

Brad Hoylman, *Chair*  
Bo Riccobono, *First Vice Chair*  
Alison Greenberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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

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

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

### FULL BOARD MINUTES

**DATE:** October 20, 2011  
**TIME:** 6:00 P.M.  
**PLACE:** P.S. 130, 143 Baxter Street, Auditorium

**BOARD MEMBERS PRESENT:** Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Terri Cude, Maria Passanante Derr, Doris Diether, Roberty Ely, Sheelah Feinberg, Joshua Frost, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Antony Wong, Elaine Young

**BOARD MEMBERS EXCUSED:** Susanna Aaron, Steve Ashkinazy, Gideon Gil, Arthur Kriemelman, Evan Lederman, Alison McGonigle-Nelson, Judy Paul, Robin Rothstein, Sean Sweeney

**BOARD MEMBERS ABSENT:** None

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Jordan Levine, Sen. Daniel Squadron's office; Lin Zeng and Sandy Myers, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Vanessa Diaz Lopez, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Steven and Nancy Gould, Silvia Sanza, Pier Consagra, Alec Pruchnicki, Anthony Udofia, Susan Hirsch, Dennis Lee, Hugh Ryan, Bernard Callegari, Bernard Callegari Jr., Oscar Castillo, Nancy Keller, Jose Chica, Claudio Campoverde, Ruben Florel, Madeline Sinoz, Pete Webb, Buck Moorhead, Will Haar, Pete Davis, R. Falchuk, Julia Von Holt, Dora Chomiak, Jenna Storitje, Quan Luo, Yue Huan Feng, C. Man, Yu Wen Lin, C. Chen, Chi K. Peng, Yu Hong Li, Joan Hoffman, Michael Brooks, Richard Dodd, Suzanne Lanier Philips, John Patrick, Michael Seltzer, Elizabeth Adam, John Flood, Jonathan Wong, Kris Kohler, Eliza Santana, Irene Kaufman, John Gilbert, Daryl Truong, Carlos Cabreara, Thomas Napoli, Avian Perez, Mary O'Connor, Benito Linares, Juan Simon, Carl Harris, Bill Herbst, Sydney Frazier, Herb Wagner, Juan R. Vasquez, Temu Dixon, Lesley Nettles, Marisa Cortriant, Melanie Meyers, Maurice La Bonne, Shirlene Cooper, Matthew Lesieur, Max Fox, Jonathan Gugen, Carol F. Yost, Man Wai Tsui, Anthony Layne, Esther Dasney, Larry Littman, Matt Tyrnauer, Erik Lindsey, John Pushkines, Dr. Gil Horowitz, Susie Amato, Jody Cordero, Timothy Luncford, Marc Kagan, Diane Nicols, Winnie Lee, Leonardo Anselmo, Stephanie Woelfel, Tish Flynn, Britton Hogge, S. Hall, Mahabub Hossain, Susan Forman, Gary Forman, Matt Widman, Ryan Chassee, John McGinn, Esteban Arboleda,

**GUESTS (continued):** Aleksandre Vaynsburg, Matt Quiam, Chris Morris, Vinney Tecchio, Anthony Goicolea, Sandra Blackwood, Andy Cataldo, Daniel Martell, William Rogers, Stuart Anthony, Daniel Paint, Janet Weinberg, Krishna Stone, Jim Sherman, Lauren Messelian, George Vellonakis, Jonathan Geballe, Gerrie Nussdorf, Madeleine Sinor, Judith Callet, Sam Jacob, Jean-Luc Callet, Jayne Haynes, George Plagianos, Davide Gentile, Nina Buesing, Courtney Altagracia, Walter Sygecian, K. Kim Leung, N. Flurau, Miguel Acevedo, Andrew Berman, Shino Tanikawa, Mary Margaret Amato, Mike McGuire, Richard Pfluger, Zach Forman, Jayne Hertko, Paul Kelterborn, Christopher Tepper, Robert Woodworth, Marc Eagle, Eric Sawyer, Tim Kaltnecker, Todd Stephens, Matthew Hopkins, Judith Griffin, Gary Chow, Allen Yee, Gigi Lee, David Stewart, Michael Kaye, Eliot Figman, Russell Roberts, Sholi Hollack, Richard Bettan, Elvin R. Frettes, Barbara Hess, Dorothy Friedberg, Richard Mancuso, Carolyn Delaurentiis, Pete Davies, Michael Markowitz, Stephen Hanson, Katy Bordonaro, Tamara Rivera, David Forman, Lorraine Langdon, Eric Rayman, Chaoza Ye, Cynthia Crane, Evette Stark, Jennifer Lemberg, Yetta Kurland, Frank Eadie, Jim Fourat, Faye Chao, Nathaniel Siegel, Jonathan Katz, Ralph Tachuk, John Amato, Ben Ryan, Rob Wheeler

## **MEETING SUMMARY**

Meeting Date –October 20, 2011

Board Members Present – 41

Board Members Excused–9

Board Members Absent - 0

### **I. SUMMARY AND INDEX**

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	4
ELECTED OFFICIALS' REPORTS	4
ADOPTION OF MINUTES	5
EXECUTIVE SESSION	5
STANDING COMMITTEE REPORTS	7
ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH	7
LANDMARKS AND PUBLIC AESTHETICS	10
LAND USE & BUSINESS DEVELOPMENT	16
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	22
SLA LICENSING	28
SOCIAL SERVICES, & EDUCATION	46
ST. VINCENT'S OMNIBUS	47
TRAFFIC AND TRANSPORTATION	58

### **II. PUBLIC SESSION**

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

##### Various Topics

Michael Markowitz and Suzanne Lanier Philips spoke regarding schools and affordable housing in CB2.

Marc Kagan spoke regarding climate change and CB2.

Pete Davis spoke against sidewalk vendors and the SoHo BID.

### Food Vendors

Pier Consagra spoke against food vendors.

### Edgar Allan Poe Room

Lois Rakoff announced that there is an open call for tryouts to perform in Edgar Allan Poe events.

### Taxes

Barbara Hess spoke regarding taxes.

### Majer Dome

Elvin Freytes spoke regarding this topic.

## **Environment, Public Safety & Public Health Items**

### Resolution on the DEIS for the NJ/NY Natural Gas Pipeline Expansion Project.

Frank Eadie, Buck Moorhead and Elliot Figman, spoke against the proposal for the expansion of the Spectra pipeline project.

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

Hudson Square Rezoning, CB#2, Man. recommendations based on input from local stakeholders on the proposed rezoning of the M1-6 Zoning District.

Russell Roberts spoke in favor of raising the cap to 70,00 square feet residential.

Katy Bordonaro spoke against the proposed rezoning. Sholi Hollack spoke regarding the proposal.

## **Parks, Recreation & Open Space**

### St. Vincent's Triangle/AIDS Memorial Park

Rob Wheeler, Michael Seltzer, Dr. Dorothy Friedberg, Richard Bettan, Shirlene Cooper, Richard Mancuso, Anthony Goicolea, Michael Friedberg, Tim Kaltenecker, David Steward, Ryan Chassee, Allen Yee, Gary Chow, Dr. Judith Griffin, Matthew Hopkins, John McGinn, Todd Stephens, Daniel Martell, Eric Sawyer, Andy Cataldo, Marc Eagle, Christopher Tepper, Vincent Tecchio, Matt Widam, Matthew Lesieur, Nathaniel Siegel, Jonathan Ned Katz, Ralph Tachuk, and Ben Ryan, spoke in favor of an AIDS memorial park at the St. Vincent's Triangle.

Paul Kelterbornn and John Amato spoke regarding the proposal for an AIDS memorial park.

## **Sidewalks, Public Facilities & Access Items**

### Newsstand application to DCA for Northwest corner Canal St. & Mulberry St

Fay Chao, the applicant, spoke in favor of the proposed newsstand application. Mahabub Hossain and Yue Huan Feng, spoke in favor of the proposed newsstand.

Man Wai Tsui and Kiang spoke regarding the proposed newsstand.

## **SLA Licensing Items**

### Strip House NY Restaurant, TBD 11 East 12<sup>th</sup> St.

Eric Rayman, Lorraine Langdon, Davide Gentile, Richard Dodd, and Temu Dixon, spoke against the proposed annex of the restaurant.

David Forman, Steven Hall, Gary Forman, Carolyn Delaurentiis, Michael Kaye, and Gigi Lee, spoke in favor of the proposed expansion next door to the original restaurant.

Stephen Hanson (the applicant), Zach Forman, Stephanie Woelfel, and Richard Fluger (BR Guest representatives) spoke in favor of the proposed expansion.

### **Social Services and Education**

Resolution Addressing the DOE's Plan to Rezone Public Schools Affecting the CB2 Area  
Matt Widman, Jonathan Geballe spoke regarding school overcrowding in CB2.

Irene Kaufman spoke regarding schools.

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

St. Vincent's Campus Redevelopment Project; ULURP Applications No. #120029ZSM, #120030ZSM, #120031ZSM

Mary Margaret Amato, Mike McGuire, Melanie Meyers, and Tamara Rivera, spoke in favor of the proposed redevelopment project.

Robert Woodworth spoke in favor of the redevelopment project, the AIDS memorial park and a learning center.

Jayne Hertko, Diane Nichols, Michael Markowitz, Mary O'Connor, and Dr. Gil Horowitz, spoke against the proposed redevelopment project.

Joan Hoffman spoke against the redevelopment (but wants affordable housing in the building), in favor of 75 Morton Street as a middle school, and the AIDS memorial park.

Jim Fouratt spoke in favor of a hospital (Rudin) and against the proposed AIDS Memorial Park (St. Vincent's Triangle).

Evette Stark spoke against the zoning and in favor of a hospital.

Carol Yost spoke against the Rudin Redevelopment project and in favor of a hospital.

Dr. Gerri Nussdorf, Andrew Berman, Miguel Acevedo, and Timothy Luncford, John Gilbert, spoke regarding the proposed redevelopment project.

Shino Tanikawa spoke regarding the proposed Rudin/St. Vincent's Hospital redevelopment project and schools.

Elizabeth Adam spoke for Yetta Kurland regarding this issue.

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

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

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Jordan Levine, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

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

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Vanessa Diaz Lopez, Council Member Rosie Mendez's office,

## **V. ADOPTION OF MINUTES**

Adoption of July minutes and distribution of September minutes.

## **VI. EXECUTIVE SESSION**

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

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

### **3. AUGUST EXECUTIVE COMMITTEE RESOLUTIONS**

#### **LANDMARKS AND PUBLIC AESTHETICS**

**The following August resolutions were adopted at the October 2011 Full Board meeting:**

1. **LPC #16 – 446 West 14 St.** – Gansevoort Market Historic District.

A Moderne style market building designed by H. Peter Henschein & Axel Hedman & built in 1936-37. Application is to legalize the installation of rooftop HVAC units & a platform without LPC permits.

**WHEREAS**, we understand that the HVAC tower was built in anticipation of a tall building being constructed on the adjoining lot which would make the tower invisible from all the streets, but

**WHEREAS**, at present, the adjoining building is not constructed, and possibly may not be constructed, and

**WHEREAS**, at present the tower is visible from a public street, and was constructed without LPC permits,

**THEREFORE BE IT RESOLVED** CB#2, Man. cannot recommend approval of this application at the present time, but would consider it if the correct applications were filed after the proposed building on the adjoining site is built which would obstruct the visibility from all the streets.

Vote: Unanimous, with 41 Board members in favor.

**2. DOT Petition for Revocable Consent- 17 Bank Street**

Application for revocable consent to construct, maintain and use planted areas in front of 17 Bank Street

**WHEREAS**, the applicant's front yard extends 4'2" beyond his property line, and

**WHEREAS**, this area is surrounded by a cast iron fence matching those on the adjacent properties, and,

**WHEREAS**, the applicant will be restoring the front steps on his building in line with those on adjoining properties, and

**WHEREAS**, he would like to plant the area of his front yard that is 4'2" beyond his property line and extend the walkway to the basement level between the two planted areas.

**THEREFORE BE IT RESOLVED**, CB#2, Man. recommends approval of this proposal for 17 Bank Street.

Vote: Unanimous, with 41 Board members in favor.

**REVISED RESOLUTION-PLEASE NOTE THE BOLDED AND UNDERLINED AREAS**

**3. Downtown Restaurant Group, LLC d/b/a Griffin, 50 Gansevoort St., NYC**

**Whereas**, this application is for a renewal to an On Premise liquor license; and,

**Whereas**, the principal has been running the establishment for over 8 years; and,

**Whereas**, the establishment has a long running history of noise related disturbances in the neighborhood d/b/a "PM" and currently d/b/a "Griffin"; a history of 311 complaints have been filed; and

**Whereas**, the principal has invested in soundproofing the entire establishment; and,

**Whereas**, a representative appeared to express their willingness to address the noise issues and has made a manager available at all times in the event noise complaints shall arise; and,

**Whereas**, several members of the community appeared to express their concerns with the establishment; overcrowding and noise issues ("thumping bass"); and,

**Whereas, the Applicant's on-premise license expires on 8/31/2011 and the Principal(s) did not submit a 30-day notice until 8/5/2011: and,**

**Whereas, CB#2, Man. did not issue a 30 day notice waiver letter:**

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the renewal of an On Premise license for **Downtown Restaurant Group, LLC d/b/a Griffin, 50 Gansevoort St.,**

Vote: Unanimous, with 41 Board members in favor.

## **STANDING COMMITTEE REPORTS**

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

#### **Resolution on the DEIS for the NJ/NY Natural Gas Pipeline Expansion Project**

**Whereas**, on October 4, 2011, Community Board 2 held its public hearing to discuss the NJ/NY Expansion Project (“Project”) that, if approved, would permit Spectra Energy, Inc. (“Spectra”) to install a new 30-inch natural gas high pressure transmission pipeline in Manhattan, adding an additional 800,000 dekatherms of natural gas to the Manhattan system; and

**Whereas**, on September 9, 2011 the Federal Energy Regulatory Commission (“FERC”) filed its Draft Environmental Impact Statement (“DEIS”) on this project; and

**Whereas**, at our public hearing, the Community Board heard presentations by Spectra, the NYC Department of Environmental Protection (“DEP”), and Con Edison; and

**Whereas**, in 2004, the Transportation Research Board of the National Academy of Sciences published a study that correlated the relationship of land-use practices to catastrophic incidents involving large-diameter, high-pressure transmission pipelines. “Just as transmission pipelines pose a risk to their surroundings, so does human activity in the vicinity of pipelines pose a risk to pipelines. These risks increase with growth in population, urban areas, and pipeline capacity and network... For the most part, state and local governments have not systematically considered risk to the public from transmission pipeline incidents in regulating land use.”<sup>1</sup>; and

**Whereas**, the disaster that occurred on September 9, 2010 where a 30-inch natural gas pipeline exploded in San Bruno, CA killing 8 people and leveling 38 houses needs to remain in mind when considering the potential for catastrophe; and

**Whereas**, since 2007, there have been 2 gas pipeline failures in Manhattan and 3 pipeline failures in Queens. In total, there have been 20 injuries and 1 death within the last 5 years due to gas pipeline explosions in New York City; and

**Whereas**, the proposed route of the pipeline in Manhattan will emerge from the riverbed at the southwest corner of Gansevoort Peninsula, then at a depth of either 4 feet or 12 inches below any other existing utilities, whichever is deeper, it will continue along the southernmost edge of the Peninsula eventually crossing under State Route 9A (“West Street”), where it will terminate in an underground vault located at the southwest corner of Gansevoort Street and 10th Avenue; and

**Whereas**, Spectra intends to drill horizontally under the Hudson River, stating this should cause minimal or no disruption to the riverbed, except for a small area of river in the southwest corner of the Gansevoort Peninsula where a temporary drilling rig and its supporting apparatuses and structures will be erected; and

**Whereas**, approval of Hudson River Park Trust and NYS/DEC must be sought by Spectra regarding the impacts of the drilling and related activity on the Hudson River Park Estuarine Sanctuary (Chapter 592, S. 7845, Section 8 of Hudson River Park Act). Spectra is holding consultations with U.S. Fish and Wildlife with regard to the Estuarine Sanctuary, and will ultimately have to obtain approval by the U.S. Army Corps of Engineers for this aspect of the project; and

---

<sup>1</sup> Transportation Research Board: Committee for Pipelines and Public Safety. (2004). *Transmission Pipelines and Land Use: A Risk-Informed Approach*. Washington, DC: National Academies Press. Retrieved from <http://onlinepubs.trb.org/onlinepubs/sr/sr281.pdf>

**Whereas**, Con Edison would be responsible to extend and install pipeline from the aforementioned underground vault located the corner of Gansevoort Street and 10th Avenue for 1,500 feet along 10th Avenue up to their distribution facility on West 15th Street; and

**Whereas**, the 1,500 feet of pipeline that Con Edison is laying under 10th Ave. from Gansevoort Street to W 15th St. is not included in this application; and,

**Whereas**, it is necessary that Con Ed present the particulars of their extension plan to Manhattan Community Board 2 and make the case for future demand requirements; and

**Whereas**, Con Edison and DEP claim that the pipeline is necessary due to future demand requirements, yet the DEIS does not address this matter, nor did the parties present at our hearing make this case, despite being specifically asked to do so; and

**Whereas**, another, entirely separate application is before FERC presently that, if approved, would add an additional 647,000 dekatherms of natural gas per day via a 26-inch pipeline into Brooklyn; and

**Whereas**, Spectra has stated that safety is their top priority and it is their stated intention to pursue pipeline construction in the least intrusive fashion; and

**Whereas**, the Gansevoort Peninsula was created from landfill in 1837 and is in a Federal Flood Plain Zone; the immediate area is a fragile estuarine sanctuary and the Hudson River and its waterfront in its entirety are fragile and critical ecosystems; and

**Whereas**, the comment period for this Project's DEIS ends on October 31, 2011, until that point FERC requests comments from all individuals, stakeholders, and any other interested parties that relate to issues/topics they feel should addressed in the Final EIS.

**THEREFORE BE IT RESOLVED**, since it is not clear that such a vast increase in supply is warranted without current, detailed statistical data, independent analysis needs to take place first to confirm the claims that the Project is necessary. Until that point, we are not in a position to support this Project; and

**THEREFORE BE IT FURTHER RESOLVED**, if this Project proceeds, it is imperative that the Final Environmental Impact Statement ("FEIS") address these matters:

- The size of the pipeline should be reduced in size considerably to minimize potential damages in such an overly crowded urban environment.
- While we are encouraged that Spectra and Con Edison will be installing remote shut-off valves, this is not adequate. It is vital that Spectra install an automatic shutoff valve at the point where the pipeline emerges from the riverbed on Gansevoort Peninsula, and Con Edison install an automatic shutoff valve at their converter box on 10th Avenue at Gansevoort Street.
- The pipeline should be buried at a depth much deeper than is currently being considered.
- Many issues relating to Traffic and Transportation are absent from the DEIS and must be included in the FEIS. Among them are:
  - What streets detours are planned for, and what will be done to manage the influx of traffic on these always busy, often vulnerable streets.
  - What plans are being set up for coordination not only with NY State DOT (which oversees West Street), but also with NYC DOT concerning traffic management on local thoroughfares/streets, as well as with NYPD?
  - What sort of oversight/supervision is being planned to ensure safety concerning the open trenches (e.g. 24 hours?; Who will be doing?; What's the methodology?)?

- Mentioned in the DEIS is a “Work Zone Traffic Control Plan for Manhattan that details how construction would proceed across the road, including lane closures and the locations of traffic control devices, barricades and flagmen.” Yet, the only point in the DEIS we found that is even vaguely related to this were engineering drawings in Appendix L that were difficult to read and didn’t appear to cover mitigation clearly. A written narrative description would make this much clearer, and it should also explain how the various components planned would operate in managing traffic congestion, ensuring safety, creating clear pathways, etc.
- The DEIS states that an analysis of the costs of increased public services will be needed. This analysis must be made and documented in the FEIS, and it should include issues such as: emergency response estimates, medical and traffic control, and the true increase in revenue that is claimed will offset these costs. These must be calculated and documented with applicable comparisons between anticipated costs and assumed revenues. In this vein, an estimate is also needed of the portion of these costs that Texas Eastern would be prepared to absorb, e.g., the DEIS states that Texas Eastern already has indicated they would pay for the expenses associated with the law enforcement or other personnel that are used to assist with traffic control. The City of New York must be consulted in order to determine the expected costs of these increased public services without delay and an evaluation also must be made of what other City areas (locales and activities) would suffer from diversion of these services.
- It is stated that local municipalities have not yet reviewed or approved treatment of excavated materials; pedestrian, bicycle and worker considerations; or construction working hours—it is essential that the NYC DOT, NYPD and other applicable NYC municipal departments be consulted immediately for continuous feedback and monitoring, and this consultation must be continuous and continuously documented.
- Pedestrian safety and access to the Greenway must be addressed thoroughly, where pedestrians are an intrinsic user, and on all the streets and routes where vehicular detours and diversions are expected to occur, in view of the potential for the increased traffic on these streets to endanger pedestrians.
- The DEIS indicates that measures to minimize impacts on the bikeway associated with the Hudson River Greenway are not addressed—these must be addressed—the bikeway is an essential part of the Greenway and will be severely impacted by the activities planned for that locale.
- The DEIS states that each plan contains locations and types of temporary traffic control measures, including signage, channelization devices, barricades, and flagmen - these should be spelled out in detailed narrative form for the 9A portion, i.e. what types of measures and where they will be located on the street/thoroughfare, and why they will be applied at their specific locations (for what purpose). Speed restrictions need to be spelled out as well.
- The DEIS does not say how Spectra plans to deal with the simultaneous use of the roadways into and on the Gansevoort Peninsula with the NYC Department of Sanitation. This needs to be extensively planned and then discussed with all related departments and the community. The results of these plans and discussions needs to be included in the FEIS.

Vote: Unanimous, with 41 Board members in favor.

## LANDMARKS AND PUBLIC AESTHETICS

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

**1 - LPC Item: 17 - 60 Grand Street** (W. Bdwy/Thompson) - SoHo-Cast Iron H.D. A neo-Classical style building designed by Cleverdon and Putzel and constructed in 1895-96. Application is to install new storefront infill.

**Whereas**, the proposed painted doors are, besides being very attractive, more appropriate to the building than the existing varnished ones; and

**Whereas**, removal of the roll-down gate enhances the building's appearance; and

**Whereas**, we like that the application maintains the transom in the same plane as the storefront and the two double doors; and

**Whereas**, we do not necessarily object to using diamond plate on the storefront façade; however, by itself, that is an unusual treatment. Instead, we would like to see in front of the diamond plating a more typical historical element - for instance, a metal grille, as many SoHo storefronts have; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of this application; but,

**FURTHER, BE IT RESOLVED** that CB#2, Man. recommends a metal grille in front of the proposed diamond plating.

Vote: Unanimous, with 41 Board members in favor.

**2 - LPC Item: 18 - 138 Wooster Street** (Prince/Houston) - SoHo-Cast Iron H.D. A commercial building built in 1857. Application is to construct rooftop and rear yard additions, remove the fire escape and replace storefront infill. Zoned M1-5A

**Whereas**, the proposed rooftop addition is highly visible from both sides of the building along a good swath of the public sidewalk - unlike most applications where these additions are not visible at all, or else only minimally visible; and

**Whereas**, we take great exception to the unsubstantiated claim by the applicant that approving this addition should be permitted because it is likely that the two adjacent buildings on either side will be demolished and replaced with taller buildings that will block the view of the proposed addition.

To the best knowledge of everyone at the presentation, including the applicant, there has never been a taxpayer building that occupied a lot that has ever been demolished in the Cast-Iron Historic District and replaced by a built-out new building in the four decades of the tremendous building boom that this district has witnessed. So, we reject that spurious supposition supplied by the applicant - and we urge the Commission to do likewise; and

**Whereas**, additionally, the hypothetical should not govern the actual. What may one day happen on a different site should not effect what is proposed to happen currently on this one. We cannot rely on the possibility of a building being constructed twenty years from now. What counts is what we will see today or tomorrow, not what we won't see in the future; and

**Whereas**, there was nothing present in the mock-up or the renderings to account for a future HVAC that this building would need, such HVAC likely adding additional height and visibility; and

**Whereas**, further, the applicant is playing fast and loose with the district's zoning.

Although the applicant is seeking a change to Residential Use - which use requires a 30-foot rear yard - at the same time the applicant is only offering a 20-foot rear yard, claiming that some unnamed individual in the Department of City Planning said that it would be acceptable. This is curious, since the application hasn't yet been heard by the City Planning Commission.

So, one zoning proposal requests a change to residential use; yet another zoning proposal invokes a rear yard that violates residential code. The applicant seems to want it both ways; but

**Whereas**, when requested to produce something in writing from City Planning permitting this zoning contradiction, the applicant could produce nothing; and

**Whereas**, several members of the public testified that such a prominent addition would not only detract from the building and the district, but would establish an awful precedent by which highly visible rooftop additions would be permitted *carte blanche*; and

**Whereas**, removing the fire escape and the fixing up the storefront will enhance the building; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of this highly visible rooftop addition; and,

**FURTHER, BE IT RESOLVED**, that CB#2, Man. recommends that the Commission not approve the proposed lengthened rear yard of the building, which could likely be in violation of the zoning, until the applicant produces documentation from City Planning allowing it.

Vote: Unanimous, with 41 Board members in favor.

**3 - LPC Item:19 - 138 Wooster Street (Prince/Houston) - SoHo-Cast Iron H.D.**

A commercial building built in 1857. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5A

**Whereas**, Section 74-711 of the Zoning Resolution requires a preservation effort - not ordinary, routine maintenance; nor a minor building upgrade to make it attractive to a new tenant; and

**Whereas**, the applicant says that part of the restoration work is to replace shutters. This is questionable on two counts.

First, the building appears to have all of its original rear shutters intact.

If there are any shutters missing on the side walls, that is probably because there were never shutters present in the first place on these illegally placed lot-line windows.

Second, replacing shutters should not be deemed to serve a preservation purpose, because shutters are not part of the original material of this building. They were added some fifty years later, at the turn of the 20<sup>th</sup> century, when a law mandated them in commercial buildings, supposedly for fire protection. They were common for about twenty years, until more modern fire codes and fire protection methods were established.

Interestingly, there is an apocryphal tale that the lawmaker who pushed through this Shutter Law was sentenced to Sing Sing a few years later for corruption; and

**Whereas**, the other work proposed, namely: removal of an illegally placed flagpole, re-pointing, replacement of century-old windows, removing tar on the side wall, and replacing a few pieces of cast-iron, is work that any diligent owner would normally do to protect an investment or attract new tenants.

We routinely see applications for similar work. Re-pointing is normal maintenance that should be done every few decades. Several buildings surrounding 138 Wooster have been re-pointed recently, yet none have requested a Special Permit in return.

As a matter of fact, on the LPC's current October 18<sup>th</sup> calendar alone, at 60 Grand Street there is an application to replace an old storefront that incorporates much of the work contained in this proposal. Also, at 24 West 13<sup>th</sup> Street, there is an application to install new windows. These applicants are not asking for special consideration, yet their scope of work is no more extraordinary than the scope of work proposed under this instant application; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

**4 - LPC Item:21 - 558 Broadway (Prince/Spring) - SoHo-Cast Iron Historic District**

A commercial building built in 1860 and altered in 1920. Application is to install a flagpole.

**Whereas**, the proposed stainless steel flagpole uses appropriate material and its installation will not destroy historic fabric; and

**Whereas**, at 12 square feet, the proposed banner is a bit larger than the recommended banner size that we prefer. However, this building is on a wide thoroughfare where other large banners have been approved. Thus, we feel that this banner will not detract from the building or the district; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 41 Board members in favor.

**5 - LPC Item:22 - 33 Bond Street (Lafayette/Bowery) – NoHo Historic District** An Italianate store and loft building built in 1830-31 and later altered in 1911 by Cleverdon & Putzel. Application is to construct rooftop and rear yard additions. Zoned M1-5B

**Whereas**, over half a dozen residents testified that the proposed rooftop addition was too visible and would detract from both the building and the historic district; and

**Whereas**, we don't think there is a single element in this proposal that we can recommend; and

**Whereas**, the applicant claims the reason for adding the garret is to "unite" the two taller buildings on either side. The problem is that they don't need uniting. Further, this street is comprised of buildings of differing heights and styles; and

**Whereas**, the applicant stated that "I am bringing this building into the 21<sup>st</sup> century". However, this is an historic district, so that rationale doesn't make sense; and

**Whereas**, there is too much "stuff" proposed on this already authentic building; and

**Whereas**, the three-story garret is very visible from the street; and

**Whereas**, the rationale for the addition is the reference to an artist's garret; but, ironically, an artist from the block testified that it would deprive her of the light she needs to produce art; and

**Whereas**, regarding the rear-yard addition, we find it starkly modern and disharmonious with the building and with neighboring buildings. It is discordant and out of scale, and changes the entire massing of the building.

It converts the rear from an outdoor space to an indoor space, encapsulating the rear of the property with an atrium that is not appropriate to the original architecture of this 1830 building; and

**Whereas**, further, there is no precedent in any historic district that we can recall for enclosing a backyard with, basically, a skylight. Nor did the applicant supply any reference material to justify his request; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

**6 - LPC Item:23 - 2-8 9th Avenue** (Little W. 12<sup>th</sup>)– Gansevoort Market Historic District A neo-Grec style store and loft building designed by Peter J. Zabriskie and built in 1887. Application is to install storefront infill and signage and modify the existing metal canopy.

**Whereas**, the signage, the lighting, the doors and the covered canopy are fine; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application

Vote: Unanimous, with 41 Board members in favor.

**7 - LPC Item:24 - 61 West 9th Street** (5<sup>th</sup>/ 6<sup>th</sup>)– Greenwich Village Historic District A Tudor Gothic style apartment house designed by Sugarman & Berger and built in 1925. Application is to establish a Master Plan governing the future installation of windows and through-window air conditioner units.

**Whereas**, the current windows are in terrible condition and obviously need replacement; and

**Whereas**, the windows proposed are acceptable; the proposal stays close to the original ratio of glass-to-frame; and

**Whereas**, there were some thirty letters of support from building residents, with no neighbors objecting to the proposal; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 41 Board members in favor.

**8 - LPC Item:25 - 245 West 13th Street** (7<sup>th</sup>/8<sup>th</sup>) - Greenwich Village Historic District An Italianate style town house built in 1854. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**9 - LPC Item:26 - 247 West 13th Street** (7<sup>th</sup>/8<sup>th</sup>) - Greenwich Village Historic District An Italianate town house built in 1854. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**10 - LPC Item:27 - 148-150 Waverly Place** (Christopher) - Greenwich Village H.D. A Greek Revival style house built in 1839. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**11 - LPC Item:28 - 180 Waverly Place** (Christopher) - Greenwich Village H.D. A Greek Revival style house built in 1839. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**12 - LPC Item:29 - 152 Waverly Place** (Christopher) - Greenwich Village H.D. A Greek Revival style house built in 1839. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**13 - LPC Item:30 - 158 Waverly Place** (Christopher) - Greenwich Village H.D. A Greek Revival style house built in 1839. Application is to legalize a stoop gate installed without Landmarks Preservation Commission permit(s).

**Whereas**, we are addressing LPC Items 25 through 30 as a block, since they generally address the same issue: proposed legalization of a stoop gate without LPC permit(s); and

**Whereas**, these gates were installed some thirty years ago, when the area was full of loiterers and revelers. Perhaps the situation might not be as bad today, but the owners did testify, and committee members and news reports concurred, that these areas are at a hub of a busy, at times troubling, commercial district and are not located on some quiet, out-of-the-way street where few loungers would wander in. If the latter were the case, we might not take such a tolerant view of the owners' pleas to legalize these gates; and

**Whereas**, most of the gates are similar in style to the existing historic fences from which they extend; so they do not appear anomalous; and

**Whereas**, thus we are inclined to overlook these pre-existing gates in these specific blocks for the sake of real personal safety; but, moving forward, the criteria for the gates should be that they meet the vocabulary of the architectural quality of the building; and, further

**Whereas**, we do note that two of the buildings, 152 Waverly and 148-150 Waverly, have gates that bear no relation to the fence. But, in the spirit of fairness, we do not object to legalizing these two. However, we do recommend that the owners consider replacement gates that better reflect their own ironwork; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of these applications, but with the site-specific caveats mentioned above.

Vote: Unanimous, with 41 Board members in favor.

**12 - LPC Item:31 - 380 Bleeker Street** - Greenwich Village Historic District A simplified Italianate style building built in 1852-53. Application is to construct a rear yard addition and excavate the rear yard. Zoned C1-6/R7

**Whereas**, this excavation could undermine adjacent historic buildings, so we urge the applicant to assiduously follow the guidelines of TPPN10 that ensures the stability of nearby structures; and

**Whereas**, the addition is intrusive, it is not attractive, and adds nothing to the district; but

**Whereas**, it is not readily visible and the "hole in the doughnut" here is not remarkable; and

**Whereas**, as a compromise, if the roof of the addition were developed as a green space it would mitigate the unsightly effect of the addition; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. reluctantly recommends approval of this application; and,

**FURTHER, BE IT RESOLVED** that CB#2, Man. recommends that the roof of the addition should be developed as a green space to improve its overall character and improve the view of the backyard area.

Vote: Unanimous, with 41 Board members in favor.

**13 - LPC Item:34 - 12 Cornelia Street** (Bleecker/W.4<sup>th</sup>) Greenwich Village Historic District Extension II. An altered Vernacular style dwelling designed by Edward H. Kendall, and built in 1881-82. Application is to install storefront infill.

**Whereas**, the proposal made absolutely no reference to the building in which it is located, nor to the neighborhood; and

**Whereas**, we respectfully recommend that the applicant go back to the drawing board and start afresh; and

**Whereas**, as suggestions, we recommend:

- the air conditioner that predominates in the façade should be put in the rear of the store; and the applicant
- try to express the “hidden” cast-iron column better
- try to lower the height of the large window, and
- try to balance the disparate elements; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

**14 - LPC Item: 35 - 23 Downing Street** (Bedford/6<sup>th</sup>)- Greenwich Village Historic District Extension II An altered Renaissance Revival style rowhouse built in 1826. Application is construct rooftop and rear yard additions, reconstruct portions of the building and excavate the rear yard. Zoned R6

**Whereas**, there was no attempt to reference the historical elements of other buildings in the neighborhood, especially in regards to the fenestration, which is ultra modern and out of place with the Greenwich Village Historic District Extension; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application.

Vote: Unanimous, with 41 Board members in favor.

## LAND USE AND BUSINESS DEVELOPMENT

**1. 521-541 and 553-563 LaGuardia Place (a.k.a. 207-245 Mercer Street) (Block 533, Lot 1) BSA Cal. No 250-00-BZ: Board of Standards and Appeals application pursuant to Section 11-411 of the Zoning Resolution for an amendment of a previously granted variance and an extension of term for an additional ten years to allow 149 transient parking spaces in a 670 space accessory parking garage owned by New York University located in an R7-2 district.**

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

**WHEREAS**, the residents of Washington Square Village, represented by the Washington Square Village Tenants' Association (WSVTA), expressed concern that the garage be maintained in a safe and orderly fashion, And,

**WHEREAS**, There will be no change in operation, with the exception of the addition of parking for Zip Cars, And

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of this Board of Standards and Appeals application for an extension of the variance term for a period of 10 years to permit the continued use of the garage at the Premises for transient parking.

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. recommends that the following conditions be included in the variance application, so as to assure the residents of a continued safe and orderly facility:

- 1.) That all conditions related to the operation of the garage, as noted in previous BSA resolutions, be continued under this extension.
- 2.) That the yellow markings in front of the car parking areas must be repainted on both upper and lower levels.
- 3.) That no Commercial vehicles be permitted in the garage.
- 4.) That a stop sign be added at the top of the exit ramp.

Vote: Unanimous, with 41 Board members in favor.

**2. 577 Broadway / 148 Mercer Street (Block: 512, Lot: 22) ULURP NO. 080064ZSM City Planning Commission Special Permit pursuant to Section 74-711 to allow the conversion of the cellar and subcellar levels of an existing building to Use Group 6 Retail and to allow the enlargement of a building containing Joint Living Quarters for Artists (JLWQA), fronting on Broadway, with greater than 3,600 square feet of lot coverage, and to allow JLWQA use in portions of the building not in existence prior to December 15, 1961, within an M1-5B Zoning District**

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

**WHEREAS**, The Applicant has represented to the Board that all legal protections for the remaining rent stabilized tenant will be maintained, And,

**WHEREAS**, The Applicant has represented to the Board that there will be no Eating and Drinking establishments allowed in this build, And,

**WHEREAS**, The additions to this building will not exceed the base FAR of 5.0,

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of this City Planning Commission Special Permit pursuant to Section 74-711 to allow the conversion of the cellar and subcellar levels of an existing building to Use Group 6 Retail and to allow the enlargement of a building containing Joint Living Quarters for Artists (JLWQA), fronting on Broadway, with greater than 3,600 square feet of lot coverage, and to allow JLWQA use in portions of the building not in existence prior to December 15, 1961, within an M1-5B Zoning District.

Vote: Unanimous, with 41 Board members in favor.

### **3. Hudson Square Rezoning**

Mr. Robert Dobruskin, AICP  
Director  
Environmental Assessment and Review Division  
NYC Department of City Planning  
22 Reade Street, Room 4E  
New York, New York 10007-1216

RE: **Hudson Square  
CEQR No. 12DCP045M  
Comments on Draft Scope of Work**

Dear Mr. Dobruskin:

Community Board No. 2, Manhattan (“CB2”), at its October 20, 2011 Full Board meeting, voted approval of the following testimony to be submitted to the New York City Department of City Planning at its October 27, 2011, Public Scoping Hearing for the above project.

Trinity Church (“the Applicant”) seeks approval from the New York City Planning Commission for a zoning text amendment and zoning map amendment to create a Special Purpose zoning district, the “Special Hudson Square District,” over an underlying M1-6 District covering approximately 18 blocks of the Hudson Square area in Community Board No. 2, Manhattan (“CB 2”), generally bounded by West Houston and Vandam Streets to the north, Avenue of the Americas and approximately 100 feet east of Varick Street to the east, Canal and Spring Streets to the south, and Hudson and Greenwich Streets to the west.

The stated purpose of the proposed actions is to create a vibrant, mixed-use district by allowing uses beyond the current manufacturing and commercial, to include residential, educational and cultural. In addition there will be incentives to provide affordable housing, protections for existing concentrations of commercial and light manufacturing uses, require ground floor retail uses and transparency to enliven the streets, establish a special permit process for hotels over 100 rooms, and set height limits for future development.

We have hosted many public hearings over the past few years on a potential rezoning of Hudson Square. Our comments here are based on community input and are specifically limited to the scope of study for the Draft Environmental Impact Statement (“DEIS”), that will be prepared in advance of certification of a Uniform Land Use Review Process (“ULURP”). We begin with general comments and concerns about the actions being proposed, and then follow with specific requests for further study for potential impacts in the Project Area and beyond, as outlined in the NYC CEQR Technical Manual.

## **Land Use, Zoning and Public Policy:**

### **A waiver on Bulk Rules:**

Lots in CB 2 were established before the enactment of standard lot sizes. Short and narrow blocks often make it difficult to fully comply with standard bulk rules. There may be other massing that would more appropriate and might provide flexibility to produce a better design. The Community Board is familiar with this issue and would prefer to have a rational rezoning that will solve as many issues as possible so that future variances would be minimized.

*CB 2 recommends consideration of the inclusion of a Special Permit Waiver that would allow, where appropriate, the adjustment of any bulk rules, including open space, setbacks, and height limits, but only to the extent these are justified based on the narrowness or shortness of the particular block or lot and would not allow increases in FAR.*

### **Consideration of Increasing the Size of Buildings Allowed to Convert to Residential:**

Local stakeholders have expressed concern that the 50,000 sf limit for conversion would leave out some buildings that might be appropriate for residential use. Our board strongly supports the concept of maintaining a mixed-use area.

*CB 2 recommends consideration of an increase in the size limit for residential conversions to somewhere between the proposed 50,000 and 70,000 sf, based on an evaluation of the buildings that would be affected at different levels, however the size limit for demolitions should remain unchanged.*

### **Reconsideration of the Proposed Downzoning on Watts, Broome, Dominick Streets:**

Residential property owners on these streets have expressed concern that the proposed downzoning in these areas is far greater than the proposed downzoning on other mid block areas. CB 2 agrees it is appropriate to reduce the zoning where the use is changed from manufacturing to residential, but the proposed downzoning in the Watts, Broome, Dominick Street area is excessive. The neighborhood character is disrupted by newer buildings and vacant lots and dominated by traffic conditions related to the tunnel. Its preservation does not justify differential treatment from the rest of the zone.

*CB 2 recommends consideration of the elimination of the sub-area with reduced FAR and treating it the same as the rest of the zone and leaving the merits of individual buildings to potential landmark consideration if appropriate.*

### **Special Permit for Hotels with 100 or more Rooms:**

We have received some opposition and some support for this Special Permit. The Board notes that the proposal does not ban hotels, rather, it requires that they be subject to an appropriate review process. Given the hotel related issues that have arisen in the Board, this Permit is appropriate.

*CB 2 expresses support for the inclusion of a Special Permit for Hotels with 100 or more rooms and recommends consideration of a Special Permit for Hotels that does not have an expiration, similar to the Special Permit included in the recent rezoning of north Tribeca.*

### **Consideration of Lower Height Limits:**

The Height Limits in the current proposal are 320 feet on wide streets and 430 feet for Duarte Square. Given the existing built environment, the Board is concerned that these heights may be excessive for this area.

*CB 2 recommends consideration of lower height limits that would be more contextual for this area.*

### **Consideration of Community Use Facilities:**

We have been recently concerned that about the negative impacts of excessive, and unanticipated, expansion of certain Community Use Facilities in other parts of our district.

*CB 2 recommends consideration for eliminating dormitories, fraternity and sorority houses from this proposal.*

### **Other Concerns**

The proposed rezoning will allow for the potential development of over 3000 residential units, including affordable housing. This will be the largest increase in population in our district in many years. Because this increase will be concentrated on only 18 blocks, we are very concerned that all of the potential impacts of such significant growth be fully considered in the Environmental Impact Statement. Following are areas of specific concern:

#### **Community Facilities and Services**

##### **Inclusion of a new, larger grade school:**

Community Board #2 expresses its concern that any future residential rezoning needs to consider the impacts on our already overburdened school system. This proposal, which includes a plan for a new grade school with 420 seats, has support and the applicant has done a good job of community outreach on this issue. The new school, however, addresses only this proposal and does not address the larger problem in the downtown school system.

*CB 2 expresses support for the proposed grade school with at least 420 seats and would consider a proposal for a greater number of school seats. We further recommend that City Planning establish a policy for all future rezonings that will address this important issue.*

##### **Effects on Healthcare:**

There is no longer an acute care hospital or Level 1 Trauma Center in our district. The closing of St. Vincent's Hospital has left the entire lower west side with no rapid access to a facility that can both treat and admit patients.

*CB 2 requests that the study include in-depth research on the effect of so many additional families and workers that the proposed actions will bring to this already healthcare-deprived area on access to health services, especially but not limited to emergency situations.*

##### **Effects on First Responders including Police and Firefighters:**

New York City has undergone severe budget cuts that have placed added pressure on our first responders.

*CB 2 requests study of the impact of additional families and workers on the area's existing police, firefighter and ambulance capacity, as well as the impact of increased traffic on these first responders' ability to access and egress affected locations.*

### **Effects on Other Infrastructure:**

Issues such as sanitation are magnified in densely populated areas such as Manhattan, and increased population will potentially strain the existing infrastructure.

*CB 2 requests study of how new and repurposed buildings and their occupants will affect city services.*

### **Open Space**

#### **Expansion of the Study of Open Space:**

Our district is among the community boards with the least amount of open space. Additional families require additional open space with both passive and active recreation opportunities.

*CB 2 recommends the expansion of this study to include other possibilities for the inclusion of additional Open Space in the Hudson Square area.*

### **Historic and Cultural Resources**

#### **Study the Effects of Change to the Historic Manufacturing Uses:**

While economics and changes in communications may have been a significant cause of manufacturing moving out of the area, some recognition of the area's manufacturing roots and some preservation of existing and future potential manufacturing should be attempted.

*CB 2 recommends study of the potential for retaining some manufacturing uses as well as allowing for a potential resurgence of manufacturing if such opportunities should arise.*

### **Natural Resources**

#### **Additional Study on Environmental Issues:**

The district has several underground water sources, including feeders and tributaries from the Minetta underground stream. Both during construction and as a result of underground structures that may be built, these underground waters may be diverted and either cause flooding or structural erosion to neighboring buildings.

*CB 2 recommends in-depth study of the underground water as well as the water table and potential for flooding due to new and repurposed structures that may be built as a result of Trinity Real Estate's proposed plan.*

## **Hazardous Materials**

### **Effect of Demolition, Construction and Repurposing:**

The Hudson Square area has many buildings that existed before the ban on asbestos and other hazardous materials. Demolishing old buildings, construction of new ones on areas that may have leftover hazardous materials from their manufacturing uses, and repurposing buildings that have been used for manufacturing may disturb existing hazards.

*CB 2 requests a report on how hazardous materials will be tested for and safely removed if found.*

## **Water & Sewer Infrastructure, and Solid Waste & Sanitation**

### **Effect of Additional Families on Infrastructure:**

Water use by the expected influx of families on both water supplies and sewer capacity may affect both the buildings in the area as well as in neighboring parts of SoHo and Greenwich Village. In addition, similar pressure may be put on the greater area's solid waste and sanitation services.

*CB 2 requests that water and sewer capacities be studied for the highest potential number of families that the proposed action might bring to the area. In addition, the effect of the maximum number of families on solid waste and sanitation must be studied.*

## **Energy**

### **Effects on energy capacity and usage:**

Concerns have been expressed about the potential effect of so many additional residential units on energy usage, and whether it will strain capacity for Hudson Square, and surrounding areas such as SoHo and Greenwich Village.

*CB 2 requests study on what impact will this project have on the proposed area's, neighboring locations and overall New York City steam, natural gas, and electric grid/systems? How much of these energy sources will be consumed during and after construction?*

## **Transportation**

### **Effects on Traffic, Parking and Public Transportation:**

The Hudson Square area has significant amounts of traffic, especially around the Holland Tunnel entrances as well as elsewhere in the area. At times, traffic can back up into neighboring areas such as SoHo and the greater Greenwich Village neighborhood. In addition, there are some streets that are almost impossible for pedestrians to cross at many times of day and night. CB2 also notes that the Hudson Square area is not well served by public transportation.

*CB 2 requests that the study area for traffic be greatly expanded, significantly more times, especially night time hours, and locations be studied, and the potential effects of additional residences and workers - using cars, bicycles, public and private transportation and pedestrians - on nearby neighborhoods be reported on. In addition CB 2 requests that parking locations be explored and reported upon.*

*CB 2 requests that existing illegal parking activities (such as placard parking) be studied, as well as their potential to continue in the future, and that mitigation approaches be incorporated to address this.*

## **Noise**

### **Effects of Traffic and Increased Population on Noise:**

Additional cars in a high-traffic area bring honking and other noises, and additional people on the street and the retail establishments that cater to them both day and night can also affect quality of life as it relates to noise.

*CB 2 requests that the minimum study of noise effects as required by CEQR be expanded to consider the ancillary effects of additional traffic – both vehicular and pedestrian – and retail serving the new population, especially including eating and drinking establishments.*

## **Construction Impacts**

### **Effects to Existing Residential and Commercial Establishments:**

We note that expected construction activity, if the proposed actions are taken, may be massive and may have concurrent timelines. Efforts to mitigate construction noise, dirt and traffic disruptions must be planned and taken.

*CB 2 requests timelines, phasing and mitigation plans for potential construction in order to minimize the effects of many concurrent projects in a small area.*

Thank you for this opportunity to comment. Please note that this resolution is a recommendation for modifications of the scope to allow study of specific alternatives and does not constitute endorsement by CB 2 of a final rezoning plan or any of its elements.

Vote: Passed, with 40 Board members in favor, and 1 recusal (T. Bergman).

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

### **App. to Dept. of Consumer Affairs for:**

#### **1. Newsstand application for Northwest corner Canal St. & Mulberry St.**

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

**Whereas**, there was an email sent to CB2 by a CB2 Board member strongly opposed to the location for a newsstand due to heavy pedestrian traffic and the number of existing newsstands nearby on Canal Street, and

**Whereas**, there are already five existing newsstands on Canal Street within 2 blocks of this location, two in the block immediately to the west (btw Baxter St & Centre St) and an additional three on the next block (btw Centre St & Lafayette St, and

**Whereas**, there is yet another existing newsstand 3 ½ blocks east of the proposed location near the intersection of Canal St and the Bowery, and

**Whereas**, neither members of the community nor anyone on the committee felt there was any justification or benefit to further congestion to this corner when this corridor of Canal St is extremely well-served by existing newsstands,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan **STRONGLY** recommends **DENIAL** of an application for a **newsstand at the Northwest corner Canal St. & Mulberry St.**

VOTE: Unanimous, with 41 Board members in favor.

**RENEWAL APP. FOR REVOCABLE CONSENT TO OPERATE AN UNENCLOSED SIDEWALK CAFÉ FOR:**

**2. Lunella Ristorante, Inc. d/b/a Lunella, 173 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1072629**

Block:471 Lot:16                      Lot Frontage:24.92'; Lot Depth:71.58      Year Built:1900 (estimated)  
Number of Buildings: 1;      Number of Floors:5                      Residential Units:8;  
Total # of Units:8                      Zoning:C6-2G

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

**Whereas**, this café has been operated by this applicant for several years, and

**Whereas**, the committee noted there was an additional table, chair and a menu board on the sidewalk which Mr. Kelly committed to ensure the applicant will remove, and

**Whereas**, the applicant has installed audio speakers just inside the open façade pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Lunella Ristorante, Inc. d/b/a Lunella, 173 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1072629**

**UNLESS the applicant consistently keeps additional furniture and menu boards off the sidewalk and immediately removes any loudspeakers supplying amplified sound to the sidewalk café**

VOTE: Unanimous, with 41 Board members in favor.

**3. Schatzi Corp. d/b/a Wallse Restaurant, 342-344 West 11th St. (SE corner Washington St), with 8 tables & 16 seats, DCA# 1257073**

Block:633 Lot:6                      Lot Frontage:81.75' Lot Depth:79.83                      Year Built:1900  
Number of Buildings:7;      Number of Floors:5                      Residential Units:41  
Total # of Units:45                      Zoning:C1-6AR6                      Landmark Building: Yes  
Historic District: Greenwich Village

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

**Whereas**, this café has been operated by this applicant for several years, and

**Whereas**, the committee noted the applicant has begun to use larger 30” round tables and has set up the café in such a way as to use substantially more sidewalk space than allowed, and

**Whereas**, the addition of plants, a menu table, and a lantern in the café space also reduces the required clearances of the public sidewalk, and

**Whereas**, the use of additional space results in only 6 ft clearance between furniture and a streetlight and 7 ft clearance to a fire hydrant on Washington St. as well as 7 ft clearance between furniture and the curb on W. 11 St., and in both cases this is not including the required 3 ft service aisle,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Schatzi Corp. d/b/a Wallse Restaurant, 342-344 West 11th St. (SE corner Washington St), with 8 tables & 16 seats, DCA# 1257073**

**UNLESS the applicant returns the café to the approved seating and restricts the use of any other furniture, plants or other items that reduce the legally required public sidewalk clearances**

VOTE: Unanimous, with 41 Board members in favor.

**4. 133 Mulberry St. Restaurant, 133 Mulberry St. (btw Hester St & Grand St), with 14 tables & 28 seats, DCA# 1313474**

Block:236Lot:27	Lot Frontage:74.67'Lot Depth:100	Year Built:1920 (estimated)
Number of Buildings:1;	Number of Floors:6	Residential Units:15
Total # of Units:17	Zoning:C6-2G	

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, Michael Kelly, was present, and

**Whereas**, this café has been operated by this applicant for several years, and

**Whereas**, the committee noted that on a recent inspection, while the applicant was not using the full complement of approved seating the seating that was used was not set up according to the approved plan with 4-top tables used where 2-top tables were approved which caused a reduction in the public sidewalk space, and

**Whereas**, the applicant has installed audio speakers just inside the open entryway pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **133 Mulberry St. Restaurant, 133 Mulberry St. (btw Hester St & Grand St), with 14 tables & 28 seats, DCA# 131347**

**UNLESS the applicant consistently follows the approved seating plan and immediately removes any loudspeakers supplying amplified sound to the sidewalk café**

VOTE: Unanimous, with 41 Board members in favor.

**5. La Mela Ristorante Italiano Inc. d/b/a La Mela Ristorante, 167-171 Mulberry St. (btw Grand St & Broome St), with 9 tables & 19 seats, DCA# 1274920**

Block:471Lot:19	Lot Frontage:25.17'Lot Depth:99.83	Year Built:1905(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:6;
Total # of Units:8	Zoning:C6-2G	
Block:471Lot:17	Lot Frontage:25.17'Lot Depth:101.5	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:6	Residential Units:10;
Total # of Units:11	Zoning:C6-2G	

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

**Whereas**, this café has been operated by this applicant for many years with minimal issues, and

**Whereas**, the committee noted there was a menu board on the sidewalk which Mr. Kelly committed to ensure the applicant will remove,

**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 **La Mela Ristorante Italiano Inc. d/b/a La Mela Ristorante, 167-171 Mulberry St. (btw Grand St & Broome St), with 9 tables & 19 seats, DCA# 1274920**

**VOTE: Unanimous, with 41 Board members in favor.**

**6. PQ 550 Hudson Inc. d/b/a Le Pain Quotidien, 550 Hudson St. (SE corner Perry St), with 13 tables & 26 seats, DCA# 1274769**

Block:621Lot:8	Lot Frontage:26.33'Lot Depth:56.5	Year Built:1920(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:12
Total # of Units:14	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 application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this café has been operated by this applicant for two years with no known major issues, and

**Whereas**, the committee noted that – possibly due in part to scaffolding installed for the building next door – the café has recently been set up differently than the approved plan in a way that has reduced the required 8 ft clearance to a streetlight on Hudson St and the 9 ft clearance to the corner of Hudson St and Perry St, and

**Whereas**, the committee noted the scaffolding next door has now been removed and Mr. Kelly committed to ensuring the applicant returns the café to the approved seating plan,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **PQ 550 Hudson Inc. d/b/a Le Pain Quotidien, 550 Hudson St. (SE corner Perry St), with 13 tables & 26 seats, DCA# 1274769**

**UNLESS the applicant returns the seating to the approved plan and maintains the required clearance between the café and the streetlight and corner as noted in Whereas 3**

VOTE: Unanimous, with 41 Board members in favor.

**7. J.P.G. LLC d/b/a Philip Marie, 569 Hudson St. (NW corner W. 11 St), with 9 tables & 18 seats, DCA#1003313**

Block:634 Lot:67	Lot Frontage:24.83' Lot Depth:78.25	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4	Residential Units:16
Total # of Units:17	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 application, and the applicant was present, and

**Whereas**, this café has been operated by this applicant for many years with no known major issues, and

**Whereas**, the committee noted the café is sometimes set up so that the required 9 feet of clearance to the corner is not maintained and the applicant committed to police the issue, and

**Whereas**, the committee noted the café railing is often not cleared from the sidewalk (or set closely against the façade) outside café operating hours and the applicant committed to correcting this,

**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 **J.P.G. LLC d/b/a Philip Marie, 569 Hudson St. (NW corner W. 11 St), with 9 tables & 18 seats, DCA#100331**

VOTE: Unanimous, with 41 Board members in favor.

**8. Akram Restaurant Management Inc. d/b/a Da Gennaro Ristorante, 129 Mulberry St. (NW corner Hester St), with 13 tables & 26 seats, DCA# 1249523**

Block:236 Lot:31	Lot Frontage:25' Lot Depth:60	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:8;
Total # of Units:9	Zoning:C6-2G	

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

**Whereas**, this café has been operated for many years and has had substantial issues in the past over seating beyond the approved capacity and use of the public sidewalk by staff, but is now under new management, and

**Whereas**, the committee feels the new owner is making concerted efforts to correct bad management that occurred with this sidewalk café for many years, and

**Whereas**, the committee noted that in one recent instance the café had an additional 1 table and 2 seats, but in most other instances appears to be making successful efforts to maintain the correct seating count, and

**Whereas**, the applicant appears to be properly maintaining clearance to the streetlight and corner which has been a continuing problem in the past, and

**Whereas**, the committee also noted the staff continues to make consistent use of the public sidewalk, stacking menus on a staff member's parked car, blocking parking spaces with furniture, etc and the applicant committed to address this misuse of public sidewalk and street space,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Akram Restaurant Management Inc. d/b/a Da Gennaro Ristorante, 129 Mulberry St. (NW corner Hester St), with 13 tables & 26 seats, DCA# 1249523**

**UNLESS the applicant continues to make progress on maintaining the correct seating count and limiting staff use of the public sidewalk and street space**

VOTE: Unanimous, with 41 Board members in favor.

**9. NECF Inc. d/b/a Mr. Dennehy's, 63 Carmine St. (swc on 7 Ave S btw Carmine St & Leroy St), with 14 tables & 28 seats, DCA# 1188879**

Block:582 Lot:41	Lot Frontage:25' Lot Depth:95	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5	Residential Units:16;
Total # of Units:17	Zoning:C2-6	

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

**Whereas**, this café has been operated by this applicant for several years with minimal issues, and

**Whereas**, the committee received complaints from two residents of the building about noise and smoke from the café which they have not been able to resolve, and

**Whereas**, the committee noted to one of the residents that city rules state smoking can be allowed in no more than 25% of unenclosed sidewalk café seating with at least 3 ft separating it from non-smoking seats and smoking cannot be allowed at all if awnings, umbrellas or other coverings are used as is the case with this applicant, and

**Whereas**, the committee clarified for the resident that this location has a small private courtyard adjacent to the sidewalk café and the city has no control over the smoking use in that space, and

**Whereas**, the applicant has installed audio speakers just inside the property line pointing out into the café in violation of article 2-53(f) of the NYC Rules for unenclosed sidewalk cafes, and Mr. Kelly committed to ensure the speakers are removed,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **NECF Inc. d/b/a Mr. Dennehy's, 63 Carmine St. (swc on 7 Ave S btw Carmine St & Leroy St), with 14 tables & 28 seats, DCA# 1188879**

**UNLESS the applicant consistently restricts smoking as required by NYC rules as noted in Whereas 4 and immediately removes any loudspeakers supplying amplified sound to the sidewalk café**

VOTE: Unanimous, with 41 Board members in favor.

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

**10. Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. (btw Astor Pl & E 8 St), with 25 tables & 77 seats, DCA# 0924582**

Block:545 Lot:7503	Lot Frontage:98.42' Lot Depth:159	Year Built:1930(estimated)
Number of Buildings:1;	Number of Floors:11	Residential Units:52;
Total # of Units:54	Zoning:C6-2	Landmark Building: Yes
Historic District: NoHo		

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

**Whereas**, this café has been operated by this applicant for many years with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. (btw Astor Pl & E 8 St), with 25 tables & 77 seats, DCA# 0924582**

VOTE: Unanimous, with 41 Board members in favor.

**SLA LICENSING**

**1. Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14<sup>th</sup> St. (Sixth and Seventh Avenues), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building on west 14<sup>th</sup> Street between Sixth and Seventh Avenues for a 1,600 s.f. French restaurant with 40 table seats and 1 bar with 9 bar seats with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday through Saturday from 11:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is IPod/CDs at background levels only; and,

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

1. The applicant will limit its hours of operation by closing at 1:00 a.m. on weekdays and 2:00 a.m. on weekends
2. The applicant will close all doors and windows by 10:00 p.m. daily
3. The applicant will not operate the backyard garden for private or public use
4. The applicant will take its last seating at 11:30 p.m. daily

**Whereas**, the applicant had reached out to members of the community; and,

**Whereas**, the applicant had submitted a petition with over 23 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 an On Premise license for **Concept Restaurant Corp. d/b/a Jeanne & Gaston, 212 W. 14<sup>th</sup> St.** 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 41 Board members in favor.

**2. Serafina Meatpacking, LLC, d/b/a Serafina, 7 9<sup>th</sup> Avenue, (at Little West 12<sup>th</sup> Street), NYC**

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

**Whereas**, this application is for an On Premise license in a mixed use building at the corner of 9<sup>th</sup> Avenue at Little West 12<sup>th</sup> Street for a 1,600 s.f. Italian restaurant d/b/a Serafina’s with 60 table seats and 1 bar with 12 bar seats with a maximum legal capacity of 121 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Wednesday from 7:00 a.m. to 1:30 a.m. and Thursday through Saturday from 7:00 a.m. 2:30 a.m.; there will be a sidewalk café application but no backyard garden; music is iPod/CDs at background levels only; and,

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

1. The applicant will limit its hours of operation by closing at 1:30 a.m. Sunday through Wednesday and 2:30 a.m. Friday and Saturday
2. The applicant will close all doors and windows by 10:00 p.m. Sunday through Wednesday and 11:00 p.m. Thursday through Saturday

**Whereas**, the applicant had reached out to members of the community; and,

**Whereas**, a few members appeared from the community to express their concerns with the originally proposed hours of operation;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **Serafina Meatpacking, LLC, d/b/a Serafina, 7 9<sup>th</sup> Avenue** 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 41 Board members in favor.

**3. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 405 6<sup>th</sup> Avenue (Christopher and 6<sup>th</sup> Avenue), NYC**

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

**Whereas**, this application is for an On Premise license in a commercial building on the corner of Christopher and 6<sup>th</sup> Avenue for a 2,219 s.f. a casual chain Mexican restaurant d/b/a Chipotle with 41 table seats and no bar with a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are seven days a week from 11:00 a.m. to 10:00 p.m.; there will not be a sidewalk café application and no backyard garden; music is iPod/CDs at background levels only; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for **Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 405 6<sup>th</sup> Avenue.**

Vote: Unanimous, with 41 Board members in favor.

**4. 150 RFT Varick Corp., d/b/a Greenhouse, 150 Varick St. (Van Dam and Barrett), NYC**

**Whereas**, the applicant appeared before the committee at the request of the SLA; and,

**Whereas**, this application is for an alteration to an On Premise license in a mixed use building on Varick Street between Van Dam and Barrett Streets for a 7,400 s.f. night club with 280 table seats and 3 bars with 21 bar seats with a maximum legal capacity of 450 persons; and,

**Whereas**, the applicant stated the hours of operation are seven days a week from 6:00 p.m. to 4:00 a.m.; there is no sidewalk café application and no backyard garden; music is Live Music and DJ at entertainment levels only; and,

**Whereas**, this application is to add additional space to the existing license and one additional bar and 21 bar seats and 65 additional seats, but would not increase the total occupancy of the location which is 246 persons on the ground floor and 154 persons in the basement for a total occupancy of 400; and,

**Whereas**, the applicant originally appeared at CB#2, Man. in March 2010 to add the additional 2,000 s.f. basement space which was recommended for denial to the SLA by CB#2, Man. because CB#2, Man. had never approved the approved the current method of operation which was incorporated by the current operators through a corporate change, because of incidents which occurred related to this establishment in the past, due to complaints received by CB2 directly, due to concerns with noise and overcrowding at the establishment and because of the overall lack of responsiveness from the operators in resolving these issues; and,

**Whereas**, the applicant has provided a new list of stipulations that they were willing to abide by as a condition of their license at this meeting which include:

1. The premise will employ at least 10 security guards for the premise, with one guard specifically stationed at the door at all times. This exceeds the eight guards, which would be required by the Nightlife Guidelines.
2. The Security Guards will be licensed and work for a bonded security company.
3. The premise will conduct random searches of its customers to assure contraband will not enter the premise.
4. The premise will use an electronic age verification system to identify all patrons entering the premise.
5. The licensee will keep a data base of all patrons who are denied entrance or violate the law. These patrons will be refused entry at all times in the future (banned)
6. The premise will provide a 24 hour contact number to the Community Board.
7. The licensee will send a representative to the Community Board each month to address any concerns or comments from the community.

8. The staff serving alcoholic beverages will be TIPS trained to assure that alcoholic beverages will not be served to minors.

9. The licensee will maintain a video surveillance system that will be kept for thirty days (30) unless there is an incident and the video will be kept indefinitely.

10. The Licensee will post code of conduct signs around the premise and at the entrance. The signs will clearly inform all those that no one will be permitted to enter who creates noise, or conducts any type of illegal conduct.

11. The Security will clean the area around the premise to the corner each evening at the end of business.

12. The licensee will inform the Community Affairs Officer of the NYPD of the events to be held that week at the premise. The licensee will follow any recommendations of the NYPD regarding security for those events.

13. The premise will close operations and have last call before 3:45 am and all patrons will be removed from the premise by 4:30 am.

**Whereas**, the applicant also agreed to only use the Vandam street entrance/exit for private event ingress and egress only for the basement space and as an emergency egress only at all other times; and,

**Whereas**, CB#2, Man. appreciates the opportunity to hear the applicant again at the suggestion of the SLA, CB#2, Man. finds it very difficult to ascertain whether the provided stipulations if incorporated into the method of operation would remedy or alleviate the concerns of the community in regards to quality of life because the applicant performed NO community outreach and did not attempt to contact anyone in the neighborhood who had expressed concerns with the applicants operation or otherwise; and

**Whereas**, CB#2, Man. cannot consider a recommendation of approval for this license unless the applicant performs community outreach and is able to hear from the community if there are additional stipulations that would further mitigate issues in the surrounding area particularly as they concern improvements in management of the outdoor areas which directly contribute to quality of life through noise, vehicular traffic, pedestrian traffic and congregating around the establishment and is surprised that given the applicants desire to work with everyone to improve their operation would overlook this very important step; and,

**Whereas**, CB#2, Man. feels that this is a first step, it is not the final step in overcoming the many issues which have surrounded this applicants operation at this premises; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the denial of the alteration to the existing Full OP License for 150 RFT Varick Corp., dba Greenhouse, 150 Varick St.; and,

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends that this applicant be required to perform community outreach to solicit feedback from the local community and neighbors regarding their suggested stipulations for incorporation into their method of operation to ascertain if further improvements can made to their method of operation and their relationship with the local community prior to granting this alteration.

Vote: Unanimous, with 41 Board members in favor.

**5. Lindsay Buffet Restaurant, Inc., 282 Bleecker St. (Jones and 7<sup>th</sup> Avenue), NYC**

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

**Whereas**, this application is for transfer of a Beer and Wine license in a mixed use building on Bleecker Street between Jones Street and 7<sup>th</sup> Avenue South for a 1,000 s.f. a Japanese restaurant 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 seven days a week from 11:30 a.m. to 11:30 p.m.; there will not be a sidewalk café application and no backyard garden; music is iPod/CDs at background levels only; and,

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for transfer of a Beer and Wine license for . **Lindsay Buffet Restaurant, Inc., 282 Bleecker St.**

Vote: Unanimous, with 41 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**6. Richard Michael Notar d/b/a Notar Hospitality, 349-53 W. 12<sup>th</sup> St., NYC**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Richard Michael Notar d/b/a Notar Hospitality, 349-53 W. 12<sup>th</sup> St., NYC** **and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**7. Victor Nezu d/b/a Son Peace, Inc., 94 Greenwich Ave., NYC**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Victor Nezu d/b/a Son Peace, Inc., 94 Greenwich Ave., NYC** **and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**8. ITM Garden, Inc. d/b/a Revel Garden, 10-12 Little W. 12<sup>th</sup> St. NYC**

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **ITM Garden, Inc. d/b/a Revel Garden, 10-12 Little W. 12<sup>th</sup> St. NYC** and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**9. Sbafo NYC LLC, 581 Hudson St., South Store, NYC**

**Whereas**, the applicant did not appear before the committee but withdrew their application; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **Sbafo NYC LLC, 581 Hudson St., South Store, NYC** until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**10. Altamarea Group, LLC d/b/a Osteria Morini, 218 Lafayette St., NYC**

**Whereas**, the applicant did not appear before the committee but withdrew their application; and,

**Whereas**, this application is for an On Premise liquor license; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **Altamarea Group, LLC d/b/a Osteria Morini, 218 Lafayette St., NYC** until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**11. Strip House NY Restaurant, TBD 11 East 12th St., NYC 10003**

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

**Whereas**, the application is for an annex establishment of The Strip House next door, which has been in business for over 10 years; the new design and menu will be consistent to The Strip House; and,

**Whereas**, this application is for a new Full On Premise license, in a mixed-use building (block 570 / lot 40) on 12th Street between Fifth Avenue and University Place for a 1,060 s.f. bar/tavern which has 16 tables and 36 seats and 1 bar with 14 seats, there will be no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

**Whereas**, the applicant stated the hours of operation are Sunday through Saturday from 11:00 a.m. to 2:00 a.m., and may apply for extended hours to a 4:00 a.m. closing after one (1) year in the event that they have no violations and are in good standing with the community; and,

**Whereas**, this applicant currently holds 19 State Liquor Licenses in New York City and has been a principal in the hospitality industry for over 25 years, 6 of those licenses are within Community Board 2, which have never received an SLA violation; and,

**Whereas**, this applicant submitted letters in support by both the NYC 6th Precinct Police Department and Speaker Christine Quinn of the Council of the City of New York offices; and,

**Whereas**, there was much opposition from the community with 24 letters or emails submitted and 11 people who attended the hearing and spoke against this application; and,

**Whereas**, the opposition was in regards to a new location that has never been licensed before by the SLA, over saturation (this area code 10003 has the most SLA licenses in all of Manhattan with a current total of 474 licenses), and hours of operation (originally requested 4:00 a.m. closing, 7 days a week); and,

**Whereas**, the applicant agreed to the following stipulations:

- 1. Hours of operation:** Sunday through Saturday from 11: a.m. to 2:00 a.m.
- 2. Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
- 3. Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.
- 4. Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be purposely left open. If any windows are to be replaced they are to be replaced with non-operable windows.
- 5. Security:** The Operator shall cause a communicative manager to be present at the Establishment during all hours of operation.
- 6. Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
- 7. Promoters:** The Operator shall not use outside “promoters” or allow third “promoter” party events at the Establishment.
- 8. Dancing:** The Operator shall not permit dancing in the Establishment.

**9. Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. Operator shall use same garbage collector and same procedures as Strip House restaurant at 13 E. 12th Street.

**10. Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment.

**11. Steering:** The Operator shall not attempt to “steer” the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.

**12. Signage:** The Operator shall not install anything above the first story. The Operator will make every reasonable attempt to install signage which would conform to landmarks district standards and/or be similar to existing Strip House signage.

**13. Quarterly Meetings:** Upon request, the Operator shall make available the general manager to attend quarterly meetings with representatives of the community.

**14. Basement:** The Establishment's basement shall not be used to seat or serve patrons.

**Whereas,** CB#2 , Man. respectfully request a 500 ft. rule hearing on this application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** of the Full OP License for **Strip House NY Restaurant, TBD 11 East 12th St., NYC 10003** unless all the stipulations agreed to in this resolution in the 8th Whereas clauses are incorporated into the “Method of Operation”.

**THE ABOVE RESOLUTION WAS SENT BACK TO COMMITTEE. PLEASE SEE VOTE BELOW.**

Vote: Passed, with 23 Board members in favor, 17 in opposition (R. Caccappolo, L. Cannistraci, D. Collins, M. Derr, J. Frost, B. Hoylman, S. Kent, R. Lee, F. Morrellet, D. Reck, B. Riccobono, R. Sanz, M. Schott, A. Schwartz, C. Spence, R. Stewart, E. Young) and 1 recusal (W. Schlazzer).

**12. Molly Picon, LLC, 224 Lafayette St., NYC 10003**

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

**Whereas,** this application is for a “license transfer” described by the applicant as a new Beer and Wine license application that will be filed in conjunction with a temporary retail permit as outlined in ABC Law, Sec. 97-a, in a mixed use building on Lafayette Street between Kenmare and Spring Street (Block # 482 and Lot # 24), for a 900 s.f. restaurant/ cafe which will have 14 tables and 35 seats and 1 bar with 4 seats, there will be a sidewalk café with 12 seats but no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

**Whereas,** the applicant stated the hours of operation are Sunday from 8:00 a.m. to 10:00 p.m. and Monday through Saturday from 8:00 a.m. to 12:00 a.m.; and,

**Whereas,** this application for a Beer and Wine license does not include the sidewalk café in the premise to be licensed and the applicant will reappear for CB#2, Man.’s recommendation on adding this area to the license premise after presenting the Sidewalk Café area to CB#2, Man.’s Sidewalk Café Committee and NYC DCA; and,

**Whereas**, the applicant originally presented this application to CB#2, Man. the month prior but was asked to perform additional community outreach, which they did by reaching out to neighbors and neighborhood organizations and held an open house after posting flyers in the area and holding other meetings; and,

**Whereas**, there were 4 letters submitted and 2 people who attended the hearing in opposition of this application; and,

**Whereas**, those in opposition are concerned with over saturation in this area, in particular noting that 10 of the 15 storefronts on Petrosino Square on which this applicant is located are licensed for the sale of alcoholic beverages; and,

**Whereas**, there were 5 people from the community who spoke in support of this application at C#B2, Man.'s SLA meeting; and,

**Whereas**, the applicant submitted a petition in support with 78 signatures and 7 letters in support as well as proof of extensive outreach to the community; and,

**Whereas**, the applicant agreed to the following stipulations as a condition of their license:

1. All doors and windows will be closed no later than 10:00 p.m., 7 days a week.
2. Sidewalk café will be closed and tables and chairs removed no later than 10:00 p.m., 7 days a week.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the **denial** of the application of a Beer and Wine license and the issuance of a temporary retail permit for **Molly Picon, LLC, 224 Lafayette St., NYC 10003** unless all the stipulations agreed to in this resolution in the 8th Whereas clauses are incorporated into the "Method of Operation".

Vote: Unanimous, with 41 Board members in favor.

### **13. Stuff It, LLC, 173 Mott St., NYC 10013**

**Whereas**, the applicant appeared before the committee for a second time; and,

**Whereas**, this is an application for a Belgian/French style Bistro on the upper floor with an upscale cocktail lounge in the basement with separate entrances from the outside for each as well as a connecting stairway on the interior; and,

**Whereas**, this application is for a new Full On Premise license, in a mixed use building on Mott Street between Mulberry and Elizabeth Street (Block # 471 and Lot # 43), for a 2,180 s.f. restaurant and lounge which has 16 tables and 50 seats and 2 bars with 13 seats and seating for 96 in the banquette seating in the basement lounge for a total of 159 seats, there will be no sidewalk café and no back yard garden, and a maximum legal capacity of 204 persons; and,

**Whereas**, the applicant states that the hours of operation are Sunday from 11:00 a.m. to 1:00 a.m. and Monday through Wednesday from 4:00 p.m. to 1:00 a.m. and Thursday and Friday from 4:00 p.m. to 3:00 a.m. and Saturday from 11:00 a.m. to 3:00 a.m.; and,

**Whereas**, the applicant has hired a sound engineer to work on the soundproofing of this space which included locking the sound system and installing a "Bass" limiter; and

**Whereas**, the applicant will be removing the already existing D.J. booth; and,

**Whereas**, the applicant already applied for a “Place of Assembly Permit” for 204 persons; and,

**Whereas**, the applicant submitted 4 letters and a petition with 168 signatures in support and 7 community members spoke at the hearing in support; and,

**Whereas**, there was also great community opposition with 8 community members who spoke against this application, 3 of whom live directly above this location in the same building and a petition in opposition with 321 signatures; and,

**Whereas**, those against this application stated concerns with over saturation and hours of operation (originally they requested a 4:00 a.m. closing), and a general concern that a lounge in the basement of this location was inappropriate and would like to see the entire space to be more of a community based operation such as a “family style restaurant”; and,

**Whereas**, there are over 20 licensed premises within 500’, more than half of which are full op licenses, many occupying multiple levels and which include “lounge” components or cater primarily to a late night crowd; and,

**Whereas**, the applicant did not present a security plan in particular for the “lounge” area and simply stated that there would be several maitre d’s available to perform this task if needed on Thursday-Saturday; and,

**Whereas**, applicant stated in regards to vehicular traffic and parking in the area that they did not have a specific plan except that they would utilize “maitre d’s” to alleviate any problems created as a result of the premises; and,

**Whereas**, this location is on Mott street, a narrow North/South bound street and is located in an old tenement style residential building above the ground floor and is surrounded by similar style buildings located throughout the area which would be directly impacted by the increased noise from patrons enter, exiting, congregating and smoking outside the premises in the evening hours and from the increased pedestrian traffic the location would generate; and,

**Whereas**, there are also concerns that the basement is not ADA compliant;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new On Premise license for **Stuff It, LLC, 173 Mott St., NYC 10013**; and,

**BE IT FURTHER RESOLVED** that if the SLA considers approving a new On Premise license for **Stuff It, LLC, 173 Mott St., NYC 10013**, that CB#2, Man. respectfully request a 500 ft. rule hearing.

Vote: Unanimous, with 41 Board members in favor.

#### **14. Chipotle Mexican Grill of Colorado, Chipotle Mexican Grill, 71 Spring St, NYC 10012**

**Whereas**, a representative of the applicant appeared before the committee; and,

**Whereas**, this application is for a new Full OP license, in a mixed use building on Spring Street between Lafayette and Crosby Street (Block # 496 and Lot # 36), for a 3,300 s.f. restaurant (1,500 s.f. on first floor and 1,800 s.f. in cellar) which has a total of 14 tables and 55 seats and no bar, there will be no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 61 persons; and,

**Whereas**, the applicant states that the hours of operation are Sunday through Saturday from 11:00 a.m. to 10:00 p.m.; and,

**Whereas**, CB#2, Man. would like to make reference to the fact that the SLA application refers to the Chef being on the premises from 11:00 a.m. to 12:00 p.m., but CB2 would like to point out that on our application the hours of operation are clearly from 11:00 a.m. to 10:00 p.m.; and,

**Whereas**, CB#2, Man. would also like to state that the representative that appeared before the committee was unable to answer any questions regarding the application except to vouch for the quality of their “farm to kitchen” food; and,

**Whereas**, CB#2, Man. specifically requested that the applicant’s representative present a written 500’ Rule Statement in regards to community concerns 2 days before the presentation so that there would be an opportunity to evaluate a recommendation in light of community concerns and the applicant’s representative failed to provide such a statement except to state that the applicant supports “sustainability” and tries to bring “farm closer to the table” and that they only serve chicken that are fed vegetarian feed and that their dairy products contain no growth hormones; and

**Whereas**, CB#2, Man. denied the previous license for “Frog” at this location for duly violating the licensed method of operation, for the principal not being active in the location or aware of the violations, for operating and advertising as a nightclub in a location described as a restaurant; and,

**Whereas**, CB#2, Man. strongly feels a chain, fast food restaurant, is inappropriate for this residential side street and if these kinds of chains must infiltrate New York City, that they are best kept on major avenues because of the increased vehicular traffic, pedestrian traffic and parking issues that are created among other issues; and,

**Whereas**, 2 community members spoke against this application citing again the issues of an incredibly over saturated neighborhood in particular the immediately adjacent area of Petrosino Square and wanted to state that they have supported other applications that would be “of interest” or are an “asset” to their community but do not feel that a Chain restaurant like this is appropriate for this Historical District; and,

**Whereas**, it is clear that this application in no way serves the public interest, CB#2, Man. respectfully requests a 500 ft. rule hearing on this application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new Full OP license for **Chipotle Mexican Grill of Colorado, Chipotle Mexican Grill, 71 Spring St, NYC 10012.**

Vote: Unanimous, with 41 Board members in favor.

**15. Lemage, Inc., d/b/a Quartion Bottega Organica, 11 Bleecker St., NYC 10012**

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

**Whereas**, this application is for the upgrade from a Beer and Wine license to a Full On Premise license, in a mixed use building on Bleecker Street (Block # 529 and Lot # 47), for a 875 s.f. restaurant which has 15 tables inside and 8 tables outside in rear garden with a total of 46 seats and 1 bar with 8 seats, there will be no sidewalk café but are using a back yard garden, music will be background only, and a maximum legal capacity of 54 persons; and,

**Whereas**, the applicant states that the hours of operation are Sunday from 11:00 a.m. to 1:00 a.m. and Monday through Thursday from 12:00 p.m. to 1:00 a.m. and Friday from 12:00 p.m. to 2:00 a.m. and Saturday from 11:00 a.m. to 2:00 a.m.; and,

**Whereas**, the applicant did not out reach to the community regarding this upgrade, specifically neighboring residential buildings and the local neighborhood association who have been actively involved in the community, but did submit a few letters in support; and,

**Whereas**, since the original application for a Beer and Wine license the applicant has changed the menu from a simple tea and soup place to an Organic Italian menu with inadequate venting that is now a serious problem for surrounding neighbors but the applicant stated was “a beautiful smell” and also operate a wood burning fireplace in colder months which vents below the roof line of surrounding buildings; and

**Whereas**, the rear garden is extremely noisy and disruptive to surrounding neighbors, even after they tried to put in a glass enclosure with windows and retractable roof that are always open; and,

**Whereas**, CB#2, Man. questions whether this rear garden is actually on or a part of this applicants current license; and,

**Whereas**, the applicant regularly operates with the large double front doors left open during all hours of operation; and,

**Whereas**, there is already an existing traffic problem on Bleecker St. in the evening hours as a result of increased nightlife establishments throughout the area

**Whereas**, the applicant has built illegal benches around the tree in front of the establishment and continues to place benches and chairs on the side walk for customers and though this is a NYC Department of Consumer Affairs issue, still shows the lack of integrity of this operator and raises significant concerns regarding patrons removing alcoholic beverages in glasses from the licensed premises; and,

**Whereas**, the configuration of this “restaurant” puts most of the bar at the front of the establishment which has a large presence and is immediately visible from the street and a full OP will essentially allow this to become another noisy bar on Bleecker Street; and,

**Whereas**, there are 22 full on premise licenses within 500 ft., including one building on the adjacent corner with 3 separate licensed premises and in addition there are a number of additional beer and wine licenses within 500’ as well; and,

**Whereas**, the applicant stated that this application was in response to customers requesting that they carry spirits, that they wanted to be able to offer an alternative to other establishments and was not an important monetary component of their business as the “owners” were wealthy; and,

**Whereas**, there are several Italian restaurants in the surrounding area, including one several storefronts away; and,

**Whereas**, 1 community member from the NOHO neighborhood representing the local community association spoke out against this application and 6 letters in opposition were received including those from condo and co-op boards as well as a local business owner and residents; and,

**Whereas**, CB#2, Man. requests that the SLA conduct a 500 ft rule hearing;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the upgrade of a Full On Premise license for **Lemage, Inc., d/b/a Quartion Bottega Organica, 11 Bleecker St., NYC 10012.**

Vote: Unanimous, with 41 Board members in favor.

**16. FSE, Inc. d/b/a Amici II, 165 Mulberry St., NYC 10003**

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

**Whereas**, this application is for the upgrade from a Beer and Wine license to a Full OP, in a mixed use building on Mulberry Street between Grand and Broome St (Block # 471 and Lot # 20), for a 750 s.f. restaurant which has 16 tables and 55 seats and no bar, there is no sidewalk café and no back yard garden but the are a part of the Mulberry Street Mall, music will be background only, and a maximum legal capacity of 55 persons; and,

**Whereas**, the applicant states that the hours of operation are Sunday through Saturday from 12:00 p.m. to 11:30 p.m.; and,

**Whereas**, the applicant submitted a petition in support of the upgraded license with 15 signatures and an endorsement letter by the Little Italy Merchant Association; and,

**Whereas**, there were no community members stating in opposition of the applicant; and,

**Whereas**, the applicant does have at least one table and 2 chairs outside and does not have a sidewalk café license and did not know if they were on their property but agreed to remove the tables and chairs if they are not within the property line of the building, and it was also noted that the outdoor area in front of the premises was not included in the premise diagram; and,

**Whereas**, CB#2, Man. is concerned with the growing request for upgrades on the Mulberry Mall and the impact this is creating on the surrounding community and the character of the area; and,

**Whereas**, CB#2, Man. respectfully request a 500 ft. rule hearing on this application; and,

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends the **denial** of the upgrade of a Beer and Wine license to a Full OP for **FSE, Inc. d/b/a Amici II, 165 Mulberry St., NYC 10003 unless** all the stipulations agreed to in this resolution in the 6th Whereas clauses are incorporated into the "Method of Operation".

Vote: Passed, with 40 Board members in favor, and 1 in opposition (D. Diether).

**17. 54 East Entertainment, Inc. d/b/a Karaoke Boho, 54 E. 13th St., NYC**

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

**Whereas**, this application is for the alteration to their hours of operation on their Full OP License, in a mixed use building on 13th Street between University Place and Broadway (Block # 564 and Lot # 11), for a 3,800 s.f. Karaoke bar which has 20 tables and 113 seats and 1 bar with 25 seats, there is no sidewalk café and no back yard garden, music is amplified entertainment with participatory singing, and a maximum legal capacity of 215 persons; and,

**Whereas**, the applicant states that the hours of operation are currently Sunday through Wednesday from 11:00 a.m. to 12:30 a.m. Thursday from 11:00 a.m. to 1:30 a.m. and Friday and Saturday from 11:00 a.m. to 2:30 a.m.; and,

β

**Whereas**, the applicant would like to increase the hours of operation from 11:00 a.m. to 4:00 a.m. Sunday through Saturday (7 days a week) for the basement only; and,

**Whereas**, the only way to get to the basement is through the restaurant / bar- lounge on the main or first floor; and,

**Whereas**, the applicant claims that the basement only has an occupancy of 19 persons; and,

**Whereas**, this applicant was only approved for a license at a location where none had ever existed before by virtue of correcting an illegal filing with the SLA which included filing with the wrong community board accidentally as a concession instead of requesting the license be fully revoked; and,

**Whereas**, this applicant is not in good standing with the local community members and from testimony provided by a member of the community has violated the stipulations which were originally executed with the local community in particular did not have a manager on premise available at all times capable of responding to issues; and,

**Whereas**, 4 community members spoke against this application and one community member has claimed that his family's entire quality of living has been destroyed by this applicant and their inability to correct the noise emanating from their establishment despite having retained a sound consultant;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends a denial to the increase in the hours of operation to the Full On Premise license for **54 East Entertainment, Inc. d/b/a Karaoke Boho, 54 E. 13th St., NYC.**

Vote: Unanimous, with 41 Board members in favor.

### **18. Kenmare Juicebar, Inc., 19 Kenmare St., NYC 10013**

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

**Whereas**, this application is for a new Beer and Wine license, in a commercial building on the corner of Kenmare and Elizabeth Street (Block # 478 and Lot # 12), for a café/ juice bar which has a total of 14 tables and 32 seats and 1 bar with 5 seats, there will be no sidewalk café and no back yard garden, music will be background only and a proposed maximum legal capacity of 60 persons; and,

**Whereas**, the applicant states that the hours of operation are Sunday through Saturday from 7:30 a.m. to 11:00 p.m.; and,

**Whereas**, this applicant did submit a petition with 86 signatures in support of the application, but the applicant did not reach out to neighborhood organizations and individuals that the applicant's attorney is aware are regularly engaged in community outreach and a member of the committee who lives adjacent to the proposed premise indicated that he had asked a number of people in his building and surrounding buildings if they were aware of the application and they were not,

**Whereas**, this area is already heavily saturated with Full OP and Beer and Wine licenses and in fact the same building with the same address houses a controversial licensed premise, Travertine, LLC, which CB2 in the last two months recommended that the SLA not renew their license because of violation of their method of operation and lack of a current certificate of occupancy and public assembly permit among other issues; and,

**Whereas**, this location has never been licensed before, is in a heavily saturated area with a tremendous number of licensed premises, and as part of a previous discussion regarding the original application for Travertine LLC that already has a On Premise License in the same building, the operators and representatives of that location stated that this location in the same building would not be used for an eating and drinking establishment; and,

**Whereas**, this applicant presented in error a Certificate of Occupancy for this building that does not cover this location and for which all the occupancy is “used up” by another licensed establishment in the same building, Travertine LLC, which also has not renewed the temporary certificate of occupancy since June 14, 2010 in violation of local regulations and there is currently no Certificate of Occupancy or a Letter of No Objection for the premises which the applicants are asking for and they were unable to provide any details on how this would be obtained; and,

**Whereas**, the committee had concerns regarding the experience of the proposed operators; and,

**Whereas**, the applicant did not make it clear why a beer and wine license was needed for a Juice Bar;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** to the new Beer and Wine license for **Kenmare Juicebar, Inc., 19 Kenmare St., NYC 10013**.

Vote: Unanimous, with 41 Board members in favor.

#### **19. Marlton Hotel Operating, LLC 5 W. 8th St., NYC 10011**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **denial** of any proposed liquor license **Marlton Hotel Operating, LLC 5 W. 8th St., NYC 10011** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

#### **20. Solita SoHo Hotel, LLC, 159 Grand St. aka 157 Lafayette St., NYC 10013**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends **denial** of any proposed liquor license to **Solita SoHo Hotel, LLC, 159 Grand St. aka 157 Lafayette St., NYC 10013** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**21. Michael Stein or a Corp to be formed by, 85 Washington Pl., NYC**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Michael Stein or a Corp to be formed by, 85 Washington Pl., NYC until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**22. Stephen Tyler Hall, 85 Washington Pl., NYC 10011**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Stephen Tyler Hall, 85 Washington Pl., NYC 10011 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**23. Scott Conant Management LLC, d/b/a SCM Culinary Suite, 598 Broadway – 9th Flr., NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Scott Conant Management LLC, d/b/a SCM Culinary Suite, 598 Broadway – 9th Flr., NYC 10012 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**24. Scova, LLC, 193 Spring St., NYC 10012**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Scova, LLC, 193 Spring St., NYC 10012 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**25. Bowery Ale House, d/b/a TBD, 168 Bowery, NYC 10013**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Bowery Ale House, d/b/a TBD, 168 Bowery, NYC 10013** **the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**26. Public Rest, L.P. Avroko Rest. GRP LLC, GP & 27 Ltd., PT, 206-210 Elizabeth St., NYC 10012**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Public Rest, L.P. Avroko Rest. GRP LLC, GP & 27 Ltd., PT, 206-210 Elizabeth St., NYC 10012** **the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**27. Bowery Poetry Club, Inc., 310 Bowery, NYC**

**Whereas**, the applicant requested to withdraw from consideration of the application to this CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license **Bowery Poetry Club, Inc., 310 Bowery, NYC** **the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

**28. ALN Restaurant Inc., d/b/a Giovanna's, 128 Mulberry St., NYC (sidewalk café)**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license ALN Restaurant Inc., d/b/a Giovanna's, 128 Mulberry St., NYC sidewalk café the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**29. EB2 Gourmet, Inc., d/b/a Turkiss, 104 MacDougal St., NYC**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license EB2 Gourmet, Inc., d/b/a Turkiss, 104 MacDougal St., NYC the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**30. High Heat Blecker LLC d/b/a High Heat Oven Grill Tap, 154 Blecker ST./184 Thompson ST., NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license High Heat Blecker LLC d/b/a High Heat Oven Grill Tap, 154 Blecker St./184 Thompson St., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**31. Jomelo, LLC, TBD, 284 Mulberry ST., South Store, NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license Jomelo, LLC, TBD, 284 Mulberry ST., South Store, NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

## **SOCIAL SERVICES AND EDUCATION**

### **Resolution Addressing the DOE's Plan to Rezone Public Schools Affecting the CB2 Area**

**Whereas**, in 2008 Mayor Bloomberg and then School Chancellor Joel Klein announced the creation of a new elementary school to be built at the site of the Foundling Hospital, at 17<sup>th</sup> Street and 6<sup>th</sup> Avenue, in Community Board 5, and

**Whereas**, the proposed school, which will serve 563 students from pre-K through 5<sup>th</sup> grade, will be built in the first six floors of that building, and

**Whereas**, existing elementary schools serving children residing in CB2 and CB5 are severely overcrowded, with some schools overcapacity by 20%, and

**Whereas**, the DOE is considering making this proposed school a Charter School, even though it was originally described as a zoned school in the official press release put forth by the Department of Education (DOE), and

**Whereas**, Manhattan School District 2, as currently zoned, includes: PS 3, PS 11, PS 41 and PS 234, and

**Whereas**, the DOE is now considering a proposal to rezone parts of Manhattan School District 2 (including the West Village and Chelsea) as a response to school overcrowding, even though this plan does not create any new classrooms, but only masks the problem by shifting around the numbers to create an illusion of progress, and

**Whereas**, the frequent and unnecessary rezoning of schools, just to make the statistics reflect a lesser degree of overcrowding, not only fails to alleviate the actual problem, but tends to destabilize communities by making long term planning impossible for: new residents, long term residents who are new parents, and families who are seeking to make an informed decision before moving into the neighborhood, and

**Whereas**, this rezoning would result in Greenwich Village Parents losing the benefit that they have long enjoyed of being able to choose between sending their children to PS 3 or PS 41, and

**Whereas**, the solution to overcrowding is to open new schools, not to rezone existing ones,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. joins Community Board 5 in urging the Department of Education to stand by its word to make the proposed school at the Foundling Hospital site a zoned school, as one step toward alleviating the acute problem of school overcrowding in our district.

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. opposes the Department of Education's proposal to rezone PS 234, PS 3, PS 41, PS 11, PS 130, and PS 33, as well as their proposal to remove parental choice between the two elementary schools P.S. 3 and P.S. 41 in CB2.

Vote: Unanimous, with 41 Board members in favor.

## ST. VINCENT'S OMNIBUS

### St. Vincent's Campus Redevelopment Project

October 21, 2011

Amanda Burden, Chair  
Department of City Planning  
22 Reade Street  
New York, New York 10007

**Re: St. Vincent's Campus Redevelopment Project; ULURP Applications No. #120029ZSM, #120030ZSM, #120031ZSM**

Dear Chair Burden:

At the recommendation of its St. Vincent's Omnibus Committee, Manhattan Community Board No. 2 (CB 2), having held a duly noticed public hearing on ULURP application numbers #120029ZSM, #120030ZSM, #120031ZSM adopted the following resolution at its meeting on October 20, 2011 with 40 in favor, 1 opposed, no abstentions and no recusals.

The resolution recommends **denial** of each application unless the Community's Concerns detailed below are addressed.

### **BACKGROUND**

The Applications, submitted by RSV, LLC ("Applicant"), proposes the creation of a primarily residential development and new publicly accessible open space to be located on two of the three blocks of the former campus of Saint Vincent's Hospital Manhattan (the East Site and the Triangle Site) fronting on Seventh Avenue between West 12th Street and West 11th Street/Greenwich Avenue.

Contemporaneously, although not part of this application, North Shore-Long Island Jewish Health System (NSLIJ) would develop a health care facility—referred to as the Center for Comprehensive Care—on the third block of the former campus of Saint Vincent's Hospital Manhattan in the O'Toole Building. The O'Toole Building would be renovated for this purpose.

CB 2 has been reviewing this proposed redevelopment for five years. Representatives from St. Vincent's Hospital came to CB 2 in December 2006 to announce their intention to build a new "state of the art" acute care replacement hospital and Level 1 trauma center. They created a Community Working Group, in which CB 2 participated. In May 2007, St. Vincent's announced that they had chosen the Applicant as their development partners in the project. CB 2 formed a special oversight committee, the St. Vincent's Omnibus Committee, comprised of chairs of committees relevant to the application and local residents who would be most directly affected by the development. Over the proceeding several months, CB 2 held a series of public information meetings, so that the community would be fully aware of the proposal. The board also met numerous times with stakeholders, including the local block associations and community groups, elected officials, organized labor, and representatives of St. Vincent's and the Applicant, in order to better understand the project and community concerns. The following issue areas were identified:

- Height and bulk
- Zoning
- Historic buildings/historic artifacts

- Community amenities
- Health care delivery
- Public school space
- Affordable housing
- Streetscape
- Open space in the adjacent triangle park
- Impact of ambulance and parking access on side streets
- Effect of project on current infrastructure
- Construction and demolition protocols
- Financial solvency of project

In December 2007, the Applicant and St. Vincent's Hospital filed with the New York City Landmarks Commission (LPC) with a request for five Certificates of Appropriateness to demolish buildings in the Greenwich Village Historic District, build a replacement hospital on the O'Toole Building site, redesign the open space on the Triangle site, and to build a complex of luxury apartments and townhouses on the East Campus, in preparation for the ULURP process.

CB 2 held a series of public hearings where testimony was taken from hundreds of stakeholders in order to formulate the board's response to LPC application. Two separate resolutions were passed and presented to the LPC. In December 2009, CB 2 held a public hearing in order to respond to an Environmental Assessment Statement and Draft Scope of Work, as a prelude to ULURP. In both resolutions and in our response to the Draft Scope of Work, CB 2 strongly supported the proposed replacement hospital as vital to meet the health care needs of the residents in our district and surrounding communities.

In January 2010, St. Vincent's announced that it faced possible closure. For four months, CB 2 worked closely with our elected officials, St. Vincent's and the Applicant to strategize on ways to save the hospital. Unfortunately, no viable plan was identified and on April 7, 2010, St. Vincent's announced it would close. It ceased all operations on April 30, 2010.

The closure of St. Vincent's Hospital resulted in the community's loss of an emergency room, in-patient hospital, Level 1 trauma center and the capacity to address a widespread public health emergency (such as a natural disaster or act of terrorism), and created a significant gap in the health care services available to the residents of this community board area and the entire Lower West Side of Manhattan.

In response, in June 2010, CB 2 advocated for the creation of a community health care assessment to systematically identify the health needs of the residents of the West Side of Manhattan. CB 2 chaired the Community Health Assessment Steering Committee along with Community Board No. 4 and worked with our elected officials, the CUNY School of Public Health at Hunter College, the nonprofit Commission on the Public's Health System and NSLIJ to develop quantitative and qualitative data for a report that was issued by the Steering Committee in September 2011.

In the absence of a sponsor for a full service hospital, the Applicant partnered with NSLIJ to propose a free standing emergency department in a renovated O'Toole building, which required approvals from both LPC and the New York State Department of Health (NYSDOH), and additional hearings to prepare a response. The reports from the Community Health Assessment served as the basis for CB 2's testimony on September 22, 2011 to the NYSDOH on the Certificate of Need application. The CB 2 response stated: "As CB 2 has learned throughout many hours of public testimony on this important issue, nothing less than another full service, acute care hospital providing high quality care to all patients who come to its doors would be sufficient to replace St. Vincent's. We will continue to work with our local elected officials and community members to advocate for such a facility."

For the current proposal, the Applicant filed its Environmental Assessment Statement and Draft Scope of Work in May 2011. CB 2 held public hearings in order to formulate the community response (for a second time, since another EAS and Draft Scope was filed for the original project), which was presented to New York City Department of City Planning on June 24, 2011

CB 2's resolution below is based on twelve public hearings over the last two months. The community board has worked very hard to fully understand all aspects of this proposal and to consider the potential impacts, both positive and negative, of the Applicant's proposal on our community. CB 2 wishes to thank the Department of City Planning, our elected officials, the Applicant, NSLIJ, and most of all, our fellow community members, for their assistance in this effort.

## **THE PROPOSED ACTIONS**

The actions necessary for the proposed projects include zoning map amendments, zoning text amendments, and special permits for the East Site and Triangle Site. The Center for Comprehensive Care would be as-of-right under the New York City Zoning Resolution and would not require any approvals pursuant to ULURP; however, a Certificate of Need approval from the New York State Department of Health (NYSDOH) is still pending. In addition, the New York City Landmarks Preservation Commission (LPC) will also review certain aspects of the proposed projects.

### *ZONING MAP AMENDMENTS*

1. Rezoning of the East Site within 100 feet of Seventh Avenue from C2-6 to C6-2. This map amendment would increase the allowable Floor Area Ratio (FAR) for residential use from up to 3.44 to up to 6.02 and would maintain the current FAR of 6.5 for community facility. It would also increase the allowable FAR for commercial use from 2.0 to 6.0. The rezoning would also allow the East Site and a portion of the Triangle Site to be treated as an LSGD and allow for the grant of the LSGD special permits.
2. Rezoning of the midblock portion of the East Site from R6 and C1-6 to R8. This rezoning would increase the allowable FAR for residential use from up to 2.43 to 6.02 (3.44 to 6.02 for the small C1-6 district) and the allowable FAR for community facility or mixed use residential/community facility from 4.8 to 6.5. The two zoning map amendments would allow for a combined maximum floor area of 604,013 zoning square feet (zsf), at least 73,400 zsf less than exists on the East Site today.

### *ZONING RESOLUTION TEXT AMENDMENTS*

A zoning text amendment pursuant to ZR 74-743(a)(4) is proposed to make a special permit currently available only for LSGDs in Manhattan Community District 7 also available for LSGDs in Manhattan Community District 2. The special permit allows the floor area ratio available for new development to be used without regard to height factor or open space ratio requirements and allows for a reduction in open space requirements for appropriate open space with superior landscaping. This would permit a reduction in the required open space obligation for the residential portion of the project by up to 50 percent for appropriate open space with superior landscaping.

### *LARGE-SCALE GENERAL DEVELOPMENT SPECIAL PERMITS*

The East Site and a 15,102-square-foot portion of the Triangle Site would be developed as a LSGD, and several special permits available to LSGDs would be requested, as follows:

- LSGD special permits pursuant to ZR 74-743 as follows:
  - ZR 74-743(a)(1) to allow for distribution of total open space required by ZR 35-33 and 23-142 without regard for zoning lot lines or district boundaries. This would allow for approximately 15,102 square feet of the open space required as part of the East Site development to be located on the Triangle Site rather than on the East Site. No floor area or lot coverage distribution is being requested as part of the proposed East Site project.
  - ZR 74-743(a)(2) to allow the location of buildings without regard for the applicable court and height and setback (including rear yard setback) regulations set forth in ZR 23- 632, 23-663, 23-84, and 33-432. This special permit would allow for modification of height and setback regulations, including rear setback controls, and outer court recess regulations for additions to the existing buildings and for certain of the proposed buildings.
  - ZR 74-743(a)(4) (as amended) to modify the open space regulations by reducing the open space requirement to 50 percent and permit the maximum residential FAR to be applied to development. This special permit would allow for the maximum residential FAR of 6.02 to be applied to development on the East Site and reduce the amount of required open space from 59,857 square feet to 29,928 square feet for appropriate open space with superior landscaping.
- LSGD special permit pursuant ZR 74-744(b) to allow commercial uses on the third floor of a building in the C6-2 district portion of the LSGD without regard for the location restrictions set forth in ZR 32-42. This would allow doctors' offices proposed for the East Site within the C6-2 district to occupy a portion of the third floor of the development, with residential uses located on the second story and the remainder of the third floor.

As part of the LSGD special permits, the maximum amount of zoning floor area that would be allowed on the East Site would be limited to 590,660 square feet. Of this amount, no more than 31,251 square feet of zoning floor area would be available for community facility and commercial development, limited to the first three floors of the Seventh Avenue buildings on the East Site. Of this amount, commercial use would be limited to no more than 20,390 square feet of zoning floor area. The LSGD special permit would also limit the number of dwelling units to a maximum of 450. In addition, the zoning floor area that would be allowed on the Triangle Site would be limited to the existing gas storage area.

On the East Site, the LSGD special permits would establish a development envelope for the existing buildings and new development, and would also introduce a central courtyard running the length of the East Site.

## **THE COMMUNITY'S CONCERNS**

### **I. No Increase of the Allowed Development Rights**

CB 2 notes that this application is a proposal by a private developer wishing to build in a landmark district and requesting a significant upzoning. The applicant requests a rezoning for their LGSD, from R-6, bypassing the R-7 district limitations, to an R-8 in the midblock and from C2-6 to C6-2 on the avenue. The requested zoning would allow a residential FAR of 6.02, which is 175 percent higher than the existing Seventh Avenue frontage and over 200 percent higher than the allowable FAR on the mid-block. Further, a C6-2 designation is an egregious stand-alone commercial zone to be permitted immediately adjacent to a residential area, because it allows for a wide range of commercial use groups that include big box stores, clubs and discos, and automotives repairs shops, among others. CB 2 suggests that a commercial overlay zone would be more appropriate.

The applicant puts forth the case that five properties (Cronin, Spellman, Reiss, Nurses, and Smith/Raskob) were built prior to the 1961 Zoning Resolution ("ZR"), and therefore their entire bulk is permitted "as of right" to be converted to residential use. CB 2 asserts that this was not the intent of the ZR, because it specifically defined the East Site as R6 and C2-6, even though the existing buildings would be out of compliance if ever there were a change to residential. Further, in 1979, CB 2 contends that the

City reaffirmed this intent, with the approval of the Large Scale Community Facility Development (“LSCFD”) that permitted the Coleman and Link buildings as part of an upgrading of a medical complex. The excessive height and bulk of these buildings was allowed only because they were deemed necessary to create a then ‘state of the art’ acute care hospital and Level 1 trauma center, and was clearly a community benefit.

Residential Greenwich Village is built to a lesser bulk and density than other neighborhoods in New York City, and that is part of its unique charm, making it a special and desirable area with high per square foot real estate values. CB 2 believes the decisions by previous Department of City Planning actions reaffirm the intention that Greenwich Village should remain low-scale.

Further, the Proposed Zoning Text Amendments would allow development “without regard to height factor or open space ratio requirements.” The applicant has stated that the height factor rules, which are part of the proposed zoning districts, are not appropriate for the buildings they intend to build. CB 2 would like to note that the context is very low density historic townhouses and low-density apartment buildings on 12<sup>th</sup> Street to the north and 11<sup>th</sup> Street to the south, and that they do not exceed the current zoning FAR levels. The existing density is very appropriate for a historic district and, CB 2 contends, was zoned such well after the larger East Site buildings existed. The aggregate contextual density of the surrounding area is significantly less than the zoning districts that are proposed. The existing zoning designations in the requested proposal, R6 and C2-6, would be more compatible with the historic district and would have bulk rules that are more consistent with the surrounding zoning districts of Greenwich Village.

This application asks to cede square footage (in buildings that CB 2 values) that was deemed allowable only because they were for the “public good” (i.e., a hospital), to a private developer for monetary gain. CB 2 has determined that this is not acceptable. While, absent a viable plan for a hospital on the East Site, CB 2 supports residential development on the site, the requested Zoning Map Amendments should not be approved as proposed.

It must be noted that the Federal Bankruptcy Court valued the properties on the East Site “as is” under the current zoning without regards or contingency of any zoning changes. The applicant is not arguing a hardship of any kind. Indeed, a more limited zoning change would largely have the effect of the Reiss building being re-used or made smaller rather than being demolished, and a smaller 7<sup>th</sup> Avenue/11<sup>th</sup> Street building than is being proposed.

## **II. Creation of Affordable Housing**

This application will substantially increase the residential population of this area. In the recent past, the CB 2 district has seen many rezonings and special permits, and the result has been an erosion of the economic and social diversity that has historically defined Greenwich Village. CB 2 is committed to making every effort to ensure that our district retains the essential character of the Village. Statements by the applicant note that the apartment sale prices will be start at \$1.2 million rise significantly higher thereafter. Higher income residents will occupy all of the new apartments. Without provision for middle and low-income residents, this will be a major demographic shift for the neighborhood.

This applicant has a unique opportunity to create permanent affordable housing in our district, in order to help retain social and economic diversity. We ask that they research any mechanism that could provide affordable units, either on-site or off-site, including consideration of housing for seniors and individuals with special needs.

If there is a proposal for affordable units on-site, CB 2 requests that they be included only at a maximum density which is consistent with the currently allowable residential FAR for the sites. CB 2 finds any upzoning of the residential density of this site completely unacceptable and contrary to the wishes of the community. Even remaining within the current allowable bulk for residential development, the applicant will be allowed to add a significant number of market rate housing units where they did not exist before. This comes on top of the unfortunate elimination of affordable housing that existed for nurses before the purchase and conversion of the Martin Payne building.

### **III. Financial Support for New Public School Seats**

CB 2 finds that the Applicant has failed to include significant community benefits in their proposal, such as providing affordable housing or public school seats. Offices to be rented by physicians may technically be considered a health benefit and a community facility, but that does not begin to compensate for losing a Level 1 trauma center, and a full service hospital with an emergency department. Further, despite repeated requests, the Applicant has not provided CB 2 with information about apartment size, which would indicate how many additional children the 450 units of housing will bring. Such children would add to current overcrowding in schools and parks, a problem made even greater since CB 2 recently lost its only middle school and its largest early childhood center.

CB 2 is grateful for the Applicant's assistance in securing space for a school in the Foundling Hospital building in Community Board No. 5. However, that school site was secured in 2008, before this current project was conceived. At that time, the Applicant agreed that the Foundling school was not contingent on any application. Further, no funds from the Applicant were used to buy, lease, or refurbish Foundling. Instead, the Applicant provided a financial guarantee during the closing of the property, which was ultimately paid for by the City of New York. At this time, CB 2 strongly urges that the Applicant make a substantial capital contribution to the establishment of a new public school in the CB 2 area, such as at 75 Morton Street. CB 2's desire to have Applicant redress the shortfall in school seats caused by the proposed development does not in any way indicate that CB 2 would support an upzoning in exchange for this support, but thinks it is the Applicant's responsibility, even if the project is built at the existing zoning.

### **IV. Triangle Site Park**

CB 2 requests the following in connection with the proposed new open space at the Triangle Site.

- 1) Community Park - The Triangle Site park should function as part of the successful and beloved network of small parks in the area and the design and use of this new park should relate to and enhance this network. The park is a triangle where the old village street pattern meets the rectangular city grid. The look and feel should be 100 percent "community park." It should feel like it is part of the more intimate character of the Greenwich Village streets to the southwest and should not reflect the more commercial feel of 7<sup>th</sup> Avenue. Stepping into the park should transport one away from urban intensity. While the park should welcome lunchtime use by workers in the surrounding area, it should represent the special character of the Village and it should not expose the residential areas to traffic and undesired activity. The current uses of the space provide no park use, but do provide a buffer that should be retained.
- 2) Should Accommodate Families - With only 0.4 acres of parks and playgrounds per 1000 residents compared to a standard of 2.5 acres, CB 2 ranks 48<sup>th</sup> out of 51 citywide. The first service of the park should be to the adjacent park-starved residential communities where the population of families with children is growing steadily, as evidenced by overflowing nearby playgrounds, and the new development to the east will increase this trend. While the park may be too small to provide a full playground and also other uses, it may be too big to function well simply as a sitting

area with planting beds. Bringing children to the park also provides a lively and attractive aspect for a nearby sitting area. This idea, if affirmed, would mean the design should create an attraction for children and provide opportunities for active play. One suggestion was for a sand play area. Another was for sculptures that children can play on. A water play element can work for children and also be visually attractive and provide white noise the counter the cacophony on the avenue.

- 3) Design Elements - Design elements of the park should be standardized and easily maintained. Paving materials should be easily maintained, and not subject to staining and cracking. There should be sunny areas as well as areas shaded by trees. The park perimeter should include large tree species spaced as evenly as possible. A feature to give the park identity is desirable. A water feature to provide white noise may help create a peaceful area within the park. Facility to provide irrigation as needed should be provided and the park is large enough that it is desirable to have a place to store maintenance materials, possibly utilizing a small part of existing structures.
- 4) Commemoration - A very strong case has been made for the idea of an AIDS memorial to provide an important resource for remembering those who were lost and celebrating the response of our community. This idea is welcomed. The park could have a strong theme or identity related to the continuing story of AIDS. Other ideas for commemoration in the park have been mentioned. However, any of these potential uses need to be carefully developed so that it does not conflict with active and passive community uses, and the park should not become a regional destination. The design process could engage and seek to incorporate this idea, but should not be led by it. While memorials are usually monumental and less cheerful and intimate than the features of community parks, there is no reason why successful commemoration cannot be designed and placed in a way to coexist with and enhance a community park, especially where the history is so deeply connected to the community and the site. (Using the 7<sup>th</sup> Avenue park perimeter directly opposite the hospital site could provide a powerful memorial presence while retaining more typical park use and feel inside the park.)
- 5) Oxygen Tanks - The availability of the Triangle Site for a public park is a huge opportunity for the neighborhood. Retention of the oxygen tank structure at the western tip will significantly diminish the value of the space as a public square and will be harmful to the park as experienced from the outside as well as the inside. If the tanks cannot be removed from the site, they should be reduced in size and moved to a location less important to the park than the western tip.
- 6) Fence - The debate about perimeter fences always brings a passionate response from both sides. There is a strong feeling among many that parks should be open and that fences compromise public access. There are concerns, sometimes overstated, but still credible, that the lack of a fence invites inappropriate and problematic use. While inappropriate use of public areas is lower now than at times in the past, times change, and the concerns are not unwarranted. There are many parks, including some in our neighborhood, where fences do not appear harmful to openness, and there are many public plazas throughout the city that are fenceless but forbidding. The lack of separation between park and street can lead to a plaza-like character. CB 2 favors a very low fence with gates that are locked at night to allow for effective closing without harming the public use and feel of the park.
- 7) Entrances - Placement of entrances has a major impact on the use and feel of a small park. Entrances should be placed at corners, such as at Abington Square, as compared to Jackson Square, which retains an older design with mid-block gates discouraging walk-through use and creating a sense of isolation inside the park. In this case, there are obvious locations at the two 7<sup>th</sup> Avenue corners, but other locations need to be more carefully considered. If the gas tank structure at the northwest tip can be removed or moved, this is another obvious location. The perimeters along West 12<sup>th</sup> and Greenwich are long, and people walking on those sidewalks are likely to want

to cross through the park. Bank Street may seem like a natural place for a Greenwich Avenue entrance, but this would expose a very quiet street to unwanted activity so a Greenwich Avenue entrance should be placed farther east or west even if this disrupts a natural “desire line”. Entrances should be relatively narrow and unadorned to reflect the interior character of the park.

- 8) Different Grades - Without considering a separate question of whether existing underground space should be retained, the raised area above this space provides interesting opportunities. While the existing view of the garden above the space from the street is unattractive, there is a pleasant feel inside the garden and an interesting perspective and surprising sense of separation is provided by the small elevation. This separation is very different from what would be experienced from the top of a mounded lawn in the middle of a sitting area at street grade. Keeping the higher grade could also help to retain the beneficial visual buffer between Greenwich Avenue and Seventh Avenue. The existing site plan is also interesting because, with the removal of the building and the tanks, it would create an opportunity for two distinct areas, with a more natural raised area near Seventh Avenue, possibly a tree grove or an intensely planted garden, providing a buffer for a more active use area to the west. A design using the concept of a park with two distinct areas on different grades could be explored as a way of emphasizing the transitional character of the site, but only if there is adequate accommodation for disabled access, and sufficient visibility around the perimeter to avoid hidden activities.
- 9) Existing Underground Space - Retaining the underground space for future use is not accepted or rejected at this time, but its retention cannot be a consideration in developing or approving a design for the park and cannot delay or interfere in any way with the opening of the park. For example, if the roof of the underground structure cannot support large trees that are important to the desired design of the park, then the underground space cannot be retained. There are also potentially difficult design problems related to the impact on the park of access/egress requirements, mechanical systems, and ventilation that may constrain the use of the underground area. The reuse of the underground space also raises administrative and funding issues and potential environmental impacts were not studied as part of the scope of the EIS. The occupancy of the associated residential development must remain firmly coupled to the opening of the park. Finally, an open process beginning with a Request for Proposals and ending with an agreement between parties will be required for commitment to particular uses and tenants so uses and tenants cannot be determined in ULURP or included in any restrictive declaration that would constrain the process.
- 10) Seating - Seating - While often appreciated, movable furniture is not typical of a community park. It can create more of a lunchtime sitting area feel. There is no objection to including some, but it is not an acceptable substitute for well-placed permanent benches and tables. The design of the park should be such that it would be just as accommodating and comfortable if the movable furniture were removed.
- 11) Publicly Controlled Space - This park should not be a privately controlled space with a right of public access. Upon completion of construction, control of the space should be transferred to the Parks Department through an appropriate easement. (CB 2 is grateful to the Applicant for its preliminary approval of this request in advance of the ULURP process.) The easement should include rules and regulations that set standards for repair and maintenance in perpetuity.

## **V. Eliminate Parking Garage**

CB 2 opposes the accessory parking garage proposed for W. 12<sup>th</sup> St. between 6<sup>th</sup> & 7<sup>th</sup> Avenues. The opposition is not only to a special permit for additional parking – CB 2 urges that there should be no garage at all. CB 2 opposes the garage for the following reasons:

- There are already 3 garage entrances on the block, more than any other block in Greenwich Village – a fourth one is unprecedented.
- This would add additional traffic, congestion, noise and air pollution to a quiet residential street that already is now slated to be an eastbound ambulance route.
- It would interfere with sidewalk access by adding a curb cut that breaks up smooth sidewalk passage and by introducing vehicular traffic in the path of pedestrians.
- It would compromise pedestrian safety by introducing frequent vehicular movement and blockage of visibility on the sidewalk as well as cars appearing suddenly, in this case, in a vulnerable midblock location.
- There are more than enough available parking spots in the study area at all times, even factoring in this development, and according to Table 14-19 of the DEIS, there are 821 available overnight spots and 263 available peak usage mid-day spots in the study area.
- Despite the Applicants' contention that an approximately 35% of dwelling units formula is used to determine the number of required parking spaces, the number of residential units is still not fixed and could well be less than the 450 currently espoused, which would reduce parking needs.
- Fewer people are driving in NYC; there's an increase in use of alternative transportation modes and the encouragement of this approach (e.g. through bike share), which CB 2 supports.

#### **VI. Eliminate Proposal to Relocate Bus Stop**

NSLIJ has agreed to withdraw its request to relocate the current bus stop on the northwest corner of W. 12<sup>th</sup> St. & 7<sup>th</sup> Ave. S. (which, being at the corner, does not interfere with pick up/drop offs at the main entrance of the O'Toole Building which is midblock, the original reason for the proposed relocation) one block south to Mulry Sq. (at the intersection of Greenwich Ave./W. 11<sup>th</sup> St. & 7<sup>th</sup> Ave. S., identified in the DEIS as one of 5 high accident locations). CB 2 welcomes this agreement to withdraw the bus stop relocation request and thanks NSLIJ for their consideration in this matter.

#### **VII. Elevator/Escalator Subway Access**

Applicant and NSLIJ have declined considering the installation of elevator/escalator subway access for seniors, the disabled and other physically challenged people (many of who will be clients at the new health facility – the DEIS indicates that many of the facility's clients will arrive by subway) at the W. 12<sup>th</sup> St. entrance/exit of the 14<sup>th</sup> St. west side IRT station, citing physical and cost constraints and claiming that the project does not generate that many trips, although there was consideration relocating the subway entrance within property lines, but decided against it. CB 2 is disappointed that neither NSLIJ, nor the Applicant, have pursued disabled access at the W. 12<sup>th</sup> St. subway entrance.

#### **VIII. Environmental Issues**

- 1) Hazardous Materials - The amount of self-monitoring, logging, and certification involved is of concern, as is the fact that the amount of government oversight has not been clarified. Daily logs will be maintained by the Applicant itself. Considering the current budget crisis, it can only be assumed that assertions by the Applicant will be accepted. This form of self-certification is suspect when there is inadequate oversight by respective government agencies. There need to be assurances that DEP, DEC, EPA, OASHA, DOT, and the DOH monitor closely during the construction phase.
- 2) Water and Sewer Infrastructure - The DEIS (Ch. 11- A. Introduction/Principal Conclusions) asserts that, "The proposed projects would not result in wastewater discharges requiring industrial pretreatment or participation in the IPP" [the City's Industrial Pretreatment Program]. Given that the plan for the NSLIJ facility includes an advanced imaging center and a radiological treatment

facility, it is neither realistic nor responsible to plan to avoid pretreatment of the resulting wastes. Columbia Presbyterian Medical Center's Radiation Safety Office affords a comparison example of responsible radiological waste pretreatment. In their system, wastes from patients receiving treatment from the New York Presbyterian Hospital Departments of Nuclear Medicine and Radiation Oncology, are removed for a period of decay-in-storage before disposal. Our local West Village sewage system makes pretreatment of medical facility wastes unavoidable. A moderate rain now causes the local at-capacity sewage system to discharge directly into the Hudson River, and—as we all know—there have been a growing frequency and intensity of flood-level rains. Sewage is sent to the North River Sewage Treatment Plant on the Hudson River for treatment. Two highly relevant facts are: 1) studies show that sewage treatment plants are not able to treat radioactive wastes; and 2) down river from the North River plant, at Gansevoort Peninsula in Hudson River Park, there is to be a brand-new beach where children will play. For these very good reasons, pretreatment of hospital sewage to eliminate pathogens, medications, radioactive waste, mercury, etc., is a public health imperative. Moreover, the raw sewage that is discharged into the river 100 feet from the bulkhead is in a protected natural habitat for marine life along the Hudson River Park.

- 3) Solid Waste and Sanitation Services - According to projections, the proposal would involve one truckload per week for DSNY pick-up and one truckload for private carters. Not mentioned was the number of truck trips involved. This is three times a week and two for recycling for DSNY and five times for private carters. That computes to ten truck trips a week. In other words, the plan concerns itself with weight, not with trip numbers. The FEIS must indicate this and include it in the applicable figures/calculations for air quality, noise, etc. This brings up the matter of safety at the intersection at Seventh Avenue, known to PS 41 families as “Five Corners” (Mulry Square). It could be difficult for a driver of a sanitation truck to see a child crossing that convergence to get to school. Care must be given to plan scheduled trips nowhere near school hours.
- 4) Air Quality & Public Health Impacts - Fugitive dust particles from demolition and construction will exacerbate any existing problems experienced by anyone (residents and/or schoolchildren) with respiratory issues. Given the duration of this project, it is imperative that the sponsor takes every precaution to minimize these effects. The DEIS states there will be some protections regarding trucks that enter construction site, but what these protections will be has not been published, nor have they been disclosed in public hearings. The Applicant indicated they would be willing to publish air quality reports on their website on a weekly basis.
- 5) Construction Impacts - The DEIS makes the assertion that while periods of intense noise are inevitable, the quietest equipment available and the least polluting (electrical or low sulfur fuel) vehicles will be used. Areas being excavated would be wet down to keep dust at lowest possible levels and air would be monitored constantly for toxicity. While admitting that demolition, excavation and pile-driving operations would be extremely noisy, they deem them inevitable. When discussing efforts to minimize these effects, they mentioned providing double-glazed windows and air conditioners for specific properties to provide some relief to residents. Never was there mention of the effect on PS 41, which is down the street. The school has neither double-glazed windows nor air conditioning. Aside from being disruptive to teaching and learning, students' hearing and health (both mental and physical) are very vulnerable. While there are assurances that there will be sidewalk corridors constructed for safety, protection of minors is still a safety concern. All the huge equipment and activity will most certainly draw many to the site. They are of special concern. Also important to note: The Applicant offered to setup a website so that the community can remain aware of what is happening at the site as demolition and construction progresses, and they offered to setup a telephone number that the public could call 24/7 to notify the on-site construction crew of any problems that arise.

The FEIS should make mention that the sponsor agrees to abide by the CB 2 Construction Protocols, as well as the NYC Department of Buildings' "Technical Policy and Procedures Notice #10/88.

- 6) Inadequacy of DEIS Construction Analysis - The DEIS' construction analysis is surprisingly insensitive. There seems to be a total failure to appreciate how unprecedented it is to have a project of this dimension take place in the middle of a residential area.
  - a. It contains no discussion of the vibration impact on 170 year old townhouses and other historic buildings flowing from the demolition of Reiss and its replacement with a new building.
  - b. Its traffic and noise analysis assumes peak construction related traffic as being between 6 A.M. and 7 A.M. (page 28). That, however, is erroneous since, as is the case with the Martin Payne building renovation on West 12<sup>th</sup> Street we assume no deliveries will be allowed prior to 8 A.M.
  - c. The DEIS analysis assumes construction will take place between 7:00 a.m. and 4:30 p.m. (and sometimes later on weekdays) and on 50% of Saturdays. Again, the right assumption is no construction before 8:00 a.m. and far more limited Saturday work.
  - d. The DEIS cavalierly dismisses the noise exceedances because they will occur for less than two years which it describes as "limited duration." Putting aside the notion that two years is hardly a limited duration for those living in the affected blocks, it is unclear how the DEIS derives the "two year" number. Indeed, the renovations of Martin Payne – a modest sized single building – will itself take more than a year, and the overall project will take more than three years.
  - e. The DEIS dismisses concerns about demolishing asbestos containing buildings by saying such demolition will be in accordance with required regulations (page 21). Where is the analysis of how complying with these regulations will affect the risks and/or burdens imposed by this project or effect the project's duration?
  - f. Street closings of surrounding streets – particularly of West 12<sup>th</sup> Street, a significant west to east thoroughfare – are never discussed, despite their potential significance. Are we being assured there will be no street closings? If there will be, would, for example, retaining Reiss reduce the number of street closing? That question is never addressed.
  - g. The DEIS assumes as to noise, air quality and more that the sponsor will take significant proactive measures. Given the critical nature of these measures, it is vital that some policing mechanism be required. As part of such mechanism, CB 2 requests that the Applicant be required to pay for a construction monitor to be employed by and report to a designated community group.
  - h. There is very limited discussion of how the effects of this project will be aggravated by the proposed MTA Ventilation Plant to be built at the intersection of West 11<sup>th</sup> Street, Greenwich Avenue and 7<sup>th</sup> Avenue.

## **IX. Other Concerns**

- 1) Retail on Side Streets – The Applicant proposes approximately 90 feet of retail windows down both 11<sup>th</sup> and 12<sup>th</sup> Streets. CB 2 believes this is inappropriate. These are residential streets, and indeed, 12<sup>th</sup> Street has never had any form of retail space and the DEIS recognizes that 12<sup>th</sup> Street "has strong residential character." Thus while any retail can have entrances, appropriate signage, and display windows on 7<sup>th</sup> Avenue, there should be neither signage nor any visible displays on the side streets, including in the existing windows on 12<sup>th</sup> Street. To do otherwise would change the character of these streets from residential to commercial.

- 2) Demolition of Reiss Building – CB2 acknowledges that the New York City Landmarks Preservation Commission allowed for the demolition of this building, over our objections. We are particularly concerned that all actions regarding this demolition be fully mitigated in the Construction Protocols. In the Applicant’s response to questions from CB 2, they indicate that in addition to some portion of asbestos cleaning time, demolishing Reiss will involve the following activities which would not be necessary if Reiss was renovated in the same manner as the other buildings on 12<sup>th</sup> Street: (i) Demolition of Reiss – 4 months; (ii) Excavation and foundation work for Reiss – although unclear, apparently 2 to 6 months; and (iii) Construct the structure and shell for Reiss – 9 months. Thus by deciding to demolish Reiss the Applicant is adding between 15 – 19 months of the kind of work on 12<sup>th</sup> Street which will most risk endangering neighboring properties, create the most dust, noise and vibration, be the most disruptive, and create the greatest risk of rodent problems. Also, while this does not mean that the overall project will be extended by 15-19 months, adopting this approach plainly will significantly increase the amount of time that demolition/construction will need to take place on 12<sup>th</sup> Street and add to the time for the overall project. These facts alone should dictate that Applicant be required to renovate and not demolish Reiss. Moreover, this added risk and burden is being placed on the neighborhood in order to produce a building that is incompatible with the other buildings that surround it and subtracts from, rather than adds to, the architectural quality of the buildings on the block.
- 3) Precedence - CB 2, which has a very high concentration of community facilities, is keenly aware of the potential implications and precedence of the requested zoning changes. As our neighborhoods are full of facilities built at a greater than normally allowable bulk in order to accommodate community facility uses, it is imperative that this not become a vehicle by which either community facilities or private developers are allowed to profit down the road. Therefore we insist that no upzoning, based upon the allowable bulk for community facilities, be granted to Applicant, and that only the allowable bulk for residential development be considered for this project at this site.

These are CB 2's major issues of concern that must be addressed in to avoid the significant and irreversible negative impacts this project, as currently proposed, stands to have on our community. Thank you for this opportunity to comment on these applications. Please contact us if you have any questions.

Vote: Passed, with 40 Board members in favor, and 1 in opposition.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution in support of the NYC Department of Transportation’s Bike Share program**

**Whereas** the NYC Department of Transportation (DOT) presented an overview of its new Bike Share program which was enthusiastically received by a large turnout from the community and with no opposition; and

**Whereas** the DOT presentation encompassed salient details of the program, all well-thought-out and obviously planned with care, including:

- 10,000 bikes at 600 stations conveniently located every few blocks to accommodate pick-up and return at different stations in a program designed to increase transit access and serve other local trips.
- Flexible modules, approximately 10 ft., that can be combined to increase spots at higher demand locales as well as organized in a variety of configurations to fit different areas.

- Wireless/solar power technology enabling quick installation and if necessary, easy removal and relocation based on needs.
- Affordable prices – Annual Pass \$60-\$90; Week Pass \$20-\$25; Day Pass: \$5-\$10.
- Siting guidelines - can be on sidewalks, streets and other public spaces such as plazas, parks and medians in accordance with extensive specific siting requirements (such as no sidewalk location narrower than 16 ft. allowed).
- High-level service company with contract including fines if timeliness requirements aren't met.
- Sponsorships that will eliminate need for public funding (no taxpayer expense).
- Use of large handlebars with bells built in and displaying rules of the road; and

**Whereas** demonstrations and an intensive participatory planning process are being undertaken by DOT, including community workshops and open houses, as well as dialogue with community boards, elected officials, business improvement districts and other stakeholders to ensure that the program responds to community needs and to refine it where necessary in advance of the Summer 2012 launch;

**Therefore Be It Resolved** that CB#2, Man. fully supports DOT's new Bike Share program and looks forward to working with DOT in conducting community workshops and outreach, gathering input on preferred locations, and location selection.

Vote: Unanimous, with 41 Board members in favor.

## **2. Resolution recommending extension of the hotel loading zone for the Trump Soho Hotel from the southeast corner of Spring St. to the front eastern edge of the hotel building.**

**Whereas** since the Trump Soho Hotel opened in the spring of 2010, it has been observed that the hotel's loading zone and adjacent curbs are frequently fully occupied by waiting vehicles, often unattended, for long periods of time, forcing other drop-off/pick-up traffic to double-park, thereby causing backups in the moving lane; and

**Whereas** a troubling number of crashes, many involving pedestrians, have been reported in front of the hotel and are likely attributable to backups and congestion due to the illegal parking activity at the hotel; and

**Whereas** the Trump Soho has suggested extending its hotel loading zone to the end of its property with Community Board 2, Manhattan (CB2), and CB2 has pointed out that with a No Standing Anytime zone directly adjacent to the hotel's loading zone and extending east on the block, there is ample space for dropping off and picking up passengers, and that the problem is the need for active management by the hotel door staff to keep the area clear of vehicles, particularly black cars, that remain in these spaces for extended times; and

**Whereas** the Trump Soho indicates that its hotel door staff has been directed to keep the area clear of illegally parked vehicles (but this doesn't appear to be done consistently, if at all) and that the door staff is usually perceived as having jurisdiction over the hotel loading zone only; and

**Whereas** a study addressing these issues was conducted by the Trump Soho and resulted in a Traffic and Parking Management Plan that proposes, in addition to enlarging the hotel loading zone area and managing the hotel zone to ensure it's kept clear for drop-off/pick-up activities, recommendations that include approaches such as giving parking vouchers at nearby commercial off-street parking facilities to black cars, providing hotel guests with information on nearby public transportation options and directions to major destinations, and distributing a fact sheet for door staff that emphasizes the need to keep the hotel loading zone clear and includes NYC rules for hotel zones, taxi zones and No Standing areas;

**Therefore be it resolved** that CB2 recommends extending the hotel loading zone for the Trump Soho Hotel (which is along the south curb of Spring St., adjacent to the hotel's front entrance) from the southeast corner of Spring and Varick Sts. to the front eastern edge of the hotel building; and

**Be it further resolved** that CB2 urges the Trump Soho to ensure that its door staff vigorously manages this space to keep it clear for drop-off/pick-up activities and to keep the moving traffic lane free of encumbrance; and

**Be it further resolved** that CB2 suggests that the Trump Soho Hotel assign supervisory personnel dedicated to overseeing and directing the door staff in its management of hotel loading zone activities; and

**Be it finally resolved** that CB2 strongly encourages the Trump Soho to pursue its recommendations to provide parking vouchers to black cars, give information to hotel guests on nearby public transportation options, and distribute a fact sheet to hotel door staff, as well as seriously consider offering guests at least a limited number of free transit passes.

Vote: Unanimous, with 41 Board members in favor

Respectfully submitted,

Susan Kent, Secretary  
Community Board #2, Manhattan