

FULL BOARD MINUTES

DATE: March 23, 2006
TIME: 6:30 P.M.
PLACE: Metro NY DDSO, 75 Morton St., Activity Center,
1st Floor

BOARD MEMBERS PRESENT: Steve Ashkinazy, Helene Burgess, Lisa Cannistracci, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Arthur Harris, Anne Hearn, Brad Hoylman, Susan Kent, Raymond Lee, Edward Ma, Dr. John Maggio, Rosemary McGrath, Philip Mouquinho, Rick Panson, Judy Paul, David Reck, Robert Riccobono, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley H. Smith, Richard Stewart, Sean Sweeney, Wilbur Weder, Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Harriet Fields, Garth Harvey, Don Lee, Aubrey Lees, Ronald Pasquale, Robert Rinaolo, Shirley Secunda, Michael Xu.

BOARD MEMBERS ABSENT: Don MacPherson, Patrick Munson, Anthony Perrotta.

BOARD STAFF PRESENT: Florence Arenas, Julio Mora

GUESTS: Arturo Garcia-Costas, Congressman Jerrold Nadler's office; Jon Prosnit, Senator Tom Duane's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Kate Seeley-Kirk, Council Speaker Christine Quinn's office; Gregory Brender; Assembly Member Deborah Glick's office; Cindy Voorspuy, Council Member Alan Gerson's office; John Fout, Council Member Rosie Mendez's office; John Ricker, Comptroller Bill Thomson's office; Darren Drahe, Bridget Hughes, Elaine Matthews, Ann Arlen, Carter Booth, Leif Arntzen, Terri Howell, Susan Goren, J. McNab, Rickke Mananzala, James Bolas, Carl Siciliano, David Poster, Elaine Goldman, Jay Jeffries, David Lehmann, Kimberly Flynn, Frank Pettito, Lauren Weiss, Robert Ferrari.

MEETING SUMMARY

Meeting Date – March 23, 2006
Board Members Present – 31
Board Members Excused– 8
Board Members Absent - 3

I. SUMMARY AND INDEX

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|--|----|
| 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 | 3 |
| BUSINESS | 3 |
| ENVIRONMENT | 7 |
| LANDMARKS AND PUBLIC AESTHETICS | 11 |
| PARKS, RECREATION, OPEN SPACE & WATERFRONT | 18 |
| PUBLIC SAFETY AND HEALTH | 20 |
| SIDEWALKS, PUBLIC FACILITIES AND ACCESS | 20 |
| TRAFFIC AND TRANSPORTATION | 25 |
| ZONING AND HOUSING | 26 |
| NEW BUSINESS | 27 |
| ROLL CALL | 28 |

PUBLIC SESSION

Non-Agenda Items

Jay Jefries spoke.

J. McNab spoke regarding Washington Square Park work.

Susan Goren spoke regarding the NYU Science Center Building.

Dabid Lehmann, NYU, made a general announcement.

Business Items

B&C Hospitality, 525 Broome St.

Darren Drahe spoke the proposal for an on-premise liquor license. Frank Pettito and Lauren Weiss, the applicants, and Robert Ferrari, representing the applicants, spoke in favor of the liquor license proposal.

Environment Items

EPA's 2005 Final Test and Clean Program

Kimberly Flynn, spoke in favor of the resolution. Ann Arlen signed up on this topic, but did not speak.

14th Street/Gansevoort Market Area

Parks, Recreation, Open Space & Waterfront

Christopher Street Pier Proposal Re: Closing Time

Terri Howell spoke regarding a proposal to close the pier at 11 p.m.

Elaine Matthews, Rickke Mananzala, Bridget Hughes, James Bolas, Carl Siciliano, David Poster, and Elaine Goldman, spoke regarding this issue.

ADOPTION OF AGENDA

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

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

Cindy Voorspuy, Council Member Alan Gerson's office.

John Fout, Council Member Rosie Mendez's office,

ADOPTION OF MINUTES

Adoption of January minutes and distribution of February minutes.

II. EXECUTIVE SESSION

1. **Chair's Report** Maria Passannante Derr reported
2. **District Manager's Report** None

STANDING COMMITTEE REPORTS

BUSINESS

1. B and C Hospitality LLC, 525 Broome Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 3,400 s.f. restaurant/bar, at one time known as Veruka, located on the main and cellar floors in a mixed use building between Thompson Street and 6th Avenue, with 90 table seats and 1 bar with 8 seats; and,

WHEREAS, the applicant stated that the hours of operation for the first floor are 4:00 p.m. – 12:00 a.m. Sunday through Thursday, 4:00 p.m. – 1:00 a.m Friday and Saturday; hours of operation for the cellar level are 4:00 p.m. – 2:00 a.m. Sunday through Thursday, 4:00 p.m. – 4:00 a.m Friday and Saturday; music background only; the services of a sound engineer have been secured to insulate the premises and,

WHEREAS, there are no plans for an outdoor café, nor a backyard garden; and,

WHEREAS, no one from the community appeared in opposition to this application, but several members of the committee familiar with past problems at this location believe the operation applied for will have a detrimental impact on the residents of the neighborhood; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. objects to the approval of an On Premise license to **B and C Hospitality LLC, 525 Broome Street, NYC 10013**.

Substitute Resolution to approve subject to vicinity of a school failed. Original resolution (above) passed.

Vote: Passed, with 19 Board members in favor, and 12 in opposition.

2. Zim NYC Corp., 248 West 14th Street, NYC 10011

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license, pursuant to the purchase of a 4,400 s.f. nightclub, previously operating as 2 I's (pronounced "two eyes"), new trade name to be determined, located in a mixed use building between 7th and 8th Avenues, with 90 table seats, 2 bars with 18 seats, and a capacity of 210; and,

WHEREAS, the applicant stated that the hours of operation will be 9:00 p.m. – 4 a.m.; music will be by D.J; a retired decorated NYPD Detective has been hired to oversee security issues; said detective appeared before the committee; sound proofing is being contracted for; and,

WHEREAS, the applicant stated there are no plans to include an outdoor café nor a backyard garden; and,

WHEREAS, the applicant supplied a press kit for their previous operation, Ruby Falls; said kit included news and gossip items from periodicals detailing events at the club, unfortunately to include mention of fistfights inside and outside the club, as well as lewd behavior, by some of the celebrities frequenting Ruby Falls; while the applicant's candor is appreciated, the kit and the application convinced the committee that 14th Street is not served by granting this application; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the approval of an On Premise license to **Zim NYC Corp., 248 West 14th Street, NYC 10011**.

Vote: Unanimous, with 31 Board members in favor.

3. Astor Center, 23 East 4th Street, NYC 10003

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 3930 s.f. space off Lafayette Street, in a commercial building (of which applicant is one of the landlords), to be used primarily as a culinary and wine classroom, with built in wine and culinary stations; the space will be available approximately 1/3 of the time

to be used as a contracted event space; there will be 36 permanent seating stations and 1 service bar without seats; and,

WHEREAS, the applicant stated that the hours of operation will be 8:00 a.m. – 12 a.m. Sunday through Thursday, and 8:00 a.m. – 2 a.m. Friday and Saturday; music will be background only; and,

WHEREAS, the applicant stated there are no plans for an outdoor café, nor a backyard garden; and,

WHEREAS, there is significant opposition from the community by letter and appearance, as well as a petition with 35 signatures against the application, unless it is only for a package liquor store; and,

WHEREAS, the applicant did attempt to reach a compromise with the community; no agreement was reached before the committee; adamant community opposition and applicant's prior handling of an extreme nuisance and quality of life destroying operator (Serafina) in this same space, as landlord of the building, leaves the committee convinced that this application should be denied; and,

THEREFORE, BE IT RESOLVED that, CB#2, Man. strongly objects to the approval of an On Premise license to **Astor Center, 23 East 4th Street, NYC 10003.**

Vote: Unanimous, with 31 Board members in favor.

4. Tasting Room LLC d/b/a Tasting Room, 264 Elizabeth Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an on Premise license in a 3200 s.f. restaurant, pursuant to purchase, formerly operating as Soho Cantina East, located between Prince and Houston Streets, in a mixed use building, with 100 table seats and 1 bar with 10 seats; and,

WHEREAS, the applicant stated that the hours of operation are 5:30 p.m. – 11:00 p.m. Tuesday through Sunday, and brunch Saturday and Sunday from 11:30 a.m. to 2:30 p.m.; music is background only; sidewalk café is undecided and there is a covered and sound insulated 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 approval of an On Premise license to **Tasting Room LLC d/b/a Tasting Room, 264 Elizabeth Street, NYC 10012.**

Vote: Unanimous, with 31 Board members in favor.

5. Wagawongawitz LLC, 284 West 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 purchase of a 1,400 s.f. restaurant/bar previously operating as Caffè Rosso, located in a mixed use building between Jane and Bank Streets, with 70 table seats and 1 bar with zero seats; and,

WHEREAS, the applicant stated that the hours of operation will be 5:30 p.m. – 1 a.m., the operation will be similar to Odeon in Tribeca; 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 approval of an On Premise license to **Wagawongawitz LLC, 284 West 12th Street, NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

6. NSCF NY, Inc., d/b/a Café Del Arte, 143 Mulberry Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of an existing On Premise license for a 2,200 s.f. restaurant, located in a mixed use building between Hester and Grand Streets, consisting of 120 table seats, one bar with 12 seats; the alteration consists of moving the bar from the front of the operation to the back, in order to turn the front of the space over to dining tables in a more restaurant appropriate arrangement; and,

WHEREAS, the applicant stated that the hours of operation are 11:00 a.m.- 12 a.m., seven days a week; the music is background only; there is a sidewalk café but 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 alteration to the existing On Premise license of **NSCF NY, Inc., d/b/a Café Del Arte, 143 Mulberry Street, NYC 10013.**

Vote: Unanimous, with 31 Board members in favor.

8. El Sayed II Corp., d/b/a Horus, 510 LaGuardia Place, NYC 10012

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

WHEREAS, the applicant is listed as a renewal applicant even though this very applicant applied for and was recommended for denial of an On Premise license at this same premise in November 2005; and;

WHEREAS, the committee has received numerous complaints that Horus is: (1) operating with alcohol for sale at 510 LaGuardia Place, despite having been recommended for denial of an On Premise license in November 2005; (2) is a public nuisance with noise and loitering in front of the operation, and (3) operating a large, apparently unlicensed, party space on the second floor of the operation where guests smoke tobacco products and consume alcoholic beverages; and,

WHEREAS, in November 2005, the committee investigated and found Horus to indeed be operating with a fully stocked liquor bar and what appeared to be a framed SLA On Premise license on display above said bar; and;

WHEREAS, said license is unlikely to be valid, as CB#2, Man. has not recommended approval of an On Premise license for **El Sayed II Corp., d/b/a Horus, 510 LaGuardia Place**; and;

WHEREAS, **El Sayed II Corp., d/b/a Horus, 510 LaGuardia Place** appears to be operating in violation of the New York State Alcoholic Beverage Control Law, and in violation of the public smoking ordinances; and;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the issuance and/or renewal of an On Premise license to **El Sayed II Corp., d/b/a Horus, 510 LaGuardia Place, NYC 10012**; and;

BE IT FURTHER RESOLVED that CB#2, Man. calls on the SLA to investigate the allegations of illegal sale of liquor by **El Sayed II Corp., d/b/a Horus, 510 LaGuardia Place, NYC 10012**, or in the alternative, inform CB#2, Man. as to why such sales are authorized under the Alcoholic Beverage Control Law.

Vote: Unanimous, with 31 Board members in favor.

9. 114 Kenmare Associates, LLC, d/b/a The Corner Deli, 106 Kenmare Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of an existing On Premise license for a 2,900 s.f. restaurant, located in a mixed use building between Lafayette Street and Cleveland Place, consisting of 121 table seats, one bar with 9 seats; the alteration consists of converting a food counter to a service bar; and,

WHEREAS, the applicant stated that the hours of operation are 12:00 p.m. - 3:00 a.m., Wednesday through Saturday, 12:00 p.m. - 1:00 a.m. Sunday through Tuesday; the music is background only; there is no sidewalk café and no backyard garden; and,

WHEREAS, no one from the community appeared in opposition to this application and no complaints have been received by the committee; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an alteration to the existing On Premise license of **114 Kenmare Associates, LLC, d/b/a The Corner Deli, 106 Kenmare, NYC 10013.**

Vote: Unanimous, with 31 Board members in favor.

10. Food First, LLC, d/b/a Blue Ribbon Bakery, 34 Downing Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a 345 s.f. bar, located in a mixed use building between Bedford Street and 6th Avenue, with 20 table seats and 1 bar with 10 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 12:00 p.m. – 2 a.m., music is background only; the applicant also owns the Blue Ribbon Bakery and Blue Ribbon Sushi; food will be salads and sandwiches only, with no cooking on premise; 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 approval of an On Premise license to **Food First, LLC, 34 Downing Street, NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

11. Morandi, LLC, d/b/a Bar Vieri, 15 Charles Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is transfer, pursuant to purchase, of an On Premise license in a 2,000 s.f. restaurant/bar, located in a mixed use building off Waverly, with 85 table seats and 1 bar with 14 seats; and

WHEREAS, the applicant stated that the hours of operation will be 8:00 a.m. – 1:00 a.m., music is background only; the applicant is an experienced NYC restaurateur who will operate the location in a similar fashion to Balthazar; 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 approval of an On Premise license to **Morandi, LLC, d/b/a Bar Vieri, 15 Charles Street, NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

12. Harry Chung, 30 Charles Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a 375 s.f. restaurant/bar, located in a mixed use building between Waverly, with 20 table seats and 1 bar with 10 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 5:00 p.m. – 2:00 a.m., music is background only; the applicant is an experienced NYC restaurateur who will operate the location as an adjunct desert and drink location for Bar Vieri at 30 Charles Street; 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 approval of an On Premise license to **Harry Chung, 30 Charles Street, NYC 10014.**

13. T. Madison LLC, 73 8th Avenue, NYC 10014

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

WHEREAS, this application is for a New York City Cabaret license for an existing 2,500 s.f. nightclub, located in a mixed use building between W. 13th Street and W. 14th Street, consisting of 58 table seats, and 1 bar with 15 seats; and

WHEREAS, it is the opinion of the committee that a Cabaret license should never be issued without input from the community and CB2, Manhattan; and

WHEREAS, the applicant failed to notify the committee of an inability to appear on the appointed date;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the approval of a Cabaret license to **T. Madison LLC, 73 8th Avenue, NYC 10014** without having first had an opportunity for input from the community and CB#2, Manhattan.

Vote: Unanimous, with 31 Board members in favor.

ENVIRONMENT

1. RE: EPA's 2005 Final Test and Clean Program Should Not Be Implemented

WHEREAS: The City of New York was suddenly and deliberately attacked on September 11, 2001, and

WHEREAS: The destruction of the World Trade Center not only killed thousands but also caused multiple contaminants, including polycyclic aromatic hydrocarbons (PAHs), lead, man-made vitreous fibers (MMVF), mercury, asbestos, and other toxic substances, to be deposited upon and within residences, places of employment, and mixed-use buildings in Lower Manhattan; and

WHEREAS: The legal responsibility for ensuring a thorough and responsible cleanup of such acts of terrorism, with regard to residences, places of employment, and mixed-use buildings, rests with the United States Environmental Protection Agency (EPA), in accordance with the National Contingency Plan, the National Response Plan, and Presidential Decision Directive 62; and

WHEREAS: In the summer of 2002, EPA implemented a poorly publicized, voluntary residential test and clean program that failed to adequately characterize and clean up WTC contaminants and that provided an inadequate cleanup of only 3,425 of the more than 25,000 apartments below Canal Street; and

WHEREAS: The August 21, 2003 report of EPA's Office of Inspector General was highly critical of EPA's 2002 test and clean efforts in Lower Manhattan and called on EPA to ensure that cleanup meets minimum Superfund site cleanup goals, to treat impacted buildings as a system, to include workspaces as well as residential buildings, and to include all geographic areas impacted by WTC dust; and

WHEREAS: In March of 2004, in response to requests from Senator Hillary Rodham Clinton, Congressman Jerrold Nadler, and the affected communities of residents and workers, EPA convened the WTC Expert Technical Review Panel which was charged with characterizing any remaining exposures and risks, identifying unmet public health needs, and recommending steps to further minimize risks associated with the aftermath of the World Trade Center attacks; and

WHEREAS: The Government Accountability Office (GAO), in its September 8, 2004 report "September 11 Health Effects in the Aftermath of the World Trade Center Attack," described a broad and continuing health impact, based on evidence that thousands of people involved in rescue, recovery, cleanup, as well as those who lived and worked in the WTC vicinity, were treated mainly for respiratory sicknesses; and

WHEREAS: On October 19, 2004, Community Board #1 unanimously passed a resolution requesting additional EPA testing and clean-up based on 7 key principles (see <http://cb1.org>). The same resolution was subsequently passed by CB2 and CB3; and

WHEREAS: Medical experts testifying before the EPA WTC Expert Technical Review Panel and the New York City Council, reported finding evidence of serious, ongoing, and still emerging 9/11-related environmental health impacts among Ground Zero workers, and downtown and Brooklyn residents and workers; and

WHEREAS: Unless proper scientific testing and cleanup are conducted, undetected toxic contaminants from the collapse and fires at the WTC could pose an ongoing threat to public health; and

WHEREAS: On November 29th, 2005, the EPA released a final "Test and Clean Program" that, as currently constituted, is grossly under funded, inadequate, and technically and scientifically flawed, and will repeat the most serious limitations and deficiencies of the 2002 program as delineated by the Inspector General; and

WHEREAS: EPA's current program, by reverting to the limited geographic area (as defined in the 2002 program to be south of Canal Street and west of Pike and Allen Streets) and by excluding workplaces, schools, small businesses and firehouses, will fail to assess the extent of remaining contamination in buildings and in areas known to have been impacted, including all such areas in CB#2, Man.; and

WHEREAS: EPA's current program, by addressing individual apartments rather than addressing buildings as integrated systems and by failing to provide for proper assessment and cleanup of building mechanical ventilation systems, is likely to result in inadequate cleaning and/or recontamination of cleaned spaces; and

WHEREAS: EPA's current program, by failing to use appropriate sampling methodologies and protocols, and failing to specify properly sensitive detection limits, will likely generate a stream of inaccurate data; and

WHEREAS: EPA's current program, by rendering ineligible apartments previously sampled and cleaned by EPA, will fail to detect and cleanup recontamination; and

WHEREAS: EPA's current program, by omitting from cleanup criteria sampling results from mechanical ventilation systems, plenums, closets, and other areas known to be reservoirs for contamination, will fail to detect hot spots and to trigger clean up of contamination that may pose a continual health threat; and

WHEREAS: Although EPA'S program results from a 21-month deliberation with the EPA WTC Expert Technical Review Panel, it did not receive the endorsement or support of a single panel member at the final December 13, 2005 panel meeting; and

WHEREAS: EPA's current program repeats a familiar pattern in which the Agency has sought to downplay the potential risks and convey false assurances regarding World Trade Center contamination, rather than developing a scientifically sound approach to assessing and reducing these risks.

WHEREAS: On February 2, 2006, the Federal District Court in Manhattan ruled that a 2004 class action lawsuit against the EPA for failing to warn people of hazardous substances in the air following the collapse of the World Trade Center, and then failing to carry out an adequate cleanup of building interiors, could go forward. Judge Deborah A. Batts wrote, "No reasonable person would have thought that telling thousands of people that it was safe to return to lower Manhattan, while knowing that such return could pose long-term health risks and other dire consequences, was conduct sanctioned by our laws and called former EPA's chief Whitman's actions "conscience-shocking

THEREFORE BE IT RESOLVED that CB#2, Man. joins CB#1 in calling on the EPA to abandon its technically and scientifically flawed 2005 Test and Clean Program, and work with the residents and workers, community and labor organizations and elected officials to design and implement an effective, science based sampling and cleanup program for residences and workplaces in all affected areas.

CB#2, Man. joins CB#1 and Senator Clinton, Congressman Nadler, Assembly Speaker Silver, Senator Connor, Council member Gerson and the WTC Community-Labor Coalition in calling for the Government Accountability Office (GAO) to undertake an investigation into the EPA's failure to establish an effective, science-based testing and clean-up plan in response to the September 11, 2001 terrorist attacks.

Vote: Unanimous, with 31 Board members in favor.

2. Protection Against a Narrowing of the Clean Water Act

WHEREAS, the Clean Water Act mandates protection of "waters of the U.S.," a jurisdiction traditionally including wetlands, headwater streams and other waters important for protecting the health and quality of life of the people who use them for drinking water, recreation and commercial uses; and

WHEREAS, these waters include the smaller streams, brooks and wetlands that are an essential part of New York City's municipal drinking water watersheds for its Catskill/ Delaware and Croton drinking water systems; but

WHEREAS, the combined Supreme Court cases of *Carabell v. United States* and *Rapanos v. United States* seek to limit the jurisdiction of the CWA to 'navigable waters', a legal designation that includes only waters used for marine transport, and that does not include wetlands, headwater streams and other essential waters; and

WHEREAS, the Clean Water Authority Restoration Act (CWARA -- S.912 and H.R. 1356) would protectively include in the Clean Water Act all waters of the U.S., as Congress intended when it passed the Clean Water Act;

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the Clean Water Authority Restoration Act (CWARA -- S.912 and H.R. 1356), which would allow the Clean Water Act to continue to provide the protection for our Nation's essential waters and wetlands that it has provided for the past 33 years; and

BE IT FURTHER RESOLVED, that CB#2, Man. urges all members of the New York Congressional delegation to support S.912 and H.R. 1356 and expresses its appreciation to Senator Schumer for giving the Act his support.

Vote: Unanimous, with 31 Board members in favor.

3. The Need to Remedy the Hazards of Large-Quantity Diesel Storage in Telecommunication 'Hotels'

WHEREAS, in January 2002 a study by Council Member Alan Gerson identified telecommunications buildings ('telecom hotels') as a security risk of "massive scope" and found hotels with four times as much diesel fuel as that which brought down 7 World Trade Center on September 11, 2001, blanketing Lower Manhattan with toxic smoke for 3 1/2 months; and

WHEREAS, in 2003, Community Board #2 Manhattan had two telecom hotels and numerous buildings with significant telecommunications capabilities involving backup generators and diesel storage, including the Federal building at 201 Varick, the St. Johns Building (with facilities for Bloomberg, Merrill Lynch and WorldCom), and the Carpenters' Union building (with three radio stations and a telecommunications company); and

WHEREAS, in January 2003, CB#2, Man. joined Community Board #1 and Council Member Gerson in calling for:

- 1) a moratorium on additional fuel storage tanks;
- 2) immediate inspections to determine the amount of illegally stored fuel;
- 3) removal of tanks not in compliance with existing codes, including those previously granted waivers by the Buildings Department;
- 4) revision of relevant regulations and codes to incorporate the lessons of 9/11;
- 5) revision of City Building and Fire Codes with regard to diesel storage;

WHEREAS, none of these safeguards has been accomplished, and the Dept. of Buildings has continued to grant waivers, recently for additional fuel on upper floors at 60 Hudson Street, a telecom building that already has twice as much diesel as was stored in 7 WTC;

NOW THEREFORE BE IT RESOLVED that CB#2, Man. urges the New York City Planning Commission to amend the New York City Zoning Resolution to reclassify telecommunications buildings from use Group 6, Local Retail, to Use Groups 17 or 18, Manufacturing Uses subject to performance standards; these standards include controls over noise and diesel exhaust from telecom diesel generators; fire and explosion hazards; and storage of massive quantities of diesel fuel, including that stored below ground, with the possibility for a terrorist target; and

BE IT FURTHER RESOLVED that the few controls under Use Group 6, covering only fuel stored on upper floors, can be and are waived by the Department of Buildings, as in the recent case of 60 Hudson Street, which already stores over twice as much diesel as was contained in 7 World Trade Center on September 11, 2001, when that massive fuel supply caused the collapse of Tower Seven and the blanketing of Lower Manhattan for 3 1/2 months with smoke determined by scientists from University of California at Davis to be more toxic than the Gulf War oil fires of 1993; and

BE IT FINALLY RESOLVED that CB#2 urges the New York City Planning Commission to commence these changes with all possible speed in order to remedy this obvious and widespread danger to the citizens of New York City.

Vote: Unanimous, with 31 Board members in favor.

4. Waste Reduction Initiatives for the Solid Waste Management Plan

WHEREAS, Mayor Bloomberg and the City Council are currently negotiating a 20-year Solid Waste Management Plan (SWMP), a document that will guide solid waste policy in New York City for the next two decades, and,

WHEREAS, Negotiations on this plan have heretofore focused on the ways in which refuse, including garbage and recyclables, should move within and out of the city to its final destination, and,

WHEREAS, while waste export is of paramount importance to the SWMP, the city must also take proactive steps to ensure that New York City is generating less garbage through waste prevention, and diverting more garbage through increased recycling, reuse, and composting programs, and,

WHEREAS, preliminary findings from a Waste Characterization Study conducted by the New York City Department of Sanitation show areas where garbage reduction, increased recycling, and increased composting can be realized on a substantial scale. Data analysis from a four-season sampling show that, on average, about 20% of material heading to landfills and incinerators are currently designated for recycling under the city's program; that approximately 40% of the material in the city's refuse stream consists of organic material, much of which could be composted; and that many materials heading to landfills—especially plastics—could be recycled if added to the recycling program, and,

WHEREAS, waste reduction and diversion programs are crucial because they lessen adverse environmental impacts associated with waste within the City of New York, as well as in the communities outside of NYC where waste is sent to be burned or buried, and,

WHEREAS, making real gains in garbage reduction and increased diversion are the fiscally smart and responsible choice for New York City. Waste export costs have risen 91% since the city began exporting waste in 1997, with the city now spending over \$300 million a year on export. Export costs are set to rise even further with more stringent out-of-state disposal regulations, a dearth of competition in the waste-management market, and other factors. Independent budget watchdogs including the NYC Comptroller and IBO have documented the potential for savings; investing now in waste reduction, reuse, recycling and composting will help rein-in the “controllable cost” of waste export for the years ahead, and,

THEREFORE BE IT RESOLVED, that this community board supports the adoption of long term goals toward reaching Zero Waste, an approach to waste management that is environmentally sustainable, economically sound, and socially responsible, and,

BE IT FURTHER RESOLVED, that the city set aggressive waste reduction and diversion goals in the SWMP, and include measures that will enable the city to realistically meet those goals, and,

BE IT FURTHER RESOLVED that the city adopt, in the final version of the SWMP and associated legislation, the following provisions that will set NYC on a more sustainable course for waste management:

Establish a new Office of Waste Prevention, Reuse, Recycling, and Composting outside the Department of Sanitation. This new office will allow for greater authority and effectiveness of Zero Waste programs. The new office will also have a dedicated budget, a structure for citywide central planning across multiple agencies as well as for their own waste prevention, as well as increased accountability and transparency. The Office will oversee a program of Waste Prevention/Recycling teams working in community districts to reduce waste and increase diversion, using neighborhood specific programs for tenants, building managers, businesses and schools

Invest in new Reuse and Composting infrastructure. This includes the opening of new reuse centers in the five boroughs; a small fleet of trucks designated for the transport of reused goods between centers, schools, churches, and nonprofits; and the construction of new composting facilities that will convert some of the city's compostable waste stream to useful fertilizer and soil

Guarantee steady funding for waste prevention and reduction programs by dedicating a percentage of the export budget to waste prevention, imposing a fee on waste disposal to fund waste prevention, or legislating a cap on disposal tonnage with penalties accruing to waste prevention, and

BE IT FURTHER RESOLVED that the Mayor develop quantifiable measures of progress for these programs and that the City Council review the progress of SWMP implementation on an annual or bi-annual basis to ensure the city is implementing these new programs effectively and making progress toward goals of reducing and diverting waste and realizing savings.

Vote: Unanimous, with 31 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST MARCH 2006

Item 5 – 26 Wooster St. – SoHo Cast Iron Historic District. An Italianate-style store & loft building built in 1866-67. Application is to install a barrier-free access lift.

WHEREAS, the proposal is to install a handicapped lift to the first floor which requires replacing the existing stairs, and

WHEREAS, the stairs have to be located partially in front of the adjacent building which is connected to 26 Wooster St but with a different façade, because the lift cannot be located where the existing entrance is since the fire escape ladder would be just above the lift, and

WHEREAS, the sidewalk is 12' wide here, which allows room for the lift and ramp, and

WHEREAS, the applicant is also requesting a blade sign 20' x 27" which is in line with the guidelines set by the Landmarks Commission for such signs,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the installation of the handicapped lift, relocation of the steps, and the proposed blade sign at 26 Wooster St.

Vote: Unanimous, with 31 Board members in favor.

Item 6 & 7 – 459 Broadway – SoHo Cast Iron Historic District. A store & loft building built in 1861. Application is to construct a rooftop addition, remove a fire escape, & install new ground floor infill. Application is also to request the Landmarks Commission to issue a report to the City Planning Commission relating to a modification of use pursuant to Section 42-142 of the Zoning Resolution. Zoned M1-5B.

WHEREAS, the proposal is to build a one story addition on the roof of the existing building which will be constructed 3' below the current roofline and set back from both streets, thereby reducing the height and visibility of the addition, and

WHEREAS, the applicant intends to remove the fire escape on the side of the building, and

WHEREAS, the applicant intends to repair the façade after removal of the fire escape, repair the sandstone on the front of the building, repaint the structure, and repair the cornice, and

WHEREAS, the storefront will be set back behind the arcade, as it was originally, and

WHEREAS, signage will be painted on the glass at the storefront, and

WHEREAS, the sidewalk will be restored and the glass vault lights reinstalled, and

WHEREAS, the sightline photos seem to indicate that the rooftop addition will be only minimally visible from any streets,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the proposed changes to 459 Broadway.

WHEREAS, the applicant intends to request from the City Planning Commission permission to alter the use of the building from the permitted M1-5B uses to Joint Living Work Quarters for Artists, a use currently in many buildings in the SoHo area, and

WHEREAS, the JLWQA will meet all the requirements for this type use, and

WHEREAS, the building will sign an agreement for the required cyclical inspections by the Landmarks Commission,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the Landmarks Commission sending the requested letter to the City Planning Commission for 459 Broadway.

Vote: Unanimous, with 31 Board members in favor.

Item 8 – 565 Broadway. Laid over.

Item 9 – 686 Broadway – NoHo Historic District, A two-story building altered by Harold Weinberg in 1933. Application is to alter the façade.

WHEREAS, the application for changes to this very modern glass-front building are minimal, merely replacing the present material around the glass front with iso-limestone along the roofline and at the base, and replacing the panels on either side of the glass front with bricks, and

WHEREAS, these changes to the façade will not materially change the look of the building,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the façade changes proposed for 686 Broadway.

Vote: Unanimous, with 31 Board members in favor.

Item 10 – 122 Greenwich Avenue – Greenwich Village Historic District. A parking lot. Application is to construct a new 11-story building. Zoned C6-2A/C1-6.

WHEREAS, this parking lot site is on the corner of Greenwich Avenue and 8th Avenue, across from Jackson Square Park, and

WHEREAS, this site is partially over the 8th Avenue subway, and

WHEREAS, the proposal is the an 11-story glass building with bronze panels between the floors, and

WHEREAS, the first floor is to be retail use with 17' ceiling, taller by 5' than the usual 12', and

WHEREAS, the residential floors above also have unusually high ceilings, and

WHEREAS, the building is stepped back from Greenwich Avenue with 5 stories, then an additional 2 stories, and then 11 stories along 8th Avenue, and

WHEREAS, the facades of the residential floors are slightly staggered instead of forming one straight glass façade, and

WHEREAS, an application will have to be made to the Board of Standards & Appeals since the building is 10% over the permitted FAR, and because the higher ceiling heights bring the building above the permitted height limits, and

WHEREAS, there were many people from the community who spoke on this application – 5 people who were neighbors in favor, including one architect, and 9 others who were opposed including representatives from Greenwich Village Society for Historic Preservation, Federation to Preserve the Greenwich Village Waterfront & Great Port, Society for the Architecture of the City of New York, and the West Village Task force, and

WHEREAS, although the massing of the building was more or less in conformity with the area, the additional height which comes about because of the higher ceiling heights increased the overall height unnecessarily, and

WHEREAS, although many people at the hearing, including members of the committee, had mixed feelings about the building, some thinking the design for the building was interesting and noteworthy while many others thought this glass tower was not appropriate for the Greenwich Village Historic District,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for the glass tower at 122 Greenwich Avenue.

Vote: Unanimous, with 31 Board members in favor.

Item 11 – 15 Charles St. – Greenwich Village Historic District. An apartment building built in 1961. Application is to install storefronts, an awning, and an HVAC duct.

WHEREAS, this high rise apartment building currently has a hodgepodge of commercial establishments on the ground floor, and

WHEREAS, the proposal is for a restaurant to take over most of the first floor space, and redo the first floor with a wood storefront & doors with glass panels, and

WHEREAS, the signage for the restaurant will be a narrow red & white sign in a band above the new awning, and

WHEREAS, the new awning, which will continue around the whole restaurant, extends 9' over the 19' wide sidewalk, and

WHEREAS, the HVAC duct for the kitchen will extend up the back wall of the building, painted to match the present color of the wall, and

WHEREAS, several people who know the applicant from the Meat Market area including Florent spoke in favor of the application,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for 15 Charles St.

Vote: Unanimous, with 31 Board members in favor.

Item 12 – 159 West 12 St. – Greenwich Village Historic District. A Greek Revival style rowhouse built in 1841. Application is to construct a rear yard addition. Zoned R6.

WHEREAS, although the application was listed as only being for the rear yard extension, the architect went into some detail about work to be done on the façade of the building, and

WHEREAS, these façade changes included replacing the one over one windows with the correct 6 over 6 windows, repairing the façade and repainting it to match the existing, and using wooden window frames painted black, and

WHEREAS, at present there is a 1st floor extension 17' into the rear yard for about half the width of the building, and

WHEREAS, the proposal is to increase this extension to 19'8" into the yard for the full width of the building and on all 4 floors (3 floors & basement), and

WHEREAS, there is a bay window on the 2 lower floors extending another 2' into the rear yard, and

WHEREAS, the windows on the rear of the building on floors 3 & 4 will match the front ones, 6 over 6 with wood frames painted black, and

WHEREAS, the air conditioning units will be set back from the wall, and

WHEREAS, there will still be a 40' rear yard, and

WHEREAS, the applicant claims the addition will still be within the permitted FAR for the R6 District, but an opponent pointed out that this was accomplished by using the Quality Housing bonus which we question can be used for a one-family house, and

WHEREAS, the neighbors feared that one of the large trees in the yard, which benefits the whole interior space in this part of the block, will be killed by construction so close to the roots of the tree, and

WHEREAS, there were 29 letters in opposition to this project from residents of the West 12th St. block and letters in support from 11 residents of the block plus the 6 buildings of City & Country School and 14 other Village residents, and

WHEREAS, the arguments against the project dealt with loss of the trees, the effect this project would have on the existing rear yards and what would happen if all the buildings extended into the rear yard, the impact the existing overbuilt buildings have already had on the neighbors, and the possible precedent for buildings in the Historic district,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for the rear yard extension for 159 West 12 St. while approving the façade changes outlined at our meeting.

Vote: Unanimous, with 31 Board members in favor.

Item 13 - 67-69 Eighth Ave. – Greenwich Village Historic District. A Queen Anne style apartment house designed by James Ware & built in 1884. Application is to install new storefront infill.

WHEREAS, the first floor of these buildings contains 4 store entries and 2 apartment entries, and

WHEREAS, the proposal is to create a granite base below the store windows, with transoms above the windows, and

WHEREAS, the security gates will be inside the doors, and

WHEREAS, there will be painted signs only on the windows, and

WHEREAS, the transoms will be 3' tall and the new base between 1' & 18" high, and

WHEREAS, there were speakers from the neighborhood supporting this application,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to this application for 67-69 Eighth Ave.

Vote: Unanimous, with 31 Board members in favor.

Item 14 – 28-30 Little West 12 St. - Gansevoort Market Historic District. A neo-Georgian style stable designed by John M. Baker & built in 1911. Application is to install new storefront infill.

WHEREAS, the "storefront" currently consists of 3 garage doors, and

WHEREAS, the application is to make a restaurant in the building, and

WHEREAS, the proposal is to create a glass wall 6' behind the garage doors, but to leave the garage doors in place to be pulled down when the restaurant is closed, thereby continuing the current character of this industrial and commercial area, and

WHEREAS, the cornice will be repainted one color instead of the two colors there now, and

WHEREAS, a new elevator bulkhead will be placed on the roof, almost invisible because of the taller building next door, and

WHEREAS, the owner admitted he was planning to have an outdoor café at the front, but placed within the space between the exterior of the building and the glass wall,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to this application for a new storefront at 28-30 Little West 12th Street.

Vote: Unanimous, with 31 Board members in favor.

Item 15 – 838 Greenwich St. – Gansevoort Market Historic District. A 4-story building originally built in 1972-73, altered in 1980 as an apartment building by Seymour Churgin. Application is to install a painted wall sign.

WHEREAS, the proposal is to paint an advertising sign on the side of this building, visible over the roofs of the small buildings next door, and

WHEREAS, the proposed sign would be 26’ high and 18’ wide, 40’ above the curb, and taking less than 20% of the total wall area, and

WHEREAS, painted wall signs were common in the distant past in this area and some ghost signs still exist, and

WHEREAS, although the proposed advertising sign on this building is not controversial, after a permit for such sign is granted, changes in the actual sign do not come back to the Community Board for approval, and

WHEREAS, there was concern that, with all the blank walls in this area, approval of this sign might prove a precedent for dozens of other such painted wall signs in this newly created Historic District,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for a painted sign on the wide wall of 838 Greenwich St.

Vote: Unanimous, with 31 Board members in favor.

2ND MARCH MEETING

Item 7 – 8, 10, 12 Bond St. aka 358-364 Lafayette St. – NoHo Historic District. An altered factory building built circa 1920, two one-story garages designed by Sapolsky & Slobodien & built in 1959. Application is to demolish the buildings & construct a new seven-story building.

WHEREAS, the proposed building is within the permitted FAR, and made an attempt to match the floor heights on the adjacent building by rising 62’ before a setback of 5-6’, then rising an additional floor to a height of 69’ with bulkheads and one room on the roof, totaling out at 80’ and

WHEREAS, the applicant hopes to create 14 units of 1500 sq. ft. approximately, by applying to the Board of Standards & Appeals for a variance for use, and

WHEREAS, CB#2, Man. finds these aspects of the project commendable, but

WHEREAS, corner cutout balconies are planned for the upper floors, not characteristic of this Historic District, and

WHEREAS, the horizontal lines vs. vertical ones are too drastic, and

WHEREAS, the perforated aluminum panels on the glass don’t fit with the usual style of the area, and the curved façade is also objectionable, and

WHEREAS, there were objections from residents of the area who didn’t like the design, and

WHEREAS, since this new building and the new building at 372 Lafayette St. are adjacent to each other, there should be a concern about how the two buildings would interact with each other, and they should be considered together,

THEREFORE, BE IT RESOLVED that CB#2, Man. does not recommend approval of this design as presently presented for 8, 10, 12 Bond St. a/k/a 358-364 Lafayette St.

Vote: Unanimous, with 31 Board members in favor

Item 8 –2 Fifth Avenue – Greenwich Village Historic District, A brick apartment house designed by Emery Roth & Sons & built in 1951-52. Application is to alter front canopy & entranceway & to install lighting.

WHEREAS, the proposal is to replace the current stone columns to the main entrance with brushed stainless steel columns, and

WHEREAS, new recessed light fixtures will be installed under the new entrance canopy, and

WHEREAS, the present driveway to the entrance will be redone in cobblestones with new paving directly in front of the entrance and new sidewalks for pedestrians, and

WHEREAS, the proposal also calls for a new entrance to the commercial space at the corner of Fifth Ave. and Eighth St., replacing the double doors with a single door and two glass side panels,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the changes proposed for 2 Fifth Avenue.

Vote: Unanimous, with 31 Board members in favor.

Item 9 – 28 West 8 St. – Greenwich Village Historic District. A Greek Revival style brick house built in 1838 & altered in the early 20th-century to accommodate a storefront at the ground floor. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission approval.

WHEREAS, the building has been altered by moving the storefront forward to the building line, whereas before it had been back several feet with a fence in front, and

WHEREAS, the storefront has been changed to brushed aluminum to match the storefront above, with large glass panels, and

WHEREAS, the entry to the store has been changed to a sliding door with double-sided mirrors on each side, and

WHEREAS, the Community Board took exception to the overuse of glass, the brushed aluminum on this storefront, and the mirrors at the store entry,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for 28 West 8 St.

Vote: Unanimous, with 31 Board members in favor.

Item 10 – 171 MacDougal St. Laid over.

Item 11 – 87 Perry St. a/k/a 385 Bleecker St. – Greenwich Village Historic District. A wood frame house designed by Aaron Henry & built in 1817-1818. Application is to relocate rooftop HVAC equipment installed without Landmarks Preservation Commission permits.

WHEREAS, the proposal is to move the present HVAC equipment further away from the exterior building wall to decrease its visibility from the surrounding streets, and

WHEREAS, from the site photos shown at our meeting the unit was almost invisible,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to this application for 87 Perry St.

Vote: Unanimous, with 31 Board members in favor.

Item 12 – 92 Perry St. – Greenwich Village Historic District. A brick apartment house designed by Charles J. Rheinschmidt & built in 1914. Application is to install a new storefront.

WHEREAS, the proposal is to replace the existing storefront with wood paneling and new glass windows, the trim to be painted black-green to match the existing trim, and

WHEREAS, the proposal also includes opening up the former super's apartment for a new store to be entered through a gate into the side yard, and

WHEREAS, the proposal also includes installing a new fixed awning along the storefront except for the area under the fire escape, and

WHEREAS, where the fire escape interferes with the awning, installing signage on the panel above the store window, and confining other signage to the flap of the awning only,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the changes to the storefront at 92 Perry St. but is opposed to the fixed awning, preferring a retractable one.

Vote: Unanimous, with 31 Board members in favor.

Item 13 – 59 Horatio St. – Greenwich Village Historic District. A Greek Revival style house built in 1847. Application is to legalize the installation of ground floor infill in non-compliance with Certificate of Appropriateness 04-6246.

WHEREAS, when work was started in connection with the original Certificate of Appropriateness it was discovered that a structural column existed which was not known when the original design was submitted, and which required changes to that design, and

WHEREAS, changes made to the original design involved dividing the storefront differently to accommodate the newly discovered column, and

WHEREAS, other changes made from the original approval were changing the material from steel to wood, changing the color of the storefront from dark grey to white, and painting the baseboard wood brown to match the columns, and

WHEREAS, another change was leaving the copper overhang above the store fronts the original copper color instead of green as had been suggested by LPC, and

WHEREAS, there was community support for the revised design,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the changes made to the storefronts, but would suggest the copper be painted brown to match the columns.

Vote: Unanimous, with 31 Board members in favor.

Item 14 – 444 West 14 St. - Gansevoort Market Historic District.

WHEREAS, the Landmarks Preservation Commission’s publication “The Certificate of Appropriateness Public Hearings 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 failed to appear before the Community Board committee, nor did he contact us for a layover,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for 444 West 14 St. in the absence of this important step in the review process and requests that the Landmarks Commission does not act on this application until the Community Board has a chance to comment on it.

Vote: Unanimous, with 31 Board members in favor.

565 Broadway – SoHo Cast Iron Historic District. 9-story loft building on the south west corner of Prince St. Application is to extend the balconies to other apartments on floors 2, 6 & 8.

WHEREAS, the proposal is to extend a balcony from the existing fire escape to the other apartments not now having two means of egress by connecting them to the fire escape, and

WHEREAS, floors 6 and 8 have been subdivided into two apartments from the original one apartment, and floor 2 is contemplating doing the same, and

WHEREAS, the committee had questions about this solution to the problem, especially since floor 2 is not yet subdivided, however,

THEREFORE, BE IT RESOLVED that CB#2, Man. does not object to this application for 565 Broadway.

Vote: Unanimous, with 31 Board members in favor.

372 Lafayette St. (Great Jones St.) – NoHo Historic District. New building made of shipping containers. First heard at CB#2 Nov. 2004. At that time, approved by Community Board 30 in favor, 1 opposed. Changes in the design required applicant to come back to the Community Board. (LPC had also approved the original design except for color.)

WHEREAS, changes in the design of the building include incorporating into the building the wedge-shaped rear yard which formerly had been enclosed with a gate at one end and a wall at the other end, (the lot is wedge-shaped but the shipping containers are rectangular), and

WHEREAS, the storefronts have been remodeled, with a glass small-paned marquee, and

WHEREAS, the structure will be 68' tall with the containers (8' wide) connected to create apartments 2 to 3 containers wide, giving 8 apartments in the structure, and

WHEREAS, in order to stay within the FAR, some of the units on the upper floors will be merely shells with open areas for planting, and all units will be 1200 sq. ft. and

WHEREAS, the color will be red rather than the electric blue originally shown, and

WHEREAS, the applicant has also incorporated small balconies on the former of the building, and

WHEREAS, the only variance being requested from the Board of Standards & Appeals will be for change of use, and

WHEREAS, the scale & rhythm of the units, vertical vs. horizontal, of the building are in the character of similar buildings in the area, and

WHEREAS, since this new building is adjacent to the other new building at 8, 10, 12 Bond St. a/k/a 358-364 Lafayette St. there should be a concern about how they will interact with each other, and they should be considered together.

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval for the storefronts, glass marquee, red color and proportions of the project, but

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the corner balconies, and the effect on the rear wall angle on Great Jones St.

Vote: Unanimous, with 31 Board members in favor.

PARKS, RECREATION, OPEN SPACE & WATERFRONT

Christopher Street Pier

WHEREAS Greenwich Village prides itself on its history of cultural inclusiveness, and has long served as a gathering place and a place for celebration of people whose beliefs and lifestyles are outside the mainstream; and

WHEREAS the Christopher Street Pier (a/k/a/ Pier 45) and the western end of Christopher Street have long served as a social gathering place, with particular importance to the gay, lesbian, transgender, and bisexual community; and

WHEREAS the surrounding community became more residential over the last fifteen years; and

WHEREAS, following the reopening of Pier 45 in 2003, and its renovation and renewal as a major node of Hudson River Park, Pier 45 has drawn extremely large crowds during the evening hours, many of whom are teenagers; and

WHEREAS a problem has arisen with these crowds in part because food, drink, and bathrooms are not available on the Pier, and because when the Pier closes at 1:00 a.m., on Friday and Saturday nights in the late spring, summer, and early fall, over 1,000 mostly young people flood Christopher Street, creating a great deal of noise, and, leading at times, to incidents of rowdyism; and

WHEREAS a significant percentage of these young people are in need of intervention by social service providers; and

WHEREAS community residents concerned about the noise and rowdyism, led by the Christopher Street Patrol, the Christopher Street Block and Merchants Association, the Bedford Barrow Block Association, and the West 10th Street Block Association, have called for the Christopher Street Pier to be closed at 11:00 p.m. on weekends during the warm months; and

WHEREAS a group known as FIERCE (Fiercely Independent, Educated Radicals for Community Empowerment), with the support of many groups serving the lesbian, gay, bisexual, and transgender communities, has proposed that Pier 45 remain open until 4:00 a.m., in order to allow the crowd to dissipate over an extended period of time; and

WHEREAS no park in the City of New York is open after 1:00 a.m., and all sidewalk cafés in the City must be closed by 1:00 a.m.; and

WHEREAS a task force including the Chair of CB2, the Chair of the Parks and Waterfront Committee of CB2, the Chair of the Gay, Lesbian, Bisexual and Transgender Committee of CB2, and the President of the Hudson River Park Trust (“HRPT”) have met with concerned groups and held these public hearings; and

WHEREAS FIERCE has proposed that it spearhead outreach efforts among late-night Pier 45 users to help alleviate noise and overcrowding on Pier 45 and Christopher Street, and has offered to collaborate with resident groups and youth service organizations to address complaints and develop a method of assuming accountability; it is hereby

RESOLVED by CB2 as follows:

CB2 recommends that the Board of the HRPT, at its March 2006 meeting, adopt the following program, including the necessary modification of park rules, if any, for a trial period ending June 30, 2006, to be reviewed by and monitored by a Joint Task Force of the Trust, CB2, Council member Quinn, Assembly member Glick, and State Senator Duane, as well as Borough President Stringer, in consultation with the affected groups and social service providers, before that date, which will be empowered to make temporary modifications to the plan, including, but not limited to, an earlier or later closing of Pier 45 or a later closing of the plaza in front of the pier.

Pier 45 will remain open until 1:00 a.m. Park Enforcement Patrol officers will begin the process of closing the pier at midnight. By 1:00 a.m., the Pier and the plaza in front of the Pier shall be totally closed.

Although egress from Pier 45 across Christopher Street will be permitted by use of the crosswalks, those exiting the pier shall be permitted and encouraged to utilize the walkway/bikeway to proceed to other crossings.

The bathrooms adjacent to Pier 45 will remain open until 1:00 a.m. In addition, if feasible, Portosans will be made available.

Food vendors with affordable food and non-alcoholic beverages will be allowed on the plaza in front of Pier 45. If existing vendors are not willing or able to provide such food or beverages, special bids will be taken for such vending services.

As a condition of keeping Pier 45 open until 1:00 a.m., during the trial period FIERCE will create teams which will patrol Christopher Street to discourage noise-making and engage in “self policing.”

The HRPT, in conjunction with CB2, FIERCE, the Christopher Street Patrol, and the Task Force, shall develop public education materials that will explain the experimental program, its purpose in helping to alleviate noise and overcrowding on Christopher Street, and “DOs and DON'TS” regarding Pier 45 and Christopher Street. These materials will be distributed at Pier 45 and on Christopher Street, and will be made available to lesbian, gay, bisexual, and transgender youth development and service organizations.

The HRPT, in conjunction with CB2, local elected officials, and FIERCE, will work with service providers to regularize the already existing informal network of peer educators and outreach workers who already work at Pier 45. Mobile service providers, including the Health Outreach to Teens (HOTT) program of Callen-Lorde and the Ryan White Center, shall be permitted to park and provide services on the plaza next to Pier 45 until the Pier closes or based on their service schedule. HRPT shall work with these service providers to do sensitivity training for Park Enforcement Patrol (PEP) officers assigned to Pier 45 work.

The HRPT shall create a Pier 45 Task Force, including but not limited to CB2, local elected officials, the Borough President, the Sixth Precinct of the New York City Police Department, and LGBT youth service providers to monitor this program, make necessary modifications, and make a recommendation of whether and how this program, including the 1:00 a.m. closing time on Pier 45, should continue or be modified after June 30, 2006.

CB2 urges FIERCE to make itself available to assist with the resolution of complaints which arise and develop a working relationship with the Christopher Street Patrol. CB2 also urges the Christopher Street Patrol to develop a working relationship with FIERCE.

CB2 urges the Police Commissioner to provide the Sixth Precinct with additional personnel on Friday and Saturday nights to assist at maintaining order on Christopher Street on Friday and Saturday evenings, and urges the Sixth Precinct to place additional officers on Christopher Street on Friday and Saturday nights to assist in dealing with the complaints raised by the surrounding residential and business community.

CB2 urges Mayor Bloomberg, City Council Speaker Quinn, and Borough President Stringer to provide funding during fiscal year 2006-2007 to FIERCE and LGBT youth service groups and to the Lesbian, Gay, Bisexual and Transgender Center so that they can expand their programs to better service youth utilizing Pier 45 and Christopher Street.

A substitute resolution was submitted to revise the closing hour from 1 a.m. to 11.p.m. Substitute motion failed, with 9 Board members in favor, and 22 in opposition. Original resolution was voted on and was passed. See vote below.

Vote: Passed, with 21 Board members in favor, 4 in opposition, 5 abstentions and 1 recusal (L. Goldberg)

PUBLIC SAFETY AND HEALTH

American Society for the Prevention of Cruelty to Animals

WHEREAS the ASPCA has been involved with animal prevention and cruelty since 1866; and

WHEREAS the ASPCA effectively helped the City control its animal population until the City reduced funding for animal control; and

WHEREAS the DOH (Dept. of Health) has not been able to build an effective animal control program because of inadequate funding; and

THEREFORE BE IT RESOLVED that CB#2-Man. supports the ASPCA in its efforts to have an Animal Control Program implemented; and

THEREFORE BE IT FURTHER RESOLVED CB#2-Man. supports legislation to increase licensing fees in registration, altered and unaltered dogs and penalties for unlicensed dogs.

Vote: Unanimous, with 31 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Barbuto, LLC d/b/a Barbuto Café, 775 Washington St., New York, N.Y. 10014 with 12 tables and 24 seats. DCA 1219498.

WHEREAS, the owner appeared before the committee; and

WHEREAS, the restaurant has been in operation for over 3 years; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, the tables will all be against the building line; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed sidewalk café to Barbuto, LLC d/b/a Barbuto Café, 775 Washington St., New York, N.Y. 10014 with 12 tables and 24 seats. DCA 1219498

Vote: Unanimous, with 31 Board members in favor.

2. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for El Sayed II Corp., 501 La Guardia Pl., a/k/a 142 Bleecker Street, d/b/a Horus, with 10 tables and 30 seats. DCA 1219355.

WHEREAS, the area was posted and the applicant did not appear before the committee; and

WHEREAS, there was much community opposition; and

WHEREAS, there were letters protesting the noise and late night music from this establishment; and

WHEREAS, this restaurant has had a history of misleading the community and being a bad neighbor; and

WHEREAS, this establishment has been operating like a club and not a restaurant; and

WHEREAS, neighboring long time family establishments have been negatively impacted by this business, and

THEREFORE, BE IT RESOLVED, that CB#2, Man. STONGLY recommends DENIAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to El Sayed II Corp., 501 La Guardia Pl. a/k/a 142 Bleecker Street, d/b/a Horus, with 10 tables and 30 seats. DCA 1219355.

Vote: Unanimous, with 31 Board members in favor.

3. NEW application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Hudson Falafel, Inc., d/b/a Hudson Falafel Restaurant, 516 Hudson Street, New York, N.Y., with 8 tables and 15 seats. DCA # 1219470.

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

WHEREAS, there was no community opposition; and

WHEREAS, this location has had a sidewalk café for over 7 years; and

WHEREAS, this was actually a change in ownership; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Hudson Falafel Inc., d/b/a Hudson Falafel Restaurant, 516 Hudson Street, New York, N.Y., with 8 tables and 15 seats. DCA # 1219470.

Vote: Unanimous, with 31 Board members in favor.

4. NEW application for Lafayette Street Partners d/b/a Chinatown Brasserie, 380 Lafayette Street, New York, N.Y. 10003 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 23 tables and 84 seats. DCA # 1219985.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, there were letters of support from the community; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Lafayette Street Partners d/b/a Chinatown Brasserie, 380 Lafayette Street, New York, N.Y. 10003 with 23 tables and 84 seats. DCA # 1219985.

Vote: Unanimous, with 31 Board members in favor.

RENEWAL APPLICATIONS

1. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Restaurant Ventures of NY, Inc., d/b/a Savore, 200 Spring Street, New York, N.Y. 10012, with 6 tables and 24 seats. DCA # 0920983.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, and there has been a sidewalk café at this location for over 10 years; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Restaurant Ventures of NY, Inc., d/b/a Savore, 200 Spring Street, New York, N.Y. 10012, with 6 tables and 24 seats. DCA # 0920983.

Vote: Unanimous, with 31 Board members in favor.

2. RENEWAL application for Maneken Corp., d/b/a Petite Abeille 466 Hudson Street, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 6 tables and 11 seats. DCA # 097968.

WHEREAS, the owner failed appeared before the committee; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Maneken Corp., d/b/a Petite Abeille 466 Hudson Street, New York, N.Y. 10014, with 6 tables and 11 seats. DCA # 097968.

Vote: Unanimous, with 31 Board members in favor.

3. RENEWAL APPLICATION for Cobra Caterer Inc., d/b/a Dublin 6/Topsy, 575 Hudson Street, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 7 tables and 24 seats. DCA # 1135398.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, there are no changes in the configuration of the café since its last application; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to Cobra Caterer Inc., d/b/a Dublin 6/Topsy, 575 Hudson Street, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 7 tables and 24 seats. DCA # 1135398.

Vote: Unanimous, with 31 Board members in favor.

4. RENEWAL application for Grotta Azzura Inn, Inc., 177 Mulberry Street New York, N.Y. 10013 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 36 tables and 72 seats. DCA # 1150943.

WHEREAS, the owners appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this restaurant has had a good working relationship with the community for many years; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to Grotta Azzura Inn, Inc., 177 Mulberry Street New York, N.Y. 10013 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 36 tables and 72 seats. DCA # 1150943.

Vote: Unanimous, with 31 Board members in favor.

5. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Gallo Nero Inc., d/b/a Ciao 185 Bleecker Street, New York, N.Y. 10012, with 11 tables and 22 seats. DCA # 1099505.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Gallo Nero Inc., d/b/a Ciao 185 Bleecker Street, New York, N.Y. 10012, with 11 tables and 22 seats. DCA # 1099505.

Vote: Unanimous, with 31 Board members in favor.

6. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Lu-Ann Bakery Shop Inc, d/b/a Bruno Bakery, 506 La Guardia Place, New York, N.Y. 10012, with 8 tables and 16 seats. DCA # 0762511.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this restaurant has been operating as a good neighbor for over twenty years in the community; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Lu-Ann Bakery Shop Inc, d/b/a Bruno Bakery, 506 La Guardia Place, New York, N.Y. 10012, with 8 tables and 16 seats. DCA # 0762511.

Vote: Unanimous, with 31 Board members in favor.

7. RENEWAL application for Mestizo Inc., d/b/a Good, 89 Greenwich Street, New York, N.Y. 10013 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 7 tables and 16 seats. DCA # 1160579.

WHEREAS, the owners appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this restaurant has had a good working relationship with the community for many years; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to Mestizo Inc., d/b/a Good, 89 Greenwich Street, New York, N.Y. 10013 for a TWO YEAR revocable consent to operate an Unenclosed sidewalk café with 7 tables and 16 seats. DCA # 1160579.

Vote: Unanimous, with 31 Board members in favor.

8. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed sidewalk café for Fiddlesticks, LLC., d/b/a Fiddlesticks 54-56 Greenwich Ave., New York, N.Y. 10011, with 16 tables and 29 seats. DCA # 1133898.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no changes in the seating arrangement at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Fiddlesticks, LLC. d/b/a Fiddlesticks 54-56 Greenwich Ave., New York, N.Y. 10011, with 16 tables and 29 seats. DCA # 1133898.

Vote: Unanimous, with 31 Board members in favor.

9. RENEWAL application for a TWO YEAR revocable consent to operate an unenclosed sidewalk café for Hudson Vault, LLC., d/b/a Vento Trattoria, 675 Hudson Street, New York, N.Y. 10014, with 51 tables and 141 seats. DCA # 1159248.

WHEREAS, the construction manager appeared as the representative before the committee; and

WHEREAS, the committee expressed an interest in a voluntary reduction by the owner in the number of tables and chairs as a good will gesture due to the enormity of this sidewalk café and its impact on the already congested Meat Market area; and

WHEREAS, the owner Steve Hanson was connected to us from Arizona by his assistant who was also present; and

WHEREAS, under protest Steve Hanson agreed to reduce the size of the sidewalk café by 3 tables and 6 seats; and

WHEREAS, the majority of the committee saw this as a positive effort on his part in addition to a previous voluntary reduction in the total number of tables and chairs; and

WHEREAS, several members of the committee were still opposed on philosophical grounds to the granting of the consent to operate a sidewalk café; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Hudson Vault, LLC. d/b/a Vento Trattoria, 675 Hudson Street, New York, N.Y. 10014, for 48 tables and 135 seats. DCA # 1159248

Vote: Unanimous, with 31 Board members in favor.

10. RENEWAL application for a TWO YEAR revocable consent to operate an unenclosed sidewalk café for Alfama Restaurant Inc., 551 Hudson Street, New York, N.Y. 10014, with 13 tables and 26 seats. DCA # 1035000.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, a tenant of the building appeared on behalf of the restaurant; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Alfama Restaurant Inc., 551 Hudson Street, New York, N.Y. 10014, with 13 tables and 26 seats. DCA # 1035000.

Vote: Unanimous, with 31 Board members in favor.

11. RENEWAL application for Erjo Company, LLC., d/b/a Mottsu, 285 Mott Street, New York, N.Y. 10012 for a TWO YEAR revocable consent to operate an Unenclosed sidewalk café with 5 tables and 8 seats. DCA # 0968091.

WHEREAS, the owner and or his representative failed to appear before the committee; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends DENIAL to Erjo Company, LLC. d/b/a Mottsu, 285 Mott Street, New York, N.Y. 10012 for a TWO YEAR revocable consent to operate an Unenclosed sidewalk café with 11 tables and 22 seats. DCA #1007220.

Vote: Unanimous, with 31 Board members in favor.

RENEWAL FOR ENCLOSED SIDEWALK CAFE

1. RENEWAL application for Oliver King Enterprises Inc., d/b/a/ Empire Szechuan Village, 173 7th Ave. South, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an ENCLOSED Sidewalk Café with 11 tables and 22 seats. DCA# 1007220

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there was residents who appeared to support this application and

WHEREAS, this restaurant has had a good working relationship with the community for many years; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL to Oliver King Enterprises Inc., LLC. d/b/a Mottsu, 285 Mott Street, New York, N.Y. 10012 for a TWO YEAR revocable consent to operate an Unenclosed sidewalk café with 11 tables and 22 seats. DCA #1007220.

Vote: Unanimous, with 31 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Tour Buses

WHEREAS, in recent years the number of tour buses has proliferated in the Community Board 2 area, particularly on Spring Street and Broadway; and,

WHEREAS, as a result, the impact of tour buses on the narrow streets within the historic districts of SoHo and the West Village is growing, resulting in unsafe conditions for pedestrians, increased traffic congestion and possible harm to historic structures. In addition, the quality of life for local residents has been adversely affected by the pollution from idling buses and constant noise from the loudspeakers of open-air buses.

THEREFORE BE IT RESOLVED, that CB#2, Man., urges the NYC Department of Transportation and the Mayor's Office to use their permit-granting authority to set standards regulating tour buses that will (i) limit the number of bus routes within historic districts and re-route buses and bus stops off the most

congested streets during rush hour, (ii) encourage the use of clean-air technology and hybrid vehicles, (iii) set strict guidelines on permissible decibel levels from loudspeakers, and (iv) discourage idling by buses.

Vote: Unanimous, with 31 Board members in favor.

2. Turning Lane at the Northwest Corner of Broome and Lafayette

WHEREAS, the intersection at Broome and Lafayette Streets is extremely dangerous for pedestrians who wish to cross; and

WHEREAS, an additional turning lane was installed at this location without the consultation of the community;

THEREFORE BE IT RESOLVED, that CB#2, Man., requests that the NYC Department of Transportation remove the right-hand turning lane on the north side of Lafayette leading into Broome Street.

3. Lack of Traffic Enforcement in SoHo

WHEREAS, most traffic control officers in SoHo are deployed to the Holland Tunnel, according to a representative from the NYPD's Traffic Control Unit who appeared at the community board's recent meeting on traffic issues in SoHo; and

WHEREAS, the shortage of such officers elsewhere within SoHo has resulted in a glaring lack of traffic enforcement within the SoHo neighborhood, especially at the key intersections of West Broadway and Broome, Greene and Broome, and Varick and Spring Streets, which has resulted in severe danger for pedestrians and intense traffic congestion.

THEREFORE BE IT RESOLVED, that CB#2, Man., urges the NYPD to add additional officers from the Traffic Control Unit to police SoHo beyond the Holland Tunnel, particularly at the intersections of intersections of West Broadway and Broome, Greene and Broome, and Varick and Spring Streets during rush hours.

BE IT FURTHER RESOLVED, that CB#2, Man. requests the NYC Department of Transportation place (i) "Do Not Block the Box" signage at the intersections of intersections of West Broadway and Broome, Greene and Broome, and Varick and Spring Streets and (ii) placing cameras at such locations to help regulate traffic flow during rush hours.

Vote: Unanimous, with 31 Board members in favor.

4. Proposed Trial Parking Regulation Change on Prince Street

WHEREAS, there is a shortage of free parking spaces in SoHo; and

WHEREAS, while this community board strongly encourages the use of mass transit, the lack of alternate side parking in SoHo disproportionately affects many local residents who cannot afford to pay for garage space.

THEREFORE BE IT RESOLVED, that CB#2, Man., requests that the parking regulations be changed on a trial basis on the north side of Prince Street, between Broadway and Mercer, from "No Parking; 8 AM – 6 PM, Monday – Friday" to alternate side parking two days per week.

Vote: Unanimous, with 31 Board members in favor.

ZONING AND HOUSING

1. An interpretation by the Division of Housing and Community Renewal (DHCR) of the demolition provisions of the Rent Stabilization Law that allows owners to use an interior renovation as a reason to evict rent stabilized tenants.

WHEREAS: Some owners off rent regulated apartment buildings are filing for a "demolition application" with the New York State Division of Housing and Community Renewal ("DHCR") seeking to evict rent regulated tenants, And

WHEREAS: This interpretation of “Demolition” allows owners to use an interior renovation as a reason to evict rent stabilized tenants, And

WHEREAS: DHCR has been granting these permits with little review, And

WHEREAS: Under a recent code amendment the holding of a hearing for a "demolition application" is now discretionary and DHCR has been issuing permits without holding hearings thus not allowing the tenants due process, And

WHEREAS: These tenants lack the resources and have little recourse and little time to organize and respond, And

WHEREAS: The use of this demolition application allows the purchase of a low value building and quickly converting it to a high value building yielding tremendous profits for owners at the expense of low income tenants, And

WHEREAS: The use of this method of evicting rent regulated tenants is becoming more common, And

WHEREAS: CB#2, Man. has experienced the loss of affordable housing at an alarming rate when there is a tremendous need for this kind of housing, And

THEREFORE, BE IT RESOLVED: That CB#2, Man. strongly supports maintaining the vital resource of affordable housing, And

BE IT FURTHER RESOLVED: That CB#2, Man. requests that our local and state public officials review the law that governs these applications and revise the law to prevent unwarranted evictions and to preserve the rights of rent regulated tenants, And

BE IT FURTHER RESOLVED: That CB#2, Man. calls on the New York State Division of Housing and Community Renewal to exercise their discretionary rights and always hold a proper hearing on every demolition application, And

BE IT FURTHER RESOLVED: That CB#2, Man. requests that DHCR provide CB #2, Man. with the following information: As it relates to those procedures outlined in DHCR Operational Bulletin 2002-1, from January 2003 to the present date, how many applications for the demolition of occupied housing accommodations have been submitted to DHCR, how many have been approved, how many have been denied, how many are still pending, and the addresses of these buildings.

Vote: Passed, with 28 Board members in favor, and 3 recusals (M.P. Derr, J. Paul, R. Sanz).

2. An NYC Department of Buildings ruling that Sections 23-011 & 28-00 of the NYC Zoning Resolution allow the bulk regulations of Quality Housing to apply to a single family house in non contextual districts.

WHEREAS: CB#2, Man. strongly supports Contextual Zoning and the mandatory requirements of Quality Housing in these zoning districts, And,

WHEREAS: The bulk rules in contextual districts clearly apply to all buildings within the district, And,

WHEREAS: The Quality Housing program provisions of Set. 28-00 clearly do not apply to one and two family buildings, And,

WHEREAS: The Quality Housing program was intended to provide incentives for the construction of multi family housing compatible with existing neighborhood scale and character, And,

WHEREAS: The question has arisen as to whether the application of bulk provisions of Quality Housing apply to one and two family buildings in non contextual districts where the requirements are optional under Sect. 23-011 (R6, R7, R8, R9 or R10 Districts), And,

WHEREAS: The application of the bulk provisions of Quality Housing to one and two family buildings in non contextual districts would provide an increase in floor area that would not be appropriate, And,

WHEREAS: The NYC Department of Buildings has made an interpretation that stretches the boundaries of the zoning beyond what was intended without considering the policy consciences and the impacts on our communities.

THEREFORE BE IT RESOLVED: That CB#2, Man. finds that the language of Sect. 23-011 appears not to apply to one and two family buildings, however, the wording is not clear, And,

BE IT FURTHER RESOLVED: That CB#2, Man. finds that the Quality Housing program provisions of Set. 28-00 clearly do not apply to one and two family buildings, And,

BE IT FURTHER RESOLVED: That CB#2, Man. requests that the Department of City Planning and the Department of Buildings clearly state their position on this issue and provide CB#2 with an explanation of their findings, And,

BE IT FURTHER RESOLVED that CB#2, Man. requests that Department of City Planning propose a change to the text of Sect. 23-011 that would clearly define this application of the bulk provisions of Quality Housing in non contextual districts does not apply to one and two family buildings.

Vote: Unanimous, with 31 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Mark Rosenwasser
Assistant Secretary
Community Board #2, Manhattan