

## FULL BOARD MINUTES

**DATE:** October 18, 2001  
**TIME:**6:30 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, Steve Ashkinazy, Tobi Bergman, Helene Burgess, Charle-John Cafiero, Keith Crandell, Doris Diether, , Noam Dworman, Carol Feinman, Harriet Fields, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Rosemary McGrath, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Rocio Sanz, Shirley Secunda, Ruth Sherlip, John Short, Melissa Sklarz, James Smith, Sean Sweeney, Martin Tessler, Jeanne Wilcke, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Glenn Bristow, Anthony Dapolito, Don MacPherson, Arthur Z. Schwartz, Lora Tenenbaum, Wilbur Weder.

**BOARD MEMBERS ABSENT:** Rev. Keith Fennessy, Alan Jay Gerson, Don Lee, Debra Sandler, 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; Andree Tenemas, Councilmember Margarita Lopez' office; Maura Keaney, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; Benjamin Ryan, Nat Plotkin, Mary Ann Arisman, Maura Johnson, Albert Bennett, B.Pietro Filardo, Mary K. Doris, Katy Bordonaro, Bryan Haugh, Matt Garrey, Daniel Schaffer, Jake Fry, Anthony Zunino, Stephanie Swinton, Gabriella Kesler, Tara Russo, Miles Stiverson, Eric Palatnik, Jim Bond, George Watson, Ellen Peterson-Lewis, Christian Miller, Garrett Gourlay.

### MEETING SUMMARY

Meeting Date: October 18, 2001  
Board Members Present – 39  
Board Members Excused– 6  
Board Members Absent - 5

### **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	9
BUSINESS	9
ENVIRONMENT	11
INSTITUTIONS	12
LANDMARKS	12
PUBLIC SAFETY AND HEALTH	14
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	15
TRAFFIC AND TRANSPORTATION	16
NEW BUSINESS	17
ROLL CALL	18

## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### McBurney YMCA

Christian Miller reported on the progress of the Y.

#### Visiting Neighbors

Mary Ann Arisman made a general announcement.

### **Landmarks & Public Aesthetics Items**

#### 326 Spring St. Philip Johnson Bldg.) Application to Cantilever

Garrett Gourlay, architect for the project, B. Pietro Filardo, representing Philip Johnson, Nat Plotkin, representing Place Vendome Realty, and Eric Palatnik, of Sheldon Lobel, spoke in favor of the application and against the resolution.

#### Proposal to Landmark Gansevoort Meat Market

Anthony Zunino, of GVSHP, spoke in favor of the landmarking proposal.

## **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.

Andree Tenemas, Councilmember Margarita Lopez' office,

Maura Keaney, of Councilmember Christine Quinn's office

## **V. ADOPTION OF MINUTES**

Adoption and Distribution of September minutes.

## **VI. EXECUTIVE SESSION**

- 1. Chair's Report** Aubrey Lees reported
- 2. District Manager's Report** Arthur Strickler reported.
- 3. CB#2 By-Laws**

AS ADOPTED BY COMMUNITY BOARD #2 ON MARCH 21, AND APRIL 18, 1985 AND AMENDED ON APRIL 19, 1990, OCTOBER 18, 1990, AND APRIL 18, 1991 AND FEBRUARY 18, 1993, APRIL 17, 1997 AND JULY 1, 2002.

The Bylaws of Community Board #2, Manhattan, (the "Board") shall conform to the provisions of the New York City Charter, including but not limited to Section 2800.

The Board boundaries, unless changed by State and City law, are 14th Street, Canal Street, Fourth Avenue/the Bowery, the Hudson River.

There shall be a Community Board in each community district as provided in the City Charter. The number of boards and district lines shall be determined by the City Planning Commission as provided for in section 83 of the City Charter.

## **I. MEMBERSHIP**

A. The Board shall consist of not more than fifty persons appointed by the Borough President, one-half of whom shall be appointed from nominees of the District Council Members and, as non-voting members, Council Members elected from the Board area. The Borough President and Council Members shall give due regard to representation from the different geographic sections and neighborhoods within Community Board #2, Manhattan. Not more than 25 percent of such appointments shall be City employees.

Members of the Board shall be appointed for staggered terms of two years, one-half of the membership being renewed each year. They may be reappointed, and shall be removable by the Borough President for cause. Three consecutive unexcused absences from regular meetings called in any one year shall be sufficient cause for removal. A vacancy shall be filled by the Borough President for the remainder of the unexpired term in the same manner as regular appointments.

2. Members of the Board shall serve as such without compensation.
3. Membership on the Board shall as much as possible have such diversity of interests as shall be representative of the community.
4. Members of the State Legislature and the U.S. House of Representatives whose districts include any part of the Board area shall be ex-officio non-voting members of the Community Board.
5. All members shall serve on the Board in their capacity as private citizens only. Their actions shall not be instructed by, or responsible to, any other organization with which they may be affiliated. Any members participating in the Board's consideration of a matter involving self-serving or conflicting interest shall state the nature of the conflict in speaking to the issue and shall abstain from voting on such matters and shall be so recorded.
6. Any member appearing before a government body and making a statement which conflicts with positions adopted by the Board shall first, before making such statement, identify herself/himself as a member of Community Board #2, Manhattan, and clearly state that the position being taken is not the position of CB#2-Man. No member shall represent the Board's position before any City or other government agency or authority unless designated to do so by the Board Chairperson.
7. Each Board member shall regularly attend meetings of the Full Board plus two Standing Committees of which he/she is a member.
8. The Chairperson may, after consultation with the Executive Committee, recommend to the Borough President the removal of a Board member for cause.
9. Such "cause" shall include but not be limited to a Member's failure to fulfill any of the duties or responsibilities outlined in Section 7 above. Recognizing that regular attendance at Board or committee meetings is essential in order for a member to fulfill his or her responsibilities, the Board has determined that four unexcused absences within any period of twelve consecutive months from regular meetings of the Board, or four unexcused absences within a period of twelve consecutive months from regular meetings of a standing committee to which a member has been appointed, shall constitute cause for removal.

## **II. ELECTION OF OFFICERS**

A. Except as hereinafter set forth, at the Board's regular meeting in the month of April, the Board shall elect by open ballot a Nominating Committee consisting of seven members, with that nominee receiving the greatest number of votes to be designated the Chairperson of said committee. Any tie or ties shall be resolved by lot.

Such committee shall meet as often as necessary thereafter in order to report to the Board at its May meeting one or more candidates for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, as well as such additional offices as the Board shall establish, so long as the function and duties are not in conflict with the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer.

B. All members of the Board who desire to become candidates for the offices described in Article II A shall contact a member of the Nominating Committee within two (2) weeks after the election of the Nominating Committee.

B.1 Any member of the Board who is a candidate for any of the offices described in Article II A may not serve on the Nominating Committee in the year(s) in which he/she is running for said office, unless no other candidate for a given office emerges, in which case a member of the Nominating Committee may be nominated by the Nominating Committee from the floor for such an office.

B.2 Meetings of the Nominating Committee shall be held in Executive Session and persons attending meetings of the Nominating Committee shall be restricted to members of the Nominating Committee and candidates being interviewed by the Nominating Committee for those offices which are being considered by the Nominating Committee.

C. All candidates for offices being considered by the Nominating Committee shall be informed by the Nominating Committee within 48 hours of the Committee's decision. At the regular May meeting of the Board members of the Board may offer additional nominees from the floor. There shall be no further nominations from the floor at the June meeting unless there is no nominee for a vacant office. All nominees suggested by the Nominating Committee as well as nominees offered from the floor for the Board offices shall be made known to each member of the Board in the written notice of the election of officers at the June meeting.

D. Whenever there is more than one candidate for an office, at the election meeting each candidate shall have up to (5) minutes to state why he/she wishes to serve.

E. At the June meeting of the Board there shall be a separate open election held for each of the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer, and such other officers designated by the Board.

F. If included in the written notice of the election for the June meeting, election of any other officers described in (A) above shall be held.

G. Voting for each office shall be by written open ballot.

### **III. THE BOARD OFFICERS**

A. The officers of the Board shall be Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer and such other officers designated by the Board. Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure including:

1. Terms:

Each required Officer shall serve for the year with the term beginning July 1<sup>st</sup> following the election and terminating on June 30<sup>th</sup> of the following year.

Terms of the members shall commence on April 1 of each year.

2. Rotation of Chairpersons:

To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms, except by unanimous recommendation of the Board to the Borough President.

3. Duties of Chairperson:

a. To perform all duties as prescribed in the City Charter and any other duties prescribed under law.

b. To receive Calendars and notices of meeting of all City Agencies required to refer matters to the Community Boards pursuant to the City Charter and to inform the Board members of such Calendars and notices.

c. To attend any meetings required by the Mayor and the Borough President pursuant to the City Charter or to designate his/her representative or representatives to attend.

d. To open regular monthly meetings at the time and date at which the Board is to meet, by taking the chair and calling members to order.

e. To announce the business before the Board according to the agenda.

- f. To state and put to a vote all questions or resolutions which are to be moved or which necessarily arise in the course of the Board's business and to announce the result of the vote.
- g. To interpret and enforce Robert's Rules of Order, except as otherwise provided by the By-Laws herein.
- h. To decide all questions of order.
- i. To represent and stand for the Board and perform all necessary functions according to the decisions duly made by the Board, including communicating with government agencies. Such communications shall be sent directly to the appropriate Government agency with a copy of the same simultaneously forwarded to the Borough President's office and any other pertinent City, State or Federal office or elected official's office.
- j. To authenticate all acts, orders and proceedings of the Board including the countersigning of all letters and documents of whatever nature going out from the Board, unless otherwise authorized, and to be the sole spokesman for the Board in relation to the news media, agencies of government and the public at large, except as he/she shall otherwise specifically authorize.
- k. To adjourn regular monthly meetings.
- l. To appoint, suspend or remove Chairpersons of the Standing Committees of the Board and to establish and appoint, suspend or remove the Chairpersons of such special committees as may from time to time be deemed necessary for the best performance of the Board's function. All such Chairpersons shall serve only during the term of the Board Chairperson appointing him/her. The Board Chairperson shall be an ex officio member of each committee. The Chairperson of the Board shall appoint members of all committees.
- m. To prepare and deliver the Chairperson's report.
- n. Because of the possibility of the Vice Chairpersons having to act in the absence of the Chairperson as hereinafter provided, to keep the Vice Chairpersons informed of all information, orders, directives and other matters coming to the Chairperson's attention.
- o. The term "Chairperson" is used in these by-laws to describe the presiding officer of the Board. Any individual elected to that office may not style himself/herself by other terms. This rule shall also apply to the First Vice-Chairperson and the Second Vice-Chairperson.
- p. The Chairperson may appoint a parliamentarian, if he/she chooses.

4. Duties of Vice Chairpersons:

- a. The First Vice-Chairperson shall preside at the regular monthly meeting in the place of the Chairperson when the Chairperson is absent. In the absence of the First Vice Chairperson, the Second Vice Chairperson shall preside at the meeting.
- b. The First Vice Chairperson and the Second Vice Chairperson shall assist the Chairperson when necessary and required. If the Chairperson can no longer serve or is unable to serve as Chairperson before his/her term has expired, the First Vice Chairperson shall succeed the Chairperson for the balance of the term for which the Chairperson was elected. If both the Chairperson and the First Vice Chairperson can no longer serve or are unable to serve, the Second Vice Chairperson shall succeed the Chairperson for the balance of the term for which the Chairperson was elected. If the Second Vice Chairperson can no longer serve or is unable to serve, then the last elected Nominating Committee shall convene in an emergency meeting, with its original Chairperson continuing to serve as Chairperson of the Committee and shall report to the Executive Committee (which shall convene prior to the upcoming full board monthly meeting) one or more nominees for the vacant offices of Chairperson, First Vice Chairperson and Second Vice Chairperson.

4. Should the previously elected Chairperson of the Nominating Committee be unavailable, that member of the Nominating Committee who at the time of Nominating Committee elections had received the second highest number of votes, shall serve as Chairperson of the Committee.

5. The Executive Committee will report in writing the nominee or nominees for the offices of Chairperson and First and Second Vice Chairpersons to the Board Members at the next Full Board monthly meeting.

6. The Secretary shall serve as Chairperson of the Executive Committee and Full Board until a temporary Chairperson is elected.

iv) The Assistant Secretary shall serve as Vice Chairperson until a temporary Vice Chairperson is elected.

v) The election of these temporary officers shall be by open ballot.

vi) These temporary officers shall serve until the terms of the original officers would have expired.

5. Duties of Secretary:

a. The Secretary shall be the recording officer of the Board taking the minutes of the regular monthly meetings and shall be assisted in the compilation and typing of such minutes by the Board staff. The final version of the minutes as submitted by the Secretary and approved by the Chairperson shall be distributed, and copies forwarded to the Borough President and the offices of City, State, and Federal elected officials representing the Board.

b. If both the Chairperson and the First and Second Vice Chairpersons are absent from a meeting, then the Secretary shall assume the duties of Chairperson for that meeting only.

6. Duties of Assistant Secretary:

a. The Assistant Secretary shall act as Secretary and record and report the minutes if the Secretary is not present at the regular monthly meeting. He/she shall also, if the Secretary is present, aid the Secretary in any manner deemed necessary and also take the minutes of the Monthly Executive Committee Meeting, to be submitted to the Board Office and Chairperson of the Board.

b. Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary, as herein provided, the Secretary shall keep the Assistant Secretary informed of all information, orders, directives and other matters coming to the Secretary's attention.

7. Duties of the Treasurer:

a. The Treasurer shall oversee the bookkeeping procedures of the Board and shall be responsible for all fiscal matters pertaining to the Board's Operating Budget. He/she shall present to the Board annual reports of current allocations, prorated expenditures, and proposed operating budgets.

#### **IV. EXECUTIVE COMMITTEE**

The Board shall have an Executive Committee. The Executive Committee shall include within its number, the Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, Treasurer, and standing Committee Chairpersons. Also, the outgoing Chairperson of the Board should be given an automatic seat on the Executive Committee, for one year, with full Committee rights. During those months when the Board does not meet, the Executive Committee may transact such business as necessary, but notice shall be given to all members of the Board of the proposed meetings, with an opportunity to attend and observe the action of the Executive Committee.

In emergency situations, the Executive Committee may act on behalf of the Board providing any such action shall be ratified by the Board membership at the next regular monthly meeting.

If not so ratified, there shall be no further implementation of the action after such meeting, and steps must be taken to withdraw the action.

#### **V. BOARD MEETINGS**

A. There shall be at least one regular, monthly meeting of the Board per month, except in July and August, as provided for in the City Charter, at such time and place as shall be designated by the Chairperson in the notice of the meeting sent to the Board members as hereinafter provided.

1. A majority of the appointed members of the Board shall constitute a quorum of such Board.

2. Whenever any act is authorized to be done or any determination or decision made by the Board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of the majority.

3. Except as otherwise specifically required by the By-Laws or by any applicable provision of Robert's Rules of Order, all action shall be decided by a majority of the quorum present. An abstaining member shall not be counted for purposes of determining a majority vote.

B. There may be special and emergency meetings.

1. A special meeting shall be a meeting other than the regular monthly meeting and shall be called by the Board Chairperson:

- a. at the Board Chairperson's own volition,
- b. at the Borough President's request,
- c. upon resolution adopted by the Board, by majority vote,
- d. upon written request of at least one-third of the Board's membership and presented to the Board Chairperson.

2. A special meeting shall be called upon five day's notice, in writing, with specification of the purpose of the meeting and a delineation of the agenda of such meeting, and such meeting shall be governed by the same procedures as a regular Board meeting.

3. An emergency meeting shall be a meeting in the manner of a special meeting but in circumstances where time is of the essence and decisions are required immediately. Where the five days' notice cannot be given, at least 48 hours notice must be given. Notice for an emergency meeting may include telephonic or other rapid means of communication.

C. The following are the rules governing attendance and excused absences:

1. A Board member may be properly excused for the following reasons: for military service, in the event of serious personal illness, or serious illness or death in the immediate family (the immediate family is defined as either a parent, a spouse, or a child or sibling). No other excuse will be permitted unless the Chairperson considers it to be good cause.

2. A Board Member shall not be deemed present at a meeting unless he/she is in attendance during substantially all of the meeting.

## **VI. COMMITTEE MEETINGS**

A. Committee meetings shall be conducted under the same procedures as Board meetings, however, committees may adopt additional procedures consistent with the Board procedures in these Bylaws.

B. Committee meetings shall be open to the public with the following exceptions:

1. Nominating Committee meetings.
2. Membership and staff evaluation meetings.

C. Members of the public may be appointed by the Board Chairperson to serve on committees; but the number of public members appointed to a Committee shall be fewer than the number of Board Members, except in the case of special committees approved by the Board, including the Youth Committee.

D. The vote of the Public Members shall be taken and tallied separately.

E. Committees shall keep attendance records and shall report all resolutions adopted in writing, together with the voting tally of both Board and Public Members, who are appointed members of the Committee.

F. Any resolution that received a majority vote of the committee, both the Board and the public members taken together, shall be brought to the Full Board for its consideration.

G. Committee Agendas and Public Hearings shall be arranged allowing sufficient time for the Committee to recommend and the Full Board to adopt or amend recommendations and transmit them to the appropriate

government bodies, in keeping with these same government bodies' calendars; where appropriate within the time frame established by the Uniform Land Use Review Procedures.

H. All Board meetings shall be conducted in accordance with Robert's Rules unless otherwise specified in these Bylaws.

## **VII. AGENDA**

A. An agenda shall be drafted by the Chairperson of the Board with the assistance of the Executive Committee and District Manager at least 10 days before each regular meeting. The agenda should outline the Board Chairperson's suggestion of business to be transacted at the meeting. This agenda, plus the notice of time and place of the meeting, shall be forwarded to reach each Board member at least three days before the regular monthly meeting of the Board.

B. The agenda shall consist of the following:

1. opening of the meeting and adoption of the Agenda;
2. public session.

There shall be a Public Session at each regular monthly meeting. In the interest of affording the maximum opportunity to all citizens to be heard, each speaker shall be limited to a period of no more than three minutes, less otherwise permitted by the Board Chairperson. The Public Session shall consist of the following:

- a. items not listed on the agenda. The unlisted portion of the Public Session shall be that period during which a member of the community who has a residence or a business, professional or other significant interest in the district shall be afforded an opportunity to bring to the attention of the Board any matter not already listed upon the agenda, which the speaker believes to be general or common interest to the community and the Board.
- b. items listed on the agenda. The listed portion of the Public Session shall be that period during which members of agencies of government who have requested a place on the Agenda shall be afforded the opportunity to express themselves to the Board on matters of public interest.

3. Executive Session

There shall be an Executive Session embracing all items on the Agenda listed below. The Executive Session shall be that portion of the Board meeting where only members of the Board may debate the issues and vote on such issues. However, the public is invited to be present as observers of the Board's proceedings except as the Board may decide by a vote of the majority of the quorum present and voting. The proponent of an issue before the Board, not a Board member, upon request may respond to questions in the Executive Session. Executive Session items on the agenda shall be limited to three minutes for each speaker except when otherwise decided by the Chairperson.

- a. Adoption of minutes.
- b. Community Board Chairperson's report. Together with other pertinent items the Board Chairperson shall include in his report to the Board all written communications from the Borough President's office and convey such other communications as shall come from the Borough President and other government agencies in relation to the work of the Board.
- c. Borough President's report delivered by the Board liaison.
- d. Council Members' reports and other public officials' reports.
- e. District Manager's report.
- f. Committee Chairpersons' reports. Written committee reports shall be submitted to the Board Office for typing and duplication, by each Committee Chairperson and distributed at each Full Board Meeting.
- g. Old business--unfinished items from previous meetings.

**VII. NEW BUSINESS**--matters added to the Agenda at the meeting along with any other business that may properly come before the Board.



- h. Adjournment.

## **VIII. VOTING**

- A. The Board must record in its minutes the votes of each of its members on every vote taken by the Board.
- B. Members are required to disclose his/her specific interest in any matter before the Board; however, members who have a direct financial interest in any matter should be recorded as not voting.
- C. If a matter before the Board requires further information or deliberation, that matter may be referred to the appropriate Board Committee for a report of recommendations and decisions by the entire Board at the next regular monthly meeting.
- D. All voting in Board meetings shall be in person only. No proxy will be accepted.

## **IX. DISTRICT MANAGER**

In accordance with Chapter 70, Section 2800, part "F" "The District Manager shall serve at the pleasure of the Board". The duties of the District Manager are:

- A. Assist the Chairperson and Committee Chairpersons in carrying out their responsibilities.
- B. Administer the Board Office. Direct the complaint procedures; plan agendas and chair the District Service Cabinet; oversee the Board operating budget expenditures and draft annual Board operating budgets; provide information and referrals to agencies, local institutions, groups and individuals.
- C. Guide the Board and its Committees through the various phases of participation in the City's budget process, and prepare necessary testimonies and other paperwork.
- D. Supervise processing of street and park permits.
- E. Attend Board, community, and government body meetings when necessary.

## **X. AMENDMENTS**

These by-laws may be amended by a vote of the majority of the quorum present and voting, only if notice of the proposed amendment(s) has been mailed to all members of the Board at least ten (10) days in advance of the meeting at which such amendment(s) is to be voted upon.

A proposal for an amendment(s) to these by-laws may be placed on the agenda of the Board by either a vote of the quorum present and voting or by written request of the Borough President.

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

1. **Village Farmers Market, Inc. d/b/a Turquachino, 252 Blecker Street, NYC 10014**

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

**WHEREAS**, the applicant had previously applied to this committee for an on-premise wine and beer license resulting in a recommendation of denial; and

**WHEREAS**, this application is for a license to sell beer for off-premise consumption; and

**WHEREAS**, several members of the public appeared in opposition to the granting of this license, stating that the applicant has been a bad neighbor and citing several violations that had been issued to the applicant, including playing music through loudspeakers into the street and encroaching on the sidewalk; and

**WHEREAS**, this location is directly across from a Catholic Church and an elementary school and the committee received a letter from the Pastor of the church urging the committee to recommend denial of this application; and

**WHEREAS**, the application also stated that the applicant will be applying for a sidewalk café license and it was felt that this retail beer license would be used to serve patrons in the sidewalk cafe; and

**THEREFORE BE IT RESOLVED**, that CB2 strongly recommends denial of a retail beer license for Village Farmers Market, Inc. d/b/a Turquachino, 252 Bleecker Street, NYC 10014.

Vote: Unanimous, with 39 Board members in favor.

**2. A Rozzano, Inc., 57 Greenwich Avenue, NYC 10014**

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

**WHEREAS**, the applicant is buying the location currently known as the Dew Drop Inn; and

**WHEREAS**, the applicant currently operates the restaurant Sapore located directly across the street from this location; and

**WHEREAS**, the applicant stated that the menu will be better, the hours of operation will be shorter than those of the current owner, and there will be no live music;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of this application for an on premise liquor license for A Rozzano, Inc., 57 Greenwich Avenue, NYC 10014

Vote: Unanimous, with 39 Board members in favor.

**3. R.M.S. Restaurant Corp., d/b/a Osteria Fiorentina, 281 Bleecker Street, NYC 10014**

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

**WHEREAS**, this application is for an alteration permitting the existing bar to be moved from the front to the back of the location; and

**WHEREAS**, the applicant stated that there would be no changes to the menu or to the hours of operation;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of this alteration application for R.M.S. Restaurant Corp. d/b/a Osteria Fiorentina, 281 Bleecker Street, NYC 10014.

Vote: Unanimous, with 39 Board members in favor.

**Serafina, 393 Lafayette Street, NYC 10014 (Renewal)**

**WHEREAS**, this applicant currently has two on-premise licenses at this location; and

**WHEREAS**, CB#2, Man. was very reluctant to recommend approval of the second license to Meeting Room Corp. 21-23 East 4<sup>th</sup> Street based on the fact that the premise is located in the M15-B zoning district where restaurants cannot exceed 5000 square feet and that the combined square footage of both places would exceed 9000 square feet in direct violation of the zoning ordinance; and

**WHEREAS** the applicant assured CB#2, Man. and the NoHo Neighborhood Association that each premise would be totally separate from the other with separate kitchens, restrooms, entrances, utilities, etc.; and

**WHEREAS** the applicant entered into a Memorandum of Understanding with the NoHo Neighborhood Association that they agreed would be made part of and a condition of their liquor license (copy attached); and

**WHEREAS**, the Memorandum of Understanding states that the applicant would run a family friendly Italian restaurant “aspiring to excel in the food industry”; and

**WHEREAS**, the Memorandum of Understanding also states that the Meeting Room will ensure that music or noise from the premises will not be heard by tenants in their or the neighboring buildings; and

**WHEREAS**, the applicant opened the second location as a bar/lounge/disco without any kitchen or bathroom facilities nor does it have a separate entrance. Entrance to the location is through the Serafina Restaurant effectively combining the two spaces into one location with two on premise liquor licenses; and

**WHEREAS** it is obvious to CB#2, Man. that this applicant misled the committee and the full board and the NoHo Neighborhood association in order to be approved for a licensed premise exceeding 9,000 square feet with no intention whatsoever of living up to their verbal or written representations; and

**WHEREAS**, the premise has been a source of excessive noise and sidewalk congestion and has been issued violations for disorderly premise, operating a cabaret without a cabaret license, no public assembly permit, blocked fire exits, music playing into the street, failure to control crowds, blocked sidewalks and overcrowding;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. strongly recommends denial of the renewal of the on premise license for Serafina, 393 Lafayette Street, NYC 10003 based on the fact that they are a 9,000 square foot premise in a zone that permits a maximum of 5,000 square feet and based on the excessive number of violations issued to this premise; and

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon the SLA to revoke the license of The Meeting Room Corp., 21-23 East 4<sup>th</sup> Street, NYC 10003, based on the applicant's failure to adhere to the Memorandum of Understanding attached to and made part of their license approval.

Vote: Unanimous, with 39 Board members in favor.

## **ENVIRONMENT**

### **1. Impact Of The September 11th Atrocity On Air Quality In Lower Manhattan**

**WHEREAS**, the World-Trade-Center atrocity may well have released dangerous substances into the atmosphere of Lower Manhattan; and

**WHEREAS** such potentially hazardous materials might include asbestos, dioxin, metals, and PVCs which could create long and short-term health risks for residents, including vulnerable children, rescue workers, and employees; and

**WHEREAS**, such air-quality risks continue from ongoing fires, and from tons of dust generated by the pulverization of the buildings and their contents; and

**WHEREAS**, the Federal Environmental Protection Administration has, in its initial findings, not identified health air-borne risks from the September 11 event, nor has it yet released data on which initial studies were based; and

**WHEREAS**, Community Board 1, State Senator Tom Duane, Councilmember Kathryn Freed, and Councilmember-elect Alan J. Gerson are searching additional testing to identify the nature of any dangers from air-borne pollutants, including health risks from dust which will become air-borne during the clean-up process;

**NOW THEREFORE BE IT RESOLVED** that CB#2, Man. strongly supports the initiatives of CB1 and public officials in seeking further studies by independent air-quality experts; and

**BE IT FURTHER RESOLVED** that CB#2, Man. strongly urges that all results and supporting data, including that already compiled by the EPA, be made public as promptly as possible in order that the public may be reassured or that the public can be advised on appropriate action needed to protect its health.

Vote: Unanimous, with 39 Board members in favor.

### **2. Need For Lower Manhattan Comprehensive Assessment With Reliable Central Information Source For The Environmental Health Effects Of The September 11th World Trade Center Atrocity**

**WHEREAS**, people who live, work, attend school, visit, or operate businesses in Lower Manhattan are confronted with a broad range of environmental concerns as they try to restore their lives to normal in the wake of the September 11 atrocity; and

**WHEREAS** many of these environmental concerns -- air and water quality, techniques for disposing of pulverized materials, the effects of air-borne contaminants on children with asthma and other respiratory problems, the effectiveness of school clean-up efforts, etc. -- may involve decisions affecting the lives and health of these citizens; and

**WHEREAS** the reeking smoke still pours from the wreckage of the World Trade Center, where the pulverized remains of construction materials, sheet rock, asbestos, office supplies, and a huge array of electronic equipment will form a part of our ecology for months to come; and

**WHEREAS**, concerned citizens seeking answers to their inquiries have no single source of sound information on coping with the environmental effects of the September 11 event; and

**WHEREAS**, in working their way through the various agencies seeking accurate information, citizens receive a variety of answers, sometimes conflicting, to their inquiries; and

**WHEREAS**, because of the conflicts, many citizens lack confidence in the veracity of the information;

**NOW THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges a program involving the following steps to deal with citizens concerns:

1. Create an ad-hoc environmental assessment body to evaluate as quickly as possible the effects of the atrocity on the environment of (A) Lower Manhattan and (B) other Metropolitan Area neighborhoods seriously affected.
2. Organize such a body under the aegis of a government agency, but include representatives of affected communities and non-governmental agencies such as private hospitals, occupational health bodies, labor unions, etc.
3. Create an citizen information program including a web site, information hot-line, a publishing resource, and public meetings to make available current information, such information to include data and recommendations from city, state, and federal environment and health agencies as well as private agencies;
4. Develop a model environment analysis body and information program for any future emergency of the scale of the World Trade Center episode.

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

## **INSTUTIONS**

### **New York University Noise Abatement near 1 University Place**

**WHEREAS** CB#2, Man. and New York University (NYU) have been engaged in a process of abating the noise problem faced by the tenants of 1 University Place stemming from roof-mounted air conditioning and ventilating equipment on the Main/Waverly/Brown building complex, and

**WHEREAS** NYU's good faith efforts and expenditures in correcting the problem have hopefully abated the noise problem which only future tenant feedback can ascertain

**THEREFORE BE IT RESOLVED** that CB#2, Man. commends NYU for the forthright manner in which it approached this problem and sincerely hopes that the process we have jointly experienced over the past 6 months will be applied to future noise and other problems as they may arise from time-to-time and

**BE IT FURTHER RESOLVED**, that NYU take into consideration in its future new building and renovation projects the aggregate sound levels emanating from roof mounted ventilation produced by the agglomeration of buildings that it owns in close proximity to residential areas and that it make every effort to specify water-cooled and other sound attenuation equipment.

Vote: Unanimous, with 39 Board members in favor.

## **LANDMARK.S AND PUBLIC AESTHETICS**

### **PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, 10/23/01**

#### **1. LPC Item: 1 - 61 Grove St.**

**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 39 Board members in favor.

**2. LPC Item: 2 – 326 Spring Street (Washington/Greenwich) Individual Landmark/John Brown House, a.k.a. The Ear Inn A Federal style house built ca. 1817. Application is to request to cantilever a portion of a new building and adjacent lot over the landmark site.**

**WHEREAS**, this application involves not just any building in an historic district, but an individual landmark, and one of the oldest and most historic in New York City. (John Brown is said to have been an aide to George Washington during the Revolutionary War, the African-American man portrayed alongside Washington in the famous painting of *Washington Crossing the Delaware*); and

**WHEREAS**, the proposed building is not as-of-right, and denial of this cantilever would not be a taking; this experienced developer is seeking a so-called hardship variance, that will permit a building's height of, literally, *the sky's the limit*; and

**WHEREAS**, the individual landmark is situated in a streetscape of low-rise buildings; and

**WHEREAS**, the attorney for the applicant offered quasi-expert comments regarding the eye's view and the brain's perception of the relationship of the proposed cantilever to the John Brown House, yet presented no scientific background or evidence, nor perspective renderings from a pedestrian's point of view, to substantiate his claims; and

**WHEREAS**, a member of the public who works in the cinematographer's union did offer expert testimony on lenses, eye lenses, and fields of vision: he testified that the cantilever would indeed be in the field of vision of a person viewing the John Brown House from across Spring Street, and would thus interfere with the public's view and enjoyment of the historic house; and

**WHEREAS**, this cantilever portion of the new building will overshadow some 20% of the footprint of the John Brown House, a substantial portion; and

**WHEREAS**, the precedent offered by the applicant regarding another cantilever project at the Neil Simon Theater at 244 West 52<sup>nd</sup> Street is not comparable in this instance for several reasons:

- On 52<sup>nd</sup> Street, a high-rise neighborhood, the cantilever was 66 feet from West 52<sup>nd</sup> Street, at the rear of the landmark building. In the proposed application the cantilever begins on the primary street at the front of the historic building, a huge 66-foot difference.
- The new building will destroy some of the fabric of the landmark building namely a portion of the west wall where the present Ear Inn kitchen is located. And although this removal of historic fabric is not visible from the street, the Commissioners will remember about ten years ago that the Landmarks Preservation Commission ordered an applicant to replace historic fabric illegally removed from the rear of 17 Jay Street, although the fabric was not visible from the street.
- And although citing fire safety as the reason for destroying historic fabric, the applicant produced no documentation from the NY Fire Department to substantiate this claim of fire hazard. In fact the Ear Inn has no fire or safety violations.
- And by moving the kitchen, this project will, in effect, extend and expand a Federal landmark building into a modern skyscraper.
- Given the height of existing adjacent buildings and the content of the streetscape, this new tower, unlike the West 52<sup>nd</sup> Street project, will have a perceptible relationship to the landmark

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

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

**3. LPC Item: 3 – 363 Canal Street (W. Broadway/Wooster) A store and workshop building built in 1891. Application is to install storefront infill.**

**WHEREAS**, the proposed design would articulate and unify the façade and two entrances, and would be in scale with the rest of the building; and

**WHEREAS**, the materials, colors and proportions are consistent with other buildings in the historic district; and

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

Vote: Unanimous, with 39 Board members in favor.

**4. LPC Item: 4- 28 Greene Street (Canal) A commercial building built in 1872. Application is to remove and replace the cast-iron entrance stairs and vaults.**

**WHEREAS**, the original steps, risers, and glass lenses are in terrible shape; and

**WHEREAS**, the cost to restore is very expensive, and could not guarantee that eventually the same deterioration would not occur; and

**WHEREAS**, the replacement of the steps with diamond-design metal plating has historically been used in the Cast-Iron Historic District to remedy this ubiquitous problem;

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

Vote: Unanimous, with 39 Board members in favor.

**5. LPC Item: 5 – 102 Prince Street - To be heard at staff level.**

**6. LPC Item: 6 – 611 Broadway- Held over one month at the request of the applicant.**

**7. A proposal to landmark the Gansevoort Market**

**WHEREAS** CB#2, Man. has supported the creation of an Historic District in the Gansevoort Market Area since 1985, as the first in a series of steps toward designating the neighborhoods beyond the existing Greenwich Village Historic District and

**WHEREAS** a new proposal has been submitted to the NYC Landmarks Preservation Commission requesting the creation of a Gansevoort Market Historic District; and

**WHEREAS** the approximate boundaries of the requested district are West Sixteenth Street to the North, Gansevoort and Horatio streets to the South, Hudson Street to the east and the Hudson River to the west; and

**WHEREAS** this proposal argues persuasively that the area is a mixed-use mercantile district linked to the city's working waterfront, highly significant in architectural and historical terms, and that this significance can be demonstrated on a building-by-building basis; and

**WHEREAS** important loft buildings combine with low-scale market buildings, metal awnings, Belgian blocks pavers, and wide intersections to create streetscapes that define a strong sense of place and clearly evoke New York City's industrial and market past that exists nowhere else in the city today; and

**WHEREAS** since 1987, CB#2, Man. has also requested that the New York City Landmarks Preservation Commission calendar hearings for the designation of a Greenwich Village Waterfront Historic District; and

**WHEREAS** CB#2, Man. continues to support the need to preserve the unique areas that tie the Greenwich Village Historic District to the industrial, commercial and waterfront activities that defined its beginnings; and

**THEREFORE BE IT RESOLVED that** CB#2, Man supports the creation of a Gansevoort Market Historic District and urges the New York City Landmarks Preservation Commission to move forward with this process in a timely manner and calendar a hearing; and

**BE IT FURTHER RESOLVED that** CB#2, Man. asks that the Landmarks Preservation Commission meet with the community to discuss potential historic designation of the neighborhoods to the west and south of the Greenwich Village Historic District.

Vote: Passed, with 37 Board members in favor, 1 in opposition, and 1 recusal (R. Reichman).

**PUBLIC SAFETY**

**World Trade Center Terrorist Attack On September 11, 2001**

**WHEREAS** the World Trade Center terrorist attack on September 11, 2001, has had the deepest, most negative effects on world, nation, city, and in the most immediate sense downtown Manhattan including the CB#2 area, and

**WHEREAS**, aside from damages inflicted during wartime and resulting from natural disasters, these attacks may well be unprecedented in terms of loss of human life, suffering experienced by surviving loved ones, and economic impacts against businesses large and small as well as in their general brutality towards the rule of law, and

**WHEREAS**, through its proximity to the New York attack sites, the CB#2 area has experienced enormous losses including both residents and large numbers of City, State, Port Authority, and EMS workers who, notwithstanding domicile, spent their working lives in our neighborhood assuring services which are important to the smoothness and even flow of our business and residential life, and

**WHEREAS** among these workers were many police, firefighters, and other uniformed personnel who lost their lives while rushing to assist others caught in this great emergency, and whose loss we feel most profoundly, and

**WHEREAS** many of these lost heroes came from our local police precincts and fire houses, from which bases they long labored in our best interest and never hesitated to do all within their power to respond to our community's needs,

**THEREFORE BE IT RESOLVED** that CB #2, Man., expresses its deep sadness towards all deceased and injured victims of the September 11 events and sends its heartfelt condolences to all families, friends and colleagues who suffered losses caused by these actions, while expressing its special devotion to all lost members of uniformed services attached to our community and all those grieving for them, and

**BE IT FURTHER RESOLVED** that CB #2, Man., conveys its deepest appreciation and ongoing support to all surviving police, fire and other uniformed service personnel who have worked and will continue to work on behalf of our community and the safe conduct of residential and business life therein, and

**BE IT FINALLY RESOLVED** that CB #2, Man., thanks and salutes the valiant efforts of rescue workers, volunteers from around the U.S. and abroad, medical staffs and hospital employees who are working tirelessly to assist in this tragic situation, and appreciates the willingness of those in federal, state and city government to unite in concern and support without regard to political belief or party affiliation.

Vote: Unanimous, with 39 Board members in favor.

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

**1. Renewal application for revocable consent to operate an enclosed sidewalk café for Kobma Thai Restaurant, 611 Hudson Street, with 10 tables and 30 seats. DCA# 0696545.**

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

**WHEREAS** this application is for a three year renewal of an enclosed café with 10 tables and 30 seats and,

**WHEREAS** there was no community opposition to this renewal:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an enclosed sidewalk café, with 10 tables and 30 seats for Kobma Thai Restaurant, at 611 Hudson Street, New York City, DCA# 0696545.

Vote: Unanimous, with 39 Board members in favor.

**2. Renewal application for revocable consent to operate an unenclosed sidewalk café for Bar Pitti Restaurant, 268 6<sup>th</sup> Avenue, with 15 tables 30 seats, DCA# 0895550.**

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

**WHEREAS** there is sufficient passage for pedestrian safety and access this is a very wide sidewalk (26 feet) and,

**WHEREAS** the committee received an anonymous letter that we will not be acknowledge, stating there is not enough passage way this was checked out and it is not true and,

**WHEREAS** there was no opposition from the community;

**THEREFORE BE IT RESOLVED** CB#2, Man. Recommends approval of a three (3) year revocable consent to operate an unclosed sidewalk café with 15 tables and 15 seats for Bar Pitti, 268 6<sup>th</sup> Avenue, NYC, DCA# 0895550.

Vote: Unanimous, with 39 Board members in favor.

**3. Renewal application for revocable consent to operate an unenclosed sidewalk café by Greenwich Village Bistro, 13 Carmine Street, with 9 tables and 18 seats, DCA# 1030835.**

**WHEREAS** the applicant appeared before the committee and would like to increased the number of tables to 9 tables from 6 tables and to 18 seats from 12 seats and,

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

**WHEREAS** there was no opposition from the community and,

**WHEREAS** last the applicant has been a good neighbor and when he first came before this committee last year he agreed to reduce the amount of tables and seats for one year.

**THEREFORE BE IS RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Greenwich Village Bistro, 13 Carmine Street, NYC, with 9 tables and 18 seats, DCA# 1030835.

Vote: Unanimous, with 39 Board members in favor.

**4. Renewal application for revocable consent to operate an unenclosed sidewalk café for The Noho Star, 330 Lafayette Street with 16 tables and 32 seats DCA# 0931822.**

The applicant asked to appear before the committee in November.

**5. Renewal application for revocable consent to operate an unenclosed sidewalk café for Poy Laung Thai Restaurant, 210 Thompson Street, NYC with 4 tables and 8 seats. DCA# 1005307.**

The applicant failed to appear for two months and the committee agreed not to take a position on this application.

**6. Renewal application for revocable consent to operate an unenclosed sidewalk café for Xando Cosi, 841 Broadway, NYC with 14 tables and 36 seats, DCA# 1027305.**

The applicant failed to appear for two months and the committee agreed not to take a position on this application.

**TRAFFIC AND TRANSPORTATION**

**1. To Change Parking Regulations On Washington St. From Horatio To Gansevoort, Greenwich St. From Horatio To Jane St., And West 12th St. From Washington St. To Greenwich St.**

**WHEREAS**, the commercial uses in this area 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 East side of Washington St. from Horatio St. to Jane St. the existing NO PARKING 5AM TO 4PM Mon. to Fri. regulations on the north end of the block are to be changed to NO PARKING I IAM TO 2PM Tues. & Fri. to allow four parking spaces. The existing NO PARKING 5AM TO 4PM Mon. to Fri. regulations on the south end of the block that provide a loading dock are to remain.

On Greenwich St. from Horatio St. to Jane St. the existing NO PARKING 5AM TO 4PM Mon. to Fri. regulations are to be changed to NO PARKING I IAM TO 2PM Tues. & Fri. on the east side of the block and NO PARKING I IAM TO 2PM Mon. and Fri. on the west side of the block.



On West 12th St. from Washington St. to Greenwich St. on the south side of the block the Existing NO PARKING 8AM TO 6PM Mon. to Fri. regulations at the east end of the block are to be changed to NO PARKING 11AM TO 2PM Tues. & Fri.

Vote: Unanimous, with 39 Board members in favor.

**2. RESOLUTION IN SUPPORT OF HIGH OCCUPANCY VEHICLE REGULATIONS.**

**WHEREAS**, the high occupancy vehicle regulations that were enacted due to the recent crisis have reduced traffic congestion and travel times in lower Manhattan and have greatly improved traffic flow throughout the Canal Street Corridor,

**THEREFORE BE IT RESOLVED**, that CB#2-Man. recommends that these regulations be retained based on study by NYCDOT of the most appropriate times and formats for their application, and

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2-Man. recommends that the NYCDOT investigate other options such as tolls on the East River Crossings and Value Pricing in order to improve traffic flow.

Vote: Passed, with 37 Board members in favor, 1 abstention and 1 in opposition.

**NEW BUSINESS**

Respectfully submitted,

Robert Rinaolo  
Secretary  
Community Board #2, Manhattan