

## **FULL BOARD MINUTES**

**DATE:** November 21, 2002  
**TIME:** 6:30 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> St.  
Cronin Building, 1<sup>st</sup> Floor Cafeteria

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashkinazy, Tobi Bergman, Helene Burgess, Keith Crandell, Doris Diether, Harriet Fields, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Don MacPherson, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Rocio Sanz, Shirley Secunda, Melissa Sklarz, James Smith, Shirley H. Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Stephanie Thayer, Wilbur Weder, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Anthony Dapolito, Rosemary McGrath, Mark Rosenwasser, Ruth Sherlip, Jeanne Wilcke.

**BOARD MEMBERS ABSENT:** Noam Dworman, Lawrence Goldberg, Hyun Lee, Edward Ma, Arthur Z. Schwartz,

**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; Andree Tenemas, Council Member Margarita Lopez' office; Carin Mirowitz, Council Member Christine Quinn's office, Daniel Schaffer, Christian Miller, Lawrence Kapture, Jesse McNab, Daniel Rosan, Jeremy Hudack, Bill Cornwell, Tom Doyle, Karen Ginsberg, Jim Brennan, Paula Fedderson, Rosemary Rowley, Paige Jordan, Alexis Offen, Charles Wolf, Tom McGeehue, Yolanda Wolf, Falkner Evans, Clio Vias, Stephanie Meyer, Elise Wagner, Anne Tonachel, Tom Molner, Paul Gates, Cynthia E. Smith, Kelly Crow, Cymone Speed, Pauline Lee, Betty Rinckwitz, Peter Falk, Michael Stephenson, Kathryn Court, Richard Tannen, Rita Lutz, Kacie Carl, Eileen Bowser, Andrew Berman, Jerry Noury, Michael Oliva, John Favazzo, Pierce Epstein, C. Revland, Shalyn Gordon.

### **MEETING SUMMARY**

Meeting Date November 21, 2002  
Board Members Present – 37  
Board Members Excused– 5  
Board Members Absent - 5

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

Paula Fedderson spoke. Clio Vias spoke. Carol Yankay spoke.

Melissa Sklarz reported the death of Harry McLoughlin, Christine McLoughlin's husband.

### Redistricting

Shalyn Gordon, NYC Districting Commission reported.

### YMCA

Christian Miller gave us his monthly update on the new Y at 14<sup>th</sup> St.

### LGBT Center

Rosemary Rowley spoke against the crowd problems at the community center. Tom Molner also spoke on this issue.

### Bellevue Hospital Advisory Board

Will Weder reported.

### NYU Community Fund

Alexis Offen

### **Environment Items**

#### No Smoking Bill

Charles Wolf, from BAMRA, spoke in opposition of the bill. Michael Oliva, from NYC Coalition for a Smoke-Free City, Dan Rosan and Jeremy Hudack, from the American Cancer Society, spoke in favor of the bill.

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

#### 4 Grove Street –legalization of dormer windows

Michael Stephenson spoke regarding this application.

#### 160 W. 10th Street Application is to construct a rooftop addition

Elise Wagner and John Favazzo, representing the applicant, spoke in favor of the application.

#### 28 Bethune Street Application is to construct a rear yard addition rooftop stair bulkhead.

Pierce Epstein spoke in favor of the application.

## **Parks, Recreation & Open Space Items**

### Abingdon Square Park

Paige Jordan spoke re: the revised plans for the park. Jessie McNab, Jim Brennan, Karen Ginsberg, Tom Doyle, C. Revland, Peter Falk, Betty Rinckwitz, Bill Cornwell spoke against the present plan.

## **Traffic and Transportation Items**

### Traffic Problems

Jerry Noury spoke re: repairing cobblestone potholes not using asphalt, leaving the stairs at the High Line at its original location, and installing more drains.

## **Waterfront Items**

### Pier 40 – NY Animal

Stephanie Meyer spoke in favor of this topic.

## **Zoning and Housing Items**

### 848 Washington St. Variance application for 32-story residential building/parking garage

Andrew Berman, GVHSP, spoke in opposition to the application.

## **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.

Andree Tenemas, Council Member Margarita Lopez' office,

Carin Mirowitz, of Council Member Christine Quinn's office

## **V. ADOPTION OF MINUTES**

Adoption and Distribution of October minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Aubrey Lees reported

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

### **3.Support for Intro 66, "Living Wage" Bill**

**WHEREAS** on November 7<sup>th</sup>, 2002, the New York City Council unanimously approved a bill (intro 66) that would raise wages for more than 50,000 workers employed by agencies that have city contracts to provide day, care, home care and help for people with cerebral palsy, and

**WHEREAS** the "living wage" bill provides that said employees must receive at least \$8.10 an hour with health coverage, or \$9.60 an hour without coverage, and

**WHEREAS** said legislation is needed as these workers live in poverty due to not being paid a living wage, and

**WHEREAS** the "living wage" bill has the support of many unions throughout the City, and

**WHEREAS** Mayor Bloomberg has indicted an unwillingness to sign into law said legislation;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly supports and urges Mayor Bloomberg to sign the "living wage" bill, intro 66, into law.

Vote: Unanimous, with 37 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

#### **1. Zak to Go Inc., d/b/a Café Rafaella, 384 Bleecker Street, NYC 10014**

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

**WHEREAS**, this application is for a 48 seat 1200 square foot restaurant and take out; and

**WHEREAS**, the applicant stated that this would be a cafe style restaurant with hours of operation being Noon to Midnight seven days; and

**WHEREAS**, the applicant stated that music will be background only; and

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

**WHEREAS**, the applicant stated that there would be no bar in the premises; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to Zak to Go Inc., d/b/a Café Rafaella, 384 Bleecker Street, NYC 10014

Vote: Unanimous, with 37 Board members in favor.

#### **Babbo LLC. d/b/a Babbo, 110 Waverly Place, NYC 10014**

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

**WHEREAS**, this application is for an alteration to install a second means of egress from the rear dining room; and

**WHEREAS**, the applicant currently has a second means of egress through a neighbor's rear yard and now seeks to have a legal second exit as part of their attempt to obtain a variance for a non conforming use; and

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

**WHEREAS**, the committee was reluctant to approve any changes to this premise prior to their appearance before the Board of Standards and Appeals, however, the members felt that this change was a safety concern and should be approved at this time;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an alteration of the On Premise license for Babbo LLC. d/b/a Babbo, 110 Waverly Place, NYC 10014

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

#### **2. Tyndall Arlington LLC., d/b/a Googies, 237 Sullivan Street, NYC 10012**

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

**WHEREAS**, this application is for a transfer of the On Premise license that has been at this location for at least 25 years; and

**WHEREAS**, the applicant stated that there will be no changes to the method of operation, menu or music policy; 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 to Tyndall Arlington LLC. d/b/a Googies, 237 Sullivan Street, NYC 10012

Vote: Unanimous, with 37 Board members in favor.

**4. 183 Reserve, Inc., d/b/a Gold Rush Restaurant, 183 Bleecker Street, NYC 10012**

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

**WHEREAS**, this application is for an On Premise license for this former poster shop for a restaurant on the ground floor and a lounge in the basement; and

**WHEREAS**, a petition was presented to the committee with 20 signatures of immediately adjacent neighbors stating their opposition to this application; and

**WHEREAS**, one month ago, 12 members of the community and representatives of BAMRA and the Chapter Leader of the Guardian Angels appeared in opposition to a similar application at this same location; and

**WHEREAS**, the opponents stated that this street is having extreme difficulty with crowds, noise and general rowdiness. They stated that the quality of life is quite poor and that any additional licensed premises in this area will only exacerbate the already horrendous conditions; and

**WHEREAS**, the C of O for this premise does not permit the basement to be used for any purpose other than as storage; and

**WHEREAS**, there are over 70 similarly licensed premises within 500 feet of this location; and

**WHEREAS**, the applicant stated that they are good operators who currently operate a catering hall elsewhere in the city and that they are always responsive to the concerns of the neighbors;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not find this application to be in the public interest and strongly recommends denial of the On Premise license for 183 Reserve Inc., d/b/a Gold Rush Restaurant, 183 Bleecker Street, NYC 10012

Vote: Unanimous, with 37 Board members in favor.

**5. Rabtra, LLC. d/b/a Art Bar, 52 Eighth Avenue, NYC**

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

**WHEREAS**, this application is to change the corporate structure for estate purposes from a corporation to an LLC; and

**WHEREAS**, the applicant stated that there would be no changes to the method of operation, menu or music policy; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for Rabtra, LLC. d/b/a Art Bar, 52 Eighth Avenue, NYC.

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

**ENVIRONMENT**

**Smoke Free Work Place Act Of 2002 (Intro 256)**

**WHEREAS**, on November 4, 2002, Community Board #2 Manhattan (CB#2, Man.) held a well-attended public hearing on New York City Intro. 256, known as the Smoke free Workplace Act of 2002, which would amend the City's present smoking prohibition to include public places and places of employment, including bars, clubs, cabarets and restaurant bars; and

**WHEREAS**, the Council's amendment to the City's present smoking prohibition would strike objectionable provisions providing for jail sentences for violators; and

**WHEREAS**, Assistant City Health Commissioner Colin McCord, M.D., a former chest surgeon, testified at CB#2, Man.'s hearing that smoking is the most important risk factor for cardiovascular disease and lung cancer; that 30 minutes of exposure to second hand smoke causes changes in the cardio system and in the blood vessels; and that data from the Centers for Disease Control show that 40,000 people per year die of exposure to second hand smoke in the U.S; and

**WHEREAS**, testimony given at CB#2, Man.’s hearing was evenly divided between those favoring and those opposing the smoking ban; and

**WHEREAS**, bartenders favoring the ban strongly pleaded at the CB#2, Man. hearing for their right to health and safety in their workplaces; and

**WHEREAS**, these positions were backed up at our hearing by members of the Little Italy Neighbors Association, the Organization of Chinese Americans, the New York City Smoke-Free Coalition, Breathe, and representatives from the American Cancer Society; and

**WHEREAS**, those opposing the ban included owners and managers of bars, clubs and restaurants, and representatives of the Bleecker Area Merchants and Residents Association and the New York Night Life Association, who they said the ban would hurt business and lead to noisy congregating outside of establishments where smoking is banned;

**NOW THEREFORE BE IT RESOLVED** that CB#2, Man. favors amending the City’s present smoking prohibition to include public places and places of employment, including bars, clubs, cabarets and restaurant bars and other places where people’s jobs presently impose upon them the necessity of breathing second-hand smoke, and CB#2, Man. commends Mayor Bloomberg for proposing this Local Law and members of the New York City Council, including Council members Christine Quinn and Alan Jay Gerson of this community, for sponsoring it; and

**BE IT FINALLY RESOLVED** that those who seek to free their jobs of the requirement that they be subjected to second hand smoke are backed up by strong scientific evidence that exposure to second hand smoke damages health and shortens lives.

Vote: Passed, with 31 Board members in favor and 6 in opposition.

## **INSTITUTIONS**

### **Problems at Lesbian, Gay, Bisexual & Transgender Center**

**WHEREAS** CB#2, Man. has been meeting with the Lesbian, Gay, Bisexual & Transgender Center (LGBT) and the West 13<sup>th</sup> Street Community for the past year to assist the Center and the 13<sup>th</sup> St. community in solving noise, sidewalk crowding, and related problems emanating from the visitors attending events at the Center, and

**WHEREAS** it is the opinion of CB#2, Man. that the problems of crowd control on West 13 St. can only be solved if:

- 1) space within the LGBT Center can be set aside for post meeting and event socializing coupled with earmarking of security personnel for assistance in crowd dispersal from the sidewalk in front of the Center and
- 2) allocating space within the Center for “good byes’ and socializing to expedite departures, and

**WHEREAS** there is unanimous consensus of the Institutions Committee that the LGBT Center’s response to the Committee’s suggestions is one of coming up with reasons why such remedies cannot be undertaken rather than attempting positive solutions and then judging their effectiveness, and

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges the LGBT to request funding in its forthcoming annual 2003 budget for these low cost suggestions to alleviate the problem, and

**BE IT FURTHER RESOLVED**, that CB#2, Man. will not recommend the release of Archive Funds for LGBT capital projects until there is a positive approach toward solving the problems cited, and

**BE IT FURTHER RESOLVED** that if there was such a commitment and trial attempts to solving the problem CB#2, Man. would support efforts to assist the LGBT by recommending the release of Archive funds for such purpose.

**BE IT FURTHER RESOLVED** that the committee will recommend the release of the Archive Funds if there is material progress in solving the problem if so reported by the West 13<sup>th</sup> St. Community.

Vote: Passed, with 26 Board members in favor, 7 in opposition and 4 abstentions.

## LANDMARKS AND PUBLIC AESTHETICS

### **1. Brown Building (Triangle Shirt Waist Factory Building) (23-29 Washington Place, a/k/a 245 Greene) Application is to designate the building as an Individual Landmark**

**WHEREAS**, this handsome neo-Renaissance building has earned a place in American labor history, due to the first large-scale strike by women workers in America that occurred there, as well as the tragic Triangle Shirt Waist factory fire that killed 146 workers with resulting legislation which included regulations safeguarding the life and health of workers, shortening the work week, and enforcing existing fire and safety legislation; and

**WHEREAS**, the owner of the building, NYU, has been working with the Commission on the designation and we commend the University's interest in designation; and

**WHEREAS**, since the building is used as a science hall and that could mean some necessary modifications to the structure in the future (ventilation requirements, safety equipment, HVAC, et. al), we realize that this is a sensitive area and urge that special consideration should be given to such requests; now

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

Vote: Unanimous, with 37 Board members in favor.

### **Item: 6 - 591 Broadway (Houston/Prince)- SoHo-Cast Iron Historic District A Classic style store building constructed in 1859-60 and altered in 1900. Application is to install a painted wall sign on the south facade.**

**WHEREAS**, this proposed sign for Kenneth Cole is in fact an advertising sign and not an accessory business sign despite its proximity to the Kenneth Cole store nearby; and

**WHEREAS**, the Kenneth Cole store already has blade signs to announce its presence; and

**WHEREAS**, we are concerned that once permitted, the sign could easily be leased to a different buyer, so there is no guarantee that it would advertise a business nearby; now

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

Vote: Unanimous, with 37 Board members in favor.

### **Item: 7 - 110 Mercer Street (Prince/Houston)- SoHo-Cast Iron Historic District A neo-Classical style store and loft building designed by Charles Mettam and built in 1869. Application is to install storefront infill.**

**WHEREAS**, we have no objection to the drop-down steps cut into the diamond plating leading to the basement store; but

**WHEREAS**, the display window has a bottom sill only 3" high, an uncommonly low height for a window in the Cast-Iron Historic District; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application regarding the steps; but

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of the portion of the application requesting such a low window bulkhead.

Vote: Unanimous, with 37 Board members in favor.

### **Item: 8 - 43 Wooster Street - SoHo-Cast Iron Historic District A store and loft building built in 1884-85 by Joseph Dunn. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission pursuant to Section 74-711 of the Zoning Resolution for a Modification of Use. Zoned M1-5B**

**WHEREAS**, considerable restoration effort has been done on this burnt-out building; and

**WHEREAS**, there is a cyclical maintenance program in place; and

**WHEREAS**, there is a preservation purpose in the work performed; now

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

**BE IT FURTHER RESOLVED** that approval of the preservation effort should not be construed to denote approval for the modification of use, which will be decided by our Zoning Committee later.

Vote: Unanimous, with 37 Board members in favor.

**Item: 9 - 101 Greene Street - SoHo-Cast Iron Historic District**  
**A neo-Grec style building constructed in 2002. Application is to install storefront infill.**

**WHEREAS**, the applicant requests permission to lower the store window bulkhead from the historically accurate height of 2'10" to a height of 1'3" to accommodate the current store lessee; and

**WHEREAS**, the application also requests permission to paint the two storefronts in different colors, even though the upper floors of this large building are painted a uniform color; and, although we sympathize with the need of the two stores to distinguish themselves, we believe that the stores nevertheless should have a uniform paint scheme; now

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

Vote: Unanimous, with 37 Board members in favor.

**Item: 10 -149 Spring Street (Wooster/W. Broadway)- SoHo-Cast-Iron Historic District** A loft building designed by G. F. Pelham and built in 1898. Application is to construct a rooftop addition. Zoned M1-5A.

**WHEREAS**, the materials and style of the rooftop addition are consistent with rooftop structures in the historic district; and

**WHEREAS**, small portions of the addition are only minimally visible in the historic district; now

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

Vote: Unanimous, with 37 Board members in favor.

**Item: 11 - 425 Broadway (Howard)- SoHo-Cast Iron Historic District**  
**A building constructed in 1869 and designed by Griffith Thomas. Application is to legalize the removal of the storefront, the installation of an awning, security gates, tracks and housing, and a window with a louver without Landmark Preservation Commission (LPC) permit(s).**

**WHEREAS**, these are one of the most egregious violations we have seen in some time, including removal of the storefront and its replacement with an illegal roll down gate, not to mention a huge garish awning that obstructs the façade, and a louver in an upper window; and

**WHEREAS**, building tenants implored us for immediate relief since this illegal work blocks their entranceway and prevents clients from finding the building, severely hurting their ability to do business in their joint live-work quarters; now

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

**BE IT FURTHER RESOLVED** that we respectfully urge the LPC to pay special attention to this applicant and insure that the violations are quickly corrected before further economic hardship are incurred by the businesses on the upper floor who daily suffer from this outrageous action.

Vote: Unanimous, with 37 Board members in favor.

**Item: 12 - 4 Grove Street (Hudson/Bedford)- Greenwich Village Historic District** A Federal style rowhouse constructed in 1833-34. Application is to legalize the recladding of the dormer windows without Landmarks Preservation Commission permits.

**WHEREAS**, the illegal work was performed before the current owners moved in and so we sympathize with their plight; but

**WHEREAS**, the cladding material covers up original architectural detail; now

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



**BE IT FURTHER RESOLVED** that whatever process the Commission utilizes to restore the dormer window, that it be sensitive to the burdens of small landlords.

Vote: Unanimous, with 37 Board members in favor.

**Item: 13 - 160 West 10<sup>th</sup> Street (parking garage bet. 7<sup>th</sup> Ave. So. & Waverly Pl.) - Greenwich Village Historic District A Romanesque Revival style garage built in 1891-92 and designed by E.D. Harris. Application is to construct a rooftop addition. Zoned C4-5 and R-6.**

**WHEREAS**, although the applicant took pains to prevent the addition from being visible from the street, nevertheless small sections can be somewhat noticed; and

**WHEREAS**, generally, in the Greenwich Village Historic District, particularly with Federal and Greek Revival buildings, we do not approve of additions that are visible from the street, but

**WHEREAS**, this is an industrial building and traditionally these buildings have rooftop structures that are prominent; and

**WHEREAS**, as a result, there was a split in the Landmarks Committee on whether this would be an appropriate addition to this unique building; but

**WHEREAS**, all agreed that the proposed front terrace may be planted with trees and vines that could soon cause the structure to resemble the Hanging Gardens of Babylon; and although trees in containers may be considered temporary accoutrements, in fact, they can survive for a couple of decades; and

**WHEREAS**, several members of the public appeared to voice opposition to the project; and

**WHEREAS** the applicant has failed to safeguard the occupants of this rooftop addition from the exhaust fumes from the garage below, which has a permit for 200 cars and lacks exhaust system; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application regarding the rooftop addition; but

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends that the Commission incorporate into the permit a stipulation that no plants be visible from the street.

Vote: Unanimous, with 37 Board members in favor.

**WHEREAS** the applicant has failed to safeguard the occupants of this rooftop addition from the exhaust fumes from the garage below, which has a permit for 200 cars and lacks exhaust system; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application regarding the rooftop addition; but

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends that the Commission incorporate into the permit a stipulation that no plants be visible from the street.

Vote: Unanimous, with 37 Board members in favor.

**Item:15 - 17 King Street - Charlton King Vandam Historic District  
A Federal style rowhouse built in 1826, designed by William Christie. Application is to remove bluestone sidewalk pavers and to install a tinted concrete sidewalk.**

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

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

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

Vote: Unanimous, with 37 Board members in favor.

**Item: 16 - 785 Washington Street (Jane) - Greenwich Village Historic District**  
**A building erected in 1873 and altered in 1911. Application is to construct a one-story rooftop addition and to alter the facade. Zoned C8-4**

**WHEREAS**, this building has changed considerably from its original condition; and

**WHEREAS**, the applicant seeks to add an addition that gives the building the appearance of being more in scale with the original 19<sup>th</sup> century tenement structure; and

**WHEREAS**, the existing basket weave brickwork pattern on the front, will be brought up to the front of the new addition, which is commendable; and

**WHEREAS**, there was some debate whether the awning was appropriate, but the consensus was that it reflected the meat market's history, although the materials employed are not traditional; now

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

Vote: Unanimous, with 37 Board members in favor.

**Item: 17 - 783 Washington Street - Greenwich Village Historic District**  
**A vernacular residence built in 1849. Application is to alter the ground floor. HELD OVER**

**Item: 18 - 73 Washington Place - Greenwich Village Historic District**  
**A late Greek Revival style house built in 1847. Application is to modify a window and to install a door.**

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

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

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

Vote: Unanimous, with 37 Board members in favor.

**Item: 19 - 47 & 49 Charles Street (W.4<sup>th</sup>) - Greenwich Village Historic District**  
**Two Italianate style rowhouses built in 1869 and a two-story extension to 49 Charles Street built in 1927 designed by Vincent M. Cajano. Application is to legalize work performed in non-compliance with Certificate of Appropriateness 01-4024. Zoned R-6**

**WHEREAS**, the changes to the fenestration to the West 4th Street two-story extension are appropriate; but

**WHEREAS**, community members attended who objected to some of the construction practices employed; now

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

**BE IT FURTHER RESOLVED** that CB#2, Man. expresses concern about the poor quality of the renovation, specifically the inappropriate door-surround that extends over the next-door neighbor's property, as well as the fact that the railings are set into the concrete rather than on the raised brownstone urn.

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

**Item: 20 - 31 Grove Street Bedford/Bleecker) - Greenwich Village Historic District**  
**A Greek Revival style house built in 1841 designed by Winant and Degraw. Application is renovate the front façade and to construct a rear yard addition. Zoned R6.**

**WHEREAS**, we commend the applicant for a very good job of re-creating the front façade based on its adjacent twin building, except that the neighboring twin has decorative urns that are of an 1850 vintage, and

**WHEREAS** a style of urn common to the 1841 period of the building's construction would be more appropriate; but

**WHEREAS**, at the rear façade, the construction of this new design would result in the irreparable loss of historic materials, not only the masonry but also the dentil moldings and the curved segmented arched windows; and

**WHEREAS**, members of the public appeared to express their opposition to the work on the rear of the building; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application pertaining to the front façade; but

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial regarding the rear façade.

Vote: Unanimous, with 37 Board members in favor.

**Item: 21 - 28 Bethune Street (Washington/Greenwich) - Greenwich Village Historic District A Greek Revival style rowhouse built in 1844-45 for Thomas Cudbirth. Application is to construct a rear yard addition and rooftop stair bulkhead. Zoned R-6.**

**WHEREAS**, the re-furbishing and preservation work on the front façade is commendable (However, we would prefer to see 3 over 3 windows instead of the proposed 2 over 2 on the top floor, and also that the front iron work be restored, that is, cleaned and painted, and not replaced with new iron which often does not pass muster.); but

**WHEREAS**, this proposal would eliminate much of the original rear wall and replace it with an infill of inappropriate configuration and materials; and

**WHEREAS**, members of the public appeared to voice their concern at the proposed work in the rear, particularly its effect on the interior portion of the ‘doughnut’ of this block; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application as it relates to the front of the building; but

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of the application pertaining to the rear.

Vote: Unanimous, with 37 Board members in favor.

**Item: 22 - 133 West 13th Street (6<sup>th</sup> & 7<sup>th</sup> Aves)- Greenwich Village Historic District Two Greek-Revival style row houses constructed in 1845. Application is to install storefront infill and a ramp.**

**WHEREAS**, the proposed change to the size and configuration of the windows is not in keeping with the style of other contributing buildings in the Historic District; and

**WHEREAS**, several members of the public appeared to express disapproval of the proposal; and

**WHEREAS**, the public was also anxious that if permission were granted to change the fenestration, the lovely old wisteria vine would be destroyed; now

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

**BE IT FURTHER RESOLVED** that if a permit is nevertheless granted, the wisteria must not be destroyed during construction.

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

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

### **A Resolution Affirming Previous Approval Of A Design For Abingdon Square Park.**

**WHEREAS** the Department of Parks made a presentation of modifications to a plan for Abingdon Square Park; and

**WHEREAS** the modifications primarily involved a changed location for the statue; and Whereas the Parks Committee and the Full Board previously approved the design for this park reconstruction; and

**WHEREAS** numerous people spoke for and against the design but very little was said with regard to the proposed changes;

**THEREFORE IT IS RESOLVED** that CB#2, Man. approves the proposed changes to the design and reaffirms its approval for the reconstruction project.

Vote: Passed, with 23 Board members in favor, 9 in opposition and 2 abstentions.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1. NEW application to NYCDOT for revocable consent to construct, maintain and use a Trash receptacle that is in a fenced area by NMG Realty Company at 34 East 11<sup>th</sup> Street, NYC, (bet. University Place and Fifth Avenue)**

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

**WHEREAS**, a picture of the trash receptacle was presented to the committee and;

**WHEREAS**, there was only one couple who live on the block that came out in opposition and,

**WHEREAS**, this is a fifteen foot sidewalk with enough room for pedestrian safely or access and;

**WHEREAS**, presently on this property there is a fence with four sanitation pails behind it;

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends DENIAL to store a metal trash receptacle by NMG Realty Company at 34 East 11<sup>th</sup> Street, NYC, but we do APPROVE of what is there now, four sanitation pails behind a fence.

Vote: Unanimous, with 37 Board members in favor.

**3. NEW application for revocable consent to operate an unenclosed sidewalk café by Theo's Restaurant, 325 Spring Street, NYC, (between Washington and Greenwich Streets) with 11 tables and 44 seats. DCA# 1125861**

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

**WHEREAS**, the applicant will install removal railings around the unenclosed sidewalk café and;

**WHEREAS**, the applicant agreed to reduce the number of tables and chairs to six tables with four seats and five tables with two seats and;

**WHEREAS**, the applicant agreed to submit new plans which we did receive 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 by Theo's Restaurant, 325 Spring Street, NYC, with 11 tables and 34 seats.

Vote: Unanimous, with 37 Board members in favor.

**3. Renewal application for revocable consent to operate an unenclosed sidewalk café by Red Lion Restaurant, 151 Bleecker Street, NYC, with 12 tables and 24 seats DCA# 0981728.**

**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 sufficient passage for pedestrian safety and public access and;

**WHEREAS**, this restaurant has had a sidewalk cafe for ten years and;

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

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a THREE YEAR revocable consent to operate an unenclosed sidewalk café by Red Lion Restaurant, 151 Bleecker Street, NYC, with 12 tables and 24 seats.

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

**TRAFFIC AND TRANSPORTATION**

**1. To Change Parking Regulations on the North Side Of King St. Between Hudson St. & Varick St.**

**WHEREAS**, the commercial uses in this area have recently changed;

**WHEREAS** The local Post office, located on this block, supports the proposed change And;

**WHEREAS**, CB#2, Man. has made similar changes in this, And;

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

on the north side of King St. between Hudson St. and Varick St. from NO PARKING 8AM TO 5PM to NO PARKING 12:30 PM to 2 PM

Vote: Unanimous, with 37 Board members in favor.

**2. To Enact Special Night Regulations for half a block on the North side, East end of Spring St. between Greenwich St. & Washington St. in front of Theo's, Restaurant.**

**WHEREAS**, Residents of this block report many traffic related issues due to late night actives at local restaurants and bars on this block, and;

**WHEREAS**, Cars double park creating traffic congestion that causes horn honking late night late at night, and;

**WHEREAS**, Manhattan CB#2, Man. has recommended Special Night NO STANDING zones at several other locations that have helped reduce traffic congestion at night and allow better traffic flow,

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYCDOT enact Special Night Regulations NO STANDING 8:00 PM TO 4:00 AM for half a block on the North side, East end of Spring St. between Greenwich St. & Washington St. in front of 325 Spring St..

Vote: Failed, with 18 in opposition, 11 in favor and 4 abstentions.

**3. To Replace Parking Meters Along the West Side of The Bowery Between Houston St. & Canal St.**

Parking meters have recently been removed on several blocks along the west side of the Bowery between Houston Houston St. and Canal St. and replaced by NO STANDING EXCEPT TRUCKS LOADING & UNLOADING for reasons unknown and;

**WHEREAS**, local small retail businesses report that originally there were parking meters along the west side of the Bowery on all blocks between Houston St. and Canal St., and;

**WHEREAS**, the proposed changes have already had a deleterious effect on this retail shopping district that was severely affected by 9/11, and;

**WHEREAS**, Several local parking lots that serve this area have recently been lost due to the construction of new buildings, and;

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that the NYCDOT replace parking meters along the west side of the Bowery Between Houston and allow one hour parking at meters 9:00AM to 5:00 PM Mon. thru Sat., NO PARKING 5:00 PM TO 7:00 PM and free parking at other times.

Proposed Amendment By the Committee Chair:

**THEREFORE BE IT FURTHER RESOLVED** that, if the NYCDOT cannot replace the parking meters, Manhattan Community Board 2 requests that these new parking regulations be enacted without the meters.

Vote: Unanimous, with 37 Board members in favor.

**ZONING AND HOUSING**

**848 WASHINGTON ST. Variance application to the BSA for a 32-story residential building and parking garage in an M1-5 district.**

**WHEREAS** the applicant made very minute changes to the project, none of which address the many concerns and problems we had with the findings one year ago, and the project is basically the same project; and

**WHEREAS** the proposed luxury residential development of this size would alter this unique corner of our district with its meat market, club and restaurant uses and put at risk those businesses most appropriate to the zoning and that are rightful legal uses; and

**WHEREAS** again we stress that although the applicant states that the site is near R and C zones and therefore would not change the character of the neighborhood, the site itself exists dead center in the middle of an M zone; and

**WHEREAS** again no evidence was produced of the proliferation of residential use in the area; and

**THEREFORE BE IT RESOLVED** CB#2, Man. rejects the application for a 32-story residential and mixed-use building because the findings as required under Sec. 72-21 of the Zoning Resolution cannot be made; and

**FURTHER BE IT RESOLVED** that a 32-story high rise with luxury residential use in the middle of a manufacturing district is an inappropriate use and will have incalculable repercussions on the businesses and the zoning; and

**FURTHER BE IT RESOLVED** that our previous comments on the five required findings are listed below and we also attach our previous resolution as part of this record.

**CHARACTER OF THE NEIGHBORHOOD**

1. The proposed 32-story building is inappropriate to the low- rise character of the neighborhood and would set a precedent for walling off the waterfront from the upland area;
2. The meat market is a vital sub market to the industry and is threatened by continuing variances for residential;
3. The bars and nightclubs in the area are also threatened by the impact of continuing residential development in this manufacturing district and this is one of the few areas left for these types of establishments;
4. We are worried about the loss of steady jobs, particularly in this economy, which the development of residential would cause by pushing out existing uses;

**SELF-CREATED HARDSHIP**

1. The predecessor in title created the hardship and was instrumental in creating the railroad that has an easement above the property;

**MINIMUM VARIANCE / RATE OF RETURN**

- (1) The rate of return based on the land and building appraisal does not incorporate the High Line, which is an integral fixture to the property, and somehow this fact should be part of the base price used to calculate the return;

**UNIQUE CONDITIONS**

1. The assertion that the meat market no longer holds a commanding presence and the buildings are obsolete is not an argument for uniqueness as the meat market is a vital sub market for distribution and wholesaling, and, besides, there are also other uses in buildings in the area , and a commercial building of another nature could be built;

2. An approval of this application has far reaching consequences on the properties surrounding the rest of the High Line and should be considered heavily in light of the implications on future applications if every property around the High Line is considered unique.

Vote: Unanimous, with 37 Board members in favor.

**204-210 LAFAYETTE STREET a/k/a 51 CROSBY STREET**

**Variance application to permit residential use in an M1-5B zoning district and Use Group 6 (retail use) on the ground floor. BSA 71-02-BZ**

**WHEREAS** the applicant has reduced the bulk and increased the size of some units on Crosby Street, and the average size of the units is now increased to 890 sq. ft. by combining the figures on the two buildings, and

**WHEREAS** there are 58 studios and one-bedrooms, which is not characteristic of the surrounding area, and there are only 5 two-bedroom/loft units, 10 on Lafayette St. and 5 on Crosby St., which are similar to the work/live units in neighboring buildings and might be allowable under the zoning, and

**WHEREAS** we can not come to terms with the fact that the strict residential use with this high density is grossly inconsistent with the neighborhood, and

**WHEREAS** the density requested is that of a community facility (which this is not) and just because several neighboring buildings were overbuilt prior to the zoning does not argue for this building to be overbuilt, and

**WHEREAS** the proposed architecture is out of context and scale with the surrounding area, notably the SoHo Cast Iron Historic District and the Special Little Italy District (and we have not seen updated renderings);

**WHEREAS** all the *residential* references the applicant makes in SoHo are required to be *Joint Living Working Quarters for Artists* (JLWQA), and

**WHEREAS** this proposal is not the minimum variance required to make a profit; and

**WHEREAS** while the applicant argues intensely that the subway is a hardship, we have not seen Dept. of Transportation diagrams or any other information which shows the exact nature of the hardship (pilings, foundation supports, etc.) in order to justify the finding to the extent it is argued, and, in addition, the slope of the property is considered as part of the hardship, yet nothing in the floor plans indicates that this is a hardship, and

**WHEREAS**, this project will benefit from the cachet of being adjacent to an Historic District, but it does not have to undergo the rigors of being approved by the NYC Landmarks Preservation Commission, or to go through the expense in additional construction costs and maintenance that most other SoHo buildings, new and old, must undertake – so this aspect creates an incalculable financial benefit rather than a financial hardship; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. continues to oppose the plan for the new building at 210 Lafayette Street as the use is inconsistent with the surrounding M1-5B (manufacturing/artist) area, and

**FURTHER BE IT RESOLVED** that the introduction of dense residential consisting of many studios and one bedrooms into an area of working artists and next to the SoHo Cast Iron Historic District would dramatically alter the character of the neighborhood, and

**FURTHER BE IT RESOLVED** that although the scale of the building has been reduced, it equates to the FAR of a community facility, which it is not, and should at least conform to allowed zoning.

Vote: Unanimous, with 37 Board members in favor.

**NEW BUSINESS**

**1. Mulberry Street Holiday Promotion**

**WHEREAS**, representatives of the Little Italy Merchants Assn. and Little Italy Neighbors Assn., representing merchants and residents in the Mulberry St. area met on November 19<sup>th</sup> under the auspices of Councilman Alan Gerson and.

**WHEREAS**, the purpose of the meeting was to find common ground regarding the merchants' holiday promotion on Mulberry St.; and,

**WHEREAS**, the merchants have favored creating a mall on Mulberry St. and closing traffic between Broome and Canal Sts.; and,

**WHEREAS**, the merchants were offered two proposals by the residents, and chose one which would place holiday vendors on the sidewalk on Mulberry St. between Broome and Canal Sts., and would support the use of police barricades-not Christmas trees-in the roadway to allow pedestrian passage, but leave Mulberry St. open to vehicular traffic. The merchants agreed to this arrangement to be in effect the first three weekends of December; and

**WHEREAS**, the residents agreed to this arrangement at the meeting,

**THEREFORE BE IT RESOLVED** that CB#2, Man. supports this small first step of accommodation between merchants and residents in Little Italy, and calls upon the city's Community Assistance Unit to grant a permit incorporating the compromise agreed upon at the Nov. 19th meeting.

Respectfully submitted,

Robert Rinaolo, Secretary  
Community Board #2, Manhattan