

## FULL BOARD MINUTES

**DATE:** July 18, 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, Anthony Dapolito, Doris Diether, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Anne Hearn, Brad Hoyleman, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don Mac Pherson, Rosemary McGrath, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, Melissa Sklarz, James Smith, Shirley H. Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Stephanie Thayer, Wilbur Weder, Jeanne Wilcke, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Jo Hamilton, Ann Robinson.

**BOARD MEMBERS ABSENT:** Helene Burgess, Keith Crandell, Noam Dworman, Harriet Fields, Lawrence Goldberg, Hyun Lee, Bradford Sussman.

**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, Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Rosie Mendez, Council Member Margarita Lopez' office; Carin Mirowtiz, Council Member Christne Quinn's office, Christian Miller, Heather Skilton, Todd Flathman, E. Noel Cruz, Frank Collierius, Katy Bordonaro, Jessica Berk, Susan Goren, Robert V. Ferrari.

### MEETING SUMMARY

Meeting Date – July 18, 2002

Board Members Present – 39

Board Members Excused – 2

Board Members Absent - 7

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### YMCA

Christian Miller made general announcements.

#### Greenwich Village Society for Historic Preservation.

Heather Skilton provided general updates.

### **Business Items**

#### Pane Sardo, LLC, One Fifth Ave., NYC

Robert Ferrari, representing the applicant, spoke.

## **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 Assembly Member Deborah Glick's office

Dirk McCall, of Council Member Alan Gerson's office.

Rosie Mendez, Council Member Margarita Lopez' office,

Carin Mirowitz, of Council Member Christine Quinn's office

## **V. ADOPTION OF MINUTES**

Adoption and Distribution of May and June minutes.

## **VI. EXECUTIVE SESSION**

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

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

#### **1. Yoojin Enterprises Corp., 24 East 12<sup>th</sup> Street, NYC 10003**

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

**WHEREAS**, this application is for the former Kinko's location on East 12<sup>th</sup> Street, and

**WHEREAS**, the applicant stated that this would be an Asian restaurant with hours of operation being Noon to Midnight 7 days, and

**WHEREAS**, the applicant stated that the capacity will be for 120 persons and that music will be background only; 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 Yoojin Enterprises Corp., 24 East 12<sup>th</sup> Street, NYC 10003.

Vote: Unanimous, with 39 Board members in favor.

#### **2. Predrag Jankovic, d/b/a Ambra Caffe Restorante, 63 Bedford Street, NYC 10014**

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

**WHEREAS**, this application is for a café style restaurant in the space formerly occupied by Shopsin's; and

**WHEREAS**, the applicant stated that the hours of operation will be from 8 AM to 11 PM, 7 days and that music will be background only; and

**WHEREAS**, no one from the community 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 for Predrag Jankovic d/b/a Ambra Caffè Restorante, 63 Bedford Street, NYC 10014

Vote: Unanimous, with 39 Board members in favor.

**3. 475 SoHo LLC, 475 West Broadway, NYC 10012**

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

**WHEREAS**, this application is for the transfer of an On Premise license from the prior licensee, SoHo SoHo; and

**WHEREAS**, the applicant plans to operate a seafood restaurant at this location; and

**WHEREAS**, the hours of operation will be from 11:30 AM to 1 AM daily with background music only; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the granting of an On Premise license to 475 SoHo LLC, 475 West Broadway, NYC 10012;

Vote: Unanimous, with 39 Board members in favor.

**4. Perry Street Café LLC., 173-175 Perry Street, NYC 10014**

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

**WHEREAS**, this application is for a new On Premise license in the new building being built on the corner of Perry and West Streets; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to 11 PM, 7 days; 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 an On Premise license for Perry Street Café LLC, 173-175 Perry Street, NYC 10014

Vote: Unanimous, with 39 Board members in favor.

**5. W. 28 Corp, d/b/a D'Annam, 121 University Place, NYC 10003**

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

**WHEREAS**, this is an application for an On Premise license for the location formerly occupied by the Lee Lotus Shop on the corner of 13<sup>th</sup> Street; and

**WHEREAS**, the applicant stated that the hours of operation will be from 11:30 AM to Midnight and that the music will be background 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 for W. 28 Corp., d/b/a D' Annam, 121 University Place, NYC 10003

Vote: Unanimous, with 39 Board members in favor.

**6. Pane Sardo LLC, d/b/a Otto Pizzeria and Enoteca, 1 Fifth Avenue, NYC 10003**

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

**WHEREAS**, this is an application for an On Premise license for this location that was last known as Clementine; and

**WHEREAS**, the applicant stated that this will be a restaurant serving unique pizzas at reasonable prices; and

**WHEREAS**, the applicant stated that the hours will be from Noon to Midnight, 7 days 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 Pane Sardo LLC, d/b/a Otto Pizzeria and Enoteca, 1 Fifth Avenue, NYC 10003

Vote: Unanimous, with 39 Board members in favor.

**7. Red Clam LLC., d/b/a Lupa, 170 Thompson Street, NYC 10012**

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

**WHEREAS**, this application is to legalize the extension of the existing On Premise license to include two outdoor tables with 4 seats and to notify CB#2, Man. and the SLA of the addition of a prep area that has been leased in the basement of an adjacent building; 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 alteration application of the existing On Premise license for Red Clam LLC, d/b/a Lupa, 170 Thompson Street, NYC 10012

Vote: Unanimous, with 39 Board members in favor.

**8. Elar, Inc. d/b/a Chez Bernard, 323 West Broadway, NYC 10014**

**WHEREAS**, this application is for an upgrade to an On Premise license from a beer and wine license at this 10 year old location; and

**WHEREAS**, the applicants stated that there will be no change in the method of operation or hours; 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 for Elar, Inc. d/b/a Chez Bernard, 323 West Broadway, NYC 10014.

Vote: Unanimous, with 39 Board members in favor.

**9. Cool Restaurant Corp., d/b/a Gonzo, 140 West 13<sup>th</sup> Street, NYC 10014**

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

**WHEREAS**, this application is for a transfer from the former owner, Antonio's at this location and also to reduce the size of the existing bar from 25 feet to 14 feet in length; and

**WHEREAS**, the applicant stated that this will be a moderately priced Italian tapas style restaurant; and

**WHEREAS**, the hours of operation will be from Noon to 1 AM, 7 days with background music only; 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 for Cool Restaurant Corp., d/b/a Gonzo, 140 West 13<sup>th</sup> Street, NYC 10014

Vote: Unanimous, with 39 Board members in favor.

**1. 30 Sweet Thing Inc., d/b/a Flow, 150 Varick Street, NYC 10013**

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

**WHEREAS** this application is for a Cabaret license at this existing location; and

**WHEREAS** the applicant stated that there would be no change to their current method of operation and that their desire to obtain a Cabaret license was for precautionary reasons as some patrons spontaneously dance from time to time in this lounge style premise; and

**WHEREAS** the current hours of operation are from 6 PM to 4 AM with DJ music; and

**WHEREAS**, the applicant did not produce a Certificate of Occupancy nor did they know for certain if this location was zoned for a Cabaret license; and

**WHEREAS**, 4 neighborhood residents representing the Van Dam Street Block Association appeared at the committee meeting to question the applicants regarding the current and future method of operation regarding this application; and

**WHEREAS** the applicants responded by agreeing to have additional security personnel patrol the area surrounding this location to ask patrons to move along and not to congregate on residential streets; and

**THEREFORE BE IT RESOLVED** that, on the assumption that this location is zoned for a Cabaret license, CB#2, Man. has no objection to the issuance of a Cabaret license to 30 Sweet Thing Inc., d/b/a Flow, 150 Varick Street, NYC 10013. However, if this location is not zoned for a Cabaret license and a variance is required, CB#2, Man. rescinds this approval and would insist that the applicant return to the committee for further clarification of their intentions.

Vote: Unanimous, with 39 Board members in favor.

**2. Cheers of Manhattan Inc., d/b/a Stonewall, 113 Seventh Avenue South, a/k/a 53 Christopher Street, NYC 10014**

**WHEREAS** this application is for a Cabaret license at this existing location; and

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

**WHEREAS** the applicant produced a new Certificate of Occupancy for this location that shows the second floor use as “Cabaret”; and

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

**WHEREAS** six members of the public appeared in favor of this application; and

**WHEREAS** the applicant should require by signage or panic bar that the Christopher St. door is used only for an emergency exit from the second floor cabaret;

**THEREFORE BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of a Cabaret license for Cheers of Manhattan Inc., d/b/a Stonewall, 113 Seventh Avenue South, a/k/a 53 Christopher Street, NYC 10014

Vote: Unanimous, with 39 Board members in favor.

**3. GBND Enterprises, Inc., d/b/a Village Underground, 130 West 3<sup>rd</sup> Street, NYC 10012**

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

**WHEREAS** this application is for a Cabaret license at this location that has existed for many years and has some historic significance as the former site of the legendary Folk City; and

**WHEREAS**, although this location is not in an area that is zoned for Cabaret, the applicant produced a Public Assembly permit that shows the first floor occupancy as “Cabaret“ with a capacity of 200 persons. This would indicate that a Cabaret license had been approved at this location sometime in the past; and

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

**WHEREAS** two members of the public spoke in favor of this application and the applicant submitted three letters in support of this application; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of a Cabaret license to GBND Enterprises Inc., d/b/a Village Underground, 130 West 3<sup>rd</sup> Street, NYC 10012

Vote: Unanimous, with 39 Board members in favor.

## **ENVIRONMENT**

### **1. The EPA’s Proposal To Loosen Standards For Power Plant Emissions (Proposed Changes In “New Source Review” Standards For Power Plants).**

**WHEREAS**, EPA Administrator Christine Todd Whitman and the Bush Administration have proposed a change in a fundamental provision of the Clean Air Act that requires owners of industrial plants to install modern pollution control equipment whenever other upgrading, beyond ‘routine maintenance,’ is done; and

**WHEREAS**, the proposed change in this provision allows utilities to modernize power plants without having to improve their pollution control equipment;

**NOW THEREFORE BE IT RESOLVED** that, as residents of a region where a dominant source of poor air quality is emissions carried East on the prevailing winds from Midwestern power plants that have avoided meeting the requirement for modern pollution equipment by calling major expansions ‘routine maintenance,’ we strongly oppose the Bush Administration’s proposal to trade the public health for energy company profits by altering the new source review provision of the Clean Air Act to permit power companies to upgrade and expand without having to install modern pollution control equipment; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. supports U.S. Senator James Jeffords (VT)’s announced intention to use the subpoena powers of the Senate Environment and Public Works Committee, which he chairs, to find out “how and why this decision was made”; and

**BE IT FINALLY RESOLVED**, that CB#2, Man. supports New York State Attorney General Eliot Spitzer’s announced plan to take legal action to bar adoption of the proposal to weaken the ‘new source review’ provision of the Clean Air Act and agrees with his description of the proposal as “a sellout by the Bush Administration to the oil and gas industry and operators of dirty power plants.”

Vote: Unanimous, with 39 Board members in favor.

### **1. Need For Use of Ultra Low Sulfur Diesel Fuel in All Construction Equipment Used In The Rebuilding Of Lower Manhattan**

**WHEREAS**, unless a requirement for use of low sulfur fuel in construction equipment is incorporated into the plans for reconstructing Lower Manhattan in the coming years, reconstruction will add to the health problems of residents already burdened with health problems from contamination due to the World Trade Center’s collapse and the U.S. Environmental Protection Agency’s failure to do a prompt cleanup and decontamination;

**NOW THEREFORE BE IT RESOLVED** that CB#2, Man. insists that Lower Manhattan Development Corporation establish an across-the-board requirement that all contracts for reconstruction at the World Trade Center site include a requirement that diesel-powered construction equipment and trucks servicing the site must use ultra low sulfur diesel fuel such as that now required for New York City Transit buses.

Vote: Unanimous, with 39 Board members in favor.

## **LANDMARKS AND PUBLIC AESTHETICS**

### **PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, July 23, 2002**

#### **1. LPC Item: 6 – 293 & 309 Lafayette Street – Individual Landmark/The Puck Building. A Romanesque Revival-style building built in 1885. Application is to install two barrier-free access lifts.**

**WHEREAS**, two collapsible lifts for the disabled extending from the sidewalk to the top of the entrance stairs are proposed at each doorway; and

**WHEREAS**, the support railings will be painted black to match the fence; and

**WHEREAS**, to facilitate this construction, a door will be moved from the left side of one entrance to its center, thereby balancing that entranceway;

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

Vote: Unanimous, with 39 Board members in favor.

**2. LPC Item: 7 – 475 West Broadway      WITHDRAWN**

**3. LPC Item: 8- 28 Greene Street (Canal/Grand)**

**A commercial loft building built in 1873. Application is to construct a rooftop addition. Zoned MI-5b**

**WHEREAS**, we do have some concern that the project will destroy a portion of the crown on the roof to provide for a doorway, but that damage is not at all visible from the street; and

**WHEREAS**, only a small edge of the rooftop addition will be visible along the secondary façade, and at some distance from the building;

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

Vote: Unanimous, with 39 Board members in favor.

**4. LPC Item: 9 – 100 Bank Street (Greenwich St)**

**An apartment building built in 1956. Application is to install through-the-wall AC units.**

**WHEREAS**, there are many original through-the-wall AC units located below the windows on the primary façade of this modern building; and

**WHEREAS**, these proposed AC units will be located at the side of the windows, and not below the windows like the existing units; but

**WHEREAS**, the alignment of these AC units will be balanced and harmonious vis-à-vis the courtyard perspective;

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

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

**5. LPC Item: 10 - southeast corner of Sixth Avenue & 8<sup>th</sup> Street i/f/o Barnes & Noble. Application is to construct a metal and glass newsstand at the sidewalk.**

**WHEREAS**, there exists a long-standing, well-stocked newsstand across the street on Sixth Avenue and a more-recently placed news kiosk a block south on Sixth Avenue, and that makes us question the need for this newsstand which will mean more street furniture on a crowded thoroughfare and an entrance to a major subway station, and which will clutter further an already crowded streetscape; and

**WHEREAS**, this newsstand design will serve as a prototype for any additional newsstands that will be placed in the Greenwich Village Historical District, so careful attention should be given in examining this proposal; and

**WHEREAS**, although the design was approved by the esteemed members at the Arts Commission and we have no problem with the proposed color, *New York Green*, we feel that the newsstand construction of steel and glass lacks sufficient articulation and has no relevance to the Greenwich Village H.D. in its detailing; and

**WHEREAS** we find this design inappropriate and object to it anywhere in this Greenwich Village H.D.; and

**WHEREAS**, we would prefer to see a design similar to the news kiosk located on lower Broadway in front of City Hall Park; and

**WHEREAS**, members of the public disapproved of the project; and

**WHEREAS**, this community board unanimously recommended to the NYC Department of Transportation denial for a permit for this newsstand, citing redundancy and overcrowding;

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

**FURTHER, BE IT RESOLVED** that each application for a newsstand in our community board's historic districts should be presented to us for approval on an individual basis.

Vote: Unanimous, with 39 Board members in favor.

**6. LPC Item: 11- 605 Hudson Street (Bethune/W.12<sup>th</sup>) A brick apartment building built in 1887. Application is to install a bracket sign.**

**WHEREAS**, the bracket as well as the size and colors of the sign are appropriate; but

**WHEREAS**, the placement of the sign on the first story above the building's entablature and adjacent to two residential windows may not only disturb the residential tenant, but also would set a bad precedent by having a business sign located at a greater height than usually permitted on this type of building; and

**WHEREAS**, there already is an awning that draws attention to the restaurant;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the sign and bracket, but not the location.

Vote: Unanimous, with 39 Board members in favor.

**7. LPC Item: 12- 335 Bleecker**

**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.

**8. LPC Item: 13 – 96 Greenwich Avenue**

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

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

**9. LPC Item: 14 - 110 Waverly Place (Sixth & M<sup>ac</sup>dougal) (Babbo-formerly, The Coach House) A rowhouse built in 1826 and later altered. Application is to legalize and modify windows installed without LPC permits.**

**WHEREAS**, although the existing shutters are not part of the original fabric, the applicant's request to replace a missing shutter is reasonable; and

**WHEREAS**, the existing double-hung windows on the third and fourth floors are not original, but they were in place at the time of designation; and

**WHEREAS**, the existing illegal casement windows on the second floor must be replaced; and



**WHEREAS**, we would prefer that all the windows of the building be the historically accurate 6 over 6, instead of the existing double-hung version; but, absent that, we would prefer at least that the second floor windows match the windows on the third and fourth floors, i.e., double hung;

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

**BE IT FURTHER RESOLVED** that what this building needs is a Master Plan to guide future renovations.

Vote: Passed, with 19 Board members in favor, 12 in opposition and 5 abstentions.

## **LESBIAN, GAY, BISEXUAL AND TRANSENDER**

### **Citizen Patrol Groups**

**WHEREAS** some community groups in the West Village have recently taken it upon themselves to police the neighborhood with their own Citizen Patrol groups, and

**WHEREAS** these Citizen Patrols have also enlisted the assistance of the non-local organization, the Guardian Angels, and

**WHEREAS** the problems that have been plaguing the West Village as a result of the clash between local residents and those members of the LGBT community who come to the area is a problem of great complexity, and

**WHEREAS** these Patrol groups operate without accountability to any authority, or review by any source, and

**WHEREAS** Community Board #2 Manhattan has already determined that the solution to this problem must come from the concerted and coordinated efforts of the well-trained police of our local precinct together with the efforts of the professional outreach workers of the social service agencies working within our district, and

**WHEREAS** there have been numerous complaints of street outreach workers being harassed and assaulted by members of these unofficial Community Patrol Groups, and

**WHEREAS** the history of Vigilantism in this country, especially in the American West and the South, teaches us that this form of brute force only victimizes the weak and is detrimental to the true principles of Justice, and

**WHEREAS** New York City law prohibits discrimination against members of the LGBT community,

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. deplores the recent trend of self-appointed Citizen Patrols, and recommends that local residents support, and not try to supplant, the work being done by the police and the social service programs working together to alleviate this problem in our neighborhood.

Vote: Motion to table and send back to Committee: passed, with 33 Board members in favor, and 6 in opposition.

## **PARKS, RECREATION AND OPEN SPACE**

### **Presentation by the Dept. of Parks to Install Field Turf in Saravelli Playground if the Community Wishes.**

**BE IT RESOLVED**, that CB#2-Man. asks the Department of Parks to hold up on any action on installing turf in Seravalli Playground until it first holds a public hearing.

Vote: Unanimous, with 39 Board members in favor.

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

**1. NEW application for revocable consent to operate an enclosed sidewalk café by The Otheroom, Inc, 143 Perry Street (between Washington & Greenwich Streets) NYC, with 3 Tables and 12 seats, DCA# 1110366.**

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

**WHEREAS**, there is NOT sufficient passage for pedestrian safety and public access and;

**WHEREAS**, this sidewalk is only twelve feet wide on a commercial and residential street and;

**WHEREAS**, the area was posted and there was opposition from the community about noise complaints and;

**WHEREAS**, enforcement was sent to this establishment six times and no violations were issued, and there was no loud noise heard;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends DENIAL of revocable consent to operate an enclosed sidewalk café to The Otheroom, Inc., 143 Perry Street, NYC, with 3 tables and 12 seats.

Vote: Passed, with 38 Board members in favor, and 1 recusal (R. Sanz).

**2. NEW application for revocable consent to operate an unenclosed sidewalk café by IL Buco Corp. Restaurant, 47 Bond Street, NYC, with 3 tables 12 seats, DCA# 1109238.**

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

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

**WHEREAS**, the sidewalk of this establishment is sixteen feet wide and:

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

**WHEREAS**, there are no complains on file at the board office.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to IL Buco Corp. Restaurant, 47 Bond Street, NYC, with 3 tables and 12 seats.

Vote: Unanimous, with 39 Board members in favor.

**3. NEW application for revocable consent to operate an unenclosed sidewalk café by Mona Lisa Café Restaurant, 282 Bleecker Street, NYC, (between 7<sup>th</sup> Avenue South and Morton Street) with 3 tables and 6 seats, DCA# 1110613.**

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

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

**WHEREAS**, there is NOT sufficient passage for pedestrian safety and public access and;

**WHEREAS**, the sidewalk of this establishment is only eleven feet two inches too small for a sidewalk café and;

**WHEREAS**, a sidewalk café can exist if patrons are severed from the inside of this establishment;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends DENIAL of revocable consent to operate an unenclosed sidewalk café to Mona Lisa Cafe Restaurant, 282 Bleecker Street, NYC, with 3 tables and 6 seats.

Vote: Unanimous, with 39 Board members in favor.

**4. NEW application for revocable consent to operate an unenclosed sidewalk café by Café Mona Lisa Restaurant, 122 Christopher Street, NYC, (between Bedford and Bleecker Streets) with 12 tables and 24 seats DCA# 1110621.**

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

**WHEREAS**, there is was opposition from the community and;

**WHEREAS**, the applicant wants to put nine tables on Bedford Street which is a residential street, no tables are allow on a residential street for a sidewalk café and;

**WHEREAS**, there is NOT sufficient passage for pedestrian safety and public access and;

**WHEREAS**, Bedford Street and Christopher Street are only ten feet wide too small for a sidewalk café and;

**WHEREAS**, the plans for this sidewalk café omit showing a fire hydrant, mailbox and tree with a tree guard on Bedford Street.

**THEREFORE, BE IT RESOLVED** That CB#2, Man. Recommends DENIAL of a consent revocable to operate an unenclosed sidewalk café to Café Mona Lisa Restaurant, 122 Christopher Street, NYC, for 12 tables and 24 seats.

Vote: Unanimous, with 39 Board members in favor.

**5. NEW application for revocable consent to operate an unenclosed sidewalk café by N.Y.C. 75-77 Greenwich Avenue (between West 11<sup>th</sup> and West 12<sup>th</sup> Streets), NYC with 10 tables and 20 seats DCA# 11073996.**

**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;

**THEREFORE, BE IT RESOLVED** That CB#2, Man. Recommends approval for a ONE YEAR revocable consent to operate an unenclosed sidewalk café to N.Y.C. 75 Restaurant, 75-77 Greenwich Avenue, NYC, for 10 tables and 20 seats.

Vote: Unanimous, with 39 Board members in favor.

**6. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Yoko Japanese Restaurant, 27 7th Avenue South, NYC with 7 tables and 14 seats. DCA # 1029532**

**WHEREAS**, the area was posted and the applicant DID NOT appear before the committee.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. Recommends DENIAL of a revocable consent to operate unenclosed sidewalk café for Yoko Japanese Restaurant, 29 7<sup>th</sup> Avenue South, NYC with 7 tables and 14 seats.

Vote: Unanimous, with 39 Board members in favor.

**7. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by The New Baby Buddha Restaurant, 753 Washington Street, NYC with 8 tables and 22 seats, DCA # 953139.**

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

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

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

**WHEREAS**, there has been a sidewalk café at this location for the past ten years;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a THREE YEAR revocable consent to operate an unenclosed sidewalk café to The New Baby Buddha Restaurant, 753 Washington Street, NYC with 8 tables and 22 seats.

Vote: Unanimous, with 39 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

**1. To provide improvements to pedestrian safety at the intersection of 7th Ave., Bleecker St. & Barrow St.**

**WHEREAS**, A taxicab recently jumped the curb and crashed into a store front at this intersection which is the third such incident in recent years, And;

**WHEREAS**, CB#2, Man. has long recognized that this is a difficult intersection of three streets caused by the widening of 7<sup>th</sup> Ave. many years ago, And;

**WHEREAS**, This is a dangerous intersection for pedestrian crossing particularly on the south side of 7<sup>th</sup> Ave. due to cars turning from Bleecker and going down 7<sup>th</sup> Ave, And;

**WHEREAS**, A NYC DOT study of the intersection at Mulry Square resulted in significant improvements to a similar intersection,

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYCDOT install ballards of an appropriate historic design at the north east corner along Bleecker St. and at the south east corner along 7<sup>th</sup> Ave. and along Bleecker St. And;

**THEREFORE BE IT FURTHER RESOLVED** that CB#2, Man. requests that the NYCDOT conduct a study of this intersection and suggest further improvements to pedestrian safety and to recommend traffic calming measures at this location. The study should include an investigation of neckdowns, signal timing, increasing pedestrian crossing times, day lighting the corners by establishing a no standing area at the east side of 7th Ave. & Bleecker St., and high visibility crosswalks.

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

**2. To eliminate the New York University (NYU) Bus Stop located on north side of West 3rd Street at Mercer St**

**WHEREAS**, The New York University Bus System has two Bus Stops on West 3rd Street between Mercer St. & La Guardia Place, And;

**WHEREAS**, At the request of CB#2, Man. and the Washington Square Village Tenants Association, New York University has reviewed the University bus service on West 3rd Street and has determined that NYU does not currently need two bus stops at this location, And;

**WHEREAS**, New York University and the Washington Square Village Tenants Association has agreed that the appropriate bus stop to eliminate is the stop located on West 3rd Street at Mercer St, And;

**WHEREAS**, New York University has requested that, if their needs change in the future, the Community Board review the situation and consider their requests, And;

**WHEREAS**, the Washington Square Village Tenants Association has requested that bus stop that is to be eliminated be replaced parking spaces

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYCDOT remove the New York University bus stop located on north side of West 3rd Street at Mercer St and replace it with parking spaces. Signage to read NO PARKING MONDAY AND THURSDAY 11AM TO 2PM for street sweeping, And;

**BE IT FURTHER RESOLVED** that, should any changes in the University Bus System be proposed, CB#2, Man. invites New York University to return to the Community Board so that the Board can review the situation and consider their requests.

Vote: Passed, with 38 in Board members favor in with Carol Reichman recusing.

**3. To change parking regulations at the New York University (NYU) Bus Stop located on north side of West 3rd Street at La Guardia Place**

**WHEREAS**, At the request of CB#2, Man. and the Washington Square Village Tenants Association, New York University has reviewed the University bus service on West 3rd Street and has determined that the University does not provide night service at the Bus Stop located on north side of West 3rd Street at La Guardia Place, And;

**WHEREAS**, New York University and the Washington Square Village Tenants Association has agreed that using the bus stop at night for parking spaces is appropriate.

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYCDOT change the parking regulations at the New York University (NYU) Bus Stop located on north side of West 3rd Street at La Guardia Place to allow its use as a University bus stop during the day and to allow parking at night.

Vote: Passed, with 38 Board members in favor and Carol Reichman recusing.

## **ZONING AND HOUSING**

**1. 328 Spring Street a/k/a 489-495 Washington St. Variance application to permit residential use in an M2-4 zoning district and Use Group 6 (retail use) on the ground floor. BSA #36-01-BZ Philip Johnson Designed Building.**

**WHEREAS**, the applicant has modified the application from a 32 story residential building to a 14-story building; and

**WHEREAS**, the applicant, despite the change in height, still does not meet the findings for granting a variance based on the minimum variance, the lack of substantiation of the reasonable rate of return and there are questions about the hardships; and

**WHEREAS**, there is an issue with the precedent set of acquiring air rights and then applying for a variance for a non-complying building;

### **REASONABLE RATE OF RETURN**

**WHEREAS**, the soft costs are not detailed leading us to doubt the validity of the minimum variance and the reasonable rate of return that requires a 14 story building as opposed to one lower in height; and

**WHEREAS**, the cost of the air rights is factored into the costs, which in a circular fashion, requires a large building due to the increased cost, and therefore a lower scale building without the air rights would achieve the same or higher rate of return, bringing again into question the minimum variance; and

**WHEREAS**, the first building design was creative and a refreshing relief from the brick, mundane buildings we see so often, yet the cost of the architectural work is part of the financial analysis and the we question whether the cost of the first design is added into the second design, thus inflating costs even more, and is this appropriate; and

**WHEREAS**, the full set of financials was not made available prior to the public hearing, and therefore we were unable to undertake a fair and thorough analysis of the figures; and

**WHEREAS**, under the Sub-Surface Cost Premium the figure for the Dewatering System is listed as \$109,013.84 x 2 months = \$218,027.68 and the Projected Monthly Cost for Continuous Pumping is shown as only \$109,013.84 for 2 months and is this an error; and

**WHEREAS**, although most of the buildings cited for Comparable Residential condominium units are in converted buildings, 124 Hudson Street, which was constructed and sold between 2000 and 2001 as a condominium building, shows substantially higher prices per square foot for units only about half the size of those for 328 Spring Street;

### **CHARACTER OF THE NEIGHBORHOOD**

**WHEREAS**, while the surrounding neighborhood will retain its character because the air rights will be transferred to the new building, the modern, 14 story building will, by its nature, alter the character of the neighborhood; and

**WHEREAS**, since the sale of air rights freezes the other buildings into their current FAR, in case of a fire or collapse would these buildings be able to also apply for a variance or would the neighborhood be left with vacant lots because of the inability to achieve a reasonable rate of return; and

**WHEREAS**, City Planning has proposed new zoning for the area; and

**WHEREAS**, even though the proposed zoning is still in preliminary stages, this application exceeds the increased height that would be allowed under the proposal, thus even if the proposed zoning is enacted, this building would still be out of character with the neighborhood; and

**WHEREAS**, numerous comparisons are made to the granting of the variance for 600 Washington St., we find fault with the applicant stating that each variance stands on its own and is not a precedent for any other variance, yet they make arguments that imply that a precedent has been set; and

**WHEREAS**, problems exist with the comparison to 600 Washington St.:

1. It is not a few blocks away - it is 6 blocks away;

2. The Board of Standards and Appeals noted that 600 Washington was compatible with other uses in the “immediate” area and was on the “on the edge of the M1-5 district”;
3. 328 Spring is in a M2-4 zoning district, medium manufacturing, versus 600 Washington, which is M1-5, light manufacturing;
4. There was no use of air rights at 600 Washington;
5. 600 Washington was approved with a mix of lower rise and high rise, matching the surrounding buildings to some extent;

**HARDSHIP**

**WHEREAS**, building next to a landmark building is cited as a unique condition, yet building next to old buildings with party walls is not uncommon in the City, and if being next to a landmark is considered a hardship and unique, then it will send a very bad message to people and communities who want to preserve an important structure in their area; and

**WHEREAS**, the presence of water is an expected condition in the area and is not unique; and

**WHEREAS**, building next the Holland Tunnel vent is cited as an engineering problem without any backup information;

**ENVIRONMENTAL**

**WHEREAS**, some of the borings ran into obstructions when done just inside the construction site and is it possible that this is the foundation of the previous building and the testings do not reveal how deep the obstructions went; and

**WHEREAS**, as the site exists in a medium-manufacturing zone, proper precautions must be made part of any construction plan, including watering down of the site and community notification should be given;

**CONCLUSION**

**THEREFORE, BE IT RESOLVED** that CB#2, Man. still does not approve the variance application for 328 Spring Street because despite the efforts by the developer to bring down the scale of the building, the findings are still not met; and

**BE IT FURTHER RESOLVED**, that the soft costs are not detailed and call into question the financial analysis backing up the reasonable rate of return and minimum variance findings; and

**BE IT FURTHER RESOLVED**, that it is noted that the developer has modified the design from 32 stories to 14 stories, yet the findings still do not substantiate the 14 stories; and

**BE IT FURTHER RESOLVED**, that the hardships presented are not all persuasive; and

**BE IT FURTHER RESOLVED**, that we laud the first design, not because of its height, but because of the innovative and creative architecture, but it was a great building in the wrong location; and

**BE IT FURTHER RESOLVED**, that the second design is totally different, and there was no community opposition or support, one way or the other, for the new design, but the height was an issue; and

**FURTHER, AND VERY IMPORTANTLY, BE IT RESOLVED** that it sets a precedent to transfer air rights in order to build a non-complying building through a variance; and

**BE IT FURTHER RESOLVED**, that because the construction is proposed for a former manufacturing site, the developer should provide a health and safety plan that includes containment of dust and debris during excavation and construction (watering down, shrouding and other means) and community notification should be provided on procedures affecting the neighborhood; and

**BE IT FINALLY RESOLVED** that CB#2, Man. does not support the application for 328 Spring Street because the findings for a variance are not met.

Vote: Unanimous, with 39 Board members in favor.

**2, DUARTE SQUARE-Joint application of Trinity Church & the Parks Department (area bounded by Varick St., 6<sup>th</sup> Ave. & Canal St. #010340MMM**

**WHEREAS** the community is an advocate of improvements to open green spaces; and

**WHEREAS** Trinity Church will improve and maintain the public park area in return for demapping a portion of Sullivan street in order to erect a building with a larger floor plate; and

**WHEREAS** the demapping of a street and the taking of land from the public into private hands is a serious issue and has repercussions far into the future; and

**WHEREAS** in the CB#2, Man. area, we have seen recent problems where the original uses and intents of street demappings and deed restrictions have eroded over time (i.e. for instance the recent Large Scale Development of Cooper Union as concerns Taras Shevchenko Place and Astor Place demapping and the attempts to lift deed restrictions on two of their properties); and

**WHEREAS** the equation of the trade off of a public street for more green space is not complete until we know how much Trinity will pay the City for the additional floor area; and

**WHEREAS** without this information, there is no way to evaluate the transaction and understand if the community is getting a fair and equitable deal; and

**WHEREAS** a positive suggestion is to create a Trust and Agency Agreement specifically for the funds allocated to the park, ensuring the proper maintenance of the park in perpetuity, and the Parks Department must play a leading role in administering the funds and the site; and

**WHEREAS** the joint applicants, Trinity Church and the Parks Department, should also come before the Community Board 2 Manhattan Parks Committee as the project design evolves and the Parks Committee should be included in the final design decisions; and

**WHEREAS** we applaud the improvement of the portion of the project on Canal Street, a much maligned roadway, and the additional greenery will help, albeit slightly, with the horrible pollution problem; and

**WHEREAS** we are concerned that the Duarte statue and the torch should be situated such that there is enough room for the public to gather for ceremonies that occur and the Dominican community should advise on this; and

**WHEREAS** it is crucial that the design of the building and the park be such that it will not be construed as a private plaza or park for the new building and its tenants; and

**WHEREAS** there is animosity towards Trinity Church as one of the largest property owners, and the community has had issues with other sites, including a club on Trinity-owned land that has been a source of complaints and shootings, and Trinity needs to work with the community when it takes on retail tenants; and

**WHEREAS** if the retail spaces become restaurants and have outdoor seating, there is concern about the spillover into the park and therefore the outdoor seating must be clearly delineated from the park area; and

**WHEREAS** we also request a more detailed set of maps:

- II. A map showing exactly what part of the space – sidewalk and street – will be demapped;
- III. A map showing exact line of the property to be used for the building – the part of the space to be made of the park, the sewer easement and the new sidewalk – with exact dimensions;

**WHEREAS** no traffic study was done, yet over 350 additional workers are being added and the statistics cover only 181 people in the a.m. and 185 in the p.m. coming by bus, car, taxi and walking and how the other workers get there needs to be clarified; and

**WHEREAS** as the Canal Street Traffic Study is underway, and some thought has to go in to how this project fits into the Canal Street Study;

## **CONCLUSION**

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not approve the demapping application for Duarte Square because the amount of the payment to the City is not yet quantified, and this is an important variable in evaluating the give back to the community for privatizing public space; and

**BE IT FURTHER RESOLVED** that we have serious concerns about taking public space and privatizing it and the controls that are set up that would ensure a benefit to the public In perpetuity, especially given recent concerns about other street demappings and deed restrictions that are either not being adhered to as the public intended, or are in danger of being removed; and

**BE IT FURTHER RESOLVED** that the applicants, specifically the Parks Department, should work with the CB#2, Man. Parks Committee as the park design evolves, and it is paramount to ensure that the park area is designed such that it is not an adjunct to the new building, but a space that is inviting to the public.

Vote: Passed, with 37 Board members in favor and 2 in opposition.

**NEW BUSINESS**

Respectfully submitted,  
Robert Rinaolo, Secretary,  
Community Board #2, Manhattan