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## COMMUNITY BOARD No. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** January 22, 2009

**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, Lisa Cannistracci, Maria Passannante Derr, Doris Diether, Ian Dutton, 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, Renee Kaufman, Susan Kent, Arthur Kriemelman, Evan Lederman, Raymond Lee, Edward Ma, Ke-Wei Ma, Jason Mansfield, Lois Rakoff, David Reck, Robert Riccobono, Wendy Schlazer, Arthur Z. Schwartz, Shirley Secunda, Shirley H. Smith, James Solomon, Richard Stewart, Sean Sweeney, Annie Washburn, Jin Ren Zhang

**BOARD MEMBERS EXCUSED:** Sigrid Burton, Harriet Fields, Jane McCarthy, Rosemary McGrath, Judy Paul, Erin Roeder, Rocio Sanz, Carol Yankay, Elaine Young

**BOARD MEMBERS ABSENT:** Amanda Kahn Fried

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

**GUESTS:** Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Oliver Merrill, Senator Tom Duane's office; Sen. Daniel Squadron, Mary Cooley, Sen. Daniel Squadron's office; Angelica Crane, 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; Paul Nagle, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; Shelly Friedman, Nancy Pasley, John Fratta, Victor Pappa, Gary Parker, Ralph Tramontana, William Russo, Sam Hewitt, Michael J. Chiar, Stuart Summit, Ethan Goodman, Jim Chu, Marlin Nowbackht, Roman Lira, Mark Thompson, Adam Weber, James Camputo, Gary Tarnoff, Stuart Romanoff, Joanne Pawlowski, Albert Bennett, Trevor Stewart, Zack Winestine, Betty Fussell, Lois Teich, Elizabeth Solomon, Andrew Berman, Carol Lewis, Sante Scardillo, Renee Alevras, Leslie Dunbar, Robert Mooney, Tamara Oyola Santiago, Chenault Spence, Elizabeth Adam, G. Bedrosian, toni Spinelli, Emily DePalo, Terry Brennan, Ernest Magliato, Anna Iakoubtchik, Joseph Scicluna, Anthony Chiarello, Mort Berkowitz, Anne Compoccia, Robin Goldberg, Charlene Casazza

### MEETING SUMMARY

Meeting Date – January 22, 2009

Board Members Present – 38

Board Members Excused–9

Board Members Absent - 1

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### **1. PUBLIC SESSION**

#### **Non-Agenda Items**

##### Legislative Breakfast

Lois Rakoff announced that there would be a legislative breakfast held by the Community Advisory Board at Bellevue Hospital.

##### Make-A-Wish Foundation

Leslie Dunbar spoke regarding the organization;

##### Architecture

Robert Mooney spoke regarding an architectural dispute and thanked the Board.

#### **SLA Licensing Items**

##### New Organico, Inc., d/b/a Café Organico, 89 7<sup>th</sup> Ave. So., NYC

Nancy Pasley spoke against the proposed liquor license application.

##### Jim Chu or entity to be formed, 264 Elizabeth St., NYC

Jim Chu, the applicant, spoke in favor of his proposed liquor license application.

Renee Alevras spoke in favor of the liquor license application.

Carol Lewis and Sante Scardillo, spoke against the proposed liquor license.

#### **Street Activity & Film Permit**

##### Figli di San Gennaro Street Activity Permit Application

John Fratta, Victor Pappa, and William Russo, spoke in favor of the Figli di San Gennaro application.

Sam Hewitt spoke against the application.

Michael J. Chiar spoke against noise issues regarding the application and was in favor of a compromise.

Stuart Summit spoke regarding the application.

Little Italy Merchants Assn. Inc. (“LIMA”), Street Activity Permit Application (the “Mulberry Mall”)  
Ralph Tramontana, the applicant, spoke in favor of the Mulberry St. Mall application.

John Fratta, Victor Pappa, and William Russo, spoke in favor of the Mullberry Street Mall application.

### **Zoning and Housing Items**

47 Grand St./330 West Broadway variance application to construct a 9-story commercial office building  
Shelly Friedman, spoke against the proposed application.

Ethan Goodman, representing the applicant, spoke in favor of the variance application.

437-447 W.13th St. BSA variance application to const of a 12-story plus cellar 126,544 sq. ft. building  
Marlin Nowbackht, Roman Lira, and James Camputo, spoke in favor of the proposed variance application.

Mark Thompson, Adam Weber, and Gary Tarnoff, representing the applicant, all spoke in favor of the proposed application. Stuart Romanoff, the applicant, spoke in favor of the variance application.

Joanne Pawlowski, Albert Bennett, Trevor Stewart, Zack Winestine, Betty Fussell, Lois Teich, Elizabeth Solomon, and Andrew Berman, spoke against the variance application.

## **2. ADOPTION OF AGENDA**

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

Erin Drinkwater, Congressman Jerrold Nadler’s office

Crystal Gold-Pond, Oliver Merrill, Senator Tom Duane’s office

Sen. 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 officce

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.

#### 4. ADOPTION OF MINUTES

Adoption of November minutes and distribution of December minutes.

#### EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported
2. **District Manager's Report** Bob Gormley reported.
3. **Resolutions**

1. **Support of the Ravitch Report and Thompson recommendations to provide revenue for preventing MTA service cuts and high fare rises on New York City buses and subways**

**Whereas**, the MTA is proposing draconian fare rises for New York City's buses, subways and other parts of the New York City transportation system as well as service cuts that include elimination of the M-8 bus, a crucial transportation route in the Community Board 2, Manhattan district (the only direct connection from the East Village to the Far West Village and the west side waterfront); and

**Whereas**, these fare rises and service cuts will severely curtail access to all transit system users, especially to people with both low and middle incomes, to seniors, to parents with small children, to those with disabilities, to school children and to the everyday riders who depend on transit as their sole source of transportation, resulting in severe hardship to all those who rely on New York's public transportation system and hindering the conduct of daily life and business; and

**Whereas**, New York City is moving more and more toward policies that embrace transportation modes, including the subway, 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 excessive fare raises and service cuts in public transit is a step backward from these policies;

**Whereas**, the Commission on Metropolitan Transportation Authority Financing, chaired by Richard Ravitch, has proposed a 1/3% increase of payroll tax and tolling of the East River bridges as a way to reduce fare rises and prevent service cuts in the transit system (the "Ravitch Report Plan"); and

**Whereas**, NYC Comptroller William Thompson has recommended a weight-based registration fee for motor vehicles to reduce fare rises and prevent service cuts in the transit system; and

**Whereas** both the Ravitch Report Plan and Thompson recommendations present an equitable approach to spreading the cost for funding lower transit fares and preservation of transit services among the many constituencies who benefit from transit, including businesses, riders and drivers;

**Therefore Be It Resolved** that CB#2, Man. strongly supports both the Ravitch Report Plan and Comptroller Thompson's recommendation to prevent draconian rises in transit fare and to prevent transit service cuts.

Vote: Unanimous, with 38 Board members in favor.

**2. Resolution regarding various proposed locations for “specialty food cart” concessions in various CB-2 Parks**

**Whereas**, the Concessions Division of the Parks Department has identified possible locations for "specialty food carts" in CB#2, Man.; and

**Whereas**, these locations were sent to CB#2, Man. in a letter dated January 6, 2009, with a request for a response by February 6, 2009; and

**Whereas**, this deadline left insufficient time for consideration of these locations by the CB#2, Man. Parks Committee; and

**Whereas**, the proposed locations in Washington Square Park and Soho Square are the same as current locations that have not generated complaints from the community; and

**Whereas**, the proposed location at Bleecker Playground is near a current location that has generated several complaints about smoke and odor from local residents; and

**Whereas**, the proposed location for Father Demo Square is a new location; and

**Whereas**, a food cart at Father Demo Square would be out of keeping with the important historic look and feel of this important, recently renovated park; and

**Whereas**, the area around Farther Demo Square has numerous opportunities for purchase of food appropriate for eating in the park; and

**Whereas**, CB#2, Man. believes at food cart at Father Demo Square would not be appreciated by most local residents and businesses;

**Therefore, it is resolved** that CB#2, Man. has no objections to the Washington Square and SoHo locations if these are the same as current locations; and

**Be it further resolved**, that CB#2, Man. objects to the Bleecker Playground location unless this cart is designated as "No Grilling" and the cart is moved to a new location on the Hudson Street side of the park; and

**Be it further resolved**, that CB#2, Man. strongly objects to any vending cart to be located in or across from Father Demo Square; and

**Be it further resolved**, that CB#2, Man. requests that in the future sufficient notification of 60 days be provided to allow for consideration of these items through the usual Parks Committee process.

Vote: Unanimous, with 38 Board members in favor.

**3. Resolution regarding the stage, seating alcoves, and mounds proposed as part of Phase 2 of Washington Square Park reconstruction.**

**Whereas**, on December 3, 2008, the Parks Department presented its plan for Phase 2 Reconstruction of Washington Square to a joint meeting of the Washington Square Task Force and the CB#2, Man. Parks Committee; and

**Whereas**, the Task Force then issued a memorandum with recommendations dated December 12, 2008, and

**Whereas**, the Parks Department has been very responsive to community concerns raised at the December 12<sup>th</sup> meeting and subsequent meetings regarding the renovation of the playground as part of Phase 2 of the reconstruction of the park; and

**Whereas**, in matters related to Washington Square reconstruction, CB-2 and the Washington Square Task Force have been guided by a letter to the Parks Department, dated October 6, 2005, from Council Speaker Christine Quinn and Council Member Alan Gerson, and

**Whereas**, that letter includes an assurance that there will be a stage in the park “constructed to meet the needs of the Washington Square Music Festival; and

**Whereas**, on January 12, 2009, the Parks Department presented its plan for the stage to the CB#2, Man. Landmarks Committee; and

**Whereas**, a resolution passed by the Landmarks Committee found 1) there was no objection to the proposed materials and design which are consistent with other park features and will not detract from the park; 2) there was no objection to a stage of a minimum of 36” to meet the stated needs of the Music Festival; and encouraging the Parks Department to work with the Music Festival to reach an agreement; and

**Whereas** the Parks Department has made substantial changes to the plan for Phase 2 reconstruction based on dissatisfaction with the initial plan for the stage, and has twice increased the height of the stage so that it is now approximately the height of the existing stage; and

**Whereas**, the Music Festival has expressed concerns about various aspects of the design pertinent to its suitability for the needs of the Festival; and

**Whereas**, the presentation materials were not clear with respect to these concerns and the park designer was not available to answer questions; and

**Whereas**, the December 12<sup>th</sup> recommendations from the Task Force included a request to retain sitting alcoves in the park

**Whereas** the Parks Department has advised the Task Force and CB#2, Man. that it intends to retain two of the six alcoves, including the one north of the children’s playground; and

**Whereas**, CB#2, Man. appreciates this responsiveness to community concerns but has not seen a design that shows the second alcove; and

**Whereas**, the “Gerson-Quinn Letter” also assures there will be a new play area of 8-10,000 square feet to include the three mounds; and

**Whereas**, the Task Force and the Parks Committee have not seen a clear presentation of this play area; and

**Whereas**, the Task Force and the Parks Committee have not had an opportunity to review plans for the stage and sitting alcoves; and

Whereas the Task Force and the Parks Committee have scheduled a joint meeting to be held on February 4, 2009; and

Whereas a presentation of the new stage to the Landmarks Commission is currently scheduled for February 3, 2009, after which any changes to the proposed stage would be problematic;

**Therefore, be it resolved** CB#2, Man. appreciates the on-going efforts of the Parks Department to work with the community and elected officials to resolve the few remaining areas of concern about the Phase 2 reconstruction and in particular appreciates the many changes to the plan that have been made in response to comment from the community, the Task Force, and CB#2, Man.; and

**Be it further resolved**, that CB#2, Man. hereby affirms the memorandum to Parks from the Task Force subsequent to its December 3<sup>rd</sup> meeting; and

**Be it further resolved**, that while CB#2, Man. has no objections to the proposed stage design from a landmarks perspective, approval by the Landmarks Commission will finalize the design so CB#2, Man. considers it inappropriate for the presentation of the design to the Commission to precede consideration of the utility of the design by the Task Force and the Parks Committee; and

**Be it further resolved**, that CB#2, Man. requests that presentation of the stage area to the Landmarks Commission be postponed until after the Parks Department has had the opportunity to consider any recommendations from the February 4<sup>th</sup> joint meeting of the Task Force and Parks Committee; and

**Be it further resolved**, that CB#2, Man. requests appropriate Parks Department staff come and Music Committee representatives to the February 4<sup>th</sup> meeting to present the following:

- The performance venue including the stage and plaza in a format that promotes a clear understanding of the plan and allows comparison to the existing venue;
- The location and configuration of the alcoves that Parks proposes to retain; and
- The "mounds" play area including the new play equipment in a format that promotes a clear understanding of the plan.

Vote: Unanimous, with 38 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **LANDMARKS AND PUBLIC AESTHETICS**

1. **66 Greene Street**-Application is to install storefront infill, modify fire escape, replace windows, and legalize the removal of a loading dock and installation of stairs entrance without LPC permits.

**Whereas** the Landmarks Preservation Commission's own 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 did not contact the Community Board or appear before the Landmarks Committee to present this application; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application in the absence of this important step in the review process, and

**Further, be it resolved** that CB#2, Man. strongly urges that, before the Commission further entertains this application, the Chair order the applicant to return and present before the community board, which the vast majority of applicants do willingly and diligently and from which obligation this applicant should not be excused, but, rather, be required to follow, lest LPC send a bad signal to the more conscientious and professional applicants who present before the Commissioners, to the detriment of both the community board and the commission.

Vote: Unanimous, with 38 Board members in favor.

**2. 49-53 Grove Street (Bleecker/Seventh)-** Application is to replace windows.

**Whereas**, two tenants appeared and objected to the project in general, but

**Whereas**, the application to replace multi-pane casement windows installed in the 1920s with windows of the original 2-over-2 configuration will improve the building, making the facade appear less busy and restoring some authenticity; now

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

Vote: Unanimous, with 38 Board members in favor.

**PARKS, RECREATION & OPEN SPACE**

**1. Resolution in support of the proposed plan for renovation of the larger children’s playground NE Quadrant in Washington Square Park**

**Whereas**, this playground renovation will upgrade the playground without major disruption of use of the playground during construction as requested by parents; and

**Whereas**, the Parks Department submitted a proposal that was very responsive to all the requests made by the community and board members at a previous Parks Committee meeting; and

**Whereas**, Parks agreed to add a wheelchair accessible “potting table” to the children’s garden outside the playground; and

**Whereas**, Parks agreed to add a wheelchair accessible swing of a type that can be used by all children if there is space to install it without reducing the total number of swings; and

**Whereas**, Parks agreed to continue to evaluate the best way to provide seating in the sand area with minimal loss of play space;

**Therefore it is resolved** that CB#2, Man. supports the proposal and expresses appreciation for the responsiveness of the design process to the community and the board request that the plan for seating in the sand area be brought back to the Community Board for review.

Vote: Unanimous, with 36 Board members in favor.



**2. Support of modification of the design for Petrocino Park to expand the park taking advantage of new willingness of the Department of Transportation (NYCDOT) to reduce the width of Lafayette Street.**

**Whereas**, CB#2, Man. previously supported reduction of the width of the block of Lafayette Street between Kenmare and Spring Streets, a portion of the street that has minimal traffic uses; and

**Whereas**, Lafayette Street will continue to include one lane of parking and a bike lane in addition to one traffic lane, and

**Whereas**, the new park is a rare instance of expanded open green space in a densely populated area with very few parks; and

**Whereas**, the design provides more trees and larger planting areas and a more attractive seating area on the sidewalk to the west of the park; and

**Whereas**, the Owl statue and the bollards that CB#2, Man. previously requested be restored to the design are still not included in the proposal; and

**Whereas**, at the north end of the park the sidewalk ends in the middle of the street with no safe crossing in either direction; and

**Whereas**, no curb cut will be provided at the north end of the park effectively preventing use of the sidewalks around the park by people in wheelchairs and also significantly hindering access to the park by people in wheelchairs and

**Whereas**, this condition is unacceptable in that it creates a hazard for pedestrians and isolates the park from the surrounding neighborhood;

**Therefore it is resolved** that CB#2, Man. commends NYC DOT for now agreeing to further reduce the width of Lafayette Street as proposed years ago by CB#2, Man. and Parks; and

**Be it further resolved**, that CB#2, Man. commends Parks for its rapid response, its excellent proposal, and including CB-2 in the process;

**Be it further resolved**, that CB#2, Man. requests that the Owl sculpture and the bollards be reintroduced into the design; and

**Be it further resolved**, that CB#2, Man. requests that NYC DOT reevaluate the condition at the north end of the park and find a way to provide for safe crossing from the park to the sidewalks at the corner of Spring Street, including provision of an accessible curb, preferably by extending the northern tip of the park sidewalk to the Spring Street crosswalk.

Vote: Unanimous, with 36 Board members in favor.

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

### **Renewals for revocable consent to operate an Unenclosed sidewalk café for:**

**1. Barbuto, LLC, d/b/a/ Barbuto, 775 Washington St., Block: 641, Lot: 75, Police Precinct: 6; City Address, 361 WEST 12 STREET, 10014, with 12 tables & 24 seats, DCA# 12129498.**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owners representative, Michael Kelly was present, and,

**Whereas**, this lot has frontage of **119.83** feet and depth of 89.83 feet, with one building of two stories, built in 1910, with 0 residential units of a total two units in a Transportation and Utility Zone in a C4-4A Zone (Map #: **08B**) with ground floor commercial overlay, and,

**Whereas**, there is no change presented from the original application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Barbuto, LLC, d/b/a/ Barbuto, 775 Washington St., Block: 641, Lot: 75, Police Precinct: 6; City Address, 361 WEST 12 STREET, 10014, with 12 tables & 24 seats, DCA# 12129498.

Vote: Unanimous, with 36 Board members in favor.

**2. Benito's Original Food Service, Inc.,, d/b/a Bonito One, 174 Mulberry St. btw Broome & Grand Sts., Block: 471, Lot: 34, Police Precinct: 5, with 4 tables & 8 seats, DCA# 1224320.**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owners representative Michael Kelly was present, and

**Whereas**, this lot has frontage of 26.08 feet and depth of 99.75 feet, with 1 building of seven stories, with 16 residential units of a total 17 units in Mixed Residential and Commercial Buildings, Zoning: C6-2G: Commercial Zoning Map #: 12C, *Little Italy Special District Zone*, and,

**Whereas**, there are no changes to this application, but this committee notes there are exactly four feet of sidewalk cafe space for seating and serving which should be carefully maintained,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Benito's Original Food Service, Inc., d/b/a/ Bonito One, 174 Mulberry St. btw Broome & Grand Sts., Block: 471, Lot: 34, Police Precinct: 5, with 4 tables & 8 seats, DCA# 1224320.

Vote: Unanimous, with 36 Board members in favor.

**3. Buffanna, Inc., 141 Mulberry St., Block: 236, Lot: 25, Police Precinct: 5, btw Grand & Hester Sts., with 4 tables & 8 seats, DCA# 1165364.**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owners representative, Michael Kelly, was present, and,

**Whereas**, this lot has frontage of 25 feet and depth of 100.08 feet, built in 1900 (estimate) with 1 building of five stories, with 18 residential units of a total 19 units in Mixed Residential and Commercial Buildings, Zoning: C6-2G: Commercial, Zoning Map #: 12C, , and,

**Whereas**, there is no change in the original application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Buffanna, Inc., 141 Mulberry St., Block: 236, Lot: 25, Police Precinct: 5, btw Grand & Hester Sts., with 4 tables & 8 seats, DCA# 1165364.

Vote: Unanimous, with 36 Board members in favor.

**4. Caffe Vetro, Inc., d/b/a/ Epistrophy, 200 Mott St., Block: 479, Lot: 11, Police Precinct: 5, btw Spring & Kenmare Sts., with 6 tables & 12 seats, DCA# 1245908**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owners representative, Michael Kelly, was present, and,

**Whereas**, this lot has frontage of 25.17 feet and depth of 93.67 feet, built in 1900 (estimate) with 1 building of seven stories, with 26 residential units of a total 27 units in Mixed Residential and Commercial Buildings, Zoning: C6-1 Commercial, Zoning Map #: 12C, in the Little Italy Special District, and,

**Whereas** there is no change in the original application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Caffe Vetro, Inc., d/b/a/ Epistrophy, 200 Mott St., Block: 479, Lot: 11, Police Precinct: 5, btw Spring & Kenmare Sts., with 6 tables & 12 seats, DCA# 1245908

Vote: Unanimous, with 36 Board members in favor.

**5. Facosull Corp., d/b/a Four Faced Liar, 165 W. 4<sup>th</sup> St., betw. Sixth Ave and Barrow Sts. Block: 592, Lot: 29, Police Precinct: 6, with 5 tables & 11 seats, DCA# 1166884**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owners representative, Michael Kelly, was present, and,

**Whereas**, this lot has frontage of 63 feet and depth of 70.5 feet, built in 1900 (estimate) with 1 building of six stories, with 31 residential units of a total 34 units in Mixed Residential and Commercial Buildings, Zoning: R6, Zoning Map #: 12A, , and,

**Whereas** there is no change in the original application, and a permanent platform at this location has been part of the sidewalk café application for a number of years,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Facosull Corp., d/b/a Four Faced Liar, 165 W. 4<sup>th</sup> St., betw. Sixth Ave and Barrow Sts. Block: 592, Lot: 29, Police Precinct: 6, with 5 tables & 11 seats, DCA# 1166884

**Vote:** Unanimous, with 36 Board members in favor.

**6. Benny Burritos, Inc. d/b/a Benny's Burritos, 111-113 Greenwich Ave., Block: 615, Lot: 76, Police Precinct: 6, City Address, ZIP Code: 111 GREENWICH AVENUE, 10014, betw 12<sup>th</sup> & Jane Sts. with 8 tables & 24 seats, DCA# 1067914**

**Whereas,** the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owner was present, and,

**Whereas,** this lot has frontage of **39.33** feet and depth of 63.33 feet, built in 1910 (estimate) with 1 building of six stories, with 15 residential units of a total 16 units in Multi-Family Walk-up Buildings, Zoning: C1-6: Commercial, Zoning Map #: 08B, and,

**Whereas** there is no change in the original application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Benny Burritos, Inc. d/b/a Benny's Burritos, 111-113 Greenwich Ave., Block: 615, Lot: 76, Police Precinct: 6, City Address, ZIP Code: 111 GREENWICH AVENUE, 10014, betw 12<sup>th</sup> & Jane Sts. with 8 tables & 24 seats, DCA# 1067914.

**Vote:** Unanimous, with 36 Board members in favor.

**7. Porto Alegre, Inc., d/b/a Café Colonial, 73 E. Houston St., Block: 507, Lot: 22, Police Precinct: 5, City Address, ZIP Code: 73 EAST HOUSTON STREET, 10012, betw Houston & Prince Sts., with 7 tables & 14 seats, DCA# 0955172**

**Whereas,** the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owner was present, and,

**Whereas,** this lot has frontage of **68** feet and depth of 30 feet, built in 1900 (estimate) with 1 building of three and a half stories, with 4 residential units of a total 6 units in Multi-Family Walk-up Buildings, Zoning: C6-2: Commercial, Zoning Map #: 12C, and,

**Whereas** there is no change in the original application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Porto Alegre, Inc., d/b/a Café Colonial, 73 E. Houston St., Block: 507, Lot: 22, Police Precinct: 5, City Address, ZIP Code: 73 EAST HOUSTON STREET, 10012, betw Houston & Prince Sts., with 7 tables & 14 seats, DCA# 0955172.

**Vote:** Unanimous, with 36 Board members in favor

**8. Fiddlesticks, LLC, 54-56 Greenwich Ave., Block: 606, Lot: 22, Police Precinct: 6, City Address, ZIP Code: 54 GREENWICH AVENUE, 1001, betw W 10<sup>th</sup> & 7<sup>th</sup> Ave., with 16 tables & 29 seats, DCA# 1133898**

**Whereas,** the area was posted, community groups notified by e-mail, there was community correspondence but no attendance and the owner was present, and,

**Whereas**, this lot has frontage of **72.25** feet and depth of 85.5 feet, built in 1920 (estimate) with 3 buildings of four stories, with 8 residential units of a total 10 units in Multi-Family Walk-up Buildings, Zoning: C1-6: Commercial, Zoning Map #: 12A, and,

**Whereas** there is no change in the original application, and,

**Whereas** we are aware that patrons of the sidewalk café park dogs, carriages and bikes on the outside perimeters of this sidewalk café obstructing the sidewalk, and,

**Whereas**, we will be monitoring this applicant to be sure such occurrences do not continue,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for Fiddlesticks, LLC, 54-56 Greenwich Ave., Block: 606, Lot: 22, Police Precinct: 6, City Address, ZIP Code: 54 GREENWICH AVENUE, 1001, betw W 10<sup>th</sup> & 7<sup>th</sup> Ave., with 16 tables & 29 seats, DCA# 1133898.

**Vote:** Unanimous, with 36 Board members in favor.

**9. Mulberry Street Bar, LLC, 176 1/2 Mulberry St., Block: 471, Lot: 36, Police Precinct: 5, City Address, ZIP Code: 385 BROOME STREET, 10013, with 4 tables & 8 seats, DCA# 1164852.**

**Whereas**, the area was posted, community groups notified by e-mail, there was community correspondence and the owners representative Michael Kelly was present, and,

**Whereas**, this lot area is 2377 sq. feet with frontage of 25.58 feet and depth of 99.17 feet, with 1 building of five stories, built in 1900 (estimated), with four residential units of a total six units in a Industrial and Manufacturing, Zoning: C6-2G Zone (Map #:12C) in the Little Italy Special District, and,

**Whereas**, we note that the lot number on the application is incorrect and should be amended to show Lot# 36, and the correct City address is 385 Broome St., and,

**Whereas**, there were NYPD 11 noise complaints since the issuance of the last application from for this applicant, six occurring in 2008, and,

**Whereas**, this committee received correspondence indicating that Karaoke entertainment has been recently added to the method of operation of this establishment, the sound from which is even more apparent when the Sidewalk Café is in operation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for **Mulberry Street Bar**, LLC, 176 1/2 Mulberry St., Block: 471, Lot: 36, Police Precinct: 5, City Address, ZIP Code: 385 BROOME STREET, 10013, with 4 tables & 8 seats, DCA# 1164852, **CONDITIONAL UPON** the doors and windows remaining closed beginning at 8PM every evening.

**Vote:** Unanimous, with 36 Board members in favor.

**10. La Meridiana, Ltd., d/b/a/ No. 28, 26-28 Carmine St., City Address, ZIP Code: 26 CARMINE STREET, 10014, btw Bleecker and Bedford Sts., Block: 527, Lot: 69, Police Precinct: 6with 12 tables & 24 seats, DCA# 1133014.**

**Whereas**, the area was posted, community groups notified by e-mail, there was no community correspondence or attendance and the owner's representative, Michael Kelly, was present, and,

**Whereas**, this lot frontage of **50** feet and depth of 75 feet, with 1 building, built in 1900 (estimated), of six stories, with 26 residential units of a total 28 units in a Mixed Residential and Commercial Buildings, Zoning: R7-2, with grandfathered ground floor business uses, (Map #:12A), and,

**Whereas**, there is a name change but no ownership change and the application should reflect the name change, and,

**Whereas**, there is an existing **ECB Violation Number: 34426779M**, which names the restaurant and which has not been satisfied for two years, and,

**Whereas**, the applicant has agreed to produce a document satisfying the ECB Violation, with this application as well as for The Community Board Office,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for La Meridiana, Ltd., d/b/a/ No. 28, 26-28 Carmine St., City Address, ZIP Code: 26 CARMINE STREET, 10014, btw Bleecker and Bedford Sts., Block: 527, Lot: 69, Police Precinct: 6with 12 tables & 24 seats, DCA# 1133014 **CONDITIONAL UPON** certification that the ECB Violation has been satisfied.

**Vote:** Unanimous, with 36 Board members in favor.

**11. 114 Kenmare Associates, LLC, d/b/a The Corner Delicatessen, d/b/a/ La Esquina, 106 Kenmare St., Block: 482, Lot: 7501, City Address, ZIP Code: 406 BROOME STREET, 10013, Police Precinct: 5, betw Centre and Lafayette Sts., with 12 tables & 36 seats, DCA# 1227042**

**Whereas**, the area was posted, community groups notified by e-mail, there was community correspondence and attendance and the owners representative, James Gersten and Derek Sanders were present, and,

**Whereas**, this lot has frontage of **149.5** feet and depth of 100.42 feet, built in 1900 (estimate) with 1 building of seven stories, with 0 residential units of a total 25 units in Mixed Residential and Commercial and Office Buildings

**Zoning:** C6-2: Commercial, **Zoning Map #:** 12C, and,

**Whereas**, there continue to be sidewalk incidents and or events in this location that attract large crowd, utilize amplified sound and occur at late hours, and

**Whereas**, both the sidewalk café and sidewalk window service and reservation line for interior seating serve to attract considerable sidewalk obstruction and disruption, further exacerbated by the density of primarily liquor serving establishments contiguous to this location, and,

**Whereas**, this was documented by NYPD complaint reports over the last two years, in addition to prior years and SLA inspection reports for operation of their liquor license(s) in the last year, and

**Whereas**, garbage storage has continued to block sidewalk right-of-way for the last 10 months, in spite of promises otherwise attached to the sidewalk liquor license, and

**Whereas**, the owners have been constructing an interior room which has yet to be approved by the building owner and the Dept of Buildings, but have promised that it will be operational by February 1, 2009, and that beginning February 1, 2009 garbage will NOT be placed on the sidewalk before 10:00 pm, and will sign to these stipulations in a change order attached to this application, and,

**Whereas**, in the interim the applicant will NOT place garbage outside before 5:00 PM Monday through Sunday, and will sign to these stipulations in a change order attached to this application, and,

**Whereas**, the applicants agree to close the sidewalk café no later than Midnight seven days a week and will sign to these stipulations in a change order attached to this application, and

**Whereas**, the applicants agree to close the restaurant At 2:00 a.m., also signed on a change order attached to this application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a renewal application revocable consent to operate an Unenclosed sidewalk café for 114 Kenmare Associates, LLC, d/b/a **The Corner Delicatessen**, d/b/a/ **La Esquina**, 106 Kenmare St., Block: 482, Lot: 7501, City Address, ZIP Code: 406 BROOME STREET, 10013, Police Precinct: 5, betw Centre and Lafayette Sts., with 12 tables & 36 seats, DCA# 1227042, **CONDITIONAL UPON:**

- An interior garbage storage unit will be operational by February 1, 2009, and that beginning February 1, 2009 garbage will NOT be placed on the sidewalk before 10:00 pm.
- In the interim the applicant will NOT place garbage outside before 5:00 PM Monday through Sunday
- Closing the sidewalk café no later than Midnight seven days a week

**Vote:** Unanimous, with 36 Board members in favor.

**App. to Department of Consumer Affairs for Newsstand at:**

**1. South East corner Varick St. & Charlton Street, DCA# 1305557**

**Whereas**, the sidewalk on this block is more than 18 feet wide and,

**Whereas**, there are no other newsstands in the immediate area,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of the application for a newsstand at South East corner Varick St. & Charlton Street, DCA# 1305557.

**Vote:** Unanimous, with 36 Board members in favor.

### **SLA LICENSING**

**1. Village Tart, LLC, 86 Kenmare St. (Mulberry and Cleveland Place), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on Kenmare Street between Mulberry Street and Cleveland Place for a 2,048 s.f. (1,400 s.f. ground floor and 648 s.f. storage basement) dessert bar with 31 table seats, 1 bar with 5 seats, and a maximum legal capacity of 36 persons; and

**Whereas**, the applicant stated the hours of operation for the cafe are 12:00 p.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**, one member appeared in support of the applicants; citing the high integrity and professionalism of the operators; and

**Whereas**, this Committee has received a petition with over 18 signatures from residences at the proposed location; and

**Whereas**, several members of the community appeared in strong opposition of the proposed establishment; citing quality life concerns in a residential area; overcrowding issues at the sidewalk on Kenmare Street; and the proliferation of bars and restaurants within a 500-foot radius; and

**Whereas**, the applicant has agreed to the following set of stipulations to address community concerns:

Operate as a dessert shop only

Reduce closing hours to 12:00 a.m. on weekdays

No French doors

Re-appear if change of control or management with the operation

**Whereas**, this Committee recognizes the good faith efforts made by the applicant but has strong concerns with the saturation of on-premise licenses in a residential area and particularly on this block; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for Village Tart, LLC, 86 Kenmare St.

Vote: Unanimous, with 38 Board members in favor.

## **2. New Organico, Inc., d/b/a Café Organico, 89 7<sup>th</sup> Ave. So. (Barrow and Grove Streets), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on 7<sup>th</sup> Avenue South between Barrow and Grove streets for a 500 s.f. Italian restaurant with 14 table seats, 1 bar with 6 seats, and a maximum legal capacity of 20 persons pending the issuance of a Letter of No Objection; and

**Whereas**, the applicant stated the hours of operation for the restaurant are 8:00 a.m. – 12:00 a.m. Sunday – Thursday and 8:00 a.m. – 1:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; 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 11:00 p.m. Sunday – Thursday and 12:00 a.m. Friday and Saturday); and



**Whereas**, this Committee could not identify any public benefit in converting a retail space into a restaurant operating with an On Premise license; and

**Whereas**, this Committee had issues with the proposed sidewalk (outdoor) seating as proportionate to the indoor seating; and

**Whereas**, this Committee identified a discrepancy with the application; the proposed application does not qualify as a “restaurant” under the definition by State Liquor Authority;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for New Organico, Inc., d/b/a Café Organico, 89 7<sup>th</sup> Ave. So.

Vote: Unanimous, with 38 Board members in favor.

### **3. Jim Chu or entity to be formed, 264 Elizabeth St. (Prince and Houston), 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 restaurant located in a 1,600 s.f. premise in a mixed use building located on Elizabeth Street between West Houston and Prince Streets with 95 table seats, 1 bar with 10 seats and a maximum legal capacity of 127 persons pending the issuance of a new Certificate of Occupancy and a Public Assembly Permit, which will not exceed said capacity; and

**Whereas**, the applicant stated the hours of operation are 11:00 a.m. – 1:00 a.m. Sunday – Thursday and 11:00 a.m. – 2:00 a.m. Friday and Saturday; there is no sidewalk café but includes an enclosed backyard garden; music will be background only; and

**Whereas**, the applicant has agreed to operate a restaurant and have a menu and food items available at all times up until one hour before closing notwithstanding the backyard garden guidelines; (menu and food items available until 12:00 p.m. Sunday – Thursday and 1:00 a.m. Friday and Saturday); and

**Whereas**, the applicant has agreed to stop serving in the backyard garden area by 11:00 p.m. Sunday – Thursday and 12:00 a.m. Friday and Saturday; and

**Whereas**, the applicant has agreed to close the front windows at all times; and

**Whereas**, the applicant has agreed to keep the backyard garden fully enclosed; provided, however, the applicant receives all approvals and permits from the New York City Department of Buildings to operate such enclosed garden; and

**Whereas**, the applicant has agreed to not operate the restaurant, in particular the enclosed backyard garden until all other required certificates, permits and related documents from the New York City agencies, including a new Certificate of Occupancy and a Public Assembly Permit have been issued; and

**Whereas**, a few members of the community appeared in support of the application, including residences which face the enclosed backyard garden; and

**Whereas**, a member of the community appeared to express concerns with the a previous licensed operator d/b/a M&R Bar; citing concerns with a loud bar establishment; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for Jim Chu or entity to be formed, 264 Elizabeth St., 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 30 Board members in favor, 6 in opposition, 1 abstention (K. Berger) and 1 recusal (D. Gruber).

**4. V Bar 2, LLC, 106 Greenwich Ave. (Jane and Horatio), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on Greenwich Avenue between Jane and Horatio Streets for a 700 s.f. restaurant with 36 table seats, 1 bar with 12 seats, and a maximum legal capacity of 52 persons pending the issuance of a new Certificate of Occupancy; and

**Whereas**, the applicant stated the hours of operation are 8:00 a.m. – 2:00 a.m. Monday – Thursday, 8:00 a.m. – 3:00 a.m. Friday, 10:00 a.m. – 3:00 a.m. Saturday and 10:00 a.m. – 2:00 a.m. Sunday; there is no sidewalk café nor a backyard garden; music is background only; 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 and Saturday); 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 V Bar 2, LLC, 106 Greenwich Ave., unless the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license; and

Vote: Unanimous, with 38 Board members in favor.

**5. Q 6<sup>th</sup> Avenue, LLC d/b/a Q-Doba, 404 6<sup>th</sup> Ave. (West 8<sup>th</sup> and West 9<sup>th</sup>), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on 6<sup>th</sup> Avenue between West 8<sup>th</sup> and West 9<sup>th</sup> streets for a 3,200 s.f. casual Mexican restaurant with 88 table seats, 1 bar with 12 seats, and a maximum legal capacity of 74 persons pending the issuance of a new Certificate of Occupancy; and

**Whereas**, the applicant stated the hours of operation for the restaurant are 10:00 a.m. – 1:00 a.m. Sunday – Wednesday and 10:00 a.m. – 4:00 a.m. Thursday - Saturday; there is no sidewalk café nor a backyard garden; music is background, D.J. and Karaoke; and

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

**Whereas**, this Committee recognizes that the applicants currently operate 3 other Q-Doba franchises in New York City with a Beer and Wine license only; and

**Whereas**, this Committee has strong concerns with the 2<sup>nd</sup> floor space operating as a full service restaurant with a D.J., Karaoke and 4:00 a.m. closure in a residential area; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for Q 6<sup>th</sup> Avenue, LLC d/b/a Q-Doba, 404 6<sup>th</sup> Ave.

Vote: Unanimous, with 38 Board members in favor.

**6. 133 Mulberry Street Restaurant, LLC, 133-137 Mulberry St. (Grand and Hester), 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 restaurant d/b/a Sal Anthony's located in a 14,000 s.f. premise in a mixed use building on Mulberry Street between Grand and Hester streets with 350 table seats (200 table seats on the ground floor and 150 on the 2<sup>nd</sup> floor) and 1 bar with no seats; and a maximum legal capacity of 770 persons (450 persons on the ground floor and 320 on the 2<sup>nd</sup> floor); and

**Whereas**, the applicant stated there are no plans to change the existing method of operation; the applicant stated the hours are 12:00 p.m. – 11:00 p.m. Sunday – Thursday and 12:00 p.m. – 12:00 a.m. Friday and Saturday; there is a sidewalk café but no backyard garden; music is background only; and

**Whereas**, the applicant has agreed to use their catering license for the 2<sup>nd</sup> floor space only; 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 133 Mulberry Street Restaurant, LLC, 133-137 Mulberry St., unless the condition agreed to by applicant relating to the fourth "whereas" clause above is incorporated into the "Method of Operation" on the SLA On Premise license; and

Vote: Unanimous, with 38 Board members in favor.

**7. Espinola Restaurant Corp. d/b/a Berimbau, 43 Carmine St. (Bedford and Bleecker), 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 restaurant d/b/a Deborah's located in an 803 s.f. premise in a mixed use building on Carmine Street between Bedford and Bleecker streets with 45 table seats with no bar; 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 hours are 11:00 a.m. – 11:00 p.m. seven days a week; there is no sidewalk café nor a backyard garden; music is background only; 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 10:00 a.m. seven days a week); 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 Espinola Restaurant Corp. d/b/a Berimbau, 43 Carmine St., unless the condition agreed to by applicant relating to the fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license; and

Vote: Passed, with 36 Board members in favor, and 1 recusal (D. Gruber).

**8. Arcadia Group (USA) Limited, 478 Broadway, NYC 10012**

**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 in a retail space d/b/a Top Shop; and

**Whereas**, several members appeared in strong oppose this application; and

**Whereas**, this Committee expressed the issues with this location; citing the legality of serving alcohol in a ground floor space on Broadway in the Soho historic district; concerns that this retailer will operate with a D.J.; and

**Whereas**, this Committee calls on the SLA to restrict any issuance of a On Premise license, Beer and Wine license or Catering license; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to Arcadia Group (USA) Limited, 478 Broadway 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 37 Board members in favor.

**9. The Mulberry Street Manor, LLC, d/b/a The Mulberry Street Manor, 133 Mulberry St., NYC 10013**

**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 The Mulberry Street Manor, LLC, d/b/a The Mulberry Street Manor 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 38 Board members in favor.

**STREET ACTIVITY & FILM PERMITS**

**1. Support of Various Street Fair Permit Applications (Uncontested Renewals)**

**WHEREAS**, each of the street fair permit applications listed below were approved by CB#2, Man. last year and are up for renewal this year; and

**WHEREAS**, each of the street fair permit applications listed below appear to not have changed in any manner from last year; and

**WHEREAS**, each of the street fair permit applications listed below include a setup and breakdown time between 7:00 a.m. and 7:00 p.m.; and

**WHEREAS**, the sponsors of the street fair permit applications listed below appear to meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event”; and

**WHEREAS**, there was no community opposition to such applications from the public; now

**THEREFORE BE IT RESOLVED**, that CB#2, Man. supports the street fair permit application renewals on the dates and at the locations listed below:

1. **3/13-12/20**- Saint Anthony Church, (multi day, multi-block), W. Houston bet. Thompson & Macdougall Sts.
2. **4/4-12/20**- Our Lady of Pompeii Church (multi day), Bleecker St., bet. Carmine & Leroy Sts.
3. **5/16**- Christopher St. Block & Merchant Assoc. (multi-block) Christopher St. bet. 7th Ave. South & Bleecker & Bleecker & Hudson Sts.
4. **6/14**- Greenwich Village Youth Council (multi-block), Bleecker, Bank and Christopher Sts.
5. **7/26**- Friends of LaGuardia Pl., (multi-block), LaGuardia Pl. bet. Houston St. & 4th St.
6. **8/8**- Village Visiting Neighbors, (multi-block), University Pl. bet. Waverly Pl. & 14th St.
7. **8/15**- Stonewall Democratic Club, (multi-block), Waverly Pl. bet. Broadway & 5th Ave.
8. **8/29**- Washington Square Block Assn., (multi-block), W. 4th St. bet. 6th Ave. & LaGuardia Pl.
9. **9/6**- Greenwich Village Chamber of Commerce, (multi-block), Broadway bet. 8<sup>th</sup> & 14th Sts.
10. **9/19**- Village Center for Care, (multi-block), Bleecker St. bet. 7th & 8th Aves.
11. **10/10**- Washington Square United Methodist Church, (multi-block), West 4th St. bet. 6<sup>th</sup> Ave. & LaGuardia Pl.
12. **10/17**- Village Independent Democrats, (multi-block), Greenwich Ave. bet. 6th & 7th Aves.
13. **10/18**- Washington Square Village Tenants Assn., (multi-block), Bleecker St. bet. Lafayette & Mercer Sts.
14. **11/7**- Gay & Lesbian Independent Democrats, (multi-block), W. 4th St. bet. Lafayette St. & Washington Square East

Vote: Passed, with 30 Board members in favor and 8 recusals (S. Ashkenazy, K. Berger, M. P. Derr, J. Hamilton, A. Hearn, B. Hoylman, M. Johnson, S. Smith).

**2. Conditional Support of the Figli di San Gennaro Street Activity Permit Application, (multi day, multi-block), Canal & Houston Sts. & Hester & Grand bet. Mott & Centre Sts.**

**Dates:** 9/10-9/20

**Hours of Operation:** 11:30am – 11pm (Sun – Thurs) and 11:30am – 12:30am (Fri and Sat); 30 minute reductions from last years application.

**Whereas,** applicant was represented by Vivian Catanaccio and Mort Berkowitz; and

**Whereas,** this street fair has been on going for the last 80 years and is a important and cherished annual event for the residents of Little Italy; and

**Whereas,** the committee was furnished with a breakdown of all of the Charitable donations made and the costs associated with running the San Gennaro street fair; and

**Whereas,** the San Gennaro street fair provides much needed revenue to local restaurants and businesses, who are experiencing severe financial hardships during the current economic downturn; and

**Whereas,** the San Genarro Festival generates approximately \$800,000 in gross revenues of which \$160,000 in fees are turned over to the City of New York; and

**Whereas,** several residents from the community spoke against the closing of the streets, and complained of congestion, noise and a lack of police enforcement; and

**Whereas,** the majority of residents from the community spoke in support of the application, citing the historical, cultural and economic value to the Little Italy community; and

**Whereas,** through a show of hands the committee saw that approximately 90% of the public audience were in favor of San Gennaro and approximately 10% were opposed to it; and

**Whereas,** Mort Berkowitz, the promoter for the applicant, exchanged telephone numbers with a number of the neighbors who had complaints about the street fair and agreed to work with them and CB#2, Man. to solve their concerns and strictly enforce all rules and regulations; and

**Whereas,** the committee strongly urges the 5<sup>th</sup> Police Precinct to strictly enforce all rules and regulations governing this street fair with a maximum police presence so as to minimize the impact on the residential community; now

**THEREFORE BE IT RESOLVED,** that CB#2, Man. recommends approval of the San Gennaro street fair permit application subject to an ongoing dialogue regarding the enforcement of applicable rules and regulations governing San Gennaro, which shall take place both before and after any permit is issued, and shall include the applicant, LIMA, residents of the community, merchants, the 5th Police Precinct, SAPO, Council Member Gerson’s office, other local elected officials and all other relevant City agencies, and with the following conditions (which are subject to change based upon the ongoing discussions referenced above):

1. **Soundstage/Bandstand:** The applicant agrees to rotate the location of the soundstage/bandstand on a yearly basis so as not to inconvenience the same residents each year who are effected by the amplified sound. The location of the soundstage/bandstand each year will be determined by the applicant in consultation with CB#2, Man. and local residents. The applicant further agrees to reduce or eliminate amplified sound during periods when live performances are not taking place. The soundstage shall operate during the following hours:

Monday-Thursday	5:30 p.m. – 9:30 p.m.
Friday	5:30 p.m. – 11:00 p.m.
Saturday	12:00 p.m. - 12:30 a.m.
Sunday	12:00 p.m. – 9:30 p.m.

2. **Enforcement of Rules and Regulations:** The applicant agrees to strictly enforce all rules and regulations governing the street fair, which will be discussed and clearly agreed upon during the course of the continuing dialogue between the relevant parties referenced above. The applicant further agrees to promptly investigate and respond to any complaints from CB# 2 Manhattan and/or local residents.

3. **Announcements:** The applicant agrees that there will be no PA announcement made at the end of the night asking vendors to shut down their stands, instead the event staff will walk the streets telling vendors to close their stands. This will reduce noise levels late at night.

4. **Building:** The applicant agrees that no building is to take place overnight. Vendors must comply with the DOT construction regulations.

5. **Oil:** The applicant agrees that for clean-up and dumping of oil, the feast will continue to require all vendors to pay a mandatory fee for an outside company to pick up the oil.

6. **Sidewalk cafes:** The applicant agrees that all restaurants should comply with their DCA permits and will seek to enforce any violations that take place.

7. **Trees:** The applicant agrees that they will respect the trees and that vendors cannot hang anything from them or dump waste/debris in the tree pits.

8. **Toilets:** The applicant agrees that port-a-potties will be cleaned on a regular schedule.

9. **Noise:** The applicant agrees that there should not be any bands walking the streets late at night and no vendors should be selling or playing tapes or CDs that are not related to the theme of the feast. The applicant further agrees that all music/radio stations should have sound permits and should comply with the regulations of those permits.

10. **Walkways:** The applicant agrees to mark (with tape or chalk or paint) the sidewalk for unobstructed passageways to the entrance of buildings.

Vote: Unanimous, with 38 Board members in favor.

**3. Conditional Support of the Little Italy Merchants Assn. Inc. (“LIMA”), Street Activity Permit Application (the “Mulberry Mall”), (multi day, multi-block), Mulberry St. bet. Canal & Broome Sts. & Hester St. bet. Mott & Mulberry Sts.**

**Dates:**

Every Friday, Saturday and Sunday from May 1, 2009 through May 31, 2009 (4)

Friday, May 22, 2009 through Monday, May 25, 2009 (Memorial Day Weekend)

Every Friday, Saturday and Sunday from June 5, 2009 through June 28, 2009-(4)

Friday, July 3, 2009 through Sunday, July 5, 2009 (Independence Day Weekend)-(1)

Every Friday, Saturday and Sunday from July 10, 2009 through August 30, 2009-(8)

Friday, September 4, 2009 through Monday, September 7, 2009 (Labor Day Weekend)-(1)

**TOTAL WEEKS: 18**

**Hours:**

Monday - 11:30 a.m. through 9:00 p.m. (Memorial Day and Labor Day Weekends)

Friday - 11:30 a.m. through 12:00 midnight (Independence Day Weekend)

Fridays - 6:00 p.m. through 12:00 midnight

Saturday - 11:30 a.m. through 12:00 midnight

Sunday - 11:30 a.m. through 9:00 p.m. during the following weekends of May 1, 2009 through May 31, 2009, Friday May 22, 2009 through Monday, May 25, 2009, June 5, 2009 through June 28, 2009

Sunday - 11:30 a.m. through 12:00 midnight (Memorial Day and Labor Day Weekends)

Sunday - 11:30 a.m. through 10:00 p.m. during the following weekends of July 5, 2009 through August 30, 2009

**Whereas**, the applicant appeared before the committee with his attorney and various members of the LIMA organization; and

**Whereas**, according to LIMA, the Mulberry Mall began as a tourist attraction in 1996 to attract shoppers and diners to the community, and serves to promote and enhance the interaction between the Italian and Chinese communities, culminating in an East meets West holiday parade promoting brotherhood; and

**Whereas**, numerous restaurant owners stated that they are experiencing severe financial hardship during this economic downturn and without the revenue generated by the Mulberry Mall would face the prospect of going out of business; and

**Whereas**, Mort Berkowitz, the promoter for the applicant, exchanged telephone numbers with a number of the neighbors who had complaints about the street fair and agreed to work with them and CB# 2 Manhattan to solve their concerns and strictly enforce all rules and regulations; and



**Whereas**, several residents from the community spoke against the closing of the streets, and complained of congestion, noise and a lack of police enforcement; and

**Whereas**, the majority of the residents from the community spoke in support of the application citing the historical, cultural and economic value to the Little Italy community; and

**Whereas**, through a show of hands the committee saw that approximately 90% of the audience were in favor of the Mulberry Mall and approximately 10% were opposed to it; and

**Whereas**, the committee strongly urges the 5<sup>th</sup> Police Precinct to strictly enforce all rules and regulations governing this street fair with a maximum police presence so as to minimize the impact on the residential community; now

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of the Mulberry Mall street fair permit application subject to an ongoing dialogue regarding the enforcement of applicable rules and regulations governing this street fair, which shall take place both before and after any permit is issued, and shall include the applicant, LIMA, residents of the community, merchants, the 5th Police Precinct, SAPO, Council Member Gerson's office, other local elected officials and all other relevant City agencies, and with the following conditions (which are subject to change based upon the ongoing discussions referenced above):

1. **Income and Expenses:** The applicant agrees to provide an Income and Expense statement to the committee.
2. **Community Meetings during the Street Fair:** The applicant agrees to hold a minimum of three community meetings during the course of the street fair to address any concerns raised by the community.
3. **Weekend Closing Time:** The applicant agrees to close the street fair at midnight on Fridays and Saturdays as stated in its application, which is a one hour reduction from last year's request.
4. **Enforcement of Rules and Regulations:** The applicant agrees to strictly enforce all rules and regulations governing the street fair, which will be discussed and clearly agreed upon during the course of the continuing dialogue between the relevant parties referenced above. The applicant further agrees to promptly investigate and respond to any complaints from CB# 2 Manhattan and/or local residents.
5. **Tables/Vendors:** The applicant agrees that more effective enforcement by LIMA, SAPO, and the 5<sup>th</sup> precinct is needed, including assigning police who are familiar with the area and concerns of the community to enforce the rules and regulations governing the street fair.
6. **Dates:** The applicant agrees to leave the dates the same as last year, which were Memorial Day to Labor Day.
7. **Walkways:** The applicant agrees to mark (with tape or chalk or paint) the sidewalk for unobstructed passageways to the entrance of buildings.

Vote: Unanimous, with 38 Board members in favor.

**4. Support of the Blue Knights Law Enforcement Motorcycle Club Street Permit Application (the “Garlic Run”), (multi-block), Mulberry St. bet. Canal & Broome Sts**

**Date:** 6/17

**Time of Event:** 5pm-Midnight

**Whereas,** The Blue Knights Law Enforcement Motorcycle Club seeks a renewal of its street fair application permit, which was DENIED last year by CB#2, Man.; and

**Whereas,** the Blue Knights’ Garlic Run starts in New Jersey and finishes in Little Italy, providing a much needed economic boost to local restaurants and businesses during this economic downturn; and

**Whereas,** the purpose of the Blue Knights’ Garlic Run is to raise money each year to help pay hospital bills for four sick children; and

**Whereas,** last years Garlic Run raised \$8,000 for each sick child selected by the Blue Knights; and

**Whereas,** this year, the Blue Knights have agreed to allow CB#2, Man. to select two out of the four sick children who will receive the proceeds raised from the Garlic Run; and

**Whereas,** CB#2, Man. commits to set up and implement (in consultation with the Blue Knights) a fair and transparent process to identify the two sick children from our community in need of the money raised from the Garlic Run; and

**Whereas,** the Blue Knights have agreed at the request of the community to park all of their motorcycles on Lafayette Street; and

**Whereas,** the Blue Knights have agreed to end their event and be out of Little Italy by no later than midnight; and

**Whereas,** through a show of hands the committee saw that approximately 95% of the public audience were in favor of the Garlic Run and approximately 5% were opposed to it; now

**Therefore, be it resolved,** that CB#2, Man. supports the street fair permit application of the Blue Knights Law Enforcement Motorcycle Club; and

**Be it further resolved,** that only vehicles that comply with NYC and NYS vehicle and noise codes including, but limited to muffler restrictions, are allowed to participate in this event; and

**Be it further resolved,** that the applicant, CB#2, Man., the Street Activity Permit Office, and the community meet regarding further oversight and monitor of enforcement for this event.

Vote: Passed, with 17 Board members in favor, and 16 in opposition.

**5. Conditional Support of the P.S.3 PTA Spring Fling Street Permit Application (new, multi-day), Grove St. bet. Bedford & Hudson Sts.**

**Date:** 5/2

**Set up:** 4pm (5/1)

**Breakdown:** 6pm (5/2)

**Time of Event:** 10am-6pm

**Whereas,** PS3 PTA wishes to raises money to support the efforts of its organization; and

**Whereas,** the street fair will include game booths for children and a potluck lunch; and

**Whereas,** there was no community opposition to the application; now

**THEREFORE BE IT RESOLVED,** that CB#2, Man. supports the street activity permit application of PS 3 PTA conditioned on the following:

1. The applicant agrees to amend its setup time to be on the morning of Saturday May 2<sup>nd</sup>, instead of 4pm on Friday, May 1<sup>st</sup>.

Vote: Unanimous, with 38 Board members in favor.

**ZONING AND HOUSING**

1. **47 Grand Street / 330 West Broadway (Block 227, Lots 19, 20 and 22) Board of Standards and Appeals variance application pursuant to section 72-21 to construct a nine-story commercial office building with retail/restaurant uses below the level of the second story on a site located in an M1-5A and M1-5B zoning district. The proposed building would exceed the maximum floor area ratio and encroach upon the sky-exposure-plane**

**WHEREAS,** The applicant met with representatives of the community and the Community Board before the Public Hearing, And,

**WHEREAS,** Community members expressed support for this application, with the exception of the height, And,

**WHEREAS,** The proposed office usage conforms with the zoning and is appropriate for this location, And

**WHEREAS,** The owner has agreed that the Roof top will not be used as an accessory use for the Ground floor and that the Ground floor will be limited to use group 6 and/or use group 10 with no night club, And,

**WHEREAS,** The applicant has agreed to soundproofing the dewatering pumps, And,

**WHEREAS,** The Community Board recognizes that, because of the small floor plate, building full size floors for commercial use is necessary and provides some benefit, And,

**WHEREAS,** There are many projects currently under construction within a few blocks with similar foundation issues that are being constructed at a conforming FAR of 5.0, And,

**WHEREAS**, the Community Board has carefully reviewed the soil and foundation issues in detail and the Board recognizes that, although there are many similarities between this site and other sites in the neighborhood, there are also some differences and that the S4 seismic rating of the soil, that the site is the lowest in SOHO, and that the site is in the 100 year flood plain is somewhat of a hardship And,

**WHEREAS**, the Applicant is requesting a 7.7 FAR which is more than a 50% increase in bulk, and is greatly in excess of what the legitimate hardship warrants, And

**WHEREAS**, the proposed FAR increase would create an unacceptably and inappropriately high street wall on Grand Street and West Broadway; And

**WHEREAS**, The applicant has been advised that compliance with The NYC Department of Buildings Technical Policy and Procedure Notice #10/88 *Procedures for the avoidance of damage to historic structures resulting from adjacent construction* is required for this project, and the applicant has agreed to provide the Board a list of buildings required to be monitored,

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

**BE IT FURTHER RESOLVED**, that, after careful review, CB#2, Man. believes that a modest increase in FAR is warranted, however, a request for more than a 50% increase in bulk is not reasonable. CB#2, Man. requests that the Board of Standards and Appeals carefully scrutinize the financial data and approve only the minimum variance necessary, And,

**BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals stipulate in their resolution that the roof top will not be used as an accessory use for the Ground floor usage and that it not have a permanent use as an eating or drinking establishment or catering establishment, and that the Ground floor will be limited to use group 6 and/or use group 10 with no night club, And,

**BE IT FURTHER RESOLVED**, that CB#2, Man. supports the other aspects of this application for a Board of Standards and Appeals variance pursuant to Section 72-21 to permit the construct of a nine-story commercial office building with retail/restaurant uses below the level of the second story on a site located in an M1-5A and M1-5B zoning district. The proposed building would exceed the maximum floor area ratio and encroach upon the sky-exposure-plane, And,

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

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings, And

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

Vote: Passed, with 32 Board members in favor, 2 in opposition, and 2 abstentions (S. Secunda and S. Sweeney).

**2. 52-54 East 13<sup>TH</sup> Street (Block 564, Lot 11) Board of Standards and Appeals special permit application on behalf of Crunch Fitness pursuant to Section 73-36 for the legalization of a physical culture establishment located in a C6-1 zoning district, for a term not to exceed ten (10) years**

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

**WHEREAS;** The applicant did not obtain the proper permit on a timely basis and has been operating without the required permit, however, their operation has not caused any significant problems and there have been no complaints, And,

**WHEREAS;** there will be no change in the method of operation, And,

**WHEREAS,** The proposed usage is consistent and compatible with the other proposed uses in this building and in the surrounding buildings and has had no adverse impacts on the neighborhood, 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 application for a Board of Standards and Appeals Special Permit, pursuant to Section 73-36 of the Zoning Resolution, for the legalization of a physical culture establishment located in a C6-1 zoning district at 52-54 East 13<sup>TH</sup> Street (Block 564, Lot 11) by Crunch Fitness, for a term not to exceed ten (10) years beginning from the date the applicant should have obtained the required permit.

Vote: Passed, with 35 Board members in favor and 1 recusal (R. Stewart).

**3A. 437-447 West 13th Street (Block 646, Lots 19 and 20) Board of Standards and Appeals variance application pursuant to section 72-21 to allow the construction of a 12-story plus cellar and mechanical, 126,544 square foot building with Use Group 6 office use on the 4th through 12th floors and Use Group 10 retail use in the cellar and on the 1st through 3rd floors at the Subject Premises. The site is located in the Gansevoort Market/Meatpacking District area of Manhattan, in an M1-5 zoning district. The Proposed Building would require modification of the floor area (FAR 7.73), height and setback, rear yard and use regulations**

**WHEREAS;** The applicant met with the community and the Community Board before the Public Hearing, And,

**WHEREAS;** Most community members expressed support for this application, though there was some opposition, And,

**WHEREAS;** This area is currently undergoing many changes that are of great concern for the community and the Community Board, And,

**WHEREAS;** This Community Board has strongly supported the reconstruction of the HI LINE as a public park, And,

**WHEREAS;** The proposed construction of this building next to the Hi line is of great concern to the Board, And,

**WHEREAS,** The design of the building, with the exception of the height, relates well to the Hi Line, and relates well to the adjoining building, And,

**WHEREAS**, The proposed office usage conforms with the zoning and is appropriate for this location, And

**WHEREAS**; The use variance for three floors of retail generated an extended discussion with the owner about the potential impacts of this much retail space on the surrounding area, And,

**WHEREAS**; Community Board #2 recognizes that the building will be a family owned and operated business and that the family also owns other properties in this area, And,

**WHEREAS**; Community Board #2 also recognizes that the additional retail space would have greater return than office space thus providing additional financial benefit, And,

**WHEREAS**; The site is 27% covered by the Hi Line which the Board recognizes as causing some significant construction hardships. The Board also recognizes that the Hi Line will eventually be an asset to this proposed building, And,

**WHEREAS**; The usable area of this site limits the floor plates and requires a higher building, And,

**WHEREAS**; The requested height, setback, and rear yard waivers are appropriate and necessary at this specific site and the waivers provide some financial benefit, And,

**WHEREAS**; Excessive noise from the roof top usage by a local hotel has caused some concern about the roof usage of this building, And,

**WHEREAS**; The applicant has been advised that compliance with The NYC Department of Buildings Technical Policy and Procedure Notice #10/88 *Procedures for the avoidance of damage to historic structures resulting from adjacent construction* is required for this project.

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

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. asks the Board of Standards and Appeals to consider this project in the larger context of this rapidly changing area of our Community Board, And,

**THEREFORE BE IT FURTHER RESOLVED**, that, after careful review, CB#2, Man. believes that a modest increase in FAR is warranted, however, a request for more than a 50% increase in bulk is not reasonable. Based on the site being 27% covered by the Hi Line, the Community Board believes that a maximum FAR of 6.35 allows for the inefficiency of building on this site, And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals carefully scrutinize the financial data and approve only the minimum variance necessary, And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports the other aspects of this application, including height, setback, and rear yard waivers, for a Board of Standards and Appeals variance pursuant to Section 72-21 to allow the construction of a 12-story plus cellar and mechanical, 126,544 square foot building with Use Group 6 office use on the 4th through 12th floors and Use Group 10 retail use in the cellar and on the 1st through 3rd floors at the Subject Premises. The site is located in the Gansevoort Market/Meatpacking District area of Manhattan, in an M1-5 zoning district, And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals stipulate in their resolution that the roof top will not be used as an accessory use for the retail uses and that it not have a permanent use as an eating and drinking establishment or catering establishment, And,

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

**THEREFORE BE IT FURTHER RESOLVED**, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

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

**The above resolution failed with a vote of 8 Board members in favor and 27 Board members in opposition. Please see replacement resolution below.**

**3B. 437-447 West 13th Street (Block 646, Lots 19 and 20) Board of Standards and Appeals variance application pursuant to section 72-21 to allow the construction of a 12-story plus cellar and mechanical, 126,544 square foot building with Use Group 6 office use on the 4th through 12th floors and Use Group 10 retail use in the cellar and on the 1st through 3rd floors at the Subject Premises. The site is located in the Gansevoort Market/Meatpacking District area of Manhattan, in an M1-5 zoning district. The Proposed Building would require modification of the floor area (FAR 7.73), height and setback, rear yard and use regulations**

**WHEREAS**, The applicant met with the community and the Community Board before the Public Hearing, and,

**WHEREAS**, Most community members expressed support for this application, though there was some opposition, and,

**WHEREAS**, This area is currently undergoing many changes that are of great concern for the community and the Community Board, and,

**WHEREAS**, This Community Board has strongly supported the reconstruction of the HI LINE as a public park, and,

**WHEREAS**, The proposed construction of this building next to the Hi line is of great concern to the Board, And,

**WHEREAS**, The design of the building, with the exception of the height, relates well to the Hi Line, and relates well to the adjoining building, And,

**WHEREAS**, The proposed office usage conforms with the zoning and is appropriate for this location, and

**WHEREAS**, The use variance for three floors of retail generated an extended discussion with the owner about the potential impacts of this much retail space on the surrounding area, and,

**WHEREAS**, CB#2, Man. recognizes that the building will be a family owned and operated business and that the family also owns other properties in this area, and,

**WHEREAS**, CB#2, Man. also recognizes that the additional retail space would have greater return than office space thus providing additional financial benefit, and,

**WHEREAS**, The site is 27% covered by the Hi Line, which the Board recognizes as causing some significant construction hardships. The Board also recognizes that the Hi Line will eventually be an asset to this proposed building, and,

**WHEREAS**, The usable area of this site limits the floor plates and requires a higher building, and,

**WHEREAS**, The requested height, setback, and rear yard waivers are appropriate and necessary at this specific site and the waivers provide some financial benefit, and,

**WHEREAS**, Excessive noise from the roof top usage by a local hotel has caused some concern about the roof usage of this building, and,

**WHEREAS**, The applicant has been advised that compliance with The NYC Department of Buildings Technical Policy and Procedure Notice #10/88 *Procedures for the avoidance of damage to historic structures resulting from adjacent construction* is required for this project.

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

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. asks the Board of Standards and Appeals to consider this project in the larger context of this rapidly changing area of our Community Board, And,

**THEREFORE BE IT FURTHER RESOLVED** that, after careful review, CB #2, Man. believes that whatever special construction costs are caused by the Hi Line and balanced by the added value brought to the site by the proximity to this important new attraction; And

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man, requests that the Board of Standards and Appeals, in recognition of impacts of growth on the area and the height of the new building on the adjacent landmark district, to reject any variance in the FAR and to allow retail uses only on the basement, first and **second floors**; And

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports the other aspects of this application, setback and rear yard waivers, for a Board of Standards and Appeals variance pursuant to Section 72-21 to allow the construction of a building with Use Group 6 office use on the **3<sup>rd</sup>** through 9<sup>th</sup> floors and Use Group 6 retail use in the cellar and on the 1<sup>st</sup> and 2<sup>nd</sup> floors at the Subject Premises. The site is located in the Gansevoort Market/Meatpacking District area of Manhattan, in an M1-5 zoning district; and

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals stipulate in their resolution that the roof top will not be used as an accessory use for the retail uses and that it not have a permanent use as an eating and drinking establishment or catering establishment, And,



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

**THEREFORE BE IT FURTHER RESOLVED**, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

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

Vote: Passed, with 32 Board members in favor, and 2 in opposition.

**4. 323, 325 and 327 Avenue of the Americas, IFC Film Theater Center ((Block 589, Lots 19, 30, 31) Board of Standards and Appeals Special Permit application pursuant to Section 73-201 to permit the expansion of an existing Motion Picture Theater. The Application proposes to convert the space formerly occupied by the eating and drinking establishment to two smaller additional theater spaces (one with a seating capacity of 35 and one with a seating capacity of 60) and would increase the total seating capacity to 480. The Site is located partially within a C1-5 commercial overlay zoning district, within an R7-2, and partially within an R6 district;**

**WHEREAS**, The applicant met with representatives of the community and the Community Board prior to the public hearing, And,

**WHEREAS**, The area was posted and there was no opposition to this application, And,

**WHEREAS**, Community members and local independent film makers expressed support for this application, And

**WHEREAS**, The local block association supports this application, And

**WHEREAS**, CB#2, Man. recognizes that IFC Film Theater Center is a valuable artistic resource to our City and our Community Board, And

**WHEREAS**, The proposed usage is consistent and compatible with the other existing uses in this building and in the surrounding buildings and would have no adverse impacts on the neighborhood, And,

**WHEREAS**, The applicant noted the need for adequate sound proofing, And,

**WHEREAS**, The applicant expressed their commitment to work with the South Village Land Marks Committee to produce a mutually acceptable façade design, And

**WHEREAS**, The proposed waiting area will be sufficient to accommodate the proposed theaters, And

**WHEREAS**, The proposed theaters will have little if any impact on the existing traffic patterns,

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

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a Board of Standards and Appeals variance application pursuant to Section 73-201 to permit the expansion of an existing Motion Picture Theater. The Application proposes to convert the space formerly occupied by the eating and drinking establishment to two smaller additional theater spaces (one with a seating capacity of 35 and one with a seating capacity of 60) and would increase the total seating capacity to 480. The Site is located partially within a C1-5 commercial overlay zoning district, within an R7-2, and partially within an R6 district;

Vote: Unanimous, with 34 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan