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Bo Riccobono, *First Vice Chair*
Sheelah Feinberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Erin Roeder, *Treasurer*
Susan Kent, *Secretary*
Elaine Young, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

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Greenwich Village • Little Italy • SoHo • NoHo • Hudson Square • Chinatown • Gansevoort Market

FULL BOARD MINUTES

DATE: November 18, 2010
TIME: 6:00 P.M.
PLACE: Grace Church School Gymnasium, 94 Fourth Avenue

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Sigrid Burton, Heather Ann Campbell, Lisa Cannistracci, Terri Cude, Maria Passanante Derr, Doris Diether, Ian Dutton, Robert Ely, Sheelah Feinberg, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Anne Hearn, Brad Hoylman, Mary Johnson, Susan Kent, Arthur Kriemelman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Sean Sweeney, Carol Yankay, Antony Wong, Elaine Young

BOARD MEMBERS EXCUSED: Denise Collins, Evan Lederman

BOARD MEMBERS ABSENT: James Solomon

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Senator Tom Duane, Crystal Gold-Pond, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Lolita Jackson, Mayor Mike Bloomberg's Community Affairs Unit, Sandy Myers, Man. Borough President Scott Stringer's office; Lisa Parson, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Noah Isaacs, Council Speaker Christine Quinn's office; Jake Itzkowitz, Matt Viggiano, Council Member Margaret Chin's office; Jasmin Torres, Council Member Rosie Mendez's office; Laurie Fried, Michael Chiara, Ling Lau, Pier Consagra, Peggy Ng, Janet Freeman, James Cavello, Cat Green, Henry Buhl, Barbara J. Cohen, Lora Tenenbaum, David Novros, Pete Davies, Brian Steinwurtzel, Andrew Forbes, Frank Roberts, Peter Mucavero, Rakel Thor, Kit Fine, Ruth Chang, Shannon Tyree, Lisa Fong, David Rosenberg, Lillian Tozzi, Blaine Burtnick, Adam Lublin, Carl Rosenstein, Susan Goren, Marna Lawrence, Wai Chak, Cynthia Kirchner, James Hatch, Martin Hechtman, Vicki Papadeas, Ross Morgan, Robert Dawson, Marilyn Bai, Elyzabeth Gaumer, Alex Stupak, Donna Vogel, Jack Dakin, Rob Agnew, Douglass Dunn, Aubrey Lees, Sam Hurwitt, Warren Leshen, Georgina Leaf, Lee Leshen, Robin Goldberg, Judith Callet, Rob Millis, Paige Butcher, Jim Fouratt, Kim Martin, Marc Doshey, Timothy Barry, Andrew Berman, James Dee, Gaby Darbyshire, Ken Brandman, Amanda Slavin, Jean Wardle, Gabriela Resto, Roxy Sowlaty, Annie Yuan, Charles Richardson, Emelie Ericson, Evette Stark, Michael Rawson, Darlene Reddish, Raja Mansour, Carmen Ben, Erin Lavelle, S, Lindsay, Charles Wahler, Winnie Ho, Tracy Zheng, S.Y. Chan, Jamie Johnson, Michelle Young, Christa Grauer, Jane Fisher, Betty Truong, Tiffany Lee, Dana Gordon, Diem Nguyen, Michael Gogel, Renne Monrose, Wellington Chen,

Lauren Resler, Eric Hsiao, Thomas O'Neill, Regina Cornwell, Phuong Nyuyen, Jane Nelson, Wu Miu Ching, Carlos Suarez, Meg Siegel, Karen Hawkins, David J. Louie, Collin Lee, Timothy B. Rosser, Steven Simich, Adam Elzer, Alex Arce, Joseph Ruscito, Christopher Tierney, Amy Kaplan, Tsipi and Zigi BeBen-Haim, Peter Gleason, Adrienne Rose, Mary Balaban, Jeffrey McClean, Rita Lee, Patricia Ali, Happy Fahiny, Ingrid Wiegard, John Pasquale.

MEETING SUMMARY

Meeting Date –November 18, 2010

Board Members Present – 47

Board Members Excused – 2

Board Members Absent - 1

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II. PUBLIC SESSION

Non-Agenda Items

Various updates

Lolita Jackson, from the Mayor's Community Affairs Unit, reported on the success of the latest Vendor Initiative in the SoHo/Chinatown area, Fashion Night Out's change of the event date for September 2011, and an upcoming meeting with the proprietors of the Dash store in SoHo.

Noise Issues

Shannon Tyree spoke regarding noise and disturbances in the Macdougall/Bleecker and West 3rd Streets area.

New York University 2031 Plan

Susan Goren spoke against the proposal. Andrew Berman spoke regarding New York University.

New Business

Marna Lawrence spoke regarding an applicant's Temporary Certificate of Occupancy.

Other Items

Martin Hechtman spoke in favor of cleaning and against everything else.

Safe Cities, Safe Streets

Cat Green, of the Greenwich Village-Chelsea Chamber of Commerce, spoke regarding this topic.

Land Use and Business Development Items

Proposed SoHo Business Improvement District

James Cavello, Henry Buhl, Barbara J. Cohen, Brian Steinwurtzel, Donna Vogel, Warren Leshen, and Ken Brandman, spoke in favor of the proposed new B.I.D. Rob Millis spoke in favor of consideration for the proposed B.I.D.

Lora Tenenbaum, David Novris, Peter Davies, Andrew Forbes, Kit Fine, Ruth Chang, Carl Rosenstein, Nicki Papadeas, Robert Dawson, Douglas Dunn, Georgina Leaf, and James Dee, spoke against the proposed new B.I.D.

Jim Hatch spoke regarding the proposed B.I.D.

SLA Licensing Items

Sada LLC, d/b/a Empellon, 230 W. 4th St., NYC

Laurie Fried spoke regarding the proposed liquor license.

Jean Wardle spoke against the application and the proposed 4 a.m. closure.

Marilyn Bai, Elyzabeth Gauner, and Aubrey Lees spoke against the proposed liquor license application.

Alex Stupak, the applicant, spoke in favor of the proposed liquor license.

The Brewster, LLC, 177 Mott St., NYC

Michael Chiara spoke regarding the proposed liquor license application.

Frank Roberts, Peter Mugavero, Rakel Thor, David Rosenberg, Lillian Tozzi, Adam Lublin, Cynthia Kirchner, Ross Morgan, Jack Dakin, Rob Agnew, Sam Hurwitz, Paige Butcher, Gaby Darbyshire, and Amanda Slavin, spoke in favor of the proposed liquor license application.

Ling Lau, Pier Consagra, Peggy Ng, Janet Freeman, Lisa Fong, Wai Chak, Robin Goldberg, and Marc Dushey, spoke against the proposed liquor license application.

Emil Warda, d/b/a West 12th Street LLC, 285 W. 12th St.,

Blaine Burtnick spoke in favor of the proposed liquor license application, subject to the stipulations as signed by the applicant.

Matthew Oliver Maddy, d/b/a Hot Talk, LLC, 168 Elizabeth St.

Kim Martin spoke against the proposed, downgraded beer and wine application and illegal speakeasy.

Ideal Food & Drink, d/b/a same, 7-9 West 8th St.,

Timothy Barry, the applicant, spoke in favor of the proposed beer and wine license.

Social Services and Education

Senior Issues

Jim Fouratt spoke regarding senior issues.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Senator Tom Duane

Crystal Gold-Pond, Senator Tom Duane's office

Mary Cooley, Senator, Daniel Squadron's office;

Lisa Parson, Assembly Member Deborah Glick's office

John Ricker, NYC Comptroller's office;

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

Noah Isaacs, of Council Speaker Christine Quinn's office

Jake Itzkowitz, and Matt Viggiano, Council Member Margaret Chin's office;

Jasmin Torres, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of September minutes and distribution of October minutes.

VI. EXECUTIVE SESSION

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

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

3. Resolution Regarding NYU Superblocks

Whereas open space is in intense demand in downtown Manhattan because these areas were built up prior to societal recognition of the need for public open space in densely populated urban areas; and

Whereas CB#2, Man. has only four tenths acres of open space per 1,000 residents, or just 16 percent of New York City's benchmark of 2.5 acres needed to adequately serve a densely populated urban area; and

Whereas the dearth of public open space is a long-recognized detriment to the quality of life in our district and the preservation and improvement of open space has consistently been a top priority of the board since its creation; and

Whereas on rare occasions, such as the extension of 6th Avenue, demolition of the Womens' House of Detention, and the reconstruction of Route 9A, opportunities have arisen to create new open public spaces, and our community always recognized those opportunities and successfully advocated for new parks; and

Whereas in 1954 an Urban Renewal project created three "superblocks" by de-mapping Wooster and Greene from West Houston to West 4th and transferred portions of the properties to the Department of Transportation for future street widening along La Guardia and Mercer between West 4th and West Houston, and along West 3rd and Bleecker, between La Guardia and Mercer; and

Whereas through the efforts of this board and enlightened community leaders the street widening proposals were rejected and over a period of years these DOT properties were designated for a variety of public open space uses; and

Whereas today, the New York University (NYU) administration has stated that, as part of a ULURP application, it will ask for six of the seven remaining strips to be transferred from DOT to the University in order to facilitate development on the two residential superblocks between West 3rd and West Houston, and La Guardia and Mercer; and

Whereas the strips the NYU administration now seeks to acquire are along La Guardia Place between West 3rd and West 4th Street, Mercer Street between West 4th and West Houston Streets, the south side of Bleecker Street between La Guardia Place and Mercer Street and part of West 3rd Street between La Guardia Place and Mercer Street; and

Whereas these spaces now include La Guardia Park, La Guardia Corner Garden, Time Landscape, Mercer Playground, the Children's Playground, and the Mercer Houston Dog Run, and the new sitting area above the new NYU cogeneration plant built beneath this public land; and

Whereas community members have a commitment to many of these areas deepened through a long tradition of community voluntary involvement, especially in the strips along La Guardia Place and the Mercer Playground; and

Whereas these spaces are important historical markers of the battle against Robert Moses' efforts to cut an arterial roadway from the south end of Fifth Avenue, into Washington Square, and through the heart of the South Village; and

Whereas these areas also include planted areas along Bleecker Street with irreplaceable mature trees; and

Whereas CB#2, Man. has long called for these areas to be transferred to the Department of Parks to guarantee their public character in perpetuity, and the Department of Parks and Department of Transportation have been generally open to such transfer; and

Whereas the NYU administration has consistently opposed such transfer; and

Whereas as part of its 2031 Plan, the NYU administration now seeks to acquire all these spaces except the strip along La Guardia Place from West Houston to Bleecker; and

Whereas the NYU administration states that its plan seeks to create new publicly accessible open space, including a large area on the current supermarket site at La Guardia and Bleecker, and alter the landscaping of the two superblocks to integrate open space so that underused areas of open space on their property are more accessible to the public; and

Whereas NYU has announced it will propose to build a tower in the supermarket site, it has apparently already retracted its offer to create new open space there; and

Whereas NYU has a history of failing to fulfill both its commitments to provide stewardship and maintenance of public open space and its commitments to provide public access to open space within its properties; and

Whereas the design and management of publicly accessible private open space typically conforms first of all to the needs of the owner, and therefore these spaces are fundamentally different in character from publicly owned open space; and

Whereas although public access to privately held space throughout the city can be very beneficial, the experience with these spaces shows how they differ from public open spaces and demonstrates the benefit of retaining public ownership of open space intended for public use, in general, and on these superblocks in particular; and

Whereas the DOT property along La Guardia Place between Washington Square South and West 3rd Street was transferred to NYU in the 1960's in connection with the development of Bobst Library, thus interrupting the LaGuardia Place greenway that previously connected to Washington Square Park, in exchange for new public open space to be created at Gould Plaza; and

Whereas Gould Plaza, while technically accessible to the public has a private character that discourages public use and serves a private purpose; and

Whereas amendment in 1978 to the Urban Renewal Plan to allow construction of the Coles Athletic Center was based on a commitment by NYU to "rebuild and physically maintain the Mercer Street strip in accordance with the Community Board's preferences," but the playground and the reflecting garden in this area have been kept closed for many years because of sunken pavements; and

Whereas the amendment also required NYU to build a public playground on the roof of Coles but this playground was immediately closed because of safety considerations, and NYU has not sought to create alternative public space to compensate for its failure to meet this commitment; and

Whereas CB#2, Man. held a public hearing attended by more than 200 people on October 18, 2010, regarding the public space in the superblocks; and

Whereas 37 community members spoke in favor of maintaining existing public open space and transferring the space to the Parks Department, and against transfer of the public land to NYU while no one spoke in favor of the transfer to NYU; and

Whereas New Yorkers for Parks made a presentation about the alienation of parkland, and CB#2, Man. believes that the transfer of public open space to NYU is contrary to the Doctrine of Public Trust;

Whereas New York University is an outstanding institution of great importance to our city and our community, as well as a source of pride to its students, faculty, alumni, and employees, many of whom are residents here and all of whom are welcome members of our community; and

Therefore it is resolved that CB#2, Man., supports the goal of the NYU administration to improve public access to open spaces within its property; and

It is further resolved that CB#2, Man. urges the NYU administration to remove from its development proposals and ULURP application any transfer of publicly owned land to private ownership, and

It is finally resolved that the best way to preserve the public open space is to keep it in the public domain and the best way to guarantee its public use and character in perpetuity is to transfer these properties to the Parks Department.

Vote: Passed, with 46 Board members in favor and 1 in opposition (I. Dutton).

4. Resolution: Thanking Jim Solomon and Thomas Yu for their outstanding service to Chinatown Working Group (CWG)

WHEREAS, Jim and Thomas helped transform the original Chinatown & Neighbors committee of Community Board 2, Manhattan, into the Chinatown Working Group, a community organization that encompassed the districts of Community Boards, 1, 2 and 3, Manhattan, and expanding it to include 52 voting members, representing a broad spectrum of community groups, residents, arts and cultural organizations, business and property owners, and housing and worker advocacy groups; and

WHEREAS, Jim and Thomas organized two successful Town Hall meetings with hundreds of participants from the community, conducted in English, Spanish, Cantonese, Mandarin, and Fujinese; and

WHEREAS, Jim and Thomas conducted a meeting with the United States Transportation Secretary Ray LaHood, to address potential federal transportation initiatives in Chinatown as part of the White House Initiative on Asian Americans and Pacific Islanders; and

WHEREAS, Jim and Thomas facilitated the receipt of a grant of \$150,000 from the Lower Manhattan Development Corporation to hire a planning consultant to work under the direction of the (CWG) to create a 197-a community plan; and

WHEREAS, in their 18 month tenure as Co-Chairs of CWG, Jim and Thomas led the group from an ad hoc coalition of a few community stakeholders to become a powerful voice for community planning in Chinatown; now

THEREFORE BE IT RESOLVED that, CB#2, Man. joins with Community Boards 1 and 3, Manhattan, to extend its sincere thanks and gratitude to Jim Solomon and Thomas Yu for their fine service to the greater Chinatown community.

Vote: Unanimous, with 47 Board members in favor.

The following letter was adopted unanimously with 47 Board members in favor at the November Full Board meeting.

November 12, 2010

James P. Stuckey, President
Public Design Commission of NYC
253 Broadway, 5th Floor
New York, NY 10007

Dear President Stuckey,

On November 3, Friends of the High Line, along with the Parks Department and Beyer Blinder Belle, presented a proposed design for a Maintenance and Operations facility for the High Line Park, at a public hearing of the Committee for Parks Recreation & Open Space of Community Board 2, Manhattan. The site for this new building is within our district.

The design was well received by the public and the committee. The proposed building has appropriate bulk, does not crowd the High Line structure, and seems to fit in well with the new Whitney Museum. We especially appreciate that the design is responsive to concerns we raised during a presentation of an earlier version to our board. In this regard, we like the use of concrete along with articulated windows that are appropriately reflective of the industrial character of the High Line and the surrounding historic district as well as in keeping with both the use and the public character of the building, and also the attention to the importance of connecting the building to the High Line park in an open and accessible way.

The timing of the presentation to the Public Design Commission precludes prior consideration by our full board. This is particularly disconcerting with respect to the proposal for a restaurant below the High Line at the Gansevoort St. entrance because we were unaware of this. Our Parks Committee did express approval for the idea of enlivening this space in this way as long as the premises are welcoming to the public and the intent is to offer an affordable menu in a quiet venue that does not create a disturbance to neighbors. We applaud the open design that is “park- like” in appearance and ambiance, and that it does not clutter views from the street of the High Line structure.

Sincerely,



Jo Hamilton, Chair



Tobi Bergman, Chair
Parks, Recreation & Open Space Committee

- C: Rep. Jerrold L. Nadler
Speaker Christine C. Quinn
Manhattan Borough President Scott M. Stringer
NYS Senator Thomas K. Duane
NYS Assembly Member Deborah J. Glick
NYS Assembly Member Richard N. Gottfried
Lolita Jackson, Manhattan Director, Community Affairs Unit
Peter Mullan, Friends of the High Line

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item 12 -120 Spring Street (Mercer/Greene) - SoHo-Cast Iron Historic District

A dwelling built in 1825 and altered in the 1920s. Application is to legalize the installation of signage and alterations to the facade without Landmarks Preservation Commission permits.

Whereas, the existing signage does not detract from the building; the proposed paint color is compatible with the palette of the district; and the gooseneck light fixtures are permitted on ground-floor retail throughout the area; but

Whereas, lights on the rooftop illuminating a commercial banner are excessive and draw unnecessary attention to the building; additionally, the applicant did not provide a permit for the installation of the banner that is being illuminated; and

Whereas, the applicant could not provide any evidence that the metal panel covering the existing roll-down gate has the appropriate permits from LPC. If the gate is not permitted, then the plate covering it is redundant; now

Therefore, be it resolved that CB#2, Man. recommends approval of the paint, the signage, and the goosenecks; and

Further, be it resolved that CB#2, Man. recommends denial for the rooftop lighting; and,

Further, be it resolved that CB#2, Man. recommends that the Commission determine whether the roll-down gates have a permit before approving a plate to cover it, and also check to see whether a permit was issued for installation of the commercial banner.

Vote: Unanimous, with 47 Board members in favor.

2 - LPC Item 13 - 188 Lafayette Street, aka 413 Broome Street - SoHo-Cast Iron H.D. Extension

An office and store building, built c. 1999, designed by Tie C. Ho. Application is to install new storefront infill.

Whereas, the proposed storefront is an improvement on the existing; and

Whereas, the awnings will be retractable, and the banner is in proportion to the building; now

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

Vote: Unanimous, with 47 Board members in favor.

3 - LPC Item 15 - 48 West 8th Street (5th/6th) - Greenwich Village Historic District. A Queen Anne style flats house, built in 1876. Application is to install new storefront infill, security gates, and awnings.

Whereas, a fixed awning is proposed, yet the display window faces north, which raises the question of why there is need for a fixed awning.

The proposed drug store will not have delicate or perishable items on display that could be damaged by sunlight, and, since the store faces north, it will receive no direct sunlight anyway. In fact, the proposed awning will be nothing more than a large commercial sign, permanently on display. A retractable awning would be more historically accurate, could be rolled up at night and not detract from the building; and

Whereas, the proposed storefront bulkhead with the sill a mere 6 inches above the curb does not reflect the style of this building; and

Whereas, the transoms do not line up, because a prefabricated entrance is proposed, instead of a custom-designed one that would align the transoms; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application and urges the applicant to work with the Commission in order to get a more appropriate design.

Vote: Unanimous, with 47 Board members in favor.

4 - LPC Item 16 - 430 Hudson Street (Morton/Leroy)- Greenwich Village Historic District. A vernacular Greek Revival style house built in 1847. Application is to alter the storefront, construct rooftop and rear yard additions, and perform excavation. Zoned C1-6

Whereas, the storefront and façade restoration is commendable; and

Whereas, adjacent buildings are built out very full in the rear; but

Whereas, the applicant could not provide documentation that these rear yard build-outs existed before designation or else have LPC permits; and

Whereas, until that is determined, we question whether referencing these existing build-outs adds support to the argument for an extension of the rear of the building into the “doughnut”; and

Whereas, the existing rear wall is quite pristine and intact, particularly the window placement; and

Whereas, the proposed work will destroy original material; and

Whereas, the rooftop addition will be visible from the street corners; now

Therefore, be it resolved that CB#2, Man. recommends approval for the fine restoration work on the front of the building; and

Further, be it resolved that CB#2, Man. recommends denial of the proposed rooftop addition since it will be fairly visible, as well as denial for the work on the rear, since it will destroy most of the historic material on the rear façade.

Vote: Unanimous, with 47 Board members in favor.

5 - LPC Item 17 - 570 Hudson Street, aka 300 West 11th Street - Greenwich Village H.D. Two Greek revival style houses built in 1851. Application is to replace windows and doors and install signage.

Whereas, the proposed work is a commendable project that will restore the storefront to how it appears in the historic photos; and

Whereas, the small blade sign is discreet; and

Whereas, the awning will be retractable; and

Whereas, the plans for the storefront renovation are a welcomed improvement; now

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

Vote: Unanimous, with 47 Board members in favor.

6 - LPC Item 18 - 23 Perry Street - Greenwich Village Historic District. A brick rowhouse built in 1845. Application is to modify alterations performed at the rear facade in non-compliance with Certificate of No Effect 02-1910. Zoned R 2-6

Whereas, apparently there was an administrative slip and the existing rear façade does not resemble what was approved by LPC; and

Whereas, the applicant did not cause this error to happen, since she took possession of the house after the existing rear façade was installed and had no knowledge of its peculiar legal status; and

Whereas, the existing rear facade does not detract from the building or the backyard “doughnut”; now

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

Vote: Unanimous, with 47 Board members in favor.

7 - LPC Item 20 - 33 Fifth Avenue (s.e. corner W.10th) - Greenwich Village Historic District
A neo-Federal style apartment house designed by Sussman and Hess and built in 1923. Application is to legalize alterations to the penthouse.

Whereas, the penthouse was reclad with the same masonry used in the main façade work; it could confuse an interested party trying to determine whether the penthouse was original to the building or a later addition; but

Whereas, the penthouse is barely visible and only when someone is standing on University Place, a block away; now

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

Vote: Unanimous, with 47 Board members in favor.

8 - LPC Item 21 - 23 Cornelia Street (Bleecker/W.4)- Greenwich Village H.D. Extension II
A utilitarian style stable building designed by Charles B. Meyers and built in 1912.
Application is to construct a rooftop addition and reconstruct the rear facade. Zoned R6

Whereas, the design is stunning and artistic, but not contextual with the building; and

Whereas, the structures to which the architect referenced this pergola are not located in the historic district - and not even in the city; and

Whereas, several members of the community attended to speak out against the proposal; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application for a rooftop addition.

Vote: Passed, with 43 Board members in favor, and 4 in opposition (I. Dutton, F. Morellet, A. Schwartz, S. Sweeney).

9 - LPC Item 22 - 837-843 Washington Street (W.13th) - Gansevoort Market Historic District

A Moderne style market building designed by David M. Oltarch and built in 1938.

Application is to alter the facades and construct a seven-story addition. Zoned M1-5

Whereas, the applicant made a compelling case for the obtuse angles seen in the proposed building, referencing the twisting trail of the adjacent High Line and the diagonal views of many streets in the district; and

Whereas, this glass portion of the proposal was bold, inspiring and innovative; and

Whereas, the work restoring and repairing the existing building is commendable; and

Whereas, the proposed structure will not be visible from many sightlines within the district and it doesn't obscure sky planes; and

Whereas, the planted balconies will not detract from the building or the district; and

Whereas, the applicants presented a considerable number of letters of support from a wide spectrum of neighborhood interests, including old-time as well as newer institutions, as well as from local businesses and other developers; but

Whereas, the masonry tower looks clumsy, disharmonious, austere and disconnected; and

Whereas, although striking, the building would be among the tallest buildings in the district and could easily set a precedent for other tall buildings along Washington Street; and

Whereas, a resident attended who spoke against it; now

Therefore, be it resolved that CB#2, Man. recommends approval of the work on the front facade; and

Further, be it resolved that CB#2, Man. recommends that the brick tower be made less imposing and opened up, perhaps by the addition of some windows, for example, in order to blend in better with the glass portion of the structure; and

Further, be it resolved that CB#2, Man. recommends that the applicant work with the Commission in order to reduce the mass and height of the glass portion.

Vote: Unanimous, with 47 Board members in favor.

2ND LANDMARKS MEETING

1- LPC Item 18 – 155 Wooster St. – SoHo Cast Iron Historic District.

A Classical Revival style store & loft building designed by George F. Pelham & built in 1897-1898.

Application is to install painted wall sign.

Whereas, the proposed sign is a black and white painted sign, and

Whereas, the sign will replace an existing sign on this building façade in the same place and the same size as the existing sign, and

Whereas, painted signs were usual in the SoHo district,

THEREFORE BE IT RESOLVED, recommends approval of the new painted sign on 155 Wooster St.

Vote: Unanimous, with 47 Board members in favor.

2- LPC Item 19 – 48-50 West 8 St. – Greenwich Village Historic District.

A pair of Queen Anne style flats houses built in 1876. Application is to reconstruct the façade.

Whereas, the existing facade was not in great condition and started to deteriorate when work was started on the building, and

Whereas, the proposal is to replace the damaged sections with precast stone and

Whereas, the applicant would also like to make the detail on the cornice more visible by painting it black, and

THEREFORE BE IT RESOLVED, CB#2, Man. had no objections to the proposed work, but would suggest that the color of the façade repairs should be either varied slightly in color or perhaps have mica added to the paint to make it look more like original masonry, and in addition would also prefer the paint for the cornice at 48-50 West 8 St. be glossy rather than a flat color so the details would show up better.

Vote: Passed, with 46 Board members in favor, and 1 recusal (D. Gruber).

3- LPC Item 21 – 373 6th Ave. – Greenwich Village Historic District

A neo-Grec style building built in 1875. Application is to install storefront infill, signage, & light fixtures.

Whereas, the proposal is to change the existing storefront with two windows and a large sign above, two doors and gooseneck lamps, to two windows and two doors with transoms above each, and to retain the cast iron piers intact, and

Whereas, the door to the store will be recessed 8', and the 4 transoms will be 4' high, with the 2' wood bulkhead to remain, and

Whereas, a new sign will be installed above the transoms, smaller so that it fits within the existing sign band, the sign to be dark green and yellow, with a line of light above the sign, and

Whereas, the trim around the windows, doors, etc. will be dark grey in color, and

Whereas, the proposed changes to 373 6th Ave. are a big improvement over the existing storefront,

THEREFORE BE IT RESOLVED, CB#2, Man. recommends approval of the application for 373 6th Ave.

Vote: Unanimous, with 47 Board members in favor.

4- LPC Item 3 & 5 – 243-247 West 10 St. aka 520-524 Hudson St. & 84 Perry St.– Greenwich Village Historic District.

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 applicants failed to appear before the Community Board nor did they contact us for a layover,

THEREFORE BE IT RESOLVED, CB#2, Man. recommends denial of the applications for 243-247 West 10 St. aka 520-524 Hudson St. and 84 Perry St. in the absence of this important step in the review process.

Vote: Unanimous, with 47 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. City Planning proposal for: Key Terms Clarification Text Amendment

WHEREAS, The terms "development" and "building" have been called into question through an Article 78 Proceeding, And,

WHEREAS, The current definitions of these key terms has lead to confusing interpretations of the Zoning Resolution, And,

WHEREAS, This application is intended to clarify the meaning of the regulations consistent with their intent, And,

WHEREAS, This proposal will resolve conflicting regulations and bring regulations into accordance with current Department of Buildings practice.

THEREFORE BE IT RESOLVED, that CB#2, Man. supports this application for the Key Terms Clarification Text Amendment.

Vote: Unanimous, with 47 Board members in favor.

2A. Note: This resolution is presented as a motion for a resolution because the committee did not vote on this issue.

Resolution: Proposed SOHO BUSINESS IMPROVEMENT DISTRICT

WHEREAS, The SOHO Partnership has been providing sanitation services in this area for many years, however, the partnership can no longer afford to service this area, And,

WHEREAS, The proposed BID will provide a wide range of services beyond the sanitation services that the SOHO Partnership can no longer provide and there is a clear need for these services, And,

WHEREAS, Community Board #2 has been invited to have a representative on the interim Board of Directors and the Community Board will have a permanent non voting member of the Board of Directors, And,

WHEREAS, Within the proposed district there are unusually large numbers of long term JLWQ residences that are typically in COOP Buildings, And,

WHEREAS, CB#2, Man. opposes substantial assessments of residential owners; And,

WHEREAS, The BID assessments may increase monthly charges to some owners of coop apartments; And,

WHEREAS, These assessments may be a burden to an unknown number of residents; And,

WHEREAS, The Steering Committee stated they would provide a mechanism to offer assistance to residents for whom such assessments are financially burdensome; And,

WHEREAS, The Steering Committee also promised to reach out to advise all coop tenants of the availability of such assistance; And,

WHEREAS, The Steering Committee expressed an understanding of the importance of establishing a board that is truly reflective of the district, including members who are working artists; And,

WHEREAS, The Steering Committee agreed to work closely with CB#2, Man. to continue to reach out to all businesses and residents as the process moves forward; And,

WHEREAS, The name SOHO BID is confusing because the BID map includes only a small part of Soho; And,

THEREFORE BE IT RESOLVED, That CB#2, Man. approval of this application is based on the assurances as described herein; And,

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. supports this application for a proposed SOHO BUSINESS IMPROVEMENT DISTRICT, And,

THEREFORE BE IT FURTHER RESOLVED, , That CB#2, Man. asks the SBS and our elected officials to engage with the Steering Committee and ultimately the BID board to assure that the whole community is well-served; And,

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests that a new and more appropriate name be chosen for this BID.

Vote: Failed, with 44 Board members in opposition and 3 in favor (F. Morellet, D. Reck, E. Roeder).

See Substitutue resolution below.

2B. Proposed SoHo Business Improvement District

Whereas, CB#2, Man. has been asked to review an application to the city for the formation of a SoHo Business Improvement District (BID); and

Whereas, the intent of the proposed BID is to provide services beyond sanitation, including measures to improve public safety, marketing and promotion, and capital improvements; and

Whereas, the intent of the BID is for property owners and commercial tenants and landlords to bear the cost of establishing and maintaining the BID; and

Whereas, the BID applicants have conducted a poor local public education campaign in clearly explaining the costs and benefits of the proposed BID leading to much confusion and contradictory assertions about the BID by a large number of the public and members of this community board.

Therefore Be It Resolved; that CB#2, Man. urges the BID applicants to withdraw their application from NYC Small Business Services and conduct outreach with members of the community in conjunction with a fuller explanation of the costs and benefits of the proposed BID, and only thereafter should they return to the community board with their application; and

Be it further resolved that should the BID applicant not withdraw its application from the BID review process, CB#2, Man. strongly opposes the BID for the following reasons:

- 1) There was overwhelming public opposition to the BID from local residents who live within the proposed BID boundaries as demonstrated at the community board's full board meeting of November 18, 2010 because they did not believe the BID would benefit them;
- 2) There is no mechanism in place that will ensure that residential owners not be responsible for any more than a nominal assessment of \$1, and that condo and coop owners would be treated equally;
- 3) The BID applicants have failed to convince the public of the necessity of a new business improvement district for SoHo, which is a flashpoint for traffic and pedestrian congestion, and there is concern that a BID would only aggravate this situation;
- 4) The stated mission of the BID to increase local tourism would have a negative impact on the quality of life of local residents of SoHo;
- 5) Residents believe that there are viable alternatives other than assessing property owners and creating a BID, such as participating in A.C.E. (SoHo Partnership) or increasing efforts to encourage local retailers to voluntarily clean their adjacent sidewalks, which is the hallmark of a good neighbor policy and a common practice elsewhere in Manhattan.

Vote: Unanimous, with 47 Board members in favor.

PARKS, RECREATION & OPEN SPACE

Support for Chinatown Working Groups' Parks, Recreation, and Open Space Preliminary Action Plan

Whereas, Chinatown residents have the least amount of square footage of open space per resident in New York City, and

Whereas, parks benefit the family, youth, children, and encourage group activities by fostering a spirit of community identity and belonging in Chinatown and neighboring communities, and

Whereas, recreational spaces are open to community use free of charge for all ages and for a variety of uses, and

Whereas, community residents need parks that serve their needs, and

Whereas, new construction and improvement projects at parks and open spaces need to employ innovative and sustainable design practices, and

Whereas, the Chinatown Working Group's (CWG) Parks, Recreation, and Open Space working team has developed a Preliminary Action Plan (PAP), attached, based on feedback from a wide array of community stakeholders through a series of meetings as well as two town halls, and

Whereas, although none of the proposals are in the Community Board 2, Manhattan, district boundaries, we are a voting member of the CWG board, and have supported their efforts to improve the quality of life in Chinatown; and

Whereas, both Community Boards 1 and 3, Manhattan, which border our district, are in support of the PAP as it relates to their jurisdictions.

Therefore, Be It Resolved that CB#2, Man., joins Community Boards 1 and 3 in support of the CWG's Parks, Recreation, and Open Spaces PAP, as part of a precise, comprehensive, meaningful, timely and broadly supported community-based plan to improve the greater Chinatown community.

Vote: Unanimous, with 47 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

L'atre Enterprises, Inc., 314 Bleecker St. (at Grove) with 2 tables & 4 seats, DCA# 1159486

Block: 588 Lot: 7501 Lot Frontage: 40' Lot Depth: 83

Year Built: 1920 Number of Buildings: 2 Number of Floors: 4 Residential Units: 6

Total # of Units: 8 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 renewal application, and the applicant's representative, Steve Wygoda, was present, and

Whereas, the applicant has operated this unenclosed sidewalk café for several years with no known complaints,

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 **L'atre Enterprises, Inc., 314 Bleecker St. (at Grove) with 2 tables & 4 seats, DCA# 1159486.**

VOTE: Unanimous, with 47 Board members in favor

SLA LICENSING

1. 132 Mulberry St. Rest., Inc. d/b/a Umberto's Clam House, 132 Mulberry St NYC (Hester and Grand)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for relocation of an established Italian restaurant known as Umberto’s Clam House in a 1,200 s.f. located in a mixed use building on Mulberry between Hester and Grand with 48 table seats and 1 service bar with no bar seats; and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated that there will be no changes to its existing method of operation; the hours of operation for the establishment are seven days a week from 11:30 a.m. to 4:00 a.m.; there will be a sidewalk café application and no backyard garden; music is background only; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **132 Mulberry St. Rest., Inc. d/b/a Umberto’s Clam House, 132 Mulberry St.**

Vote: Unanimous, with 47 Board members in favor.

2. The Brewster, LLC, 177 Mott St., NYC (Broome and Kenmare)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a 4,600 s.f. restaurant in a mixed use building located on Mott Street between Broome and Kenmare with 164 table seats (152 table seats in the basement and 12 table seats in the ground floor café) with 1 bar with 12 bar seats and a maximum legal capacity of 180 persons; and,

Whereas, the applicant stated the hours of operation are seven days a week from 12:00 p.m. to 2:00 a.m. in the basement restaurant and 7:30 a.m. to 10:00 p.m. in the ground floor cafe; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant had reached out to members of the community prior to the SLA Committee hearing; and,

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

1. The applicant has agreed to correct any and all pending ECB violations and obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit prior to opening the establishment.
2. The applicant has agreed to soundproof the entire establishment.
3. The applicant has agreed to operate an upscale, full service restaurant only.
4. The applicant has agreed to not permit third party private events.
5. The applicant has agreed to provide a General Manager or Principal Agent’s contact information to the neighbors.
6. The applicant has agreed to post a “please respect the neighbors” type sign in front of the establishment.
7. The applicant has agreed to clean the sidewalk facing Mott Street on a daily basis.
8. The applicant has agreed to not permit dancing, DJs, live musical performances, third promoters or any other nightclub like activity in the establishment.
9. The applicant has agreed to no alcohol service in the ground floor café.
10. The applicant has agreed to provide a dedicated staff member to monitor the crowds or traffic in front of the establishment.

11. The applicant has agreed to make food and menu items available at all times until 1 hour prior to closing.
12. The applicant has agreed to re-appear in front the SLA Licensing Committee for a 6-month review.
13. The applicant has agreed that the liquor license will not transfer without proper notification and evaluation by Community Board 2, Manhattan.

Whereas, over 14 neighboring residents appeared to express their strong opposition of the proposed establishment; citing excessive noise and pollution in the area; saturation of bars and restaurants; lack of permits and open Department of Buildings violations at this address; concerns with the proposed establishment facing Chinatown Head Start (pre-school) and located near places of worship; lack of community outreach to relevant parties and neighbors; concerns with lack of detail with the ingress and egress for the establishment and HVAC system; a few neighbors requested that this item be laid over for additional vetting, whereas a few neighbors requested an outright denial; and,

Whereas, over 12 nearby residents appeared in support of the proposed establishment; the applicant collected over 60 signatures from nearby residents and submitted a letter from the President of the Little Italy Neighbors Association in support; and the Co-Chair of NLINA (Northern Little Italy Neighborhood Association) appeared to express their support with the proposed establishment; and,

Whereas, one of the principals has a proven track record with operating an upscale hotel bar/lounge in a highly residential area, Gramercy Park and the other principal is the Landlord of the building whom has lived in the area for over 10 years; and the applicants submitted an endorsement letter from the Gramercy Park Block Association; and the applicants have expressed their intentions to open the first Michelin Star rated restaurant in the neighborhood;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **The Brewster, LLC, 177 Mott St.** unless those 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; and,

BE IT FURTHER RESOLVED that CB#2 Man. recommends that the SLA verify that the establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship), particularly with the **Chapel of San Lorenzo Ruiz** located at 378 Broome, the NY Board of Education’s Chinatown Head Start located at 180 Mott Street and the Holy Ukrainian Church located at 359 Broome Street.

Vote: Passed, with 29 Board members in favor, 15 in opposition (K. Berger, C. Booth, T. Cude, D. Diether, S. Feinberg, S. Greenberg, J. Hamilton, B. Hoylman, E. Ma, B. Riccobono, R. Rothstein, C. Spence, R. Stewart, S. Sweeney, E. Young,) and 3 abstentions (E. Gilmore, D. Gruber, L. Rakoff).

3. Aurora Catering Inc., 231 Mott St., NYC (Spring and Prince)

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

Whereas, this application is for an upgrade from a Beer and Wine license to an On Premise license a restaurant d/b/a Emporio’s located in a 2,475 s.f. premise in a mixed use building located on Mott Street between Spring and Prince with 50 table seats, 1 bar with 8 bar seats and a maximum legal capacity of 60 persons; and,

Whereas, the applicant stated there are no plans to change the existing operation; the applicant stated the hours are seven days a week from 11:00 a.m. to 2:00 a.m.; there is no sidewalk café and no backyard garden; music is background only; and,

Whereas, the applicant has been operating successfully with a Beer and Wine license for 18 months; and,

Whereas, the applicant has agreed to close all windows and doors by 9:00 p.m. daily; and,

Whereas, the neighboring school has allegedly closed, which has restricted the establishment to a beer and wine service only; and,

Whereas, the applicant submitted a petition with over 2000 signatures in support; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the proposed upgrade to an On Premise license for **Aurora Catering Inc., 231 Mott St.** unless the condition agreed to by applicant relating to the fifth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license; and,

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the SLA verify that the establishment does not violate the 200 ft. rule (the prohibition of issuing an On Premise License to an establishment located within 200 feet of a school or place of worship).

Vote: Unanimous, with 47 Board members in favor.

4. Emil Warda, d/b/a West 12th Street LLC, 285 W. 12th St., NYC (West 4th Street and 8th Avenue)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a 2,000 s.f. restaurant in a mixed use building located on West 12th between West 4th Street and 8th Avenue with 92 table seats, 1 bar with 18 bar seats and a maximum legal capacity of 125 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday through Monday from 10:00 a.m. to 11:30 p.m.; Tuesday through Thursday from 9:00 a.m. to 12:00 a.m. and Friday and Saturday from 9:00 a.m. to 1:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following set of stipulations and has executed an agreement with the Middle West 12th Street Block Association, which will accompany this resolution:

1. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit.
2. The applicant has agreed to provide security personnel outside the establishment who will monitor the patrons outside the establishment.
3. 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 for residential areas.
4. The applicant has agreed to use best efforts to soundproof the establishment

5. The applicant has agreed to construct a double door vestibule that prevents noise from escaping onto the sidewalk.
6. The applicant has agreed to not operate any outdoor speakers or sound amplification.
7. The applicant has agreed to not permit any doors or windows to be open prior to the opening of the establishment as specified in the hours of operation,
8. The applicant has agreed to have a General Manager or Manager on duty, capable of communicating with residents of the community, to be present during all operating hours. The applicant has agreed to not permit DJs, live music or outside promoters in the establishment.
9. The applicant has agreed to not store garbage or garbage dumpsters outside of the establishment. The applicant will not place refuse at the curb and arrange trash pick up between the hours of 8:00 a.m. and 6:00 p.m.
10. The applicant has agreed to not use neon signage on the establishment and will turn any lighting by 10:30 p.m.
11. The applicant has agreed that the liquor license will not transfer without proper notification and evaluation by Community Board 2, Manhattan.
12. The applicant has agreed to attend monthly meetings with representatives of the Middle West 12th Street Block Association during the first six months of operation and quarterly thereafter.
13. The applicant will not host third party private events.

Whereas, the applicant has effectively reached out to the neighboring residential buildings; 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 **Emil Warda, d/b/a West 12th Stret LLC, 285 W. 12th St.** unless those conditions agreed to by applicant relating to and outlined in the fourth “whereas” clause (and described in the enclosed stipulations agreement) are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 47 Board members in favor.

5. Maximopino Café 1, LLC, TBD, 504 6th Ave., NYC (at West 13th)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for an American diner/restaurant located in a commercial building on the corner of 6th Avenue and West 13th Street with 93 table seats and 1 bar with 15 bar seats; and a maximum legal capacity of 108 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday through Wednesday from 8:00 a.m. to 2:00 a.m. and Thursday through Saturday from 8:00 a.m. to 4:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant has agreed to close doors and windows at all times.
2. The applicant has agreed to community outreach initiatives, including but not limited to notifying residents in the neighboring buildings of their proposed method of operation.
3. The applicant has agreed to not permit DJs, live music or third party promoters in the establishment.
4. The applicant has agreed to curtail its closing hours to 2:00 a.m. Sunday through Wednesday.

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 **Maximopino Café 1, LLC, TBD, 504 6th Ave.**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 47 Board members in favor.

6. Sada LLC, d/b/a Empellon, 230 W. 4th St., NYC (at West 10th)

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

Whereas, this application is for a transfer of an existing On Premise license in a mixed use building on the corner of West 4th and West 10th Streets for a 2,500 s.f. restaurant with 90 table seats, 1 bar with 15 seats, and a maximum legal capacity of 150 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 10:00 a.m. to 2:00 a.m. and Thursday through Saturday from 10:00 a.m. to 4:00 a.m.; the applicant will be applying for a sidewalk café application in the future but will not operate a backyard garden; music is background only; and,

Whereas, the applicant has agreed to the following conditions:

1. The applicant has agreed to not permit DJs, live music or third party promoters in the establishment.
2. The applicant has agreed to curtail its closing hours to 2:00 a.m. Sunday through Wednesday.
3. The applicant has agreed to operate as a full service restaurant only.

Whereas, a few members of this Committee expressed concerns with the lack of community outreach by the applicant; 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 **Sada LLC, d/b/a Empellon, 230 W. 4th St.**, unless those condition agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Roll Call Vote: Failed, with 20 Board members in favor (S. Ashkinazy, A. Brandt, M. Derr, I. Dutton, E. Gilmore, A. Greenberg, S. Greene, A. Hearn, M. Johnson, S. Kent, J. McCarthy, A. Meadows, F. Morellet, R. Rothstein, R. Sanz, M. Schott, A. Schwartz, R. Stewart, A. Wong, C. Yankay) 20 in opposition (T. Bergman, C. Booth, S. Burton, H. Campbell, D. Diether, S. Feinberg, D. Gruber, A. Kriemelman, R. Lee, J. Mansfield, J. Paul, L. Rakoff, S. Secunda, C. Spence, K. Berger, R. Ely, E. Roeder, B. Riccobon, J. Hamilton E. Young,), 1 abstention (E. Ma) and 6 not voting (B. Hoylman, L. Cannistraci, T. Cude, D. Reck, W. Schlazer, S. Sweeney).

The above applicant’s resolution failed and they will reappear at the December SLA License Committee meeting.

7. Andrew K. Breslin, 159 Bleecker St., LLC, 159 Bleecker St., NYC (Thompson and Sullivan)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for an 8,500 s.f. piano bar and restaurant located in a mixed use building on Bleecker between Thompson and Sullivan Streets with 174 table seats and 2 bars with 18 bar seats; and a maximum legal capacity of 295 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Monday through Friday from 5:00 p.m. to 4:00 a.m. and Saturday to Sunday from 11:00 a.m. to 4:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be live and background only; and,

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

1. The applicant has agreed to not permit dancing and waive its rights to a DCA cabaret license.
2. The applicant has agreed to soundproof the entire establishment
3. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy.
4. The applicant has agreed to close its doors at all times.
5. The applicant has agreed to not install animated or neon signage.

Whereas, the applicant has reached out to members of the community prior to the committee hearing including Bleecker Area Merchants and Residents Association; and,

Whereas, a member of the community appeared in opposition; citing overcrowding and noise issues on the block; and,

Whereas, a member of the community appeared in support; and,

Whereas, members of this committee expressed their strong concerns with a large, late night, live music venue in a over saturated, residential block; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Andrew K. Breslin, 159 Bleecker St., LLC, 159 Bleecker St.**

The above applicant withdrew their application at the Full Board meeting, so the resolution was not voted on.

8. Carlos Suarez, 18 Greenwich Ave., NYC (at West 10th Street)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license for a 2,200 s.f. restaurant in a commercial building located on the corner of Greenwich Avenue and West 10th Street with 104 table seats, 1 bar with 6 bar seats and a maximum legal capacity of 125 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday through Thursday from 8:00 a.m. to 12:00 a.m. and Friday and Saturday from 8:00 a.m. to 1:00 a.m.; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following set of stipulations and has executed an agreement with the neighboring residents, which will accompany this resolution:

1. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit.
2. The applicant has agreed to provide security personnel outside the establishment who will monitor the patrons outside the establishment.
3. 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 for residential areas.
4. The applicant has agreed to use best efforts to soundproof the establishment and use sound level detectors to prevent noise from emanating from the establishment.
5. The applicant has agreed that the roof garden will not be open to the public. The applicant has agreed to construct a double door vestibule that prevents noise from escaping onto the sidewalk.
6. The applicant has agreed to not permit any doors or windows to be open prior to the opening of the establishment as specified in hours of operation and after 9:00 p.m. daily.
7. The applicant has agreed to have a General Manager or Manager on duty, capable of communicating with residents of the community, to be present during all operating hours.
8. The applicant has agreed to not permit DJs, live music or outside promoters in the establishment.
9. The applicant has agreed to not store garbage or garbage dumpsters outside of the establishment. The applicant will not place refuse at the curb.
10. The applicant has agreed to not install signage on or within the establishment that will be lit by neon lighting or any lighting that adversely disturbs residents.
11. The applicant has agreed to not offer discounted drink promotions or any kind in the establishment.
12. The applicant has agreed that the liquor license will not transfer without proper notification and evaluation by Community Board 2, Manhattan.
13. The applicant has agreed to attend monthly meetings with representatives of the community during the first six months of operation and quarterly thereafter.
14. The applicant will not host third party private events.

Whereas, the applicant has effectively reached out to members of the community; 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 **Carlos Suarez, 18 Greenwich Ave** unless those conditions agreed to by applicant relating to and outlined in the fourth “whereas” clause (and described in the enclosed stipulations agreement) are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 47 Board members in favor.

9. Himi Okajima d/b/a Hakata Ton Ton, 61 Grove St., NYC (7th Avenue South and Bleecker)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an upgrade from a Beer and Wine license to an On Premise license a restaurant d/b/a Hakata Ton Ton located in a 850 s.f. premise in a mixed use building located on Grove Street between 7th Avenue South and Bleecker Street with 32 table seats and no bar with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated there are no plans to change the existing operation; the applicant stated the hours are seven days a week from 5:00 p.m. to 12:00 a.m.; there is no sidewalk café and no backyard garden; no music in the establishment; and,

Whereas, the applicant has been operating successfully with a Beer and Wine license for over 3 years; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the proposed upgrade to the On Premise license for **Himi Okajima d/b/a Hakata Ton Ton, 61 Grove St.**

Vote: Unanimous, with 47 Board members in favor.

10. Corp to be formed, d/b/a 900 Degrees, 29 7th Ave. South, NYC (Bedford and Morton)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a 1,800 s.f. pizzeria located in a mixed use building on 7th Avenue between Bedford and Morton streets with 40 table seats and 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 are Sunday through Wednesday from 11:00 a.m. to 1:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.; there may be a sidewalk café application and no 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 obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy.
2. The applicant has agreed to not permit DJs or live music.
3. The applicant has agreed to keep the kitchen open and serve food at all times.
4. The applicant has agreed to curtail its closing hours to 1:00 a.m. from Sunday through Wednesday and 2:00 a.m. from Thursday through Saturday.
5. The applicant has agreed to notify the Community Board in the event of a change of ownership.
6. The applicant has agreed to operate a Family oriented restaurant.

Whereas, a member of the community submitted a letter expressing his concerns with the proposed establishment; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Corp to be formed, d/b/a 900 Degrees, 29 7th Ave. South**, unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 47 Board members in favor..

11. Seamus Mullen or Entity to be formed, TBD, 359 6th Ave., NYC (West 4th Street and Washington Place)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a restaurant located in a 2,600 s.f. premise in a mixed use building located on 6th Avenue between West 4th Street and Washington Place with 60 table seats and 1 bar with 10 bar seats and a maximum legal capacity of 70 persons; and,

Whereas, the applicant stated the hours of operation are Sun.-Wed. 8:00 a.m. to 1:00 a.m. and Thurs.-Sat. 8:00 a.m. to 2:00 a.m.; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant has a proven track record as an award winning Chef in the district; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to the proposed On Premise license for **Seamus Mullen or Entity to be formed, TBD, 359 6th Ave.**

Vote: Unanimous, with 47 Board members in favor.

12. Ideal Food & Drink, d/b/a same, 7-9 West 8th St., NYC (5th and 6th Avenue)

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

Whereas, this application is for a Beer and Wine license for a 7,200 s.f. cafeteria style restaurant located in a mixed use building on West 8th Street between 5th and 6th Avenues with 160 table seats and 1 bar with 12 bar seats; and a maximum legal capacity of 195 persons; and,

Whereas, the applicant stated the hours of operation for the establishment is Sunday through Thursday from 7:00 a.m to 12:00 a.m. and Friday and Saturday from 7:00 a.m. to 2:00 a.m.; there won't be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, this applicant was previously denied in October 2010 by this Committee, which had expressed concerns with the large bar placed in front of the establishment and a proposed 2nd means of ingress; and,

Whereas, the applicant has agreed to seek a Beer and Wine license, curtail the closing hours of operation and install a sound control vestibule to help alleviate some of these concerns; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to the proposed Beer and Wine license for **Ideal Food & Drink, d/b/a same, 7-9 West 8th St.**

Vote: Unanimous, with 47 Board members in favor.

13. 232 W. 14 Restaurant Corp. 232 W. 14th St., NYC (7th and 8th Avenues)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing On Premise license in a mixed use building on West 14th Street between 7th and 8th Avenues for a 1,000 s.f. restaurant with 28 table seats with 1 bar and 14 bar seats, and a maximum legal capacity of 42 persons; **to include 7 tables and 21 table seats in an unenclosed backyard garden; and,**

Whereas, the applicant stated there are no plans to change the previously approved method of operation; the applicant stated the restaurant hours are Sunday through Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday through Saturday from 11:00 a.m. to 3:00 a.m.; there is no sidewalk cafe; music is background only; and,

Whereas, the applicant has agreed to cease operations in the backyard garden area at 10:00 p.m. daily; and,

Whereas, the applicant has agreed to not permit music of any kind and no private parties in the backyard garden; and,

Whereas, the applicant has agreed to close all windows and doors facing the backyard garden at all times during operating hours; and,

Whereas, the applicant submitted a petition with 23 signatures in support of the proposed alteration; and

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the proposed alteration to an existing On Premise license for **232 W. 14 Restaurant Corp. 232 W. 14th St.** unless those conditions agreed to by applicant relating to the fourth, fifth and sixth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 47 Board members in favor.

14. 265 Pastry LLC, 265 Lafayette St, NYC (Prince and Spring)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to an existing Beer and Wine license in a mixed use building on Lafayette Street between Prince and Spring Streets for a 1,400 s.f. restaurant with 28 table seats with 1 bar and 5 bar seats, and a maximum legal capacity of 74 persons; **the proposed alteration is to expand the restaurant into an adjacent storefront enlarging the establishment to 60 table seats with 1 bar and 12 bar seats; and,**

Whereas, the applicant stated there are no plans to change the existing operation; the applicant stated the hours are 7:00 a.m. to 2:00 a.m. seven days a week; there is a sidewalk café with 4 tables and 8 table seats but no backyard garden; music is background only; and,

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

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends approval to the proposed alteration of an existing Beer and Wine license for **265 Pastry LLC, 265 Lafayette St.**

Vote: Unanimous, with 47 Board members in favor.

15. Soho Garden & Grill, Inc., 224 Lafayette St., NYC (Spring and Kenmare)

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

Whereas, this application is for a Beer and Wine license for a restaurant located in a 750 s.f. premise in a mixed use building located Lafayette between Spring and Kenmare Streets with 44 table seats and no bar with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Monday through Saturday from 7:00 a.m. to 12:00 a.m. and Sunday from 7:00 a.m. to 10:00 p.m.; there may be a sidewalk café application but no backyard garden; music will be background only; and,

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

THEREFORE BE IT RESOLVED that CB2, Man. recommends approval to the proposed Beer and Wine license for **Soho Garden & Grill, Inc., 224 Lafayette St.**

Vote: Unanimous, with 47 Board members in favor.

14. Adrien Gallo, Alexandre Amsz, Pending, 80 Varick St., Unit 1G, 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 **Adrien Gallo, Alexandre Amsz, Pending, 80 Varick St., Unit 1G** **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 47 Board members in favor.

SOCIAL SERVICES AND EDUCATION

1. Support for Chinatown Working Groups' Immigrant Affairs and Social Services Preliminary Action Plan

Whereas, Chinatown and its neighboring communities' diverse foreign born and American born Populations are an asset to our area, and

Whereas, there is a need to ensure access to opportunities, social services, health care to immigrants, families, youth, adults and the disabled in Chinatown and its neighboring communities, and

Whereas, steps need to be taken to maintain and create truly affordable housing and good jobs in Chinatown and its neighboring communities, and

Whereas, translation and interpretation services provided by the institutions (schools, hospitals, police department, fire department, city, state, and federal agencies) that serve our communities need to be maintained and improved, and

Whereas, Chinatown and its neighboring communities will benefit from increased funding, resources, space, and as well as partnerships between those that serve our area, and

Whereas, the Chinatown Working Group’s (CWG) Immigrant Affairs and Social Services working team has developed a Preliminary Action Plan (PAP), attached, based on feedback from a wide array of community stakeholders through a series of meetings as well as two town halls; and

Whereas, CB#2, Man. is a voting member of the CWG board, and has supported their efforts to improve the quality of life in Chinatown; and

Whereas, Community Board 3, Manhattan, which borders our district, is in support of the PAP as it relates to their jurisdiction, and Community Board 1, Manhattan, will be taking up the issue at their December meeting.

THEREFORE, BE IT RESOLVED that CB#2, Man., joins Community Board 3 in support of the CWG’s Immigrant Affairs and Social Services PAP, as part of a precise, comprehensive, meaningful, timely and broadly supported community-based plan to improve the greater Chinatown community.

Vote: Unanimous, with 47 Board members in favor.

2. Support for Chinatown Working Groups’ Education and Schools Preliminary Action Plan

Whereas, the diverse community of residents in the greater Chinatown area result in the need for increased specialized programming, such as – but not limited to ELL programming for adults, teens and children, as well as discontinuing measures that adversely impact ELL learners, such as high-stakes testing; and

Whereas, existing schools and daycares needs to be preserved and adequate space ensured for the existing community and be able to accommodate for the future community, without inviting displacement of the longstanding community; and

Whereas, Chinatown school administrators should be encouraged to provide meaningful input in order to create rational school policies that take into account Chinatown’s unique circumstances and needs; and

Whereas, every child, regardless of need should have the option of attending a quality school, daycare and/or after-school programming within their neighborhood, and

Whereas, schools play an integral role in the lives of children, youth, parents and the community as a whole; and

Whereas, the Chinatown Working Group’s (CWG) Education and Schools working team has developed a Preliminary Action Plan (PAP), attached, based on feedback from a wide array of community stakeholders through a series of meetings as well as two town halls; and

Whereas, CB#2, Man., is a voting member of the CWG board, and has supported their efforts to improve the quality of life in Chinatown; and

Whereas, both Community Boards 1 and 3, Manhattan, which border our district, are in support of the PAP as it relates to their jurisdictions.

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the CWG’s education and Schools PAP as part of a precise, comprehensive, meaningful, timely and broadly supported community-based plan to improve the greater Chinatown community.

Vote: Unanimous, with 47 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution requesting overnight weekend parking restrictions (Thursdays to Sundays) on the south side of Prince St., western half, bet. Thompson and Sullivan Sts. to reduce honking and double-parking.

Whereas Prince St. between Thompson St. and Sullivan St. is a very short block with concentrated restaurant activity, and the largest bar/restaurant space is preparing to reopen; and

Whereas unlike neighboring blocks and particularly on weekend evenings, this block experiences a very high concentration of car-service vehicles waiting for clients and yellow cab activity, with double-parking and parking on the sidewalk, bike lane and crosswalks commonly occurring, leading to honking and aggressive driving; and

Whereas having some curb space available for car-service cars and cabs to wait or pull over for drop-offs and pick-ups may alleviate these conditions; and

Whereas these conditions do not occur at the normal “nightlife regulations” hours that the NYC Department of Transportation (DOT) has specific signage for, which is more directed at nightclub activity, and we have not found a standard regulation that is restaurant-hours focused; and

Whereas two members of the community appeared to request that the free parking that they utilize be preserved;

Therefore be it resolved that CB#2, Man. requests that DOT add “Night Regulation: No Parking 8pm-2am Thursday-Sunday” to the existing parking regulation on the western half (where businesses are concentrated) of the south side of Prince St. between Thompson St. and Sullivan St. (approximately 5 car-lengths).

Vote: Failed, with 29 Board members in opposition, 12 in favor (I. Dutton, E. Gilmore, J. Hamilton, A. Hearn, E. Ma, J. McCarthy, A. Meadows, F. Morellet, A. Schwartz, S. Secunda, C. Spence, A. Wong,) and 6 in abstention (K. Berger, H. Campbell, R. Ely, B. Hoylman, R. Lee, E. Young).

2. Resolution urging the development of a modernized electronic barcode technology system to identify illegal parking placard use and facilitate enforcement.

Whereas there is rampant, illegal use by motorists in the CB#2, Man. District of bogus parking placards, placed on vehicles’ dashboards and often laminated to look official, to get away with parking free in no-parking zones; and,

Whereas this problem extends way beyond CB2, Man.’s boundaries, e.g., in 2007 a study by Transportation Alternatives found that 77% of placards are used illegally citywide; and,

Whereas the New York City Police Department’s (NYPD) traffic enforcement agents often have difficulty distinguishing between official legal parking placards and these fraudulent ones, which hinders enforcement and deprives the City of thousands of dollars of revenue; and

Whereas those who use these illegitimate placards largely experience immunity from the law, a situation that encourages added driving and congestion; and

Whereas New York City is now moving more and more towards the use of modern technology, such as electronic scanning and barcodes to track vehicular and other activities;

Therefore be it resolved that CB#2, Man. urges the NYC Council to work toward advancing a requirement for a modernized system for tracking and enforcing illegal parking placard use through technological applications such as electronic scanning and barcodes; and

Be it further resolved that CB#2, Man. urges the NYC Department of Transportation and NYPD to work toward developing a barcode technology that quickly identifies illegal parking placard use and facilitates enforcement; and

Be it finally resolved that CB#2, Man. recommends investigating the development of a technology with a computerized database that enables the barcodes of both vehicular license registration stickers and parking placards to be electronically scanned and compared (preferably several all at once, such as on an entire street) to identify and ticket those that do not match and are therefore illegitimate.

Vote: Passed, with 41 Board members in favor, and 6 in opposition (Schott, Sanz, Hearn, Yankay, Greenberg, and Schwartz).

3. Resolution requesting legislation to allow MTA to impose tolls on the free East River Bridges to be solely dedicated to reducing transit fares and restoring and enhancing service levels.

Whereas CB#2, Man. is overwhelmed with motor vehicular traffic that results in unacceptable levels of air and noise pollution, while diminishing the quality of life in the public realm – the city’s streets; and

Whereas only 23% of Manhattan households own cars (2000 U.S. Census), and

Whereas 476,000 motor vehicles enter or leave the Manhattan Central Business District on an average weekday on the four free East River Bridges, while 126,600 use MTA’s two toll tunnels crossing the East River: the Queens-Midtown Tunnel and the Brooklyn-Battery Tunnel (2008 *Hub Bound Travel*, NYMTC); and

Whereas the free East River Bridges encourage motorists to drive through the core of the city, rather than to bypass it on other MTA facilities which do charge a toll; and

Whereas motor vehicles crossing the two tunnels contribute over \$200 million per year at current toll rates to underwrite the operation of MTA’s trains and buses; and

Whereas if motor vehicles using the currently free East River Bridges were to pay equal tolls now charged on the tunnels, MTA would gain approximately \$800 million per year in new revenues that could offset transit service cuts and help reduce fares; and

Whereas tax revenue from other sources that fund the MTA have declined due to the severe economic recession facing the region and the nation, and revenues provided by the State Legislature to the MTA have been shifted to other state programs; and

Whereas this revenue shortfall has forced the MTA to make severe cuts in service and to adopt steep increases in fares; and

Whereas these actions further increase the motor vehicular traffic loads on CB2’s streets;

Therefore be it resolved that CB#2, Man. asks elected officials to enact legislation that would allow MTA to impose tolls on the free East River bridges at rates currently charged for MTA's two toll tunnels crossing the East River and that these tolls be solely dedicated to reducing transit fares and restoring and enhancing service levels.

Vote: Passed, with 34 Board members in favor and 13 in opposition-(Sanz, Greene, Derr, Yankay, Johnson, Rakoff, Krimmelman, Rothstein, Booth, Greenberg, Brandt, Ashkinazy, Riccobono

WATERFRONT

Local 30, IUOE

WHEREAS:

1. Local 30, IUOE has been trying to become the collective bargaining representative of Hudson River Park maintenance staff since 2007.
2. The employees involved in an election conducted by the Public Employment Relations Board in March 2010 voted by majority vote to be represented by Local 30.
3. The Hudson River Park Trust engaged in an campaign against unionization and, after the vote, challenged the vote to the PERB Regional Director and then, when the challenge was denied to the full PERB Board.
4. The Trust has spent tens of thousands of dollars and possibly up to \$100,000 in legal bills in their effort to stop the unionization of less than 20 employees.

THEREFORE BE IT RESOLVED that CB#2, Man.

Calls upon the Trust to not appeal the decision of the PERB Board when it is issued, and if PERB upholds the vote, to immediately begin good faith contract negotiations with Pier 40.

Vote: Passed, with 44 Board members, and 3 in opposition-(Sanz, Derr, Paul).

NEW BUSINESS

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan