

FULL BOARD MINUTES

DATE: January 19, 2006
TIME: 6:30 P.M.
PLACE: Greenwich House, 27 Barrow Street, Gymnasium

BOARD MEMBERS PRESENT: Steve Ashkinazy, Helene Burgess, Lisa Cannistracci, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Harriet Fields, Elizabeth Gilmore, Lawrence Goldberg, Arthur Harris, Garth Harvey, Anne Hearn, Brad Hoylman, Susan Kent, Raymond Lee, Aubrey Lees, Don MacPherson, Dr. John Maggio, Rosemary McGrath, Philip Mouquinho, Patrick Munson, Ronald Pasquale, Anthony Perrotta, David Reck, Robert Riccobono, Robert Rinaolo, Shirley Secunda, Shirley H. Smith, Richard Stewart, Wilbur Weder, Betty Williams, Michael Xu,

BOARD MEMBERS EXCUSED: Don Lee, Rick Panson, Judy Paul, Mark Rosenwasser, Rocio Sanz, Sean Sweeney, Carol Yankay.

BOARD MEMBERS ABSENT: Edward Gold, Edward Ma, 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 office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Gregory Brender; Assembly Member Deborah Glick's office; Rose Pierre-Louis, Man. Borough President Stringer's office; Council Member Alan Gerson's office; Kate Seeley-Kirk, Council Member Christine Quinn's office; John Ricker, NYC Comptroller's office; Emilie Godfrey, Richard H. Godfrey, Judy Gallant, Sheelah Feinberg, Susan Goren, Zella Jones, Jessica Berk, Tony Geballe, Cindy Voorspuy, Mon Levinson, D. James Dee, Howard Zipser.

MEETING SUMMARY

Meeting Date January 19, 2005
Board Members Present – 32
Board Members Excused– 7
Board Members Absent - 4

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	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	2
BUSINESS	2
LANDMARKS AND PUBLIC AESTHETICS	3
SOCIAL SERVICES, HOMELESS & SENIOR SERVICES	6
ZONING AND HOUSING	6
NEW BUSINESS	8
ROLL CALL	9

PUBLIC SESSION

Non-Agenda Items

Cherry Lane Theatre

Fay, from the Cherry Lane Theatre made an announcement.

NYC Comptroller's Office

John Ricker made a general announcement.

Manhattan Borough President's Office

Rose Pierre-Louis, Deputy Manhattan Borough President, introduced herself.

Christopher Street Business Improvement District

Jessica Berk spoke in favor of the proposed B.I.D.

Zoning and Housing Items

311 W. Broadway, City Planning special permit applications to allow retail use (on the ground floor & cellar, to allow residential use (Use Group 2) on floors 2-9 (W. B'way.) & floors 1-8 (Wooster St.); to modify Bulk Regulations in M1-5A and M1-5B districts, and a Special Permit for a Public Parking Garage with 150 spaces pursuant to Sec. 74-52

Mon Levinson, Emilie Godfrey spoke against the proposed zoning variance.

D. James Dee spoke in favor of the resolution.

Howard Zipser, representing the applicant, spoke regarding the application.

ADOPTION OF AGENDA

ELECTED OFFICIALS PRESENT AND REPORTING

Arturo Garcia-Costas, Congressman Jerrold Nadler's office

Jon Prosnit, Senator Tom Duane's office

Matt Viggiano, Sen. Martin Connor's office;

Deborah Lester, of Assembly Speaker Sheldon Silver's office

Gregory Brender, of Assembly Member Deborah Glick's office

Council Member Alan Gerson's office.

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

ADOPTION OF MINUTES

Adoption and distribution of November minutes and distribution of December minutes.

II. EXECUTIVE SESSION

1. **Chair's Report** Maria Passannante Derr reported
2. **District Manager's Report** Arthur Strickler reported.

STANDING COMMITTEE REPORTS

BUSINESS

1. **Max Bremmer Union Square LLC, 841 Broadway, NYC 10014**

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for a 8300 s.f. gourmet restaurant with a European chocolatier theme, located in a commercial building between 13th and 14th Streets, with 150 table seats and 1 bar with no seating; and

WHEREAS, the applicant stated the hours of operation will be 24 hours per day for food and non-alcoholic beverages, with alcohol sales restricted as per state law; there will not be a backyard garden nor a sidewalk café; music is background only; and

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

THEREFORE, BE IT RESOLVED, that, in light of the location and the proposed use of the premises, CB#2, Man. has no objection to the approval of the On Premise license of Max Bremmer Union Square LLC, 841 Broadway, NYC 10014.

Vote: Unanimous, with 32 Board members in favor.

2. Panma, Inc., 285 W. 12th Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for transfer of an On Premise license, pursuant to a change in ownership of the Beatrice Inn, a 2,000 s.f. lounge/restaurant, located in a mixed use building between West 4th Street and 8th Avenue, with 108 table seats and 2 bars with 6 seats; and

WHEREAS, the applicant stated that the hours of operation are 6:00 p.m. – 3 a.m.; music is background and D.J.; there are no plans to change the current floor plan, other than cosmetic improvements; there is not now a cabaret license, nor are there plans to apply for one; and

WHEREAS, the applicant stated there are no plans to include an outdoor café nor 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 transfer of an On Premise license to Panma, Inc., 285 W. 12th Street, NYC 10014.

Vote: Passed, with 31 Board members in favor, and 1 recusal (R. Rinaolo).

3. Iridium Restaurant Corp. d/b/a Bread, 20 Spring Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for alteration of a Beer and Wine license, in the location operating as Bread, to increase the existing restaurant's seating and kitchen space to 3,300 s.f.; Bread is located in a mixed use building between Elizabeth and Mott Streets, and will have 84 table seats, and 1 bar with 3 seats; and

WHEREAS, the applicant stated that the hours of operation are 10:30 a.m. – 2 a.m.; music will be background only; and

WHEREAS, the applicant stated there are no plans to include an outdoor café nor a backyard garden; 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 alteration of the Beer and Wine license of Iridium Restaurant Corp. d/b/a Bread, 20 Spring Street, NYC 10013 to include the newly acquired space.

Vote: Unanimous, with 32 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

Item 23 – 28 West 8 St. – Greenwich Village Historic District. A Greek Revival style brick house built in 1838 and altered in the early 20th century to accommodate a storefront infill without Landmarks Preservation commission permits.

Laid over to Jan. 18 at the request of the applicant.

Item 24 – 696-702 Broadway a/k/a 1-7 East 4 St. – NoHo Historic District. A Romanesque Revival style store building designed by William C. & Frederick A. Schermerhorn & built in 1890-91. Application is to alter the existing storefront infill and install new awnings & signage.

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, the applicant failed to appear before the Community Board’s Landmarks committee, nor did he contact us for a layover process, and requests that the Landmarks commission not hear this application until the Community Board has a chance to make its recommendations.

Vote: Unanimous, with 32 Board members in favor.

306 Bowery – NoHo East Historic District. A Federal style house built in 1860. Application is to alter the roof. (This application was heard by the Landmarks Commission on Dec. 13th, although the applicant had not presented his application to the Community Board, and the Commission approved the application, but told the applicant he had to come to CB#2.)

WHEREAS , the application calls for raising the roof at the rear of the building, installing 6 over 6 windows in the dormer windows at the front, opening doors in the new roof extension under the new roof for windows and also two doors giving access to the 2nd floor rooftop, and

WHEREAS, the applicant was rather vague about the actual materials to be used for the roof and new wall, and

WHEREAS, a number of NoHo residents had concerns about the materials, change in the roofline, and the fact that this was not a “restoration” but a change in the basic design of the building, but

WHEREAS, the landmarks commission had already approved the design, it appeared our comments would have little effect on the outcome,

THEREFORE, BE IT RESOLVED CB#2, Man. takes no position on this application for 306 Bowery.

Vote: Unanimous, with 32 Board members in favor.

37 East 4 St. (Tredwell Skidmore House) – Individual Landmark Application is a request that Landmarks Preservation Commission approve plans for the project which includes not only repairs to the Tredwell Skidmore House but also for the 18-story building on the vacant lot on Lafayette St. The 18-story building was possible because the applicant is using the unused air rights from both the Tredwell Skidmore House and also from the vacant lot between that building and the Old Merchant’s House which the city had secured for a water tunnel section. The applicant needs approval from the Landmarks Commission for an application to the City Planning Commission for a 74-711 approval since the area is zoned M1 which does not allow residential use, and since the Tredwell Skidmore house is also in the M1 District, and has been vacant for many years, the only legal use for the building at present is for Manufacturing District uses.

WHEREAS, at the hearing at the Landmarks Commission in July, at least 5 other organizations besides CB#2, Man. had objections to certain aspects of the proposal, including - the new building was too tall, the materials were not appropriate, the entrance to the parking garage immediately adjacent to the Landmark building was inappropriate, and

WHEREAS, complaints were also voiced about the fact that the Landmark building had not yet been restored, despite a court order secured by the Landmarks Commission, and

WHEREAS, there were objections to the transfer of air rights from the city-owned water tunnel site to the vacant land leading to an oversized new high-rise building, and

WHEREAS, at the July 12 hearing the Landmarks Commission took no action, sending it back to staff for more work, and

WHEREAS, the general consensus seemed to be that the 74-711 application should only cover change of use to restore the residential use for the Tredwell Skidmore building, and

WHEREAS, the applicant came to the Committee meeting with a revised plan for the new building – reducing the size down to 15 stories and 150’ tall, eliminating the parking garage and its entrance, moving the tower portion of the building 40’ away from the Tredwell Skidmore House with 15’ setbacks from the two streets, changing the materials for the high rise to brick with punched windows to more closely mimic the industrial buildings in the area, constructing retail space on the first floor and possibly the cellar with cellar and subcellar for storage, and staying within the permitted FAR of 5, and

WHEREAS, the applicant also stated he was hoping to qualify for 80-20 housing, creating some middle-income housing in the new structure, and

WHEREAS, at the Committee hearing, concerns were raised about protection of the two Landmark buildings which would be affected by the construction – the Tredwell Skidmore House and the Old Merchants House, and

WHEREAS, the sale of air rights by the city to a developer which permits larger building is something that should be discouraged, and

WHEREAS, the changes to the design for the building and the other changes are an improvement over what was originally proposed,

THEREFORE, BE IT RESOLVED that although CB#2, Man. still has the same concerns about the safety of the Historic buildings during the construction, and the sale of air rights by the city from the water tunnel site, since the new design seems more in keeping with the area and the 74-711 application would permit the Tredwell Skidmore House to be returned to its original use as a single-family residence, CB#2, Man. does not object to the Landmarks Commission sending the required letter to the city Planning Commission for the 74-711 application, provided they are convinced all the restoration work will be completed on the Tredwell Skidmore House.

Vote: Unanimous, with 32 Board members in favor.

2ND LANDMARKS MEETING

Item 6 – 1-7 Astor Pl. (aka 746-750 Broadway) – NoHo Historic District.

Laid over at the request of the applicant,

Item 7 – 159 West 12 st. – Greenwich Village Historic District. Laid over at the request of the applicant.

Item 23 – 28 West 8 St. – Greenwich Village Historic District. Laid over at the request of the applicant.

Item 24 – 696-702 Broadway a/k/a 1-7 east 4 St. – NoHo Historic District. A Romanesque Revival style store building designed by William C. & Frederick A. Schemerhorn & built in 1890-91. Application is to alter the existing storefront infill and install new awnings & signage.

WHEREAS, the application is for a change in the storefront for ALDO, an international shoe retailer, who occupies part of the ground floor in the 8 story building which runs along East 4th St. between Broadway and Lafayette St.; and

WHEREAS, the applicant intends to replace the present green awnings with white lettering with silver awnings with white letters, and

WHEREAS, the applicant intends to continue this pattern with all of the awnings, including two that do not now have the store name on the awnings, and

WHEREAS, the other commercial entity in the building, French Connection, also has the green awnings, and the applicant has agreed to have matching silver awnings made for that store too, to unify the storefronts, and

WHEREAS, the existing entrance vestibule, accessible from both Broadway and 4th St. will be rebuilt with a display window inside the vestibule, matching the existing window base on 4th St. and

WHEREAS, the present signage on awnings above the vestibule will be replaced with an inset sign on a silver coated panel, the letters to be backlit by lighting from within the store, and

WHEREAS, there will be no changes in either the rough-faced brownstone or the base of the brownstone and paneling under the windows, and

WHEREAS, this tasteful proposal should improve the appearance of the building with its removal of the current awnings and unifying the commercial spaces on the first floor,

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

Vote: Unanimous, with 32 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

One Step Campaign

WHEREAS, the One Step Campaign is a program of disabled in action; and

WHEREAS, this organization works with Disabled in Action (DIA) and the New York City Commission on Human Rights;

THEREFORE, BE IT RESOLVED, that CB#2-Man., strongly supports the One Step Campaign and would like the Human Resources Commission to increase its efforts to educate the community of the rights of a person with a disability.

Vote: Unanimous, 32 Board members in favor.

ZONING AND HOUSING

1. 117 Seventh Ave. BSA No. 1-95-BZ Board of Standards and Appeals special permit application for the extension of the term for an existing physical culture establishment (TSI Health Club).

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

WHEREAS, The current operation is consistent and compatible with the other legal uses in this building and in the surrounding buildings and there have been no complaints,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals special calendar application under section 73-11 for a permit renewal for a physical culture establishment at this location for a term not to exceed ten years.

Vote: Unanimous, with 32 Board members in favor.

2. 495-497 Broadway a.k.a. 66-68 Mercer Street, Block 484, Lot 24 Board of Standards and Appeals special permit application by CPM Enterprises, LLC d/b/a Drive 495 to allow a physical culture establishment in an M1-5B zoning district for a term of up to ten (10) years.

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 this building and in the surrounding buildings, And

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

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 32 Board members in favor.

3. 214-218 West Houston Street, 50-56 Downing Street (Block 528, Lot 12) Village Care of New York, City Planning Special permit application pursuant to Sec. 74-902, on behalf of Village Care of New York, for a Nursing Home, Use Group 3, residential health care facility (Community Facility Use) and an increase in bulk from FAR 2.43 to FAR 4.8 in an R6 district.

WHEREAS; Village Care has provided an important and high quality service to the community for many years, And

WHEREAS; The applicant held numerous community meetings as the building was being designed and the applicant significantly modified the design in response to community concerns, And

WHEREAS; The community has expressed support for this application though there are still some outstanding concerns, And

WHEREAS; The Board of Standards and Appeals variance application that was recently approved will result in a better design for the applicant and the users of the building that will be more contextual with the surrounding buildings, And

WHEREAS; The applicant has offered to continue to work with the community on the materials used in the court yard;

THEREFORE BE IT RESOLVED, That CB#2, Man. thanks the applicant for having reached out to the community and responding to their concerns, And

BE IT FURTHER RESOLVED, That CB#2, Man. supports this City Planning Special permit application to allow the construction of a Use Group 3 residential health care facility, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant continue to meet with the community to address the outstanding issues and to work with the community on the design of the façade to make it more contextual with the neighborhood, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant minimize the rooftop mechanical equipment and the noise it generates, 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 31 Board members in favor, and 1 recusal (R. Rinaolo).

4. 311 W. Broadway, Block: 228, Lot 12, City Planning special permit applications pursuant to Sec.74-712 (a) and Sec.74-712 (b) by United American Land, LLC, to allow retail use (Use Group 6) on the ground floor and cellar, to allow residential use (Use Group 2) on floors 2-9 (W. B'way.) and floors 1-8 (Wooster St.); to modify Bulk Regulations in M1-5A and M1-5B districts, and a Special Permit for a Public Parking Garage with 150 spaces pursuant to Sec. 74-52

WHEREAS; the applicant held numerous community meetings as the building was being designed and the applicant significantly modified the design in response to community concerns, and

WHEREAS; the design of the building was modified to allow adjoining lot line windows to remain, and

WHEREAS; residents of the adjoining buildings expressed concern that the construction of the foundations could potentially damage their buildings, and

WHEREAS; the applicant is making every effort to minimize the impacts to surrounding buildings, and

WHEREAS; When the Community Board reviewed the Text change to section 74-712 in 2003 the implications for the through lot sites were not fully recognized, And

WHEREAS; the proposed modifications of the setbacks and yard requirements are minor and result in a building that is more in context with the surrounding buildings, And

WHEREAS; the existing building contains a Lounge that has been a source of complaints in the community and the applicant has offered to work with the community to resolve the issue, and

WHEREAS; The applicant has represented to the Community Board that emergency egress for the adjoining building will be provided through this property, And

THEREFORE BE IT RESOLVED, That CB#2, Man. thanks the applicant for having reached out to the community and responding to their concerns, And

BE IT FURTHER RESOLVED, That CB#2, Man. supports this City Planning Special permit application to allow the construction of a mixed use building with retail use (Use Group 6) on the ground floor and cellar, to allow residential use (Use Group 2) on floors 2-9 (W. B'way.) and floors 1-8 (Wooster St.); to modify Bulk Regulations in M1-5A and M1-5B districts under section 74-712, and a Special Permit for a Public Parking Garage with 150 spaces pursuant to Sec. 74-52, And

BE IT FURTHER RESOLVED, That CB#2, Man. supports the proposed Text change to section 74-712, and

BE IT FURTHER RESOLVED, That CB#2, Man. strongly recommends that the applicant make every effort to help resolve the issues regarding the Lounge in the existing building, And

BE IT FURTHER RESOLVED, That CB#2, Man. strongly recommends that the applicant make available the structural drawings and work with the adjoining buildings to minimize the impacts of the construction of the foundations, And

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

BE IT FURTHER RESOLVED that CB#2, Man. acknowledges the inclusion of a community arts space by the applicant, and it views it as a template for future developments in the SoHo arts community; and

BE IT FURTHER RESOLVED, That CB#2, Man. strongly recommends 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, And

BE IT FURTHER RESOLVED, That CB#2, Man. strongly recommends that all pile foundations be drilled not hammered and that the underpinning of the surrounding buildings be carefully monitored.

Vote: Unanimous, with 32 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo, Secretary
Community Board #2, Manhattan