

FULL BOARD MINUTES

DATE: March 22, 2001
TIME: 7:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Glenn Bristow, Helene Burgess, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Harriet Fields, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Lisa LaFrieda, Don Lee, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Shirley Secunda, Ruth Sherlip, John Short, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Martin Tessler, Jeanne Wilcke Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Noam Dworman, Alan Jay Gerson, Honi Klein, Debra Sandler, Rocio Sanz, , Arthur Z. Schwartz, Wilbur Weder, Suzanne Williamson.

BOARD MEMBERS ABSENT: Rev. Keith Fennessy, Verna Small

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Scott Melvin, Senator Tom Duane's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gary Parker, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Kariny Santana, Councilmember Margarita Lopez' office; Maura Keaney, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; Tom Richardson, Russell Fong, Mary K. Doris, Marty Algaze, James Sanders, Jim Walrod, H. Fernandez, Jon Stark, Andre Balazs, Luke Q. Vazsbanars, Yves Ben Sho Shan, Hal Magida, Rocky Chin, Harriet taznor, Jimmy Yan, Nancy Deckinger, Gary Tomei, Robert McBrien, Lynton Wrills, Margaret Wrills, Esther, Perel, Jim Bond, David Gruber, Claudia Terry, Gardner Rankin, Vicki Polon, Elise Quasebarth, May Song, Morgan Rolontz, Marty Taub, Michael Haberman, Gary Parker.

MEETING SUMMARY

Meeting Date March 22, 2001
Board Members Present – 40
Board Members Excused– 6
Board Members Absent - 4

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II. PUBLIC SESSION

Non-Agenda Items

Falun Gong

May Song spoke in support of Falun Gong.

MTA Closing of Grand St. Subway

Rocky Chin spoke regarding this topic.

Triangle Shirtwaist Fire Memorial

Carol Yankay provided information on the memorial.

Campaign Finance Program

Tom Richardson, NYC Campaign Finance, spoke regarding the program.

Landmarks & Public Aesthetics Items

465 Broadway a/k/a 106 Grand St.

Andre Balazs, principal of the proposed hotel, Elise Quasebarth, representing the hotel, Jim Walrod, and James Sanders spoke against the resolution.

Lesbian, Gay Bisexual and Transgender Items

Marty Algaze, GMHC, spoke in favor of the proposed AIDS memorial.

37 Seventh Avenue a/k/a 160-164 W. 13th St.

Yves Ban Sho Shun, store owner, Gary Tomei, Morgan Rolont spoke in favor of grandfathering of the storefront.

Sidewalks, Public Facilities & Access Items

Sammy's Asian Gourmet, 301-303 6th Ave.

David Gruber spoke against the sidewalk café application.

10 W. 10th St. Stoop Application

Vicki Polon, W. 10th St. Block Assn., provided information on the application.

Zoning and Housing Items

3-7 Wooster St.

Esther Perel spoke against the proposed zoning variance.

NYU Parking Garage. Accessory & Transient Parking Garage at 539-553 LaGuardia Pl.

Marty Taub, Eng-Wong, Taub & Associates, and Michael Haberman, Community Relations Director for NYU, spoke in favor of the application for the parking variance.

Hal Magida, Washington Sq. Village Tenants’ Assn., spoke against the variance application.

Business Items

Casa Nostra, Restaurant, Inc., 20 Spring St.

Russell Fong spoke regarding the application.

Institutions Items

NYU Kimel Center Work Permits

Hal Magida, Washington Sq. Village Tenants’ Assn., spoke against the Saturday work schedule and permits.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler’s office

Scott Melvin, Senator Tom Duane’s office

Yvonne Morrow, of Assembly Speaker Sheldon Silver’s office

Gary Parker, of Assemblymember Deborah Glick's office

Tom Castele, of Councilmember Kathryn Freed's office.

Kariny Santana, Councilmember Margarita Lopez’ office,

Maura Keaney, of Councilmember Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption of February minutes. Distribution of March minutes.

VI. EXECUTIVE SESSION

- 1. **Chair's Report** Jim Smith reported
- 2. **District Manager's Report** Arthur Strickler reported.

STANDING COMMITTEE REPORTS

INSTUTIONS

Mr. Ron Livian, Manhattan Borough Commissioner

Re: NYU-Kimmel Student Center-Washington Sq. South & LaGuardia Pl.

Dear Mr. Livian:

This will serve to advise you that CB#2, Man. held meetings on March 7th and March 20th, the latter being a public hearing, to review the request of New York University (NYU) for a permit to allow Saturday construction at the above referenced site. As you may recall, this building's construction activity was the subject of numerous complaints by surrounding neighborhood residents last year **and involved meetings and correspondence with you and your staff concerning high levels of daily construction noise, traffic, dust, etc. that continued throughout the weekend. During this period last year the justification given by NYU for weekend work was based upon the issue of safety and protecting against cave-ins and**

collapses of the Kimmel site along with adjacent structures. As a result, it was the Building Department's determination that NYU was justified in continuing to work on weekends until the foundation and shoring were deemed to be safe.

In the March 7th meeting NYU's justification for Saturday work was based upon their claim that they are approximately 6-8 weeks behind schedule. To remedy this, they proposed to have their contractor do cleanup, materiel assembly and light construction work to get the site prepped for Monday construction so that they can get the building enclosed as quickly as possible and do interior work. **As distinct from last year no issue of safety or site endangerment entered into the discussion as this was solely a request by NYU to allow their contractor to get caught-up.**

This therefore brings us to the main issue of CB#2, Man.'s recommendation on whether to approve the NYU request for Saturday work. During the public hearing it was brought out by the neighboring residents that during the 6-day work-week on Kimmel throughout most of 2000 they had to endure the **legal right** of NYU to pursue their construction along with having to tolerate the noise and disruption of **legally permitted Saturday work** for reasons of safety.

Also made patently clear by **the neighboring residents was the fact that NYU has no mitigating safety reason for requesting Saturday work and that they (the residents) are now entitled to their legal rights in enjoying 2 days of weekend respite free from Kimmel's construction noise and traffic.** They therefore stood firmly for denial by CB#2, Man. of the NYU request for Saturday work but pointed out that they were willing to tolerate any extended construction activity by NYU during the normal five-day work week.

We also wish to point out that when a suggested compromise was offered to NYU at the public hearing of their agreeing to limit activity to cleanup and materiel assembly and to prohibit any deliveries, trucking, hammering and any activity likely to generate noise and traffic, they stated that they could not agree to such conditions.

On this basis CB#2, Man. voted unanimously to recommend denial by the Department of Buildings of NYU's request for a permit for Saturday construction. At the same time we informed NYU that CB2 Manhattan will reconsider any request for Saturday work permit for interior work once the Kimmel Building was enclosed.

Vote: Passed, with 39 Board members in favor, and 1 recusal (C. Reichman).

PUBLIC SAFETY AND HEALTH

Andy's Deli

WHEREAS the 6th Precinct has made the Public Safety Committee of CB#2, Man., aware of the following extremely disturbing incident involving a local merchant's response to a crime emergency. Specifically:

- On the night of February 7, 2001, at approximately 7:30pm, two educators from a local school walking at Seventh Avenue and Grove Street were set upon by person or persons attempting an assault and robbery, whereupon
- One of the two victims rushed into Andy's Deli at 106 Seventh Avenue South pleading with the Night Manager to immediately call 911 because her companion was being attacked in the street outside, whereupon
- Said Night Manager flatly refused to phone 911, saying that there were customers in the store and he was busy; and
- During a follow-up visit by police proceeding with their investigation, the owner of Andy's Deli appeared to have no problem or dispute with his Night Manager's behavior in refusing assistance during the commission of a crime, and

WHEREAS CB#2, Man., is greatly disturbed by this failure on the part of a local merchant to offer even such minimal assistance as calling 911 to a passerby during the commission of a violent crime which was at the very least traumatic and could even have been life-threatening to the victims, and

WHEREAS CB#2, Man., considers the attitude displayed by both the Night Manager and the Owner of Andy's Deli to be completely alien to the spirit of helpful cooperation which should exist, and which CB#2, Man., strives to foster, between residents and business people in the area, and

WHEREAS CB#2, Man., further believes that merchants doing business in and deriving profits from the CB#2, Man. community have an unquestionable obligation to behave responsibly in offering minimal assistance to persons being victimized in the immediate vicinity of their businesses,

THEREFORE BE IT RESOLVED that CB#2, Man., hereby expresses its outrage at this extreme example of callous, insensitive, Bad Neighbor behavior by a local merchant and most strongly suggests that the public consider the above-cited comportment of Andy's Deli when making decisions about which local merchants to patronize, and

BE IT FURTHER RESOLVED that CB#2, Man., advises all local merchants that Andy's Deli's behavior in this situation falls far below the minimum standards of neighborliness which it desires and expects of all who make their livings in our community, and

BE IT FINALLY RESOLVED that CB#2, Man., calls upon all local merchants to accept, and to communicate to all personnel on all shifts, their duty to help law enforcement and quality of life efforts when called upon to assist and thereby to make themselves part of the solution rather than part of the problem as we work together to build a better community.

Vote: Unanimous, with 40 Board members in favor.

ENVIRONMENT

On the Need for Safety Precautions Regarding Construction Site Soil Contaminants at 3-7 Wooster St.

[Attachment to Zoning Committee resolution on this proposal]

WHEREAS, certain prior manufacturing uses on this block, namely, machine shop, iron works and automotive uses, are known to produce toxic substances in the soil and water; and,

WHEREAS, this site and the whole block contain Historic Fill; and

WHEREAS, this site, as well as much of the block, is in the flood plain that includes Lispenard's Swamp, and has a water table known to be high, with a history of flooding and sewer backups in the area, a condition favoring distribution of contaminants across sites in the area; and

WHEREAS, a seven-story former 19th century manufacturing building on the site was demolished some 50 years ago, thus it must be assumed that particles of lead paint and asbestos, building materials in common use until they were banned in the middle of the twentieth century, remain in the soil, now covered over with a hard top;

NOW THEREFORE BE IT RESOLVED that CB#2, Man. requests that soil and water testing be done for contaminants prior to issuance of a variance for 3-7 Wooster Street, with the results promptly made known to Community Board 2 and the neighboring community; and

BE FURTHER RESOLVED that a Health and Safety Plan for Excavation and Construction Activities for 3-7 Wooster Street be drawn up by the developer and approved by the NYC Board of Standards and Appeals to protect the workers and the community from contaminants prior to issuance of a variance, and that this plan incorporate a community advisory group, including members of the community and CB#2, to work with the developer on an on going basis if construction takes place.

Vote: Unanimous, with 40 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, March 27th

LPC Item: 21 – 48 Eighth Avenue. A mid-19th century townhouse. Application is to construct a rooftop addition.

WHEREAS the applicant wishes to construct a roof deck and garden, and extend the interior stairs to the roof; and

WHEREAS the resulting rooftop bulkhead will be clearly visible from several points; and

WHEREAS the proposed finish – a dull gray patina- will stand out more than would a finish more compatible with the adjacent red brick buildings; and

WHEREAS a building of this style historically would not have a prominent bulkhead; and

WHEREAS there is an existing hatch door that affords entry to the roof;

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

Vote: Unanimous, with 40 Board members in favor.

LPC Item: 22 – 13 East 8th Street HELD OVER

4. LPC Item: 24 – 37 Seventh Avenue, a/k/a 160-164 West 13th Street An Italian Renaissance-style apartment built in 1924. Application is to legalize the installation of a storefront, awning, and security gates without LPC permits.

WHEREAS the 13th St. Block Association strongly supports the application; and

WHEREAS the store anchors and enhances the S.E. corner of 13th St.;

THEREFORE BE IT RESOLVED, that CB#2, Man approves this application.

Vote: Passed, with 29 Board members in favor, 9 in opposition, and 2 abstentions.

5. LPC Item: 25 – 27 Barrow Street (Greenwich House) Application is to enlarge an existing rooftop elevator bulkhead.

WHEREAS the elevator of this valued community center is outdated and hazardous, and cannot take the strain that the community puts on it daily; and

WHEREAS the rooftop elevator bulkhead for the proposed elevator would only be negligibly visible;

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

Vote: Unanimous, with 40 Board members in favor.

6. LPC Item: 26 – 622 Broadway A neo-Grec style store and loft building built in 1880 by Henry Fernbach. Application is to install storefronts at the Broadway and Crosby facades.

WHEREAS instead of the painted wooden Victorian doors with paneling that are common in Fernbach's buildings, this proposal calls for modern glass doors; and

WHEREAS the proposed bulkhead is not a true bulkhead, but an inserted painted filigreed metal construct simulating a bulkhead;

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

Vote: Unanimous, with 40 Board members in favor.

7. LPC Item: 27 – 541 Broadway (Spring/Prince) An Italianate style cast-iron store and loft building built in 1868 designed by Charles Mettam. Application is to request that the LPC issue a report to the City Planning Commission in connection with an application for the issuance of an authorization pursuant to section 74-711 of the Zoning Resolution for modification of use.

WHEREAS the proposed restoration is appropriate in materials, scale, and proportion with other buildings that contribute to the character of the Historic District;

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

FURTHER, BE IT RESOLVED that CB#2, Man recommends approval of the issuance of a report to the CPC in connection with the issuance of an authorization for modification of use. It should be noted, however, that CB#2, Man.'s approval of the use modification, which must be decided upon after a public hearing held by our Zoning and Housing Committee.

Vote: Unanimous, with 40 Board members in favor.

8. LPC Item: 28 – 16 Crosby Street (Howard/Grand Sts.) A Renaissance Revival style store and loft building built in 1867. Application is to install new storefronts and signs.

WHEREAS the proposed signage on the window is minimal and does not detract from the facade; but

WHEREAS there is no bulkhead or transom proposed; and

WHEREAS the modern glass doors are totally out of character with this building and any historic building we can think of in the cast-iron district;

THEREFORE BE IT RESOLVED, that CB#2, Man recommends approval of the signage portion of the application, but recommends denial of the remainder.

Vote: Unanimous, with 40 Board members in favor.

9. LPC Item: 29 – 106 Grand Street (Broadway) A parking lot and flea market. Application is to construct a new building. (Revised)

WHEREAS the applicant presented a complete and well thought-out proposal; and

WHEREAS the setback creates a reasonable mass on the bottom six stories; and

WHEREAS about a dozen community members came out in support of the project and several spoke up in praise of the design, and no one spoke in opposition; but

WHEREAS this type of modern building is appropriate in the cast-iron district;

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

Vote: Unanimous, with 40 Board members in favor.

ZONING AND HOUSING

1. New York University (NYU) Parking Garage BSA #374-60-BZ Accessory And Transient Parking Garage At 539-553 LaGuardia Place a.k.a 2 Mercer Street. Application to renew a lapsed variance in an existing multiple dwelling accessory garage.

WHEREAS NYU has the right to offer accessory parking at this site but requires a variance for transient parking;

WHEREAS because of problems with the management of the garage and the deteriorating physical condition and water damage, the Washington Square tenant's association investigated the variance and found it had lapsed in 1992;

WHEREAS the Washington Square tenants do not oppose the renewal of the variance but request that NYU include a Memo of Understanding as part of the variance and that the memo detail their agreement with NYU on the operation of the garage, including completing the extensive repairs and reducing overcrowding;

WHEREAS NYU is amenable to a Memo of Understanding but does not agree that the Memo of Understanding should be part of a variance-;

WHEREAS we agree with the tenant's association that the many of the problems they have experienced, including overcrowding and parking of oversized vehicles on the access ramps, are directly a result of the transient parking and therefore a Memo of Understanding attached to the variance is not unreasonable;

WHEREAS the Certificate of Occupancy allows over 1,200 cars but the current License from Consumer Affairs allows 670 cars;

WHEREAS the tenants have counted the number of spaces, including ramp space, and state that approximately 560 cars is closer to the true capacity, and that if the License reflected this number it would also deter the overcrowding;

THEREFORE BE IT RESOLVED CB#2, Man. recommends the approval of the variance for the NYU Parking garage although we are concerned that this variance was allowed to lapse for almost 10 years, and

FURTHER BE IT RESOLVED that due to the problems with the management of the garage and the transient parking, that the Memo of Understanding which addresses these issues be made a part of the variance; and

FURTHER BE IT RESOLVED that we request that the License be modified to reflect the truer capacity of the garage of approximately 560 cars, which will also alleviate the over-crowding.

Vote: Unanimous, with 40 Board members in favor.

2. 14-16 Wooster St. City Planning Special Permit Application C000282ZSB Special Permit Application To Allow Use Group 6 (Retail) On The First Floor.

WHEREAS the first floor of this building is currently leased to a furniture wholesaler and the application requests a change to retail use;

WHEREAS the furniture wholesaler has leased the space for approximately a year and the counsel for the applicant expected they would continue to occupy the space as a retailer of furniture for another 9 years.

WHEREAS the use appears benign and no one in the community spoke in opposition;

WHEREAS despite the current long-term lease, a change to retail use would allow eating and drinking establishments;

WHEREAS the community is over saturated with restaurants and bars;

THEREFORE BE IT RESOLVED C132 recommends the approval of the special permit to allow Use Group 6 (retail) on the ground floor except for eating and drinking establishments.

Vote: Unanimous, with 40 Board members in favor.

3. 3-7 WOOSTER St. Zoning Variance Application to construct a new 6 story building with residential use (Use Group 2) on the upper floors and retail (Use Group 6) on the ground floor in an M1-5B zoning district. 01 BSA-070M

WHEREAS Community Board 2, Manhattan is concerned about the request for straight residential use which, if granted, would set a precedent in this zoning district and place the allowed zoning of manufacturing and joint living working quarter for artists (JLWQA) at risk;

WHEREAS we are also concerned that none of the findings in this request for a variance have been met;

WHEREAS in claiming hardship, the applicant states that the current zoning creates a hardship because of “the unusual impact of the zoning district in combination with the development of the surrounding area”;

WHEREAS the applicant is stating, in plain English, that because the zoning does not fit the use that the applicant wants, it is a hardship;

WHEREAS this is the thinnest of reasons to argue hardship and, if the application is granted on this reason, this would denigrate and remove hardship as a finding for future variances by setting a standard whereby any applicant would then say that the zoning does not fit the use they want and therefore is a hardship;

WHEREAS the applicant states that because the area is already residential the variance would not alter the character of the neighborhood;

WHEREAS this statement is absolutely false as the buildings in the surrounding area ARE NOT RESIDENTIAL but are JLWQA, which is a manufacturing use, and opening the floodgates to pure residential would definitely alter the character of the neighborhood;

WHEREAS the applicant also states that the “residential nature” of the neighborhood creates an “atmosphere” that does not lend itself to new manufacturing uses, yet the buildings near the project are not residential, but are JLWQA and manufacturing, and new residential uses would actually threaten the allowed uses;

WHEREAS the applicant has confined his analysis to only what is thought of as “manufacturing” rather than investigating the numerous uses listed in Use Group 17B and the wholesale uses listed in Use Group 17A or the multitude of other uses in Use Group 5 through 14 and 16 which are also permitted in an M1-5 District.

WHEREAS in the financial analysis, the numbers used in the comparison of manufacturing to residential were always the lowest numbers as opposed to the mid-range and do not reflect the current market;

WHEREAS the applicant states that a unique condition is the irregular shape of the lot and we find the shape of the lot not to be extremely irregular as to meet this condition for a variance;

WHEREAS the proposed building is located in the flood plain in an area which has severe problems with sewer backups and flooding in basements and the first floor and new construction would add additional units into the system;

THEREFORE BE IT RESOLVED that CB#2, Man., recommends denial of the variance for residential use and finds that the reasoning behind the findings for the variance to be deficient and that the conditions have not been met;

FURTHER BE IT RESOLVED that the applicant should reapply for JLWQA which is an allowed use under the M1-5B zoning;

FURTHER BE IT RESOLVED that representatives nearby have expressed great concern that this lot lies directly in the flood plain area and that recent construction has resulted in cracking in surrounding foundations and therefore it is imperative to have independent soil and structural engineers review the plans before and during construction and all efforts should be made to protect the buildings nearby.

Vote: Unanimous, with 40 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSGENDERED

1. AIDS Memorial

WHEREAS the Gay Men's Health Crisis (GMHC), the oldest and largest AIDS service organization in the nation, proposes an AIDS memorial in the Hudson River Park. The Hudson River Park Trust is supportive of this memorial and has taken an active role in planning it and;

WHEREAS the year 2001 commemorates the 20th year of the AIDS epidemic and;

WHEREAS GMHC, in partnership with Bailey House, the second oldest AIDS organization in New York City, are taking the lead in the creation of this memorial. Both organizations have their roots in Greenwich Village, which was ground zero for the epidemic in New York.

WHEREAS The Hudson River Park Trust, GMHC, and Bailey House are proposing to use an arbor of trees that has already been designed, approved, and funded and is located along the river in the Greenwich Village section of the park.

WHEREAS it will be dedicated to the memory of all people in New York City effected by the epidemic. A plaque will be set into the ground, with an appropriate message in commemoration of the 20th year of the epidemic. It will be a simple and tasteful reminder of all those people that we have lost to AIDS and all those people living with HIV/AIDS.

WHEREAS GMHC and Bailey House will work with the Trust to have an unveiling of the plaque at a ceremony in September.

THEREFORE BE IT RESOLVED that CB#2 Man. approves and supports in principle this project.

Vote: Unanimous, with 40 Board members in favor.

2. Prostitution in the West Village

Vote: Returned to Committee. **SEE EXHIBIT I.**

PARKS, RECREATION AND OPEN SPACE

Department Of Parks Proposal For The Renovation Of Lieutenant Petrosino Park On The Corner Of Cleveland Pl., Kenmare St., Lafayette And Spring Sts.

WHEREAS preliminary plans have been presented by the Dept. of Parks for the renovation of Petrosino Park at a public hearing of CB#2, Man.; and

WHEREAS these plans were warmly received by all present, with no one objecting.

THEREFORE BE IT RESOLVED that CB#2, Man. supports and endorses the plan to renovate Petrosino Park and urges full speed ahead.

Vote: Unanimous, with 40 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Revision of Parking Regulations In Soho.

WHEREAS, the recently enacted NO STANDING 11 AM TO 12 MIDNIGHT SATURDAY AND SUNDAY regulations have generated numerous complaints; and

WHEREAS, the SOHO community has asked for revisions that will accommodate additional evening and weekend parking for residents while also accommodating the needs for commercial parking during week days, and

WHEREAS, thru truck traffic from the congestion on Canal Street is spilling over onto local SOHO streets,

THEREFORE BE IT RESOLVED, that CB#2-Man. recommends that parking regulations be changed as follows:

On north side of Prince Street Between Broadway and West Broadway:

The existing NO STANDING 11 AM TO 12 MIDNIGHT SATURDAY AND SUNDAY regulations be eliminated. The existing NO PARKING 8 AM TO 6 PM MONDAY TO FRIDAY is to remain.

On the south side of Prince Street between Broadway and Mercer Street:

The existing NO STANDING ANYTIME regulations (originally enacted due to a construction project now completed) be revised to NO PARKING 8 AM TO 6 PM MONDAY TO FRIDAY.

On the east side of Greene St. between Houston Street and Canal Street:

The existing NO STANDING 11 AM TO 12 MIDNIGHT SATURDAY AND SUNDAY regulations be eliminated. The existing NO PARKING 8 AM TO 6 PM MONDAY TO FRIDAY is to remain.

On the west side of Greene Street between Prince Street and Spring Street:

Eliminate the NO PARKING 11 PM TO 7 AM night regulations (originally enacted due to a night club that no longer exists).

On Broome Street at the north east corner of Mercer Street:

Eliminate the NO STANDING EXCEPT NY PRESS regulations (originally enacted to accommodate a local newspaper that no longer exists).

On Wooster Street at the south east corner of Broome Street:

Replace the existing NO STANDING ANYTIME regulations with NO PARKING 8 AM TO 6 PM MONDAY TO FRIDAY).

On the east side of Mercer Street, north of Prince Street:

Replace the existing NO STANDING ANYTIME regulations (originally enacted to accommodate a parking lot that no longer is used) with NO PARKING 8 AM TO 6 PM MONDAY TO FRIDAY.

Post signage for NO THRU TRUCKS on Greene Street and Wooster Street above Canal Street and,

THEREFORE BE IT FURTHER RESOLVED that Man. Community Board 2 requests that The New York City Police Traffic Enforcement Unit strictly enforce the truck regulations and parking regulations in SOHO, and post traffic enforcement officers at key intersections throughout the area, and,

THEREFORE BE IT FURTHER RESOLVED that Man. Community Board 2 requests that the New York City Department of Transportation conduct an area wide traffic study to form a basis for realistic solutions to our communities traffic issues.

Vote: Unanimous, with 40 Board members in favor.

2. Change parking signs on Leroy St. between Hudson St. & Greenwich St.

WHEREAS, local business owners on this commercial block have reported that the current parking regulations often cause limited access to their loading docks.

THEREFORE BE IT RESOLVED, that Man. Community Board 2 requests that the parking regulations on Leroy St. between Hudson St. & Greenwich St. be changed from NO PARKING 8 AM TO 6 PM to NO STANDING EXCEPT TRUCKS LOADING AND UNLOADING 8 AM TO 6 PM

Vote: Unanimous, with 40 Board members in favor.

3. Change parking regulations on Barrow St. between Greenwich St. and Washington St.

WHEREAS, the commercial uses on this block have recently changed; and

WHEREAS, the community has requested revisions that will accommodate additional evening and weekend parking for residents while also accommodating the needs for commercial parking during week days,

THEREFORE BE IT RESOLVED, that CB#2-Man. recommends that parking regulations be changed as follows:

On the south side Barrow Street between Greenwich Street and Washington Street starting at Greenwich street: The existing NO PARKING MONDAY TO FRIDAY 8 AM TO 6 PM regulations are to remain. The existing NO STANDING ANY TIME regulations to be changed to NO PARKING EXCEPT TRUCKS LOADING AND UNLOADING MONDAY TO FRIDAY 8 AM TO 6 PM

On the north side Barrow Street between Greenwich Street and Washington Street starting at Greenwich street: The existing NO PARKING MONDAY AND THURSDAY 11 AM TO 2 PM regulations are to remain. The existing NO PARKING MONDAY TO FRIDAY 8 AM TO 6 PM regulations to be changed to NO PARKING EXCEPT TRUCKS LOADING AND UNLOADING MONDAY TO FRIDAY 8 AM TO 6 PM

Vote: Passed, with 39 Board members in favor and 1 in opposition.

4. NO TRUCK IDLING signs on Crosby St. between Houston St. and Prince St.

WHEREAS, the Community Board has received numerous complaints of trucks idling for long periods of time at this location, and

WHEREAS, local residents report that the exhaust from these trucks often penetrates their living space, and

THEREFORE BE IT RESOLVED that Man. Community Board 2 requests the installation of signs reading NO TRUCKS IDLING FOR MORE THAN THREE (3) MINUTES on Crosby St. between Houston St. and Prince St.

Vote: Passed, with 38 Board members in favor 1 in opposition and 1 abstention

BUSINESS

Rear Yard Usage

WHEREAS a blanket resolution denying a liquor license or beer and wine license to any establishment that uses a rear yard open or enclosed, penalizes those establishments that do not create any problems along with those that do, and

WHEREAS any such resolution denies both the Community Board and the adjacent residents any discretion in the matter and any chance to negotiate with the applicant, and

WHEREAS the Community Board is sympathetic to the concerns of nearby residents, and

WHEREAS each applicant should be evaluated on his individual merits and specific conditions, and where CB#2, Man. grants an approval for use of the rear yard, the reasons for this decision should be set forth in the resolution, and

WHEREAS a general set of guidelines should be considered in connection with each application, and the following conditions should automatically flag any potential problem and require a hearing by the Business Committee:

1. Any use of a rear yard adjacent to residential yards or residential district lines
2. Any renewal where the applicant has had complaints about his operation.
3. In addition, any change of ownership of an establishment with a rear yard should be treated as a new application, and,

WHEREAS, in cases where CB#2, Man. feels the use of the rear yard creates a problem, the resolution to the SLA should clearly state that the grant of a license does not include any use of the rear yard, with the reasons cited,

THEREFORE BE IT RESOLVED, that CB#2, Man. substitutes this resolution for any blanket rejection of a SLA license for an establishment that includes use of the rear yard.

Vote: Unanimous, with 40 Board members in favor.

Benito's Original Food Service d/b/a Benito's I, 174 Mulberry St., NYC

WHEREAS this is a restaurant that has been at this location for some time and, although the area was posted, no one appeared in opposition, and

WHEREAS the restaurant seats 46 people, 40 at the tables and 6 at the bar, and

WHEREAS hours of operation are 11 AM to midnight, with tape music only.

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the grant of an upgrade to a liquor license for Benito's Original Food Service d/b/a Benito's I, at 174 Mulberry St., but

BE IT FURTHER RESOLVED that since there are more than 3 liquor licenses within the 500' area, we request a 500' hearing to hear comments from the public; and

BE IT FURTHER RESOLVED that since it was noted that the restaurant had a menu on the sidewalk and also a telephone, we request that the Community Board office requests an inspection of the sidewalk obstructions.

Vote: Unanimous, with 40 Board members in favor.

Taste of Celebrity, Inc. 179 Prince St., NYC

WHEREAS this is an application for beer and wine license, and

WHEREAS the capacity is 35-40 persons with hours from noon to midnight, and

WHEREAS there were no objectors at the hearing, although one letter was received,

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to a new beer & wine license for Taste of Celebrity, Inc., at 179 Prince St., but notes the proposed French doors on the storefront, which may cause a sound problem on the street.

Vote: Unanimous, with 40 Board members in favor.

Iridium Restaurant Corp., 20 Spring St., NYC

WHEREAS this is a small premises applying for a beer & wine license, and

WHEREAS the capacity is 40 persons, with hours from 11:30 AM to midnight Sunday through Thursday, and to 1:30 AM Friday & Saturday, and

WHEREAS there were a number of residents at the hearing to protest this new license in this area, citing noise from the premises and the possibility of crowds on the sidewalk, and

WHEREAS this is a residential building with 5 floors or tenants above, but

WHEREAS this is not liquor license but only a beer & wine license for what appears to be a legitimate restaurant,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose a new beer & wine license for Iridium Restaurant Corp., at 20 Spring St., NYC.

Vote: Passed, with 37 Board members in favor, and 3 in opposition.

MZ's Lounge, Inc., 205 Thompson St./155 Bleecker St., NYC

WHEREAS this is an application for a liquor license for MZ's Lounge, and

WHEREAS capacity is 60 persons on each floor, with hours of noon to 2 AM, and

WHEREAS the applicant assured us that he was not planning a cabaret, although the current C or O calls for Use Group 12, Cabaret, and

WHEREAS the applicant claimed he could no change the C of O, only the owner could do that, and he had indicated he did not want to restrict his options, and

WHEREAS, on questioning, it appears the applicants have no real experience in running a restaurant, and

WHEREAS a number of neighbors from Thompson St. came to protest the license, citing numerous problems of noise and street traffic from the previous establishment, and

WHEREAS the entrance of this premises is immediately adjacent to the residential entrance of the building from which most of the complaints came from,

THEREFORE BE IT RESOLVED that CB#2, Man. opposes the grant of a liquor license to MZ's Lounge at 205 Thompson St./155 Bleecker St. and

BE IT FURTHER RESOLVED that since there are a number of other liquor licenses within the 500' area, CB#2, Man. requests a 500' hearing.

Vote: Unanimous, with 40 Board members in favor.

Culture Club of New York City, 179 Varick St.

WHEREAS this club has made art applicant to reconfigure the bar, which requires SLA action, and

WHEREAS there were a number of violations and police actions at the premises, specifically:

- 7/22/100 - Fight in which one patron was taken to the hospital and an employee was arrested and charged with assault.
- 6/1/00 - DEP violation issued for excessive noise
- 11/13/99 - Sale of alcohol after 4 AM
- 11/7/99 - Large fight inside location, patron assaulted and 2 employees arrested
- 10/30/99 - Large fight outside establishment
- 10/30/99 - Disorderly premises and fights outside premises
- 3/3/01 - Report in *The Villager* of fight with 2 men injured in front of club.

THEREFORE BE IT RESOLVED that in view of these occurrences, CB #2, Man. opposes the present application and asks that the SLA consider revoking the present license for these premises at the Culture Club of New York City, at 179 Varick St.

Vote: Unanimous, with 40 Board members in favor.

Village Donut, 321 Sixth Ave., NYC

WHEREAS the objections the first time for the upgrade for this premises was based on the location - behind the subway entrance and newsstand, next to the Theater, across from the basketball courts, and on a street which was messy and loaded with places like tattoo parlors and body piercing establishments, and

WHEREAS it was felt that this premises was more like a donut shop than a restaurant where a liquor license would be appropriate, but

The applicant has provided plans for a renovation to upgrade the restaurant and jazz cafe with taped music, and

WHEREAS the capacity is 80 persons, with hours of 11:30 AM to 3:30 PM and 4:30 PM to 12:130 AM, and

WHEREAS the small backyard garden, surrounded by tall walls with other commercial uses on the other side of each of them, will close at midnight, and

WHEREAS the applicant listened to our comments about the condition of the area, and is contacting other merchants and property owners in the immediate area to start a clean-up campaign, starting with the Waverly Theater, which he has a former relationship with,

THEREFORE BE IT RESOLVED that CB#2, Man. is now willing to give this applicant a chance to see if he can make this location APPROPRIATE FOR THE GRANT OF A FULL LIQUOR LICENSE, but

BE IT FURTHER RESOLVED that since there are more than 3 liquor establishments within 500', we request a 500' hearing.

Vote: Passed, with 35 Board members in favor, and 5 in opposition.

Spice Market, 29-35 9th Ave. (13 St.)

WHEREAS this is an application for a liquor license for a restaurant seating 170 people on the first and basement floors, and

WHEREAS the hours of operation will be noon to 11:30 PM Mon. to Sat., and

WHEREAS music will be background only, and

WHEREAS the applicant has connections with many other restaurants including Gigino at 323 Greenwich St., and Mercer Kitchen at 99 Prince St., and

WHEREAS there was no opposition at the hearing although the area was posted,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose a liquor license for Spice Market, at 29-35 9th Ave.

Vote: Unanimous, with 40 Board members in favor.

Cheers of Manhattan, Inc. d/b/a Stonewall, 51 Christopher St.

WHEREAS this is an application for a liquor license for a new restaurant to be constructed at the 7th Ave. part of the Stonewall complex, and

WHEREAS the premises is a one-story building with a capacity of 62 people, plus 5 employees, and

WHEREAS the Fire Dept. has approved the emergency exit for this space to the corridor leading to the cabaret above the 1st floor Stonewall on Christopher St.,

THEREFORE BE IT RESOLVED CB#2, Man. has no objection to this alteration in the liquor license for Cheers of Manhattan, Inc. d/b/a Stonewall, at 53 Christopher St.

Vote: Unanimous, with 40 Board members in favor.

In view of the new resolution re rear yards, which was presented tonight, the Committee would like to reintroduce the two resolutions, which were rejected last month on this basis.

Cucina Gourmet d/b/a Caffe Torino, 139 West 10 St.

WHEREAS this is a transfer of part of the ownership of this restaurant and bar, and

WHEREAS there were several Landmarks violations at this premises, and

WHEREAS, at the public hearing, there was a strong complaint about noise from the rear yard which disturbed one tenant from the adjoining building, and

WHEREAS the new owners were unaware of these problems, but stated they would attempt to correct the situation, and

WHEREAS three of the Landmarks violations seem to be connected with the café - installation of metal windows without permits, alteration of the parlor level entry and facade work,

THEREFORE BE IT RESOLVED that CB#2, Man. would suggest that the SLA grant the transfer to Cucina Gourmet d/b/a Caffe Torino, at 13 W. 10 St., but require that the Landmarks violations be cured.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

In view of the new resolution re rear yards, which was presented tonight, the Committee would like to reintroduce the two resolutions, which were rejected last month on this basis.

Cafe Nacional, LLC, 60 Thompson St.

WHEREAS this is an application for a new liquor license for a new hotel being built at 60 Thompson St. and

WHEREAS the restaurant hours will be from 6 AM to 1 AM inside the building, and there is planned both a front yard and use of the rear yard for restaurant use, and

WHEREAS the applicant has agreed by stipulation that the hours of the outdoor café and rear canopied area will be from 11 AM to 11 PM, Mon. through Thurs., and to midnight Friday, Saturday and Sunday, and

WHEREAS the applicant has now changed his proposal from the retractable roof over the rear yard restaurant to a canvas covering over the rear yard, and

WHEREAS the number of patrons will be about 148 at 46 tables and 8 seats at the bar, 20 of these seats to be in the front yard and 40 in the rear yard, and

WHEREAS the applicant has dropped plans for a rooftop restaurant, and

WHEREAS, although we were told that the front yard restaurant would be accessed only through the hotel, from the plans, the tables on the south side of the yard could and would be entered directly from the street since there is no door from the hotel lobby to that side of the restaurant, and

WHEREAS the area was posted and a number of persons showed up in opposition to this application, and

WHEREAS the stipulation from the applicant stated that the restaurant would not be using the basement of the adjacent residential building for storage or other use, and this statement was in the letter but not in the stipulation, but the applicant agreed to add it, and

WHEREAS the stipulation further states that “the applicant will install outdoor refrigeration which is designed to operate quietly and without vibration; should this system prove inadequate to the needs of the immediate neighbors in the area, the applicant will provide further sound damping in and around the unit to further quiet the system”; and

WHEREAS the applicant has agreed that this stipulation should be affixed to its permanent liquor license; and

WHEREAS there is still a question about the use of the rear yard of the adjacent residential building for the refrigeration equipment for the hotel, and the noise generated by the heating and cooling equipment for the canvas covered rear yard, and

WHEREAS, in our Zoning Committee resolution, we noted the traffic problem on the narrow Thompson St. across the street from a garage, the fact that the property is on the borderline between a residential and a manufacturing district, and that the use of the front and rear yards could adversely affect the surrounding residential buildings and the manufacturing uses, and

WHEREAS the applicant has indicated his willingness to negotiate with the adjoining tenants, however

WHEREAS CB#2, Man. opposes all rear yard food service establishments because of the harm they cause to the quality of life of overlooking residents;

THEREFORE BE IT RESOLVED that CB#2, Man. opposes the grant of a liquor license for Cafe Nacional, Inc., at 60 Thompson St.; and

BE IT FURTHER RESOLVED also, since there are more than 3 liquor licenses within the 500' area, we request the SLA hold a 500' hearing.

Vote: TABLED.

Su Casa, 494 Broadway

WHEREAS this is in a commercial building in SoHo where sidewalk cafes are not permitted, and there are no plans for rear yard use, and

WHEREAS they are installing a new kitchen and air conditioning system, and

WHEREAS at the hearing last month, there was no opposition to this application,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose a new liquor license for Su Casa, at 494 Broadway, but

BE IT FURTHER RESOLVED that since there are more than 3 liquor licenses within the 500' area, we request the SLA to hold a 500' hearing, and

BE IT FURTHER RESOLVED we request the Community Board office to request a Landmarks inspection of his site. Even though the applicant produced a Certificate of No Effect, after viewing the premises there still remains a question about the storefront.

Vote: Unanimous, with 40 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Health and Hospitals Corporation Deficit

WHEREAS the Health and Hospitals Corporation (1114C) is required to provide health care to all regardless of a person's ability to pay, and

WHEREAS the HHC is projecting a deficit of \$313 million dollars for FY 2002 and even larger deficits in the out years because of the cost of providing health care to the uninsured and the under-insured, and

WHEREAS the cost cutting measures instituted by the HHC will not substantially reduce the projected deficit but will have a severe negative impact on the quality of health care that the HHC provides to the poorest citizens of New York City, and

WHEREAS the HHC' is the only source of health care for the uninsured as private, for profit hospitals are not required to provide health care for those who cannot afford to pay, and

WHEREAS this unfunded mandate is required by State law in the HHC enabling legislation to be met with city tax levy monies,

THEREFORE, BE IT RESOLVED that CB#2, Man. demands that the Mayor and the City Council of New York City appropriate the funds necessary for the HHC to fulfill its mission of providing health care regardless of the person's ability to pay.

Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Application to NYCDOT for revocable consent for: restoration of historic brownstone stoop, fence and planted area at 10 West 10th Street.

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

WHEREAS the proposal is consistent with and conforms to the character of the block;

THEREFORE BE IT RESOLVED that CB#2 recommends approval of the application to NYCDOT for revocable consent to remove existing steps and to restore historic brownstone stoop, fence and planted area at 10 West 10th Street is granted.

VOTE: Unanimous, with 40 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.

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

WHEREAS The Carmine Courtyard Association, which is composed of seven families, appeared and spoke in opposition to the application citing the fact

that the immediate area was heavily used by pedestrians to the extent that there was serious congestion, overcrowding and noise and;

WHEREAS on May 12th, 2000 the Full Board unanimously denied the same application for the same reasons herein (see attached);

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to 38 Corp. d/b/a Sammy's Asian Gourmet, 301-303 6th Ave., with 10 tables and 32 seats DCA#1027523.

VOTE: Unanimous, with 40 Board members in favor.

3. Modification of application for revocable consent to operate an unenclosed sidewalk cafe by Smithfield Associates LLC d/b/a Pastis with 22tables and 72 seats, DCA #1016778-increase.

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

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

WHEREAS the applicant agreed in April, 2000, when he came before the committee for a new application, to a reduction of tables from 22 to 11 and of seats from 72 to 40;

WHEREAS there is sufficient passage for pedestrian safety and 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 Smithfield Associates LLC d/b/a Pastis, with 22 tables and 72 seats, DCA#1016778-increase.

VOTE: Passed, with 37 Board members in favor and 3 in opposition.

4. New application for revocable consent to operate an unenclosed sidewalk cafe by Lunella Ristorante, Inc., 173 Mulberry St., with 4 tables and 8seats, DCA #1072629.

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

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Lunella Ristorante, Inc., 173 Mulberry St., with 4 tables and 8 seats, DCA #1072629.

VOTE: Unanimous, with 40 Board members in favor.

5. New application for revocable consent to operate an unenclosed sidewalk cafe by Cookies & Couscous, Inc., 230 Thompson St., with 3 tables and 6seats, DCA #1072776.

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

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Cookies & Couscous, Inc., 230 Thompson St., with 3 tables and 6 seats, DCA #1072776.

VOTE: Unanimous, with 40 Board members in favor.

6. New application for revocable consent to operate an unenclosed sidewalk cafe by Happy Walking Boys, Corp., d/b/a Chow Bar & Grill, 184 W. 10th St., with 12 tables and 28 seats, DCA #1072271.

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

WHEREAS there is insufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Happy Walking Boys, Corp., d/b/a Chow bar & Grill, 184 W. 10th St., with 12 tables and 28 seats, DCA #1072271.

VOTE: Passed, with 39 Board members in favor and 1 in opposition.

7. New application for revocable consent to operate an unenclosed sidewalk cafe by Skander & Kareem Cafe, Inc., 134 7th Ave., So., Happy Walking Boys, Corp., d/b/a Chow Bar & Grill, 184 W. 10th St., with 24 tables and 55 seats, DCA #1073412.

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

WHEREAS the applicant agreed to a reduction in tables from 24 to 17 and seat from 55 to 41 and;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Skander & Kareem Cafe, Inc., 134 7th Ave., So., with 17 tables and 41 seats, DCA #107341

VOTE: Unanimous, with 40 Board members in favor.

8. Renewal application for revocable consent to operate an unenclosed=20 sidewalk cafe by Valdino West Inc., 581 Hudson St., with 6 tables and 18 seats, DCA #1026862.

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

WHEREAS there is sufficient passage for pedestrian safety and 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 Valdino West Inc., 581 Hudson St., with 6 tables and 18 seats, DCA #1026862.

VOTE: Unanimous, with 40 Board members in favor.

9. Application to NYC Dept. of Consumer Affairs for a proposed newsstand at 247 Canal St. (Northeast corner of Canal St.)

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

WHEREAS the applicant has maintained his business for many years and recent had to close it due to subway renovations and now wishes to reopen and;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that the application to NYC Dept. of Consumer Affairs for a proposed newsstand at 247 Canal St. (Northeast corner of Canal St.) is approved.

VOTE: Passed, with 39 Board members in favor and 1 in opposition.

NEW BUSINESS

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