

## REVISED FULL BOARD MINUTES

**DATE:** May 23, 2002  
**TIME:** 6:30 P.M.  
**PLACE:** NYU Law School, Vanderbilt Hall  
40 Washington Square South, Room 110

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashkinazy, Tobi Bergman, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Harriet Fields, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Hyun Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don MacPherson, Rosemary McGrath, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Ann Robinson, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, John Short, Melissa Sklarz, James Smith, Shirley H. Smith, Bradford Sussman, Sean Sweeney, Martin Tessler, Lora Tenenbaum, Wilbur Weder (was , Jeanne Wilcke, Betty Williams.

**BOARD MEMBERS EXCUSED:** Helene Burgess, Don Lee, Robert Rinaolo, Ruth Sherlip, Carol Yankay **Wilbur Weder –correction (was excused for April 2002 full board meeting).**

**BOARD MEMBERS ABSENT:** Stephanie Thayer

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

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, 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; Dirck McCall, Councilmember Alan Gerson's office; Andree Tenemas, Councilmember Margarita Lopez' office; Carin Mirowtiz, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; Stacy Joseph Bettina Witteveen, Amelia Schwartz, Ellen Peterson-Lewis, Barbara Hults, Mary D. Halleck, Jacquelin Martin Boone, Eileen Robert, P. Nadin, Jim Bond, Chi-lui Chang, James Lawson, Nicholas Lawson, Jane Stewart, Suzy Goren, Orli Eshkar.

### MEETING SUMMARY

Meeting Date – May 23, 2002  
Board Members Present – 42  
Board Members Excused– 5  
Board Members Absent - 1

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## II. PUBLIC SESSION

### Non-Agenda Items

#### Closure of Token Booths

Stacy Joseph spoke in favor of keeping the token booths open.

#### Announcement

Doris Diether, CB#2, Man. made an announcement.

#### Budget Cuts

Amelia Schwartz spoke regarding budget cuts to library services.

#### PATH Meeting/Proposal

Ellen Peterson-Lewis and P. Nadin spoke regarding the above-referenced meeting. Eileen Robert spoke against the PATH proposal.

#### Rerouting of Buses

Martin Boone and Mary D. Halleck spoke against the rerouting of buses at Charles St.

### Landmarks & Public Aesthetics Items

#### 419 Lafayette St.

Orli Eshkar, representing the applicant, spoke in favor of the proposal.

## III. Adoption of Agenda

## IV. Elected Officials Present and Reporting

Daryl Cochrane, of Congressman Jerrold Nadler's office

Bronley Luhrs, 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 Alan Gerson's office.

Andree Tenemas, Councilmember Margarita Lopez' office,

**V. ADOPTION OF MINUTES**

Adoption and Distribution of April minutes.

**VI. EXECUTIVE SESSION**

1. **Chair's Report** Aubrey Lees reported
2. **District Manager's Report** Arthur Strickler reported.

**STANDING COMMITTEE REPORTS**

**BUSINESS**

**1. Due Amici Café Corp., d/b/a Due Amici Cafe, 504 La Guardia Place, NYC 10012**

**WHEREAS**, the applicant's attorney appeared before the committee, and

**WHEREAS**, this location has been licensed for many years under various ownership, and

**WHEREAS**, the applicant stated that this would be an Italian restaurant with hours of operation being 11 AM to 12 Midnight 7 days, and

**WHEREAS**, no one from the public spoke in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise liquor license to Due Amici Café Corp., 504 La Guardia Place, NYC 10012.

Vote: Unanimous, with 42 Board members in favor.

**2. Howard Patriot Group Inc., 25 Howard Street, NYC 10013**

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

**WHEREAS**, this application is for an On Premise license at a location that has been a source of police action and other problems disturbing to the community; and

**WHEREAS**, the applicant is also the landlord of the building and although the nearby residents stated that the illegal activity was still occurring on a nightly basis, the applicant/landlord claims that he has no knowledge of who the occupants are; and

**WHEREAS**, over 27 residents of the community appeared in person and testified against the issuance of this license, in addition members of the community submitted 51 letters in opposition and also submitted a petition signed by 118 persons in opposition; and

**WHEREAS**, although the Dept. of Buildings issued a Letter of No Objection, they later clarified that the applicant would not be able to operate as an eating and drinking establishment until a change of use is authorized and a new Certificate of Occupancy issued. Therefore, given that the existing Certificate of Occupancy does not permit use of a liquor license, the letter of no objection does not satisfy the requirements of the ABC Law, and

**WHEREAS**, the applicant claims that there are only two similarly licensed premises within 500 feet of this location, however the community residents submitted a map and a list of 6 other similarly licensed establishments within 500 feet of this location; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise license for Howard Patriot Group Inc., 25 Howard Street, NYC 10013;and

**BE IT FURTHER RESOLVED** that CB#2, Man. does not find that the issuance of this license will be in the public interest and calls upon the State Liquor Authority to conduct a 500 foot hearing on this application to allow the objections of the community to be fully aired.

Vote: Unanimous, with 42 Board members in favor.

**3. G & P Corp., d/b/a Rare, 418 West 14th Street, NYC 10014**

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

**WHEREAS**, this application is for the transfer of an On Premise license for the location formerly known as The Cooler; and

**WHEREAS**, the applicant stated that the hours, menu and music policy will not change; and

**WHEREAS**, no one from the community appeared in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application for an On Premise license for G & P Corp., d/b/a Rare, 418 West 14th Street, NYC 10014;

Vote: Unanimous, with 42 Board members in favor.

**4. Summer LLC., d/b/a Arawaks, 133 West 13th Street, NYC 10011**

**WHEREAS**, the area was posted; and

**WHEREAS**, the applicant, her attorney and architect appeared before the committee; and

**WHEREAS**, this application is for an On Premise license for a location that has been previously licensed by various owners for the last 40 years; and

**WHEREAS**, the applicant plans to open an upscale restaurant similar to her other location, Maroons, located in Chelsea with background only music and an 11 PM closing time in the rear yard; and

**WHEREAS**, prior owners of this location had illegally enclosed the rear yard of this premise and this applicant has agreed to remove the enclosure and operate the rear yard in the summer only as is permitted by the Public Assembly permit; and

**WHEREAS**, the applicant's architect stated that an extensive renovation will be required and that all systems will be brought up to code and that soundproofing will also be installed; and

**WHEREAS**, the 13<sup>th</sup> St. Block Association has long objected to the rear yard outdoor café and the impact of noise on the apartments that face this rear yard

**WHEREAS**, the Committee felt that although this applicant was qualified for licensing and sincere in her presentation, any use of a rear yard, be it legal or illegal, is unacceptable; and

**WHEREAS** CB#2, Man. would like to encourage the applicant to seek another, more appropriate site within our district,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application for an On Premise license for Summer LLC., d/b/a Arawaks, 113 West 13<sup>th</sup> Street, NYC 10011, specifically because of the inner courtyard outdoor café and its effect on the community.

Vote: Passed, with 35 Board members in favor, 6 in opposition, and 1 abstention.

**5. Lu Lu Grocery Corp., 470 Sixth Avenue, NYC 10011**

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

**WHEREAS**, this is an application for an On Premise license for this location that will be a moderately priced Mexican Restaurant; and

**WHEREAS**, the applicant stated that the hours of operation will be from 11:30 AM to 12:30 AM for food service, longer for the bar; and

**WHEREAS**, no one from the public appeared in opposition to this application;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not object to the issuance of an On Premise license for Lu Lu Grocery Corp., 470 Sixth Avenue, NYC 10011

Vote: Unanimous, with 42 Board members in favor.

**6. Four Green Fields LLC., 140 Seventh Avenue South, NYC 10014**

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

**WHEREAS**, this is an application for an On Premise license for this location that was formerly known as Woody's; and

**WHEREAS**, the applicant stated that this will be a southwestern style restaurant open from 11 AM to 2 AM with background music only; and

**WHEREAS**, no one from the public appeared in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not object to the issuance of an On Premise license to Four Green Fields, LLC., 140 Seventh Avenue South, NYC 10014

Vote: Unanimous, with 42 Board members in favor.

**7. 30 Spring Street Restaurant Corp., 30 Spring Street, NYC 10014**

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

**WHEREAS**, this applicant has been operating this restaurant for the past year without beer, wine or alcohol and now seeks an On Premise license; and

**WHEREAS**, the applicant stated that there would be no change in the method of operation or the hours; and

**WHEREAS**, no one from the public appeared in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to 30 Spring Restaurant Corp., 30 Spring Street, NYC 10014

Vote: Unanimous, with 42 Board members in favor.

**8. Rajmir Holdings Inc., d/b/a Hudson Bar and Books, 636 Hudson Street, NYC 10014**

**WHEREAS**, this application is to extend the existing On Premise license into the sidewalk café; and

**WHEREAS**, the area was posted, the applicant appeared and no one from the public spoke in opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the extension of the existing On Premise license into the sidewalk café.

Vote: Unanimous, with 42 Board members in favor.

**9. The Magic Company Inc., d/b/a Elyssee, 199 Prince Street, NYC 10012**

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

**WHEREAS**, this is an application to transfer the existing On Premise license (Sirocco Restaurant Inc. d/b/a Frontiere); and

**WHEREAS**, no one from the public spoke in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to The Magic Company, Inc., d/b/a Elyssee, 199 Prince Street, NYC 10012

Vote: Unanimous, with 42 Board members in favor.

**10. Varick Group LLC., d/b/a Butter, 415 Lafayette Street, NYC 10003**

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

**WHEREAS**, this application is to change an existing service bar on the lower level into a regular bar serving patrons; and

**WHEREAS**, no one from the public spoke in opposition to this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to this alteration application for Varick Group LLC., d/b/a Butter, 415 Lafayette Street, NYC 10003

Vote: Unanimous, with 42 Board members in favor.

## **ENVIRONMENT**

### **On The Need For Comprehensive Decontamination By The U.S. Environmental Protection Agency Of All Buildings In All Areas And Districts Contaminated By The 9/11 World Trade Center Catastrophe**

**WHEREAS**, the National Contingency Plan (NCP) is authorized by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and federalizes decontamination under the U.S. Environmental Protection Agency (EPA) in the event of major catastrophes, including terrorist attacks, such as that which occurred on September 11<sup>th</sup>, 2001; and

**WHEREAS**, under NCP, the EPA is responsible for decontamination of ALL areas contaminated by the World Trade Center(WTC) atrocity, but it has delegated to local New York City agencies these sophisticated testing and massive decontamination responsibilities, for which our local agencies are neither equipped nor staffed; and

**WHEREAS**, the May 8<sup>th</sup>, 2001 offer by EPA Administrator Christine Todd Whitman for a request-based, one-time cleanup, limited only to residents living in Manhattan below Canal Street, is one more instance of the EPA's avoidance of the NCP-mandated responsibility for comprehensive decontamination; and

**WHEREAS**, EPA's avoidance of comprehensive decontamination, its delegation of responsibility to local agencies, and its failure to test with the best available technology, has resulted in health-damaging chaos in the contaminated areas of Manhattan (including areas above Canal Street), Brooklyn and New Jersey, with residents and workers advised by Administrator Whitman that the air was safe to breathe, and by New York City Department of Health to use HEPA vacuum cleaners and wet rags to clean up massively contaminated residential interiors, shown by private tests to contain mercury, lead, chromium, cadmium, asbestos, fiberglass, along with dioxins and dangerously fine contaminants requiring state-of-the-art testing to identify; and with the Federal Emergency Management Agency (FEMA) advising rental tenants that they were ineligible for FEMA compensation for this costly but necessary professional decontamination; and

**WHEREAS**, EPA's failure to test rigorously and to decontaminate comprehensively has led businesses and workers to refuse to move back into areas that they can have no confidence have been properly decontaminated; and

**WHEREAS**, EPA's neglect means that large numbers of residents are still unable to return safely to their homes, now eight months after 9/11; and others without options are living with the contaminants; and

**WHEREAS**, because of EPA's deceptive reassurances about air quality and its neglect of its decontamination responsibilities, the probability now exists that residents, students, public and business employees, cleanup workers and many others will unnecessarily suffer long-term chronic illness and, in some cases, premature deaths; and

**WHEREAS**, this failure has provided a shameful model for how the federal government will act in case of future terrorist attacks, one that can give the populace little confidence;

**NOW THEREFORE BE IT RESOLVED** that Community Board #2 Manhattan finds that EPA Administrator Whitman's May 8<sup>th</sup> 2002 request-based decontamination offer for residential interiors below Canal Street simply perpetuates the dangerous chaos that now prevails in post 9/11 decontamination by failing to include

- 1) all contaminated districts in Manhattan above and below Canal Street, as well as in Brooklyn and New Jersey;
- 2) all contaminated buildings, especially schools, including public, private and parochial schools, day care centers, colleges, universities and technical schools (though severe student and faculty respiratory problems attest to inept decontamination in schools);
- 3) all outdoor areas, including roofs and sidewalks, and all indoor public areas, including air circulation/heating/cooling systems and elevators;
- 4) all businesses, though small businesses are no more able to safely handle decontamination than are residents;

5) ongoing testing for recontamination by release of contaminants during reconstruction and, by establishing a request-based system for cleaning only residential interiors, removes the possibility of an organized comprehensive cleanup, the only health-based alternative, by which all outdoor areas would be decontaminated first, then all indoor public spaces, and finally all private interiors, in order to avoid an endless cycle of recontamination; and

**BE IT FURTHER RESOLVED** that this decontamination offer that the EPA intends to implement on June 1, 2002 fails to safeguard the public health by requiring residents to request cleanup, thereby delegating to them the responsibility for:

- a) knowing the offer exists and how to use it (despite known language and other common barriers);
- b) knowing whether or not their spaces are contaminated, a testing responsibility belonging to the EPA;
- b) making sure not to have their spaces decontaminated until nearby outdoor and public spaces have been decontaminated, to avoid recontamination;

**BE IT FURTHER RESOLVED** that Community Board #2 Manhattan calls upon Administrator Christine Todd Whitman to adhere to the following guidelines for decontamination, many of them required by the NCP, whereby

- 1) all response actions comply with all federal laws, regulations and standards;
- 2) all information, including test results, is made public;
- 3) funding is made available by FEMA for the entirety of the decontamination;
- 4) state-of-the-art, best available technology is used for all testing procedures, and testing is done for dioxins and the finest particles;
- 5) test samples are split in order to permit further analyses by private labs;
- 6) regular meetings are held with a citizens advisory committee chosen by the affected neighborhoods;
- 7) the boundaries of the decontamination areas are determined by state-of-the-art testing, and all contaminated buildings and areas are included for decontamination, regardless of use or location in relation to Ground Zero;
- 8) an ongoing and systematic program for health monitoring is established, according to generally accepted public health protocols, for those who have lived, worked and gone to school in the contaminated areas; and

**BE IT FURTHER RESOLVED** that the EPA's failure to date to properly fulfill its crucial decontamination responsibilities in the matter of 9/11 is a demonstration of the need for an EPA Ombudsman, and Community Board #2 Manhattan therefore calls upon Administrator Whitman to immediately reinstate the Ombudsman; and

**BE IT FURTHER RESOLVED** that it is the intention of this Board that a comprehensive and rigorous approach to decontamination of the affected schools will allow students forced to leave for health reasons to safely return, and Community Board #2 Manhattan calls upon Schools Chancellor Harold Levy to rescind his directive prohibiting the return of those students; and

**BE IT FURTHER RESOLVED** that it is the intention of this Board that a comprehensive and rigorous approach to decontamination will provide a more trustworthy model for how the federal government will discharge its responsibilities in case of future terrorist attacks; and

**BE IT FINALLY RESOLVED** that Community Board #2 Manhattan strongly urges Mayor Bloomberg and Governor Pataki to come to the aid of the people of the impacted neighborhoods by strongly and publicly urging President Bush to direct the EPA to implement a comprehensive decontamination plan along the lines recommended above.

Vote: Unanimous, with 42 Board members in favor.

#### **FOURTEENTH STREET**

**Request for Private Parking Spaces in front of Jeffrey's Department Store and adjacent Gallery**

**SEE ATTACHED RESOLUTION – EXHIBIT 1.**

Vote: Unanimous, with 42 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**II. LPC Item: 8 – 73-79 Greenwich Avenue**

**REQUESTED TO BE HELD OVER.**

**2. LPC Item: 9 – 624 Hudson Street, a/k/a 57 Jane Street**

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

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

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

Vote: Unanimous, with 42 Board members in favor.

**3. LPC Item: 10 – 141 Perry Street**

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

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

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

Vote: Unanimous, with 42 Board members in favor.

**4. LPC Item: 11 – 64 Morton Street**

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

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

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

Vote: Unanimous, with 42 Board members in favor.

**5. LPC Item: 12 - 137 Seventh Avenue South**

**A contemporary commercial building built in the 1990's, designed by Platt Byard Dovell. Application is to legalize the installation of awnings, lighting and flagpoles without LPC permits.**

**WHEREAS**, the awnings do not match the proportions of the building and the building would look better without them; and

**WHEREAS**, the three fluorescent bulbs in different colors should be replaced with a less glaring choice; and

**WHEREAS**, the introduction of banners into the Greenwich Village Historic District, even on a modern thoroughfare like Seventh Avenue South, should be carefully considered, and

**WHEREAS**, in this case they are not warranted, and more appropriate signage should be selected; now

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

Vote: Unanimous, with 42 Board members in favor.



**6. LPC Item: 13 – 419 Lafayette Street - NoHo H.D.**

**A Romanesque/Renaissance Revival style warehouse designed by Alfred Zucker and built in 1893. Application is to legalize the installation of storefront infill without LPC permits and to install awnings and light fixtures.**

**WHEREAS**, the design, materials, proportions, and balance of the proposed building entrance are inconsistent with other contributing buildings in the historic district; and

**WHEREAS**, the proposal for three awnings to ‘tie the building together’ would not, but rather would break up the line of the four dominant pilasters, and seem out of place on this large building; now

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

Vote: Passed, with 20 Board members in favor, 4 in opposition, 1 and 4 in abstention.

**7. LPC Item: 14 - 136 Greene Street**

**A warehouse designed by Albert Zucker and built in 1885. Application is to legalize the installation of storefront infill without LPC permits and to install awnings and light fixtures.**

**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 42 Board members in favor.

**8. LPC Item: 15 – 435 Broome Street**

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

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

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

Vote: Unanimous, with 42 Board members in favor.

**9. LPC Item: 16 – 125 Greene Street**

**A Classical style store building designed by Henry Fernbach and built is 1883. Application is to legalize the removal of the paint from the cast-iron façade and the installation of a bracket sign without LPC permits.**

**WHEREAS**, the proposed bracket sign is in scale; but

**WHEREAS**, a flagpole was attached to the frieze without LPC permits and despite warnings that damage could occur to the historic material; and

**WHEREAS**, the flagpole is about 15 feet above street level; and

**WHEREAS**, the applicant illegally stripped the paint with harsh Peel-Away® brand paint remover in August, 2001, has repeatedly postponed appearing before the Commission, and has allowed the unprotected cast-iron columns, base, pilasters, and grill work to be left to the elements for over ten months, despite repeated warnings by neighbors about the damage occurring to the historic materials; and

**WHEREAS**, the cast iron is now rusting away; and

**WHEREAS**, the applicant has shown an irresponsible disregard for the materials of the historic district; and

**WHEREAS**, one of two existing light fixtures above the residential entrance door was removed during the painting process and has not been replaced, with unsightly results; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends the applicant's immediate response to this emergency situation, by removing all the rust, repairing damages, and painting the façade in an approved color, all *per* the LPC guidelines for treating cast-iron facades; and

**FURTHER, BE IT RESOLVED** that the LPC determine that the flagpole follows the guidelines for length and height, and further determine that no harm was done to the façade by the installation of the flagpole without LPC permit; and

**FURTHER, BE IT RESOLVED** that the applicant replace industrial light fixture he caused to be removed.

Vote: Passed, with 41 Board members in favor, and 1 recusal (S. Sweeney).

**10. LPC Item: 17 –51 Greene Street (Grand) A store and loft building built in 1853. Application is to legalize the installation of a flagpole and banner without LPC permits.**

**WHEREAS**, a blade sign would be obscured by an existing fire escape with a drop-down ladder; but

**WHEREAS**, the existing banner is too large at 4' by 5'; and

**WHEREAS**, the applicant agreed to decrease the banner to 3' by 5' and replace the supporting rod from its current placement in the historic fabric, the brickwork, to a spot in the mortar; now

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

Vote: Unanimous, with 42 Board members in favor.

**11. LPC Item: 18 – 43 Wooster Street**

**A store built in 1884. Application is to legalize the construction of a rooftop addition and rooftop mechanical equipment without LPC permits.**

**WHEREAS**, the addition is barely visible and is hidden behind the parapet wall; now

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

Vote: Unanimous, with 42 Board members in favor.

**12. LPC Item: 19 – 57 Greene Street (Grand/Broome)**

**A store building built in 1876. Application is to legalize the installation of three flagpoles and banners without LPC permits.**

**WHEREAS**, we think this would be an opportunity to standardize the signage on this building, and the Cast-Iron District in general; now

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

**FURTHER, BE IT RESOLVED** that we urge three blade signs that are sympathetic to the building be installed.

Vote: Unanimous, with 42 Board members in favor.

**13. LPC Item: 20 – 54 Crosby Street (Broome/Spring) A two-story building altered in 1980. Application is to legalize the installation of a metal sculpture without LPC permits.**

**WHEREAS**, this absurd project, a larger-than-life head of a charging bull crashing through the façade, destroys, figuratively and literally, a good part of the façade; and

**WHEREAS**, the bull's head extends 29" into the public area and has a deleterious effect on the streetscape; and

**WHEREAS**, additionally, this is an advertisement for a bar to be located at the premise, to be known as the "Bull Bar"; now

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

Vote: Unanimous, with 42 Board members in favor.

**14. LPC Item: 21 - 37 Greene Street (Grand)**

**An Italianate style row house built in 1853. Application is to install a vestibule on the ground floor.**

**WHEREAS**, the materials, symmetry and proportion of this proposal match contributing buildings in the historic district; now

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

Vote: Unanimous, with 42 Board members in favor.

**15. Resolution of gratitude to Albert Bennett**

**WHEREAS**, Albert Bennett has dutifully, graciously, and intelligently represented Community Board 2, Manhattan before the Landmarks Preservation Commission; and

**WHEREAS**, his reports to us of those proceedings have proved invaluable in educating our members on the procedures, policies and news current at the Commission; and

**WHEREAS**, the decision was based on the desire of the committee to be represented at the Commission by a CB#2, Man. member rather than a public member; and

**WHEREAS**, he has proved invaluable to us in his role as liaison; now

**THEREFORE, BE IT RESOLVED** that Community Board #2, Manhattan wholeheartedly thanks Albert Bennett for his service on behalf of the Community Board and his dedication to historic preservation.

Vote: Unanimous, with 42 Board members in favor.

**LESBIAN, GAY BISEXUAL AND TRANSGENDER**

**1. Judson Memorial Church Efforts To Resolve Neighborhood Issues**

**WHEREAS** the Judson Memorial Church has expressed concern over the divisive atmosphere currently existing in our neighborhood between certain groups of Greenwich Village residents and LGBT Youth and Youth of Color who come to the Village for recreation, and

**WHEREAS** the Judson Memorial Church is planning a Public Forum, with invited speakers, to discuss specific topics, and

**WHEREAS** the Judson Memorial Church intends to follow the Forum with facilitated focus and discussion groups,

**THEREFORE, BE IT RESOLVED**, that Community Board #2 Manhattan supports the work of Judson Memorial Church in their efforts to resolve these neighborhood issues.

Vote: Unanimous, with 42 Board members in favor.

**NOMINATING COMMITTEE**

**3. Report of the Nominating Committee**

**SEE ATTACHED REPORT – EXHIBIT II.**

**PARKS, RECREATION AND OPEN SPACE**

**Renovation of Vesuvio Playground on Thompson St. from Funds being provided by Councilmember Christine Quinn**

**BE IT RESOLVED** that CB#2-Man. approves the plans for the renovation of Vesuvio Playground but requests that one basketball backboard be added to the plans in the handball area reducing the handball courts from three to two.

Vote: Unanimous, with 42 Board members in favor.

**PUBLIC SAFETY AND HEALTH**

## **St. Vincent's Hospital**

**WHEREAS** St. Vincent's Hospital has long been a critically important center of medical care in our community, as well as a key emergency resource for many persons injured elsewhere in the city, for example on September 11, 2001, and in countless other accidents and disasters over the years, and

**WHEREAS** the nursing staff of St. Vincents is one of the most basic elements in its ability to continue providing high-quality medical assistance to both city and community, and

**WHEREAS** the nurses' recent contract negotiations have resulted in a quick agreement between nurses and management leading to a satisfactory new contract for the nurses, and

**WHEREAS** the speed of resolution renders no longer necessary the support which Community Board #2, Manhattan, has always stood ready to give, and

**WHEREAS** this quick resolution enables the nurses, and in turn St. Vincent's, to continue to ensure the high standard of medical care needed by city and community,

**THEREFORE BE IT RESOLVED** that CB#2, Man. thanks the St. Vincent's nurses for their devoted service and thanks St. Vincent's Hospital for its willingness to acknowledge and reward their value, and

**BE IT FURTHER RESOLVED** that CB#2, Man., congratulates the St. Vincent's nurses on their success in this year's negotiations and stands ready to assist them as always in their future negotiations.

Vote: Unanimous, with 42 Board members in favor.

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

**NEW application for revocable consent to operate an unenclosed sidewalk café by El Café Espanol Restaurant, 78 Carmine Street, (bet. Bedford & Varick Streets) NYC, with 10 Tables and 30 seats, DCA# 1105132.**

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

**WHEREAS**, there is sufficient passage for pedestrian safety and public access and;

**WHEREAS**, this establishment was located across the street at another location for over ten years and;

**WHEREAS**, there are no complaints on file at the board office and;

**WHEREAS**, the applicant agreed to fence in the sidewalk café;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to El Café Espanol Restaurant, 78 Carmine Street NYC with 10 tables and 30 seats.

Vote: Unanimous, with 42 Board members in favor.

**NEW application for revocable consent to operate an unenclosed sidewalk café by Loco Pazzo Restaurant, 57 Greenwich Avenue, NYC, (bet. Perry & West 11<sup>th</sup> Streets) with 13 tables 38 seats, DCA# 1105743.**

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

**WHEREAS**, there is sufficient passage for pedestrian safety and public access and;

**WHEREAS**, this establishment has had an unenclosed sidewalk since the year 1990 and;

**WHEREAS**, the new owners took away the old platform of the sidewalk café giving better access and;

**WHEREAS**, the applicant will be installing a removal railing around the sidewalk café;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to Loco Pazzo Restaurant, 57 Greenwich Avenue, NYC with 13 tables and 38 seats.

Vote: Unanimous, with 42 Board members in favor.

**NEW application for revocable consent to operate an enclosed sidewalk café by Chateau, 133 7<sup>th</sup> Avenue South, NYC, (bet. West 10<sup>th</sup> & Charles Streets) with 6 tables and 24 seats, DCA# 1107394;**

The applicant will be heard again in June 2002.

**NEW application for revocable consent to operate an unenclosed sidewalk café by Da Silvano Restaurant, 260 Sixth Avenue, NYC, (bet. Houston & Bleecker Streets) with 21 tables and 46 seats DCA# 1106166.**

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

**WHEREAS**, there is no opposition from the community and;

**WHEREAS**, the applicant does have a sidewalk café permit, but he renovated the next store and wants additional 6 tables and 15 seats and;

**WHEREAS**, the applicant is well known in the community and has been in business at this location for twenty-seven years and;

**WHEREAS**, there is sufficient passage for pedestrian safety and public access and;

**WHEREAS**, there are no complaints on file at the Board office;

**THEREFORE BE IT RESOLVED** That CB#2, Man. recommends Approval of a ONE YEAR consent revocable to operate an unenclosed sidewalk café to Da Silvano Restaurant 260 Sixth Avenue, NYC for 21 tables and 46 seats.

Vote: Passed, with 41 Board members in favor, and 1 abstention.

**RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Tutta Pasta Restaurant, 26-28 Carmine Street, (bet. Bleecker & Bedford Streets) NYC with 10 tables and 23 seats DCA# 0858598.**

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

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

**WHEREAS**, there are no complaints on file at the Board office and;

**WHEREAS**, there is sufficient passage for pedestrian safety and public access and;

**WHEREAS**, this establishment has had a sidewalk café permit for twenty years and;

**WHEREAS** the owner will not put planters that exceed the sidewalk café only in the sidewalk café area.

**THEREFORE BE IT RESOLVED** That CB#2, Man. recommends approval for a THREE YEARS revocable consent to operate and unenclosed sidewalk café to Tutta Pasta Restaurant, 26-28 Carmine Street, NYC, for 10 tables and 23 seats.

Vote: Unanimous, with 42 Board members in favor.

**RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Dojo West Restaurant, 14 West 4<sup>th</sup> Street, NYC, with 6 tables and 22 seats DCA# 0890588.**

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

**WHEREAS**, there was no opposition from the community and no complaints on file at the Board office and;

**WHEREAS**, there has been an unenclosed sidewalk café at this location since 1992 and;

**WHEREAS**, there is sufficient passage for pedestrian safety and public access;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a THREE YEARS revocable consent to operate unenclosed sidewalk café for Dojo West Restaurant, 14 West 4<sup>th</sup> Street, NYC, with 6 tables and 22 seats.

Vote: Unanimous, with 42 Board members in favor.

**RENEWAL application for revocable consent to operate an unenclosed sidewalk café by The Bagel Restaurant, 168-170 West 4<sup>th</sup> Street, (bet. 6<sup>th</sup> & Jones Streets), NYC with 1 tables and 4 seats, DCA # 0806182.**

The applicant failed to appear, we will hold till the June 2002 meeting.

## **TRAFFIC AND TRANSPORTATION**

### **1. “East River Bridge Tolls & Congestion Pricing”**

**WHEREAS**, Community Board #2 has long recognized that the streets of lower Manhattan are extremely congested and greatly exceed their designed capacity, and

**WHEREAS**, East River Bridge Tolls would reduce traffic flow and reduce the excess through truck traffic on our local streets, and

**WHEREAS**, Congestion Pricing would reduce congestion at peak hours and significantly improve traffic flow in the surrounding neighborhoods, and

**WHEREAS**, such tolls would provide much needed revenue to the city budget and therefore save important health education and welfare programs further cuts, and

**WHEREAS**, Local businesses must pay additional costs for commercial deliveries because their trucks are delayed for excessive periods of time in congested traffic, and

**WHEREAS**, The price of a bridge toll would actually result in lower costs and greater efficiency for commercial deliveries, and

**WHEREAS**, Modern advances in electronic systems such as “Easy Pass” would allow the collection of tolls without causing traffic congestion at the bridges, and

**WHEREAS**, The air quality would be noticeably improved due to the reduction in diesel exhaust from full size semi trucks passing through lower Manhattan, providing riders with directions and information and train changes,

**THEREFORE BE IT RESOLVED** that commercial vehicles or private vehicles no larger than vans be permitted to use the Broome Street/Watts Street route from Lafayette to Varick St.

**THEREFORE BE IT RESOLVED** that Community Board #2, Manhattan requests that the NYC DOT institute Tolls and Congestion Pricing on all East River Bridge crossings and that the tolls be collected by an electronic system such as “Easy Pass”

**BE IT FURTHER RESOLVED** that the NYCDOT studied the feasibility of setting up a system of flexible tolling to meet extending circumstances such as emergency needs

Vote: Passed, with 31 Board members in favor, 3 abstentions and 8 in opposition.

### **2. To Continue The Ban On Full Size Semi Trucks Passing Through The Holland Tunnel.**

**WHEREAS**, After 9/11 a temporary ban was instituted on all commercial trucks at the Holland Tunnel, And;

**WHEREAS**, The ban has resulted in a noticeable and significant improvement in traffic flow in the surrounding neighborhoods, And;

**WHEREAS**, The air quality has also noticeably improved due to the reduction in diesel exhaust from full size semi trucks passing through the Holland Tunnel, And;

**WHEREAS**, CB#2, Man. has long called for a dramatic reduction in through truck traffic that does not service local business and does not belong on our local neighborhood streets, And;

**WHEREAS**, Full size semi trucks have been shown to endanger the health of our residents and cause extensive damage to our streets, And;

**WHEREAS**, Community Board #2, Manhattan has consistently supported the interests of local businesses that insure the economic viability of our community, And;

**WHEREAS**, The ban smaller commercial trucks places an undue burden on local businesses,

**THEREFORE BE IT RESOLVED**, CB#2, Man. requests that the NYC DOT and the Port Authority rescind the temporary ban at the Holland Tunnel on all smaller commercial trucks that serve the local community and further requests that the temporary ban on full size semi trucks passing through the Holland Tunnel be made permanent.

Vote: Passed, with 38 Board members in favor and 4 abstentions

**3. The New York City Transit Authority (NYCTA) Proposal to Close Token Booths and Reassign Token Booth Clerks.**

**WHEREAS**, the New York Transit Authority (NYCTA) has proposed a three-year plan to eliminate all token booths from the New York City subway system, and has further proposed to begin this process by closing 53 booths; and

**WHEREAS**, these closures would eliminate the fixed booth sites that provide assistance and supervision, thus increasing security risks to the subway ridership at a time when security in most public facilities is being heightened due to the recent terrorist attacks; and

**WHEREAS**, The NYCTA has also stated that it is considering eliminating the use of tokens on the subway system thereby effectively enabling the closing of many subway station token booths, and

**WHEREAS**, these closures would seriously and adversely affect the ability of the ridership to gain access to the subway system, and would impose a particular hardship on the elderly, the disabled, parents with young children, and other individuals with bulky items who rely upon public transportation; and

**WHEREAS**, the NYCTA is proceeding with this plan without soliciting input from the public; in spite of almost 150,000 signatures on the Keep the Token Booths Open Coalition's petition, and

**WHEREAS**, Judge Lebedeff's decision, in the case of New York Public Interest Research Group, et al. v. Lawrence Reuter, as President of the New York City Transit Authority, et al., reflects the fact that these alterations constitute a significant change in access to subway service, for which the NYCTA is required "(i) to give public notice, including notice to affected community boards, (ii) to conduct public hearing(s), and (iii) to obtain the approval of its board, all as specified in Section 1205 (5) of the Public Authorities Law"; and confirmed unanimously by the Appeals Court that there should be hearing(s) and that the safety of the public is at stake; and

**WHEREAS**, the elimination of token booth clerks will leave many sections of stations or entire stations completely unstaffed resulting in increased safety concerns for riders; and

**WHEREAS**, Subway token booth clerks perform vital safety functions such as calling for emergency services, providing riders with directions and alerting incoming trains of persons on the tracks, which would be lost if their current ranks are not maintained, and

**WHEREAS**, the MTA did not adequately inform or seek input from the community in preparation for the proposed revisions to service; and

**WHEREAS**, the NYCTA has continued to disregard public input on proposed changes in subway service by appealing the court's decision; and

**WHEREAS**, the New York State Appellate Court has ruled unanimously in the Coalition's favor, and has further stated that the issue of public safety and security is of paramount importance, and must be fully 'Considered when evaluating any proposed changes;

**THEREFORE BE IT RESOLVED** that inasmuch as the staffed token booths act as a significant element of subway security for the riding public and facilitate access to the system for all members of the riding public, there should be no change in the current status of any token booths, including the staffing and hours of operation thereof, and

**THEREFORE BE IT FURTHER RESOLVED** that Manhattan Community Board 2 requests that the NYCTA should honor the spirit of the judge's ruling, should recognize the need for public participation in significant decisions directly affecting the ridership, should hold full public hearings as soon as possible in each affected community board area, that adequate notice of the hearings be provided to the community, and that the NYCTA should honor the public sentiment expressed at those hearings.

Vote: Unanimous, with 42 Board members in favor.

## **WATERFRONT**

### **HUDSON RIVER PARK**

#### **1. Installation of Railing**

**WHEREAS**, the Hudson River Park Trust (HRPT) has adopted a railing design to be used on the bulkhead and on the perimeter of various public use piers; and

**WHEREAS**, the railing design chosen for most of the Park, other than playground areas, features horizontal bars, 10 inches apart, which can be climbed through by a small child; and

**WHEREAS**, the aforementioned design makes use of the Park dangerous for small children, and therefore limits Park use by many in the CB#2, Man. community, and

**WHEREAS**, nearly 20 parents appeared at a public hearing before the CB#2, Man. Waterfront Committee unanimously opposing the aforescribed railing design; and

**WHEREAS**, there exists an alternative design with a grid in place of the horizontal rails, which is child-safe and has already been approved by the Trust for placement in the Park,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man.:

1. Urges the HRPT to utilize the grid version of the railing throughout the Park, or utilize some other appropriate, child-safe design; and
2. Urges our elected officials, including Congressman Nadler, Senator Duane and Council Members Quinn and Gerson, to contact the HRPT about the railing design and to advocate for a child-safe design; and
3. Urges CB#1, Man. and CB#4, Man., and the HRPT Advisory Council, to re-examine the railing design with safety considerations in mind, and to support CB#2, Man. on this issue.

Vote: Unanimous, with 42 Board members in favor.

#### **2. Pier 40 Legislation**

**WHEREAS** the Hudson River Park Act, enacted in 1998, envisioned commencement of construction of the park at Pier 40 no later than 12/31/02, and therefore set a 12/31/02 end to many of the commercial uses presently operating on the Pier; and

**WHEREAS**, CB#2, Man. has repeatedly urged the HRPT to move forward more rapidly on planning for the Pier 40 portion of the Park, and has contributed to that process by conducting a design competition and working with the Pier-Park-Playground Association (P3) to develop a prototype plan reflecting the various needs of the CB#2, Man. community, and

**WHEREAS** the Trust has dragged its feet on planning for the Park on Pier 40, transparently motivated by the continuing income stream from the current commercial uses on Pier 40; and,

**WHEREAS** the Trust has submitted legislation to the Assembly and Senate which would amend the Hudson River Park Act and grant an unlimited extension of their right to continue current commercial uses on Pier 40, and

**WHEREAS**, the Trust submitted said legislation without first consulting the Trust's Advisory Council or CB#2, Man.; and

**WHEREAS**, Senator Tom Duane and Assembly Member Deborah Glick have input from the community and park advocates; and



**WHEREAS**, the Hudson River Park Advisory Council has taken a position opposing the legislation; and

**WHEREAS**, CB#2, Man. is emphatically committed to the timely creation of a park on Pier 40 which maximizes park uses and minimizes commercial uses; and

**WHEREAS**, in planning the Pier 40 park the HRPT has not worked in good faith with CB#2, Man. and other entities representative of the community, instead keeping information and planning secret; and

**WHEREAS**, the HRPT has, in particular, not allowed public review of responses to its Requests for Expression of Interest from various developers,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man.:

1. Opposes any amendment of the Hudson River Park Act, at this time, which would allow extension of the current month-to-month permit and the current uses on Pier 40, and
2. Wishes the HRPT to, be made aware that it is dismayed by the failure of the Trust to advise CB#2, Man. of the legislation before submitting it to state legislature, and is generally critical of the lack of interest the Trust has shown in community input in planning of the park at Pier 40, and
3. Thanks Senator Duane and Assembly Member Deborah Glick for their participation in this issue; and
4. Implores all state legislators, particularly Assembly Members Glick and Gottfried and Senators Duane and Schneiderman, to consult and work with CB#1, Man., CB#2, Man., CB#4, Man, and the Advisory Council in crafting any legislation which might emerge regarding the Pier 40 deadlines, and
5. While opposing the legislation, but recognizing that legislation may emerge, seeks to have any such legislation include:
  - a) A finite period of extension of the current uses;
  - b) A prohibition on expansion of commercial uses beyond the current uses;
  - c) A requirement that any plan for Pier 40 not be adopted without meaningful consultation with and approval of CB#2, Man. and the Advisory Council,
  - d) A strengthening of the consultative role of the community boards and the Advisory Council on all actions taken by the Trust;
- III. A requirement that the Trust commit to a detailed description for the Pier 40 design and construction process, with benchmarks.
- IV. A requirement that HRPT financial information and plans be made more public.  
An expansion of the requirement of park space on Pier 40, from the present 50% of the footprint (375,000 sq. ft.) to 100% of the footprint, or 50% of the total square footage on the Pier (presently 1.5 million sq. ft.), whichever is greater.

Vote: Unanimous, with 42 Board members in favor.

• **Mooring Field South of Pier 40.**

**WHEREAS**, HRPT operates a mooring field south of Pier 25, which field was destroyed as part of the recovery efforts connected to the destruction of the World Trade Center; and

**WHEREAS**, the Army Corps of Engineers and State Department of Environmental Conservation permits for Hudson River Park bar creation of a mooring field on the south side of Pier 40; and

**WHEREAS**, the HRPT has sought Army Corps and DEC permission to temporarily create a mooring field on the south side of Pier 40, but did not advise CB#2, Man. of this application; and

**WHEREAS**, the HRPT seeks to contract with Surf Side, a commercial entity operating at Chelsea Piers to run the mooring field, and has refused to consider proposals from the Metropolitan Boating Association, which describes itself as a boaters' cooperative, and which had been operating the mooring field at Pier 25; and

**WHEREAS**, Surf Side has been advising the public that it will be operating at Pier 40 for five (5) years,

**THEREFORE, BE IT RESOLVED** that CB#2, Man.:

1. Support the issuance of a temporary permit for a mooring field at Pier 40 for one season only; and
2. Requests that the Army Corps and DEC condition this temporary permit on the following conditions:
  - a) That all contracts for operation of a mooring field entered into prior to the temporary permit's issuance be voided,
  - b) That there be a public process in choosing an operator for the mooring field;
  - c) That priority be given to a community-based not-for-profit operator rather than a commercial operator; and
3. Wishes the Trust Directors to be advised that CB#2, Man. is disturbed by the fact that it was not advised of the HRPT application to the Army Corps and the DEC, and of the continuing failure of Trust staff to seek input from CB2.

Vote: Unanimous, with 42 Board members in favor.

### **SPECIAL RESOLUTION ON HUDSON RIVER PARK ADVERTISING**

**WHEREAS**, the Hudson River Park Trust (HRPT) has notified major corporations that they may advertise within Hudson River Park with a "level of resonance which is virtually impossible to secure in today's media laden, technology driven environment"; and

**WHEREAS**, HRPT has arranged an "invitation-only" reception for what they call "Hudson River Park Corporate Marketing Partners" for June 4, 2002, at Pier 63, at 7:00 p.m.; and

**WHEREAS**, it is the considered opinion of CB#2, Man. that, in general, corporate or product advertising within a park is esthetically inappropriate and an improper commercial assault on the senses of park users, who will be utilizing Hudson River Park in order to escape from "today's media-laden, technology driven environment," it is hereby

**RESOLVED** that CB2:

- 1 Strongly opposes the plan to create "Corporate Marketing Partners" for Hudson River Park, or any other plan which will result in advertising within Hudson River Park.
2. Calls on Governor Pataki and Mayor Bloomberg to withdraw their support for this proposal and instead utilize tax levy funds to fill whatever gap is anticipated in the Park budget, which has necessitated this outrageous proposal.
3. Calls on the State Legislature to bar such advertising from Hudson River Park, should action be taken to amend the Hudson River Park Act.
4. Calls on all Park supporters to join a picket line being planned outside the June 2002 reception at Pier 63 at 7:00 p.m.

Vote: Unanimous, with 42 Board members in favor.

### **ZONING AND HOUSING**

#### **1. Cooper Union Redevelopment Plans**

##### **Engineering Building**

**WHEREAS**, the proposal for the Engineering Building site involves tearing down the existing building and construction a 17-story building 225' high with retail and community facilities on the lower floors and 10 or more stories of office space on the upper floors not necessarily connected with Cooper Union's academic programs, and

**WHEREAS**, to accomplish this would require the CPC to designate this site as part of a Large Scale Development Plan, change the zoning from C6-1 to C6-3, and remove lease a restriction between the City and Cooper Union for the portion of Astor Zoning known as Stuyvesant Street, and

**WHEREAS**, the purpose of the Large Scale Development Plan is to permit Cooper Union to redistribute floor area between the various buildings (Engineering, Hewitt, & Foundation) and waive height, bulk and setback regulations without concern for zoning lot lines to secure a better site plan, and

**WHEREAS**, the proposed development plan does not lead to a better site plan for either Cooper Union or the adjacent buildings,

**THEREFORE** CB#2, Man. does not support the request for a Large Scale Development Plan.

**WHEREAS**, the proposed change in zoning from C6-1 to C6-3 for this site would lead to an increase in floor area from the present 152,990 sq. ft. to 450,795 sq. ft., and

**WHEREAS**, the C6-3 zoning would represent a 53.8% increase in the maximum community facility FAR over what is permitted by the current C6-1 zoning, and thus be clearly inharmonious with the existing zoning and land use pattern, and

**WHEREAS** the Cooper Union proposal for the Engineering Building site rezoning has been conclusively shown to be for none other than maximizing revenue from its real estate building, and

**WHEREAS**, in the unanimous opinion of the Cooper Union Joint Task Force, as ratified by both CB#2, Man. and CB#3, this major zoning change from C6-1 to C6-3 for the block referred to as the Engineering Building site would introduce an FAR of 10 into the Central and East Village that was never envisioned by the 1960 zoning resolution, and

**WHEREAS**, the recommendation from the Joint Task Force was that the zoning must not be changed on the Engineering site, retaining the existing C6-1 zoning,

**THEREFORE** CB#2, Man. does not support the change in zoning for this Engineering site from C6-1 to C6-3.

**WHEREAS**, Cooper Union currently has use of a portion of the former Stuyvesant Street bed by Deed from the City of New York dated May 27, 1959, and

**WHEREAS**, the deed to Cooper Union contained a restriction limiting the use of this property "for educational purposes only," and

**WHEREAS**, Cooper Union has asked for this deed restriction to be removed, and

**WHEREAS**, the Joint Task Force recommended that any development on the site must be set back at least to the original roadbed of Stuyvesant Street, and

**WHEREAS**, this is one of the few remaining true east-west streets in the area, and when viewed from 2nd Avenue gives a clear view all the way to 4th Ave., except for the Starbucks Coffee Shop which Cooper Union has permitted on the Engineering site,

**THEREFORE** CB#2, Man. opposes the removal of the deed restriction for the portion of the former Stuyvesant St. on the Engineering Building site.

**WHEREAS**, the academic space to be added to Cooper Union is only about 6,000 sq. ft., and

**WHEREAS**, the balance of the space will be used for commercial office space not connected to the school's use, and

**WHEREAS**, Cooper Union is apparently piggybacking on a letter from the New York City Law Dept. dated April 6, 1995, in answer to a letter from the attorneys Brown & Wood representing the school, which stated that the use of the Stuyvesant St, corner of the Engineering site could be leased to a commercial use because the income from the lease "would be applied towards the costs of providing tuition scholarships to students attending Cooper Union," and therefor the lease would be consistent with the deed restriction requiring this space to be used "for educational purposes only," and

**WHEREAS**, we doubt that that author of that letter envisioned his decision being used to authorize use of 10 floors of a new structure for commercial offices when he had authorized the use of a small amount of plaza area for what is now a Starbucks Coffee Shop,

**THEREFORE** we question the right of a community facility to build space for a commercial use unconnected to the educational facility and still be granted both the additional floor area and the tax abatement for this space.

**WHEREAS**, the Engineering Building site is adjacent to the individual landmark, the Foundation Building, and

**WHEREAS**, the Landmarks Preservation Commission has guidelines for construction on sites adjacent to a Historic Landmark,

**THEREFORE** we request that the City Planning Commission assure that these guidelines will be adhered to in both the demolition of the existing building and the construction of any new building on this site.

### **Hewitt Building Site**

**WHEREAS**, the proposal by Cooper Union is for the present 2-story building with 68,390 sq. ft. of floor area to be demolished and replaced with a 9-story building with 193,575 sq. ft. of floor area and a height of 135', and

**WHEREAS**, this site is directly west of the Ukrainian Church and its dome, which would be dwarfed by the proposed building, and

**WHEREAS**, the proposal is to have retail uses on the first floor and academic space above, and

**WHEREAS**, the land on which the Hewitt Building sits is owned by the City of New York with a long-term lease to Cooper Union, and

**WHEREAS**, the lease to Cooper Union was recently renewed for a period ending Jan. 31, 2106, and

**WHEREAS**, this lease contains the following clause: "It is mutually covenanted and agreed between the parties hereto that the said premises herein demised shall revert back to the party of the first part (the City) if at any time during the term hereby granted or any renewal thereof, the said premises shall be used by the party of the second part (Cooper Union) for other than educational or philanthropic purposes," and

**WHEREAS**, the Joint Task Force recommended that there must be no change in the current lease restriction at the Hewitt site, thereby prohibiting the proposed retail use on the 3rd Ave. frontage, and

**WHEREAS**, there was also discussion about the possibility of retaining the current Hewitt Building as part of any new structure, and also using the first floor space for an arts-related use by a non-profit organization,

**THEREFORE** CB#2, Man. supports the Joint Task Force recommendation and CB#3 in opposing the lifting of the restriction at the Hewitt site.

### **Foundation Building**

**WHEREAS**, although no change is currently proposed for the Foundation Building, it is included in both the Large Scale Development Plan and the change of zoning from C6-1 to C6-3, and

**WHEREAS**, the rationale for the zoning change was stated as being to "legalize" the Foundation Building which is currently built to a greater bulk than the C6-1 zoning permits. However, it is not necessary to change the zoning for an existing non-complying building, and

**WHEREAS**, it appears the true reason for this change is to assure that the other zoning change for the Engineering site will not be seen as "spot zoning" which is subject to possible court challenge since the City Planning Commission is mandated not to rezone a single piece of property and

**WHEREAS**, the Foundation Building is included in the Large Scale Development Plan. Such a plan requires that it cannot be less than .5 acres, and without this site the Large Scale Development Plan could not be requested, and

**WHEREAS**, although Cooper Union has said it will not use any additional FAR which might come from changing the zoning from C6-1 to C6-3 for this site, the Joint Task Force recommended that "a restrictive covenant must be included in the approval of the Large Scale Development Plan prohibiting the development or sale of air rights using the unused FAR from the Foundation Building," and

**WHEREAS**, a likely site for the transfer of any such development rights might well be to the parking lot owned by Cooper Union on CB#2, Man.'s side of Fourth Ave.,

**THEREFORE** CB#2, Man. supports the recommendation of the Joint Task Force regarding transfer or sale of development rights should the Foundation Building be rezoned, but points out that the rezoning for this site is unnecessary.

**Parking Lot Site in CB#2, Man.**

**WHEREAS**, this parking lot site, adjacent to the Fischer Building at Astor Place, is in CB#2, Man. and is owned by Cooper Union, and

**WHEREAS**, this site was originally planned for a hotel, but these plans have apparently been abandoned, and

**WHEREAS**, this site is zoned primarily C6-2, with a small slice at the southern end zoned M1-5B (NoHo),

**WHEREAS**, in February, a resolution by CB#2, Man. stated: "**WHEREAS**, although CB#2, Man. is usually opposed to any change in zoning which would increase the FAR permitted in our area, the proposal by the Task Force to rezone the parking lot site across from the Foundation Building of Cooper Union to C6-3A with a community facility FAR of 7.5 would not be inappropriate for that site because of the existing streetscape (Fischer Bldg. & K-Mart building) and

"**WHEREAS**, north of the site is the conjunction of two streets with an open area and a small island with a subway station entrance, and

"**WHEREAS**, rezoning of this site is more logical than rezoning the Engineering Building site with its lower scale setting, and

"**WHEREAS**, rezoning this parcel would not lead to further zoning changes in the area since the adjoining properties are zoned M1-5B and the properties are already built up, and

"**THEREFORE, BE IT RESOLVED** that CB#2, Man. would support the rezoning of the parking lot site west of the Foundation Building instead of rezoning the Engineering Building site, but only to a C6-3A zone," and

**WHEREAS**, Cooper Union has elected not to do so, but rather to continue on its ill-conceived plan for C6-3 zoning,

**THEREFORE**, unless Cooper Union reconsiders its rejection of CB#2, Man.'s offer to rezone the parking lot site to C6-3A to accommodate Cooper Union for this current application, CB#2, Man. withdraws its suggestion that the parking lot site be rezoned.

**Peter Cooper Park**

**WHEREAS**, although not part of this application, Cooper Union has stated that it would like to expand the present Peter Cooper Park just south of the Foundation building by extending it to take in the small traffic island to its south and also to enlarge it by extending into Fourth Ave., and

**WHEREAS**, a letter of July 21, 2001 from the City Planning Commission stated, "While expansion of park space is a worthy goal, we believe maintaining the integrity of the street network is essential, and

**WHEREAS**, the present park already blocks off east-west traffic from East 7th St., and the expansion of the park south would be the same for East 6th St., and possibly even East 5th St., thus funneling traffic along 4th and 3rd Avenues down to 4th St. or up to 9th St. before they could cross the Cooper Union complex,

**THEREFORE** CB#2, Man. opposes the proposal to close off more of the area streets, but would support upgrading of the park to make it more attractive and people-friendly.

**Street Changes & Impact on both Vehicular & Pedestrian Traffic**

**WHEREAS**, originally Cooper Union had filed a draft application which involved demapping Taras Schevenko Pl. to create a mall, and using a 5' strip of the street for part of the new Hewitt Building, and

**WHEREAS**, this proposal was later withdrawn after strong protests from the Ukrainian community and CPC opposition, and

**WHEREAS**, Cooper Union is still considering other traffic changes in the area, although not part of the current application. These include:

- Narrowing 4th Ave. by removing 2 lanes to expand Peter Cooper Park,
- Closing Astor Place
- Converting two-way 4th Ave. to one-way northbound.
- Aligning 8th St. intersections at Lafayette St. and 4th and 3rd Aves.
- Redesigning of 3rd Ave. intersections at 5th and 6th Sts. and

**WHEREAS**, CB#2, Man. felt that the proposals considered only the Cooper Union project but not the many other projects also planned in the area - NYU dormitory on 2nd St. and the Bowery, Cooper Square project on 2nd St., special permit applications for retail use along the Bowery, the possible new residential building at Bowery and Bond Sts., and

**WHEREAS**, these projects will also impact on the traffic in the area, so that the traffic study for these changes should cover a larger area, from 14 St. to Houston St. and from Broadway to 3rd Ave., and

**WHEREAS**, the narrowing of 8th St. may cause residual traffic problems in the CB#2, Man. area, and

**WHEREAS**, the traffic studies done for these changes analyzed weekday traffic but not weekend and evening traffic in this area with much entertainment and after hour activities, and

**WHEREAS**, the studies did not include the many loading docks along these streets and the impact of these changes on emergency vehicle traffic during busy hours since the 9th Precinct on 5th St. and the fire house on Great Jones St. would be affected, and

**WHEREAS**, the impact on the two narrow subway stations of the added office workers in the proposed new building was not given enough weight,

**THEREFORE** CB#2, Man. opposes these proposed changes until further study is completed.

**WHEREAS** CB#2, Man. recognizes the need for additional public open space and accommodations for pedestrian safety in this area, and

**WHEREAS** proposals for creating new public space and street beautification and enhancing pedestrian safety, especially when such proposals may also have significant traffic impact, should be developed by the appropriate city agencies in consultation and cooperation with the community, not as part of a private development proposal, and

**WHEREAS** at a recent meeting of representatives from CB#2, Man. and CB#3, DOT indicated it has substantial funding available for a project to increase open space, enhance pedestrian safety, and add street beautification in areas in both CB#2, Man. and CB#3, and

**WHEREAS** DOT has committed to respecting community wishes with regard to moving forward with any project, and

**WHEREAS** the members at the meeting committed to DOT a willingness to consider such a project after the Cooper Union development issues are resolved,

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not support these proposals in the context of the Cooper Union development proposal, although CB#2, Man. supports in concept the DOT's efforts to expand public open space, enhance pedestrian safety, and add street beautification, and

**BE IT FURTHER RESOLVED** that CB#2, Man. agrees to work with CB#3 and the DOT after resolution of Cooper Union development issues to achieve these worthy goals.

### **Hazardous Materials**

**WHEREAS**, the Cooper Union DEIS states that there is a potential for significant adverse impacts from hazardous materials during the construction activities that may disturb hazardous materials, and increase pathways for human exposure, and also describes mitigation for these possibilities where sampling is not yet completed, and

**WHEREAS**, the DEIS does not adequately address the potential exposure of ALL hazardous materials (identification and appropriate mitigation) during the demolition and construction phases of the proposed development, and

**WHEREAS**, the proposed project has two different construction schedules for development, the Hewitt site in 2004 and the Engineering site in 2006,

**THEREFORE, BE IT RESOLVED** that prior to approval of this project by the NYCDEP that a Phase II assessment be required for each site and that all testing analysis be shared with the surrounding communities and the Community Boards, and

**BE IT FURTHER RESOLVED** that prior to approval of the DEIS that all potential exposure of hazardous materials be identified and appropriate mitigation be in place, and

**BE IT FURTHER RESOLVED** that prior to the approval of this project by NYCDEP, a site specific Health and Safety Plan for each site be developed and shared with the surrounding communities and Community Boards (A copy of the Hazardous Materials summary is enclosed.), and

**BE IT FURTHER RESOLVED** that, in each step of this environmental process, there be consultation with and input from the community.

#### **Further Comments**

**WHEREAS**, an analysis of the zoning for the area indicates that the planning rationale was and is to preserve the low-rise character of the area by limiting commercial uses to an FAR of no greater than 6.0 and 6.5 (Community Facility) for the transitional zones along 4th Ave./3rd Ave./Broadway/Lafayette corridors, and

**WHEREAS**, this Central and East Village area has successfully sustained on-going development over the past 40 years with the mapped areas of R6, R7-2, C6-1 and C6-2, the latter 3 with a maximum FAR of 6.5 for community facilities, and

**WHEREAS**, the C6-1 and C6-2 mapped zones along Fourth Ave. have stood as the transitional areas between the more densely developed Broadway-Lafayette corridor and the lower density R6 and R7-2 areas to the east and west of this corridor and the NoHo area with an FAR of 5, and

**WHEREAS**, both CB#2, Man. and CB#3 have consistently taken stands against the quirk in the zoning which allows additional floor area for community facilities, and the proliferation of community facilities in the area is already taking a severe toll, We support the normal low-scale residential districts intended with the underlying zoning in our areas, and the FAR of 6.5 community facility bulk is already above what we see as appropriate here, and

**WHEREAS**, the clock has started the CB's 60-day comment period and the Community Boards must vote by June 1,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly recommends to the City Planning Commission that this rezoning proposal and the other actions requested by Cooper Union be turned down as being detrimental to the zoning and land use patterns that have served the residential, commercial and social interests of this community where the Central and East Village intersect and interact.

Vote: Unanimous, with 42 Board members in favor.

#### **Summary of Cooper Union Draft Environmental Impact Statement: Dated March 20, 2002**

- A phase I assessment was conducted to identify potential sources of hazardous materials for the project sites by a visual inspection, an evaluation of land use history and a review of Federal and State database regarding hazardous material.
- The executive summary states that there is a potential for significant adverse hazardous materials impact during construction activities that may disturb hazardous materials and may pathways for human exposure.
- The assessment identifies prior and current uses of laboratories for research and development of the project sites from 1951 to the present but does not identify the kinds of hazardous materials used.
- Radiological equipment was once used on the current Engineering building site.
- The assessment identified that part of the site (current Engineering building) was a Bible house, from 1903 to 1920, which manufactured Bibles,

- The four characteristics of a Hazardous Waste Generator as established by the Environmental Protection Agency are (1) corrosivity (2) ignitability (3) reactivity and (4) toxicity.
- The assessment identifies the Cooper Union School of Engineering as a Hazardous Waste Generator two times in the EPA/NYSDEC databases. It also identifies that chemical and engineering laboratories and other facilities associated with the school generate small quantities of a wide variety of chemical wastes as a still existing condition but does not identify the specific hazardous wastes generated nor the amounts, nor whether or not violations were issued.
- The assessment identifies the New York City Department of Environmental Protection 21 times as a Hazardous Waste Generator in the EPA/NYSDEC database, the last in 1990. The NYCDEP was located in the current Engineering building. The assessment does not identify the specific hazardous wastes generated nor the amounts, nor whether or not violations.
- The assessment identifies areas of storage of hazardous waste or radioactive waste storage as existing conditions.
- Because of prior and continued uses of the research and development labs there is a probability that the floors, walls and ceiling material in the labs, and storage areas as well as in the rest of the buildings are contaminated with hazardous materials aside from asbestos and lead paint.
- The assessment identifies an open petroleum spill of 2,000 gallons with only 900 gallons recovered, located 665 feet north of the *Foundation* building when the open spill is actually within 400 feet north east of the current *Engineering* building
- The assessment identifies a closed underground storage tank under the Hewitt sidewalk site.
- The assessment identifies the possibility of asbestos containing material in paneling, tiles, and friable pipe insulation materials inside the Engineering and Hewitt buildings but does not adequately address the containment of sprayed-on friable asbestos on the steel beams and floor structures of the Engineering building during demolition.
- The assessment does not adequately address the potential for release of disturbed lead paint into the community, citing OSHA regulations for protecting workers during construction and not including NYCDOH guidelines for protecting the community.
- The Draft Environmental Impact Statement (DEIS) does not address the kinds of emissions from the current and the proposed laboratories for research and development and what impact they have had and would have on the adjacent residential, school, church and playground use.
- The DEIS does not adequately address environmental concerns regarding disturbed hazardous materials and the probability of increased pathways for human exposure during the demolition and construction phase of the proposed development,
- During the phase II assessment (identifying hazardous materials through testing) all testing results for a hazardous materials, not only asbestos and lead paint, must be shared with the community prior to demolition and construction.
- Prior to the approval of this project a site specific Health and Safety Plan for each site should be developed with input from the community and Community Boards, approved by NYCDEP and shared with the community and the Community Boards.

## 2. 72-76 Greene St. - CPC Special Permit 02008-81ZSM

**WHEREAS**, no one from the public spoke against the application, and

**WHEREAS**, the two stores at the site, an antique store which has a continuing lease and a former clothing store, now vacant, for which the owner is currently seeking a new tenant, have not caused any problems in the neighborhood, and

**WHEREAS**, there was a concern expressed that if the spaces were combined, the square footage of retail space would total 7,213 sq. ft. on the first floor and mezzanine and 6,288 sq. ft. in the cellar,

**THEREFORE, BE IT RESOLVED** that, although CB#2, Man. has no objection to the grant of the special permit to allow Use Group 6 (retail) on the ground floor and mezzanine at 72-76 Greene St., since the



applicant has refrained from giving the community a restriction on eating and drinking establishments on these premises, we request that the restriction be made part of the grant by the City Planning Commission.

Vote: Unanimous, with 42 Board members in favor.

**3. 88-90 Jane St. - BSA application #149-01-BZ**

**WHEREAS**, in June of last year, CB#2, Man. voted unanimously to oppose this application for a variance, and

**WHEREAS**, it was suggested to the applicant that his application might be more acceptable if he was to restrict for 10 years the occupancy of one unit to qualified senior citizens at below market rate, and this suggestions was accepted by the applicant by letter dated April 16, 2002, and

**WHEREAS**, at the April 23<sup>rd</sup> hearing, the applicant withdrew his acceptance of the condition, claiming that it would make the project economically unfeasible, and he was requested to submit financial statements to prove this contention, and

**WHEREAS**, at the time of the CB#2, Man. meeting these financials were not yet available, and

**WHEREAS**, CB#2, Man. feels that since the applicant received additional floor area because of the proposed doctors' offices, which were deemed a community facility use, and

**WHEREAS**, the applicant is now seeking 6 additional apartments, thereby further increasing the non-complying residential bulk at this site, and

**WHEREAS**, it appears the applicant has already been renting out some of this community facility space to residential and non-community facility uses,

**THEREFORE BE IT RESOLVED** that CB#2, Man. feels that the restriction of one unit of community facility space to senior citizen moderate income housing for a 10 year period, a condition which will be difficult to monitor, is not adequate return to the community for the overbuilding on this site, and, continues to oppose this variance, and should any restriction be put in place, it should be a permanent and not a temporary restriction, as the bulk granted by the community facility zoning and the variance is permanent.

Vote: Unanimous, with 42 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,  
Martin Tessler, Assistant Secretary, Community Board #2, Manhattan