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Bob Gormley, *District Manager*



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COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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FULL BOARD MINUTES

DATE: April 17, 2008
TIME: 6:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street, Cronin Auditorium

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Makrand Bhoot, Carter Booth, Sigrid Burton, Dalton Conley, Maria Passannante Derr, Doris Diether, Ian Dutton, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Zella Jones, Amanda Kahn, Renee Kaufman, Susan Kent, Arthur Kriemelman, Evan Lederman, Raymond Lee, Edward Ma, Ke-Wei Ma, Don MacPherson, Jane McCarthy, Rosemary McGrath, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Wendy Schlazer, Shirley H. Smith, James Solomon, Richard Stewart, Sean Sweeney, Annie Washburn, Elaine Young, Jin Ren Zhang

BOARD MEMBERS EXCUSED: Lisa Cannistracci, Jason Mansfield, Shirley Secunda

BOARD MEMBERS ABSENT: Harriet Fields, David Gruber, Arthur Z. Schwartz, Naomi Wender, Carol Yankay

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

GUESTS: Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Grey Elam, Council Speaker Christine Quinn's office; Matt Borden, Assembly Member Deborah Glick's office; Hunter Johansson, Manhattan Borough President Scott Stringer's office; Matt Viggiano, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; John Ricker, NYC Comptroller's office; Alicia Hurley, Mary Johnson, John Rappaport, Chenault Spence, Annie Lee, Constance Dondore, John Czarnecki, Judith Callet, Williamson Henderson, Edy Selman, Elizabeth Adam.

MEETING SUMMARY

Meeting Date - April 17, 2008
Board Members Present - 42
Board Members Excused - 3
Board Members Absent - 5

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II. PUBLIC SESSION

Non-Agenda Items

New York University

Alicia Hurley, representing NYU, gave an update regarding their upcoming plans for the university expansion.

McBurney YMCA

John Rappaport, introduced himself as the new CB2 liaison, and announced upcoming events.

Edy Selman, from Washington Pl. Block Assn., spoke.

Doris Diether, CB2 member, spoke.

Sidewalks, Public Facilities & Access Items

FGNY d/b/a Five Guys Burgers & Fries, 496 LaFuardia Place

Judith Callet, from BAMRA, spoke regarding a proposed amendment to the sidewalk café application.

Street Activity & Film Permit

STONEWALL Veterans' Association

Williamson Henderson spoke regarding the proposal for the street festival.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Erin Drinkwater, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Matt Borden, Assembly Member Deborah Glick's office

Hunter Johansson, Manhattan Borough President Scott Stringer's office;

Grey Elam, of Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Alan Gerson's office.

Kate Mikuliak, Council Member Rosie Mendez's office,

John Ricker, NYC Comptroller's office;

V. ADOPTION OF MINUTES

Adoption of February minutes and distribution of March minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported

2. **District Manager's Report** Bob Gormley reported.

STANDING COMMITTEE REPORTS

BUSINESS

1. Mouquinho Enterprises, Inc. d/b/a PJ Charlton, 549 Greenwich St. (Charlton and Vandam Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration **to add 15 tables with 33 seats in an unenclosed sidewalk café** to an On Premise license for an Italian restaurant located in a 1400 s.f. premise in a mixed use building located on Greenwich between Charlton and Vandam streets, with 60 table seats, 1 bar with 12 seats and a maximum legal capacity of 60 persons; and,

Whereas, the applicant was previously approved by the Business Committee, Sidewalks Committee and the Full Board of CB#2, Man. in April 2006, but is required by the State Liquor Authority to seek renewed approval for such license alteration; and,

Whereas, the applicant stated there are no plans to change the previously approved operation; the applicant stated the interior restaurant hours are 11:00 p.m. – 11:00 p.m. Monday - Friday; music is background only; and,

Whereas, the applicant has been operating the restaurant for 33 years; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends approval to the proposed alteration of an On Premise license for **Mouquinho Enterprises, Inc. d/b/a PJ Charlton, 549 Greenwich Street.**

Vote: Unanimous, with 42 Board members in favor.

2. Mahogany Fine Foods & Catering, 75 Varick St. (Watts and Canal), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a restaurant located in a 9,000 s.f. premise on the 3rd Floor of a commercial building located on Varick between Watts and Canal Streets, with 150 table seats, no bar and a maximum legal capacity of 150 persons; and,

Whereas, the applicant stated the hours of operation are 7:00 a.m. – 4:00 a.m. Monday - Friday; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, the applicant stated the regular hours of operation are 7:00 a.m. – 7:00 p.m. Monday – Friday but will extend to 7:00 a.m. – 4:00 a.m. solely for the purposes of hosting authorized catered events and/or private parties/functions; and,

Whereas, the applicant has agreed to prohibit use of live music and DJ; and,

Whereas, the applicant has agreed to not seek a cabaret license; and,

Whereas, the applicant has agreed to operate a full service upscale restaurant only and to not otherwise conduct a nightclub or disco on the premises; and,

Whereas, a Public Assembly Permit will be issued by the New York City Department of Buildings prior to the use of the On Premise license; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends denial of an On Premise license for **Mahogany Fine Food & Catering, 75 Varick Street,** unless those conditions agreed to by applicant relating to the fourth, fifth, sixth, seventh and eighth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license; and,

Vote: Passed, with 41 Board members in favor, and 1 recusal (E. Roeder).

3. 202 Centre Corp., d/b/a Red Egg, 202 Centre St. (Hester and Grand), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a Chinese Restaurant located in a 1,873 s.f. premise in a commercial building located on Centre Street between Hester and Grand Streets, with 108 table seats, 1 bar with 15 seats and a maximum legal capacity of 148 persons; and,

Whereas, the applicant stated the hours of operation are 8:00 a.m. – 11:00 p.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City departments and safety organizations including but not limited to the Department of Buildings and the Fire Department, and will obtain all required certificates, permits and related documents, including but not limited to an amended Certificate of Occupancy and Public Assembly Permit. All certificates, permits and related documents will be provided to Community Board 2, Manhattan prior to the use of the On Premise license; and,

Whereas, no one appeared in opposition from the community; and

Therefore, be it resolved that CB#2, Man. recommends denial of an On Premise license for **202 Centre Corp., d/b/a Red Egg, 202 Centre Street**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 42 Board members in favor.

4. Gusto Grilled Organics, Inc., 519-523 6th Ave. (West 13th and West 14th), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for an Organic Argentine restaurant located in a 5,760 s.f. premise in a commercial building located on 6th Avenue between 13th and 14th Streets, with 61 table seats, no bar and a maximum legal capacity of 74 persons; to include 18 tables with 36 seats in an unenclosed sidewalk café, which has been previously approved by the Sidewalks Committee and Full Board, Community Board 2, Manhattan; and,

Whereas, the applicant stated the hours of operation are 6:00 a.m. – 12:00 a.m. Sunday – Thursday and 6:00 a.m. – 2:00 a.m. Friday - Saturday; there will be a sidewalk café but no backyard garden; music will be background only; and,

Whereas, the applicant stated the sidewalk hours will be 12:00 p.m. – 12:00 a.m. Sunday – Thursday and 12:00 p.m. – 1:00 a.m. Friday - Saturday; and,

Whereas, the applicant has been operating the restaurant for 3 months with no complaints or violations on record; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends approval of an On Premise license for Gusto Grilled Organics, Inc., 519-523 6th Ave..

Vote: Unanimous, with 42 Board members in favor.

5. Westside Victoria, Inc., 181 Grand St. (Baxter and Mulberry), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for an Italian Restaurant located in a 2,000 s.f. premise in a mixed use building located on Grand Street between Baxter and Mulberry Streets, with 36 table seats, 1 bar with 6 seats and a maximum legal capacity of 42 persons; and,

Whereas, the applicant stated the hours of operation are 11:00 a.m. – 2:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to obtain a Letter of No Objection from the New York City Department of Buildings prior to the use of the On Premise license; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends denial of an On Premise license for **Westside Victoria, Inc., 181 Grand Street**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 42 Board members in favor.

6. LeDen, LLC, 184 Prince St. (Sullivan and Thompson), NYC.

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license, pursuant to purchase, for a French café/restaurant located in a 400 s.f. premise in a mixed use building located on Prince Street between Sullivan and Thompson Streets, with 20 table seats, 1 service bar with no seats and a maximum legal capacity of 20 persons; and,

Whereas, the applicant stated the hours of operation are 12:00 p.m. – 12:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, the amended Certificate of Occupancy modifying the proper use of this establishment will be obtained from the New York City Department of Buildings prior to the use of the On Premise license; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for **LeDen, LLC, 184 Prince Street**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 42 Board members in favor.

7. All About Food Corp., 19 Waverly Pl. (Mercer and Greene), NYC.

Whereas, the applicant’s attorney appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license, pursuant to purchase, for an American café/restaurant located in a 2,200 s.f. premise in a mixed use building located on Waverly Street between Mercer and Greene Streets, with 46 table seats, no bar and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated there are no plans to change the existing operation d/b/a Campus Foods All About Foods; the applicant stated the hours of operation are 6:00 a.m. – 9:00 p.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

Whereas, no one appeared in opposition from the community;

Therefore, be it resolved that CB#2, Man. recommends approval to the proposed transfer of an On Premise license for **All About Food Corp., 19 Waverly Place**.

Vote: Unanimous In Favor

8. Italian Wine Company, LLC 38 8th Ave. (Jane and West 12th), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an On Premise license for an Italian Restaurant located in a 185 s.f. premise in a mixed use building located on 8th Avenue between Jane and West 12th Street, with 14 table seats, no bar and a maximum legal capacity of 14 persons; **to include 7 tables with 14 seats in an unenclosed sidewalk café; and,**

Whereas, the applicant stated the hours are 8:00 a.m. – 12:00 a.m. Monday – Thursday, 8:00 a.m. – 1:00 a.m. Friday – Saturday and 12:00 p.m. – 12:00 a.m. Sunday; there will be a sidewalk café but no backyard garden; music is background only; and,

Whereas, no one appeared in opposition from the community; and,

Therefore, be it resolved that CB#2, Man. recommends approval to the proposed alteration of an On Premise license for **Italian Wine Company, LLC 38 8th Avenue.**

Vote: Unanimous, with Board 42 members in favor.

9. Rani Marom or Corp. to be formed, 89 Macdougall St., 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,

Therefore, be it resolved that CB#2, Man. strongly recommends denial of an On Premise liquor license to Rani Marom or Corp. to be formed, 89 Macdougall St., NYC and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1st LANDMARKS MEETING

1. 503-511 Broadway – SoHo H.D. (Spring/Broome) – Old Navy Store

Application is to install storefront infill.

Whereas, the application will make the Broadway façade appear less cluttered and busy; and

Whereas, these improvements will draw less attention to the building, highlighting the architectural features; and

Whereas, we appreciate that the canopy is being removed, which in 1997 was likely the first of these non-historic elements to invade the Cast-Iron District and which other applicants have attempted to introduce in the interim. At our Landmarks meeting, the architect confirmed that, as we suspected, the canopy was originally

introduced by the in-house architects of Old Navy in San Francisco, who had little intimate knowledge of the district; and

Whereas, the proposed treatment of the Mercer Street façade adds to the building and the district, and cleans up and brightens this portion of the building; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 42 Board members in favor.

2- 469 Sixth Avenue (11th/12th Streets) Greenwich Village H.D.

Application is to install storefront infill, windows, and a cornice.

Whereas, we are concerned that the illuminated sign box for the store may not be grandfathered, since not enough proof was given that it was. If it is not grandfathered, it should be removed; and

Whereas, since the windows are being restored, we would prefer to see the historic 6/6 fenestration utilized, instead of a later 2/2 pattern; and

Whereas, we believe that the store window lintel should be restored with its original profile. The profile presented by the applicant does not appear to have the correct proportions. When the tin-covering is removed, it is likely that the extant original lintel will be exposed and thus can be used as a model; and

Whereas, the cornice needs to be refined with a return on each side. That is, the fascia should not extend the length of the façade as proposed. As a reference, the LPC staff should look at the cornice plans approved for 317 West 11th Street, an 1845 Greek Revival townhouse, a contemporary of this building; now

Therefore, be it resolved that CB#2, Man. cautiously recommends approval of this application, provided that our caveats and suggestions are examined and considered.

Vote: Unanimous, with 42 Board members in favor.

3- 277 W. 4th Street (Perry/11th) Greenwich Village HD Application is to install new storefront infill.

Whereas, we may not approve of this if it were a major project, but not much of the original fabric of the storefront is left, and the amount of modification is minor; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Passed, with 41 Board members in favor, and 1 recusal (R. Sanz).

4. - 777 Washington Street (Jane) Greenwich Village HD Application is to enlarge an existing rooftop addition, alter the fenestration pattern, and replace windows.

Whereas, we agree with the designation report that the building does not have a deliberate architectural design or aesthetic; and

Whereas, although the building is being transferred from industrial to residential use, the change does not take away from the industrial atmosphere or otherwise detract from the district; and

Whereas, on Jane Street, the massing is brought up to the level of the adjacent Greek Revival townhouses, which is appreciated; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 42 Board members in favor.

2nd LANDMARKS MEETING

441 Broadway – Application is to install storefront infill.

Whereas, this is an extensive rehabilitation of the first floor of this building, much of it based on the old tax photos, including exposing the pressed glass panel above the store front which was discovered when the newer storefront was removed, and

Whereas, other work on the storefront includes moving the store entrance to the right, to duplicate the existing door on the left and creating a storefront window placed between the two recessed glass and metal frame doors which will replicate the bay window, and

Whereas, the 18” bulkhead will be retained, and the signage band above the pressed glass panel will have signage sloped out like the original, under the cornice, and

Whereas, the security gates will be inside the storefront, and

Whereas, besides the signage above the storefront, two blade signs are planned to be placed on the wood panels on either side of the storefront, one for the store and one for the upper floors of the building, and

Whereas, CB#2, Man. especially wants to commend the owners for retaining the pressed glass panel above the storefront,

Therefore, be it resolved CB#2, Man. recommends approval of this application for 441 Broadway.

Vote: Unanimous, with 42 Board members in favor.

2. 155 Wooster St. – Application is to construct a one-story rooftop addition and modify the secondary facades.

Whereas, the proposed roof-top addition is only minimally visible from blocks outside the SoHo Historic District, and

Whereas, the changes to the secondary facades deal with raising the parapet walls to match the legal one on the front of the building, and

Whereas, this building sports a large billboard on the side façade visible from much of the area, and the applicant could not verify whether this billboard or sign was grandfathered or legal,

Therefore, be it resolved CB#2, Man. has no objection to the changes proposed for the building at 155 Wooster St., but requests the Landmarks Commission to check the status of the wall billboard on this building.

Vote: Unanimous, with 42 Board members in favor.

3. **404 Sixth Avenue** – Application is to install a new storefront.

Whereas, this small store just off 8th St. has gone through a number of changes over the years, and

Whereas, the proposal is to retain the two upper floors of the building as they are, light colored brick, with perhaps a cleaning, and

Whereas, the second floor of the building, which will remain commercial, will be restored to its original three windows with transoms above, and

Whereas, the first floor will be redone with a store window in the center and two doors set back the required 18”, the framing of the store window and doors wood painted brown, with the bulkheads on the doors and store window the same color, and

Whereas, the wood paneling around the first two floors and the sign panel above the first floor will be repaired and repainted and 5 goose neck lamps will be placed above the signage area,

Therefore, be it resolved CB#2, Man. recommends approval of the application for 404 Sixth Ave.

Vote: Unanimous, with 42 Board members in favor.

4. **281 West 4 St.** – Application is to modify an existing rooftop addition.

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, not did he contact us for a layover,

Therefore, be it resolved CB#2, Man. recommends denial of this application for 281 West 4 St., in the absence of this important step in the review process.

Vote: Unanimous, with 42 Board members in favor.

PARKS, RECREATION & OPEN SPACE

1. Design of Reconstruction of Minetta Playground Renovation

Whereas, Minetta Playground is in a state of disrepair and therefore underutilized; and

Whereas, renovation of this park was the highest priority for parks in the CB-2 statement of needs; and

Whereas, there is \$1.2 million in the FY’09 budget for reconstruction with half provided by Speaker Christine Quinn and half by Mayor Michael Bloomberg; and

Whereas, a site scope meeting was held in the park on March 3; and

Whereas, this meeting was continued with additional community input on April 15; and

Whereas, downtown Manhattan is experiencing an explosion of population of families with young children; and

Whereas, many playgrounds in CB-2 are frequently over-crowded; and

Whereas, Minetta Playground has been a children's playground since its construction; and

Whereas, at some point the Macdonald's next door on W. 3rd St. was allowed to create an entrance to the park from the restaurant; and

Whereas, there is an unattractive and decrepit piece of play equipment that was installed by Macdonald's at the same time; and

Whereas, there are numerous healthy large trees in this park; and

Whereas, the property owner of a neighboring building on Minetta Lane and the owner of a restaurant in the same building expressed various concerns about the impact of illegal and/or inappropriate activities in the park; and

Whereas, W. 3rd St. is a busy street with many restaurants and night life activities and Minetta Lane is a much quieter street; and

Whereas, most parents expressed that the nearby playground at Downing St. serves very young children well but there is a need for a playground with activities for children in the age range of 6 – 11; and

Whereas, the playground is located immediately adjacent to a very busy and noisy part of 6th Avenue and noise seems to be intensified by the brick and concrete walls of the buildings to the east of the playground; and

Whereas, there are several parks intended for adult sitting areas in the immediate area

Therefore be it resolved that CB#2, Man. would like to see a design for a children's playground incorporating the following:

1. A swing set for older children including one "Jenn" swing for all children.
2. Challenging climbing equipment, possibly including a climbing wall.
3. A smaller area, on the Minetta Lane side of the park, for play equipment for younger children.
4. A spray shower, preferably with nozzles that are flush to the pavement so the area has no obstructions when the shower is not in use.
5. A single entrance to the playground on Minetta Lane side.
6. No sand box.
7. Small, maintainable plantings, but no shrubs that block the views through the park or extended planting areas that provide harborage for rodents, or take space away from use for children's play. (The areas outside the fence should all be incorporated into the park or should be cobbled.)
8. Removal of the brick storage shed.
9. Closing of the entrance to Macdonald's and prevention of privatizing the appearance of walls adjacent to park, either by agreement or by addition of property line fences or walls.
10. No tree removals.

Be it further resolved, that CB#2, Man. asks that Parks make a significant design initiative to attempt to remediate the environmental issues at the site, in particular the noise and fumes from 6th Ave. This should be a creative effort that may include use of a low concrete wall, a glass fence, sound absorbing walls to replace

fences on the east side of the playground, or a combination of these and other sound blocking and sound absorbing features to help create a sanctuary from the harsh street environment, and

Be it further resolved, that CB#2, Man. requests that various options for challenging play equipment be presented to the Parks Committee as part of the proposed design, and

Be it further resolved, that while there should be ample seating in the park accessible to all park visitors, all benches should be incorporated along the perimeter of play areas because this is a small site and there is insufficient space to provide a separate area for seating.

Vote: Unanimous, with 42 Board members in favor.

2. Requesting Immediate Short Term Improvement to Minetta Playground

Whereas, Minetta Playground will be renovated beginning in June, 2009; and

Whereas, the playground currently has a highly unusual and inappropriate feature of a direct entrance from Macdonald's into the playground; and

Whereas, as neighbors have complained about inappropriate late night use of the park through this entrance; and

Whereas, there is a boarded up piece of decrepit play equipment on the site;

Therefore, be it resolved that CB#2, Man. requests removal of the broken equipment as soon as possible; and

Be it further resolved, that CB#2, Man. requests Parks work with McDonalds and CB#2, Man. to permanently close the entrance to the park from the restaurant as soon as possible and also to remove advertising signs that encroach into the park.

Vote: Unanimous, with 42 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. AM Operating Group, LLC, d/b/a/ Merkato 55, 53 Gansevoort St., Block: 644, Lot: 60, Police Precinct: 6, NYC records address, 57 GANSEVOORT STREET, 10014 (53-61 Gansevoort St.), with 34 tables & 82 seats, DCA# 1278997

Whereas, location is zoned as M1-5 Light Manufacturing allowing Commercial and Office Buildings, and is represented on Zoning Map #: 08B, and is in a Landmarked District, and DOC records show a Temporary C of O which expired in 1997, allowing Restaurant and Meat Market Use on 1st Floor, and

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail and there were no community members present or delivering of a written opinion, but the owner, Rolando Biamonte and Chef Marcus Samuelsson and their representative Steve Wygoda were present, and

Whereas, Merkato is a new restaurant opened for eight weeks, with interior seating for 55 people on the first floor and 85 people on the second floor, a stated capacity for 254 people in the Method of Operation for their OP license and a legal capacity established at 280 persons, and

Whereas, the existing sidewalk is 17' 8" wide and the proposed sidewalk café is 8'10" wide' and the premise sidewalk area extends 101'1" to the western corner of this block, with no other sidewalk cafes currently existing on this block, and

Whereas, there is a fixed awning that predates the landmarking of this district extending over the entire area of the proposed sidewalk café, and

Whereas, the general Gansevoort area has seen a rapid increase in restaurant, nightlife and residential development, and concern has been shown for more contributing late night disruption,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of the New Application for revocable consent to operate an unenclosed sidewalk café for . **AM Operating Group, LLC, d/b/a/ Merkato 55**, 53 Gansevoort St., DCA# 1278997 **CONDITIONAL UPON** the following changes agreed to by the owner and referenced in a signed Change Order affixed to this resolution:

Reduction to 29 tables & 71 seats for the first license period

Sidewalk Café closing at 11:00 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday

Vote: Unanimous, with 42 Board members in favor.

2. **Sengupta Food Services, LLC d/b/a SoHo Park**, 62 Prince St., at Lafayette, Block: 496, Lot: 18, Police Precinct: 5, with 11 tables & 22 seats, DCA# 1277362. – **Laid Over to May Agenda**

3. **FGNY 496 LaGuardia Pl., LLC, d/b/a Five Guys Burgers & Fries**, Block: 525, Lot: 7502 Police Precinct: 6, with 3 tables & 6 seats, DCA# 1279546

Whereas, this location is in an R7-2 zoning envelope allowing Mixed Residential and Commercial Buildings, and appears on Zoning Map # 12C, and has a Certificate of Occupancy dated 1988 allowing first floor use as a restaurant – max load 154 persons, and

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail, there were community members present and owner, Andrew Moger was present, and

Whereas, there is a 17'10" sidewalk at this location, with 8'11" sidewalk café configuration and 8'11" remaining pedestrian right of way, and

Whereas, this applicant does plan to include this sidewalk café in a Method of Operation for a Wine & Beer license, but the location and number of tables seem not to constitute need for additional restrictions,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of this new application as presented, for revocable consent to operate an Unenclosed sidewalk café for. **FGNY 496 LaGuardia Pl., LLC, d/b/a Five Guys Burgers & Fries**, with 3 tables & 6 seats, DCA# 1279546

Vote: Unanimous, with 42 Board members in favor.

4. **Half Pint on Thompson, 234 Thompson St.**, Block: 537, Lot: 13 Police Precinct: 6, NYC Address, 76 WEST 3 STREET, 10012 with 12 tables & 24 seats, DCA# 1279573

Whereas, this location lies within an R7-2 zoning envelope with Mixed Residential and Commercial Buildings, Zoning Map #: 12C and there is no C of O currently on file for this building, and

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail and there were community members present and submitting of written testimony; and the owners, Victoria Delany and Martini Whelan were present with their representative Michael Kelly, and

Whereas, the applicant is a member of the Bleecker Area Merchants and Residents Association (BAMRA), members of which were also present at this hearing, and

Whereas, it is anticipated that this applicant will also seek an OP license for this sidewalk café, that will include this plan in its method of operation as a condition of the license submission approval process, and

Whereas, neighbors expressed concern for the existing level of noise exacerbated by windows open from the interior restaurant to the street and garbage accumulation on the Thompson St side of this establishment, and

Whereas, the owners have agreed to keep windows closed from 10:00 p.m. to closing seven days a week and to keep the existing retractable awning open during all hours of Sidewalk Café use as a means of reducing noise to surrounding residences, and

Whereas, the owners have arranged for garbage pick up between 11:00 p.m. and Midnight and will not place garbage on the street prior to that time and further agreed to proactively monitor garbage – their own as well as any left on the Thompson St. side by parties other than themselves, and

Whereas, the owners have produced an amended sidewalk plan reducing the number of tables and chairs and further agreed to eliminate another table to accommodate pedestrian passage around an existing tree, and

Whereas, the owners have agreed to reduce the hours of operation of the Sidewalk Café in deference to neighborhood concerns,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of the New Application for revocable consent to operate an unenclosed sidewalk café for. **Half Pint on Thompson, 234 Thompson St., DCA# 1279573 CONDITIONAL UPON :**

- The reduction of the sidewalk plan to 9 tables & 18 seats, with revised drawings submitted with this resolution and a revised application
- A reduction in hours of operation for the sidewalk café to 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday
- Regular dialogue with Judith Callet a community member and member of BAMRA as regards the continuing compatible operation of the Sidewalk Café.

These conditions to be reflected in a signed Change Order attached to this resolution and the application received and recorded by the DCA.

Vote: Unanimous, with 42 Board members in favor.

Renewal Applications for revocable consent to operate an Unenclosed sidewalk cafe for:

5. Zonor Rest. Corp. d/b/a Riviera Café, 225 W.4 th St., Block: 610 Lot: 9 Police Precinct: 6, City Address, 223 WEST 4 STREET, 10014 with 27 tables & 60 seats, DCA# 0922650

Whereas, this location is in a C4-5 zoning envelope with Mixed Residential and Commercial Buildings on Zoning Map #: 12A, and

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail and there were no community members present and no others submitting of written testimony; and the owner, Steve Sertell, General Manager was present, and

Whereas, this establishment and sidewalk café have operated continuously with the same configuration from a date prior to 1971,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of this renewal application for revocable consent to operate an Unenclosed sidewalk café for Zonor Rest. Corp. d/b/a Riviera Café, 225 W.4 th St., City Address, 223 WEST 4 STREET, 10014 with 27 tables & 60 seats, DCA# 0922650

Vote: Unanimous, with 42 Board members in favor.

6. Legendary Nightspots, Inc., d/b/a/ The Duplex, 61 Christopher St., @ Seventh Ave., City Address, 113 7 AVENUE SOUTH, 10014, Block: 610, Lot: 1, Police Precinct: 6, with 18 tables & 36 seats, DCA# 1190534

Whereas, this location is in a C4-5 zoning envelope of Mixed Residential and Commercial Buildings, in a Landmarked District and is on Zoning Map #: 12A, and,

Whereas, the owners have submitted a valid Certificate of Occupancy, dated November 1992, allowing restaurant use on the ground floor (which is not noted on DOB Building Information System), and

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail and there were no community members present or submitting of written testimony, but the owner, Tony DeCicco was present, and,

Whereas, there are no changes in plan or operation since the last sidewalk café plan of 2004,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of this renewal application for revocable consent to operate an Unenclosed sidewalk café for : Legendary Nightspots, Inc., d/b/a/ The Duplex, 61 Christopher St., @ Seventh Ave., City Address, 113 7 AVENUE SOUTH, 10014, with 18 tables & 36 seats, DCA# 1190534

Vote: Unanimous, with 42 Board members in favor.

7. IL Commandatore Rest. d/b/a Casa Bella Rest. 127 Mulberry St., with 11 tables & 21 seats, DCA# 1189682;-(cont'd) - From January Calendar

Whereas, this applicant requested a second hearing regarding this application and applicant's representative, Michael Kelly was present, and,

Whereas, this sidewalk café is situated upon a platform approximately two feet high, the circumference of which is surrounded by a wall approximately four feet high and more than five inches wide, and a permanent cast iron fence has been placed to the outside of this wall, and

Whereas, the applicant's attorney is has not been able to produce any existing New York City documentation that would allow either the platform or wall or fence, but believes that the Department of City Planning at one time allowed this platform because it was originally a loading dock, and

Whereas, this committee upon investigation of Department of Building documents has ascertained that the building was originally erected in 1903, but that the only Certificate of Occupancy of record was issued in 1989, which neither cites a loading dock, extension of property to the sidewalk, or any use other than ground floor C6, use, second floor dining room and office use and old law tenements above the second story, and

Whereas, the area of sidewalk remaining for pedestrian use is less than eight feet (8'), and

Whereas, the plans submitted with this application do not reflect any of these conditions and do not represent the currently configured café, and,

Whereas, this committee has requested documentation from the Department of City Planning, under a FOIL request to produce any documentation of any approvable use of a former loading dock as part of the permanent property at Block 206, Lot 16 to be permanently attached to this or any other sidewalk café application, but has not had a response, and

Whereas, the previously observed illegal planters and signs have been removed from the public access sidewalk,

THEREFORE BE IT RESOLVED THAT CB#2, MAN. recommends APPROVAL of this renewal application for revocable consent to operate an Unenclosed sidewalk café for IL Commandatore Rest. d/b/a Casa Bella Rest. 127 Mulberry St., with 11 tables & 21 seats, DCA# 1189682, CONDITIONAL UPON:

- The provision of sidewalk café plans that depict the exact dimensions of the raised platform and seating for the Sidewalk Café
- That the applicant will restore the fully required 8 feet of pedestrian right of way which seems to be compromised by the wall of the raised platform.
- These conditions to be reflected in a signed Change Order attached to this resolution and the application received and recorded by the DCA.

Vote: Unanimous, with 42 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Support for Street Fair Activity Permit by the World Science Festival on 5/31/08

Whereas, the applicant was represented at the committee meeting by Rich Mauck, Peter Downing and Amanda McEntire; and

Whereas, the World Science Foundation is hosting numerous events in partnership with universities, museums and cultural institutions around the City to celebrate science; and

Whereas, the applicant seeks a permit to close Washington Square South between LaGuardia Place and Washington Square East on Saturday, May 31st, to create a free family friendly science expo including book readings, educational games and music; and

Whereas, the Festival will be from 10 am and 6 pm and the street closure request is between 6am and 8 pm; and

Whereas, the applicant offered to provide tables free of charge to area merchants; and

Whereas, the applicant is seeking a sound permit for live music and performances in Gould Plaza to consist of science related family bands and performance troupes; now

Therefore Be It Resolved that CB#2, Man. supports the Street Permit request for the World Science Festival (new), Washington Sq. South bet. LaGuardia Pl. & Washington Sq. East.

Vote: Passed, with 41 Board members in favor, and 1 abstention.

2. Support for Street Fair Activity Permit by the Housing Works Bookstore – 6/7/08

Whereas, the applicant was represented by Rachel Fershleiser; and

Whereas, the applicant seeks a permit to close Crosby Street between Jersey and Prince Streets on June 7th for an open air book fair to benefit Housing Works; and

Whereas, the book fair will be from 10am to 6pm and the street closure request is between 8 am and 8 pm; and

Whereas, the only amplified sound will be from the stereo system inside the bookstore; now

Therefore Be It Resolved that CB#2, Man. supports the Street Permit request for Housing Works Bookstore, Crosby St. bet. Jersey & Prince Sts.

Vote: Passed, with 41 Board members in favor, and 1 abstention.

3. Support for Street Fair Activity Permit for the Festival of India-6/14/08

Whereas, the applicant was represented by David Britten from the International Society for Krishna Consciousness; and

Whereas, the applicant seeks a permit to close Washington Square South between LaGuardia Place and Washington Square East on June 14th for the Hare Krishna festival; and

Whereas, the Festival has been held in Washington Square Park since 1976 and is only seeking a street closure because of the construction in the park; and

Whereas, the Festival consists of cultural dancing, chanting, and flute music with minimal amplification and offers a free feast to members of the public who attend; now

Therefore Be It Resolved that CB#2, Man. supports the Street Permit request for the Festival of India, Washington Square South between LaGuardia Place and Washington Square East, and requests that the applicant not begin setup or operation before 8 am.

Vote: Unanimous, with 42 Board members in favor.

4. Opposition to the Street Fair Activity Permit for the Blue Knights Law Enforcement Motorcycle Club-6/18/08

Whereas, the applicant was represented by Jeff Hunkel, Keith Hyché and Michael Little of the Blue Knights; and

Whereas, the applicant seeks a permit to close Mulberry Street between Canal and Broome for the ‘Garlic Run’ on June 18th; and

Whereas, the applicant is located in New Jersey and uses the ‘Garlic Run’ to raise money for four sick children—three in New Jersey and one in New York City; and

Whereas, the applicant appeared before the committee last year who passed a resolution supporting the application “for one more year only since Applicant has no indigenous relationship to the specific street or community where the event is held as required by the Street Activity Permit Office Rules;” and

Whereas, five members of the community spoke in opposition to the request citing excessive noise and pollution from the event, and “horrendous infringement” on the neighborhood; now

Therefore Be It Resolved that CB#2, Man. strongly opposes the application for the Street Permit Request for the Blue Knights Law Enforcement Motorcycle Club on Mulberry Street between Broome and Canal Streets.

Vote: Passed, with 41 Board members in favor, and 1 abstention (R. McGrath).

6. Support for Street Fair Activity permit by St. Bernard Church-7/19/08

Whereas, the applicant was represented by Ms. Leon from Our Lady of Guadalupe at St. Bernard Church; and

Whereas, the applicant seeks a permit to close 14th street between 7th and 8th avenues on July 19th from 11am to 7pm for a street festival to benefit the Church; and

Whereas, the applicant has hired Clearview Festival Productions to produce the festival and expects to raise about \$7000 through fees from food, merchandise and craft vendors; and

Whereas, no members of the community spoke in opposition to the request; now

Therefore, Be It Resolved that CB#2 Manhattan supports the Street Permit request by St. Bernard Church, 14th Street between 7th and 8th Avenues.

Vote: Passed, with 41 Board members in favor, and 1 abstention.

7. Opposition to Street Fair Activity permit by the Independent Downtown Republican Club

Whereas, the applicant (the “Applicant”) seeks renewal of a street fair activity permit for a multi-block, street fair on November 11, 2008 on University Pl. bet. Waverly Pl. & 14th St.; and

Whereas, representatives of the local community, including residents and the local business improvement district, have stated that the fair has a detrimental impact on local merchants and quality of life; and

Whereas, the Applicant failed to appear before the Community Board’s Street Activity & Film Permit Committee; and

Whereas, there is no evidence that Applicant has an indigenous relationship to the specific street or the community as required by Chapter 1-03(b) the Rules of the Office of the Mayor, Community Assistance Unit, Street Activity Permit Office Relating to Applications, Fees and Charges for street fairs (the “Street Activity Permit Office Rules”); and

Whereas, CB#2 Man. opposed the application in 2007; now

Therefore Be It Resolved that CB#2, Man., opposes the multi-block street fair permit application by the Independent Downtown Republican Club on November 11, 2008 on University Pl. between Waverly Pl. & 11th St. since Applicant has no apparent indigenous relationship to the specific street or community where the event is held as required by the Street Activity Permit Office Rules.

Vote: Unanimous, with 42 Board members in favor.

8. Resolution Regarding Street Activity Permit Application by the STONEWALL Veterans’ Association

Whereas, representatives of the Applicant, the STONEWALL Veterans’ Association (herein SVA) attended three separate meetings of the committee; and

Whereas, SVA seeks a permit to close Washington Street between Christopher and Houston Streets on Saturday, June 29th, the same day as the Heritage of Pride festival; and

Whereas, SVA has held a street fair in CB2 for six years on both Greenwich Avenue and Washington Street at a different time of the year; and

Whereas, the Committee asked the Applicant to provide financial information to understand how the money raised by the proposed street fair is used; and

Whereas, the Committee asks all applicants to provide financial information—particularly those who have hired promoters; and

Whereas, the Applicant provided the committee with information about the history of the SVA, its importance to the LGBT movement, and its continued activities in the City but did not share budget information as requested in person during the committee meeting as well as in emails and phone calls; and

Whereas, the Applicant was given multiple opportunities to provide the financial information as requested by the Committee; now

Therefore be it resolved, that CB#2, Man. does not have sufficient information at this time to recommend approval of the application by the STONEWALL Veterans Association.

Vote: Unanimous, with 42 Board members in favor.

TENANTS’ RIGHTS

Request to Increase Budget to Division of Housing and Community Renewal

Whereas, the Tenant's Rights Task Force of CB#2, Man. held a joint hearing with Tenant's Rights, Chinatown and Social Service Committees on March 24th at P.S. 130; and,

Whereas, there were approximately 200 members of the community in attendance as well as several elected officials who spoke, including Assembly member Deborah Glick, Senator Tom Duane, and Senator Martin Connor as well as senior staff members from Borough President Stringer's office, Speaker Christine Quinn's office and Councilmember Alan Gerson's office -- all of whom addressed the audience; and,

Whereas, there were several representatives of community organizations which attended or expressed support for the initiative, including, but not limited to G.O.L.E.S., Tenants & Neighbors, Chinatown Tenants Union, Asian Americans for Equality and Housing Conservation and Coordinators; and,

Whereas, numerous housing organization representatives spoke on issues ranging from individual tenant problems involving landlord and developer harassment, quality of life and financial stress, to broader legal issues such as phony demolition, illegal apartment-hotel conversions and illegal evictions; and

Whereas, numerous tenants, including those occupants of 126-128 Baxter Street who are being forced out of their homes by a developer, all live in the CB#2, Man. area; and, who spoke at length about the fear and emotional pain that they have had to endure as a result of attempts to force them out of homes where they have lived for upwards of 25 years as rent-controlled or stabilized tenants; and

Whereas, it is clear that agencies such as the Division of Housing and Community Renewal (DHCR) have demonstrated a reduction in services and support for tenants of units where, in our community alone, 83 percent of the rental apartments are rent controlled or rent-stabilized. Citywide it is estimated that there are two million such apartments; and

Whereas, there was enormous public response expressed at the joint hearing which was held for the specific purpose of exploring and assessing the need for support of tenants who live in regulated apartments; that there is an indisputable need for affordable housing advocacy, as well as the need for education, organizing and access to information to benefit tenants during this period of crisis;

Therefore be it resolved that CB#2, Man. calls upon our elected officials to express their coordinated views to the Legislature calling for increased budgets and directions for DHCR to fulfill its mission, increase budgets for tenant legal services; and

Therefore, be it further resolved that CB#2, Man., in tandem with elected officials and community organizations, will seek to work in furtherance of tenant awareness and assist in helping tenant advocates obtain necessary information and provide the opportunity to exchange knowledge to further the protection of tenant's rights.

Vote: Unanimous, with 42 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Support of Extending the M8 Cross-Town Westbound Bus Route to Pier 40

Whereas, each day, all week long, hundreds of children walk across West St. at Houston St. to use Pier 40's athletic facilities, thousands of people cross there each weekend to access the Hudson River Park, and many others throughout the week also venture across the street there to access the park and Pier 40's playing fields and parking facilities (over 2,000 people park their cars at Pier 40); and

Whereas, West St.’s extremely wide, highway-like expanse, coupled with heavy vehicular traffic going north and south as well as entering from the east on Houston St., makes it difficult and dangerous for pedestrians to get across the street, especially children and seniors; and

Whereas, there’s no direct public transit to Pier 40 and/or along the Hudson River Park in District 2, and the long walk to the west side is arduous for seniors and for many others; and

Whereas, the M23 cross-town bus route extends on W. 23rd St. to Chelsea Piers on West St. where the bus drops off Pier users, and waits to pick up passengers there; and

Whereas, currently the M8 cross-town westbound bus ends its run and waits for the scheduled departure on the east side of West St. and W. 10th St.;

Therefore Be It Resolved that CB#2, Man. requests that MTA NYCT develop a proposal to extend the M8 cross-town bus route to drop off passengers at Pier 40 and wait to pick up passengers there and present such proposal to the Community Board for final approval.

Vote: Unanimous with 42 Board members in favor .

2. Requesting a Stop Sign on W. 4th St. (northbound) at the corner of Bank St.

Whereas the residential population around W. 4th St. at Bank St. has grown substantially, bringing many families with children to the area, and with Bleecker St. park and playground just a block away and a school nearby, all contributing to a surge in pedestrian activity there; and

Whereas there’s a heavy volume of vehicular traffic on W. 4th St. at Bank St., but no traffic control on W. 4th St. for vehicles heading north at that intersection, creating a hazardous situation for the many pedestrians crossing W. 4th St. at that location, including children on their way to school;

Therefore Be It Resolved that CB#2, Man. requests that a stop sign be installed on W. 4th St. at Bank St., creating a much-needed all way stop sign there.

Vote: Unanimous with 42 Board members in favor.

3. Support of Enforcing “No Commercial Buses” rules and signage on W. 9th St. between 5th Ave. and Ave. of the Americas and Developing Consistent Rules, Routes and Signage to Regulate Oversize Tour Buses

Whereas, W. 9th St. between 5th Ave. and Ave. of the Americas has been inundated daily by oversize tour bus traffic from over 40 tour bus companies (many from out of state and Canada), frequently one bus right after another, turning into W. 9th St. from Fifth Ave., that ignores the “No Commercial Traffic” signage that is posted on the block; and

Whereas, these oversize motor coaches, many as heavy as 47,000 pounds, not only block traffic and, when idling, spew polluting emissions, but also damage the roadbed, destroy trees, threaten the fragile, historic buildings, overrun the bicycle lane, and jeopardize pedestrian safety on a residential street that is filled with families and with people walking; and

Whereas, these conditions have been documented (See attachments) by the West 9th Street Block Association, representing 340 individual paying members with hundreds of others in their households, which requests relief from these intolerable and illegal activities; and

Whereas, current “No Commercial Traffic” signage is not sufficiently visible and is inconsistent in conveying rules and thereby misleading, for example, there is one “No Commercial Traffic” sign on the southeast side of 5th Ave. at 10th St. (which should caution commercial vehicles to go no further on 5th Ave.), then further on, there are two “No Commercial Traffic” signs on the south side of 5th Ave. at 9th St. one on the east and one on the west (which again indicates that commercial vehicles should go no further and forces the westbound 9th St. turn), yet there’s also a sign on the southwest corner of 5th Ave. at W. 8th St. saying “All Buses Turn Left”;

Therefore, Be It Resolved that CB#2, Man. urges that the New York City Police Department conduct a campaign to stringently enforce the current “No Commercial Traffic” rules posted on W. 9th St. and on 5th Ave. on a steady basis; and

Be It Further Resolved that CB#2, Man. recommends that the New York City Department of Transportation (DOT) look into revising its “No Commercial Traffic” signage so that it is larger, clearer, more visible, and consistent both in conveying rules and in location; and

Be It Further Resolved that CB#2, Man. urges DOT to immediately investigate the contradictory “No Commercial Traffic” and “All Buses Turn Left” signage currently on Fifth Ave. and to create and install signage that is consistent in barring commercial traffic from lower 5th Ave. and also from W. 9th St. between 5th Ave. and Ave. of the Americas; and

Be It Finally Resolved that CB#2, Man. requests that DOT do a comprehensive study to determine and establish routes for these oversize tour buses that avoid the vulnerable streets where they have a damaging impact, taking into account such aspects as street width, land use, road bed capacity, and building types and conditions, as well as new route maps and written guidelines, and report the outcome of such a study back to CB#2, Man..

Vote: Unanimous, with 42 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan