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## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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### FULL BOARD MINUTES

**DATE:** November 20, 2008  
**TIME:** 6:00 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street, Cronin Auditorium

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keen Berger, Tobi Bergman, Makrand Bhoot, Carter Booth, Maria Passannante Derr, Doris Diether, Ian Dutton, Harriet Fields, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Mary Johnson, Zella Jones, Susan Kent, Evan Lederman, Raymond Lee, Edward Ma, Ke-Wei Ma, Judy Paul, David Reck, Erin Roeder, Rocio Sanz, Wendy Schlazer, Arthur Z. Schwartz, Shirley Secunda, Shirley H. Smith, James Solomon, Richard Stewart, Sean Sweeney, Annie Washburn, Carol Yankay, Elaine Young, Jin Ren Zhang

**BOARD MEMBERS EXCUSED:** Sigrid Burton, Arthur Kriemelman, Jason Mansfield, Jane McCarthy, Rosemary McGrath, Robert Riccobono

**BOARD MEMBERS ABSENT:** Lisa Cannistracci, Amanda Kahn Fried, Renee Kaufman, Lois Rakoff

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

**GUESTS:** Erin Drinkwater, Congressman Jerrold Nadler's office; Lolita Jackson, Mayor's Community Affairs Unit; Crystal Gold-Pond, Senator Tom Duane's office; Sen. Elect Daniel Squadron, Mary Cooley, Alex Delisi, Sen. Elect Daniel Squadron's office; Angelica Crane, Jennifer Hong, Man. Borough President Scott Stringer's office; Matt Borden, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Grey Elam, Council Speaker Christine Quinn's office; Peter Pasteur, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; Chenault Spence, Moi Hung, Irene Kaufman, Phillip Moran, Vivian Awner, Megan Fish, Ross Morgan, Ashley Anderson, Vinay Patel, Jose Martin, Elizabeth Adam, Anastasia Shaginkar, Andrew Breiner, Brian Bardez, Lori Cuisinier, Dan Ferris, Benjamin Zgodny,

### MEETING SUMMARY

Meeting Date – November 20, 2008  
Board Members Present – 38  
Board Members Excused–6  
Board Members Absent - 4

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## **II. PUBLIC SESSION**

Irene Kaufman spoke.

Benjamin Zgodny spoke.

### **Non-Agenda Items**

#### Jefferson Market

Elizabeth Adam spoke regarding problems at Jefferson Market.

#### Houston Street

Ian Dutton made an announcement.

#### New York University

Dan Ferris updated everyone on new activities and initiatives.

#### Chinese New Year

Noi Hung spoke regarding upcoming Chinese New Year events.

#### Health First

Jose Martin spoke regarding the Health First healthcare organization.

### **Landmarks & Public Aesthetics Items**

#### 425 Lafayette Street – Astor Library/Joseph Papp Public Theater

Zella Jones spoke against the proposed landmark application.

## **Zoning and Housing Items**

372 Broome Street CPC Application to permit conversion of the 2<sup>nd</sup>-6<sup>th</sup> floors to residential use  
Lori Cuisinier, representing the applicant, and Ross Morgan did not speak but were in favor of the proposed zoning application.

### **III. ADOPTION OF AGENDA**

### **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Erin Drinkwater, Congressman Jerrold Nadler's office

Lolita Jackson, Mayor's Community Affairs Unit, spoke regarding the Chinatown Working Group and an upcoming forum regarding Gansevoort Plaza.

Crystal Gold-Pond, Senator Tom Duane's office

Sen. Elect Daniel Squadron introduced himself.

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Angelica Crane, Man. Borough President Scott Stringer's office

Matt Borden, Assembly Member Deborah Glick's office

Grey Elam, of Council Speaker Christine Quinn's office

Paul Nagle, Council Member Alan Gerson's office.

Kate Mikuliak, Council Member Rosie Mendez's office,

### **V. ADOPTION OF MINUTES**

Adoption of September minutes and distribution of October minutes.

### **VI. EXECUTIVE SESSION**

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

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

## STANDING COMMITTEE REPORTS

### LANDMARKS AND PUBLIC AESTHETICS

#### 1<sup>ST</sup> LANDMARKS MEETING

**Item 1 - 37 Greene Street - SoHo-Cast Iron Historic District (Broome/Spring)** A store building designed by Richard Berger and built in 1883-1884. Application is to construct a rooftop addition and alter the rear facade. Zoned M1-5B

**Whereas**, the rooftop addition would be barely visible, far away in TriBeCa; but

**Whereas**, the novel and creative method of obtaining FAR to construct the rooftop addition is perpetrated by the egregious, wanton and unprecedented destruction of historic material from this landmarked building, harming irreparably the building and the district. Removal of the rear and side walls of the top floor to create a 'balcony' and transferring this FAR to the roof has never been applied for and, hopefully, will never be considered by an applicant again. If this destruction is permitted, expect many more such applications for the rampant destruction of our historic districts; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application in the strongest terms for its cynical abuse of the Zoning Resolution and the Landmark Laws.

Vote: Unanimous, with 38 Board members in favor.

**Item 2 - 727 Washington Street - Greenwich Village Historic District** A Renaissance Revival style rowhouse built in 1894 by Thom & Wilson, altered in 1940 by Alfred A. Tearle, and by Steven Mensch in 1990. Application is to alter the facade and install lot line windows. Zoned C61

**Whereas**, unfortunately, the applicant neglected to present us the portion of the application that related to the lot-line windows, so we have no choice but to deny that; and

**Whereas**, we are OK with brick being replaced with glass in the interior façade; but

**Whereas**, we do not like the fact that the balcony and railing interact with the older exterior façade, because we believe that the two facades should remain distinct; now

**Therefore, be it resolved** that CB#2, Man. unfortunately recommends denial of the lot line windows for the procedural reason cited in the first Whereas of this application; that is, failure simply to present it; and

**Further, be it resolved** that CB#2, Man. recommends approval of the application regarding the addition of the glass; but

**Further, be it resolved** that CB#2, Man. recommends denial of the glass 'railing' for reasons cited in the third Whereas.

Vote: Unanimous, with 33 Board members in favor.

**Item 3 - 425 Lafayette Street – Astor Library/Joseph Papp Public Theater Individual Landmark, NoHo Historic District** An Italianate style building, originally the Astor Library, designed by Alexander Saeltzer, Griffith Thomas, and Thomas Stent, and built in 1849-1881. Application is to alter the sidewalk, construct a stoop, and install signage, lighting, and rooftop mechanical equipment.

**Whereas**, the current Public Theater building is actually comprised of three buildings, built over a span of forty years: the first one in 1849 with a two-sided stoop; a second in the 1850s also with a stoop; the third in 1890 with a stoop, but this construction also involved removing the two original stoops; in the 1920s, the third, latter stoop was also removed; and

**\*Whereas**, in 1965, shortly after the creation of the LPC, the building was destined to be demolished. However LPC suggested to Joseph Papp that he buy it from the owner/developer for a theater and it would be landmarked; and

**\*Whereas**, the proposal calls for a reconfiguration of the lobby in order to regain its useable full space unencumbered by the current interior steps. This will be accomplished by removing the interior steps leading from the street door to the lobby and reintroducing a stoop, 74-feet long and projecting 16-1/2 feet from the building line, described more accurately as a monumental stairway, grandly leading up to the lobby level from the sidewalk, like there is at the Metropolitan or the Brooklyn Museum; and

**\*Whereas**, the building had a stoop originally, projecting out maybe 10 feet. The eastern side of Lafayette Place (the original name of the street in the 19<sup>th</sup> century, when it was more of a walkway than a thoroughfare) was lined with townhouses, whose stoops also projected beyond the building line; and

**\*Whereas**, the western side of Lafayette Place, where the Colonnades stand, originally had front gardens and fences also projecting, say, 15-feet from the building line. So, Lafayette was not historically as wide and spacious as it is currently; but

**\*Whereas**, there is no precedent for a stoop of this magnitude; and

**Whereas**, the original, historic solid wood-paneled door has been removed, resulting in the entry door losing its importance. This application seeks to return the importance of the central building by bringing back an 11-foot high entry door in metal and glass with divided lights to mimic the original wood panels; and

**Whereas**, a steel and glass canopy, an essential element of any theater, will be placed in a horizontal line with the cornice of the second floor, which should cause minimal obstruction; and

**\*Whereas**, generally, we do not appreciate canopies except in special situations, say the Gansevoort Historic District or certain buildings that incorporated them for specialized uses.

However, the specific use of this building as a theater was part of the consideration for landmarking it in the 60s. Adaptive re-use was an essential part of the landmarking process. In this special case, we find the canopy acceptable because the building has been a theater during its life as a landmark. Furthermore, the proposed canopy ‘floats’ and does not detract from the building

**\*Whereas**, the application calls for several 9’9-tall poster boxes - free-standing, glass-encased, vertical boxes with posters that advertise upcoming events, another common element in New York theaters, like those in front of Lincoln Center and also in front of another Individual Landmark, Rockefeller Center. The 1890s Astor Library had poster boxes; but

**\*Whereas**, although poster boxes are integral to theaters, there was concern with the 9' 9" height, as well as their placement in the pedestrian pathway.

*Height:*

Although the poster boxes in front of the Metropolitan Opera house are 8-1/2 feet tall, as well as being very close to the building line, unlike the poster boxes proposed in this application, they are also located in front of a structure much more massive than the Public and situated within a gigantic public plaza, diminishing their obtrusiveness.

The poster boxes in front of Rockefeller Center are *within* the building line and only three feet in height. The application's proposal at 9'9" is far too tall. The façade windows start at six feet off the ground. Any box taller than that will obstruct view of the historic window.

*Placement:*

Some thought that the poster boxes should be closer to the building, but the applicant said that would interfere with the 'campers' who wait in line for free tickets to Shakespeare in the Park. But long lines only happen a brief time in a year and should not dictate the placement of accoutrements that impede pedestrian flow. DOT also will weigh in on this case of sidewalk furniture. Perhaps their placement to accommodate free-ticket seekers is a case of the cart pulling the horse.

The applicant may wish to re-consider the height as well as the position of the poster boxes; and

**Whereas**, lighting will consist of: small up lights in the new sidewalk to highlight the edge of the sidewalk; small LEDs on the stair risers; channel lighting around the perimeter of the poster boxes; up lighting on the window sills at night to illuminate the building and partially the banners; small lighting on the canopy pointing downward to illuminate the steps. All of this is to give the Public Theater a public identity; and

**Whereas**, the proposal calls for five large banners, 25' by 5'; and

**Whereas**, Joe's Pub will be brought into the lobby, and the alley that it now uses as an entrance will be used as a secondary means of egress; and

**Whereas**, the proposed HVAC mechanical unit is barely visible and is concealed in a metal enclosure of bronze color; and

**\*Whereas**, the proposed work will cause minimal damage and is reversible; and

**\*Whereas**, to accommodate the protrusion of the stairway onto the existing 21-foot sidewalk, a 9-foot extension or bulb-out, is proposed to provide adequate pedestrian clearance. This sidewalk bulb-out needs permits from the DOT.; and

**\*Whereas**, at the committee meeting and in subsequent emails to the committee chair, there was concern from people who live/work in NoHo that the extensive renovation will draw undue attention to the building and distract from the historic district; now

**Therefore, be it resolved** that CB#2, Man. recommends overall approval of this application with a few suggestions:

**- The Stairs/Stoop**

Although there is precedent for stairs, the historic stairs did not project out as far as proposed. We suggest that in order to allay some of the concerns that neighbors have expressed, the applicant try to re-work the design to bring the stairs a bit closer to the building line. This could be partially achieved perhaps by reducing the depth of the stair landing.

Vote to substitute the above: Passed, with 30 Board members in favor, and 8 in opposition.

**- The Front Door**

The lights proposed are horizontal. We recommend four lights instead of the five proposed in order to echo the rhythm of the building. That is, we raise the question whether the proportion of panes in the door should reflect the masonry or whether the orientation of the panes should reflect more the front façade windows

**- The Bulb-out**

Although lacking historic precedent in NoHo, there seems no other way to accommodate the grand stairs and pedestrian clearance without the extension that the bulb-out provides. Neither will its introduction detract from the building.

Vote to substitute the above: Passed, with 33 Board members in favor, and 5 in opposition.

**- The Canopy**

Because of the building's use as a theater and because the canopy does not detract from the building, we approve of it.

**- Lighting**

It should be neutral color and low intensity, and monitored by the Commission, if necessary.

**- Poster Boxes**

Height: We recommend a maximum of six feet to avoid obscuring the façade windows, but having them at the same height as those in Rockefeller Center – three feet – would be more appropriate.

Placement: Although their proposed placement does not detract from the building, it does make them more intrusive nevertheless. The applicant might consider moving them closer to the building.

Vote to substitute the above: Passed with 33 Board members in favor, and 5 in opposition.

**-The Banners**

Banners are common for public venues, and although a bit numerous and large, we approve them.

**PLEASE SEE SUBSTITUTE RESOLUTION BELOW.**

**Item 3 - 425 Lafayette Street – Astor Library/Joseph Papp Public Theater Individual Landmark, NoHo Historic District**

An Italianate style building, originally the Astor Library, designed by Alexander Saelzler, Griffith Thomas, and Thomas Stent, and built in 1849-1881. Application is to alter the sidewalk, construct a stoop, and install signage, lighting, and rooftop mechanical equipment.

**Whereas**, the current Public Theater building is actually comprised of three buildings, built over a span of forty years: the first one in 1849 with a two-sided stoop; a second in the 1850s also with a stoop; the third in 1890 with a stoop, but this construction also involved removing the two original stoops; in the 1920s, the third, latter stoop was also removed; and

**\*Whereas**, in 1965, shortly after the creation of the LPC, the building was destined to be demolished. However LPC suggested to Joseph Papp that he buy it from the owner/developer for a theater and it would be landmarked, but in 1971 the City of New York purchased the Landmarked building from the Public Theater; and

**\*Whereas**, the proposal calls for a reconfiguration of the lobby in order to regain its useable full space unencumbered by the current interior steps. This will be accomplished by removing the interior steps leading from the street door to the lobby and reintroducing a stoop, (much larger than the original), 75-foot long and projecting 18 feet from the building line, on a 21 feet sidewalk described more accurately as a monumental stairway, grandly leading up to the lobby level from the sidewalk, like there is at the Metropolitan Museum of Art or the Brooklyn Museum, both buildings designed and built originally as museums with monumental entrances; and

**\*Whereas**, the building had a stoop originally, projecting out maybe 10 feet. The eastern side of Lafayette Place (the original name of the street until 1893, when the extension of Elm St. incorporated Lafayette St to Astor Place and the Astor Subway Station was installed in 1903) was lined with townhouses, whose stoops projected minimally beyond the building line; and

**\*Whereas**, the western side of Lafayette Place, where the Colonnades stand, may originally have had front gardens and fences also projecting, say, 15-feet from the building line, but their stoops were, as they are now, inset into the Colonnade Building(s).

**\*Whereas**, with the exception of the Colonnades the prominent buildings on this Landmarked block were built for manufacturing or commercial uses and not designed to compliment the earlier “promenade” roadbed: (See NoHo 1 Designation Report, Pgs. 17-27, [http://home2.nyc.gov/html/lpc/downloads/pdf/reports/NoHo\\_HD.pdf](http://home2.nyc.gov/html/lpc/downloads/pdf/reports/NoHo_HD.pdf).)

**\*Whereas**, there is no precedent for a stoop, now or in the past, of this magnitude; and

**Whereas**, the original, historic solid wood-paneled door has been removed, resulting in the entry door losing its importance. This application seeks to return the importance of the central building by bringing back an 11-foot high entry door in metal and glass with divided lights to mimic the original wood panels; and

**Whereas**, a steel and glass canopy, an essential element of any theater, will be placed in a horizontal line with the cornice of the second floor, which should cause minimal obstruction; and

**\*Whereas**, generally, we do not appreciate canopies except in special situations, say the Gansevoort Historic District or certain buildings that incorporated them for specialized uses. However, the specific use of this building as a theater was part of the consideration for landmarking it in the 60s.. Furthermore, the proposed canopy ‘floats’ and does not detract from the building and,

**\*Whereas**, the application calls for several 9’9-tall poster boxes - free-standing, glass-encased, vertical boxes with posters that advertise upcoming events, another common element in New York theaters, like those in front of Lincoln Center and also in front of another Individual Landmark, Rockefeller Center. The 1890s Astor Library had signposts for a brief time in front of its then existent 10’ deep stoop; and ,

**\*Whereas**, although poster boxes are integral to theaters, there was additionally concern with the 9'9" height, as well as their placement in the pedestrian pathway.

**Height:**

Although the poster boxes in front of the Metropolitan Opera house are 8-1/2 feet tall, as well as being very close to the building line, unlike the poster boxes proposed in this application, they are also located in front of a structure much more massive than the Public and situated within a gigantic public plaza, diminishing their obtrusiveness.

The poster boxes in front of Rockefeller Center are within the building line and only three feet in height. The application's proposal at 9'9" is far too tall. The façade windows start at six feet off the ground. Any box taller than that will obstruct view of the historic window.

**Placement:**

Some thought that the poster boxes should be closer to the building, but the applicant said that would interfere with the 'campers' who wait in line for free tickets to Shakespeare in the Park. But long lines only happen a brief time in a year and should not dictate the placement of accoutrements that impede pedestrian flow. DOT also will weigh in on this case of sidewalk furniture. Perhaps their placement to accommodate free-ticket seekers is a case of the cart pulling the horse. The applicant may wish to reconsider the poster boxes, and

**Whereas**, lighting will consist of: small up lights in the new sidewalk to highlight the edge of the sidewalk; small LEDs on the stair risers; channel lighting around the perimeter of the poster boxes; up lighting on the window sills at night to illuminate the building and partially the banners; small lighting on the canopy pointing downward to illuminate the steps. All of this is to give the Public Theater a heightened and perhaps dominant public identity; and

**Whereas**, the proposal calls for five large banners, 25' by 5'; and

**Whereas**, Joe's Pub entrance and exit will be brought into the lobby with additional customer space on the stoop, and the alley that it now uses as an entrance will be used as a secondary means of egress; and

**Whereas**, the proposed HVAC mechanical unit is barely visible and is concealed in a metal enclosure of bronze color; and

**\*Whereas**, the proposed work will cause minimal damage and is reversible; and

**\*Whereas**, to accommodate the protrusion of the stairway onto the existing 21-foot sidewalk, an 11 foot extension or bulb-out, is proposed to provide adequate pedestrian clearance, but has been pre-approved by DOT. and

**\*Whereas**, at the committee meeting and in subsequent emails to the committee chair, there was concern from people who live/work in NoHo that the extensive renovation will draw undue attention to the building and distract from the building's and architecture designated in the NoHo I historic district; now

**Therefore, be it resolved** that CB#2, Man. recommends overall limited approval of this application with a few suggestions with the following recommendations:

In our limited approval, we also recognize that the physical factors of this application may warrant modifications subject to review and recommendations of other CB#2, Man, Committees as to revocable consents for stoop, signs and bump-out.

**- The Stairs/Stoop**

Although there is precedent for stairs, the historic stoops did not project out nearly as far as proposed. We encourage the applicant, in the interests of keeping in scale with the rest of the historic block, to try to re-work the design to bring the stairs closer to the building line with a total depth closer to 10 feet from the building line. This could be partially achieved perhaps by reducing the western steps and retaining the stairs at the north and south.

**- The Front Door**

The lights proposed are horizontal. We recommend four lights instead of the five proposed in order to echo the rhythm of the building. That is, we raise the question whether the proportion of panes in the door should reflect the masonry or whether the orientation of the panes should reflect more the front façade windows

**- The Bulb-out**

This element is in conflict with the contextual character of the NoHo Historic District, serves no cohesive purpose for the streetscape being necessary only to accommodate the stoop extension.

**- The Canopy**

Because of the building's use as a theater and because the canopy does not detract from the building, we approve of it.

**- Lighting**

It should be neutral color and low intensity, and monitored by the Commission, if necessary.

**- Poster Boxes**

Height: We recommend a maximum of six feet to avoid obscuring the façade windows, but having them at the same height as those in Rockefeller Center – three feet – would be more appropriate.

Placement: Although their proposed placement does not detract from the building, it does make them more intrusive. We object to them as proposed.

**-The Banners**

Banners are common for public venues, and although a bit numerous and large, we approve them.

Vote: Passed, with 32 Board members in favor and 6 in opposition.

**Item 4 - 65 Bleeker Street - Bayard-Condict Building-Individual Landmark** A Sullivanesque style office building designed by Louis Sullivan and built in 1897-99. Application is to alter the rear facade

**Whereas**, the Landmarks Committee was divided on the application: 6 to 4. This is unusual; but

**Whereas**, the proposal to remove a line of windows to create larger window openings to let in more light to the interior would destroy historic material of the only building by Louis Sullivan in New York City; and

**Whereas**, it is clear there was a clear design by Sullivan in executing the rear façade. For example, the cast-iron elements in the windows bespeak of thoughtful design. Furthermore, the rear is remarkably symmetrical and evocative of a Mayan temple, say the temple at Chichén Itzá. Mayan architectural reference was later adopted into the Art Deco style;

**Whereas**, the applicant proposed leaving intact the two upper stories, the portion of the rear façade that would be seen from the street, but the majority of committee members found this unacceptable; now

**Therefore, be it resolved** that CB#2, Man., with some disagreement, recommends denial of this application.

Vote: Passed, with 36 Board members in favor, and 2 in opposition.

**568 Broadway - SoHo - Cast Iron Historic District.** A Beaux-Arts style store and loft building built in 1895-97. Application is to replace windows.

**Whereas**, frankly, we are befuddled why staff made the applicant appear before us: the work was so extremely minimal and so distant from public view that someone at street level with binoculars searching for it would fail to notice the change proposed. It served no purpose to have a public hearing, wasting the committee's time as well as the time and money of the applicant; and

**Whereas**, it is especially perplexing to rationalize the desire to save this tiny bit of fenestration, when more important architectural elements, say 19<sup>th</sup> century ironwork, for example, sometimes receives permission to be removed; now

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

Vote: Unanimous, with 38 Board members in favor.

## 2<sup>ND</sup> LANDMARKS MEETING

**Item 1 - 53 Wooster Street (Grand/Broome) - SoHo-Cast Iron Historic District** A dwelling built c.1825 and altered in 1870. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B

**Whereas**, although the current proposed scope of work is not extremely extensive, perhaps not extensive enough to warrant a Modification of Use under 74-711, the applicant did other commendable restoration work to maintain the building prior to this application, namely putting in tie rods and a new roof, and, additionally, the building had been maintained fairly well, and

**Whereas**, most of the proposed work contributes to the building; but the windows seemed awkward; now

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

**Further, be it resolved** that CB#2, Man. recommends that the transom bar be retained and that below it the window have vertical divisions, not the proposed horizontal divisions. We also recommend lowering the window sill approximately six inches to the bottom of the lights in the door way, so that they both be in the same plane; and

**Further, be it resolved** that CB#2, Man. reiterates our constant advisement that recommendation for approval of the landmarking portion of the application in no way implies approval or denial of the zoning portion.

Vote: Unanimous, with 37 Board members in favor.

**Item 2 - 439 Lafayette Street - NoHo Historic District** A Renaissance Revival style warehouse building designed by D & J Jardine and built in 1889-90. Application is to install a rooftop fence and trellis.

**Whereas**, the trellis is barely visible and not intrusive; but

**Whereas**, the proposed cable railing around much of the perimeter of the roof would detract from the building; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the trellis; but

**Further, be it resolved** that CB#2, Man. recommends as a solution to the perimeter railing that a six-foot fence adjacent to the existing entry hatch be installed to prevent the public from trespassing onto the common roof area, and, on the south side, a cable railing be installed, partially covering the common area, but not extending around the perimeter as originally proposed.

Vote: Unanimous, with 37 Board members in favor.

### **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**New App. for revocable consent to operate an Unenclosed sidewalk café for:**

**1. Bonarue Blue Industries, Inc. d/b/a Florencia 13, 185 Sullivan St., Block: 525, Lot: 7, Police Precinct: 6. City Address: 183 SULLIVAN STREET, with 5 tables & 10 seats, DCA# 1301635.**

**Whereas**, the area was posted, community groups notified by e-mail and there was a community member present and an owner, Ralph Camarillo and his Attorney Frank Palillo were present, and,

**Whereas**, this lot area is 4952 sq. feet with frontage of 50 feet and depth of 100.17 feet, with 1 building of six stories, with 40 residential units of a total 42 units in a Mixed Residential and Commercial R7-2 Zone (Map #:12A), and,

**Whereas**, this committee inquired of the applicant and attorney as to the permissibility of a sidewalk café for this lot in a block that has been partially rezoned not to have sidewalk cafes, but was assured that this address would be allowed, and,

**Whereas**, a resident of the block, Gary Spindler, attested to a previous sidewalk café in this location that received a waiver and attested to the compatibility of this applicant with the neighborhood, and assured the Committee that should there be any question regarding the permissibility of a sidewalk café that The Bleecker Area Merchants and Residents Association (BAMRA) would produce a waiver on their behalf, and,

**Whereas**, this committee noted that the sidewalk is exactly 12 feet wide and that in order to accommodate required pedestrian clearance the two tables at the north and south would have to be set with no separation in order to maintain that clearance and the applicant agreed to do so,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate Unenclosed sidewalk cafe for Bonarue Blue Industries, Inc. d/b/a Florencia 13, 185 Sullivan St., City **Address:** 183 SULLIVAN STREET, with 5 tables & 10 seats, DCA# 1301635.

Vote: Unanimous, with 38 Board members in favor.

**2. Scuderia Gallo, LLC, d/b/a Scuderia, 10 Downing St., a/k/a 257-263 6<sup>th</sup> Ave., with 18 tables & 36 seats, DCA# 13017 – LAID OVER**

**New App. for revocable consent to operate an Enclosed sidewalk café for:**

**3. 74 Seventh LLC, d/b/a Centro Vinoteca, 37 Barrow St., Block: 587, Lot: 56, Police Precinct: 6, City Address: 74 7 AVENUE SOUTH, 10014 with 13 tables & 42 seats, DCA# 1280572.**

**Whereas**, the area was posted, community groups notified by e-mail and there were community members present, letters received from neighbors and the owners representative, Michael Kelly was present, and,

**Whereas**, this lot area is 795 sq. feet with frontage of 56 feet and depth of 41 feet, with 1 building of two stories, with 0 residential units of a total 1 units in a C2-6 Zone (Map #:12A), and,

**Whereas**, this application is a new application for a restaurant and sidewalk café that has previously existed but was not renewed pending approval by Landmarks Preservation Commission of doors on the sidewalk café which are now in compliance, and,

**Whereas**, neighbors expressed concern that there would be any new use of the Barrow Street side of the Restaurant and Sidewalk Café, and there will be none and the method of operation of this applicant will not change from its previous method of operation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Enclosed sidewalk cafe for 74 Seventh LLC, d/b/a Centro Vinoteca, 37 Barrow St., City Address: 74 7 AVENUE SOUTH, 10014 with 13 tables & 42 seats, DCA# 1280572

Vote: Unanimous, with 38 Board members in favor.

**Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**4. JEC II, LLC d/b/a One Little West 12, 1-3 Little West 12, Address, ZIP Code: 2 9 AVENUE, 10014, Block: 628, Lot: 1, Police Precinct: 6, betw. Gansevoort and W 13<sup>th</sup> St @ 9<sup>th</sup> Ave., with 31 tables & 62 seats, DCA# 1161856.**

**Whereas**, the area was posted, community groups notified by e-mail and there were no community members present and the owner's representative, Salvatore Feli was present, and,

**Whereas**, this lot frontage is 77.33 feet and depth 100 feet, with 3 building of six stories, with 0 residential units of a total 3 units in an M1-5 Manufacturing Zone (Map #:08B), and,

**Whereas**, this committee observed sidewalk furniture being stored on the sidewalk prior to café opening and the owner assured the Committee that it was properly stored when the sidewalk café was not in operation, and that use of the sidewalk café terminates on October 31<sup>st</sup>. for the winter months, and,

**Whereas**, this committee observed café heating fixtures that seemed not to comply with City regulation but the owner assured the Committee that new heating units have been purchased and personnel were being trained in their operation in accordance with City regulation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for JEC II, LLC d/b/a One Little West 12, 1-3 Little West 12, City Address: 2 9 AVENUE, 10014, betw. Gansevoort and W 135h St @ 9<sup>th</sup> Ave., with 31 tables & 62 seats, DCA# 1161856.

Vote: Unanimous, with 38 Board members in favor.

**5. Caffe Silvestri, Inc., d/b/a Caffe Napoli, 191 Hester St./130 Mulberry St., Block: 237, Lot: 36, Police Precinct: 5, with 21 tables & 24 seats, DCA# 0966923.**

**Whereas**, the area was posted, community groups notified by e-mail and there were no community members present and the owner's representative, Mike Kelly, was present, and,

**Whereas**, the building is estimated to be built in 1900 and there is no Certificate of Occupancy on file for this address, the lot has an area of 1881 sq. feet with frontage of 25 feet and depth of 75.25 feet, with 1 building of six stories, with 15 residential units of a total 19 units in a C6-2G Zone (Map #:12C), and,

**Whereas**, this committee noted that there are **currently 21 tables and 48 seats** and the DCA license posted indicates that there **should be 21 tables and 42 seats**, and that the **DCA application received for renewal states 21 tables and 24 seats** and that the **2006 renewal recorded at CB#2 shows 26 tables and 47 seats**, and

**Whereas**, this committee also noted a considerable amount of sidewalk café furniture stored in what seems an illegal spot on the Hester St. side, and,

**Whereas**, the applicant's representative agreed that the application should have 21 tables and 42 seats REGARDLESS of all the other competing documentation and agreed that the applicant would comply with that number of tables and chairs,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for Caffe Silvestri, Inc., d/b/a Caffe Napoli, 191 Hester St./130 Mulberry St., Block: 237, Lot: 36, Police Precinct: 5, with **21 tables & 42 seats**, DCA# 0966923.

Vote: Unanimous, with 38 Board members in favor.

**6. 151 Mulberry Street Corp. d/b/a IL Palazzo, 151 Mulberry St., Block: 236, Lot: 20, Police Precinct: 5, Second City Address: 189 GRAND STREET, 10013 with 12 tables & 24 seats, DCA# 113376.**

**Whereas**, the area was posted, community groups notified by e-mail and there were no community members present and the owners representative, Mike Kelly, and the building owner's attorney was present, and,

**Whereas**, this is a Landmarked building originally owned by the Stabile Brothers but has recently been sold to the Italian American Museum, and

**Whereas**, the Italian American Museum has not given this lessee permission to operate a sidewalk café, a requirement of the DCA application, and

**Whereas**, this committee has observed that this applicant continued to operate the sidewalk café as of Nov. 10<sup>th</sup>, 2008, and

**Whereas**, the applicant's representative agreed to withdraw this application and remove this sidewalk café in accordance with DCA regulation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of the renewal application for revocable consent to operate an Unenclosed sidewalk café for **151 Mulberry Street Corp. d/b/a IL Palazzo, 151 Mulberry St.**, Block: 236, Lot: 20, Police Precinct: 5, Second City Address: 189 GRAND STREET, 10013 **with 12 tables & 24 seats, DCA# 113376.**

**THE ABOVE APPLICATION WAS WITHDRAWN.**

**7. Wogie's, 39 Greenwich Ave, 10014, betw. Charles & Perry Sts., Block: 612, Lot: 65, Police Precinct: 6, with 16 tables & 32 seats, DCA#1160623.**

**Whereas**, the area was posted, community groups notified by e-mail and there were community members present, letters received of complaint, and a 311 Call roster of complaints produced by the Sixth Precinct, and the owners representative, Mike Kelly, was present, and,

**Whereas**, this is a building of 5 stories built prior to 1900 with 12 residential units in a total of 14 units in a C1-6 Commercial zone (Map # 12A) with Lot Frontage of 26.83 feet and Lot Depth: 82.17 feet, in a Landmarked District, and,

**Whereas**, plans submitted in 2004 do not reflect the current sidewalk café, and

**Whereas**, the windows of this sidewalk café are not in compliance with Landmarks Preservation Commission standards and there is a current violation on file in this regard which the applicant has agreed to remedy, and

**Whereas**, the new windows will NOT open to the sidewalk café thus remedying some of the conditions that provide excessive noise to the residents surrounding this location, and,

**Whereas**, the applicant has produced a new sidewalk plan dated October 28, 2008 showing 16 tables and 32 seats on both the Greenwich Avenue and Charles St sides, and,

**Whereas**, this sports bar and sidewalk café is heavily used seven days a week with constant use of the sidewalk café and sidewalk beyond the café for customer smoking and fraternizing, and

**Whereas**, this continued use is most disturbing to the residences surrounding it, and,

**Whereas**, the applicant's representative agreed that there would be vigilant sidewalk cleaning and a full-time security guard placed outside this establishment and sidewalk café in order to manage customer disturbance,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk café for Wogie's, 39 Greenwich Ave, 10014, betw. Charles & Perry Sts., **Block: 612, Lot: 65, Police Precinct: 6**, with 16 tables & 32 seats, DCA#1160623 **CONDITIONAL UPON** a signed Change Agreement that specifies the following:

- The new sidewalk plan of October 2008 is the ONLY one filed and allowed by DCA in this renewal application
- The new landmark-approved windows are NEVER opened.
- There will be a security presence outside this location, seven days a week from 10 P.M. to closing.
- Exceptional effort will be made to clean the sidewalks surrounding this location.

Vote: Unanimous, with 38 Board members in favor.

**8. Grotta Azzurra Inn, Inc., 177 Mulberry St., Block: 471, Lot: 14, Police Precinct: 5, City Address: 387 BROOME STREET, 10013, with 12 tables & 24 seats, DCA# 1150943.**

**Whereas**, the area was posted, community groups notified by e-mail and there were no community members present and the owner, Frank Castellano, was present, and,

**Whereas**, the building was built in 1930 and there is no Certificate of Occupancy on file for this address, the lot has an area of 2662 sq. feet with frontage of 25.25 feet and depth of 105.42 feet, with 1 building of five stories, with 20 residential units of a total 21 units in a C6-2G Zone (Map #:12C), and,

**Whereas**, this committee observed no violations and there were no complaints from the community,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for Grotta Azzurra Inn, Inc., 177 Mulberry St., Block: 471, Lot: 14, Police Precinct: 5, City Address: 387 BROOME STREET, 10013, with 12 tables & 24 seats, DCA# 1150943.

Vote: Unanimous, with 38 Board members in favor.

## **SLA LICENSING**

### **1. Play Earth Inc., 57 Great Jones St. (Lafayette and Bowery), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a transfer of an existing On Premise license, pursuant to purchase for a Japanese restaurant located in a 1,390 s.f. premise in a commercial building located on Great Jones between Lafayette and Bowery with 24 table seats, 1 bar with 5 seats and a maximum legal capacity of 45 persons pending the issuance of a new Certificate of Occupancy, which will not exceed said capacity; and,

**Whereas**, the applicant stated the hours of operation are 5:00 p.m. – 2:00 a.m. Sunday – Thursday and 5:00 p.m. – 3:00 a.m. Friday - Saturday; there is no sidewalk café and no backyard garden; music will be background only; and,

**Whereas**, the applicant has agreed to install functional security cameras on the premises; and,

**Whereas**, the applicant has agreed to ensure that a proper means of egress is in place as required by the New York City Department of Buildings; and,

**Whereas**, the applicant has agreed to implement proper waste control for the establishment; and,

**Whereas**, the applicant has agreed that any changes to the proposed floor plan or method of operation will require a full review by this Committee; and,

**Whereas**, the applicant has agreed to community outreach on a regular basis immediately following its opening; and

**Whereas**, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 1:00 a.m. Sunday-Thursday and 2:00 a.m. Friday – Saturday); and,

**Whereas**, the applicant has agreed to not operate the restaurant until all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy from the New York City Department of Buildings have been issued; 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 **Play Earth Inc., 57 Great Jones St.**, unless those conditions agreed to by applicant relating to the fourth, fifth, sixth, seventh, eighth, ninth and tenth “whereas” clauses above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 33 Board members in favor.

## **2. V Bar, 2 LLC, 334-336 Bowery (Great Jones and Bond Street), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license for an Italian cafe located in a 2,500 s.f. premise with a 1,200 s.f. basement for storage in a mixed use building located on Bowery between Great Jones and Bond Streets with 51 table seats, 1 bar with 9 seats and a maximum legal capacity of 70 persons; and,

**Whereas**, the applicant stated the hours of operation are 7:00 a.m. – 2:00 a.m. Sunday – Thursday, 7:00 a.m. – 4:00 a.m. Friday and 10:00 a.m. – 4:00 a.m. Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

**Whereas**, the applicant is planning to install French doors but has agreed to close them by 8:00 p.m. daily; and,

**Whereas**, the applicant has agreed to install proper soundproofing in the establishment; and

**Whereas**, several member of the community, including residents in the building appeared in opposition; raising quality of life concerns with another new licensed restaurant establishment in the area; and close proximity of over 18 licensed establishments within 500 feet; and,

**Whereas**, a petition with over 160 names was submitted in opposition; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **V Bar, 2 LLC, 334-336 Bowery.**

Vote: Unanimous, with 33 Board members in favor.

**3. West Village Ritz Corp. 189 Bleecker St. (at McDougal), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license for a Asian fusion restaurant located in a 1,100 s.f. premise in a mixed use building on at the corner of Bleecker and McDougal Streets with 38 table seats and 1 bar with 4 seats; and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are 11:00 a.m. – 12:00 a.m. Sunday – Thursday and 11:00 a.m. – 2:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; 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 **West Village Ritz Corp. 189 Bleecker St.**

Vote: Unanimous, with 33 Board members in favor.

**4. J&M Rest. Corp., 393 Canal St. a/k/a 8 Thompson St. (Thompson and West Broadway), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a transfer of an existing On Premise license, pursuant to change of ownership for a Japanese restaurant known as BINY located in a 2,200 s.f. premise in a commercial building on Canal st Thompson Street with 58 table seats and 1 bar with 7 seats; and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated there are no plans to change the existing method of operation; the applicant stated the current hours are 11:30 a.m. – 1:00 a.m. Monday – Thursday, 11:30 a.m. – 3:00 a.m. Friday, 1:30 p.m. – 3:00 a.m. Saturday and 1:30 p.m. – 1:00 a.m. Sunday; there is no sidewalk café nor a backyard garden; music is background and Karaoke 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 transfer of an On Premise license for **J&M Rest. Corp., 393 Canal St. a/k/a 8 Thompson St.**

Vote: Unanimous, with 33 Board members in favor.

**5. Sweet 101 LLC, 161 Lafayette St. (Grand and Howard), NCY**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license for a casual restaurant located in a 238 s.f. premise in a mixed use building located on Lafayette Street between Grand and Howard Streets with 12 table seats, 1 bar with 8 seats and a maximum legal capacity of 23 persons; and,

**Whereas**, the applicant stated the hours of operation are 12:00 p.m. – 12:00 a.m. Sunday – Monday, 12:00 p.m. – 2:00 a.m. Tuesday – Thursday and 12:00 p.m. – 4:00 a.m. Friday and Saturday; there will not be a sidewalk café application nor a backyard garden; music will be live and background only; and,

**Whereas**, the previous owner and current leaseholder appeared to inform the Committee that she has been evicted from this establishment by the landlord; and,

**Whereas**, the applicant has executed a lease for this establishment pursuant to the termination of the existing lease; and,

**Whereas**, the applicant has agreed to not operate until the lease issues have been resolved; 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 **Sweet 101 LLC, 161 Lafayette St.**; and,

Vote: Unanimous, with 33 Board members in favor.

#### **6. Divine LLC, 248 West 14<sup>th</sup> St. (at 8<sup>th</sup> Avenue) NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a transfer of an existing On Premise license for a nightclub located in a 4,100 s.f. premise in a commercial building located on West 14<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues with 36 table seats, 2 bars with 12 seats and a maximum legal capacity of 196 persons; **for a stock transfer with current ownership while changing the Incorporated to a Limited Liability Corporation; and,**

**Whereas**, the applicant stated there are no plans to change the current method of operation; the applicant stated the hours are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music is background and DJ only; and,

**Whereas**, the Committee expressed issues with this operator; citing overcrowding and noise problems outside the premises; and,

**Whereas**, the applicant was previously denied by this Committee and the Full Board of Community Board 2, Manhattan for a proposed transfer of an On Premise license in August 2007; and,

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed transfer to an On Premise license for **AER Lounge, LLC, 409 W. 13<sup>th</sup> St.**

Vote: Unanimous, with 33 Board members in favor.

#### **7. Arsenal Food Corp 248 West 14<sup>th</sup> St. (at 8<sup>th</sup> Avenue) NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an existing On Premise license for a nightclub located in a 4,100 s.f. premise in a commercial building located on West 14<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues with 36 table seats, 2 bars with 12 seats and a maximum legal capacity of 196 persons; **to add a cellar bar with no seats; and,**

**Whereas**, the applicant stated there are no plans to change the current method of operation; the applicant stated the hours are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music is DJ and background only; and,

**Whereas**, the Committee expressed issues with this operator; citing overcrowding and noise problems outside the premises; and,

**Whereas**, the applicant was previously denied by this Committee and the Full Board of Community Board 2, Manhattan for a proposed transfer of an On Premise license in August 2007; and,

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to an On Premise license for **Arsenal Food Corp 248 West 14<sup>th</sup> St.**

Vote: Unanimous, with 33 Board members in favor.

### **8. 26 Bond Street Retail LLC (at Lafayette Street), NYC**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for a Beer and Wine license for a high-end retail store and cafe located in a 1,200 s.f. premise in a mixed use building on Bond Street at Lafayette with 10 table seats, 1 bar with no seats and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated that the hours of operation will be 8:00 a.m. – 11:00 p.m. Sunday – Wednesday and 8:00 a.m. – 12:00 a.m. Thursday - Saturday; there will be no sidewalk application and no backyard garden music will be background only; and,

**Whereas**, this applicant has met with members of the community, including residents of the building; and,

**Whereas**, the applicant has agreed to seek a Beer and Wine license exclusively and to never upgrade to an On Premise License; and,

**Whereas**, the applicant has agreed that the ground floor café will serve prepared food only; there will be no kitchen; and the café area will be limited to 10 table seats; and,

**Whereas**, the applicant has agreed to operate primarily as a retail establishment at all times; and,

**Whereas**, the applicant has agreed to prohibit the use of the backyard garden at all times; and,

**Whereas**, the applicant has agreed to never promote the operation as a drinking establishment including the use of outdoor signage for this purpose; and,

**Whereas**, the applicant has agreed to never sub-lease the space to a third party; 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, Fire Department, and Landmark Commission prior to the use of the Beer and Wine license; and,

**Whereas**, over 12 members of the community appeared in support of the applicant; citing the value of a high end retail store/café operation; and,

**Whereas**, over 15 letters and email were submitted and 15 members of the community appeared in opposition; citing quality of life concerns with another drinking establishment in the area; citing potential building and safety issues; noise and overcrowding issues on a residential block; and close proximity of over 20 licensed establishments near Bond Street; citing that the applicant has started construction without valid permits; and,

**Whereas**, in light of the concerns and some support expressed by the community, the Committee has agreed to apply additional conditions in order to support the application:

- 1) Reduce operating hours to close at 11pm daily
- 2) Limit promotional/private events to 1 per month
- 3) Limit cafe area to 10 seats at all times
- 4) Limit the sale of beer and wine to the café area only; beer and wine will not be purchased or served at the bar

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed Beer and Wine license for **26 Bond Street Retail LLC**, unless those conditions agreed to by applicant relating to the fifth through eleventh and particularly the fourteenth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Beer and Wine license.

Vote: Unanimous, with 33 Board members in favor.

#### **9. Crime Scene Pub, 310 Bowery (Bleecker and Houston), NYC.**

**Whereas**, the operator appeared before the committee; and,

**Whereas**, this application is for a renewal of an On Premise license for a bar/restaurant d/b/a Crime Scene Pub located in a 2,200 s.f. premise in a commercial building located on Bowery between Bleecker and Houston Streets; and,

**Whereas**, the previously approved application (filed under “Archangels”) and adopted resolution from 2004, which states the method of operation as: operating with 72 table seats, 1 bar with 12 seats with a maximum legal capacity of 74 persons; the hours are 11:00 a.m. – 4:00 a.m. seven days a week; there is no sidewalk café and no backyard garden; music is live and jukebox only; food items provided by a concessionaire who also serves the bar next door known as the Bowery Poetry Club; and,

**Whereas**, this Committee has raised concerns regarding the legality of the kitchen sharing and the open access between the two adjacent licensed premises; and,

**Whereas**, the applicant has since altered the license with a change of control without notifying the Committee and Full Board, CB#2, Man. explicitly required by the New York City State Liquor Authority; and

**Whereas**, the applicant has numerous outstanding New York City Department of Buildings and ECB violations for exceeding their capacity; questions have been raised on the validity and accuracy of their Certificate of Occupancy and Public Assembly permit on record; and,

**Whereas**, a member of the community appeared in vehement opposition; citing overcrowding and noise issues with the establishment, deriving from private parties and velvet rope/nightclub like activities; and,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly opposes the renewal of an On Premise License to **Crime Scene Park, 310 Bowery**; and,

**BE IT FURTHER RESOLVED** that CB#2, Man. strongly recommends that the SLA conduct an investigation to determine if the operator has violated its duly licensed method of operation.

Vote: Unanimous, with 33 Board members in favor.

### **STREET ACTIVITY & FILM PERMITS**

#### **Support for the Street Fair Activity Permit Application for NYU Grad Alley Commencement Celebration**

*Date: May 12, 2009*

*Location: (multi – block), Washington Sq. South b/w. Macdougall & Washington Sq East; Greene St. b/w. W. 4th St. & Waverly Pl.; LaGuardia Pl. b/w W. 3rd & Washington Sq. South*

Setup/Breakdown window: 8am-8:30 p.m.

Street Closure Request: 8am-8:30 p.m.

Event Time: 4 p.m. 7 p.m.

**Whereas**, NYU Grad Alley has become an annual celebration for the collective graduating classes of NYU and their families; and

**Whereas**, NYU Grad Alley features games, booths, music, dancing, hay rides and food; and

**Whereas**, NYU has agreed to start and finish Grad Alley one hour earlier this year and to not include any firework show; and

**Whereas**, NYU has agreed to provide a point person who is reachable by the chair of this committee to address any community concerns that might arise during the street fair; and

**Whereas**, no money is raised or solicited, and nothing is charged for the food or events at Grad Alley; and

**Whereas**, the applicant has agreed to ending their street fair on time, to promptly cleaning up all garbage and debris and to controlling noise levels; and

**Whereas**, no member of the community appeared in opposition of the application; now

**Therefore Be it Resolved** that CB#2, Man. supports the Street Fair Activity Permit Application for the NYU Grad Alley Commencement Celebration.

Vote: Unanimous, with 33 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in response to MTA NYC Transit update on Bleecker St./Broadway-Lafayette station rehabilitation project**

**Whereas**, MTA NYC Transit (NYCT) has presented updated plans to renovate the Bleecker St./Broadway-Lafayette subway stations, including installation of five elevators and an escalator for disabled access, platform widening and lengthening, free connection between the two stations, public art, and opening a presently closed mezzanine, sidewalk entrance and stairway; and

**Whereas**, the project will last 40 months (commencing January 2009), covers a work area from Houston to Bleecker Sts. between Crosby and Mott Sts, and entails re-digging up the street, sidewalk and planted medians there just being completed in the NYC Department of Transportation (DOT) Houston St. Reconstruction Project, revealing a disturbing lack of coordination between NYCT and DOT, a waste of public funds, and an otherwise avoidable prolongation of dangerous walking and driving conditions; and

**Whereas**, the existing heavily-traveled bicycle lane segment on Lafayette St. between Houston and Bleecker Sts. will be suspended from January 2009 to 2011, with no provision for alternative bicycle access, thereby endangering bicyclists; and

**Whereas**, NYCT's planned reopening of a stairway entrance on the south sidewalk of Houston St. between Lafayette St. and Mulberry St., in front of the Puck Building, is generally welcomed, this sidewalk is already of insufficient width to carry current pedestrian volumes even before the anticipated removal of as much as 75% of its width to accommodate the stairway, while, at the same time, the three lanes of through traffic on Houston St. are in a roadbed wide enough for 4-1/2 lanes, and the granite sidewalk at this location needs to be restored or replaced to preserve its historical character, crucial to the integrity of the adjoining Puck Building's landmarked status; and

**Whereas**, the community is concerned that the project will hinder the conduct of local businesses, kindle a proliferation of vermin, and compromise residents' access, safety and general quality of life; and

**Whereas**, NYCT has offered its assurance that it has been working and will continue to work throughout the project with local residents, businesses and property owners to address their needs, such as installing signage for business visibility and keeping the community informed, and that it will conduct a regular vermin control program;

**Therefore, Be It Resolved** that CB#2, Man. supports this long-awaited rehabilitation of the Bleecker St./Broadway-Lafayette subway stations that will benefit subway riders; and

**Be It Further Resolved** that CB#2, Man. urges NYCT and DOT to work closely in coordinating street level work to ensure the safe and comfortable access of pedestrians and vehicles both above- and below-ground and to avoid intrusions on the life of the community; and

**Be It Further Resolved** that CB#2, Man. urges that all efforts be made to accommodate the existing bicycle lane on Lafayette St. throughout the construction period, but should it be determined that there is no possible way to accommodate said bicycle lane, CB2 urges NYCT to coordinate with DOT to establish an alternative safe route for cyclists, including signage and surface markings to indicate such route; and

**Be It Further Resolved** that in order to accommodate the reopened stairway on Houston St. between Lafayette St. and Mulberry St., CB#2, Man. urges NYCT and DOT to widen the sidewalk into the roadbed to at least maintain the sidewalk's current insufficient width, and asks that NYCT and DOT work with this Board and local residents to reach a final design that provides adequate pedestrian passage, while also providing granite sidewalk restoration or replacement there, in keeping with its landmarked site; and

**Be It Finally Resolved** that CB#2, Man. urges NYCT to work together with the local community throughout the project to mitigate to the fullest extent any negative construction impacts.

**Vote:** Unanimous with 38 Board members in favor.

**2. Resolution requesting a parking regulations change from 'No Standing Except Trucks Loading and Unloading 8am-4pm Monday thru Friday' to 'No Standing Except Trucks Loading and Unloading Anytime' at 39 Clarkson St. and 20 feet to the east.**

**Whereas**, Koppers Chocolate has run its chocolate manufacturing business for many years at 39 Clarkson St., a six-story building it owns between Greenwich and Hudson Sts., in an operation where truck loading and unloading activities to deliver ingredients and pick up goods is essential; and

**Whereas**, Koppers is located in an M1-5 zone, but as the area around it has gentrified, cars increasingly park in front of the firm's building, right in its loading zone both day and night, preventing its trucks from coming in to load and unload and obstructing the crucial conduct of its business; and

**Whereas**, Koppers often operates beyond its normal hours of 8 am to 6 pm into the weekends and on night shifts; and

**Whereas**, trucks have to angle to the loading dock from the east so as not to block the street during loading and unloading;

**Whereas**, CB#2, Man. fully recognizes the importance of preserving manufacturing businesses and jobs in New York City, recently supported zoning to maintain manufacturing uses in our community, and is in favor of facilitating these activities; and

**Whereas** CB#2, Man. received several letters, including ones from the Carmine Street Block Association, the Greenwich Village Community Task Force and the New York Industrial Retention Network, all supporting Koppers Chocolate's requested parking change from 'No Standing Except Trucks Loading and Unloading 8am-4pm Monday thru Friday' to 'No Standing Except Trucks Loading and Unloading Anytime' at 39 Clarkson St. and 20 feet to the east;

**Therefore Be It Resolved** that CB#2, Man. strongly supports a parking regulations change from 'No Standing Except Trucks Loading and Unloading 8am-4pm Monday thru Friday' to 'No Standing Except Trucks Loading and Unloading Anytime' at 39 Clarkson St. and 20 feet to the east and urges the NYC Department of Transportation to implement this change as soon as possible.

**Vote:** Unanimous with 38 Board members in favor.

**3. Resolution requesting installation of two speed humps on W. 13<sup>th</sup> St. bet. Ave. of the Americas (6<sup>th</sup> Ave.) and 7<sup>th</sup> Ave.**

**Whereas**, motorists speed down W. 13<sup>th</sup> St. between Ave. of the Americas (6<sup>th</sup> Ave.) and 7<sup>th</sup> Ave. jamming on their brakes at the end of the block, thereby undermining pedestrian safety and creating noise disturbances on a predominantly residential block with small businesses and a school; and

**Whereas**, the W. 13<sup>th</sup> St. 100 Block Association, which represents this stretch, passed a resolution to request two speed humps on the block to slow down traffic and increase pedestrian safety and asks that they be installed before City and Country School and a short distance after it; and

**Whereas**, a speed hump has been installed on the next block, W. 13<sup>th</sup> St. between 7<sup>th</sup> and 8<sup>th</sup> Aves., a street that is the same width as W. 13<sup>th</sup> between 6<sup>th</sup> and 7<sup>th</sup>, and residents there report that the speed hump has helped slow down traffic and enhance pedestrian safety; and

**Whereas**, examples in other cities have shown that installing two speed humps on a block helps sustain a steady slow speed in motor vehicles that otherwise go full speed ahead once going over a single speed hump;

**Therefore Be It Resolved** that CB#2, Man. requests that the NYC Department of Transportation install two speed humps on W. 13<sup>th</sup> St. between Ave. of the Americas (6<sup>th</sup> Ave.) and 7<sup>th</sup> Ave.

**Vote:** Unanimous, with 38 Board members in favor.

**4. Resolution requesting removal and/or reduction of signs and sign poles/staffs around the Sheridan Sq. Viewing Garden.**

**Whereas**, the streets and sidewalks around the Sheridan Sq. Viewing Garden, between W. 4<sup>th</sup> St., Washington Pl. and Barrow St., are cluttered with multiple unattractive and redundant signs and poles/staffs that obstruct people's view and detract from their enjoyment of the garden, as well as causing confusion for both pedestrians and drivers; and

**Whereas**, in many cases one staff or pole can accommodate more than one sign and work just as efficiently as one staff or pole with one sign, and one street sign at an intersection (often occurring in NYC, and sometimes there are none), especially at a small crossing, can be more visible and less distracting than two;

**Therefore Be It Resolved** that CB#2, Man. requests the following changes in street sign placements around the Sheridan Sq. Viewing Garden:

- Remove the staff holding the "No Standing Any Time" sign on the Washington Place side of the garden, and place this sign on the staff holding the children's sign a few feet away to avoid having two staffs there.
- Install reflectors embedded in the curb at the apex of the garden that would light up as cars round the bend to alert drivers of the fork in the road where it divides into W. 4th St. and Washington Place, in place of the multi-staffs and signs there now. If signs are preferable, remove at least two of the staffs at the apex of the garden, and place the signs currently on them all on one staff.
- Remove the street signpost next to the old-fashioned lamppost on the W. 4th Street side of the garden (there's an identical street sign post diagonally across the street).

- Remove the staffs with "No Parking Any Time" and "No Standing Any Time" signs and place these signs (with appropriately pointing arrows) on the staffs holding the "Stop" signs (or on taller staffs if necessary).

**Vote:** Unanimous with 38 Board members in favor.

## **5. Resolution opposing removal of the M-8 bus**

**Whereas**, the MTA is proposing to eliminate the M-8 bus which connects the East Village with the Far West Village and the west side waterfront; and

**Whereas**, there is no other mass transit access from several areas along the M-8's route; and

**Whereas**, the M-8 is heavily used at rush hours and other times of day; and

**Whereas**, the M-8 transfers to several north and south bus routes all along the way; and

**Whereas**, the M-8 provides access to people with disabilities who are physically unable to use the subway, as well as to seniors and parents with small children, all of who would be stranded by its absence; and

**Whereas**, New York City is moving more and more toward policies that embrace transportation modes, including buses and other transit, that are alternative to private motor vehicles to provide a cleaner environment, more comfort and safety for pedestrians and bicyclists, a healthier and more economical life style for New Yorkers, and saving time and money by reducing congestion, and eliminating the M-8 bus is a step backward from these policies;

**Therefore Be It Resolved** that CB#2, Man. strongly opposes the elimination of the M-8 bus and urges the MTA to work with the community boards and elected officials before any service cuts are announced.

**Vote:** Unanimous, with 38 Board members in favor.

## **WATERFRONT**

### **RESOLUTION ON PIER 40**

**WHEREAS** the Hudson River Park Trust has closed out the Pier 40 RFP without designating a developer; and

**WHEREAS** the two year RFP process brought forward an unprecedented input from the public, including one of the largest public hearings in the history of Greenwich Village; the active participation of public officials, three community boards, and numerous public officials through the Pier 40 Working Group; and the creation of the Pier 40 Partnership; and

**WHEREAS** the process allowed the CB2 and CB1 communities, as well as the public officials, to clarify the communities needs, hopes and dreams for Pier 40

**WHEREAS** the transparency of the process helped build community consensus about and support for this important project;

**THEREFORE BE IT RESOLVED** that CB#2, Man.

1. Calls upon the Trust to continue to rely on the public processes in making its decision about how to move forward at Pier 40, utilizing the Advisory Council, and the Waterfront Committee of CB#1 and CB#2, Man. as for a discussion and development of ideas;
2. Opposes any effort to bring about an open-ended change in the restriction against leases of more than 30 years at the Pier
3. Encourages the Trust to include in any future development plans and ongoing commitment to maintain the courtyard ball fields, the proposal to build three public schools, opportunities for low-cost human powered boating, and space for community based arts programs and LGBTQ youth services.

**Vote:** Unanimous, with 38 Board members in favor.

### **ZONING AND HOUSING**

**372 Broome Street (Block 480, Lot 37) City Planning Commission Special Permit application pursuant to Section 74-782 to permit conversion of the 2nd through 6th floors to residential use (Use Group 2), a total of approximately eleven residential units, in an existing building, in a C6-2G district (Special Little Italy District in Area A)**

**WHEREAS;** The applicant has done an extensive and outstanding renovation on the building which was in very bad condition, And,

**WHEREAS;** The applicant produced proper documentation to demonstrate their good faith efforts to rent the space to a mandated use at fair market rentals, And,

**WHEREAS;** The residential use is appropriate at this location and would have little, if any, negative impacts on the surrounding neighborhood, And,

**WHEREAS;** This area of the Little Italy District is no longer a viable industrial area and is currently mostly a residential district, And,

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

**THEREFORE BE IT FURTHER RESOLVED,** that CB#2, Man. supports this City Planning Commission Special Permit application pursuant to Section 74-782 to permit conversion of the 2nd through 6th floors to residential use (Use Group 2).

**Vote:** Unanimous, with 38 Board members in favor.

### **NEW BUSINESS**

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan