rear façade – removing a small portion and creating a slanted roof in the rear, not visible from the street, and

WHEREAS, an extra floor will be created inside the structure, making 5 floors instead of 4, and

WHEREAS, it was suggested that the iron fence in the front might be a more historically accurate one, and a committee member volunteered a location and possible source of such a fence, and the applicant seemed willing to consider thus possibility,

THEREFORE, BE IT RESOLVED that CB#2, Man. feels this application for 135-319 West 4 St. is appropriate and recommends approval.

Vote: Passed, with 30 Board members in favor, and 1 recusal (R. Rinaolo).

Item 7 – 228 West 10 St, - Greenwich Village Historic District. An apartment house built in 1877. Application is to replace the bluestone sidewalk.

WHEREAS, this apartment house now contains a first floor restaurant, and

WHEREAS, the applicant did not appear before the community board committee nor did he contact us about a layover, and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for 228 west 10 St. in the absence of this important step in the review process.”

Vote: Unanimous, with 31 Board members in favor.

Item 8 – 314 West 11 St. – Greenwich Village Historic District. A Greek Revival style house with a commercial ground floor built in 1835, Application is to legalize a bracket sign installed without Landmarks Preservation Commission permits.

WHEREAS, this application is only for the projecting sign on this restaurant and no mention is made of the major work going on at this building, not only on the ground floor but also on the two upper floors, and

WHEREAS, there were no permits visible for any of this work, and

WHEREAS, the applicant stated that the bracket for the sign had been there for a long time, but photos later showed that the bracket was fairly new, and

WHEREAS, the “Spotted Pig’ sign and its bracket are in keeping with other such projecting signs in the Historic district,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the “Spotted Pig” sign at 314 West 11 St.

Vote: Unanimous, with Board members in favor.

Item #9 – 101 7th Ave. south a/k/a 70 Grove St. – Greenwich Village Historic District. A building designed by Small & Schuman, built in 1899 and altered in 1919. Application is to install new storefront infill and alter ground floor façade.

WHEREAS, this renovation will replace four wood & glass doors, with an entrance not handicapped accessible with a more modern one with two doors and a glass window, and replacing the existing four small transom windows with 5 matching ones, and

WHEREAS, the current storefront is in poor repair, the front has a makeshift look with mismatched doors and transom windows, and

WHEREAS, the former sign also looked shabby, and the new proposed sign with letters on black background looks better,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval for this new façade to replace the former inappropriate one at 101 7th Ave. South and also recommends approval of the new Jamba Juice sign.

Vote: Passed, with 30 Board members in favor, and 1 recusal (R. Rinaolo).

Item 10 – 120-126 Wooster St. – SoHo Cast Iron Historic District. A store and warehouse building designed by Richard Berger and built in 1894. Application is to request the Landmarks Preservation commission to issue a report to the City Planning Commission relating to an application, for modification of use pursuant to 74-711 of the Zoning Resolution.

WHEREAS, the application to City Planning is for use of the first floor for retail use, and

WHEREAS, substantial work has been done on this building for a number of years, and

WHEREAS, the owner is willing to sign an agreement with the Landmarks Preservation Commission For periodic inspections of the building to assure that the building will continue to be maintained in good condition,

THEREFORE, BE IT RESOLVED that CB#2, Man, recommends that the application for a letter from Landmarks to the City Planning be approved in relation to this 74-711 application for 120-126 Wooster St.

Vote: Unanimous, with 31 Board members in favor.

Item 11 – 112 Prince St. – SoHo Cast Iron Historic District. A cast-iron store building designed by Richard Berger and built in 1889-90, Application is to construct a rooftop addition. Zoned M1-5A.

WHEREAS, this application is for a small addition on the rooftop of this loft building, only 9’ high and 27’ by 26’, set back 20’ from the street wall and 5’ from either side lot line, and

WHEREAS, this addition is not visible from any of the streets,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for 112 Prince St.

Vote: Unanimous, with 31 Board members in favor.

Item 12 – 81 Mercer St. – SoHo Cast iron Historic District. A parking lot. Application is to legalize installation of a security gate and guard booth without Landmarks Preservation Commission permits and to install nine car lifts.

WHEREAS, the applicant presented photos and diagrams of the lot and the present and proposed parking facility, and

WHEREAS, the applicant also submitted a list of supporters, many of whom make use of his facilities, and

WHEREAS, this case could set a precedent for other such applications, and

WHEREAS, the Community Board does not object to the temporary car lifts, but

WHEREAS, the current and proposed installation does not add to the Historic character of the SoHo Historic District, and

WHEREAS, this is the result of the solid security gate (which is in violation) and

WHEREAS, the present gate is purely utilitarian and another type of gate and entry could make the lifts and parking lot less visible from the street and more attractive, while still maintaining its current use, and

WHEREAS, the applicant seemed amenable to changes in his design,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the application for 81 Mercer St. as is now presented.

Vote: Unanimous, with 31 Board members in favor.

Item 13 – 682 Broadway – NoHo Historic District. A neo-classical style warehouse designed by J.W. Stevens & built in 1902-03. Application is to install a rooftop bulkhead, trellis, chimney & railing.

WHEREAS, the rooftop currently contains two water towers and 2 bulkheads, and

WHEREAS, the proposal is to remove the bulkhead at the front of the roof which was not original to the building, as shown on an early photo, and

WHEREAS, the new bulkhead is partially hidden by the two water towers and only minimally visible from the street, and

WHEREAS, the new railings are also only minimally visible, and

WHEREAS, the canopies proposed are translucent and merely to make parts of the roof area protected from the rain,

THEREFORE, BE IT RESOLVED that CB#2, Man. has recommends approval of the proposed changes to the roof at 682 Broadway.

Vote: Unanimous, with 31 Board members in favor.

The McMahon bill, Intro 317-A, to Delay Demolition of Buildings 50 or More Years Old

WHEREAS, the McMahon bill, Intro 317-A, is intended to delay demolition of buildings 50 or more years old until it has been ascertained by the chairman of the Landmarks Preservation Commission of whether the building is ‘significant’ or not, and

WHEREAS, this would also apply to buildings either already listed on the national or state register of historic places or been found eligible for such listing, and

WHEREAS, if the LPC chair determines that the building is not significant the Dept. of Buildings can then issue a demolition permit, but

WHEREAS, if the LPC chair determines that the building is “significant” a Public hearing will be scheduled to determine whether a full designation hearing should be scheduled and the Dept. of Buildings will be notified of this decision, and

WHEREAS, the purpose of this legislation is to prevent demolition of possible landmark structures before they can be protected by the landmark designation,

THEREFORE, BE IT RESOLVED that CB#2, Man. joins the many other supporters if this legislation, Intro 317-A, and also recommends that the city initiate some method of funding to enable the LPC to carry out this task.

Vote: Unanimous, with 31 Board members in favor.

2ND SEPTEMBER MEETING

Item 13 – 6 Wooster St., a/k/a 349 Canal St. – SoHo Cast Iron Historic District. A garage building built prior to 1931. Application is to install new storefront infill, signage, light and door.

WHEREAS, this building is in poor condition with mismatched repairs made at an earlier date, and numerous signs, and

WHEREAS, the proposal is to repoint the bricks and replace the damaged portions of the façade, and

WHEREAS, the numerous signs on he building will be removed and replaced with one small sign and the ghost sign still visible on the building (PARKING) will be restored, and

WHEREAS, the current overhead doors and awnings will be removed and replaced with ones within the frame of the existing structure, and

WHEREAS, new windows of the same type will be installed throughout both sides of the structure, and

WHEREAS, two current entrances to the garage on the Canal St. side and one of the several entrances on Wooster St. will be replaced with store fronts of glass in the style of the present garage entrances, and the remainder of the building will continue as a garage, and

WHEREAS, the repairs on this building will restore it to what it was earlier,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the application for 6 Wooster St. a/k/a 349 Canal St.

Vote: Unanimous, 31 with Board members in favor.

Item 14 – 6 Wooster St, a/k/a 349 Canal St. – SoHo Cast Iron Historic District. A garage building completed prior to 1931. Application is a request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to a modification of use pursuant to section 74-71l of the Zoning Resolution, Zoned MI-5B

WHEREAS, the applicant is doing considerable repair work on the building, and

WHEREAS, the application to City Planning is only for a use modification to permit 3 small retail spaces in the building which will remain a garage, and

WHEREAS, in view of the relatively minor use modification being requested in relation to the amount of work being done on the building,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for 61 Wooster St. aka 349 Canal St., provided the approval also requires the 5-year inspection of the building by the Landmarks Commission as is usual in these cases.

Vote: Unanimous, with 31 Board members in favor.

Item 15 – 25 West Houston St. – SoHo Cast Iron Historic District. A building built pursuant to Certificate of Appropriateness 02-7044 issued June 10, 2002. Application is to legalize the construction of rooftop pergolas and fences without Landmarks Preservation Commission permits.

WHEREAS, in the abstract, the work on the roof is fine, but

WHEREAS, when the plans for this building under the Certificate of Appropriateness were approved, this roof addition was not included, and

WHEREAS, the applicant claimed he was not correctly informed about the regulations, and

WHEREAS, it was felt the applicant should have done adequate investigation to discover what was permitted and what was not, and

WHEREAS, this rooftop addition, although now of a fairly transparent nature could be the forerunner of a more substantial structure in the future, and

WHEREAS, this rooftop addition is quite visible at the present time and will become more visible when the vines cover the trellises and fences, and

WHEREAS, a number of residents from the immediate area already complained about the addition, and

WHEREAS, s this rooftop addition is not in the character of the SoHo Cast iron Historic district and its manufacturing type structures, and

WHEREAS, it was felt the buyer had not used due diligence when he purchased the property and then allowed this structure to be installed on the roof,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that this application for 25 West Houston St. be denied.

Vote: Unanimous, with 31 Board members in favor.

Item 16 – 417 Lafayette St. – NoHo Historic District. A Classical Revival style warehouse designed by Cleverdon & Putzel and built in 1893-4. Application is to install new storefront infill.

WHEREAS, the proposal is to create a new storefront where the current one exists, by installing larger glass windows, and

WHEREAS, the new storefront is attractive and fits the building, and

WHEREAS, the color of the new storefront is governed by the existing doorway also on the front of the building over which the current applicant was no control, and

WHEREAS, although CB#2, Man. approves of the design, the brass kick plates on the doors did not seem appropriate and it was suggested another material with dull finish be used,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the application for 417 Lafayette St. with the proviso that the signage is as presented.

Vote: Passed, with 21 Board members in favor, 9 in opposition, and 1 abstention.

Item 17 – 9 Christopher St. – Greenwich Village Historic District. A Queen Anne style apartment house designed by A.B. Ogdon & Son and built in 1886. Application is legalize the installation of an exterior roll-down security gate without Landmarks Preservation Commission permits.

WHEREAS, this building has store fronts on each side of a central entrance to the apartment floors above, and

WHEREAS, the store to the west was rented some time ago to a new tenant who installed interior linked metal security gates, and

WHEREAS, the store to the east had been rented to the same client for a longer time and that store has outside roll-down gates, also of linked metal, but with the housing on the outside of the building across the complete storefront, and

WHEREAS, although the applicant stated that he believed the outside gates had been here before designation, but could not show proof of this,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends denial of this application for 9 Christopher St. and believes the gates on the two stores should be matching.

Vote: Unanimous, with 31 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café for Sweet Joe Lily LLC. D/B/A/ Sascha, 55 Gansevoort Street, New York, N.Y. 10014, between Washington Street and Ninth Ave., with 21 Tables & 42 Seats, DCA #1206416.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, there was no community opposition; and

WHEREAS, the applicant will build a bakery and a café next to one another; and

WHEREAS, this location between Washington St. and 9th Ave is primarily a commercial block; and

WHEREAS, the location is a two-story building owned by the applicant;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to Sweet Joe Lily LLC. D/B/A/ Sascha, 55 Gansevoort Street, New York, N. Y. 10014, with 21 Tables & 42 Seats, DCA #1206416.

Vote: Unanimous, with 31 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Public Information in Connection with Planned Reconstruction of Houston Street

WHEREAS, the planned reconstruction of Houston Street is a \$29.4 million project stretching between the Bowery and West Street which will take at least 30 months to complete; and

WHEREAS, given the magnitude of this project, thousands of people will be affected by the reconstruction project; therefore, public information is crucial to enable residents and businesses to plan ahead and minimize the disruption that will be caused during the three phases of construction; and

WHEREAS, the New York City Department Design & Construction (“DDC”), the agency responsible for the project, has wisely appointed a community relations liaison who has been in contact with the community to inform them of developments and promises to publish a regular community newsletter of updates that will be available on by subscription to an email list server; however, very little information about the project schedule is currently available because DDC representatives say that the project is in the “investigative phase.”

THEREFORE BE IT RESOLVED, that CB#2, Man., urges DDC to keep the public informed about the status of the Houston Street reconstruction project through the following measures:

- Release a construction schedule to the public as soon as possible that provides an estimate of the type of work and locations of each phase, including the current investigative phase;

Dedicate a page on the DDC website for the construction schedule, construction updates, emergency contact information, community newsletter and other relevant information about the reconstruction project, in addition to the more limited methods of distributing the community newsletter by hand and the planned email listserve (which requires users to opt-in);

- Compile a list of email addresses of community residents, business owners and neighborhood groups (e.g., block associations) to receive PDF/electronic versions of the construction schedule, community newsletter and other updates;
- Post an electronic version of the entire reconstruction project plans on the DDC website; and
- Meet regularly with neighborhood groups and businesses affected by the reconstruction project.

VOTE: Unanimous, with 31 Board members in favor.

2. Proposed Bicycle Rack Sites on Broadway from 9th Street to Spring Street.

WHEREAS, the New York City Department of Transportation (“DOT”) has proposed bicycle rack sites in this community board on Broadway from 9th Street to Spring Street pursuant to the list attached as Exhibit A; and

WHEREAS, this community board has always recognized bicycles as an environmentally sound and efficient form of transportation and is grateful that DOT encourages their use.

THEREFORE, BE IT RESOLVED, that CB#2, Man., approves the proposed bicycle racks pursuant to the list attached as Exhibit A, but urges DOT to be mindful of the pedestrian congestion on Broadway from 9th Street to Spring Street (particularly on weekends) when considering future sites for bicycle racks.

Vote: Unanimous, with 31 Board members in favor.

ZONING AND HOUSING

1 Seventh Ave South. (Block: 582, Lot: 43) Board of Standards and Appeals variance application pursuant to Section 72-21 to allow a five and a half story mixed-use building, with retail use on the cellar and first floor and residential use on floors two through five and a half in a C2-6 Zoning District with an R7 equivalence.

WHEREAS, The applicant meet with the community and adapted the design to address community concerns, and

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

WHEREAS, The proposed building will be small and will contain only 4 apartments and it will have little impact on the surrounding community, and

WHEREAS, CB#2, Man. recognizes that the site is a small irregular lot that does present a valid hardship, and

WHEREAS, CB#2, Man. recognizes that the costs of environmental clean up and the additional costs of building next to the subway are significant for a project of this size, and

WHEREAS, CB#2, Man. recognizes that this request is minimal in nature;

THEREFORE, BE IT RESOLVED, That CB#2, Man. supports this application for a Board of Standards and Appeals variance pursuant to Section 72-21 to facilitate the development of a five and a half story mixed-use building, with retail use on the cellar and first floor and residential use on floors two through five and a half in a C2-6 Zoning District with an R7 equivalence, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

BE IT FURTHER RESOLVED, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

Vote: Passed, with 29 Board members in favor, and 2 in opposition.

341 Canal Street (Block 299 Lots 1), Reconsideration and review of changes to Board of Standards and Appeals variance application pursuant to Section 72-21 to permit construction of a mixed-use building within a M 1 -5 B zoning district.

WHEREAS; CB#2, Man. first heard this application on October 14, 2004, And

WHEREAS; The original application was strongly opposed by the community and the Community Board, And

WHEREAS; CB#2, Man. and the community worked hard on the 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 M.1-5A and M1-5B zoning districts located in historic districts designated by the Landmarks Preservation Commission that applies to this site, And

WHEREAS; the revised application comes very close to complying with the Amendment of the text of Section 74-712, And

WHEREAS; The applicant has meet with the community and adapted the design to address community concerns, And

WHEREAS; The applicant has reached agreement with the community to locate building mechanical equipment on the roof as far from residential uses as possible, not to allow a license for alcohol in the building, to restrict ground floor and second floor usage to Use Group 6, and to ban any bar or club at this location,

THEREFORE BE IT RESOLVED, That CB#2, Man. supports this application for a Board of Standards and Appeals variance pursuant to Section 72-21 to facilitate the development of a mixed-use building of FAR 5.0 within a M1-5B zoning district, And;

BE IT FURTHER RESOLVED, That CB#2, Man. supports the inclusion of a setback so that most of the lot line windows of the adjoining building will not be covered, And;

BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

BE IT FURTHER RESOLVED, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

Vote: Unanimous, with 31 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo
Secretary
Community Board #2, Manhattan