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## COMMUNITY BOARD No. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** July 22, 2010  
**TIME:** 6:00 P.M.  
**PLACE:** Elizabeth Irwin High School, 40 Charlton Street, Auditorium

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Tobi Bergman, Anita Brandt, Sigrid Burton, Lisa Cannistracci, Terri Cude, Maria Passannante Derr, Doris Diether, Ian Dutton, Sasha Greene, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Anne Hearn, Brad Hoylman, Mary Johnson, Susan Kent, Arthur Kriemelman, Raymond Lee, Edward Ma, Ke-Wei Ma, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, James Solomon Chenault Spence, Antony Wong, Carol Yankay

**BOARD MEMBERS EXCUSED:** Keen Berger, Carter Booth, Denise Collins, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, Alison Greenberg, David Gruber, Jason Mansfield, Erin Roeder, Richard Stewart, Sean Sweeney, Elaine Young

**BOARD MEMBERS ABSENT:** Evan Lederman

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

**GUESTS:** Katy Smith, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Sandy Myers, Jennifer Hong, Man. Borough President Scott Stringer's office; Lisa Parson, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Melanie LaRocca, Noah Isaacs, Council Speaker Christine Quinn's office; Lorna Nobile-Chin, Jasmin Torres, Council Member Rosie Mendez's office; Helana Hovitz, Laura Treadway, Violet Ferguson, Mimi Miller, Keith P. Cooper, Adriene Negri, Lynn Pacifico, Dominique Nahas, Terry Emmons, George Plagian, Adam Stortman, Jenu Brar, Teresa Ye, Warren Alllen Smith, Irene Kaufman, Tara Kyle, Ted Story, Marilyn Dorato, Charles Dorato, Fedora Dorato, Chris Marchitello, Tom Bernardin, Nancy Ambruster, John Flood, Neil Choquette, Vinny Allegrini, Carol Denech, Mark de Solla Price, Lawrence Flich, Carlos Suarez, Ralph Perri, Joseph Sibilla, Steve Gould, Elizabeth Adam, Judith Callet, Jim Fouralt, Laura Ianuly, Pamela LaBonne, Susan Perry, Mark Carey, Sandra Truman, Laurie Fried, Gilda Lavallo, Colin Davis, Anne Davis, Jean Wardle, Ray Mortenson, Susan Obrecht, Vera LaFarge, Joanne Hendricks, Eileen Robert, James Breese, Dominique Nahas, Maryann Mahlouidi, Timothy Lunafarel, Peter Nadin, Barry Mallin, Sal Rosenblatt, Susan Howard, Gina Falero, Daniel Lerner, Shantala DuGay, Jordan Most, Eileen Dunn, Carol F. Yosa, Susan Lamia, Tom Lamia, Brian Miller, Gabriel Stulman, Yetta Kurland, Ben Phillips, Davide Gentile, Frank Palillo, Jean Grillo, Gordon Wande

## **MEETING SUMMARY**

Meeting Date –July 22, 2010  
Board Members Present – 37  
Board Members Excused–12  
Board Members Absent 1

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### **II. PUBLIC SESSION**

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

##### Manhattan District Attorney

Jenu Brar, from the DA's office, spoke regarding upcoming events and initiatives.

#### **Land Use and Business Development Items**

482 Greenwich Street a/k/a 523 Canal Street, BS application for the following: (1) an extension of time to complete substantial construction of the building and (2) an amendment to the Variance.

Sol Rosenblatt spoke regarding the proposed amendment and extension of the variance application.

Joanne Hendricks spoke against the proposed variance amendment and extension.

54 Crosby Street BSA Variance application, to allow commercial/retail use on the first floor and below Jordan Most, representing the applicant, spoke in favor of the proposed variance application.

Lawrence Flich spoke against the proposed variance application.

#### **SLA Licensing Items**

##### Little Wisco, LLC, d/b/a NA, 239 W. 4<sup>th</sup> St., NYC

Frank Palillo, representing the applicant, spoke in favor of the proposed liquor license application.

Fedora Dorato, who was the former proprietor, Peter Nadin, Marilyn Dorato, Gina Falero, Charles Ddorato, Daniel Lerner, Laura Treadway, Brian Miller, Chris Marchitello, Gordon Wande, and Gabriel Stulman, the applicant, spoke in favor of the proposed liquor license for the applicant at the former Fedora's.

Barry Mallin, Mark de Solla Price, Vinny Allegrini, Shantala DuGay, Gilda Lavallo, Eileen Robert, Laurie Fried, Susan Lamia, Tom Lamia, and Laura Ianuly spoke against the proposed liquor license.

Jean Wardle, Ray Mortenson , and Ben Phillips spoke regarding the proposed establishment.

54 East Entertainment, Inc. d/b/a Karaoke BoHo, 54 E. 13<sup>th</sup> St., NYC

Daive Gentile spoke against CB2's resolutions recommending denial of the proposed liquor license unless certain conditions were met.

### **St. Vincent's Omnibus**

CB 2's Support for the Continuation of Health Care Services on the Former St. Vincent's Campus

Timothy Lunaforel spoke in favor of a new hospital at the St. Vincent's campus. Susan Howard, Pamela LaBonne, and Carol Yosa, spoke in favor of CB2's resolution.

Irene Kaufman, Carol Demech, Eileen Dunn, Yetta Kurland, Steve Gould, Elizabeth Adam, Jean Grillo, and Jim Fouralt spoke regarding the former St. Vincent's Hospital site.

Adam Stortman spoke.

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

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

Katy Smith, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

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

John Ricker, NYC Comptroller's office;

Sandy Myers, Man. Borough President Scott Stringer's office

Lisa Parson, Assembly Member Deborah Glick's office

Noah Isaacs, Melanie LaRocca, of Council Speaker Christine Quinn's office

Lorna Nobile-Chin, Council Member Margaret Chin's office;

Jasmin Torres, Council Member Rosie Mendez's office,

## V. ADOPTION OF MINUTES

The May minutes were not adopted due to some changes and will be adopted in September, Distribution of June minutes.

## VI. EXECUTIVE SESSION

1. **Chair's Report** Jo Hamilton reported

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

## STANDING COMMITTEE REPORTS

### LANDMARKS AND PUBLIC AESTHETICS

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

**LPC Item 11 - 64 Wooster Street** (Spring/Broome) - SoHo-Cast Iron Historic District

A warehouse building designed by E.H. Kendall and built in 1898-99.

Application is to install new storefront infill and alter the building's base.

**Whereas**, the cleaning of the façade and restoration of the cast-iron is commendable; but

**Whereas**, the central door is too modern in appearance for this building. We suggest having a single door with side lights, or having more frame around the proposed door, or approving the door but with a higher metal base coming up a foot or so in height from the pavement, not a couple of inches as proposed; and

**Whereas**, we prefer *authentic* double-hung windows instead of the proposed single-pane windows, in order that the fenestration would have a shadow line and not appear flat, which is a look the single-pane window would bestow; and

**Whereas**, we suggest that the paint at the ground floor be of a darker color or shade than the upper floors in keeping with the style of the Cast-Iron Historic District, where the base is usually a darker tone than the upper floors; and

**Whereas**, the proposal to shorten the original railings in front of the ground-floor display windows is unacceptable. This intricate ironwork is a rare example of window guards in this historic district. We understand the need of a retailer to present an unobstructed view of the merchandise, but someone should not buy an historic building with the intention of removing historic material. There is a choice: either don't buy the building, or else buy it and preserve the rarity that you have purchased; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application with conditions: namely, keep the original window railings intact; provide more historic character to the center door; restore the fenestration with authentic double-hung windows; use a darker shade or color of paint at the base of the building.

Vote: Unanimous, with 37 Board members in favor.

**LPC Item 12 - 39 Barrow Street, aka 70-72 7th Avenue South** - Greenwich Village H.D. A rowhouse originally built in 1828 altered in the late 19th and early 20<sup>th</sup> centuries. Application is to construct a stoop, modify masonry openings and the areaway, and install railings and a skylight.

**Whereas**, the roof railing, while visible, is required by Code, and the profile of the unusual Mediterranean parapet and roof line will be lost, unfortunately; and

**Whereas**, the applicant represented that the rooftop bulkhead is not more than minimally visible from any public thoroughfare. But doubt exists regarding this assertion, especially because only one photograph showing only one angle was presented to us. The applicant further asserted that the southerly view was blocked by a tree, but a tree has seasonal foliage and also may be pruned or removed in the future; and, further,

**Whereas**, one of the committee members this weekend walked by the project and there is now a mock-up and it is indeed clearly visible from the street, contrary to what was told to us earlier: and

**Whereas**, shifting the doorway within the areaway does not detract from the building; but

**Whereas**, the admirable proposal to replace the ironwork on the Barrow Street stoop uses the wrong model, however: namely, the ironwork at nearby 49 Barrow Street, which is not original to that building. In fact, it is several decades out of style.

The committee suggested that the applicant use 51 Barrow Street (1826) as a model for the stoop railings and fence because 51 Barrow Street retains its original ironwork, and the applicant expressed a willingness to explore that suggestion; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application provided that the bulkhead is not more than minimally visible from any public thoroughfare, which, despite the assertions by the applicant, we do not believe to be the case; and

**Further, be it resolved** that CB#2, Man. recommends the LPC rigorously determine exactly how much of the bulkhead will be visible by requesting more and clearer photos, or perhaps even a sight visit; and

**Further, be it resolved** that CB#2, Man. recommends LPC staff work with the applicant at getting more historically specific ironwork for the stoop.

Vote: Unanimous, with 37 Board members in favor.

**LPC Item 13 - 80 Washington Place** (Wash.Sq.West/6<sup>th</sup> Ave) - Greenwich Village H.D.  
A Greek Revival style rowhouse built in 1839 and altered in the early 20<sup>th</sup> century.  
Application is to excavate the cellar.

**Whereas**, the proposed skylight at ground level in the backyard will be masked by the gazebo already approved and so will not be visible to neighbors, thus expiating its unattractive appearance within a rear yard that traditionally had greenery to beautify the area rather than a skylight for illuminating an extended basement below; and

**Whereas**, the large old tree in the backyard that was extant when this project was initially filed had to be cut down early this year, supposedly due to disease and certainly a convenient misfortune; but

**Whereas**, which brings us yet again this month to the disturbing and increasing trend of homeowners with wonderful old backyards who seek to extend their basement for a wine cellar or swimming pool or what not, at the cost of excavating drastically the rear yard, thus destroying the arboreal nature of the “hole in the doughnut” that characterizes so many Village homes.

Indeed, it is ironic that Mayor Bloomberg’s Plan 2030 calls for more green spaces and parks, more green roofs, more street trees (visit the MillionTreesNYC.org website) but yet we often witness the destruction of attractive vegetation in historic districts merely to extend a basement.

Perhaps more ironic is the fact that the applicant will get valuable LEED credit for building a “rooftop garden” on top of the basement extension, in the very location where the old, original garden had once bloomed.

As we do with each of these types of applications, we respectfully request the Commission to consider carefully the ramifications with regard to the character of our historic districts, as well as for the environment of our city; and, further,

**Whereas**, we recommended a new rule that 30% of the rearmost portion of the yard remain undeveloped. Otherwise we will lose all our large doughnut trees; now

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

**Further, be it resolved** that CB#2, Man. respectfully recommends that the Commission begin to recognize the destructive and deleterious results that these excavations cause to so many people, in order merely to extend a basement space that benefits just a few; and

**Further, be it resolved** that CB#2, Man. recommends a new rule requiring that 30% of the rearmost portion of the yard remain undeveloped. Otherwise we will lose all our large doughnut trees

Vote: Passed, with 34 Board members in favor, and 3 in opposition (I. Dutton, A. Schwartz, C. Yankay).

**LPC Item 14 - 28 Little West 12th Street** (Washington/9<sup>th</sup>)- Gansevoort Market Historic District  
A neo-Georgian style stable building designed by John M. Baker and built in 1911.  
Application is to install a fence and a wall at the roof.

**Whereas**, the proposal will not detract from the building or the district; and

**Whereas**, the applicant gave the committee a choice for the proposed roof fence: either a glass rail with vertical metal posts or one without posts. A majority of the committee preferred a fence with posts; now

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

Vote: Unanimous, with 37 Board members in favor.

**LPC Item 15 - 420 West 14th Street** (Washington/9<sup>th</sup>)- Gansevoort Market Historic District  
A neo-Classical style store and loft building designed by Thomas H. Styles and built in 1903-04.  
Application is to establish a master plan governing the future installation of storefront infill.

**Whereas**, this master plan is needed and will improve the building and the district; and

**Whereas**, restoring the cast-iron elements is commendable, but the applicant wants to use clear polyurethane to preserve the iron columns, thus exposing the raw metal; and

**Whereas**, cast iron was meant to simulate the stone masonry of Classical architecture. That is why just about every cast-iron building is painted. Further, it is our understanding that the LPC staff recommends that applicants who want to re-paint their historic cast-iron facades use a palette that reflects the historic stone colors that the iron columns should evoke; and

**Whereas**, there was a question of whether coating the bare cast-iron is an appropriate treatment for this material, although some nearby storefronts have it. We are unsure of how and when these treatments were approved; now

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

**Further, be it resolved** that CB#2, Man. recommends that the Commission consider carefully whether the use of polyurethane instead of the paint is appropriate treatment for historic cast-iron columns.

Vote: Unanimous, with 37 Board members in favor.

**LPC Item 16 - 416-418 West 14th Street** (Washington/9<sup>th</sup>) Gansevoort Market Historic District  
An Italianate style warehouse designed by Joseph M. Dunn and built in 1887, and a factory building designed by S.W. Johnson, built in 1874 and altered in 1917 and 1940-1980. Application is to replace storefront infill and install signage.

**Whereas**, the addition of transoms adds to the building, and the diamond-wired glass is a nice touch, evoking the area's industrial past; and

**Whereas**, the proposed signage, although larger by a couple of square feet than the standard 2'x3' signage requirement, is not obtrusive and is creatively designed; now

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

Vote: Unanimous, with 37 Board members in favor.

**LPC Item 17 - 206 Bowery House** (Spring/Prince) Proposed Individual Landmark  
Built: c. 1810s Architect/Builder: Not Determined Style: Federal

**Whereas**, several neighbors representing a larger group, the Bowery Alliance of Neighbors spoke in favor of designating this structure as an Individual Landmark; and

**Whereas**, one of these neighbors claimed possession of a tax assessment record for this building that is dated 1808, which may make the structure even older than the putative date of "circa 1810s"; and

**Whereas**, a house of this age and style is so rare, being only one of a handful of early Federal houses surviving relatively intact; now

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

Vote: Unanimous, with 37 Board members in favor.

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

**Item # 1: LPC Item 3 – 599 Broadway– SoHo Cast Iron Historic District** A Commercial building designed by J. Odell Whitenach & built in 1917. Application is to install storefront infill & signage.

**Whereas** this building is highly visible, being at the intersection of Broadway and Houston St., and

**Whereas** the applicant intends to use the first and second floors as retail in this MI-5B District, and

**Whereas** the proposal is to install a new door at the south end to match the existing door at the opposite end of the building, and

**Whereas** the signage proposed is cut letters attached to a rail, which will therefore not damage the façade of the building, and

**Whereas** fixed awnings are proposed for the first and second floors of the building, and

**Whereas** the storefront will have a stone base and aluminum trim above, and

**Whereas** a banner will be installed above the first floor where there already is an existing flagpole, and

**Whereas** the applicant intends to restore the windows and transoms on the 2<sup>nd</sup> floor, and

**Whereas** the applicant is not planning any illumination on the building,

**Therefore**, although most of the proposal will be an improvement on the existing condition, and we would recommend approval of the application for 599 Broadway, there are a few comments we would propose for this application:

1. The 12” high bulkhead for the building is too low.
2. The proposed 4’ x 8’ banner is too large, larger than most of the banners we have approved.
3. The awnings on the second floor obstruct the design of the building and should be eliminated.
4. The awnings on the first floor should be retractable, not fixed.

Vote: Unanimous, with 37 Board members in favor.

**Item # 2: LPC Item 4 – 724 Broadway – NoHo Historic District**

A one-story taxpayer built in 1936 & altered in 1987. Application is to re-design the facades, install storefront infill, a canopy & illuminated signage.

**Whereas** the Landmarks Preservation Commission’s publication “The Certificate of Appropriateness Public Hearing: Information for Applicants” states that “Applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing”; and

**Whereas** the applicant failed to appear before the Community Board Committee, nor did he contact us for a layover,

**Therefore Be It Resolved** CB#2, Man. recommends denial of this application for 724 Broadway, in the absence of this important step in the review process.

Vote: Unanimous, with 37 Board members in favor.

**Item # 3: LPC Item #5 – 240 Mercer St. aka 681 Broadway & 2-6 West 3 St. – NoHo Historic District** A Modern style residence hall designed by Benjamin Thompson & Associates & built in 1979-81. Application is to construct a terrace pergola.

**Whereas** this building, the NYU Law School, proposes a terrace pergola on a section of the roof of the building, and

**Whereas** the fencing, which includes 4 windows, would be placed along the edge of the roof of the building, and

**Whereas** the fencing would be metal and 10' high, and, they believe, would eventually be obscured by the vines to be planted along the fence, and

**Whereas** the fencing proposed is too industrial for the building, and the placement of windows in the fencing is odd, not what one would expect in looking at a fence, and

**Whereas** the fence might be more appropriate if it was set back from the edge of the roof a short distance,

**Therefore be it resolved** that CB#2, Man. recommends denial of this application for 240 Mercer St.

Vote: Unanimous, with 37 Board members in favor.

**Item # 4: LPC Item #6 – 88 MacDougal St. – MacDougal-Sullivan Gardens Historic District**

**Whereas** the proposal is to construct a rooftop addition 14' wide and 9' high on the roof of this building, and

**Whereas** the rooftop addition would have steel and glass windows with a black frame on the windows and stucco on the front around the windows, and

**Whereas** the same type fence will be used, but placed at the edge of the roof in the rear and 15' back from the façade on the front, and

**Whereas**, although the applicant stated there was minimal visibility, it seems to be quite visible, especially from the central courtyard, and

**Whereas** the design looked quite different in the drawings and the rendering, with the drawings looking much more appropriate than the rendering, and

**Whereas** the addition was off-center, making the building look lopsided, and

**Whereas** this is the oldest Historic District in CB#2, Man., therefore any changes should be handled with the greatest care and attention,

**Therefore be it resolved** that CB#2, Man. recommends denial of this application for 88 MacDougal St.

Vote: Unanimous, with 37 Board members in favor.

**Item # 5: LPC Item #7 – 45 Grove St. – Greenwich Village Historic District**

**Whereas** the applicant proposes two signs for he basement store as follows:

- 1 sign above the first step of the house, 2' x 4' oval and hand stenciled, and
- 1 sign painted on the current sign panel, an old-fashioned sign with gold letters on the brown background, and

**Whereas** these signs are well done, and very much in character with the building,

**Therefore be it resolved** that CB#2, Man. recommends approval of this application for 45 Grove Street.

Vote: Unanimous, with 37 Board members in favor.

**Item # 6: LPC Item #10 – 55 Gansevoort St. – Gansevoort Market Historic District.**

A vernacular style store and loft building designed by Joseph M. Dunn & built in 1887. Application is to construct rooftop bulkheads, raise the parapets & install railings.

**Whereas** this application is for a rooftop addition of two stair bulkheads to accommodate a proposed new bar and lounge on the roof, and

**Whereas**, although the applicant stated the structures were minimally visible, to our eyes they were very visible, especially the larger stair bulkhead, and

**Whereas** patterned fencing 2' back from the parapet wall, steel and painted black, and 42' high was proposed, and

**Whereas** the walls of the additions would be zinc clad paneling, and

**Whereas** the roof deck would be paneling installed above the existing roof of the building, with drainage still continuing to be from the existing roof, and

**Whereas** this building has maximum visibility because of its shape, narrowing to a point at one end, and

**Whereas** opposition for this application came from members of the immediate community,

**Therefore be it resolved** that CB#2, Man. recommends denial of this application for 55 Gansevoort St.

Vote: Unanimous, with 37 Board members in favor.

**LAND USE AND BUSINESS DEVELOPMENT**

**1. Department of City Planning proposal for a rezoning in the West Village (as requested by Community Board #2) located on the east side of Washington Street between West 10th and West 12th Streets, extending eastward to include the west side of Greenwich Street between West 10<sup>th</sup> and West 11<sup>th</sup> streets. The proposal will change the C6-1 district to C1-6A.**

**WHEREAS**, There has been strong community support for this proposal, And

**WHEREAS**, The City Planning staff had numerous meetings with the Community Board and with our elected officials, and developed a plan that is supported by the Community Board and the Community, And,

**WHEREAS**, The current zoning has encouraged out of context development, And

**WHEREAS**, The proposed plan is consistent with the 2005 rezoning of the adjacent area, And

**WHEREAS**, The proposed rezoning will introduce Contextual zoning that is consistent with existing conditions and will provide a better mix of allowed uses, And,

**WHEREAS**, The compliance study shows that the significant majority of the existing buildings are compliant with the new zoning, And

**WHEREAS**, There will be no significant environmental impacts as a result of the proposed rezoning,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. thanks the Department of City Planning for working with the Community Board to develop a rezoning plan that is appropriate for the area and And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a rezoning in the West Village (as requested by CB#2, Man.) located on the east side of Washington Street between West 10th and West 12th Streets, extending eastward to include the west side of Greenwich Street between West 10th and West 11th streets. The proposal will change the C6-1 district to C1-6A.

Vote: Unanimous, with 37 Board members in favor.

**2. 13 Crosby Street (Block 233, Lot 4) Board of Standards and Appeals application, on behalf of Boquen Realty, LLC, made pursuant to Section 72-21 for a use and bulk variance for an existing commercial building in a M1-5B zoning district to allow Use Group 6 retail uses on the ground floor level and an addition to the rear yard on the cellar and first floor levels**

**WHEREAS**, the surrounding area was posted and there were some community concerns for this application, And

**WHEREAS**, The applicant has agreed that there will be no eating and drinking establishments and no sidewalk café and that the Applicant will request that the Board of Standards and Appeals stipulate this as a condition of approval and this condition will appear on the Certification of Occupancy, And

**WHEREAS**, The applicant has shown that no existing lot line windows will be covered by the proposed extension, And

**WHEREAS**, the proposed addition is a 1,100 sq ft extension of the first floor only,

**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 use and bulk variance for an existing commercial building in a M1-5B zoning district to allow Use Group 6 retail uses on the ground floor level and an addition to the rear yard on the cellar and first floor levels.

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

**3. 130 West 12th Street Department of City Planning Chairperson certification pursuant to Section 15-12 to reduce the required amount of rooftop recreation space where the roof is unsuited for recreation space in a residential development.**

**WHEREAS**, the surrounding area was posted and there was no community opposition to this application, And,

**WHEREAS**, The Applicant has shown that there are significant economic and structural issues that restrict the area of the roof that can be used, And,

**WHEREAS**, the planed improvements to the roof will greatly enhance the usable part of the roof, And,

**WHEREAS**, 6 residential units will have their own private terraces, 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 RESOLVED**, that CB#2, Man. supports this application for a Chairperson certification pursuant to Section 15-12 to reduce the required amount of rooftop recreation space where the roof is unsuited for recreation space in a residential development.

Vote: Passed, with 36 Board members in favor, and 1 in opposition (A. Greenberg).

**4. 54 Crosby Street (Block 483, Lot 29) Board of Standards and Appeals Variance application, filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, to vary Section 42-14 of the Zoning Resolution to allow UG 6 commercial / retail use on the first floor and below in an existing building within an M1-5B zoning district.**

**WHEREAS**, the surrounding area was posted and there were serious community concerns for this application, And

**WHEREAS**, the CB#2, Man. recognizes that the building is uniquely small and under built, and

**WHEREAS**, The building has two levels below grade so that the building could have as much as 4,000 sq ft of retail use, and

**WHEREAS**, There have been numerous complaints about the previous usage of this building, And

**WHEREAS**, There have been many problems with Eating and Drinking Establishments in the surrounding area, And

**WHEREAS**, neighbors of this building reported numerous noise complaints caused by the misuse of exterior spaces, and.

**WHEREAS**, The applicant refused a request to ban Eating and Drinking Establishments at this location;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. withholds its support for this application unless Eating and Drinking Establishments are banned at this location and the exterior spaces are prohibited from being used as accessory to the buildings commercial uses.

Vote: Unanimous, with 37 Board members in favor.

**5. 482 Greenwich Street a/k/a 523 Canal Street, (Block 595, Lot 52 ), BSA Cal. No. 124-05-BZ Board of Standards and Appeals application on behalf of 482 Greenwich Street, LLC for the following: (1) an extension of time to complete substantial construction of the building pursuant to a variance granted by the Board on September 12, 2006 (BSA Cal. No. 124-05-BZ,) and (2) an amendment to the Variance. The Variance authorized the construction on the Site of an 11-story, mixed-use building containing a total of 10 dwelling units. The Amendment proposes, in most respects, to eliminate or reduce the extent of non-compliances of the Building, to increase the number of dwelling units from 10 to 19, to reconfigure the location of the proposed curb cut and to modify the street wall of the Building at the intersection of Canal and Greenwich Streets.**

**WHEREAS**, the surrounding area was posted and there were some community concerns for this application, And,

**WHEREAS**, The Community Board recognizes that most of the changes to this application are reasonable and represent an overall improvement, And,

**WHEREAS**, At the request of the Community Board, the Applicant meet with the surrounding community, And,

**WHEREAS**, The significant majority of community members strongly oppose the revised street wall and set back and they requested that the applicant maintain the 15' setback at 60 feet and relocate the approximately 2000 - 2500 square feet of remaining floor area on the tower higher up at the ~~eastern~~ western side of the building, And,

**WHEREAS**, Increasing the height of the building to accommodate the setback creates the least disruption to the community, and,

**WHEREAS**, The applicant agreed to examine the lower setback for feasibility, and

**WHEREAS**, The Applicant has stated that the regulations of the new building code for seismic monitoring and site safety will be followed and that the applicant will meet with the community for a construction coordination meeting prior to the start of construction, and,

**WHEREAS**, The Applicant has stated that the environmental mitigation required by the Hudson Square Rezoning has already begun.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. requests that the Board of Standards and Appeals review the street wall and setback that is preferred by the community and, if feasible, approve this alternative, and,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports the other changes for this application for a for the following: (1) an extension of time to complete substantial construction of the building pursuant to a variance granted by the Board on September 12, 2006 (BSA Cal. No. 124-05-BZ,) and (2) an amendment to the Variance. The Variance authorized the construction on the Site of an 11-story, mixed-use building containing a total of 10 dwelling units. The Amendment proposes, in most respects, to eliminate or reduce the extent of non-compliances of the Building, to increase the number of dwelling units from 10 to 19, to reconfigure the location of the proposed curb cut and to modify the street wall of the Building at the intersection of Canal and Greenwich Streets.

Vote: Unanimous, with 37 Board members in favor.

## 6. LETTER TO CITY PLANNING REGARDING SMALL SIDEWALK CAFES

"The following letter was presented to CB2 for review and comment. After discussion, the board voted to endorse the letter. The vote was as follows: for: 37, against 0, abstentions 0, recusals 0.

August 4, 2010

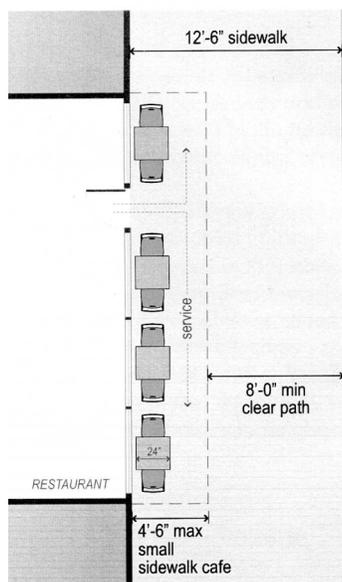
Amanda Burden, Chair  
New York City Department of City Planning  
22 Reade St.  
NYC, NY 10007

RE: Section 14-30 (SMALL SIDEWALK CAFES)

Madam Chair;

In recent months, concern has risen in regards to Section 14-30 (SMALL SIDEWALK CAFES) of the Zoning Resolution. We request a clarification of these rules.

When the Community Board first reviewed the original application for the text change to allow small sidewalk cafés, as we understood the concept, the regulations allowed a single row of 2' tables, next to the property line, with two chairs plus a 2'6" service aisle for a total depth of 4'6" as shown below.



Layout of SMALL SIDEWALK CAFÉ

Community Board #2 voted to support the new regulations based on the assumption that these dimensions applied to all Small Sidewalk Cafes. Based on this understanding we approved locations for this type of café in our Board that we found to be appropriate for these dimensions.

It has come to our attention that the Department of Consumer affairs has interpreted the rules to allow 4'6" tables with four seats and with no allowance for a service aisle. This interpretation appears to be in contradiction to what the Department of City Planning presented to Community Board #2. Should the regulations actually allow the larger table, then, along with a service aisle, the sidewalk café would have an actual dimension of about 8', which is not exactly a small café. Had our Board understood that the larger dimensions applied, we would have had great reservations about approving the locations that we did.

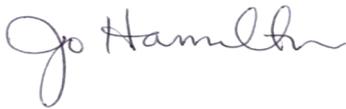
The larger table size allowed by the Department of Consumer Affairs has already caused problems in locations where we anticipated that the smaller tables would be approved. We believe a service aisle is an essential feature to contain the cafe operations within the allowed dimensions and prevent disruption of pedestrian flow.

We ask for a clarification of the regulations of Section 14-30 (SMALL SIDEWALK CAFES). We would like to know what tables are actually allowed under the Zoning Resolution and if a service aisle is included in the 4'6" depth. If a service aisle is not included then we would like clarification as to if it is actually required and what the dimensions would be.

Community Board #2, Manhattan is very reluctant to approve any future text changes for additional Small Sidewalk Café locations unless it is made clear that only the 2' table with two chairs would be allowed and that the service aisle is included in the 4'6" dimension.

Should you have any questions or need assistance please contact our Zoning Chair David B. Reck, 212-966-1899, david\_reck\_architect@verizon.net . We look forward to your response.

Thank you for your assistance in this matter



Hon. Jo Hamilton, Chair  
Community Board #2



Hon. David B. Reck, Chair,  
Land Use and Business Development Committee

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

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

**1. Bonarue Bleu Industries, Inc., 185 Sullivan St. (btw W Houston & Bleecker St), with 4 tables & 8 seats, DCA# 1301635**

Block:525Lot:7 Lot Frontage:50'Lot Depth:100.17 Year Built:1900(estimated)  
Number of Floors:6 Residential Units:40Total # of Units:42 Zoning:R7-2 Commercial Overlay: C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the café has been operating with slightly greater seating than approved due to the replacement of a 1 foot wide table with a two-foot wide table and the addition of an extra chair at two of the tables, and

**Whereas**, the applicant has committed to returning the seating to the approved tables and seats and appears to be operating the café responsibly in all other ways,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Bonarue Bleu Industries, Inc., 185 Sullivan St. (btw W Houston & Bleecker St), with 4 tables & 8 seats, DCA# 1301635**

VOTE: Unanimous, with 37 Board members in favor.

**2. 99 South Rest. Corp. d/b/a Garage, 97-99 7<sup>th</sup> Ave. South, with 42 tables & 84 seats, DCA# 1217775 (REHEARING)**

Block:591 Lot:17 Lot Frontage:59.67' Lot Depth:83.83 Year Built:1920  
Number of Floors:1 Residential Units:0 Total # of Units:1 Zoning:C4-5  
Landmark Building:Yes Historic District:Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, the applicant appears to have operated the café responsibly for many years,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **99 South Rest. Corp. d/b/a Garage, 97-99 7<sup>th</sup> Ave. South, with 42 tables & 84 seats, DCA# 1217775.**

VOTE: Unanimous, with 37 Board members in favor.

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

**3. 98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 96-98 Kenmare St.(at Mulberry St), with 14 tables & 28 seats, DCA# 1358589**

Block:481 Lot:32 Lot Frontage:100' Lot Depth:100.17 Year Built: 1900(estimated)  
Number of Floors:6 Residential Units:30 Total # of Units:32 Zoning:C6-1

**Whereas**, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant was present, and

**Whereas**, the applicant has reached out to neighboring residents from the early stages of planning and discussion to resolve potential issues ahead of time, and the applicant has committed to continuing that communication, and

**Whereas**, the applicant has agreed to keep the french doors along the façade adjacent to the sidewalk café closed and continue to use the existing awning to help control noise,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 96-98 Kenmare St.(at Mulberry St), with 14 tables & 28 seats, DCA# 1358589**

VOTE: Unanimous, with 37 Board members in favor.

**4. 753 Washington Trattoria Inc, 753 Washington St (at Bethune St), 12 tables & 26 seats, DCA# 1360542**

Block:635 Lot:11 Lot Frontage:20' Lot Depth:55 Year Built: 1905(estimated)  
Number of Floors:3 Residential Units:2 Total # of Units:3 Zoning:C6-1  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this new application, and the applicant was present, and

**Whereas**, the committee received one letter generally supporting the café but stating there had been problems with a previous operator which never removed its furniture, and

**Whereas**, the applicant has committed to working with neighbors and following the sidewalk café guidelines, and

**Whereas**, the applicant has operated a nearby restaurant and sidewalk café (Malatesta), in a responsible manner for many years, and

**Whereas**, the application layout is somewhat dependent on façade doors on the Washington St. side which have yet to be approved by CB2 or the LPC,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **753 Washington Trattoria Inc, 753 Washington St (at Bethune St), 12 tables & 26 seats, DCA# 1360542 PROVIDED the applicant receives LPC approvals for the Washington Street façade/door treatment shown on the plans.**

VOTE: Passed, with 36 Board members in favor, and 1 against-(Dutton)

**5. 1 Perry Street Restaurant Inc, 57 Greenwich Ave. (at Perry St), with 4 tables & 14 seats, DCA# 1360787**

Block:613 Lot:61 Lot Frontage:29.08' Lot Depth:70 Year Built: 1901(estimated)  
Number of Floors:4 Residential Units:5 Total # of Units:6 Zoning:C2-6  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this new application, and the applicant's representative, Mike Leuck, was present, and

**Whereas**, while there is a street light and MuniMeter in front of the establishment, there appear to be no substantial clearance issues with this relatively modest cafe,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **1 Perry Street Restaurant Inc, 57 Greenwich Ave. (at Perry St), with 4 tables & 14 seats, DCA# 1360787**

VOTE: Unanimous, with 37 Board members in favor.

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

**6. Innovation 2010, Inc., d/b/a In 2010, 15 Greenwich Ave. (btw Christopher & W 10<sup>th</sup>), with 5 tables & 10 seats, DCA# 1346477**

Block:610 Lot:56 Lot Frontage:20' Lot Depth:75 Year Built:1920(estimated)  
Number of Floors:1 Residential Units:0 Total # of Units:2 Zoning:C1-6  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this new application, and the applicant was present, and

**Whereas**, this enclosed sidewalk café has been in operation under a prior operator in the same family for many years, and

**Whereas**, the applicant appears to operate this enclosed sidewalk café in a responsible manner,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **Innovation 2010, Inc., d/b/a In 2010, 15 Greenwich Ave. (btw Christopher & W 10<sup>th</sup>), with 5 tables & 10 seats, DCA# 1346477**

VOTE: Unanimous, with 37 Board members in favor.

**7. Zucca Trattoria, Inc. d/b/a Zucca Trattoria, 95 Seventh Ave. So. (btw Barrow & Grove), with 12 tables & 32 seats, DCA# 1326701**

Block:591 Lot:15 Lot Frontage:67.83' Lot Depth:89 Year Built:1900(estimated)  
Number of Floors:1 Residential Units:0 Total # of Units:3 Zoning:C4-5  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant was present, and

**Whereas**, this enclosed sidewalk café has been in operation under prior operators for many years, and

**Whereas**, the applicant appears to operate this enclosed sidewalk café in a responsible manner, and

**Whereas**, the community members present expressed concern over the status of ownership of the establishment, and how that should affect this application as well as that to the SLA, and

**Whereas**, the ownership issues appear to be out of the scope of this committee's responsibility,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **Zucca Trattoria, Inc. d/b/a Zucca Trattoria, 95 Seventh Ave. So. (btw Barrow & Grove), with 12 tables & 32 seats, DCA# 1326701**

VOTE: Unanimous, with 37 Board members in favor.

**8. Carabean LLC, d/b/a Public House, 133 Seventh Ave. So. (btw W 10th & Charles), with 7 tables & 14 seats, DCA#1341044**

Block:611 Lot:33 Lot Frontage:22' Lot Depth:74.5 Year Built:1905(estimated)  
Number of Floors:2 Residential Units:0 Total # of Units:1 Zoning:C2-6  
Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were community members present regarding this new application, and the applicant's representative, Mike Leuck, was present, and

**Whereas**, this enclosed sidewalk café has been in operation under prior operators for many years, but has now been altered with garage doors that completely open the café façade to the street, greatly increasing the noise in neighboring residences, and

**Whereas**, residents of the building complained of noise levels from the café and a complete lack of responsiveness on the part of the establishment, and

**Whereas**, the neighbors further stated the establishment does not operate consistent with the commitments made to CB2 in their SLA application including the installation of sound proofing and prohibiting the use of DJs or any other aspects of a nightclub, and

**Whereas**, the applicant’s representative was unaware of the issues and could not speak to them or make any commitment on behalf of the applicant to resolve them,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **Carabean LLC, d/b/a Public House, 133 Seventh Ave. So. (btw W 10th & Charles), with 7 tables & 14 seats, DCA#1341044**

VOTE: Unanimous, with 37 Board members in favor.

## **SLA LICENSING**

### **1. AB Green Gansevoort LLC & ABG Standard Operator LLC & Hotels AB LLC d/b/a The Standard AND An Entity To Be Formed By Andre Balazs, (Little West 12<sup>th</sup> and West 13<sup>th</sup>) NYC**

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

**Whereas**, these applications are to relinquish an existing On Premise license registered under **AB Green Gansevoort LLC & ABG Standard Operator LLC & Hotels AB LLC d/b/a The Standard** and apply for an On Premise license and DCA Cabaret license as a private social club under **An Entity To Be Formed By Andre Balazs** with a 501(c)(7) registration for a 2,767 s.f. bar and restaurant in an upscale Hotel located on Washington Street between Little West 12<sup>th</sup> and West 13<sup>th</sup> Streets with 90 table seats, 1 bar with 21 bar seats and a maximum legal capacity of 149 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are seven days a week from 9:00 a.m. – 4:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be D.J., background and Juke Box only; and,

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

1. The applicant has agreed to implement a strict guest policy including but not limited to any guest(s) must be accompanied by members at all times.
2. The applicant has agreed to forbid special event and one-day permits by members.
3. The applicant has agreed to forbid catering permits.

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of relinquishing an existing On Premise license for **AB Green Gansevoort LLC & ABG Standard Operator LLC & Hotels AB LLC d/b/a The Standard**; and,

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **An Entity To Be Formed By Andre Balazs** unless the conditions agreed to by applicant relating to the fourth “whereas” clause are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

**2. Bel Ame Rest. Corp. d/b/a Vol de Nuit Belgian Rest., 148 W. 4<sup>th</sup> St., (MacDougal and 6<sup>th</sup> Avenue) NYC**

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

**Whereas**, this application is for an alteration to an existing Beer and Wine license for a Belgian bar and restaurant located in a residential building located on West 4<sup>th</sup> Street between MacDougal and 6<sup>th</sup> Avenue with 54 table seats, 2 bars with 13 bar seats and a maximum legal capacity of 74 persons; **to incorporate a rear interior space with a center courtyard to the existing premises**; and,

**Whereas**, the applicant stated there are no plans to change the existing operation with the exception of reducing the closing hours; the applicant stated the hours will be seven days a week from 10:00 a.m. – 12:00 a.m.; there is no sidewalk café; music is background only; 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 for **Bel Ame Rest. Corp. d/b/a Vol de Nuit Belgian Rest., 148 W. 4<sup>th</sup> St.**, unless the condition agreed to by applicant relating to the third “whereas” clause relating to the hours of operation is incorporated into the “Method of Operation” on the SLA Beer and Wine license.

Vote: Unanimous, with 37 Board members in favor.

**3. Corp. to be formed d/b/a TBD, 264 Bowery**

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

**Whereas**, this application is for an On Premise license in a mixed use building on Bowery between Prince and E. Houston Streets for a 2,700 s.f. seasonal Tapas restaurant with 48 table seats, 1 bar with 13 seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday – Thursday from 5:00 p.m. – 2:00 a.m. and Friday and Saturday from 5:00 p.m. – 3:30 a.m.; there will not be a sidewalk café application and no backyard garden; music is background only; and,

**Whereas**, the applicant submitted a petition with over 125 signature in support of the proposed establishment (point of reference: hours of operation were omitted on the petition); and,

**Whereas**, the applicant had agreed to no velvet ropes, operate as a full service restaurant, no promoters and operate the kitchen at all time until 1 hour prior to closing; and,

**Whereas**, several members of the community (residents of the building or neighboring buildings) appeared to express their concerns; citing noise issues with amplified music and overcrowded sidewalks in the neighborhood; and,

**Whereas**, the SLA Licensing Committee recognizes that this neighborhood is saturated with late night licensed establishments and expressed concerns with the proposed operating hours as a full service Tapas restaurant; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Corp. to be formed d/b/a TBD, 264 Bowery**.

Vote: Unanimous, with 37 Board members in favor.

**4. An entity to be formed Alexander Duff d/b/a Segafredo, 348 Bowery, (East 4<sup>th</sup> and Great Jones) NYC**

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

**Whereas**, this application is for an On Premise license in a commercial building on Bowery between East 4<sup>th</sup> and Great Jones Streets for a 1,700 s.f. Italian cafe with 47 table seats, 1 bar with 33 bar seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment is seven days a week from 7:00 a.m. – 2:00 a.m.; there would be a sidewalk café application but no backyard garden; music will be background only; and,

**Whereas**, the proposed location is a tire repair shop which has not been previously licensed; and,

**Whereas**, the proposed floor plan includes a retractable roof and sliding doors to create a disproportionately large open air café in a residential block; and,

**Whereas**, this committee could not recognize the public benefit in converting a tire repair shop/garage into a full service liquor Italian café with a large open air environment; and,

**Whereas**, the applicant had reached out to members of community to discuss their proposed method of operation and had offered to this committee a reduction of operating hours to 12:00 a.m. closing on the weeknights and 2am closing on the weekends and proposed to seek a Beer and Wine license instead of a full On Premise; and

**Whereas**, several members of the community expressed their opposition of the proposed licensed establishment; particularly expressing concerns with adding a new licensed premises to this heavily saturated (over 20 On Premises licenses within 500-feet), residential area; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed On Premise license for **An entity to be formed Alexander Duff d/b/a Segafredo, 348 Bowery.**

Vote: Unanimous, with 37 Board members in favor.

**5. 54 East Entertainment, Inc. d/b/a Karaoke BoHo, 54 E. 13<sup>th</sup> St., (University and Broadway) NYC**

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

**Whereas**, this application is for an On Premise license for a 3,500 s.f. café and Karaoke bar in a mixed use building located on East 13<sup>th</sup> Street between University Place and Broadway with 117 table seats, 1 bar with 25 bar seats and a maximum legal capacity of 175 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are Sunday –Wednesday from 7:00 a.m. – 12:30 a.m.; Thursday from 7:00 a.m. – 1:30 a.m. and Friday and Saturday 7:00 a.m. – 2:30 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background and Karaoke only; and,

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

1. The applicant has agreed to operate with the above-mentioned operating hours and will not consider extending its hours for a minimum of 6 months of its licensed operations.
2. The applicant has agreed to hire a certified acoustical consultant to make recommendations such that the establishment will meet or exceed the current NYC noise code guidelines in residential areas.
3. The applicant shall use its best efforts to soundproof the establishment, including sound abatement equipment in the basement and over the HVAC unites in the courtyard.
4. The applicant has agreed to construct a double door vestibule that prevents noise from escaping onto the sidewalk.
5. The applicant has agreed to hang a sign outside the establishment, instructing patrons to keep the noise down and to respect the neighbors.
6. The applicant has agreed to have a communicative General Manager present at all times.
7. The applicant has agreed to have a bonded security person to be at the entrance to the establishment on Friday and Saturday evenings.
8. The applicant has agreed to forbid any D.J. or live music in the establishment.
9. The applicant has agreed to not store garbage or dumpsters outside of the establishment.
10. The courtyard will not be used, even by staff, except for hours when the restaurant is open.
11. The applicant has agreed to not attempt to steer the public from the sidewalk into the establishment and will not distribute fliers on the sidewalk or street.
12. The applicant has agreed to attend monthly meetings with representatives of the community during the 1<sup>st</sup> year of operations.

**Whereas**, the applicant has effectively reached out to the neighboring residential buildings and duly executed a stipulations agreement with the West 12<sup>th</sup> Street and 13<sup>th</sup> Street Block Association herein attached; and,

**Whereas**, a few members appeared in opposition from the community; citing noise concerns;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **54 East Entertainment, Inc. d/b/a Karaoke BoHo, 54 E. 13<sup>th</sup> St.** unless those conditions agreed to by applicant relating to and outlined in the fourth “whereas” clause are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

**6. Little Wisco, LLC d/b/a NA, 239 W. 4<sup>th</sup> St., (West 10<sup>th</sup> and Charles St.) NYC**

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

**Whereas**, this application is for a transfer of an On Premise license for a 1,600 s.f. restaurant d/b/a Fedora’s located in a mixed use building on West 4<sup>th</sup> between West 10<sup>th</sup> and Charles Streets with 28 table seats and 1 bar with 14 bar seats; and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are seven days a week from 5:00 p.m. – 2:00 a.m.; there won’t be a sidewalk café application and no use of the backyard garden; music will be background only; and,

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

1. The applicant has agreed to operate as a full service restaurant only.

2. The applicant has agreed to operate the kitchen and supply food and menu items up until 1-hour prior to closing (items will be available up until 1:00 a.m. seven days a week).
3. The applicant has agreed to reduce their operating hours to closing at 2:00 a.m. daily.

**Whereas**, over 10 members of the community appeared in support of the proposed establishment; and,

**Whereas**, several members of the community appeared in opposition of the stated hours of operation for the proposed establishment; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for **Little Wisco, LLC d/b/a NA, 239 W. 4<sup>th</sup> St.** unless the conditions agreed to by applicant relating to and outlined in the fourth “whereas” clause is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

#### **7. 10 Waverly Place Rest. LLC, 10 Waverly Pl., (at Mercer Street) NYC**

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

**Whereas**, this application is for a transfer of an On Premise license for a 1,400 s.f. restaurant located in a commercial building at the corner of Waverly Place and Mercer Street with 58 table seats and 1 bar with 12 bar seats; and a maximum legal capacity of 103 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment is seven days a week from 7:00 a.m. – 4:00 a.m.; there would be a sidewalk café application but no backyard garden; music will be background only; and,

**Whereas**, this committee could not recognize the public benefit in operating a quick service, casual dining establishment (no proper menu included) with full liquor service until 4:00 a.m. seven days a week without a full kitchen; 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 of an On Premise license for **10 Waverly Place Rest. LLC, 10 Waverly Pl.**

Vote: Unanimous, with 37 Board members in favor.

#### **8. Corp. to be formed d/b/a TBD, 615 Hudson St., (Jane and West 12<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 Hudson Street between Jane and West 12<sup>th</sup> Streets for a 1,050 s.f. American Fare restaurant with 62 table seats, 1 bar with 12 bar seats, and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment is Sunday from 10:00 a.m. – 12:00 a.m. Monday – Thursday from 7:00 a.m. – 1:00 a.m., Friday from 7:00 a.m. – 2:30 a.m. and Saturday 10:00 a.m. – 2:30 a.m.; there will not be a sidewalk café application and no use of the backyard garden; music will be background only; and,

**Whereas**, this committee had strong concerns with the proposed casual fare late night dining establishment; members of the committee also expressed concerns with the proposed hours of operation in a saturated, residential neighborhood – most, if not all nearby restaurant establishments operate until 12:00 a.m. or 1:00 a.m.; and,

**Whereas**, a few members of the community expressed their concerns of the proposed licensed establishment; particularly raising concerns with noise and overcrowding issues next door to their residence; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed On Premise license for **Corp. to be formed d/b/a TBD, 615 Hudson St.**

Vote: Unanimous, with 37 Board members in favor.

**9. The Village Trattoria, LLC, 135 West 3<sup>rd</sup> St., (6<sup>th</sup> Avenue and MacDougal)**

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

**Whereas**, this application is for an upgrade of an existing Beer and Wine license to an On Premise license for a 2,200 s.f. Italian restaurant d/b/a The Village Trattoria located in a mixed use building on West 3<sup>rd</sup> Street between 6<sup>th</sup> Avenue and MacDougal Street with 55 table seats and 1 bar with 6 bar seats; and a maximum legal capacity of 61 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment is Sunday – Thursday from 11:30 a.m. – 12:00 a.m. and Friday and Saturday from 11:30 a.m. – 2:00 a.m.; there is no sidewalk café and no backyard garden; music will remain background only; and,

**Whereas**, the applicant has been operating the establishment with a Beer and Wine license for 2 months only; and,

**Whereas**, several members of the community expressed their concerns and opposition of the proposed upgrade application; citing saturation, overcrowding and noise issues on West 3<sup>rd</sup> Street; and,

**Whereas**, the committee voiced strong concerns with upgrading a 2-month old Beer and Wine licensed operation; citing its limited track record with its neighbors on a heavily saturated block of On Premise licensed establishments; and,

**Whereas**, the applicant had agreed to operate the kitchen and make menu items available at all time until 1 hour prior to closing; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed On Premise license for **The Village Trattoria, LLC, 135 West 3<sup>rd</sup> St.**

Vote: Unanimous, with 37 Board members in favor.

**10. Mendared, LLC d/b/a Le Souk, 510 LaGuardia Place, (Bleecker and Houston) NYC**

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

**Whereas**, this application is for an alteration to an existing On Premise license for a restaurant located in a 4,000 s.f. premise in a commercial building located on LaGuardia Place between Bleecker and Houston Streets with 94 table seats, 2 bars with 12 seats and a maximum legal capacity of 170 persons; **to license a previously approved unenclosed sidewalk café with 19 tables and 36 seats; and,**

**Whereas**, the applicant stated that there are no changes to the existing licensed operation; the current interior hours of operation are 4:00 p.m. – 4:00 a.m. seven days a week; there is no backyard garden; music is background and D.J. only; and,

**Whereas**, the applicant has agreed to operate with the existing set of stipulations as respects to operating the kitchen at all times until 1 hour prior to closing, operate the establishment as a full service restaurant and keep the windows closed at all times; and,

**Whereas**, the applicant has agreed to incorporate a new set of stipulations for the sidewalk café:

1. The applicant has agreed to forbid music of any type in the sidewalk café.
2. The applicant has agreed to close the sidewalk café by 11:00 p.m. Sunday – Thursday and 12:00 a.m. Friday and Saturday

**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 **Mendared, LLC d/b/a Le Souk, 510 LaGuardia Place** unless the conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

## **SOCIAL SERVICES AND EDUCATION**

### **1. Resolution in Support of Same-Sex Marriage**

**Whereas** the "freedom to marry" is, in the words of the United States Supreme Court, "one of the vital personal rights essential to the orderly pursuit of happiness by free people,"

**And Whereas** civil marriage grants special rights and privileges in such areas as: property ownership, inheritance, health care, hospital visitation, taxation, insurance coverage, child custody, pension benefits and testimonial privileges, and insures important safeguards against the loss or injury of a spouse, and crucial assurances against legal intrusion into a couple's marital privacy,

**And Whereas** civil marriage is the means by which the State defines a couple's place in society,

**And Whereas** same gender couples are denied access to the institution of civil marriage in New York State,

**And Whereas** those who are denied the legal right to marry are, in essence, being told by the institutions of the State, that their solemn commitment to one another has no legal weight,

**And Whereas** Bill S440 will provide same-sex couples the same opportunity to enter into civil marriages as opposite-sex couples, and also provides that no member of the clergy may be compelled to perform any marriage ceremony,

**Therefore be it resolved** that Community Board 2 Manhattan urges the Governor and the New York State Legislature to immediately amend the domestic relations law, in regard to the ability to marry, to read as follows:

" A MARRIAGE THAT IS OTHERWISE VALID SHALL BE VALID REGARDLESS OF WHETHER THE PARTIES TO THE MARRIAGE ARE OF THE SAME OR DIFFERENT SEX (S440)"

Vote: Unanimous, with 37 Board members in favor.

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

#### **Support of Various Street Fair Permit Applications (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, or are single-block events not affected by the current moratorium on new multi-block events; and

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

**WHEREAS**, each of the street fair permit applications listed below include a setup and breakdown time between 8:00 a.m. and 8:00 p.m.; and

**WHEREAS**, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors 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 responsibility for the conduct of the event”; and

**WHEREAS**, there is no community opposition to such applications from the public; and

**WHEREAS**, the applicant for the **Fiesta Del Sol Block Party** has agreed to stop all amplified music by 6:30pm; now

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

- 1. 9/1/10-CAS Student Council Street Fair/Block Party, Washington Pl. bet. Greene St. & Washington Sq. East**

Vote: Passed, with 36 Board members in favor, and 1 in opposition (M. Johnson)..

- 2. 10/31/10-NYU & CB2 Children’s Halloween Parade, LaGuardia Pl. bet. Washington Sq. So. and W. 3rd St.**

Vote: Unanimous, with 37 Board members in favor.

- 3. 8/22/10-Fiesta Del Sol Block Party, West 14 St. bet. 7th and 8th Aves.**

Vote: Unanimous, with 37 Board members in favor.

### **Provisional Denials for Applicant Not Appearing Before Committee**

**WHEREAS**, the following applicants were scheduled and failed to appear before the Committee; and

**WHEREAS**, it is the Committee's policy that if an applicant wishes to close down a public street said applicant must come before the Committee to present their application to the Committee and community for proper review and vetting; and

**WHEREAS**, if an applicant does not appear before the Committee and public, the oversight and review function of the Committee and Community Board cannot properly be performed and the applicant should not have their street activity approved; now

**THEREFORE BE IT RESOLVED**, that CB 2, Man. denies the street fair permit applications on the dates and at the locations listed below unless and until the applicants appear before the Committee, at which time the Committee will review the application:

1. **9/9/-Dr. Marten's 50th anniversary Block Party, 149 Spring St. bet. W. Broadway & Wooster St.**

Vote: Unanimous, with 37 Board members in favor.

2. **9/11/10-CVBA Block Party, Cornelia St. bet. Bleecker & West 4th Sts.**

Vote: Unanimous, with 37 Board members in favor.

3. **10/3/10-West 13th Street 100 Block Party, West 13th St. bet.6th, & 7th Aves.**

Vote: Unanimous, with 37 Board members in favor.

### **TRAFFIC AND TRANSPORTATION**

1. **Resolution requesting the removal of right turn on red light sign at the corner of Broome & Crosby Sts.**

**Whereas** the right turn on red light sign at the corner of Broome & Crosby Sts. is the only one of its kind in Manhattan; and

**Whereas** this sign serves no useful purpose, since exceedingly heavy traffic congestion prevents right turns on red from occurring; and

**Whereas** in this area of increasing pedestrian and tourist activity, motor traffic forging ahead for the turn severely endangers pedestrians who, being unaware of the sign, cross the street expecting that traffic will stop and get caught up trying to dodge the traffic, being forced to weave in and out of the vehicular onslaught, a situation that is further compounded by the absence of visible crosswalk markings; and

**Whereas** CB#2, Man. requested that this sign be removed several years ago, and the NYC Dept. of Transportation (DOT) honored this request and removed the sign, but subsequently restored it a few years ago, without notifying CB2 of this action and despite the increased congestion at that location;

**Therefore Be It Resolved** that CB#2, Man. urges DOT to permanently remove the right turn on red light sign at the corner of Broome & Crosby Sts. as quickly as possible; and

**Be it further resolved** that CB#2, Man. requests that DOT install highly visible crosswalk markings at this dangerous location.

Vote: Unanimous, with 37 Board members in favor.

## **2. Resolution in support of proposed NYC Dept. of Sanitation rules regarding derelict bicycles, with modifications to clarify**

**Whereas** in June 2010 the New York City Department of Sanitation (DSNY) issued a proposal for rules regarding the removal and disposal of derelict bicycles; and,

**Whereas** there is general approval for the issuance of such rules from inside and outside the cycling community, as such rules may serve to improve pedestrian safety and access, remove unsightly damaged bicycles that might encourage further vandalism and theft of bicycles, and make available suitable bicycle parking locations that currently are occupied by abandoned bicycles; and,

**Whereas** an outcry regarding the proposed rules' impact on ghost bikes, memorials to killed cyclists to which the DSNY refers as "ghost riders," resulted in public statements from DSNY indicating that in general ghost bikes would not be removed and disposed of, however the DSNY's amended text of the proposal did not change the questionable language; and,

**Whereas** the specific concern about this proposal's effect on ghost bike memorials is that ghost bikes could be considered to meet the DSNY definition of "derelict" from the moment they are installed, whether or not they are in a cared-for, respectful condition for a memorial; and,

**Whereas** there are additional concerns regarding this rule's application to derelict bikes in general, outside of ghost bikes, including bikes stored in piles on sidewalks;

**Therefore be it resolved** that CB#2, Man., requests that the final rule issuance regarding the removal and disposal of derelict bicycles specifically address:

- i. the form of the notice to be affixed to the derelict bicycle and how DOS will ensure that such notice is not removed by persons other than the owner of the bicycle,
- ii. the steps an owner of a bicycle receiving said notice must take to prevent the removal of that bicycle and whether this information will be stated on the notice,
- iii. whether there is any possibility to reclaim a bicycle removed under these rules,
- iv. the application of these rules to piles of bicycles stored on public sidewalks, some or all of which might meet the criteria of a derelict bicycle; and,

**Be it further resolved** that CB#2, Man. asks that language regarding ghost bikes be removed from this proposal altogether, and should it be deemed that further rulemaking is necessary with respect to ghost bikes, such rules should reflect that ghost bikes will not be summarily disposed of without special outreach procedures, to include the families of victims and the New York Street Memorial Project.

Vote: Passed, with 36 Board members in favor, and 1 against (Johnson).

## **JOINT WATERFRONT ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH**

### **Tidal Surge**

#### **WHEREAS**

1. The potential exists, indefinite time within the next 100 years for New York City to be hit by a major storm which could cause a tidal surge of up to 20 feet.
2. The flooding caused by such a surge- which happened in the 19<sup>th</sup> Century- would be calamitous, particularly to those living within several blocks of the Hudson River.
3. Sea Gates have been built in London and Rotterdam and are being built in Venice to protect those cities, and could be protective of New York City.
4. A study of both the potential for such a surge and an appropriate response would appear to be prudent; it is hereby:

#### **RESOLVED**

That CB#2, Man. requests that the Army of Corps of Engineers conduct a study about the potential for flooding related to a storm surge, and exploring the feasibility of installing sea gates and barrier, and taking other action to protect New York City

That CB#2, Man. calls upon Mayor Bloomberg, Borough President Stringer, Congressman Nadler, Congresswoman Maloney, Senator Squadron, Senator Duane, Assembly member Glick, and Council Members Quinn, Mendez and Chin to support such a study.

Urges that such a study include consideration of the ecological impact of sea gates and barriers and whatever other measures the Army Corps might study.

Vote: Unanimous, with 37 Board members in favor.

#### **NEW BUSINESS**

#### **CHARTER REVISION WORKING GROUP**

The following letter was presented to CB2 for review and comment. After discussion, the Board voted to endorse the letter.

July 22, 2010

Dr. Matthew Goldstein  
Chair  
New York City Charter Revision Commission  
2 Lafayette Street, Rm. 1414  
New York, NY 10007

Dear Chair Goldstein:

Community Board 2, Manhattan, represents the neighborhoods of Greenwich Village, Little Italy, Soho, Noho, Hudson Square, Chinatown and Gansevoort Market.

Community Boards are an integral part of New York City government, providing the opportunity for public participation at the local level on many important issues that affect the quality of life for all New Yorkers. We are the government arm where people can make their voices heard on land use and

development issues, traffic patterns, pedestrian safety, the delivery of health care and social services, the siting of parks and open space, landmarking, sidewalk cafes, and street fairs, to name just a few. It is with these multiple, diverse and important responsibilities in mind that Community Board 2 wishes to suggest that the 2010 New York City Charter Revision Commission consider two amendments to the City Charter and consider devoting more time to study land use issues further.

First, in order to maintain the confidence of the public, it is essential that the appointed members are of the highest quality and that the selection process is transparent and inclusive. Currently, the City Charter only has a few vague eligibility requirements for appointment to a community board that do not go far enough to ensure that the most qualified and representative people serve. Therefore, we urge the Charter Revision Commission recommend revising the Charter to mandate uniform and strengthened standards for community board appointments, including a written application process, substantial public outreach to attract new members, and a specific timeline for appointments.

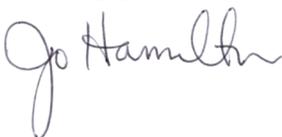
Second, the City Charter mandates that community boards review, analyze and make recommendations on land use applications that must undergo public input and approval through the Uniform Land Use Review Procedure (ULURP). This process is time consuming and often requires technical expertise that most community boards do not possess within their staffs or membership. To address this issue, we suggest that the City Charter be amended to stipulate that funds are to be available for each community board to hire a full-time, qualified urban planner.

These two proposals are already in effect in Manhattan. Borough President Scott Stringer reformed the appointment process for community boards and created a Community Planning Fellowship Program, which places graduate students from local urban planning schools in each Manhattan community board office. These initiatives have made a significant difference in the quality and diversity of the representation on our community board, and have enhanced our ability to adequately address complex land-use planning issues. We think they could have the same positive effect for community boards throughout the city.

Finally, we support the recommendations from the Commission staff that more time is necessary to fully consider changes to the land use process. We urge the Commission to remain convened to study issues such as the implementation of “fair share” principles, creating a more efficient 197-a community-based planning process, modifying the rules regarding the transfer of City-owned air rights, and creating an independent planning office.

As our city continues to grow, community participation in the planning process will become more complex than ever. Creating a merit-based and transparent appointment process for community boards, and providing them with the needed resources to carry out their planning function, will make the planning process more rational and efficient and ensure that community boards are able to fulfill their Charter-mandated planning role.

Sincerely yours,



Jo Hamilton, Chair  
Community Board No. 2, Manhattan



Brad Hoylman Chair  
Charter Revision Task Force  
Community Board No. 2 Manhattan

Respectfully submitted, Susan Kent, Secretary, Community Board #2, Manhattan