

## FULL BOARD MINUTES

**DATE:** April 27, 2000  
**TIME:** 7:00 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street  
Cronin Auditorium, 10<sup>th</sup> Floor

**BOARD MEMBERS PRESENT:** Ann Arlen, Tobi Bergman, Glenn Bristow, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Rev. Keith Fennessy, Harriet Fields, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Debra Sandler, Rocio Sanz, Shirley Secunda, Ruth Sherlip, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Lora Tenenbaum, Martin Tessler, Wilbur Weder, Betty Williams, Suzanne Williamson, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Steven Ashkinazy, Helene Burgess, Charle-John Cafiero, Carol Feinman, Brad Hoylman, Doris Nash, Arthur Z. Schwartz , John Short, Melissa Sklarz, Verna Small, Sean Sweeney, Abraham Tan, Jeanne Wilcke

**BOARD MEMBERS ABSENT:** Ann Robinson

**BOARD STAFF PRESENT:** Arthur Strickler, District Manager

**GUESTS:** Vinnie Maniscalco, Congressman Jerrold Nadler's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Dirk McCall, Man. Borough President's office; Silverio Avellino, Robert Winmann, Anne Spira, Ellen Peterson-Lewis, Betty Rinckwitz, Eli Hausknecht, Jonathan Carroll, Stuart A. Klein, Robert McBrien, Joanne Hendrick, Jose Caraballo, Craig Hartgan, Jean Krampner.

### MEETING SUMMARY

Meeting Date –April 27, 2000  
Board Members Present – 37  
Board Members Excused–13  
Board Members Absent - 1

### I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	1
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	4
LANDMARKS	4
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	7
BUSINESS & INSTITUTIONS	9
ZONING AND HOUSING	12
ENVIRONMENT	14
WATERFRONT	15
ROLL CALL	16

## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### U.S. Census Bureau Recruiting

Silverio Avellino, of the U.S. Census Bureau, announced that they are hiring for census work.

#### Housing for Seniors

Robert Windmann, of the Caring Community, spoke regarding the need for senior housing, and that a Federal subsidy.

#### Jefferson Market Garden

Anne Spira, Jefferson Market Garden begins operating in May and volunteers are needed after noon to sit at the gate.

#### Bill Bowser Memorial

Betty Rinckwitz, W. Village Committee, stated that there will be a memorial for Bill Bowser on May 20<sup>th</sup> at the Carmine Recreation Center, from 1-5 p.m. She also gave the date for the Perry St. fair on May 13<sup>th</sup>.

### **Zoning and Housing Items**

#### 493-497 Greewich St. Variance

Eli Hausknecht, Friends of Hudson Square, spoke in favor of the variance, stating it was appropriate. Jonathan Carroll, Take One LLC, also spoke in favor of the variance, stating the owner's modification of the proposal.

#### Greenwich St. Rezoning

Ellen Peterson-Lewis spoke in favor of the resolution against the zoning change.

## **III. Adoption of Agenda**

## **IV. Elected Officials Present and Reporting**

#### Vinnie Maniscalco, Congressman Jerrold Nadler's office

Meg Reed, Senator Martin Connor's office reported on the sponsoring of a job fair in mid-May.

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported on the SLA's holding a 500-foot hearing after the community board's consideration, and on hate crimes.

#### Dirk McCall, Man. Borough President's office

Debbie Roth, of Assemblymember Deborah Glick's office reported on income for needy families, Bond Act for mass transit, and gave a budget update.

Tom Castele, of Councilmember Kathryn Freed's office.

## **V. Adoption of Minutes**

Adoption of February minutes.

Distribution of March minutes.

## **VI. Executive Session**

### **1. Emergency Resolution: NYU Kimmel Site Construction**

**WHEREAS**, New York University (NYU) has proceeded with Saturday construction of its new student center for many weeks, generating loud and droning noise from as early as 10 A.M.; and

**WHEREAS**, CB#2, Man. has received complaints from area residents, including residents of Washington Square Village, 505 La Guardia Place, and 552 La Guardia Place, that such construction has disturbed and disrupted the reasonable quiet enjoyment of their premises and, in some cases, harmed their health; and

**WHEREAS**, residents who do not work and those who do work both deserve two full days of respite from the incessant noise of the construction site; and

**WHEREAS**, such construction directly across the street from Washington Square Park also disturbs and disrupts Saturday enjoyment of the park, which will be especially in demand in the upcoming spring weeks; and

**WHEREAS**, the applicable Building Code allows for Saturday construction in the judgment of the Department of Buildings only in cases of emergency; but

**WHEREAS**, no emergency exists and no weekday traffic exigency exists at this site (which does not in any event receive deliveries or other services requiring street obstruction on Saturday) which warrants Saturday construction under the Building Code; and

**WHEREAS**, the continuation of Saturday construction at this site will set a disruptive and unhealthy precedent of undermining the Building Code for our community;

**THEREFORE BE IT RESOLVED:**

CB#2, Man. calls upon the Department of Buildings to immediately cease issuing Saturday construction permits for work at any time at the Kimmel construction site located on the southwest corner of LaGuardia Place and Washington Square South; and

CB#2, Man. calls upon NYU to voluntarily cease all Saturday construction at this site.

This Emergency Resolution passed unanimously at the Executive Board meeting of Community Board 2 held Wednesday, April 12, 2000.

Vote: Passed, with 36 Board members in favor and 1 recusal.

**2. Support for Union Organization at New York University**

**WHEREAS** the graduate students at NYU are attempting to organize a union and bargain collectively with NYU; and

**WHEREAS** their efforts to unionize represent a growing trend among graduate assistants all over the U.S.; and

**WHEREAS** the graduate students have elected to affiliate with the UAW, and

**WHEREAS** NYU is resisting the efforts of these students to gain recognition for their union, and

**WHEREAS** the National Labor Relations Board has ruled that the graduate students can organize a union and hold an election to determine if they will join the UAW, which would then give them the right to engage in collective bargaining with NYU for better wages and working conditions;

**THEREFORE BE IT RESOLVED** that CB#2, Man. supports the graduate students' right to form a union, and calls upon NYU to stop conducting a campaign against the graduate students and remain neutral and allow graduate students the right to choose a union in an atmosphere free of intimidation.

Vote: Passed, with 35 Board members in favor, 1 in abstention, and 1 recusal.

**3. Request for Amendment Of the “Goodman Law”**

**WHEREAS** the new “Goodman Law” (NY State Senate 5348-A) which has been enacted into law effective April 1, 2000, governing the State Liquor Authority (SLA) has shortened the scheduling of 500’ rule hearings to the point where it is virtually impossible for Community Board #2, Manhattan (and other community boards) to notify the affected community and to hold public hearings so that local input can be given to the SLA, as well as alert the community to the scheduling of 500’ rule hearings in sufficient time;

**THEREFORE BE IT RESOLVED** that CB#2, Man. calls upon our elected NYS Assembly and NYS Senate representatives to evaluate the “Goodman Law” with intent to amend the current law to allow for more extended time for the scheduling of 500’ rule hearings by the SLA; and

**BE IT FURTHER RESOLVED** that this has been passed in emergency fashion and CB#2, Man. is likely to point out other features of the new law presenting inequities to the community that need amending as time permits in the future.

Vote: Unanimous, with 37 Board members in favor.

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

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

**STANDING COMMITTEE REPORTS**

**LANDMARKS AND PUBLIC AESTHETICS**

**PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION**

**1. LPC Item: 1 - 44 Greene Street (Grand/Broome) A French Renaissance style store and warehouse built in 1869 designed by Thomas Griffith. Application is to alter the storefront.**

**WHEREAS**, the bulkhead formation is reduced to a mere two feet above grade, and the applicant offered no historic prints or evidence that showed bulkheads in the district so low to the ground; and

**WHEREAS**, the proposed display window is oversized and out of proportion; and

**WHEREAS**, instead of simply restoring or replicating the existing original door, the applicant proposes to replace the existing door with a trendy 12-foot high glass door, removing original elements in the process; and

**WHEREAS**, the gold painted doors are inappropriate in color and material; and

**WHEREAS**, the applicant wishes to “highlight the organic detail”, that is, paint over the raised floral ornamentation on the columns using a pastel palette; and, further

**WHEREAS**, we observe with dismay the ever-increasing tendency by applicants to re-interpret classic cast-iron storefronts with inappropriate modern details;

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

Vote: Unanimous, with 37 Board members in favor.

**2. LPC Item: 2 - 482 Broome Street**

**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; now

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

Vote: Unanimous, with 37 Board members in favor.

**3. LPC Item: 3 - 490 Broadway Street (n.w. corner of Broadway) The Haughwout Building is an Anglo-Italianate store and loft building built in 1857 designed by J.P. Gaynor. Application is to install awnings on the second and third floors.**

**WHEREAS**, this stunning building is a jewel in the crown of cast-iron architecture with the first Otis elevator and an emporium that catered to 19<sup>th</sup> century luminaries ranging from Mary Todd Lincoln to the Czar of Russia; and

**WHEREAS**, this building was declared an individual landmark in 1965 and is in the National Register of Historic Places; and

**WHEREAS**, there is a proposal to install forty awnings with alternating “Corcoran” and “Real Estate” advertising on the skirt; and

**WHEREAS**, incredibly, the applicant claimed in this era of air-conditioning that the awnings were needed to block the sun, but was unsure if the applicant would install them if advertising was not permitted by the LPC; and

**WHEREAS**, the applicant did display a single photo of the building with a couple of awnings, but a community resident produced many more photographs taken over the past century and a half of the Haughwout Building without awnings, which is the way this grand building was intended to be viewed by the architect; and, further;

**WHEREAS**, two long-time residents testified that a new flagpole has recently been affixed to the building with a gigantic banner advertising Corcoran Real Estate attached to it; and, further,

**WHEREAS**, huge color posters with the face of the real estate broker are affixed inside the eight prominent corner windows on the second and third floors, which is a garish type of advertising no one else has attempted in the historic district; and

**WHEREAS**, community members who attended the presentation registered their displeasure at the surfeit of red and white striped Staples awnings already permitted on the ground floor;

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

**FURTHER, BE IT RESOLVED THAT** CB#2, Man. recommends LPC check to see if permits were issued for the pole, banner, and interior window signage.

Vote: Unanimous, with 37 Board members in favor.

**4. LPC Item: 4 - 462 Broadway (Grand) Application is to install a flagpole.**

**WHEREAS**, the applicant presented us with a proposal for a 4' by 5' banner but did not present us with a model; and

**WHEREAS**, he claimed that LPC stated that it was not necessary to have an example of the banner to show us since banners are not permanent and LPC does not review content (and presumably not color and design); and

**WHEREAS**, all previous applicants have supplied us with samples and we have not been informed of a policy change at LPC; and

**WHEREAS**, we are hesitant to rule on a banner we have not seen;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends the applicant return with a sample.

Vote: Unanimous, with 37 Board members in favor.

**5. LPC Item: 5 - 79 Grand Street (Greene/Wooster) Application is to install a blade sign.**

**WHEREAS**, this application is delightfully simple and straightforward;

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

Vote: Unanimous, with 37 Board members in favor.

**6. LPC Item: 6 - 1 Bond Street A French Second Empire style commercial building built in 1879. Application is to remove steel shutters from side and rear.**

**WHEREAS**, these shutters may be original; for example, a committee member produced documentation from 1847 and 1865 for iron shutters manufactured at Daniel Badger's iron foundry;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of this application unless it can be ascertained that they are not original.

Vote: Passed, with 29 Board members in favor, 7 in opposition, and 1 abstention.

**7. LPC Item: 7 - 726 Broadway (The Wiz) A neo-Classical style garage, factory and warehouse built in 1917. Application is to install illuminated signs.**

**WHEREAS**, the proposed signs are in scale with the building and of reasonable dimension; but

**WHEREAS**, the proposed up-lighting may be an annoyance to any second floor occupants;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of this application and suggests the lighting on the Lafayette Street side be projected downwards towards the street

Vote: Unanimous, with 37 Board members in favor.

**8. LPC Item: 8 - 157 West 13th Street A Greek Revival style row house built in 1848 by John Hanrahan. Application is to install a new entry, area fence and gate.**

**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; now

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

Vote: Unanimous, with 37 Board members in favor.

**9. LPC Item: 9 - 175 West 12th Street (7<sup>th</sup> Ave) An apartment building built in 1962. Application is to construct an addition on the 18th floor.**

**WHEREAS**, this small extension is barely noticeable; and

**WHEREAS**, an earlier application had been improved identical to this application;

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

Vote: Passed, with 36 Board members in favor, and 1 in opposition.

**10 LPC Item: 10 - 759 Greenwich Street A 1910 commercial building. Application is to demolish a bulkhead, construct a rooftop addition, alter the ground floor, install new windows, and create new masonry openings and install windows at the north and south façade.**

**WHEREAS**, in general, the proposed changes are appropriate to this building; but

**WHEREAS**, the applicant did not represent on the presentation board an original chimney located on the adjacent roof of 761 Greenwich Street which is very close to several of the proposed lot-line widows; and

**WHEREAS**, we do not want this construction to require the chimneys of the adjacent Greek Revival residence to be extended to the roof of 759 Greenwich;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of this application and investigate the possibility of relocating the chimney away from the windows.

Vote: Passed, with 36 Board members in favor, and 1 in opposition.

**11. LPC Item: 11 - 326 Bleecker Street a.k.a. 94 Christopher Street Two Italianate residences built in 1854. Application is to install storefronts.**

**WHEREAS**, overall this proposal was very well received, especially the window signage treatment; but

**WHEREAS**, the entablature is to be replaced with metal and not brownstone, which would have been used in the 1850's; and

**WHEREAS**, the brick on the ground floor will not match the painted brick of the upper floors; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of this application but would prefer a brownstone entablature and matching bricks, either painted or unpainted.

Vote: Unanimous, with 37 Board members in favor.

**12. LPC Item: 12 - 132 Crosby Street**

**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; now

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

Vote: Unanimous, with 37 Board members in favor.

**13. Re: Public Meeting - 69 Mercer Street Application is to install a rooftop addition.**

**WHEREAS**, the approved proposal was for a structure nine feet in height; however, a structure fifteen feet high was built; and

**WHEREAS**, the current proposal is for a structure of between 11' and 12'; and

**WHEREAS**, we would not want to give anyone a bonus over what has already been approved (9 feet), just because the overbuilt structure is being lowered somewhat; and

**WHEREAS**, this proposed structure is visible from the street; and

**WHEREAS**, quite a few members of the community attended the meeting to speak in opposition to this proposal

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

Vote: Unanimous, with 37 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1. New application for revocable consent to operate an unenclosed sidewalk cafe by Xando Cosi, Inc., 841 Broadway, with 32 tables and 64 seats, DCA #1027305.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** one person from the community spoke in opposition to the application and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant, after extensive discussion, agreed to reduce the number of tables from 32 to 18 along the building line, and the number of seats from 64 to 36;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Xando Cosi, Inc., 841 Broadway, with 36 seats and 18 tables along the building line. DCA #1027305.

VOTE: Unanimous, with 37 Board members in favor.

**2. New application for revocable consent to operate an unenclosed sidewalk cafe by 38 Corp. d/b/a Sammy's Asian Gourmet, 301-303 6th Ave., with 10 tables and 32 seats, DCA #1027523.**

The applicant failed to appear so the matter was rescheduled for next month.

**3. New application for revocable consent to operate an unenclosed sidewalk cafe by Joe's Public, LLC, 425 Lafayette St, with 45 tables and 90 seats, DCA #1029371.**

The matter was continued until next month.

**4. New application for revocable consent to operate an unenclosed sidewalk cafe by Ho Brass, LLC d/b/a Demarchelier, 100 West Houston St., with 5 tables and 10 seats, DCA #10299108.**

The matter was continued until next month.

**5. New application for revocable consent to operate an unenclosed sidewalk cafe by Yoko Japanese Restaurant Corp., 29 7th Ave. So. with 7 tables and 14 seats, DCA #1029532.**

**WHEREAS** the area was posted, the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Yoko Japanese Restaurant Corp., 29 7th Ave. So., with 7 tables and 14 seats, DCA #1029532.

Vote: Unanimous, with 37 Board members in favor.

**6. Modification/Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Rizziconi, Inc. d/b/a Sapore, 55 Greenwich Ave., with 18 tables and 34 seats, DCA #984703.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** the applicant currently has 10 tables and 20 seats which the committee had previously approved; and

**WHEREAS** there is sufficient passage for pedestrian safety and access for the current number of tables and seats but not for any additional ones;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Rizziconi, Inc. d/b/a Sapore, 55 Greenwich Ave. for 18 tables and 34 seats, but approves 10 tables and 20 seats, DCA #984703.

VOTE: Unanimous, with 37 Board members in favor.

**7. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Tre Giovani, Inc. d/b/a Pizza Pasta, 548 LaGuardia Pl., with 4 tables and 12 seats, DCA #997686.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Tre Giovani, Inc., d/b/a Pizza Pasta, 548 LaGuardia Pl., with 4 tables and 12 seats, DCA #997686.

VOTE: Unanimous, with 37 Board members in favor.

**8. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Green Papaya, Inc. d/b/a Green Papaya Rest., 185 Sullivan St. with 4 tables and 8 seats, DCA #1006447.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Green Papaya, Inc., d/b/a Green Papaya Rest., 185 Sullivan St., with 4 tables and 8 seats, DCA #1006447.

VOTE: Unanimous, with 37 Board members in favor.

**9. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Angelo's of Mulberry St., Inc., 146 Mulberry St., with 3 tables and 10 seats, DCA #964932.**

The applicant failed to appear so the matter was rescheduled for next month.

**10. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by West End Kids Corp., d/b/a Henrietta Hudson, 438-444 Hudson St., with 8 tables and 16 seats, DCA #908690.**

The applicant failed to appear so the matter was rescheduled for next month.

**11. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by J.P.J. LLC, d/b/a Philip Marie, 569 Hudson St., with 9 tables and 18 seats, DCA #1003313.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to observe the regulated hours of operation;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to J.P.J. LLC, d/b/a Philip Marie, 569 Hudson St., with 9 tables and 18 seats, DCA #1003313.

VOTE: Passed, with 36 Board members in favor, and 1 in opposition.



**12. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Paninoteca, Inc., 250 Mulberry St., with 7 tables and 14 seats, DCA #908653.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access and:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Paninoteca, Inc., 250 Mulberry St., with 7 tables and 14 seats, DCA #908653.

VOTE: Unanimous, with 37 Board members in favor.

**13. Renewal application for revocable consent to operate an enclosed sidewalk cafe by S.M. Rest. on Greenwich, Inc., d/b/a Empire Szechuan Greenwich, 15 Greenwich Ave., with 7 tables and 14 seats, DCA #1015138.**

**WHEREAS** the area was posted, the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access and:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an enclosed sidewalk cafe to S.M. Rest. on Greenwich, Inc., d/b/a Empire Szechuan Greenwich, 15 Greenwich Ave., with 7 tables and 14 seats, DCA #1015138.

VOTE: Unanimous, with 37 Board members in favor.

**BUSINESS AND INSTUTIONS**

**1a. Applications to the SLA for New Licenses to Sell Liquor On Premises:**

**137 Seventh Maui, Inc., 137 7<sup>th</sup> Ave. South, NYC 10011 (Charles-10<sup>th</sup>)**

**WHEREAS** the applicant has operated for the past 8 months in an 800 sq. ft. location with 18 tables and 49 seats, and

**WHEREAS** the applicant falls within the 500' rule hearing

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not oppose the granting of an on-premises license to 137Seventh Maui, Inc., 137 7<sup>th</sup> Ave. South, NYC 10011, and

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

Vote: Passed, with 36 Board members in favor, and 1 in opposition.

**The Emerald Planet Ltd., d/b/a Emerald Planet, 684 Broadway, NYC 10012**

**WHEREAS** Emerald Planet is requesting an upgrade from beer and wine to an on-premises license for 9 tables and a capacity of 74 persons, and

**WHEREAS** Emerald Planet has proven that it has lived up to its obligations in upgrading its ventilation system which was the subject of past community complaints and are no longer so, and

**WHEREAS** the applicant's lease prohibits operations after 12PM midnight, and

**WHEREAS** subject premises is in a location that warrants a 500' rule hearing,

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not oppose the granting of an on-premises license to The Emerald Planet Ltd. d/b/a Emerald, and

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

Vote: Passed, with 35 Board members in favor, and 2 in opposition.

**Pipo Pluto Papparino, Inc. d/b/a Gradisca, 126 W. 13<sup>th</sup> Street, NYC 10011 (6<sup>th</sup>-7<sup>th</sup>)**

**WHEREAS** the applicant is proposing to open a 16 table with 56 seats and an 11 person bar, and

**WHEREAS** the applicant operates two other restaurants with liquor licenses within CB2 Manhattan's jurisdictional area that have good reputations as to community conduct, and

**WHEREAS** the applicant's premises falls within an area that requires a 500' rule hearing,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises license to Pipo Pluto Papparino, Inc. d/b/a Gradisca, 126 W. 13<sup>th</sup> Street, NYC 10011.**

**BoHo Lounge, Inc. 176 Bowery, NYC 10013 (cor. Kenmare).**

**WHEREAS** the applicant is proposing to open a bar with no kitchen or food service on the upper floor of a vacant building, and

**WHEREAS** the applicant is proposing to stay open until 4AM in an area that has multiple late night bars and entertainment, and

**WHEREAS** there are more than 3 on-premises liquor establishments within 500' of applicant's premises, and

**WHEREAS** the applicant's only meeting with community groups did not produce any willingness to reduce closing hours or change modus operandi to an eating establishment with less emphasis on alcoholic consumption,

**THEREFORE BE IT RESOLVED that CB#2, Man. unalterably opposes applicant's application for an on-premises license and calls upon the SLA to deny an on-premises license to BoHo Lounge, Inc. 176 Bowery, NYC 10013, and**

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

Vote: Unanimous, with 37 Board members in favor.

**Istana Restaurant Corp., 212 Lafayette Street, NYC 10012 (Broome-Spring).**

**WHEREAS** the applicant has operated a 12 table, 40 seat restaurant for the past year with a wine and beer license, and

**WHEREAS** there has been no record of complaints, and

**WHEREAS** the applicant will continue to operate until 11PM, well before the legal closing time, and

**WHEREAS** there was no neighborhood opposition,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises license to Istana Restaurant Corp., 212 Lafayette Street, NYC 10012.**

Vote: Unanimous, with 37 Board members in favor.

**Yddo, Inc. d/b/a Café Bari, 529 Broadway, NYC 10012.**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the SLA to postpone any action on YDDO, Inc. d/b/a Café Bari, 529 Broadway, NYC 10012, and**

**BE IT FURTHER RESOLVED that CB#2, Man. recommends to the SLA that it direct applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 37 Board members in favor.

**7<sup>th</sup> & Barrow, LLC, 87 7<sup>th</sup> Avenue South, NYC 10014 (former Fuddrucker's)**

**WHEREAS** the applicant is proposing to open a new sushi restaurant with 44 tables and 180 seats, and

**WHEREAS** this location has been a restaurant/bar venue with an on-premises license for many years, and

**WHEREAS** the applicant's premises falls within the 500' rule hearing designation although there was there was no neighborhood opposition,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises license to 7<sup>th</sup> & Barrow LLC, 87 7<sup>th</sup> Avenue South, NYC 10014, and**

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

Vote: Unanimous, with 37 Board members in favor.

**1b. Applications to the SLA for Alteration to Sell Liquor On Premises.**

**Zestful Management Corp., d/b/a Bar 6, 502 Ave. of Americas NYC 10011 (12<sup>th</sup>-13<sup>th</sup>).**

**WHEREAS** this is an application to legitimize an outdoor sidewalk café containing 4 tables and 8 seats, and

**WHEREAS** the applicant has operated at this location for several years, all without major complaints, and

**WHEREAS** there was no neighborhood opposition,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises liquor license to Zestful Management Corp., d/b/a Bar 6, 502 Ave. of Americas, NYC 10011**

Vote: Unanimous, with 37 Board members in favor.

**Smithfield Associates, LLC, d/b/a Pastis, 9-19 9<sup>th</sup> Avenue, NYC 10014**

**WHEREAS** the applicant is applying for an alteration to its existing on-premises license to accommodate a sidewalk café with 35 tables and 120 seats, and

**WHEREAS** the applicant is the principal and has a history of being responsive to the community should any problems arise, and

**WHEREAS** there was no neighborhood opposition,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of alteration for an on-premises license to Smithfield Associates, LLC, d/b/a Pastis, 9-19 9<sup>th</sup> Avenue, NYC 10014.**

Vote: Passed, with 36 Board members in favor, and 1 in opposition.

**West Eighth Street Enterprises, LLC, 40 W. 8<sup>th</sup> Street, NYC 10011 (5<sup>th</sup>-MacDougal).**

**WHEREAS** CB#2, Man. has previously gone on record opposing the granting of an on-premises license at this location on several occasions notwithstanding ownership, and

**WHEREAS** these objections stem from crowds exiting subject premises at 4 a.m., noise generation to surrounding residential buildings, crowd rowdiness, queuing traffic and poor noise soundproofing; and

**WHEREAS** this applicant was previously opposed by CB#2, Man. at this location as well as at another location on Spring Street where applicant operates the Vig Bar, and

**WHEREAS** the applicant's request to the SLA for second bar at this location only adds to the problem,

**THEREFORE BE IT RESOLVED that CB#2, Man. unalterably opposes applicant's request for a second bar and strongly recommends to the SLA that it deny such request by West Eighth Street Enterprises, LLC, 40 W. 8<sup>th</sup> Street, NYC 10011.**

Vote: Unanimous, with 37 Board members in favor

**B.L.L. Restaurant Corp. d/b/a Porto Bello Rest., 208 Thompson Street, NYC 10012.**

**WHEREAS** the applicant did not appear, and

WHEREAS CB#2, Man. has no information on what the alteration comprises,

**THEREFORE BE IT RESOLVED that CB#2, Man. recommends that the SLA postpone any action on this application and direct applicant to appear before CB#2, Man. so that the alteration plans can be analyzed and proper procedures can be followed for community input.**

Vote: Unanimous, with 37 Board members in favor.

**1c.Applications to the SLA for Transfer to Sell Liquor on Premises**

**Sliver of New York City, Inc., 337 B West Broadway, NYC 10012**

WHEREAS the applicant did not appear, and

WHEREAS CB#2, Man. has no information on this application to make any determination,

**THEREFORE BE IT RESOLVED that CB#2, Man. recommends that the SLA postpone any action on this application and direct applicant to appear before CB#2, Man. so that proper procedures can be followed for community input.**

Vote: Unanimous, with 37 Board members in favor.

**ZONING AND HOUSING**

**1. 491-497 Greenwich Street, Between Canal and Spring Sts. (Block 594, Lots 21 and 23) Variance Application to the BSA (#52-99 BZ).**

WHEREAS, CB #2 has the following concerns about this revised application:

- We have doubts that all the findings have been met;
- Ownership has changed since the application was first made and the new plan is a much more expensive one than the last. It must be noted that the new owner must have purchased the property at a price that anticipated that the variance would be obtained, which is probably why there are more apartments (26 up from 19), among other things;
- As this is a conversion to Residential uses, we would like to see the 30-foot rear yard requirement for residences applied for the complete lot for the new building;
- We would also like to see the 30-foot rear yard requirement applied to the rooftop addition to the existing building;
- While the proposed FAR of 8.1 is less than the FAR of 10 permitted by the zoning, the size will still be out of context with the majority of buildings in the area, which have lesser Floor Area Ratios;
- Advertising for sale of the property continues to be posted; and

WHEREAS, the application has general support from the residents in the area, including The Friends of Hudson Square, as the lesser of several possible evils; and

WHEREAS, the applicant has agreed to a restrictive declaration tied to the variance and noted on the certificate of occupancy that would not permit eating and drinking establishments, such as bars and nightclubs, other than a “ restaurant” as currently defined in the Alcohol, Beverage and Control Law of the State of New York; and

WHEREAS, the general viewpoint on the design by architect Winka Dubbeldam is that it is more acceptable than the original application, although by its very sculptural nature it is an “either love it or hate it” building. It certainly changes the nature of the block, but so would a nondescript contemporary structure; and

WHEREAS, CB#2 is concerned about the number of variance applications for residential uses in the M1-6 district in which the instant applicant lies and the M1-5 district directly to its North. We are concerned about the impact on the nature of the area and are convinced that a thorough planning study must be made a top City Planning priority;

**THEREFORE, BE IT RESOLVED, that CB#2 recommends approval of the proposed variance for 491-497 Greenwich Street, Manhattan for the reasons (and with the reservations) cited above.**

Vote: Unanimous, with 37 Board members in favor.

**2. 30-36 Crosby Street aka 472 Broadway (between Broome and Grand Streets) (Block 4783, Lot 6). Application for a Special Permit Pursuant to Section 74-711 of the Zoning Resolution. (APP NO. C 990537 ZSM)**

**WHEREAS** CB#2, Man. has grave doubts about the stated intent of the applicant to change the use of the premises to joint living-work quarters for artists, particularly in light of the advertisement, published prior to the grant of a special permit, a copy of which advertisement is attached hereto, that describes 30 Crosby Street as “setting a new standard on a quiet cobblestone street...stunning residences, 21<sup>st</sup> Century titanium clad penthouses...terraces...Apartments with WBFP...attended designer lobby and wine cellar; from approx. \$2MM” and which fails to mention JLWQA at all; and

**WHEREAS**, there is some concern about the effect of the wood burning fireplaces on the air quality of an area already deeply adversely affected by particulate matter and other obnoxious effects of high volume truck and other vehicular traffic, especially now that the DOT is encouraging night time through trucking by refuse and garbage trucks on local truck route Broome Street; and

**WHEREAS**, CB#2, Man. would prefer not to see the 6<sup>th</sup> and 7<sup>th</sup> floor additions. While Landmarks only looks at impact from the street level, and found the fact that these “titanium clad penthouses” would be seen from Broadway de minimus, CB#2, Man. believes that, particularly from above, the nature of the community is being irrevocably changed by the addition of such penthouses throughout the M1-5A and M1-5B districts. Additionally, these additions are the result of a carve-out of interior “mechanical space” and CB#2, Man. believes that such carve-outs are inappropriate, add to bulk and true density, are not guaranteed permanent and should not be permitted; and

**WHEREAS**, we are also concerned that the concrete floors and elevator bulkheads for the 6<sup>th</sup> and 7<sup>th</sup> floor additions were constructed prior to the grant of the special permit and believe that the DOB should stop its seemingly new practice of giving building permits for such construction; and

**WHEREAS**, CB#2, Man. is not convinced that the renovation and maintenance of the Crosby Street portion of these premises and the reconstruction of the destroyed floors on the Broadway side, despite being of the highest quality, is sufficient for the waiver of the more stringent requirements with respect to JLWQA on the ground floors (that is, approval only after Dept of Cultural Affairs certifies that the occupant is an artist whose work prevents use of upper floors); and

**WHEREAS**, the occupants of the JLWQA along Broome Street between Lafayette and Broadway, have long been begging for relief from the truck intensive wholesale/distributors of perishable goods that moved onto these blocks, have taken over the sidewalks and far exceed the minimal impact on adjoining uses contemplated by M1 zoning and see this application as a positive step in combating these inappropriate and incompatible uses;

**THEREFORE, BE IT RESOLVED**, that CB#2, Man., recommends approval for the reasons and with the reservations cited above, but with the following conditions:

- (a) applicant, in all of its advertisements of the JLWQA including (without limitation) its offering plan, banners, printed advertisements and internet advertisements at all times identifies the lofts for sale to be UG17D Joint Living Work Quarters for Artists, requiring at least one occupant to be certified as an artist by the Department of Cultural Affairs;
- (b) the Certificate of Occupancy specifically describes the permitted uses as UG17D; and
- (c) The Department of Buildings issue the final Certificate of Occupancy only after obtaining proof of artist certification.

Vote: Unanimous, with 37 Board members in favor.

## **ENVIRONMENT**

### **1. Vehicles Used Solely As Billboards**

**WHEREAS** trucks designed solely as traveling billboards are seen circling the streets in CB#2, Man. , and these vehicles insult our community by unnecessarily contributing to our air pollution, noise pollution (with blaring music), and traffic congestion while imposing upon the community still more billboard advertising, a noxious blight against which this community has carried on a lengthy fight; and

**WHEREAS** CB#2-Man. suffers from some of the worst air quality in New York City and in the nation;

**WHEREAS** CB#2-Man. residents as a result have rates of asthma and other respiratory illnesses and conditions; and

**WHEREAS** CB#2-Man. is plagued with traffic congestion in many areas but particularly in all approaches to the Holland Tunnel and suffers one of the highest rates of pedestrian traffic fatalities due to trucks in New York City;

**THEREFORE BE IT RESOLVED** that CB#2-Man. desires to ban from its streets those trucks which are designed solely as traveling billboards, and which contribute only health and traffic dangers to our district, while imposing upon our community still more billboard advertising, a noxious blight which this community continues to fight; and

**BE IT FINALLY RESOLVED** that CB#2-Man. opposes the deployment of petroleum-fueled vehicles for the sole purpose of advertising and urges that the Public Advocate's office and the New York City Council find a means to regulate vehicles.

Vote: Unanimous, with 37 Board members in favor.

**2. Attorney General Eliot Spitzer's Action to Require EIS on Sale of NYC's Community Gardens**

**WHEREAS** New York State Attorney General Eliot Spitzer recently acted to secure a temporary restraining order (TRO) that prohibits the City of New York from moving to sell community gardens unless and until the necessary environmental analysis has been done (an EIS) to determine the impacts of the loss of gardens; and

**WHEREAS** the city's successful, established community gardens have been achieved with many years of community labor and cooperation and years of growth, and they are a precious and valued outdoor community resource which draws all ages and ethnicity's to work together; and once gone, their loss is irreparable; and

**NOW THEREFORE BE IT RESOLVED** that CB#2-Man. thanks Attorney General Spitzer for acting to create legal protections for community gardens, which are a very important environmental health and social asset in districts such as ours, that lack adequate park space and plants, trees and grass sufficient to filter our air.

Vote: Unanimous, with 37 Board members in favor.

**3. MTA'S Environmentally and Fiscally Risky Capital Improvement Plan**

**WHEREAS** an unusually broad and diverse group of public officials and private agencies agrees that the five-year, \$16.5-billion capital improvement plan of the Metropolitan Transportation Authority would ultimately create a fiscal crisis for the MTA; and

**WHEREAS** the plan's bipartisan critics include the leaders of both houses of that state legislature, State Comptroller H. Carl McCall, the Regional Plan Association, the New York City Partnership and Chamber of Commerce, the New York City Independent Budget Office, the Straphangers Campaign and others; and

**WHEREAS** the MTA plan, would require the sale of \$20 billion in bonds, by far the largest sale of municipal bonds in history, according to the April 3, 2000 New York Times; and

**WHEREAS** if a fiscal crisis does develop from such a plan, it would cause deferring of maintenance and of the purchase of needed new equipment, and that would send us down a path we have trod before;

**NOW THEREFORE BE IT RESOLVED** that the Metropolitan Transportation Authority's (MTA) five-year \$16.5 billion capital improvement plan would burden the City's subway, buses, and commuter railroads with a mountain of debt which could jeopardize the system and the metropolitan area in the following ways:

- I. Require major diversion of fares from system maintenance to debt finance;
- II. Require refinancing of existing low-interest debt with higher-interest, longer-term debt, "back-loaded" to make the future fiscal burden increasingly heavy;
- III. Result in major fare increases, deteriorating infrastructure, continued cuts in bus service, and long-term decline in use of mass transit;
- IV. Exacerbate the metropolitan area's air pollution crisis;
- V. Endanger such vital anticipated improvements as:
- VI. -replacement of high-pollution diesel buses with clean-fuel buses;
- VII. -construction of a full-length Second Avenue subway;
- VIII. -implementation of the disabled-accessible program for 100 key stations.

**BE IT FURTHER RESOLVED** that CB#2-Man. strongly urges Governor Pataki, Senate Majority Leader Bruno, and Assembly Speaker Silver to take leadership in promoting environmentally responsible planning by rejecting any five-year plan which requires deferred maintenance to service debt, results in major fare increases, endangers growth in mass transit usage, and threatens potential system improvements.

Vote: Unanimous, with 37 Board members in favor.

**WATERFRONT**

**Changes in Segment 4 Design**

**WHEREAS** the Design Committee of the Hudson River Park Trust has studied the design proposals for Segment 4 of Hudson River Park adopted by its predecessor, the Empire State Development Corporation, and, in response to Community Board 2’s critique, recommended to its Board of Trustees various changes which would increase the economy of the project (like eliminating the use of bluestone in the walkway); eliminate unnecessary granite, sharply-angled walls, the use of stainless steel furnishings, and what many described as a “corporate plaza” look; simplify other aspects of the design; build a playground on Pier 51; and add a water-getdown to Pier 51;

**THEREFORE BE IT:**

**RESOLVED** that CB#2-Man. applauds the Hudson River Park Trust for its re-examination of the design of Hudson River Park, and calls upon the Board of Directors to adopt the proposal to modify the design so that it is more in the tradition of New York City parks; and it is further

**RESOLVED** that CB#2-Man. encourages the Trust to continue in this direction in its future planning.

Vote: Passed, with 33 Board members in favor and 4 absentions.

Respectfully submitted, Michael Mirosola, Secretary Community Board #2, Manhattan