

FULL BOARD MINUTES

DATE:
TIME: 6:30 P.M.
PLACE:

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Carter Booth, Leonard Cecere, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Harriet Fields, Sheelah Feinberg, Lawrence Goldberg, Jo Hamilton, Anne Hearn, Don Lee, Raymond Lee, Elizabeth Loeb, Edward Ma, Dr. John Maggio, Jason Mansfield, Rosemary McGrath, Philip Mouquinho, Patrick Munson, Judy Paul, Annie Vanrenterghem-Raven, David Reck, Robert Riccobono, Robert Rinaolo, Arthur Z. Schwartz, Shirley Secunda, Shirley H. Smith, Richard Stewart, Sean Sweeney, Wilbur Weder, Betty Williams, Carol Yankay, Elaine Young

BOARD MEMBERS EXCUSED: Tobi Bergman, Helene Burgess, Lisa Cannistracci, Elizabeth Gilmore, Edward Gold, Arthur Harris, Brad Hoylman, Susan Kent, Christine Lindemann, Rick Panson, Rocio Sanz, Michael Xu

BOARD MEMBERS ABSENT: Garth Harvey, Don MacPherson, James Solomon

BOARD STAFF PRESENT: Bob Gormley, District Manager, Florence Arenas, Community Associate

GUESTS: Adam Riff, Senator Tom Duane's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Lee Grodin, 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, NYC Comptroller's office; Michael Kelly, Knox Martin, Camille Romanovich, Ira Goldberg, Charles DiNicholas, Gabrielle Huh, Debbie Ciriaolo, Carlos A. Suarez, Zella Jones, M. Johnson, Ann Arlen, Alfredo Jimenez, Lois Rakoff, Bob Cohen, Barbara Ingber, Eric Shultz, David Lehmann, J. Nunez,

MEETING SUMMARY

Meeting Date September 21, 2006
Board Members Present – 35
Board Members Excused–11
Board Members Absent - 4

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PUBLIC SESSION

Non-Agenda Items

Closure of Fire Patrol at West 3rd Street

Eric Shultz spoke against the closure. J. Nunez spoke in reference to the proposed closure.

NYU

David Lehmann, from the office of community relations for NYU, reported on upcoming events.

NYC Comptroller's office

John Ricker gave a general report from the Comptroller's office.

VA Hospital

Wilbur Weder reported that due to all of the support received in favor of keeping the hospital open, the VA Hospital will not be closing.

Thank You

Zella Jones thanked CB2 for their support regarding sidewalk cafes in the area.

Business Items

Teng K, Inc. d/b/a K Sushi, 357 W. Broadway

Michael Kelly, representing the applicant, spoke in favor of the proposed liquor license.

Charles DiNicholas, applicant, spoke in favor of the liquor license proposal.

Parks, Recreation, Open Space & Waterfront

Marine Transfer Station at Gansevoort Peninsula

Ann Arlen spoke against the proposed transfer station at the Gansevoort Peninsula.

Sidewalks, Public Facilities & Access Items

Save the Whales Wall Mural at 250 W. Houston St.

Knox Martin, painter of the mural, made a presentation of the proposed mural.

Barbara Ingber, representing the applicant, spoke in favor of the proposal. Camille Romanovich, artist, spoke in favor of the mural. Ira Goldberg, Arts Student League of NY, spoke regarding the proposal.

Traffic and Transportation Items

Installation a Speed Hump on West 13th Street bet. 7th & Greenwich Aves.

Debbie Ciralo spoke in favor of the proposal for a speed hump on 13th St.

ADOPTION OF AGENDA

ELECTED OFFICIALS PRESENT AND REPORTING

Adam Riff, Senator Tom Duane's office, announced Senator Tom Duane's upcoming Emergency Preparedness Forum.

Deborah Lester, Assembly Speaker Sheldon Silver's office, made an announcement that she was leaving Assembly Speaker's office, and stated that the new legislative aide will be Paul Goldstein, former District Manager of CB1 in Manhattan.

Gregory Brender, of Assembly Member Deborah Glick's office

Lee Grodin, 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 June Full Board and August Executive committee minutes and distribution of July minutes.

II. EXECUTIVE SESSION

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

Treasurer's Report – Please see attached EXHIBIT I

New York University and Labor Dispute

WHEREAS, in November 2005, the Graduate Students Organizing Committee (GSOC) comprised of New York University (NYU) teaching assistants, authorized a strike against NYU; and

WHEREAS, at its Full Board meeting on November 17, 2005, Community Board #2, Manhattan (CB#2, Man.) passed a resolution not to involve itself in a labor dispute between NYU and its teaching assistants, who are represented by the United Auto Workers union; and

WHEREAS, CB#2, Man. further resolved not to hold any of its meetings at NYU facilities until the labor dispute was settled; and

WHEREAS, on September 5, 2006, the first day of classed, GSOC members resumed their teaching responsibilities, thereby ending their strike.

THEREFORE, BE IT RESOLVED that CB#2, Man. will resume holding its meetings at NYU facilities.

Vote: Unanimous, with 35 Board members in favor.

2. EXECUTIVE COMMITTEE

BUSINESS

1. Astor Center Inc., 23 East 4th Street, NYC 10003

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a Catering license for a 3930 s.f. space off Lafayette Street, in a commercial building, to be used 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 to temporary lessees; there will be 36 permanent seating stations in a classroom, 36 additional seats in the flavor discovery dining room, a 12 person teaching kitchen, and 1 service bar; and,

WHEREAS, after an initial denial in response to community concerns, there has been significant negotiation with the community, resulting in a written agreement for operation and proposed agreements and rules for temporary lessees of the space; and

WHEREAS, the applicant stated that the hours of operation will be 8:00 a.m. – 12 a.m. Monday through Thursday, and 8:00 a.m. – 1 a.m. Friday through Sunday; the last hour of operation each day is for cleanup and clearing of the space only, not for continued service of patrons; music will be via a sound system; maximum sound levels on the audio system will be governed by a device controlled by management, not temporary lessees, and sound insulation is to be installed as needed; management will be on hand at all times and accessible; a copy of the entire agreement reached with the community will be forwarded to the SLA with CB#2, Man.'s resolution; and,

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

THEREFORE, BE IT RESOLVED that, subject to all facets of the written understanding entered into on August 2, 2006 between Astor Center Inc. and the local community (attached), CB#2, Man. has no objection to the approval of a Catering license to Astor Center Inc., 23 East 4th Street, NYC.

Vote: Unanimous, with Board members in favor.

2. 186 West 4th St. Management Co., Inc., 186 West 4th Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license pursuant to purchase of a location currently licensed as Boxers, located off Barrow Street, encompassing a 2,000 s.f. bar/restaurant in a residential building, consisting of 98 table seats and 1 bar with 17 seats; the location in question has been licensed for over 30 years; no changes will be made to the current operation aside from a name change to Oliver's; this applicant was approved for an On Premise license at this location in 2004 by CB#2, Man., however, the current tenant refused to vacate, resulting in litigation and this subsequent reapplication; the applicant has operated the Slaughtered Lamb on the same street for many years; and,

WHEREAS, the applicant stated that the hours of operation will remain 11:30 a.m. – 3:30 a.m.; the music will be background only; there may be a sidewalk café application but no backyard garden; and,

WHEREAS, there are no complaints regarding the current operation of the premises; two community members requested a 500' rule hearing, however, the continuously licensed history of the premises extends to well before November 1, 1993, rendering a 500' rule hearing inapplicable; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the granting of an On Premise license to 186 West 4th St. Management Co., Inc., 186 West 4th Street, NYC.

Vote: Unanimous, with Board members in favor.

3. Mood Food, Ltd., 64 Downing Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a catering restaurant located between Bedford and Varick Streets, in the location formerly licensed as Juno's, encompassing 1,600 s.f. in a commercial building, consisting of 60 table seats and 1 bar with 0 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11:00 p.m. – 1 a.m.; the music will be background only; there will not be a sidewalk café nor a backyard garden; the business plan is centered around reservations for a catered lunch/dinner party atmosphere; 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 granting of an On Premise license to Mood Food, Ltd., 64 Downing Street, NYC..

Vote: Unanimous, with Board members in favor.

4. Uno Restaurants II, LLC, 391-393 Avenue of the Americas, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, the application is for an On Premise license, pursuant to a corporate transfer of ownership, in a chain restaurant with no changes to the operation located in a commercial building between Waverly Place and West 8th Street, encompassing 3,100 s.f., consisting of 86 table seats and 1 bar with 11 seats; and,

WHEREAS, the applicant stated that the hours of operation will continue to be 11:00 a.m. – 12:00 a.m. Sundays, 11:00 a.m.-1:00 a.m. Monday-Thursday, and 11:00-2:00 a.m. Friday & Saturday; the music is background only; there will be a sidewalk café; and,

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

THEREFORE, BE IT RESOLVED, CB#2, Man. has no objection to the approval of an On Premise license to Uno Restaurants II, LLC, 391-393 Avenue of the Americas, NYC.

Vote: Unanimous, with Board members in favor.

5. Bac Bars Group LLC, 533 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license, pursuant to purchase, for the Sazarac House Bar and Grill, a 1,250 s.f. bar/restaurant, located in a mixed use building off Charles Street, consisting of 45 table seats and 1 bar with 10 seats; there is an enclosed sidewalk café but not a backyard garden; and

WHEREAS, the applicant stated that the hours of operation will continue to be 12:00 p.m. – 4:00 a.m., music will be background only; no changes to the operation are planned; and,

WHEREAS, there are no complaints regarding the location and a member of the community spoke in favor of the application; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premises license to Bac Bars Group LLC, 533 Hudson Street, NYC.

Vote: Unanimous, with Board members in favor.

6. Village Grill Inc., 137 7th Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a bar/restaurant in a 3,300 s.f. previously licensed premise located in a commercial building between Charles and 10th Streets, with 75 table seats with 2 bars with 40 seats; and,

WHEREAS, the applicant stated that the hours of operation are 12 p.m. – 2 a.m.; there will be a sidewalk café but no backyard garden; music will be provided by jukebox; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to Village Grill Inc., 137 7th Avenue South, NYC.

Vote: Unanimous, with Board members in favor.

7. Min Jung Kim, 317 West 13th Street, NYC

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

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

WHEREAS, members of the community appeared in opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Min Jung Kim, 317 West 13th Street, NYC, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step is not avoided and that the concerns of the community be fully heard.

Vote: Unanimous, with Board members in favor.

8. Beleza Alma, LLC, 3 9th Avenue, NYC

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

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

WHEREAS, members of the community appeared in opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Beleza Alma, LLC, 3 9th Avenue, NYC, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step is not avoided and that the concerns of the community be fully heard.

Vote: Unanimous, with Board members in favor.

9. Panzi Enterprises LLC, 92 7th Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an On Premise license in an 1,800 s.f. restaurant, to be called Pardo’s Chicken, in a previously licensed premise located between Bleecker and Grove Streets in a mixed use building, with 40 table seats and 1 bar with 5 seats; and,

WHEREAS, the applicant stated that the hours of operation are 12 p.m. – 11 p.m. weekdays and 12 p.m. – 1 a.m. weekends; music will be background only and there will be a sidewalk café application but not a backyard garden; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to Panzi Enterprises LLC, 92 7th Avenue South, NYC.

Vote: Unanimous, with Board members in favor.

10. LHC Group, Inc., 29 7th Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an On Premise license for a 3,000 s.f. Thai fusion restaurant, to be called Hurapan Kitchen, located in a previously licensed premise off Bedford Street, in a mixed use building, with 100 table seats and 1 bar with 8 seats; music will be background only and there may be a sidewalk café application but no backyard garden; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m.-11 p.m., Sunday-Thursday and 11 a.m.-12 a.m., Friday and Saturday; 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 LHC Group, Inc., 29 7th Avenue South, NYC.

Vote: Unanimous, with Board members in favor.

III. LANDMARKS & PUBLIC AESTHETICS

2ND AUGUST MEETING

307-309 West Broadway Laid over at the request of the applicant.

510 Hudson St.

This item has already been heard and voted on at both the earlier July committee meetings. At the first one it was rejected for more information, so the applicant returned at our July 17 meeting with the required information and the Committee, and thereafter the Board, voted to recommend approval of this application for 510 Hudson St. for a rear yard addition.

13-15 Little West 12th Street

WHEREAS, this application in a different design was before CB#2, Man. in July, 2006, and CB #2 recommended approval of the design as being appropriate for the district, and

WHEREAS, at the Landmarks Preservation Commission hearing (LPC), the 20 foot rear yard above the first floor had been eliminated, and

WHEREAS, at the LPC hearing, a number of the commissioners recommended some additional changes in the design – less side lot line windows, more variation in the brick, and, as a major design change, switching the bulk of this “through block” building from Little West 12th Street to 13th Street (by removing one floor from one side and adding one floor to the other), with a setback on the Little West 12th Street side top floor, and

WHEREAS, at the LPC hearing, CB#2, Man. requested the applicant bring his revised proposal back to the Community Board for review, and

WHEREAS, the applicant came to the July 24, 2006 Landmarks Committee meeting and presented the proposed changes in design, with sketches and plans and samples of the new brick type,

WHEREAS, the changes suggested by the LPC and adopted by the applicant were positive for the community and the district, improving on the design for the building previously submitted,

THEREFORE, BE IT RESOLVED, CB#2, Man. recommends approval of this revised design for 13-15 Little West 12th Street, including the 13th Street side of the building,

Vote: Unanimous, with Board members in favor.

33 Barrow Street, 73 7th Avenue

WHEREAS, most of the changes planned for this small building are on the 7th Avenue side, except for repairing and pointing the brickwork, and

WHEREAS, the design shown had two store entries, with windows on either side, and a large center window was divided into two panels, allowing the internal space to be divided by two existing commercial tenants, and

WHEREAS, the current awning would be removed and replaced by a new fixed awning with open sides, and all new signage would be solely on the front flap of the awning, a green awning with lettering approximately 8 inches high, and

WHEREAS, there would still be roll down gates, but if possible such gates would be installed inside of the stores, or if that is not possible than behind the piers, and

WHEREAS, the current 3 foot by 18 inch banner on the side of the building will remain, and

WHEREAS, new light fixtures will be installed, one above each window and each of the two doors, eight in all,

THEREFORE, BE IT RESOLVED, CB#2, Man. has no objection to the proposed changes for this building at 33 Barrow Street, but feels that the Barrow Street portion, very visible as you approach this building from 7th Avenue, should also be part of the redesign for the storefronts on a consistent basis.

Vote: Unanimous, with Board members in favor.

IV. 92 Horatio Street

WHEREAS, this is a partial proposal for what is anticipated to be a more extensive proposal later involving restoration of the cornice, and replacing the brownstone at the first floor, but

WHEREAS, this proposal only involves changing the various mismatched windows on the building (currently six over six, three over three, etc.) to a uniform and more traditional 2 over 2 on the street facades of the building, and 1 over 1 in the rear, and

WHEREAS, the street windows will have a slightly rounded molding at the top to match the slightly rounded window opening, and

WHEREAS, a member of the cooperative board of the building attended the meeting and stated that the building owners were in favor of the proposed changes,

THEREFORE, BE IT RESOLVED, CB#2, Man. recommends approval of the proposal for the new windows at 92 Horatio Street.

Vote: Unanimous, with Board members in favor.

Although on the calendar, 129 MacDougal Street and 414, 416, 418 West 14th Street were both previously before the Committee and voted on and therefore were not considered at this meeting.

95 Horatio Street again requested the application be adjourned to a later, unspecified, date. Accordingly, the Committee did not address this application.

1st SEPTEMBER MEETING

475-477 West Broadway – application to install a painted wall sign.

WHEREAS, the application is to replace the current painted sign on the side of this building, a sign showing a bottle, with a small amount of text above it, and

WHEREAS, the proposed sign is smaller in width than the existing one, and smaller in overall dimensions, it is much longer than the existing sign, going from 32 feet tall to 43 feet, and

WHEREAS, although the overall dimensions of the sign are reduced (from 642.4 sq. ft. to 571.2 sq. ft.), the proposed sign extends in length to almost the full height of the building only inches from the parapet, and includes only four extremely large letters (“H U G O”) in black on a white background, and

WHEREAS, it was the view of the committee that the proposed sign, as shown, was too bold and disproportionate to the wall space, and inappropriate for the neighborhood

THEREFORE, BE IT RESOLVED CB#2, Man. recommends denial of this sign application as being too large and conspicuous for this highly visible site at 475-477 West Broadway.

Vote: Unanimous, with Board members in favor.

350 Blecker St. – application to install new infill and paving at entrance.

WHEREAS, this is a contemporary building built in 1963 which is need of repairs, and

WHEREAS, the proposal is to replace the current sidewalk material at the entrance with 3/4" thick “flamed” granite tiles on the outside sidewalk leading to the entrance and continuing with similar finished granite tiles on interior entrance floor, and

WHEREAS, the interior ramp in the lobby, visible from the street, would be replaced with a new and similar structure of the same material in the same location, and

WHEREAS, the present seven windows with mullions at the front of the building would be replaced with five slightly larger glass panels without mullions, and the glass door would be replaced with a similar one, and

WHEREAS, the current blue panels attached to some of the fire escape structure would be removed and the newly exposed fire escaped would be repainted black, and

WHEREAS, there would no change in the awning,

THEREFORE, BE IT RESOLVED, CB#2, Man. has no objection to the changes proposed for 350 Blecker Street.

Vote: Unanimous, with Board members in favor.

37 Barrow Street, a/k/a 74-76 7th Ave. South – application to alter the façade and sidewalk café.

WHEREAS, on the Barrow Street Side of the building, the white brick work on the first floor seemed to be original with detail which may be worth preserving, but the red brick work on the second floor, added later, has no obvious redeeming quality, and

WHEREAS, there was some question about the color of the brickwork, the applicant originally planning on replacing the white bricks with red, and claiming that a change was made to the plans at the request of the Landmarks Preservation Commission staff such that the red bricks would instead be changed to white, and

WHEREAS, the proposal to replace the windows on the second floor with casement windows similar to the original wood frame windows currently existing on the first floor is consistent with the original design of the building, and

WHEREAS, the former side door (Barrow St.), previously closed and filled in with cinder block, will be reopened and restored to use as a fire exit, and

WHEREAS, the original side door (Barrow St.) frame was larger than the proposed new door, and the applicant was not clear concerning the manner in which the difference in size would be remedied, but indicated that the extra space would be filled in with matching bricks, and

WHEREAS, the current canvas awning would be replaced with a metal one, and

WHEREAS, the present windows for the sidewalk café would be replaced with glass panels which would fold back and slide out of the way, creating a more open look to the café, and the new windows would have a wood base reduced from the present 2 foot base to 18 inches,

THEREFORE, BE IT RESOLVED, CB#2, Man. approves the work on the second floor; with respect to the remainder of the application is approved as follows: that the design of the café windows should be more like the casement windows above; that the bulkhead height is not inconsistent with the neighborhood or the building design; that the area around the side exit door (Barrow St.) should be the same as the rest of the wall and the door should be consistent with the size of the previously existing frame; that the preference of the Community Board is that the entire building should be of one brick color and that no brick should be painted; and that the proposed metal awning is not objectionable but may be not legal for a sidewalk café which is technically a “temporary structure.”

Vote: Unanimous, with Board members in favor.

V. SIDEWALKS, PUBLIC FACILITIES & ACCESS

Proposal for a Mural called “Saving the Whales”, to be painted on the outside western wall of the Manhattan Occupational Training Center (250 West Houston St.) facing Houston Street, by the New York painter Knox Martin.

WHEREAS, this proposal was passed by the Sidewalks Committee but tabled at the subsequent full board meeting; and

WHEREAS, there had been a question with regard to permission for the painting of the mural from the School (Manhattan Occupational Training Center) and the Dept of Education; and

WHEREAS, there had been doubt about the order in which the proposal should be processed specifically that the Arts Commission should sign off on it first before the Community Board; and

WHEREAS, the artist Knox Martin did produce a letter with permission from the School Principal and the Dept of Education for the painting of this mural; and

WHEREAS, a form from the Arts Commission was produced which shows a space asking for what input the Community Board took on the proposal; and

WHEREAS, the Full Board felt that the artist should come back one more time to give “more people” a chance to weigh in on the proposal since the August Full Board meeting was held as part of the Executive Committee Meeting; and

THEREFORE, BE IT RESOLVED that the full board recommends holding off on a vote until the September Full Board meeting scheduled for September 21, 2006.

Vote: Unanimous, with Board members in favor.

NEW APPLICATIONS FOR SIDEWALK CAFES:

NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Smorgas Chef West Village LLC, 238 W. 12th Street, New York, NY 10014, with 15 tables & 30 seats. DCA # 12331

WHEREAS, this restaurant is located on West 12th between W. 4th Street and 8th Ave.; and

WHEREAS, the applicant will remove the tree guards and install flat porous pavers or grating around the tree; and

WHEREAS, the applicant will install a flat metal plate over the depression against the wall on the W. 4th street side of the cafe; and

WHEREAS, the electric sign used as a menu display will be removed from the W. 12th side of the cafe; and

WHEREAS, the applicant has agreed to remove the garbage can enclosure from the W. 4th side of the café and the garbage cans will be removed and stored in the basement; and

WHEREAS, the applicant will hang a sign that reads: “Please respect our neighbor’s quiet”; and

WHEREAS, the committee received a letter of support for the café license; and

WHEREAS, the committee received a letter stating that the area was not posted and the District Manager Bob Gormley and the Chair of the Committee made a site visit and confirmed that the area was indeed posted; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to operate an Unenclosed Sidewalk Café to Smorgas Chef West Village LLC, 238 W. 12th Street, New York, NY 10014, with 15 tables and 30 seats. DCA # 1233131.

Vote: Unanimous, with Board members in favor.

NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for New Mekong Restaurant Corp., 16-18 King Street, New York, NY 10014, with 11 tables and 25 seats. DCA #1234468.

WHEREAS, this restaurant is located on the southwest corner of Ave. of the Americas and King Street; and

WHEREAS, this location was the former site of Le Pescadou which had operated a sidewalk café for over 10 years at this location; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this applicant intends to keep the same number of tables and chairs as the previous operator and the same configuration; and

WHEREAS, there was a letter of support from a resident who lives in a neighboring building; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to New Mekong Restaurant Corp., 16-18 King Street, New York, N.Y. 10014, with 11 tables and 25 seats. DCA #1234468.

Vote: Unanimous, with Board members in favor.

MODIFICATION APPLICATIONS:

1. PETITION TO MODIFY CONSENT for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for 191 Grand Restaurant Corp., d/b/a Novella, 191 Grand Street, New York, NY 10013, with 20 tables and 40 seats. DCA # 1226851.

WHEREAS, this application requests an increase from 11 tables to 20 tables and from 26 seats to 40 seats; and

WHEREAS, the restaurant is located on the southeast corner of Grand and Mulberry Streets; and

WHEREAS, the owners representative appeared before the committee; and

WHEREAS, the restaurant will use 18’’ tables; and

WHEREAS, there will be sufficient passage for pedestrians; and

WHEREAS, the owner Nicholas Criscitelli is also the owner of another established restaurant in Little Italy called Da Nico; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a PETITION TO MODIFY CONSENT for TWO-YEAR revocable consent to operate an Unenclosed Sidewalk Café to 191 Grand Restaurant Corp., d/b/a Novella, 191 Grand Street, New York, NY. 10013, with 20 tables and 40 seats. DCA # 1226851.

Vote: Unanimous, with Board members in favor.

2. PETITION TO MODIFY CONSENT for revocable consent to operate an Unenclosed Sidewalk Cafe for 151 Mulberry St. Corp., d/b/a Il Palazzo, 151 Mulberry Street, New York, N.Y. 10013 with 12 tables and 26 seats. DCA #1133767.

WHEREAS, applicant requests an increase from 5 tables to 12 tables and from 13 chairs to 26 chairs; and

WHEREAS, the owners representative appeared before the committees; and

WHEREAS, there was no community opposition; and

WHEREAS, the expansion will take place in front of the neighboring building which is the Stabile Bank and which has signed a lease with Il Palazzo; and

WHEREAS, there is sufficient passage for pedestrian passage; and

WHEREAS, this restaurant is located on Mulberry St. between Hester and Grand Streets; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a PETITION TO MODIFY CONSENT for TWO-YEAR revocable consent to operate an Unenclosed Sidewalk Café to 151 Mulberry St. Corp., d/b/a Il Palazzo, 151 Mulberry Street, New York, N.Y. 10013 with 12 tables and 26 seats. DCA #1133767.

Vote: Unanimous, with Board members in favor.

TRAFFIC AND TRANSPORTATION

Houston Street Bike Lane

WHEREAS, Houston Street is an essential cross town route for cyclists and is increasingly used by cyclists who cross the East River bridges in order to access the popular Hudson River Greenway; and,

WHEREAS, the 1997 New York City Bicycle Master Plan produced by the NYC Department of City Planning (“City Planning”) and the NYC Department of Transportation (“DOT”) designates Houston Street as a “proposed bicycle route” and lists many reasons why it is in the best interests of the City to promote bicycling; and,

WHEREAS, the 2006 NYC Cycling Map produced by City Planning and DOT designates Houston Street as a “planned/proposed route,” and prior editions of the map label Houston Street a “recommended route;” and,

WHEREAS, DOT’s current plan for the Houston Street Reconstruction project does not reflect any elements to accommodate cyclists, in direct contravention of the street’s designation by City Planning and DOT as a bicycle route; and,

WHEREAS, during thirteen months, three cyclists have been tragically killed in collisions with motor vehicles along Houston Street, and according to DOT data, 82 cyclists were injured or killed on this two-mile long street from 2002-2004, making Houston St. statistically one of the most dangerous streets for bicycling in New York City; and

WHEREAS, City Planning and DOT are wisely planning 5’ bicycle lanes with 3 –5’ buffers for East Houston Street, between FDR Drive and Forsyth Street, but no such bicycle lanes are planned for the western portion of Houston Street.

THEREFORE, BE IT RESOLVED, that CB#2, Man. commends City Planning and DOT for planning bicycle lanes on East Houston Street between FDR Drive and Forsyth Street, but in the interest of cyclist safety and common sense, implores the agencies to recognize their own designation of Houston Street as a bicycle route by extending protected cycling space to include the entire length of Houston Street.

Vote: Unanimous, with Board members in favor.

ZONING AND HOUSING

153-155 Spring St. a/k/a 4ll West Broadway – BSA #97-06. Application is for a physical culture establishment in an MI-5 zoning district, where it is not a permitted use.

WHEREAS, the Spa is on the second floor of a T-shaped building, with an entry on Spring St. and a second means of egress out to West Broadway, and

WHEREAS, the Spa occupies all of the second floor except for space occupied by elevator and enclosed stairs, and

WHEREAS, the other uses in the building are retail stores on the balance of the first floor except for the elevator, stair and corridor area, and art galleries or offices on the other floors in this 6 story building, and **WHEREAS**, the spa will be operated by Thai Privilege Spa (MY) Ltd., a subsidiary of Thai Privilege Health Care Co., Ltd. (a Thailand Corporation) incorporated in New York State, and

WHEREAS, this company has four other such Spas in other countries around the world, and the operator came to the Committee meeting to answer questions about the operation and also showed photos of some of the current existing spaces, and

WHEREAS, the applicant has agreed that all massage therapy will be performed by licensed operators, and

WHEREAS, this facility will also be selling health products in the entry lounge, and

WHEREAS, this facility, already in operation since June, will have no adverse effects on uses in the surrounding area,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for a physical culture establishment at 153-155 Spring St., for the requested term of 10 years.

Vote: Unanimous, with Board members in favor.

1. **District Manager's Report** Bob Gormley reported on the September District Service Cabinet meeting. Please see the minutes enclosed in this package.

STANDING COMMITTEE REPORTS

BUSINESS

1. **Carlos Alexis Suarez, 181 West 10th Street, NYC**

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a previously licensed 1900 s.f. restaurant off 7th Avenue, in a mixed use building, consisting of 70 table seats and 1 bar with 8 seats; and

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. –2:00 a.m.; the music will be background only; there will not be a sidewalk café but there will be a backyard garden which will close at 10:00 p.m.; and,

WHEREAS, there was no opposition to the application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the granting of an On Premise license to **Carlos Alexis Suarez, 181 West 10th Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

2. **SPRBAR, Inc., 310 Spring Street, NYC**

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a previously licensed 900 s.f. bar/restaurant off Washington Street, in a mixed use building, consisting of 45 table seats and 1 bar with 5 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 9:00 p.m. – 4:00 a.m.; the music will be by jukebox; there will not be a sidewalk café nor a backyard garden; and,

WHEREAS, there was no opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the granting of an On Premise license to **SPRBAR, Inc., 310 Spring Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

3. 220 West Houston Store, Inc., 220 West Houston Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license, in a previously licensed location, for a 1200 s.f. Italian restaurant off Varick Street, in a commercial building, consisting of 50 table seats and 1 bar with 12 seats; and

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 2:00 a.m.; the music will be background only; there will not be a sidewalk café nor a backyard garden; French doors will not remain open to the street during operation; and,

WHEREAS, there are no known complaints regarding the previously licensed establishment at this location (Bar Chicetti) and there was no opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the granting of an On Premise license to **220 West Houston Store, Inc., 220 West Houston Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

4. Martin’s Bar & Grill LLC, 228 West Houston Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license, in a previously licensed location, for an 1800 s.f. Caribbean restaurant off Varick Street, in a residential building, consisting of 70 table seats and 1 bar with 15 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 2:00 a.m.; the music will be background only; there will not be a sidewalk café nor a backyard garden; the rear exit to Downing Street will be for emergency use only; and,

WHEREAS, there are no known complaints regarding the previously licensed establishment at this location (Martin’s Bar & Grill) and there was no opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the granting of an On Premise license to **Martin’s Bar & Grill LLC, 228 West Houston Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

5. UAG Inc., 99 MacDougal Street NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 1500 s.f. eastern European fusion restaurant, located in a mixed use building off Bleecker Street, previously licensed as Babbu, consisting of 44 table seats and 1 bar with 10 seats; there will not be a sidewalk café nor a backyard garden; and

WHEREAS, the applicant stated that the hours of operation will be 4:00 p.m. – 3:00 a.m., music will be via jukebox and occasional live music; and,

WHEREAS, there was no opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of an On Premise license to **UAG Inc., 99 MacDougal Street NYC.**

Vote: Unanimous, with 35 Board members in favor.

6. Village Cantina Corp., 170 Bleecker Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a restaurant in a 1400 s.f. premise located in a residential building between MacDougal and Sullivan Streets, with 46 table seats with 1 bar with 0 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 12 p.m. – 12 a.m.; there will be a sidewalk café application but no backyard garden; music will be background only; and,

WHEREAS, a principal of Café Espanol is a major shareholder of the corporation, the lease prohibits operation of the premise as a bar, and no one from the community appeared in opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of an On Premise license to **Village Cantina Corp., 170 Bleeker Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

7. Teng K Inc., 357 West Broadway, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for an upscale sushi restaurant in an 1800 s.f. premise, previously licensed as Besito, located in a mixed-use building off Broome Street, with 36 table seats with 1 bar with 7 seats, and an 8 seat sushi bar, reducing the existing liquor bar to half its current length; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 12:30 a.m.; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

WHEREAS, applicant's principals live above the premise applied for and no one from the community appeared in opposition to this application; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of an On Premise license to **Teng K Inc., 357 West Broadway, NYC.**

Vote: Unanimous, with 35 Board members in favor.

8. Simple Does It LLC, 199 Prince Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a restaurant in a 1000 s.f. premise, previously licensed as Soho Cantina, located in a mixed-use building between MacDougal and Sullivan Streets, with 28 table seats and 1 bar with 8 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 12:00 a.m.; there will not be a sidewalk café nor a backyard garden; music will be background only; 2 of the 3 French doors will not be used except in emergencies, in order to reduce sound emanations; and,

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

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of an On Premise license to **Simple Does It LLC, 199 Prince Street, NYC.**

Vote: Unanimous, with 35 Board members in favor.

9. Gans-Mex LLC, 73 Gansevoort Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a Mexican restaurant in a 2500 s.f. premise, previously licensed as Meet, located in a commercial building with 85 table seats with 1 bar with 8 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m. – 1:00 a.m.; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

WHEREAS, of those community members appearing regarding this application, there was a 4 to 1 ration in favor of the applicant; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of an On Premise license to **Gans-Mex LLC, 73 Gansevoort Street, NYC**.

Vote: Unanimous, with 35 Board members in favor.

10. 114 Kenmare Associates, Inc., 106 Kenmare Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for the alteration of an existing On Premise license in a 2900 s.f. restaurant located off Lafayette Street, to include its recently approved, waiter serviced, 38 seat sidewalk café; the restaurant is in a mixed-use building, with 121 table seats and 1 bar with 9 seats; music is background only and there is not a backyard garden; the principal of the applicant lives in the building; and,

WHEREAS, no one from the community appeared in opposition to this application and there are no complaints regarding this operation; and,

THEREFORE, BE IT RESOLVED that CB2, Man. has no objection to the approval of alteration of the On Premise license of **114 Kenmare Associates, Inc., 106 Kenmare Street, NYC** to include its sidewalk cafe.

Vote: Unanimous, with 35 Board members in favor.

11. Kempinsky, Inc., 281 Lafayette Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for alteration of an existing On Premise license in the location known as Pravda, to add 1440 s.f. of liquor storage space to its operation; and,

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

THEREFORE, BE IT RESOLVED that, so long as the additional space is used only for storage and not for the service or use of patrons, CB2, Man. has no objection to the approval of the alteration of the On Premise license of **Kempinsky, Inc., 281 Lafayette Street, NYC**.

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

LANDMARKS AND PUBLIC AESTHETICS

2ND SEPTEMBER MEETING

451 Broadway - SoHo Cast Iron Historic District.

A store and loft building designed by J. B. Snook, and built in 1869. Application is to legalize the installation of a flagpole without Landmarks Preservation Commission permits.

WHEREAS, the applicant claims that the flagpole on the upper floor of the building was there when the building was purchased, although there is no record of when it was first installed,

WHEREAS, the company which is being advertised by the flagpole banner occupies the 3rd thru 6th floors of the building, and

WHEREAS, the flag on the flagpole appears to be 3' x 5' although the applicant could not give us the exact figures, and

WHEREAS, the flagpole appears to be attached to the building with three attachments into the face of the building and the mortar, and

WHEREAS, CB#2, Man. does not want to set a precedent for approving large banners on upper floors of the building,

THEREFORE, BE IT RESOLVED CB#2, Man. cannot recommend approval of this large 3' x 5' banner on the second floor of 451 Broadway.

Vote: Unanimous, with 35 Board members in favor.

155 Spring St. a/k/a 411 West Broadway - SoHo Cast Iron Historic District

A store and warehouse building designed by Robert Mork and built in 1887- 1888. Application is to alter the rear facade and create a barrier free entrance.

WHEREAS, this is a T-shaped building with a larger frontage on Spring St. and a narrower one on West Broadway, and

WHEREAS, no change is planned for the front windows, the only change on the front of the building is to convert the former elevator entrance to a handicapped access entry by extending the doors to street level and cutting out a portion of the steps in front of the door, thus allowing them to ramp up inside the entry to the first floor level, and

WHEREAS, at the rear of the building the existing metal shutters will be retained, and

WHEREAS, the present rear windows are too close to the building behind it, and there must be an additional 5' between the rear windows in this building if it is to be used for Joint Living Work Quarters for Artists, the proposal is to move the present rear windows 5' inside the building and, in the open space created, install a glass panel 3' 6" tall as a safety barrier, and

WHEREAS, not part of the current application, a request will be made to convert floors 3 through 5 to Joint Living Work Quarters for Artists, and

WHEREAS, the changes proposed are not destroying the fabric of the building,

THEREFORE, BE IT RESOLVED, CB#2, Man. finds the changes to the front entry is appropriate and recommends approval, and is please that the shutters at the rear will be retained, however,

BE IT FURTHER RESOLVED CB#2, Man., while understanding the rationale for the proposed window changes at the rear feels that the better course would be for the Landmarks Preservation Commission to request a waiver from the Dept. of Buildings for the requirement of separation of buildings between buildings if possible. If no such waiver were granted, we would ask that the applicant return to CB#2, Man. for further consideration of this part of the application.

Vote: Unanimous, with 35 Board members in favor.

150 Spring St. - SoHo Cast Iron Historic District.

A loft and manufacturing building originally built c. 1820 and re-designed by Otto Spannhake in 1909. Application is to replace a storefront and signage installed without Landmarks Preservation Commission approval.

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

WHEREAS, the applicant failed to appear before the Community Board Committee, nor did he contact us for an adjournment,

WHEREAS, members of the CB#2, Man. Landmarks and Aesthetics Committee expressed strong concern that the unique characteristics of this "loft and manufacturing building built c. 1820 and re-designed in 1909" in the SoHo Cast Iron Historic District would be destroyed by the proposed storefront and signage,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends denial of this application for 150 Spring St. in the absence of this important step in the review process.

Vote: Unanimous, with 35 Board members in favor.

PARKS, RECREATION, OPEN SPACE & WATERFRONT

Gansevoort Peninsula Recycled Waste Transfer Facility

WHEREAS:

1. The Gansevoort Peninsula promises to be the largest open park space within Hudson River Park, a promise which is of critical importance to our park-starved community.
2. The Gansevoort Peninsula is 50 yards from the Children's Water Playground on Pier 51, which has become one of the busiest playgrounds catering to toddlers and small children in the City.
3. With the exception of the existing transfer facility at Pier 99 (59th Street), the Hudson River Park Act prohibits sanitation uses in the Park which are incompatible with park use and requires that the City make its best efforts to exit from the Gansevoort Peninsula by the end of 2003.
4. The Hudson River Park Act was drafted over a period of five years, reviewed by many environmental, civic and community organizations, negotiated by both houses of the Legislature, Governor Pataki, and Mayor Giuliani, and signed into law in 1998. The Purpose of the Act was to create a waterfront park and to restrict, and in some cases phase out, existing and potential incompatible uses. It is unlikely that the State Legislature would agree to amend the law to include unprecedented intrusion into the Park, as proposed by the Plan.
5. The Hudson River Park was created in part to provide the West Side neighborhoods south of 59th Street with much-needed parkland, and also to compensate them for the many municipal facilities that had long been sited on their waterfront. And while we recognize the goal of the Solid Waste Management Plan (SWMP) that each part of the City assume responsibility for its share of waste, the Hudson River Park already has many municipal and quasi-governmental uses located in the park itself or in its vicinity. These include the ventilation shafts of the Holland and Lincoln Tunnels at Piers 24 and 79, respectively; the marine company fireboat at Pier 53; the Sanitation facility at Pier 99; the new Sanitation Garage at 57th Street; the heliport at 30th Street; the tow pound at Pier 76; the ferry terminal at Pier 79; the barge refueling facility for a Con Edison power plant at Pier 98; and the Passenger Ship Terminal at Piers 88-94. It must also be noted that Community Board 4 sacrificed three of its piers to profit-making commercial uses, with their tremendous traffic, and Pier 57, bordering the Village and Chelsea, which was an MTA Bus Depot, is also destined soon to be commercialized. The West Side communities that have only recently begun to enjoy the Hudson River Park have hardly been sheltered from their civic burdens.
6. While it is important for all five boroughs to share the responsibility for unpleasant tasks like waste management, it is just as important that there be equity in access to public amenities, like parks and the waterfront. It should be noted that while the Hudson River Park finally provides, or will provide, the West Village, Chelsea and Hell's Kitchen residents with a fairer share of open space, it is hardly theirs alone. The Hudson River Park is a destination that is enjoyed by visitors from all over the City and beyond.
7. The City, Friends of Hudson River Park and Senator Tom Duane, following litigation addressed to the failure of the Department of Sanitation to make efforts to leave Gansevoort, entered into a Consent Order, in the fall of 2005, pursuant to which Sanitation agreed to move its current uses off of Gansevoort by 2012.
8. When the current Sanitation operation is finally relocated from Gansevoort as required by State Law, it may not be replaced with another Sanitation use. Specifically, the Hudson River Park Act states:

Upon the relocation of any incompatible governmental uses, the Gansevoort peninsula, or any portion thereof from which such incompatible governmental uses are removed, shall be used solely for park use (of which at least eighty percent shall be passive and active public open spaces use), plus the marine company one fireboat station on Pier 53; provided however the City of New York shall use its best efforts for the relocation of the sanitation garage and by December 31, 2003 relocate the salt pile and remove the incinerator.
9. The City Council has passed a citywide Solid Waste Management Plan (SWMP) which addresses a need to lessen the burden of lower income communities, which now shoulder the bulk of the City's waste management facilities; that plan calls for the creation of a recycling facility and waste transfer station on the west side of the Gansevoort Peninsula. That proposal would see approximately 100 truck trips back and forth across the peninsula every day.
10. The proposed marine transfer station would deprive park users of this prime open space, block the view from other points of the park and limit public access to the water.
11. This proposal would also bring about an unacceptable level of diesel particulate in the park and in the playground at Pier 51, a pollutant which could severely harm the children of our community.

12. Alternative plans have been proposed for the handling of waste on the West Side, including the transport of waste out of the City by train, utilizing the Empire Line at some point between 30th and 59 Streets, and the use of Pier 76, which presently houses a tow pound and is not adjacent to a residential area.

13. Those alternative proposals do not appear to have been adequately explored by the City.

14. In order to use Gansevoort, the City would have to convince the State Legislature to amend the Hudson River Park Act.

15. In order to make the plan for Gansevoort more palatable, the City has developed a design which it asserts will minimize odors, and allow the waste transfer station to be used for educational purposes.

IT IS HEREBY RESOLVED:

1. CB2 strongly opposes the use of Gansevoort Peninsula as a recycled waste plant or transfer facility.
2. CB2 calls on Governor Pataki, Speaker Silver and Leader Bruno to resist efforts to introduce legislation to amend the Hudson River Park Act in a manner which would allow the use of Gansevoort Peninsula for a Waste Transfer Facility.
3. CB2 calls upon the City to take a responsible approach to solving the City’s waste management problem by exploring lawful alternatives to the use of Gansevoort, including the use of the Empire Line to transport waste out of Manhattan by rail or the use of Pier 76.
4. CB2 calls upon the City to utilize the design features it has proposed for Gansevoort, to upgrade existing facilities in communities which already have waste transfer stations.
5. CB2, in general, condemns the alienation of parkland in our city and in our state. Legislative approval of such parkland alienation would set a precedent which would threaten virtually every park in the state, a precedent which we find wholly unacceptable.

Vote: Passed, with 17 Board members in favor, 10 in opposition, 1 abstention, and 1 recusal (L. Goldberg).

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

Proposal for a Mural called “Saving the Whales”, to be painted on the outside western wall of the Manhattan Occupational Training Center (250 West Houston Street) facing Houston Street, by the New York painter Knox Martin.

WHEREAS, this proposal was passed by the Sidewalks Committee but tabled at the subsequent full board meeting; and

WHEREAS, there had been a question with regard to permission for the painting of the mural from the School (Manhattan Occupational Training Center) and the Dept of Education; and

WHEREAS, there had been doubt about the order in which the proposal should be processed specifically that the Arts Commission should sign off on it first before the Community Board; and

WHEREAS, the artist Knox Martin did produce a letter with permission from the School Principal and the Dept of Education for the painting of this mural; and

WHEREAS, a form from the Arts Commission was produced which shows a space asking for what input the Community Board took on the proposal; and

WHEREAS, the Full Board felt that the artist should come back one more time to give “more people” a chance to weigh in on the proposal since the August Full Board meeting was held as part of the Executive Committee Meeting; and

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval for the installation of the “Save the Whales” Knox Martin mural on the wall located on Hudson Street between Houston and Clarkson Streets.

Vote: Unanimous, with 35 Board members in favor.

RENEWAL APPLICATIONS FOR SIDEWALK CAFES:

1. RENEWAL APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Feenjon Corp, d/b/a Panchito's, 103-105 MacDougal St., New York, New York 10012, with 12 tables and 27 seats. DCA # 0855696.

WHEREAS, this restaurant is located on MacDougal St. between Bleecker and Minetta Lane; and

WHEREAS, there is no change in the number of tables and chairs; and

WHEREAS, Lois Rakoff of the Bleecker Street Area Merchants Association spoke in favor of the applicant as being a good neighbor; and

WHEREAS, there are no complaints on record at this time against the cafe; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Feenjon Corp, d/b/a Panchito's, 103-105 MacDougal St., New York, New York 10012, with 12 tables and 27 seats. DCA # 0855696.

Vote: Unanimous, with 35 Board members in favor.

2. RENEWAL APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for L'Atre d/b/a A.O.C., 314 Bleecker Street, New York, N.Y. 10014, with 2 tables and 4 seats. DCA #1159486.

WHEREAS, this restaurant is located on the southwest corner of Bleecker and Grove Streets; and

WHEREAS, there was no opposition to this application; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this applicant intends to keep the same number of tables and chairs and the same configuration; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to L'Atre d/b/a A.O.C., 314 Bleecker Street, New York, N.Y. 10014, with 2 tables and 4 seats. DCA #1159486.

Vote: Unanimous, with 35 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Obstacles Concerning Wheel Chair Users

WHEREAS, the DIA and Human Rights Commission are working hard to educate the public of the obstacles concerning the wheelchair users, and

WHEREAS, they offer free consultation and technical assistance to eliminate a one step obstacle, and

WHEREAS, they help avoid the possibility of a costly and lengthy lawsuit, and

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the ONE STEP PROGRAM in there efforts to require places and providers of a public accommodation to make reasonable efforts to provide access and services to all customers, and

BE IT FURTHER RESOLVED, that CB#2, Man. calls upon the Mayor's office and the City Council to increase the enforcement powers of the Commission on Human Rights.

Vote: Unanimous, with 35 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Install Distinctive Lighting on Jane Street Between Washington and West Streets

WHEREAS, Bruce Bent has raised private funds to replace three "cobra head" type street lights on Jane Street between Washington and West Streets with Type "F" lampposts with a decorative teardrop luminaire; and

WHEREAS, Mr. Bent has submitted a Street Lighting Plan to cover all of Jane Street from West Street to Greenwich Avenue in anticipation of future funding to replace the rest of the existing lighting; and

WHEREAS, the New York City Department of Transportation has requested the consent of the community board for this Street Lighting Plan in order to seek approval from the Art Commission; and

WHEREAS, the Jane Street Block Association supports the Street Lighting Plan.

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the Street Lighting Plan to install distinctive lighting as described above on Jane Street between Washington and West Streets.

Vote: Unanimous, with 35 Board members in favor.

2. Support of Installing a Speed Hump on West 13th Street between 7th and Greenwich Avenues.

WHEREAS, residents on West 13th Street are concerned about speeding traffic between 7th and Greenwich Avenues and the impact on pedestrian safety; and

WHEREAS, at the request of the these residents, the New York City Department of Transportation (DOT) conducted an investigation to determine the feasibility and need of installing a speed hump at this location and found that this location meets the necessary criteria.

THEREFORE BE IT RESOLVED, that CB#2, Man., supports installing a speed hump on West 13th Street between 7th and Greenwich Avenues for a six-month trial period, and requests that DOT (a) provide the committee a report of its effectiveness after such period has ended, and (b) consider installing two humps instead of one, and (c) ensures that the design and implementation of the initial speed hump will protect and promote the safety of bicycle riders.

Vote: Unanimous, with 35 Board members in favor.

3. Support of Changing the Parking Regulations at 101-105 Waverly Place to Add a Hotel Loading Zone.

WHEREAS, there is a chronic problem with deliveries, taxis and drop-offs in front of the Washington Square Hotel resulting in unsafe conditions for pedestrians and the issuance of tickets; and

WHEREAS, according to the NYC Department of Transportation, based on the number of rooms, the Washington Square Hotel is eligible for a hotel loading zone encompassing two parking spaces.

THEREFORE BE IT RESOLVED, that CB#2, Man. supports changing the parking regulations for two parking spaces in front of the Washington Square Hotel at 101-105 Waverly Place from “No Parking, Monday-Friday, 8am-6pm” to “No Standing or Parking, Hotel Loading Zone, Monday-Sunday, 24 hours.”

Vote: Passed, with 34 Board members in favor and 1 recusal (Judy Paul).

4. Support of Proposal to install “No parking, hotel loading zone” in front of 120 Lafayette Street, near the northwest corner of Canal Street (Hotel Azure).

WHEREAS, the proximity of the new Hotel Azure’s front entrance to Canal Street creates a hazardous situation for guests and creates more congestion in a heavily congested area near the corner of Lafayette and Canal streets; and

WHEREAS, a hotel loading zone in front of the hotel would create a safe and efficient area for guests to enter and disembark from taxis and livery vehicles and avoid congestion.

THEREFORE BE IT RESOLVED, that CB#2, Man. , supports changing the parking regulations for one parking space in front of the Hotel Azure at 120 Lafayette Street from “No Parking, 8 a.m. – 6 p.m.” to “No Standing or Parking, Hotel.

Vote: Unanimous, with 35 Board members in favor.

5. New Jersey Department of Transportation Stage 4B Rehabilitation of the Route 139 Viaduct at the Holland Tunnel

WHEREAS, the New Jersey Department of Transportation (NJ DOT) will soon start the Rehabilitation of the Route 139 Viaduct at the Holland Tunnel; and

WHEREAS, the construction work will require the closing of traffic lanes during construction on weekends for several months that will cause additional traffic congestion along the lower Manhattan route to the Holland Tunnel; and

WHEREAS, CB#2, Man. already experiences significant traffic congestion along the local streets leading to the Holland Tunnel; and

WHEREAS, CB#2, Man. has found that traffic congestion in the Holland Tunnel area is significantly reduced when there are traffic enforcement officers stationed at key intersections; and

WHEREAS, NJ DOT will install Variable Message Signs along the lower Manhattan route which will help but not resolve the additional traffic congestion.

THEREFORE BE IT RESOLVED, that CB#2, Man., supports the rehabilitation of this vital transportation link, and requests that the New Jersey Department of Transportation and New York City Police Department include in their plans additional traffic enforcement officers stationed at key intersections along Canal Street, Hudson Street, and Varick Street and at similar locations on the New Jersey side of the Tunnel.

Vote: Unanimous, with 35 Board members in favor.

6. Houston Street Bike Lane

WHEREAS, Houston Street is an essential cross town route for cyclists and is increasingly used by cyclists who cross the East River bridges in order to access the popular Hudson River Greenway; and,

WHEREAS, the 1997 New York City Bicycle Master Plan produced by the NYC Department of City Planning (“City Planning”) and the NYC Department of Transportation (“DOT”) designates Houston Street as a “proposed bicycle route” and lists many reasons why it is in the best interests of the City to promote bicycling; and,

WHEREAS, the 2006 NYC Cycling Map produced by City Planning and DOT designates Houston Street as a “planned/proposed route,” and prior editions of the map label Houston Street a “recommended route;” and,

WHEREAS, DOT’s current plan for the Houston Street Reconstruction project does not reflect any elements to accommodate cyclists, in direct contravention of the street’s designation by City Planning and DOT as a bicycle route; and,

WHEREAS, during thirteen months, three cyclists have been tragically killed in collisions with motor vehicles along Houston Street, and according to DOT data, 82 cyclists were injured or killed on this two-mile long street from 2002-2004, making Houston St. statistically one of the most dangerous streets for bicycling in New York City; and

WHEREAS, City Planning and DOT are wisely planning 5’ bicycle lanes with 3’ – 5’ buffers for East Houston Street, between FDR Drive and Forsyth Street, but no such bicycle lanes are planned for the western portion of Houston Street.

THEREFORE, BE IT RESOLVED, that CB#2, Man., commends City Planning and DOT for planning bicycle lanes on East Houston Street between FDR Drive and Forsyth Street, but in the interest of cyclist safety and common sense, implores the agencies to recognize their own designation of Houston Street as a bicycle route by extending protected cycling space to include the entire length of Houston Street.

Vote: Unanimous, with 35 Board members in favor

ZONING AND HOUSING

Application to the NY City Planning Commission for Special Permit Pursuant to Sec. 74-711 of the Zoning Resolution for 149 Wooster St., CPC #060102 ZSM, CEQR# 06DCP017M

WHEREAS, this is an application to legalize the current retail use on the ground floor which has been there since the building was bought (and has been there “for decades”) but there is no proof of the exact date when it moved in or any documentation that it was formerly legalized, and

WHEREAS, the application is to convert floors three thru eight to Joint Living Work Quarters for Artists while retaining the current office use on the second floor, and

WHEREAS, by reallocating mechanical space on the lower floors, the applicant wants to construct a small penthouse on the roof, attached to the two top floor units, and

WHEREAS, the penthouse addition and the exterior changes and repairs to the building have been approved by the Landmarks Preservation Commission, and

WHEREAS, according to the requirements of the Landmarks Commission, a restrictive declaration has been drafted requiring cyclical inspections by the Landmarks Commission, and

WHEREAS, the architect stated he would make the necessary notations on the plans to indicate that doors from commercial space into residential hallways are marked as alarmed with panic bars, and

WHEREAS, the owner has agreed not to rent to a restaurant or bar as a tenant in the retail space, and

WHEREAS, the proposal will have minimal impact on the uses in the surrounding area since many of the buildings have also been similarly converted,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends that the City Planning Commission approve this application for the conversion of floors 3 through 8 to Joint Living Work Quarters for Artists, the legalization of the ground floor retail use, and the erection of the penthouse on the roof as part of the top floor units.

Vote: Unanimous, with 35 Board members in favor.

NEW BUSINESS

NYC Fire Patrol

WHEREAS:

1. The NYC Fire Patrol, which has a location on West Third Street between Thompson and Sullivan Streets, has been at every major fire in the City of New York since 1867;
2. The NYC Fire Patrol responds to the scene of commercial and residential fires and major water discharges and actively works, along with NYC firefighters, securing all surrounding areas and protecting the floors above and below the fire from damage, allowing the members of the NYC Fire Department to attend to other active fires and rescue efforts;
3. The Fire Patrol is financed by the City's insurance companies, through the Board of Fire Underwriters (the "BFU"), a not-for-profit corporation chartered by the State in 1867;
4. The Legislature amended the Charter in 1930 continuing the Fire Patrol and stating that it *shall* "continue to exercise its powers and perform its duties within [its] territorial jurisdiction";
5. The BFU, which has no other charitable purpose, has voted to terminate the Fire Patrol as of October 15, 2006;
6. The Fire Patrol plays a vital role in our community and in our city, with over 100 employees, fire equipment in three locations, and a budget of \$8.5 million per year;
7. The Landmarks Commission is presently considering a proposal to landmark the West Third Street Firehouse;

It is hereby RESOLVED that Community Board 2:

1. Calls upon the BFU to reverse its decision to terminate the Fire Patrol.
2. Calls upon Attorney General Spitzer to intervene and force BFU to carry out its responsibilities under its charter.

3. Calls upon our public officials, most especially City Council Speaker Quinn and Council Member Gerson, to take all possible action to save the Fire Patrol.
4. Calls upon the Landmarks Commission to declare the Fire House on West Third Street a Landmark.

Vote: Passed, with 26 Board members in favor, and 3 abstentions.

Respectfully submitted,

JoHamilton
Secretary
Community Board #2, Manhattan