

## FULL BOARD MINUTES

**DATE:** September 18, 2003  
**TIME:** 6:30 P.M.  
**PLACE:** P.S. 130, 143 Baxter St., Auditorium

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keith Crandell, Marie P. Derr, Doris Diether, Harriet Fields, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Don Lee, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Chad Marlow, Rosemary McGrath, T. Marc Newell, Rick Panson, David Reck, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Martin Tessler, Wilbur Weder, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Tobi Bergman, Helene Burgess, Jo Hamilton, Arthur Harris, Judy Paul, Carol Reichman, Shirley H. Smith, Jeanne Kazel (Wilcke).

**BOARD MEMBERS ABSENT:** Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Doris Nash, Ann Robinson, Arthur Z. Schwartz, Ruth Sherlip

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

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Danielle Cabaldi-Micca, Senator Tom Duane's office; Kathryn Freed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gregory Bender, Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Council Member Margarita Lopez' office; Carin Mirowtiz, Council Member Christne Quinn's office, Amy Kaplan, P.O. Sean Rooney, James Nadean, Antoinette Cucinotta, Louis Cuccinotta, Denisi Martin, Juan Alurrade, Erin Bogart, Jennie Tou, Jill Mandell, Gregory Brender, Wendy Cheung, Sharon Sullivan, Frank Fusaro, Susan Rosenthal, Elisa Monte, Jean-Yves Nobuet, Joe Chan, Alyssa Herman, Emma Amos, Stacy Horn, David Halle, Rachel Landis, Daniel Davis, Leilei Phyu, Carter Booth, Carol Lewis, Stephen Ballas, Dana Seshene, Mary Clarke, Dani Goldsmith, Niki Leung, Vivian Lin, Gabriel Sherman, Andrew Berman, John Casalnuovo, Noland Tibell, Gillian Jabin, Sante Scardillo, Ken Chin, Stephen M. Evans III.

### MEETING SUMMARY

Meeting Date – September 18, 2003  
Board Members Present – 33  
Board Members Excused– 8  
Board Members Absent - 7

#### **I. SUMMARY AND INDEX**

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	8
BUSINESS	8
LANDMARKS AND PUBLIC AESTHETICS	10
LESBIAN, GAY, BISEXUAL & TRANSGENDER	13
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	13
TRAFFIC AND TRANSPORTATION	15
ZONING AND HOUSING	15
NEW BUSINESS	18
ROLL CALL	19

## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### **Candidate Introduction**

Stephen M. Evans III, Committee to Elect Stephen Evans, introduced himself to the Board.

#### **San Gennaro Festival**

Sante Scardillo, LINA, spoke against the San Gennaro festival.

#### **Quality-of-Life**

John Casalnuovo, LINA spoke re: quality-of-life issues.

#### **Senator Duane Introduction**

Tom Duane introduced his new chief of staff, Danielle Cabaldi-Micca.

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

#### **Landmarking of Federal-Style Houses**

Andrew Berman, GVSHP, spoke in favor of landmark designation of 13 Federal-style houses in the lower Manhattan area.

### **Zoning and Housing Items**

32-40 Bond St. Application for a BSA variance pursuant to Section 72-21 to develop a 14-story, 7.6 FAR, mixed-use building with residential apartments & grd. Fl. retail usage.

Jean-Yves Nobuet, Mary Clarke, Emma Amos, Elisa Monte, and Susan Rosenthal spoke against the zoning change and the project.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Daryl Cochrane, of Congressman Jerrold Nadler's office

Brian Sogol, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Gregory Bender, Assembly Member Deborah Glick's office

Dirk McCall, of Council Member Alan Gerson's office

Council Member Margarita Lopez' office

Carin Mirowitz, of Council Member Christine Quinn's office

## **V. ADOPTION OF MINUTES**

Adoption and Distribution of July Full Board minutes and August Special Executive Committee minutes.

## **VI. EXECUTIVE SESSION**

5. **Chair's Report** Aubrey Lees reported
6. **District Manager's Report** Arthur Strickler reported.
7. **Special Executive Committee Reports (see below).**

## **BUSINESS**

1. **Cosmo Gourmet Café, LLC., d/b/a Pixie Gourmet, 15 Charles Street, NYC**

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

**WHEREAS**, this application is for an On Premise License at this location; and

**WHEREAS**, the applicant stated that he intends to operate a 60-seat restaurant with 40 additional seats outside within the building line. Hours of operation will be from 9 AM to 2 AM 7 days; and

**WHEREAS**, the applicant stated that there would not be a bar for customers, service bar only; and

**WHEREAS**, the applicant stated that music would 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 Cosmo Gourmet Café, LLC, d/b/a Pixie Gourmet, 15 Charles Street, NYC

Vote: Unanimous, with 33 Board members in favor.

## **2. The Aqua Room LLC, 54 Spring Street, NYC**

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

**WHEREAS**, this application is for an On Premise License at this location; and

**WHEREAS**, the applicant stated that this would be a bar/restaurant with 75 seats and 9 additional seats at the bar. Hours from 11 AM to 11 PM weekdays and until 1 AM weekends seven days; and

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

**WHEREAS**, the plans presented by the applicant showed that use of the basement would be for kitchen and storage only; and

**WHEREAS**, a representative of L.I.N.A. appeared before the committee to object to this application stating that there are 15 other similarly licensed premises within 500 feet of this location; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise License to The Aqua Room LLC, 54 Spring Street, NYC

Vote: Passed, with 31 Board members in favor, and 2 in opposition.

## **3. New York Chapter of the American Institute of Architects, 534 La Guardia Place, NYC**

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

**WHEREAS**, this application is for an On Premise license at this location that is the new headquarters of this 150-year old organization. The purpose is to enable the organization to operate a café from 8 AM until 10 PM and to hold private meetings and seminars and also to occasionally allow others to use the premises for private parties; and

**WHEREAS**, the applicant stated that the capacity will be 400 persons; and

**WHEREAS**, this premise is a commercial condominium and no one from the condo or 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 New York Chapter of the American Institute of Architects, 534 La Guardia Place, NYC.

Vote: Unanimous, with 33 Board members in favor.

## **4. SoHo Coffee Shop, LLC, 123 Mercer Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for this 3000 square foot 125 person capacity location that formerly operated as Kavehaz; and

**WHEREAS**, the applicant is the owner of the building and is taking over this premise because the tenants lease is not being renewed. The applicant stated that this would be a restaurant with the same menu as the prior licensee with background music only; and

**WHEREAS**, the hours of operation will be from 8 AM to 2 AM seven days, although the applicant offered to alter the hours to 12 AM weekdays and 1 AM weekends in response to community opposition; and

**WHEREAS**, the applicant stated that they would apply for a sidewalk café license in the future; and

**WHEREAS**, the Dept. of Consumer Affairs does not issue; however, sidewalk café permits in SoHo by statutory restriction; and

**WHEREAS**, 9 members of the community spoke in opposition to this application and submitted a list of 15 similarly licensed premises within 500 feet of this location; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for SoHo Coffee Shop, LLC, 123 Mercer Street, NYC.

Vote: Unanimous, with 33 Board members in favor.

**5. Patricia Lou or a business entity to be formed by her, 186 Mott Street, NYC**

**WHEREAS**, this application was scheduled 2 times and the applicant did not appear or notify the Community Board; and

**WHEREAS**, over 110 members of the community appeared at the committee meeting to oppose this application due to the proximity of this location to the Chinatown Head Start school; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly objects to the issuance of an On Premise License for Patricia Lou or a business entity to be formed by her, 186 Mott Street, NYC and calls upon the SLA to return this applicant to the Community Board if an application should be filed in order that the concerns of the community may be addressed.

Vote: Unanimous, with 33 Board members in favor.

**6. Pinkel Associates, Ltd., d/b/a Kelley and Ping, 127 Greene Street, NYC**

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

**WHEREAS**, this application is to upgrade from the existing Beer and Wine License to a full On Premise license; and

**WHEREAS**, the applicants have operated this premise for the past ten years without incident; and

**WHEREAS**, the applicant stated that there would be no change to the existing method of operation; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for Pinkel Associates, Ltd., d/b/a Kelley and Ping, 127 Greene Street, NYC

Vote: Unanimous, with 33 Board members in favor

**7. Rondure Corp., d/b/a Rondure, 24 Prince Street, NYC (REVISED)**

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

**WHEREAS**, this application is for an On Premise license for a 70 seat 2000 square foot location that is to be an International cuisine restaurant with live piano music on the ground floor and basement; and

**WHEREAS**, the applicant stated that the hours of operation would be from Noon to 1 AM weekdays and Noon to 3 AM weekends in the basement and from Noon to 11 PM on the main floor; and

**WHEREAS**, the applicant stated that they may apply to use the rear garden in the future, however, this application is for the interior only; and

**WHEREAS**, a representative of L.I.N.A. appeared at the committee meeting in opposition to this application and stated that this location is within 200 feet of Old Saint Patrick's Church and even closer to the school. He also stated that there are 9 other similarly licensed premises within 500 feet of this location; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for Rondure Corp., d/b/a Rondure, 24 Prince Street, NYC, and

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon the SLA to verify the distance from this location to Old Saint Patrick's Church and School and to hold a 500 foot hearing on this application.

Vote: Unanimous, with 33 Board members in favor.

**8. T. Hospitality Inc., 39 Little West 12<sup>th</sup> Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for this 8000 total square foot Thai restaurant that will seat 100 persons; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to 1 AM weekdays and until 2 AM weekends; and

**WHEREAS**, the applicant stated that the music will be background only and that they may apply for a sidewalk café license in the future; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for T. Hospitality Inc., 39 Little West 12<sup>th</sup> Street, NYC.

Vote: Passed, with 29 Board members in favor, and 4 in opposition.

**9. Petno Restaurant Inc., d/b/a Bar Nocetti, 143 Christopher Street, NYC**

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

**WHEREAS**, this application is for a 74 seat plus 15 at the bar Italian restaurant at this location formerly known as Two Potato; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to 2 AM seven days; and that music will be background only; and

**WHEREAS**, a representative of the Christopher Street Patrol appeared and enthusiastically recommended approval of this application; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for Petno Restaurant Inc., d/b/a Bar Nocetti, 143 Christopher Street, NYC.

Vote: Passed, with 32 Board members in favor, and 1 in opposition.

**10. Spring Cuisine Corp., d/b/a 535 Eat & Drink, 535 La Guardia Place, NYC**

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

**WHEREAS**, this application is to upgrade from Beer and Wine to a full On Premise license at this location that has been under the same ownership for the past 13 years; and

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

**WHEREAS**, the applicant stated that there would be no change to their method of operation; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for Spring Cuisine Corp., d/b/a 535 Eat & Drink, 535 La Guardia Place, NYC

Vote: Unanimous, with 33 Board members in favor.

**11. FT 17 Cleveland LLC, d/b/a Bar Veloce, 17 Cleveland Place, NYC**

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

**WHEREAS**, this application is to upgrade from Beer and Wine to a full On Premise license; and

**WHEREAS**, the applicant stated that there would be no change to the current method of operation; 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 FT 17 Cleveland LLC, d/b/a Bar Veloce, 17 Cleveland Place, NYC

Vote: Unanimous, with 33 Board members in favor.

**12. 77 Bar & Internet Café Corp., 77 West Houston Street, NYC**

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

**WHEREAS**, this application is for a 175 seat Dutch restaurant on the second floor at this location; and

**WHEREAS**, the hours of operation will be from 11 AM until 1:30 AM seven days; and

**WHEREAS**, 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. has no objection to the issuance of an On Premise license for FT 17 Cleveland LLC, d/b/a Bar Veloce, 17 Cleveland Place, NYC.

Vote: Unanimous, with 33 Board members in favor.

**13. Rolso, Inc., d/b/a Café Novecento, 343 West Broadway, NYC**

**WHEREAS**, the applicant failed to appear or notify the Community Board; and

**WHEREAS**, it is the policy of the Committee to deny any applicants who ignore this important step in the application process; and

**WHEREAS**, the applicant has served liquor on the sidewalk without obtaining a permit from the Dept. of Consumer Affairs;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of the alteration application for Rolso, Inc., d/b/a Café Novecento, 343 West Broadway, NYC and calls upon the SLA to return this applicant to the Community Board should an application be filed in order that the concerns of the community may be heard.

Vote: Unanimous, with 33 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**LPC Item: 1 - 508 Broadway - SoHo-Cast Iron Historic District.** A store and loft building built in 1854. Application is to install new storefront infill.

**WHEREAS**, because the community board received the application late, and that delay was exacerbated by the blackout, the applicant did not receive timely notification of our meeting and so could not appear; but

**WHEREAS**, this is a storefront in a prominent location in the district; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. respectfully requests that the application be held over, if at all feasible.

Vote: Unanimous, with 33 Board members in favor.

**LPC Item 2- 72 Grand Street (Mercer)- SoHo-Cast Iron Historic District.** A store building with neo-Grec style elements designed by George DaCunha, built in 1885-86, and altered in 1938. Application is to create new ground floor and mezzanine facades. Zoned M1-5B

**WHEREAS**, because the community board received the application late and that delay was exacerbated by the blackout, the applicant did not receive timely notification of our meeting and so could not appear; but

**WHEREAS**, over the years the existing building has been effectively demolished and only a few cast-iron columns remain standing, and there had been plans to build a new building; so we would be very interested to learn, and to comment on, what is proposed to be built at this site; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. respectfully requests that the application be held over, if at all feasible.

Vote: Unanimous, with 33 Board members in favor.

**LPC Item 3 - 737 Greenwich Street** - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1838. Application is to construct a stoop and a recessed entrance.

**WHEREAS**, because the community board received the application late and that delay was further exacerbated by the blackout, the applicant did not receive timely notification of our meeting and so could not appear; but

**WHEREAS**, this is a significant project in a part of the historic district that is undergoing quite a bit of rapid change recently; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. respectfully requests that the application be held over, if at all feasible.

Vote: Unanimous, with 33 Board members in favor.

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

**New Application for revocable consent to operate an unenclosed sidewalk café By La Mela Restaurant, 167-171 Mulberry Street, (bet. Broome and Grand Streets) NYC, with 16 tables and 32 seats.**

**WHEREAS**, the area was posted and the applicant's expediter appeared before the executive committee and;

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

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

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

**WHEREAS**, this restaurant is part of the Mulberry Mall, which permits the owner to operate a sidewalk café on weekends and;

**WHEREAS**, this restaurant has been opened for seventeen years, because of September 11<sup>th</sup> and now the blackout this restaurant needs a sidewalk café to survive;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a ONE YEAR revocable consent to operate an unenclosed sidewalk to Le Mela Restaurant, 167-171 Mulberry Street, NYC, for 16 tables and 32 seats.

Vote: Unanimous, with 33 Board members in favor.

### **ZONING AND HOUSING**

**43 Wooster Street, Block 475, Lot 21 ULURP No. 020045 ZSM Application for a special permit pursuant to Zoning Resolution Section 74-711 to modify the use regulations of Zoning Resolution Section 42-14(D)(2)(b) to permit Use Group 6 retail use in the cellar and on the ground floor.**

**WHEREAS**; The area was posted and there was no community opposition to this application, And,

**WHEREAS**; The building and the store front will be constructed as per the approved landmarks design previously reviewed by Community Board #2, And,

**WHEREAS**, The proposed usage is consistent with other legal uses in the surrounding area and is compatible with the other legal uses in this building,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. continues to support the landmarks design of the building as previously approved by CB#2, Man. and the Landmarks Preservation Commission, And,

**THEREFORE BE IT FURTHER RESOLVED**, CB#2, Man. has no objection to this proposed usage at this specific location.

Vote: Unanimous, with 33 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

#### **1. Manhattan South Restaurant Corp., 323 West Broadway, NYC**

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

**WHEREAS**, this application is for an On Premise License at this location; and

**WHEREAS**, the applicant stated that he intends to operate a 215-seat restaurant/lounge. Hours of operation will be from 5 PM to 3:30 AM 7 days; and

**WHEREAS**, the applicant stated that there would be light food commensurate with a lounge operation; and

**WHEREAS**, the applicant stated that music would be background sometimes and DJ music on weekends:  
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 Manhattan South Restaurant Corp., 323 West Broadway, NYC.

Vote: Passed, with 31 Board members in favor, and 2 in opposition.

#### **2. EC Restaurant Group LLC, 54 Crosby Street, NYC**

**WHEREAS**, the applicant failed to appear before the committee and did not ask for a postponement; and

**WHEREAS**, over 25 members of the community appeared in opposition to this application along with their attorney who submitted a brief in opposition; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly opposes this application for **EC Restaurant Group LLC, 54 Crosby Street, NYC** and calls upon the SLA to return this applicant to the Community Board should an application be filed in order that this important step in the approval process is not averted.

Vote: Unanimous, with 33 Board members in favor.

#### **3. K & P Entertainment LLC, 286 Spring Street, NYC**

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

**WHEREAS**, this application is for an On Premise license at this location that is currently operated as Jet Lounge; and

**WHEREAS**, the applicant stated that the menu will be finger foods and tapas; and

**WHEREAS**, the applicant also stated that music will be live jazz and DJ and that the hours of operation will be from 5 PM to 4 AM seven days; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to **K & P Entertainment LLC, 286 Spring Street, NYC**.

Vote: Unanimous, with 33 Board members in favor.

#### **4. Ciao Stella Corporation, d/b/a Ciao Stella, 206 Sullivan Street, NYC.**



**WHEREAS**, the applicant appeared before the committee; and  
**WHEREAS**, this application is to upgrade to an On Premise license for this 54 person capacity location that currently serves beer and wine; and

**WHEREAS**, the hours of operation will be from 11 AM to Midnight seven days; and

**WHEREAS**, the applicant stated that he lives upstairs from this premise and that his father owns the building; and

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

**THEREFORE, BE IT RESOLVED** that recommends approval of an On Premise license for Ciao Stella Corporation, d/b/a Ciao Stella, 206 Sullivan Street, NYC.

Vote: Unanimous, with 33 Board members in favor.

**5. 94 Christopher Inc., d/b/a Havana Village, 94 Christopher Street, NYC**

**WHEREAS**, this application is for an upgrade from a Beer and Wine license to a full On Premise License; and

**WHEREAS**, the applicant has been at this location for over three years; and

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

**THEREFORE, BE IT RESOLVED** that CB2 Manhattan has no objection to the issuance of an On Premise license for **94 Christopher Inc., d/b/a Havana Village, 94 Christopher Street, NYC**.

Vote: Unanimous, with 33 Board members in favor.

**6. PGT Rest. Corp., 304 Bowery, NYC**

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

**WHEREAS**, the applicant stated that the hours of operation will be from 11 AM until 2 AM seven days; and

**WHEREAS**, this application is for an On Premise license at this location that was formerly operated as a restaurant supply company; and

**WHEREAS**, the applicant stated 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 CB2 Manhattan has no objection to the issuance of an On Premise license for PGT Rest. Corp., 304 Bowery, NYC.

Vote: Unanimous, with 33 Board members in favor.

**7. Yamasak Restaurant Corp., d/b/a Cascata, 174 Bleecker Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for a 45 seat 1200 square foot Italian Restaurant; and

**WHEREAS**, the committee had previously recommended denial of this license due to the use of the rear yard for nine additional seats; and

**WHEREAS**, the applicant has requested a reconsideration and has agreed by written stipulation to the following terms to be a condition of and appended to their license: 1, The last seating in the rear yard will be at 10 PM and the applicant agrees to vacate the yard by no later than 11 PM. 2. The applicant agrees that the rear yard will not be used past October 31 and will not be reopened until the following spring of each year. 3. The rear yard will be enclosed on all sides by a seven-foot high wall however the roof will be open to the sky. 4. The management agrees to supervise the rear yard to diminish or eliminate any late night noise by the patrons; and

**WHEREAS**, the applicant stated that the hours of operation would be from 11 AM until 11 PM, seven days; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for Yamasak Restaurant Corp., d/b/a Cascata, 174 Bleecker Street, NYC.

Vote: Unanimous, with 33 Board members in favor.

**Manchester Associates LLC., d/b/a Parlour, 228 Thompson Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for this 1600 square foot restaurant that will seat 40 persons; and

**WHEREAS**, the applicant stated that the hours of operation will be from 4 PM to 4 AM; and

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

**WHEREAS**, the landlord of this building lives upstairs from this premise and no one 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 **Manchester Associates LLC, d/b/a Parlour, 228 Thompson Street, NYC.**

Vote: Unanimous, with 33 Board members in favor.

**7. Riodizio Inc., d/b/a Pangaea, 417 Lafayette Street, NYC**

**WHEREAS**, the applicant failed to appear before the committee; and

**WHEREAS**, this application is for a renewal of the existing On Premise license at this location; and

**WHEREAS**, the committee is suspect that the named holders of the license are not the operators of this premise; and

**WHEREAS**, a phone call to Mr. Frank Ferraro at the premise, revealed that five new partners were taken in when the operation changed from Riodizio to Pangea. Of the five, only two were added to the license. Mr. Ferraro claimed that three were not added to the license because they are only investors and no notification is required. He also revealed that one of the original licensees, a Mr. Matthew Arden, has been gone for quite some time and is in no way involved with this operation, however, he still appears on the license.

**WHEREAS**, this operation has been a source of numerous problems with the community and has operated as an illegal unlicensed cabaret since the change over to Pangea. A violation for dancing without a cabaret license was issued on August 23<sup>rd</sup>, 2003. Violation # PL1024086. Also enclosed with this resolution is a videotape of an Access Hollywood segment wherein an employee walks the camera crew through the premises bragging about how loud things get and showing patrons dancing in this unlicensed premise; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly objects to the renewal of the On Premise license for Riodizio Inc., d/b/a Pangaea, 417 Lafayette Street, NYC; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. believes that an availing charge can be brought against this establishment and calls upon the SLA to launch a thorough investigation into the ownership and profit sharing arrangement at this location.

Vote: Unanimous, with 33 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**A Proposal before The Community Board To Designate Thirteen Federal Buildings In Lower Manhattan As Individual Landmarks**

**WHEREAS**, these Federal buildings collectively speak of the history and ethic of the early Republic; and

**WHEREAS**, they represent just a few of the over 300 buildings of the period still standing in Manhattan south of 23<sup>rd</sup> Street; and

**WHEREAS**, in 1995 the Landmark Preservation Commission initiated a review of undesignated Federal-era row houses and a well-documented study has been prepared that narrows the selection to thirteen, evocative of the thirteen colonies; and

**WHEREAS**, four of these buildings are within CB#2, Man. namely, 57 Sullivan Street in the South Village, 486 & 488 Greenwich St. in Hudson Square, and 127, 129, & 131 MacDougal St. and 7 Leroy St. in Greenwich Village (the remainder are in CB#1, Man. and CB#3, Man.); and

**WHEREAS**, we see this as a first step in landmarking more of these endangered old buildings; now

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

Vote: Unanimous, with 33 Board members in favor.

**LPC Item: 5 - 480 Broome Street (Wooster) - SoHo-Cast Iron Historic District.** A store building built in 1885 and designed by Richard Berger. Application is to legalize the installation of a fire escape ladder without Landmarks Preservation Commission permits.

**WHEREAS**, the existing illegal fire-escape ladder was unintentionally installed without permits because of a understandable response to an emergency situation over twenty years ago (a truck destroyed the original escape ladder); and

**WHEREAS**, the current escape ladder is truck-proof, efficient, and easy to use, a benefit in a fire; and

**WHEREAS**, fire escapes were not part of the original facades of the cast-iron buildings; and

**WHEREAS**, fire escapes have been removed in the Cast-Iron district to benefit the facade; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of this application in this instance, but such modifications should be viewed on a case-by-case basis.

Vote: Unanimous, with 33 Board members in favor.

**3. Item 6 - 44 Mercer Street (Grand St.) - SoHo-Cast Iron Historic District.** A commercial building constructed in 1855 and later altered. Application is to demolish the existing building and to construct a new seven-story building. Zoned M1-5B

**WHEREAS**, the applicant did not appear before the Board but about a dozen, long-time community residents and their attorney did, and they objected strenuously to this landlord's proposal for several reasons:

- The sewer and water controls for the other half of the building, located on a lot at 471 Broadway, are located on the Mercer lot, and the electrical and gas controls for both buildings are on the Broadway lot. Can they be re-routed without causing harm to both buildings?
- Both buildings share a basement and first floor and adjoining wall. What will happen during proposed demolition?
- Residents of the adjacent building to the north, 46 Mercer, expressed serious concern that demolition could endanger the integrity of their building's party wall.
- This is a real problem. It is not only illustrated with the Annie Liebowitz fiasco. Recently, cracks in the wall, as well as buckling of the floors and window frames, have occurred at 152 Wooster Street and attorneys are now involved. 152 Wooster Street is adjacent to the Houston Street lot between Greene and Wooster Streets that has been excavated to construct a new building approved by the Commission. New construction must not be allowed to damage the old. and,

**WHEREAS**, 44 Mercer St. is one half of a building still extant with little modification in 150 years, namely, 471 Broadway; and although some floors of 44 Mercer Street have been removed, important original contributing elements still remain, for example, parts of the cast-iron façade, the diamond metal-plating, and the 2-over-2 windows; and

**WHEREAS**, the landlord, who is well known to the downtown community, acrimoniously forced out a family with children who kept the front of the building neat and graffiti-free. Now there are homeless people living there and the façade is covered with graffiti that the owner refuses to remove; and

**WHEREAS**, the owner has allowed the building to become derelict and has accumulated many open violations that are contributing to the slow decay of this old structure; and

**WHEREAS**, if the owner wishes to construct a building, the existing façade must be incorporated into the new construction, a common preservation practice; and

**WHEREAS**, the Commission must make sure the applicant soon appear before the Community Board to respond to these concerns; and

**WHEREAS**, during any construction, protection of adjacent and adjoining buildings must be paramount, including, but not limited to, installation of seismographic equipment to monitor vibrations, use of licensed construction companies, and strict adherence to the permitting process of the Landmarks Preservation Commission and the Department of Buildings; now

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

**BE IT FURTHER RESOLVED** that the Landmarks Preservation Commission monitor this building to make sure the owner does not cause demolition by neglect.

Vote: Unanimous, with 33 Board members in favor.

**LPC Item 7 - 77 Greene Street (Spring)- SoHo-Cast Iron Historic District.** A store building built in 1878, and designed by Henry Fernbach. Application is to modify storefront infill installed without Landmarks Preservation Commission permits.

**WHEREAS**, the original central transom will be replicated and incorporated into the new storefront and the existing grill on the right bay will be exposed; and

**WHEREAS**, the signage is a sensible 2' by 2' blade sign in wood; and

**WHEREAS**, the palette is in keeping with the scheme of the district; and

**WHEREAS**, other proposal are appropriate in style, rhythm and scale with other contributing buildings; now

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

Vote: Unanimous, with 33 Board members in favor.

**Item 8 - 714 Broadway - NoHo Historic District.** A neo-Classical style store building built in 1896-97 and designed by Buchman and Deisler. Application is to replace windows on the east facade and to create new window openings on the north facade.

**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 33 Board members in favor.

**Item 9 - 61 Jane Street (Hudson) - Greenwich Village Historic District.** An apartment building built in 1962-1964. Application is to modify window openings, to replace windows, and to install through-the-wall air conditioning units at the 19<sup>th</sup> floor and penthouse.

**WHEREAS**, the Landmarks Designation Report states that the “only advantage this huge nineteen-story building has is its fenestration, which, in saving costs, did not attempt to band or streamline the windows horizontally in the manner which became so usual in the 1930’s and 1950’s”; but

**WHEREAS**, the enlargement of the small window on the left may be an improvement in the rhythm of the fenestration, and it is not uncommon for penthouses in modern buildings to have larger windows; and

**WHEREAS**, it is very far up and very far away, barely perceptible in fact; now

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

Vote: Unanimous, with 33 Board members in favor.

### **LESBIAN, GAY, BISEXUAL AND TRANSGENDER**

#### **The Harvey Milk School**

**WHEREAS** the Harvey Milk School was founded in 1985 by Social Worker Steve Ashkinazy as part of the Hetrick-Martin Institute, the oldest and largest agency serving the needs of lesbian and gay youth between the ages of 12 and 21,

**WHEREAS**, contrary to the claims of protesters who say that the HMS is an elitist school for privileged students, the HMS is, in fact, a program that serves the most vulnerable students from the poorest neighborhoods in the city, enabling them to stay in school when they are unable to succeed elsewhere, and

**WHEREAS** last year's class of 71 students, *which will be increased to 100 by next year*, includes 70% African-American or Latino teenagers, and is 40% comprised of families with incomes under \$20,000, from all five boroughs,

**WHEREAS** 70% of LGBT youth report being victims of violence or harassment in high school, and

**WHEREAS** nearly 113 of LGBT teenagers drop out of school, and are three times more likely to attempt suicide (according to the National Mental Health Association), and

**WHEREAS** a telephone poll of the Downing Street Group indicated that 99.4% of respondents agree that children should be safe from physical and emotional violence in the school environment, and

**WHEREAS** New York City has no systematic program in its schools to address LGBT issues and combat homophobia, and

**WHEREAS** the Dignity for All Students Act (DASA), written to prevent harassment based on identity and sexual orientation throughout New York State, is languishing in Albany, and the New York City Dignity in All Schools Act is not yet a law, and

**WHEREAS** CB#2, Man. has long been aware of the important status our neighborhood holds in the eyes of LGBT youth, who are drawn to our streets in search of an accepting environment, and

**WHEREAS** CB#2, Man. has often expressed its concern for the risk factors facing these street youth,

**THEREFORE BE IT RESOLVED** that CB#2, Man. commends the recent issuance of a \$3.2 million grant from the City of New York to the Harvey Milk School, for Capital Improvements, and

**BE IT FURTHER RESOLVED** that CB#2, Man. reiterates its support for the State and City versions of DASA, which defends the rights of all youth to pursue their education in a harassment free environment; and

**BE IT FURTHER RESOLVED** that CB#2, Man. thanks all our local elected officials for their continued efforts to create a safe environment for the youth of our city.

Vote: Unanimous, with 33 Board members in favor.

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

**1. NEW application for revocable consent to operate an unenclosed sidewalk café by Cobra Caterers, Inc. d/b/a Café Topsy, 575 Hudson Street, NYC with 7 tables and 24 seats, DCA#1135398.**

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

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

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

**WHEREAS**, this establishment used to be known as Finalmente Restaurant at this location for more than 12 years and;

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by Cobra Caterers, Inc. d/b/a Café Topsy, 575 Hudson Street, NYC with 7 tables and 24 seats.

Vote: Unanimous, with 33 Board members in favor.

**2. NEW application for revocable consent to operate an unenclosed sidewalk café by NYC Libations, Inc. d/b/a Mannahatta Restaurant, 316 Bowery, NYC, with 17 tables and 34 seats, DCA# 1146070.**

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

**WHEREAS**, the area was posted; there was opposition from the residents living above this restaurant and;

**WHEREAS**, the residents complained of noise and large crowds lingering on the streets and;

**WHEREAS**, the residents and the owner of this restaurant agreed to meet in order to resolve this situation and;

**WHEREAS**, the results of this meeting were to be reported to the Community Board office in advance of the Full Board meeting, but no one ever called; and

**WHEREAS**, the restaurant operates as a restaurant on one level and a private social club on another, accommodating approximately 200 patrons on both levels; and

**WHEREAS**, an unenclosed café with 17 tables and 34 seats would add further to the existing noise and large crowds already on the street; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. Recommends DENIAL of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to NYC Libations, Inc. d/b/a Mannahatta Restaurant, 316 Bowery, NYC with 17 tables and 34 seats.

Vote: Passed, with 32 Board members in favor, and 1 in opposition.

**3. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Mam Restaurant, Inc. d/b/a Gallo Nero, 192 Bleecker Street, NYC, with 8 tables and 16 seats, DCA#1109871.**

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

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

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

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

**WHEREAS**, this establishment has a removable railing around the sidewalk café;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends Approval of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Mam Restaurant, Inc. d/b/a Gallo Nero Restaurant, 192 Bleecker Street, NYC for 7 tables and 16 seats.

Vote: Unanimous, with 33 Board members in favor.1

**4. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Caliente Tequila Grill, LLC d/b/a Caliente Grill Restaurant, 282 Bleecker Street, NYC with 10 tables and 30 seats DCA# 1103058.**

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends Approval for a TWO YEAR revocable consent to operate an unenclosed sidewalk café for Caliente Tequila Grill, LLC d/b/a Caliente Grill Restaurant, 282 Bleecker Street, NYC with 10 tables and 30 seats.

Vote: Passed, with 30 Board members in favor, and 3 in opposition.

### **TRAFFIC AND TRANSPORTATION**

#### **1. Request by the Sixth Police Precinct, 233 W. 10<sup>th</sup> St., NYC, for Additional Naming of the Corner of West 10<sup>th</sup> Street & Hudson Street, To Police Officer James P. Leahy Street**

**WHEREAS**, P.O. Timothy Duffy and P.O. Frank Belotti, of the Sixth Police Precinct appeared before the committee to present this request; and

**WHEREAS**, P.O. James P. Healy was on the force for over 10 years; and

**WHEREAS**, on September 11, 2001, P.O. James P. Leahy went into the World Trade Center and never came out; and

**WHEREAS**, P.O. James P. Leahy's residence was in Staten Island but the family requests the corner of W. 10<sup>th</sup> Street and Hudson Street for the additional naming in honor of P.O. James P. Leahy;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval for the additional naming of West 10<sup>th</sup> Street and Hudson Street to honor P.O. James P. Leahy.

Vote: Unanimous, with 33 Board members in favor.

#### **2. Request for Taxi Stand in front of SoHo House, 29-35 9<sup>th</sup> Ave., NYC.**

Returned to committee. Will be heard in October.

#### **2. Reequst for Parking Changes**

Returned to committee. Will be heard in October.

### **ZONING AND HOUSING**

#### **1. 43 Wooster Street, Block 475, Lot 21 ULURP No. 020045 ZSM Application for a special permit pursuant to Zoning Resolution Section 74-711 to modify the use regulations of Zoning Resolution Section 42-14(D)(2)(b) to permit Use Group 6 retail use in the cellar and on the ground floor.**

**WHEREAS**; The area was posted and there was no community opposition to this application, And,

**WHEREAS**; The building and the store front will be constructed as per the approved landmarks design previously reviewed by Community Board #2, And,

**WHEREAS**, The proposed usage is consistent with other legal uses in the surrounding area and is compatible with the other legal uses in this building,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. continues to support the landmarks design of the building as previously approved by CB#2, Man. and the Landmarks Preservation Commission, And,

**THEREFORE BE IT FURTHER RESOLVED**, CB#2, Man. has no objection to this proposed usage at this specific location.

Vote: Unanimous, with 33 Board members in favor.

**2. 583-587 Broadway, CPC No 030324 ZSM, CEQR No. 02DCP055 M, application by the New Museum of Contemporary Art for a special permit pursuant to Section 74-711 to modify the use regulations to permit the conversion of museum use to retail use, an authorization pursuant to Section 42-142 to permit second floor Joint Living Work Quarters for Artists, a Chairperson's Certification to modify roof top recreation space requirements, and a modification of the previously approved plan for the third floor.**

**WHEREAS;** CB#2, Man. reviewed and supported the original application in 1995, And

**WHEREAS;** Had the museum not been part of the original application the end result would have been this modification; And

**WHEREAS;** CB#2, Man. is a strong supporter of the arts, And

**WHEREAS;** This application is supported by the condo board, And;

**WHEREAS;** The area was posted and there was no community opposition to this application, And

**WHEREAS;** the granting of this application would have no affect on the surrounding area,

**THEREFORE BE IT RESOLVED,** that CB#2, Man. supports this application by the New Museum of Contemporary Art and recommends that the City Planning Commission also approve this Application providing that the existing lease provision for a 15-year ban on eating and drinking establishments on the ground floor be maintained and the rules for joint live work quarters are complied with.

Vote: Unanimous, with 33 Board members in favor.

**3. 32-40 Bond Street, Block 530, Lot 48 BSA# 69-03-BZ, CEQR#02-BSA-076M, Revisions to plans. Application for a BSA variance pursuant to Section 72-21 to develop a 14-story, 7.6 FAR, mixed-use building consisting of residential apartments and ground floor retail usage.**

**WHEREAS,** The applicant came before the Board several months ago for a Special Permit to allow retail use in an as-of-right 12-story hotel to be built on an empty lot; and;

**WHEREAS,** the applicant returned to the Board in March 2003 with revised plans and stated that the economics are such that they cannot successfully build a hotel and then proposed a 15-story residential building, 8.57 Floor-to-Area ratio (FAR) with 1 floor of mechanicals that the Board opposed; and;

**WHEREAS,** the applicant has again returned to the Board with a proposal to develop a 14-story, 17- foot high, 7.6 FAR residential building, And;

**WHEREAS,** The surrounding buildings are 7 to 9 stories, and;

**WHEREAS,** NoHo is zoned for an FAR of 5, and;

**WHEREAS,** Developers on the West Side of CB#2, Man. have argued for minimum variances of 6.5 FAR and there is an as-of-right building currently under construction in this zoning district at Broadway & Houston that has a complying FAR of 5.0, and;

**WHEREAS,** Groups that have proposed zoning changes to the area never proposed FAR's close to 7.6, And;

**WHEREAS,** A recent proposal for a zoning text change in NoHo and SoHo in the Historic District does not propose an increase in FAR; And;

**WHEREAS,** A building of this size would change the core of NoHo forever and alter the character of what has been termed the "quintessential" block of NoHo; and

**WHEREAS,** The applicant has used the argument that the fact that this is a Mid block lot is a unique hardship of this site and CB#2, Man. finds that this argument has not met the finding of a unique hardship because the vast majority of lots in New York City are Mid block lots, and;

**WHEREAS,** The applicant has stated that it is necessary to build higher than the existing buildings in order to obtain sufficient profit and that the costs of construction require a 7.6 FAR, and;



**WHEREAS,** The Board has carefully reviewed the financial data submitted by the applicant for the 7.6 FAR proposal and we find that the combined hard & soft costs of \$310.00 per Square Foot to be more consistent with very high end construction and not consistent with a minimum variance, And;

**WHEREAS,** The Board finds that the Blended Rate sell out rate of \$648.20 for the 7.6 FAR proposal to be below current market rates in NoHo, And;

**WHEREAS,** Most of the buildings currently under construction in CB#2, Man. are being built on former parking lots and the Board is greatly concerned about the loss of so many parking spaces in our community. This application would result in the loss of 97 existing parking spaces parking and will cause increased traffic and noise congestion as cars cruise, worsening the already bad air quality endemic to this area, And,

**WHEREAS,** The drawings of façade design shown to the Board are only preliminary and the community has expressed a desire for a design that is more in context with historic nature of NoHo and the Applicant has offered to engage the Community in continuing dialog, And;

**WHEREAS,** The community has expressed concern about the impacts of the construction of this building on the surrounding buildings and on the neighborhood and the Board has successfully conducted construction coordination meetings for other projects, And;

**WHEREAS,** NoHo and SoHo were founded as arts orientated communities and there is no provision in this application that would require an arts-related project be incorporated in the application. Not having this provision will further diminish NoHo's and SoHo's reputation as world-famous arts neighborhoods, And,

**WHEREAS,** The residential component of the project was not completely opposed by the community, but we feel that if the applicants wants to put residential in a manufacturing zone, they should enlarge the units to sizes more compatible with the underlying zoning which would encourage the work/live character of the neighborhood; and

**WHEREAS,** The existing type of residential use in SoHo and NoHo is restricted to Joint Live Work units for artists with a minimum size of 1,200 Sq. Ft. and the wrong type of new residential units would overwhelm these low-rise, low-density neighborhoods and a larger unit size would be harmonious to what currently exists, And,

**WHEREAS,** The rear yard has been revised to a minimum of 30 feet to conform to the requirements of residential districts which will make a great difference in light and air; And;

**WHEREAS,** the Board and the community had concerns about the formerly proposed hotel, particularly nightclub/lounge use, And;

**WHEREAS,** The Courts have already confirmed that NoHo is over saturated with licensed eating and drinking establishments,

**WHEREAS,** This site has underground gas tanks and oil tanks, And;

**WHEREAS,** The Board and the community have found that construction of buildings often leaves the adjoining street in disrepair and we desire to preserve the historic cobble stones in this street, And;

**THEREFORE BE IT RESOLVED** that CB#2, Man. opposes this application for a variance for residential and retail use at 32-40 Bond St because:

- The 7.6 requested FAR is not a minimum variance and is not justified by the financial data;
- The height of the building would completely alter the character of this block and the NoHo neighborhood;
- The Board can not find any substantiation for the finding of hardship based on the fact that this is a Mid block lot; And;

**THEREFORE BE IT FURTHER RESOLVED** that a building of this height in an area that is the last piece of NoHo that people have fought to get landmarked would be disastrous, And;

**THEREFORE BE IT FURTHER RESOLVED,** That if this application is to proceed,

- The minimum size of all residential units will be 1,200 sq. ft.
- That eating and drinking establishments and catering facilities of any kind not be allowed.

- That an arts-related project be incorporated in each application and that the applicant be required to allot a minimum of 3% of the cost of construction to this component.
- That the existing Floor Area Ratio of 5 be maintained.
- That the existing streetwall requirements be maintained.
- That residential yard regulations be required; and

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that the applicant be required to review the feasibility of incorporating parking in their design and, if it is found to be feasible, that parking spaces for a minimum of 20% of the units be provided, And,

**THEREFORE BE IT FURTHER RESOLVED**, the Applicant should promptly restore any cobble stones in the street that are disturbed due to construction of this building, And;

**THEREFORE BE IT FURTHER RESOLVED**, the Applicant should investigate the status of fuel tanks on the site, conduct a full Environmental review before any construction occurs on the site, and enact any measures necessary during construction to protect the community, And;

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. offers the Applicant its forum to conduct continuing meetings with the Board & community on the design of façade, ongoing construction issues, to review the Construction Protection plan, and to review environmental issues.

Vote: Unanimous, with 33 Board members in favor.

**4. 468 West Broadway/140 Thompson Street (Block 516, Lot 7) Board of Standards and Appeals Special Permit Application pursuant to Zoning Resolution Sections 73-01 and 73-53 to allow the extension of the uses allowed on Floors 2-6 of the West Broadway portion of the building to the ground floor.**

**WHEREAS**; The current status of this coop presents tax problems with the IRS and many buildings in SoHo have struggled to comply with this particular tax problem, And,

**WHEREAS**; This building has been an owner occupied coop for 25 years and has maintained the requirements for joint live work quarters, And;

**WHEREAS**; The Board is aware that there are some coops and condos in the area that don't comply with the requirements for joint live work quarters, And;

**WHEREAS**; This application is supported by the CO-OP Board, And;

**WHEREAS**; The CO-OP Board has stated that it has no intent to exercise the rights granted by this application, And;

**WHEREAS**; The worst that could happen under this application is that the first floor could become a joint live work quarters which would not be objectionable to the Board, And;

**WHEREAS**; the granting of this application would have no affect on the surrounding area, And;

**WHEREAS**; The area was posted and there was no community opposition to this application,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. recommends approval of this Special Permit Application.

Vote: Unanimous, with 33 Board members in favor.

**8. 80 Fifth Avenue, LRHC, Inc. d/b/a Lucille Roberts, BSA Cal. No. 145-95-BZ. Board of Standards & Appeals application for an extension of term for an expired special permit for a physical culture establishment (health club), granted pursuant to Zoning Resolution § 73-36.**

**WHEREAS**; Community Board #2 Manhattan reviewed and supported the original special permit application in 1995, And;

**WHEREAS**; The changes that have been made to the original application are very minor, And;

**WHEREAS**; This establishment has clearly been operated as physical culture establishment (health club) and there have been no complaints, And;

**WHEREAS;** The area was posted and there was no community opposition to this application,

**THEREFORE BE IT FURTHER RESOLVED,** That CB#2, Man. recommends approval for an extension of term for this special permit for a period of 5 years.

Vote: Unanimous, with 33 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,

Robert Rinaolo, Secretary  
Community Board #2, Manhattan