

FULL BOARD MINUTES

DATE: December 16, 1999
TIME: 7:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Tobi Bergman, Enid Braun, Glenn Bristow, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Rev. Keith Fennessy, Harriet Fields, Arnold L. Goren, Jo Hamilton, Anne Hearn, Anthony Hoffmann, Brad Hoylman, Honi Klein, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Shirley Secunda, Ruth Sherlip, John Short, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Martin Tessler, Jeanne Wilcke, Betty Williams, Suzanne Williamson, Carol Yankay

BOARD MEMBERS EXCUSED: Ann Arlen, Helene Burgess, Charle-John Cafiero, Noam Dworman, Edward Gold, Lisa LaFrieda, Carol Reichman, Robert Rinaolo, Debra Sandler, Arthur Z. Schwartz, Verna Small, Lora Tenenbaum, Wilbur Weder,

BOARD MEMBERS ABSENT: Alan Jay Gerson, Elizabeth Gilmore, Abraham Tan

BOARD STAFF PRESENT Arthur Strickler, District Manager

GUESTS: Vinnie Maniscalco, Congressman Jerrold Nadler's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Coral Caporale, Councilmember Margarita Lopez's office; Tony Simone, Councilmember Christne Quinn's office; Rene Moncada, Robert Dreyfuss, Susan Goren, Kevin McGrath, Boris Saks, Diane Fong, Madeline Gilford, George Moriello, Barbara Eddington, Eliza Bradley, Melissa Sklarz, Jody L. Rudin, Sally Lindsay, Robert McBrien, H. Lane, M. Quiogue, Elaine Hudson, Mary K. Doris, Don Huber, Mary Aaron, Bob Cohen, Jean Krampner, Victor Yohay.

MEETING SUMMARY

Meeting Date –December 16, 1999

Board Members Present – 32

Board Members Excused– 13

Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

Greenwich Village Democratic Club

George C. Moriello, president, spoke on various issues.

Pollution

Hal Magida, Washington Square Tenants Assn., spoke against the pollution in the area.

Jefferson Market Library

Marose Quiogue reported on the new services the Library offers, such as CHOICES, consumer health information. They also have Internet access and a website.

Social Services, Homeless & Senior Services Items

Housing Works AIDS Day Treatment Program

Charles King, Executive Director, spoke in favor of the resolution supporting Housing Works, and wants support for their needle exchange program

Business and Institutions Items

NYU Buses

Elaine Hudson, Mercer Square Block Assn., spoke against the buses.

Zoning and Housing Items

756 Washington St.

Kevin McGrath, representing the applicant, and Victor Yohay, architect for the project, spoke in favor of the zoning application.

Don Huber, president of 380 W. 12th Co-op Board, and Madeline Gilford, spoke against the application.

Mary Aaron was also against the application, but did not speak.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Vinnie Maniscalco, Congressman Jerrold Nadler's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported that the Mayor's Office of Film will be listing shoots and sending them to Community Boards. Also, Assemblymember Silver will be voting on the MTA budget.

Debbie Roth, of Assemblymember Deborah Glick's office, reported on health care, and transportation alternatives.

Tom Castele, of Councilmember Kathryn Freed's office.

Tony Simone, of Councilmember Christine Quinn's office

V. Adoption of Minutes

Adoption of July minutes. Distribution of August/September minutes.

VI. Executive Session

B. Bids Submitted for Friends of CB2 Street Fair

CB#2, Man. reviewed the various bids that were submitted, and after lengthy discussion, approved the bid from Clearview Productions, which was clearly the best one submitted. (See attachments).

Vote: Unanimous, with 32 Board members in favor.

C. **Chair's Report** Jim Smith reported

D. **District Manager's Report** Arthur Strickler reported.

STANDING COMMITTEE REPORTS

PUBLIC SAFETY AND HEALTH

The Defibrillator Pilot Program

WHEREAS the implementation of the Defibrillator Pilot Project necessitates the establishment of an oversight committee; and

THEREFORE BE IT RESOLVED that an oversight committee shall be established consisting of the following:

- Dr. Richard Westfal
- Additional St. Vincent's designee (if any)
- Dr. Chris Freyberg (now affiliated with the Veteran's Administration)
- Community Board representatives:

- Jim Smith
- Rosemary McGrath
- Michael Mirisola
- Alan Jay Gerson

Additional reps appointed by the CB2 Chair at the suggestion of the Public Safety Committee
One rep of an organization that has been given the use of a Defibrillator

BE IT FURTHER RESOLVED that the Oversight Committee will establish its own internal organization and will establish its own internal organization and will attempt to make decisions on a consensus basis, but if necessary, by majority vote of committee members (three committee members, including at least one from St. Vincents and one from CB#2, to constitute a quorum), and

BE IT FURTHER RESOLVED that the Oversight Committee will meet periodically and will report to the Public Safety Committee on a regular, ongoing basis, and

BE IT FINALLY RESOLVED that the Oversight Committee would select program participants subject to the selection criteria set forth below.

WHEREAS in order for this program to be successful, it is necessary to establish criteria for selecting sites for the defibrillators that are fair and demographically diverse; and

BE IT FURTHER RESOLVED that participating organizations will be selected from among interested block associations, civic/neighborhood associations, tenant associations, institutions (public and private), senior centers or businesses, without discrimination on the basis of race, ethnicity, religion, sex, sexual orientation, subject to the remainder of this criteria and gender identity or expression; and

BE IT FURTHER RESOLVED CB#2 will make active outreach to all neighborhoods within the Board to ensure broad public awareness of this opportunity to participate; and

BE IT FURTHER RESOLVED that such organizations must be located within CB#2 and;

BE IT FURTHER RESOLVED that such organizations shall serve, or have a site in proximity to, a reasonable number of persons over the age of 40; and

BE IT FURTHER RESOLVED that such organizations must send representatives to the January 10th information meeting or inform the district manager that they are interested; and

BE IT FURTHER RESOLVED that the organization must provide a roster of at least six volunteers who will be trained and will serve on shifts as responders; and

BE IT FURTHER RESOLVED that the organizations must commit to participation in the program for at least one full year; and

BE IT FURTHER RESOLVED that the organization must agree to maintain the defibrillator and related equipment in safe and sound condition, but with no liability for damage, subject to periodic testing set up by the Oversight Committee, and immediately report any loss or damage; and

BE IT FURTHER RESOLVED that the organization must agree to cooperate with St. Vincent's and the Oversight Committee in periodic site visits; and

BE IT FURTHER RESOLVED that the organization should try to raise a \$400 contribution to the Program (except that the Committee may waive such contribution from organizations or areas in financial hardship); and

BE IT FURTHER RESOLVED that organizations not selected will be referred to the pilot program offered by the American Heart Association or be allowed to join the Program by purchasing a HP defibrillator at the Oversight Committee's determination; and

BE IT FINALLY FURTHER RESOLVED those organizations that are not able to continue in the program must notify the committee of their withdrawal from the Program and return all equipment.

WHEREAS to establish a Defibrillator Program it is necessary to establish a Defibrillator Program Account;

THEREFORE BE IT RESOLVED that a special Defibrillator Program Account using St. Vincent's tax ID number and any future Chair has been authorized by the hospital and CB#2, Man, (by direction of the Chair, Hon. Jim Smith), and that this account will be maintained by St. Vincent's which will provide periodic financial statements to the Board; and

BE IT FURTHER RESOLVED that all checks will require two signatures – one person affiliated with St. Vincent's currently Dr. Westfal, Board Chair Jim Smith to be selected by the hospital and one affiliated with the Community Board to be selected by the Board Chair upon the Committee's recommendation; and

BE IT FURTHER RESOLVED that the Hospital and the Community board should designate two or more alternate signatories in case someone is not available; and

BE IT FINALLY RESOLVED that the program will keep at least \$2,000 on account after purchase of defibrillators to cover miscellaneous expenses.

WHEREAS the committee has accepted the strong recommendation of the doctors of St. Vincent's to utilize the Heart Stream Hewlett Packard equipment; and

THEREFORE BE IT RESOLVED that in addition to the two defibrillators already donated by Hewlett Packard, the program will purchase at least seven defibrillators for the price of six (\$17, 400.95), bringing the initial total number to at least nine defibrillators; and

BE IT FURTHER RESOLVED that Hewlett Packard will supply initial batteries and other needed ancillary equipment for no extra charge; and

BE IT FURTHER RESOLVED that Dr. Freyberg will attempt to negotiate for additional equipment at no or nominal charge; and

BE IT FURTHER RESOLVED that the program will aim to purchase at least two additional defibrillators through funds raised by \$400 contributions from participating organizations; and

BE IT FURTHER RESOLVED that additional organizations beyond those selected for “free” defibrillators may join the program by raising funds on their own to cover costs of an HP defibrillator; and

BE IT FINALLY RESOLVED that the Oversight Committee will attempt to obtain insurance for property damage to equipment.

Vote: Passed, with 29 Board members in favor, and 3 abstentions.

ZONING AND HOUSING

- 1. 756 Washington Street (between Bethune St. and W. 12th St.) Application by Waywest Development Co. to build a 9-story residential building with residential parking. BSA Cal. No. 218-97-BZ; CEQR 98-BSA-032M. ***

WHEREAS, the applicant seeks a zoning variance to allow a 9-story building with 76 units and accessory underground parking for about 40 cars in a M1-5 district; and

WHEREAS, the first of the five findings for a variance application, unique circumstances peculiar to the subject premises resulting in unnecessary hardship that has not been self-created, has not been met for the following reasons:

- the lot is neither unique in its configuration nor in its size, as there are many comparable sites in the neighborhood. In fact, even if the shape of the lot is unique, there is no explanation of how this shape contributes to the hardship. Additionally, this parcel was created when the applicant subdivided a larger parcel, including 380 West 12th Street, so to the extent that the shape of the zoning lot does create a hardship, such hardship is self-created.
- neither the existence of the Hi-Line nor the cost of its removal constitute a unique condition because (a) the application is to be based on the zoning lot as presently constituted and the Hi-Line was removed about 9 years ago and (b) the Hi-Line ran, and in some cases still runs, through a large part of this neighborhood, and, indeed through many properties on the West Side;
- no evidence was presented to show that the high water table on this site is different from the other sites in the neighborhood. In fact, the whole community is suffering from frequent flooding and sewer backups, which the City is trying to address;
- this is a neighborhood composed primarily by narrow streets, so location on narrow streets is common to this area and certainly not unique, and

WHEREAS, by its very nature (uniqueness, extraordinary circumstances, etc) the prior development of residential buildings in this zoning district pursuant to zoning variances cannot be seen as precedent for the instant application. Nevertheless, the applicant argues that, largely by virtue of such variances, the nature of the community has become largely residential. It is clear that each time such variances are granted, the nature of the neighborhood is slightly changed. To date, it has been accepted that each such change would have minimal impact on the essential character of the neighborhood (just a “ drop in the bucket”). However, there is a point where the cumulative effect of such variances results in a change in the essential character of the neighborhood (and the bucket overflows). The applicant’s arguments confirm that such a point has been reached and that any further construction of residential buildings in this M1-5 zoning district would change the neighborhood’s essential character; and

WHEREAS, the applicant purchased the property at Washington St. between Bethune and W. 12th Streets in the early 1970s, developed a portion of it (380 W. 12th St.) and is currently operating a parking lot on the remaining parcel. CB#2 has asked the applicant four times for the rate of return of the current use of this parcel, based on actual investment and costs, but to date the information has not been forthcoming. The applicant has failed to prove that it’s rate of return on its initial investment is sufficient to support this extraordinary remedy; and

WHEREAS, CB#2, Msn. would also like to see (and has asked for) analyses of residential buildings with an FAR at or below the FAR of 5 permitted in the zoning district, which would be a more minimal variation than the 9-story residential building that is proposed; and

WHEREAS, our community needs affordable housing, not more units for high-income individuals.

THEREFORE, BE IT RESOLVED, that for the reasons cited above, particularly that the finding of uniqueness has not been met, CB#2, Man. strongly recommends denial of the application for a zoning variance made by Waywest Development Co. with respect to 756 Washington Street.

Vote: Unanimous, with 32 Board members in favor.

2. Department of City Planning's Unified Bulk Program

WHEREAS, the DCP officially issued its long-awaited *Unified Bulk Program* proposal on 7th December 1999. It involves hundreds of pages, including a summary, a copy of the Environmental Assessment Statement, a Positive Declaration, the draft Scope for an Environmental Impact Statement, the notice announcing the public scoping session and the proposed Zoning Text amendment; and

WHEREAS, the public scoping session has been scheduled to be held on 7th January 2000; and

WHEREAS, this means that the one-month review period made available to the public prior to the scoping session falls completely within the holiday season and the most significant New Years Eve of this Century and New Years Day of the next. Given the current administration's track record of scheduling proposals for major changes for times of the year where most people are busy with other things, the release of the proposal at this inappropriate time may be construed as a deliberate attempt to foil community participation; and

As this is the beginning of a piecemeal revision of the Zoning Text and will have significant impact on the development in all zoning areas of the City, it should be recognized that public participation in the process should be accommodated and encouraged rather than pushed aside; and

THEREFORE, BE IT RESOLVED that CB#2, Man. in light of the demands the holiday season makes on the members of the Community Boards and other members of the public, decries the scheduling for the scoping session and strongly calls for a rescheduling to early February.

Vote: Unanimous, with 32 Board members in favor.

TRAFFIC AND TRANSPORTATION

Bus Layover Changes Proposed by NYC Transit

WHEREAS New York City Transit presented three alternative proposals to CB#2, Man. for new bus layover locations for the M1, M2 and M3 and alterations in routing to accommodate them, as follows:

1. Layovers at Lafayette Street (east and west sides) between Astor Place and E. 4th Street and at Astor Place (south side) between Broadway and Lafayette Street. Route extensions of M2 from E. 8th Street south on Broadway, turning east on E. 4th Street, with addition of M1, to Lafayette Street and north on Lafayette Street; of M3 south on Broadway from 8th Street, east on Astor Place to 4th Avenue.
2. Layovers at Lafayette Street (east and west sides) between Astor Place and E. 4th Street. Route extensions of M2 from 8th Street south on Broadway, turning east on E. 4th Street, with addition of M1, to Lafayette Street and north on Lafayette Street.
3. Layovers at Lafayette Street (east and west sides) between Astor Place and E. 4th Street and at 8th Street (south side) between Broadway and Lafayette Street. Route extensions of M2 from 8th Street south on Broadway, turning east on E. 4th Street, with addition of M1, to Lafayette Street and north on Lafayette Street; and

WHEREAS there was a strong community turnout (indeed a packed room) objecting to these proposed changes for the following reasons:

1. Lafayette Street between Astor Place and E. 4th Street is already crowded with a bicycle lane, several businesses and freight entrances with trucks making deliveries, and with many restaurants and cultural institutions, such as the Public Theater, which would be negatively impacted.
2. East 4th Street from Broadway to Lafayette Street is a narrow residential street that is heavily congested with vehicular traffic including NYU buses and that suffers from a nighttime backup of

traffic that starts on Broadway. The narrow turning radius from Broadway into East 4th makes vehicular turning movements difficult. There is a high concentration of pedestrians, whose safety and access would be compromised.

3. Astor Place between Broadway and Lafayette Street is a heavily commercial two-way street with excessive vehicular and pedestrian traffic and two large residential buildings (1,000 tenants each), and could not withstand additional congestion and pollution in terms of both user safety and conduct of business.
4. 8th Street between Broadway and Lafayette Street is extremely narrow and already impacted by delivery trucks accessing the eight K-Mart loading bays on the street.
5. Broadway between E. 8th and E. 4th Streets is intensely congested with vehicular traffic, including the M1, M5 and M6 buses, as well as pedestrians whose access and safety, vulnerable now, would be further endangered. The intersection at 8th Street and Broadway is one of the most heavily trafficked; Existing vehicular turning movements already pose a threat to crossing pedestrians; and

WHEREAS all of the many people who came to speak on this issue testified that they were in favor of retaining the present bus layover locations on 4th Avenue between E. 8th and E. 9th Streets, and that their only concern is that many of the buses that lay over at that location break the NYC idling law that requires that stopped vehicles turn off their engines after three minutes; and

WHEREAS NYC Transit has asked for comments and suggestions before making a final decision and indicated openness to working with the community;

THEREFORE BE IT RESOLVED that CB#2, Man. thanks NYC Transit for their openness to our comments and willingness to work with the community; and

BE IT FURTHER RESOLVED that CB#2, Man. has concluded that none of the three proposals for bus layover changes should be implemented, but that the current bus layover locations on 4th Avenue between E. 8th and E. 9th Streets should be retained; and

BE IT FURTHER RESOLVED that CB#2, Man. asks NYC Transit to keep us further informed and involved in any studies and plans and is looking forward to working with NYC Transit on this important issue; and

BE IT FURTHER RESOLVED that CB#2, Man. urges NYC Transit to strongly enforce the three-minute idling law.

Vote: Unanimous, with 32 Board members in favor.

BUSINESS AND INSTUTIONS

1. Applications to the State Liquor Authority for new licenses to sell liquor on-premises:

Macelleria Restaurant, Inc. 48 Gansevoort St. NYC 10014 (Greenwich –Washington)

WHEREAS the applicant is proposing to open a 56 person/15 table restaurant with operating hours from noon- 2AM, and

WHEREAS the subject premises is within 500' of 3 or more on-premises licenses, and

WHEREAS the applicant has filed plans with the NYC Building Department that are still awaiting review and approval along with a Letter of No Objection to the proposed restaurant (Use Group 6), and

WHEREAS the applicant and CB#2, Man. have agreed to defer action pending the NYC Building Dept's. review,

THEREFORE, BE IT RESOLVED that CB#2, Man. requests that the SLA defer action on Macelleria Restaurant, Inc. 48 Gansevoort St. NYC 10014 until such time as the applicant can furnish the NYC Building Dept. response to plans and Certificate of Occupancy matters to CB#2 Man, so that it can review same pending final action by CB2 Manhattan.

Vote: Unanimous, with 32 Board members in favor.

Von Design Ltd., 1-3 Bleecker St., NYC 10012 (upgrade from B &W) (west of Bowery)

WHEREAS the applicant is requesting an upgrade from a b & w license, and

WHEREAS the applicant is in a residential building housing 3 other tenants above its premises, all of whom have complained about the lack of soundproofing, cigarette smoke and other quality of life issues ever since the applicant began operations some 4 years ago, and

WHEREAS tenant complaints have intensified in the past 2 years ever since the SLA granted 2 on-premises licenses to the Astor Bar directly across Bleecker Street which has brought more late night crowds into the area which contain more than 3 other on-premises licensed establishments and which will necessitate a 500' rule hearing, and

WHEREAS tenant complaints have been consistent through the years, and

WHEREAS the applicant has stated that a full on-premises liquor license will enable her to afford to undertake the necessary improvements in her premises to help abate the above mentioned quality of life problems, and

WHEREAS both tenants and the applicant have agreed that they are willing to enter into a mutual stipulation to CB#2, Man. and the SLA specifying the extent and nature of these improvements but that they must be worked out from a legal, engineering and construction timing standpoint and that the applicant is willing to have the SLA postpone action until these plans and resultant stipulation can be mutually agreed upon

THEREFORE, BE IT RESOLVED that CB#2, Man. requests that the SLA postpone action on Von Design Ltd. 1-3 Bleecker St. NYC 10012 until such time as the applicant and tenants of 3 Bleecker Street execute such stipulation and that it be made part of the record in the SLA's deliberation and action on this pending upgrade in license which also calls for a 500' rule hearing.

Vote: Unanimous, with 32 Board members in favor.

Dom-Tony's Inc. d/b/a Stonewall Bistro, 113 7th Avenue S.o., (a/k/a 59-61 Christopher St.) NYC 10014

WHEREAS the applicant is proposing to open a 75 person, 1,000 sq. ft. restaurant with 10 tables and 40 seats on the first floor of this premises and

WHEREAS the applicant operates operates the adjacent bar-restaurant containing an on-premises liquor license, The Stonewall Bar and

WHEREAS there is a narrow exterior exit corridor that separates both premises from which patrons will exit and enter from either premises, and

WHEREAS the applicant has produced a Letter of No Objection from the NYC Building Dept. that it has no objection to an eating and drinking establishment with an occupancy of less than 75 persons and

WHEREAS the applicants plans show a proposed rooftop terrace that is no longer being considered for use and that the applicant is willing to stipulate as such, and

WHEREAS there are substantially more than 13 on-premises licensed establishments within 500' of the applicant's premises,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the SLA withhold any action and direct Dom-Tony's, Inc. d/b/a Stonewall Inn, 113 7th Ave. So., NYC 10014, to produce approved plans complying with NYC Building Dept. occupancy standards along with the ingress-egress code regarding the exterior corridor and that the SLA include a stipulation that the applicant's license contain a provision that he will not utilize the roof top nor apply to alter any license to allow roof top use in the future, and

BE IT FURTHER RESOLVED that CB#2, Man. strongly urges the SLA to hold a 500' rule public hearing so the views of the community can be heard.

Vote: Unanimous, with 32 Board members in favor

Recess, Inc. 310 Spring St. NYC 10013 (Renwick-Greenwich).

WHEREAS the applicant is proposing a 13 table, 64 seat restaurant, and

WHEREAS premises complies with the NYC Building Dept. Certificate of Occupancy for an eating and drinking establishment, and

WHEREAS the premises is within 500' of more than 12 on-premises liquor establishments, and

WHEREAS the applicant has met with the local community to review the proposed operation,

THEREFORE, BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-Premises liquor license by the SLA to Recess, Inc., 310 Spring St., NYC 10013 and urges the SLA to hold a 500' rule hearing so that the views of the community can be heard.

Vote: Unanimous, with 32 Board members in favor.

675 Hudson Vault, LLC, 675 Hudson St., a/k/a 22-36 Ninth Ave., NYC 10014.

WHEREAS the applicant is proposing to open a 4,000 sq. ft.- 96 seat, 24 table restaurant in an underground premises (vault), and

WHEREAS the applicant is the owner-operator of 8 other established restaurants with on-premises liquor establishments including, among others, Blue Water Grill, Park Avalon, Ocean Grill, Atlantic Grill, Isabella's, Ruby Foo's, and

WHEREAS the applicant has submitted preliminary plans that are still being developed into finals that are yet to be submitted to the NYC Building Dept., and

WHEREAS there are more than 3 on-premises establishments within 500' of the subject premises, and

WHEREAS there was no community opposition,

THEREFORE, BE IT RESOLVED that CB#2 Man. recommends that no action be taken by the SLA either in the granting or denial of an on-premises license by the SLA to 675 Hudson Vault LLC, 675 Hudson St., NYC 10014, until such time as the plans have been finalized and CB#2, Man. has had an opportunity to review same, and strongly urges the SLA to hold a public hearing so that the views of the community can be heard.

Vote: Unanimous, with 32 Board members in favor.

KL Express Intl., Inc., 63 Gansevoort St., NYC 10014 (Greenwich-Washington).

WHEREAS the applicant is proposing a French wine bistro with a capacity of 40 seats and 15 tables, and

WHEREAS the premises is a single story garage for which no plans have as yet been approved nor a Certificate of Occupancy issued by the NYC Building Dept., and

WHEREAS there are more than 3 on-premises liquor establishments within 500' of the subject premises,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that no action be taken by the SLA either in the granting or denial of an on-premises license to KL Express Int'l. Inc., 63 Gansevoort St., NYC 10014, until such time as the plans have been finalized and CB#2, Man. has had an opportunity to review same and strongly urges the SLA to hold a public hearing so that the views of the community can be heard.

Vote: Unanimous, with 32 Board members in favor.

D.D. Greenwich St. Café, Inc., 75-77 Greenwich Ave. NYC 10014

WHEREAS the applicant did not appear at the meeting, and

WHEREAS CB#2, Man. has had no information submitted by this applicant,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends to the SLA that it direct the applicant to appear before it so that the proper community referral can be held; and

BE IT FURTHER RESOLVED that the SLA not act on this matter until it has received the usual and proper Community Board 2 input.

Vote: Unanimous, with 32 Board members in favor.

2. NYU BUS RESOLUTION

WHEREAS it has come to the attention of CB#2, Man. that complaints continue from residents of the Washington Square Village and surrounding areas regarding the NYU bus transportation system

continuing to be a disruptive force in the quality of life, including the continued use of a polluting diesel bus fleet and

WHEREAS there has been some operational improvement including a cutback by NYU in the number of bus routes and the hiring of a professional bus operations person, statistical compilations by residents of Washington Sq., Village note that notwithstanding the prohibition of buses on 3rd Street after 8PM, there has been **an actual** increase in the aggregate number of bus runs from the 1998-1999 school year to the present as measured from NYU's own bus schedules, and

WHEREAS, on an immediate basis, it is the clear intent of CB#2, Man. to have NYU analyze the scheduled bus runs with load numbers so that supply and demand of service can be brought into **balance along** with eliminating the large bus vehicles in use and converting to smaller buses clearly marked with the NYU name, and

WHEREAS the clustering of NYU buses along 3rd Street has produced a new problem, namely the attraction of large inter-city tour buses whose drivers are laying over for several hours thus creating a bus layover terminal, and

WHEREAS NYU has indicated that it will ask the City to change the signs to read "Only NYU Buses Permitted", it nevertheless does not, address the essence of CB#2, Man. 's previous position in this matter which is to have NYU implement a perimeter bus system to streets that carry NYC buses and to acquire a non-polluting compressed natural gas fleet, and ultimately offer their students an MTA Metrocard, and

WHEREAS NYU professes itself to be a "Private University in the Public Service",

THEREFORE, BE IT RESOLVED that CB#2, Man. calls **upon the NYU Board** of Trustees, and President L. Jay Oliva, to adhere to its own credo and begin to act in a long term global manner so that its policy decisions enhance quality of life rather than involving short-sighted ad hoc decisions that only exacerbate the problem, and

BE IT FURTHER RESOLVED that CB#2, Man. therefore calls upon the NYU Board of Trustees and President L. Jay Oliva to pledge themselves to a goal of acquiring an all non-polluting compressed natural gas bus fleet, and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon President Oliva to alter NYU's policy by redirecting the entire bus operation to a perimeter system that traverses only those streets that contain existing NYC buses and thus remove its buses from all streets that do not host such routes and ultimately introduce its dormitory based student population to the only 24 hour rapid transit system in the world.

Vote: Unanimous, with 32 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

A. PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, December 21, 1999

1. LPC Item: 8 131-133 Spring St. (n/s Greene/Wooster). A warehouse built in 1891-93. Application is to install two flagpoles and banners.

WHEREAS two banners and flagpoles will be installed without serious damage to historic materials; and **WHEREAS** we are pleased that the proposed banners, identical in size to the existing Helena Rubenstein banner, will be smaller than those currently hung without LPC permits; but

WHEREAS we point out that the application for the Helena Rubenstein banner never came before us as part of the original application; and

WHEREAS it is not our habit to comment on the color for a proposed banner, we do note that the turquoise and pink of the proposed banner for Gallery 5 are inappropriately loud colors, and would suggest a choice with less of a Southwestern palette, if possible.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application with the exception to the proposed palette for the Gallery 5 banner.

Vote: Unanimous, with 32 Board members in favor.

2. LPC Item: 9 104 Grand Street, a.k.a. 37 Mercer. A store building built in 1884. Application is to install new storefronts.

WHEREAS we appreciate the simple, yet elegant, concept of vinyl cut-lettering inside the store's window to announce its presence, without the need for exterior signage, gates or *faux* awnings cluttering the façade; and

WHEREAS a 1975 photo shows the likely original storefront design; the existing storefront, although unattractive with non-historic materials, at least mirrors the putative original façade, and

WHEREAS the proposed modern storefront of frameless glass doors and windows stretching from the sidewalk to the cornice denudes the building and removes any memory of the historic storefront design; and, further,

WHEREAS we do not see a compelling reason to drop the side display window and the bulkhead 6" closer to the ground;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application regarding signage, but recommends denial of the proposed storefront.

Vote: Unanimous, with 32 Board members in favor.

3. LPC Item: 10 1 Fifth Avenue

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

WHEREAS the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 32 Board members in favor.

4. LPC Item:11 96 Greenwich Avenue (W. 12th St.)

WHEREAS we applaud the effort of the store owner in replacing the fixed awning with a retractable awning; but

WHEREAS the window framing members are inadequate, since the original pilasters would have been wider; and

WHEREAS the rolldown gates are not appropriate on the outside of the building; and

WHEREAS we question the appropriateness of the silver blue paint and the diamond plating on the steps;

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

Vote: Unanimous, with 32 Board members in favor.

B. Letter to Jennifer Raab

December 27, 1999

Hon. Jennifer J. Raab, Chair
NYC Landmarks Preservation Commission
100 Old Slip
New York, NY 10005

RE: 1 East Houston Street - MTA parking lot between Broadway and Crosby Street

Dear Chairperson Raab:

Since there will be more to this application once a lease with the produce stand owner is signed, the Community Board thought it best to put our report in the form of a letter rather than our usual resolution form. We were presented with a truncated proposal. It would be premature to take a firm position without knowing the full extent of the work proposed.

We have no objection with the removal of the deteriorated non-contributing garage building.

We like the choice of lighting fixtures presented by the MTA.

Currently, these vehicles are parked on the street in Greenwich Village and no mention of theft was reported to us by MTA. This is a highly congested intersection where vandals or thieves would be at a disadvantage even if there were no fence. A height of eight feet for the fence is excessive. The fence looms over pedestrians and we suggest that it be lowered somewhat.

Notwithstanding that, we unanimously prefer the 2-rail style wrought iron fence instead of the 3-rail fence design.

One aspect of the stand owner's proposal disturbed us, namely, the placing of a shipping container in an historic district. The refrigerated container should only be a temporary solution. A permanently placed freight container in an historic district is unheard of. Suggestions that the container be decorated did not seem a suitable solution. A possible solution would be that the needed refrigeration unit be enclosed in a simple structure to conceal it.

The fruit stand owner agreed to maintain his refrigeration unit free of graffiti by repainting it. He also acknowledged that his stand is landmarked and that he would not alter it without appearing before the LPC and us.

Thank you for your attention to these matters.

Sincerely yours,

Jim Smith
Chair
Community Board #2, Manhattan

Sean Sweeney, Chair
Landmarks Committee
Community Board #2, Manhattan

Vote: Unanimous, with 32 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Bleecker Playground

WHEREAS the possibility exists for renovating the sitting area outside Bleecker playground with requirement funds; and

WHEREAS this sitting area is run down and could use new benches, new paving, etc;

THEREFORE BE IT RESOLVED that. CB#2-Man. calls on the Department of Park to use requirement funds to renovate the sitting area outside Bleecker playground as soon as possible; and

BE IT FURTHER RESOLVED that all improvements be of a replacement nature and no major changes be made.

Vote: Unanimous, with 32 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Housing Works' Day Treatment Program

WHEREAS as Housing Works' West 13th Street Day Treatment Center for Persons with AIDS has operated without any unpleasant incidents in the neighborhood; and

WHEREAS Housing Works now intends to reach out to the transgender community in the meat market area (close to their 13th St. site) necessitating an increase in the number of enrollees; and

WHEREAS a needle exchange program for patients/clients of the Day Treatment Center Would serve to reduce the incidence of AIDS; and

WHEREAS the Jane and Horatio Street Block Association's have already approved the changes to the original Memo of Understanding;

THEREFORE BE IT RESOLVED that CB#2-Man. approves the following changes in Housing Works' 13th St. Day Treatment Program for Persons with AIDS:

- E. An increase in the patient census from 60 to 70; and
- F. The institution of a needle exchange program exclusively for the patients enrolled in the program.

Vote: Unanimous, with 32 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSGENDER

Civil Rights Protection or Transgender Individuals

WHEREAS discrimination against transgender persons is pervasive – in employment, in health care, in housing, in public accommodations, in law enforcement, and in many other areas; and

WHEREAS the need or specific legal protection for transgender and gender variant people is compelling and civil rights protection in the courts is certain to be a very long, uncertain and arduous undertaking; and

WHEREAS 25 jurisdictions in the U.S. have passed laws that protect people whose gender identity/and or gender expression do not conform to social expectations from discrimination;

WHEREAS the current proposal before the City Council has the endorsement of the ten Manhattan City Council members and five members of the Black and Latino Caucus;

THEREFORE BE IT RESOLVED that CB#2-Man. endorses the proposal calls upon the City Council to amend the New York City Human Rights Law (all sections of Title 8 of the Administrative Code of NYC) to include the phrase “gender identity and expression” so civil rights protection would be extended for gender variant people including all transsexual and transgender people.

Vote: Unanimous, with 32 Board members in favor.

Respectfully submitted,

Michael Mirisola, Secretary
Community Board #2, Manhattan

Cb2data\full board meeting\minutes\minutes for december.1999