

## FULL BOARD MINUTES

**DATE:** November 20, 20003  
**TIME:**6:30 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> St.  
Cronin Auditorium, 10<sup>th</sup> Floor

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Tobi Bergman, Marie P. Derr, Doris Diether, Edward Gold, Lawrence Goldberg, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Aubrey Lees, Don MacPherson, Dr. John Maggio, Chad Marlow, Rosemary McGrath, Judy Paul, David Reck, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Martin Tessler, Wilbur Weder, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Elizabeth Gilmore, Jo Hamilton, Arthur Harris, Don Lee, Ann Robinson, Ruth Sherlip, Shirley H. Smith, Jeanne Kazel (Wilcke), Betty Williams.

**BOARD MEMBERS ABSENT:** Helene Burgess, Keith Crandell, Harriet Fields, Edward Ma, Doris Nash, T. Marc Newell, Rick Panson, Carol Reichman, Robert Riccobono.

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

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Danielle Cabaldi-Micca, Matt Viggiano, Senator Martin Connor's office; Senator Tom Duane's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Council Member Margarita Lopez' office; Carin Mirowitz, Council Member Christine Quinn's office; Christian Miller, Andrew Jones, Jim Hoffman, Jessica Herman Weitz, Meg Griffin, Ron Wienk, David Massengill, Cleo Vias, Tom Molner, Eve Silber, Lawrence Swehla, Michael La Placa, Andrea Vuocolo, Hank Meder, Margaret Streicker, Mike Haberman, Carrie Paul, Andrew Aber, Eric Blinderman, Hugh Grickmar, Jeffrey Lang, Robert Boyar, Rebecca Daniels, Bunny Gabel, Shirley A. Wright, James Horvath, James Nelson, Jan Hashey, Constance Barry, Richard Tanner, Margaret Boyar, Rose Rita Peterson, Alan Walker, Brandon Kessler, Ross B. Brooks, Susan Goren.

### MEETING SUMMARY

Meeting Date – November 20, 2003

Board Members Present – 30

Board Members Excused– 9

Board Members Absent - 9

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Streets

Robert Boyar spoke on streets.

#### AIDS Memorial

Lawrence Swehla and Michael La Placa spoke regarding the memorial.

### **Business Items**

#### Little Barque, 39 Downing St.

Eric Blinderman and Hugh Grickmar spoke in favor of the proposed liquor license.

### **Institutions Items**

#### The Bottom Line

Jim Hoffman, Jessica Herman Weitz, Meg Griffin, Ron Wienk, David Massengill, Eve Silber, Hank Meder, Carrie Paul, Andrew Aber, Andrea Vuocolo, Vin Scelsa, and Jeffrey Lang spoke in favor of NYU and the Bottom Line coming to an agreement and keeping it open.

#### Problems at W. 13<sup>th</sup> St. and the LGBT Center

Cleo Vias and Tom Molner spoke in favor of the resolution to solve these problems.

### **Zoning and Housing Items**

#### 744 Greenwich Street Application to construct a six-story residential building

Rebecca Daniels, James Horvath, Jan Hashey, James Nelson, Margaret Streicker, and spoke in favor of the proposed zoning application.

Bunny Gabel, Shirley A. Wright, Andrew Jones, and spoke against the zoning variance.

## **III. ADOPTION OF AGENDA**

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

Daryl Cochrane, of Congressman Jerrold Nadler's office

Danielle Cabaldi-Micca, Senator Tom Duane's office

Matt Viggiano, Senator Martin Connor's office;

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

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 of September minutes and distribution of October minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.

**3. Contract Renewal for the New York Foundation for Senior Citizens**

**WHEREAS**, the non-profit New York Foundation for Senior Citizens (NYFSC) been providing needed assistance since 1968 to elderly residents throughout CB#2, Man. and

**WHEREAS**, NYFSC programs allows seniors to remain independent by providing housekeeping, home care and other services; and

**WHEREAS**, the, NYFSC’s work has earned the confidence of the Caring Community, Visiting Neighbors, St. Vincent's Hospital and other local service providers and the affirmation of local elected officials,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. highly recommends that the New York City Department for the Aging (DFTA) renew their contract with the New York Foundation for Senior Citizens with a grant of \$218,968 to NYFSC under the Case Management Program.

Vote: Unanimous, with 30 Board members in favor.

**STANDING COMMITTEE REPORTS**

**BUSINESS**

**1. Le Figaro Café, Inc. d/b/a Le Figaro, 184 Bleecker Street, NYC**

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

**WHEREAS**, this application is for transfer of the existing On Premise License at this location; and

**WHEREAS**, the applicant stated that he intends to operate this premise exactly as it has been operated for the past 15 years. There will not be any changes to the method of operation; and

**WHEREAS**, no one from community 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 **Le Figaro Café, Inc. d/b/a Le Figaro, 184 Bleecker Street, NYC**

Vote: Passed, with 29 Board members in favor, and 1 abstention.

**2. Sync Enterprises, Inc. d/b/a 61 Cafeteria, 61 Fifth Avenue, NYC**

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

**WHEREAS**, this application is to upgrade the third floor of this location that includes an enclosed space and also an unenclosed rooftop space from Beer and Wine to a full On Premise license; and

**WHEREAS**, three members of the community representing their respective Block Associations appeared in opposition to the use of the rooftop at this location; and

**WHEREAS**, in response to these concerns, the applicant agreed to close the rooftop unenclosed area at Midnight daily; and

**WHEREAS**, this applicant has been operating this three floor establishment for one year without incident; and

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

**WHEREAS**, the community members also had concerns regarding the proximity to the First Presbyterian Church at the corner of Fifth Avenue and Twelfth Street that they believe to be within 200 feet of this location;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to **Sync Enterprises inc., d/b/a 61 Cafeteria, 61 Fifth Avenue, NYC** and calls upon the State Liquor Authority to verify the distance of this location to the First Presbyterian Church at the corner of Fifth Avenue and Twelfth Street

Vote: Passed, with 29 Board members in favor, and 1 in opposition.

**2. Little Barque, LLC. d/b/a Mas Restaurant, 39 Downing Street, NYC**

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

**WHEREAS**, this application is for an On Premise license at this location formerly known as Isla; and

**WHEREAS**, the applicant stated that the menu will be Contemporary Farmhouse (French/American) food utilizing small farmers for high-end local products. The applicant also stated that they were seeking at 3- or 4 -star NY Times rating; and

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

**WHEREAS**, the applicant stated that the hours of operation will be from 6 PM to 4 AM and closed on Sunday; and

**WHEREAS**, three members of the community including a Block Association president appeared in opposition to this application and one member of the community appeared in favor; and

**WHEREAS**, the applicants were willing to discuss objections and compromise with the community;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to **Little Barque LLC, d/b/a Mas Restaurant, 39 Downing Street, NYC.**

Vote: Passed, with 29 Board members in favor, and 1 in opposition.

**3. Narcisse LLC d/b/a Narcisse, 409 West 13<sup>th</sup> Street, NYC**

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

**WHEREAS**, this application is for this 10,800 square foot 800 person capacity location that was formerly Lure; and

**WHEREAS**, the hours of operation will be from 5:30 PM until 4 AM seven days; and

**WHEREAS**, the applicant stated that there will be food served and that the music will be DJ music most of the time; and

**WHEREAS**, the applicant stated that they will apply for a sidewalk café license as well as a cabaret license; and

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

**WHEREAS**, this applicant was returned to the committee in response to concerns of one board member. The applicant met with the Board member and their meeting resulted in the applicant “putting in writing” the statements that were made before the committee. A copy of the applicant’s points of agreement is attached hereto: and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for **Narcisse LLC d/b/a Narcisse, 409 West 13<sup>th</sup> Street, NYC**

Vote: Passed, with 25 Board members in favor, 3 in opposition, and 2 abstentions.

**4. Nghiem, LLC. d/b/a Apple Restaurant, 17 Waverly Place, NYC**

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

**WHEREAS**, this application is to form a new entity wherein the existing owner will become a part owner and his two sisters will own the remainder of the company. This transaction will in essence become a transfer of the existing license that has been at this location for 13 years; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for **Nghiem LLC d/b/a Apple Restaurant, 17 Waverly Place, NYC**

Vote: Unanimous, with 30 Board members in favor.

**5. SoHo Grand Center LLC, 159 Grand Street a/k/a 157 Lafayette Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for a 66 seat Asian fusion restaurant in the lobby of this new hotel; and

**WHEREAS**, the applicant stated that the hours of operation will be from 6 AM until 1 AM seven days; 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 CB#2, Man. has no objection to the issuance of an On Premise license for **SoHo Grand Center LLC, 159 Grand Street a/k/a 157 Lafayette Street, NYC.**

Vote: Unanimous, with 30 Board members in favor.

**6. Repas, Inc, 24 Minetta Lane, NYC**

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

**WHEREAS**, this application is for an On Premise license for a 74 seat 2200 square foot modern classic bistro with background music only formerly the site of La Boheme; and

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

**WHEREAS**, one member of the community who lives above the premise appeared in opposition to this application stating that the former restaurant owner had harassed him by having refrigeration and air conditioning that was noisy. In response, the applicant agreed to have the equipment serviced or replaced as necessary to afford quiet to the tenants; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for **Repas, Inc., 24 Minetta Lane, NYC.**

Vote: Unanimous, with 30 Board members in favor.

**7. The Local LLC d/b/a The Spotted Pig, 314 West 11<sup>th</sup> Street, NYC**

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

**WHEREAS**, this application is for an On Premise license for this 1200 square foot restaurant that will seat 50 persons currently known as Le Zoo; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to Midnight Sunday thru Thursday and until 1 AM on weekends; and

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

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for **The Local LLC d/b/a The Spotted Pig, 314 West 11<sup>th</sup> Street, NYC**

Vote: Unanimous, with 30 Board members in favor.

**INSTUTIONS**

**1.Hudson Square BID- Proposal to establish the Hudson Square Business Improvement District.**

**WHEREAS**, the Hudson Square BID has been in formation for the past 1-1/2 years and currently is supported by owners representing 70% of the Assessed Valuation and 72% of the gross sq. ft. of building area in its proposed district from Canal St. on the south to Morton St. on the north and from West St. on the west to an irregular boundary east of Varick St. on the east nearing its public hearing before the City Planning Commission and other public agencies, and

**WHEREAS**, the goal of the BID is to improve services of sanitation, security, lighting and other quality of life issues as they relate to its working and residential population which the City is unable to provide, and

**WHEREAS**, there is an overwhelming consensus by the commercial and residential property owners within the proposed BID that this will benefit the Hudson Square area,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. supports the goals and the formation of the Hudson Square BID which is a vital part of CB2 Manhattan's geographic constituency.

Vote: Passed with 22 Board members in favor, 4 in opposition, 2 abstentions and 2 recusals (David Reck & Tobi Bergman).

## **2. The Bottom Line (W. 4th St. & Mercer) and New York University**

**WHEREAS**, The Bottom Line has been in existence for some 30 years at its present venue, and

**WHEREAS**, they have been pioneers in establishing a cultural music idiom that has emanated from Greenwich Village to the larger CB#2, Man. community, the City, the nation and the world, and

**WHEREAS**, its demise or removal from CB#2, Man. and the Village would be a loss to the our community and to the nation,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. encourages both the Landlord-NYU and tenant-The Bottom Line in negotiating a mutually agreeable lease.

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

## **3. LGBT Center & West 13th Street Neighborhood Association**

**WHEREAS**, for the past two years a series of meetings between the West 13<sup>th</sup> St. Neighborhood Association and the LGBT Center has been held under the auspices of CB#2, Man. in an effort to resolve various noise, loitering and security problems stemming from the crowds exiting the Center at night and on weekends, and

**WHEREAS**, these complaints have also included LGBT sponsored parties where liquor is being served and tickets are being sold that call into question whether State Liquor Authority regulations are being violated, and

**WHEREAS**, for the past two years a variety of suggestions proposed to ameliorate these problems has met with negative reaction or indifference by the Center resulting in a continuation of these same problems, and

**WHEREAS**, as late as the October 2003 meeting the co-chair of the Board of Directors promised to meet and work out solutions to these problems with the community, and

**WHEREAS**, there has been no response by the Center despite continued letters, and phone calls for a working meeting, and

**WHEREAS**, it should be noted for the record that the LGBT is funded by public funds from the City, State & Federal government and is ignoring the nuisances being created,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. calls upon City Council member Christine Quinn to address this stonewalling by convening a meeting of the parties with a goal of directing the LGBT Center to address a plan of action, and

**BE IT FURTHER RESOLVED**, that CB#2, Man. calls upon the State Liquor Authority to investigate whether the ABC laws are being violated.

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

## **LANDMARKS AND PUBLIC AESTHETICS**

### **LPC Item: 3 - 44 Mercer Street (Grand) - 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**, this is the first application to demolish a cast-iron building in the thirty years since SoHo's designation, and should not be approached cavalierly; and

**WHEREAS**, this is not a taxpayer, but rather is a contributing building, the rear of an fully extant commercial building on Broadway constructed during the earliest period of the cast-iron era, and whose presence adds to the character and historical authenticity of the district; and

**WHEREAS**, original elements remain, for instance:

the cast-iron columns; the original brownstone lintels and brick walls; three original windows, two with typical six-over-six fenestration as well as the outline of another story of windows; and later-day diamond plating; and

**WHEREAS**, this is a viable building - in fact, a family residing there for twenty years were pressured by the owner to move out just two months ago; now the owner suddenly chooses to demolish it; and

**WHEREAS**, since 2001 the owner has received seventeen Building Department violations, mostly dealing with neglect of the building, many of which are still in non-compliance; and

**WHEREAS**, we have taken the liberty to list below these violations, which amount to a litany of dereliction:

1 2003/01/16 2003/01/21 C 802 4456864 § 27-2005 admin. code: properly repair with similar material the broken or defective fire rated ceiling at entrance at public hall, 1st story NOV SENT 2003/01/21 2003/02/06

2 2 2002/10/21 2002/10/24 C 810 4379718 § 27-2005 admin. code: abate the nuisance consisting of leaky skylight in the 1st room from east located at apt 2, 2nd story 1 NO ACCESS 2003/01/24 2002/11/09

999 2002/05/13 2002/05/22 C 503 4207808 § 27-2005 adm. code make safe by properly repairing the structural defect leaning parapet wall,at northwest leaning 2 inches on to roof building at a span of approximately 40 feet+,- at parapet wall, roof NOV SENT 2002/05/22 2002/06/07

2001/12/20 2001/12/26 C 803 4052296 § 27-2005 admin. code: make safe by properly repairing the structural defect. Vertical 1/4 inch opening above south window at exterior at 2nd sty to roof west biz# 1092863. NOT COMPLIED 2002/05/17 2002/01/11

2001/12/20 2001/12/26 C 803 4052321 § 27-2005 admin. code: make safe by properly repairing the structural defect. exterior vertical 1/4 opening above center window at 2nd sty to roof west biz# 1092863. NOT COMPLIED 2002/05/17 2002/01/11

2001/12/20 2001/12/26 C 803 4052368 § 27-2005 admin. code: make safe by properly repairing the structural defect. Vertical 1/4 inch opening exterior southwest corner at second story to roof , roof NOT COMPLIED 2002/05/17 2002/01/11

2 FL. 2 2001/12/20 2001/12/24 C 867 4052385 § 27-2018 admin. code: abate the nuisance consisting of rodents rats throughout in the entire apartment located at apt 2 fl., 2nd story, 1st apartment from east at south NOT COMPLIED 2002/05/17 2002/01/09

2 2 2002/10/21 2002/10/24 B 808 4379723 § 27-2005 admin. code: repair the broken or defective plastered surfaces and paint in uniform color water damaged walls in the 1st room from east located at apt 2, 2nd story NOV SENT 2002/10/24 2002/12/17

2 2 2002/10/21 2002/10/24 B 805 4379728 § 27-2005 admin. code: replace with new the broken or defective skylight glass (ply-wood present) in the 1st room from east located at apt 2, 2nd story NOV SENT 2002/10/24 2002/12/17

2 2 2002/10/21 2002/10/24 B 866 4379729 § 27-2018 admin. code: abate the nuisance consisting of vermin mice in the entire apartment located at apt 2, 2nd story NOV SENT 2002/10/24 2002/12/17

2FL 2 2001/12/20 2001/12/24 B 508 4052194 § 27-2005 adm code repair the broken or defective plastered surfaces and paint in a uniform color walls and ceiling throughout in the entire apartment located at apt 2fl, 2nd story, 1st apartment from east at south NOT COMPLIED 2002/05/17 2002/02/16

2 FL. 2 2001/12/20 2001/12/24 B 802 4052206 § 27-2005 admin. code: properly repair with similar material the broken or defective wood floor throughout in the entire apartment located at apt 2 fl., 2nd story, 1st apartment from east at south NOT COMPLIED 2002/05/17 2002/02/16

2 FL. 2 2001/12/20 2001/12/24 B 808 4052223 § 27-2005 admin. code: repair the broken or defective plastered surfaces and paint in uniform color walls and ceiling throughout in the entire apartment located at apt 2 fl., 2nd story, 1st apartment from east at south. NOT COMPLIED 2002/05/17 2002/02/16

2 FL. 2 2001/12/20 2001/12/24 B 801 4052234 § 27-2005 admin. code: properly repair the broken or defective window sashes and or make operable in the 1st room from north at west located at apt 2 fl., 2nd story, 1st apartment from east at south NOT COMPLIED 2002/05/17 2002/02/16

2 FL. 2 2001/12/20 2001/12/24 B 510 4052264 § 27-2005 adm. code & 309 m/d law abate the nuisance consisting of two skylight sealed with plywood obstructing lite thirty lite in the 1st room from east at south located at apt 2 fl., 2nd story, 1st apartment from east at south NOT COMPLIED 2002/05/17 2002/02/16

2 2 2001/08/21 2001/08/27 B 576 3936261 § 27-2024 adm. code provide adequate supply of cold water for the fixtures, in the entire apartment located at apt 2, 2nd story NOV SENT 2001/08/27 2001/10/20

2 2 2001/08/21 2001/08/27 B 577 3936262 § 27-2024 adm. code provide adequate supply of hot water for the fixtures, in the entire apartment located at apt 2, 2nd story NOV SENT 2001/08/27 2001/10/20

**WHEREAS**, community members and neighbors asserted these recent violations are indicative of the way the owner has maintained the building in the decades he has owned it; and

**WHEREAS**, the owner's engineer has asserted that the mortar is eroded and the structure is terminally weakened, but this is effectively an admission that, failing for decades to point the brickwork, something every responsible owner does on a regular basis, the applicant himself has caused the current condition of a weakened structure he now wants the Preservation Commission to condemn; and

**WHEREAS**, the bricks can be salvaged and re-used, a common preservation method; and

**WHEREAS**, we believe that this is a case of demolition by neglect and should not be tolerated, let alone rewarded; and

**WHEREAS**, we recommend the owner restore both stories of the building as close to the original condition as possible, utilizing the best professional preservation services, as any good landlord would want to do; and

**WHEREAS**, once committing to a preservation program, the owner can then address the design of the proposed upper floors, since, retaining the existing floors of the façade could influence the design of the proposed new building; now

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

Vote: Passed, with 29 Board members in favor, and 1 in opposition.

**LPC Item 4- 93 Grand Street (Mercer/Greene)** - SoHo-Cast Iron Historic District An Italianate style store designed by J.B. Snook and built in 1869. Application is to install a flagpole.

**WHEREAS**, addition of the flagpole will not significantly damage any historical elements, but the length of the proposed flagpole should be examined to make sure it does not extend to the curb of this narrow sidewalk; but

**WHEREAS**, the proposed banner is oversized; and

**WHEREAS**, this is a narrow sidewalk and has no banners or signs; now

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

Vote: Unanimous, with 30 Board members in favor.

**LPC Item 5 - 427 Broadway, a/k/a 45 Howard Street** - SoHo-Cast Iron Historic District A Venetian Renaissance style warehouse building designed by Thomas Jackson and built in 1870. Application is to legalize the replacement of doors and the installation of a fence without Landmarks Preservation Commission permits, and to extend the fence.



**WHEREAS**, we empathize with this applicant whose doorway is chronically used by many as a public urinal; but

**WHEREAS**, we feel building a fence should only be a last resort, since it would encourage other neighbors to fence in their properties, which is not characteristic of the district; and

**WHEREAS**, most, if not all, of the examples of fences in the Cast-Iron Historic District provided by the applicant do not have LPC permits; and

**WHEREAS**, we suggest alternative solutions to this serious problem, for example, motion-sensitive outdoor spotlighting; and

**WHEREAS**, extending the fence is not in keeping with the character of the district; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application and encourage the applicant and the Commission to arrive at an equitable solution to this problem.

Vote: Unanimous, with 30 Board members in favor.

**LPC Item 6 - 442 Broadway - SoHo-Cast Iron Historic District.** A store building designed by W. P. Anderson and built in 1876-1876. Application is to modify alterations to storefront infill and to legalize the installation of an exterior security gate without Landmarks Preservation Commission permits, and to install an awning.

**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 30 Board members in favor.

**LPC Item: 7- 359 Bleeker Street (Picasso Café) - Greenwich Village Historic District** A rowhouse built in 1829-30. Application is to construct a rear yard addition. Zoned C1-6

**WHEREAS**, the glass roof over the backyard dining area will not detract from the building or the district; now

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

Vote: Unanimous, with 30 Board members in favor.

**LPC Item 9 - 336 West 12th Street (Washington/Greenwich) Greenwich Village H.D.** An Italianate style rowhouse built in 1859-60. Application to alter the rear façade and reconstruct the rear building.

**WHEREAS**, the applicant wishes to replace an old stable in the rear yard with a new building of the same height; and

**WHEREAS**, the old stable is barely visible from the street and the proposed replacement building will appropriately complement other buildings in the historic district in materials and scale; and

**WHEREAS**, removal of a chimney and fire escape on the rear façade of the main building will improve the façade's appearance, and we approve of the change; but

**WHEREAS**, there appears nothing inherently wrong with the rear façade to warrant its replacement by a contemporary design, except a desire by the owner to have the rear facade match the proposed new building – a case of the cart leading the horse; and

**WHEREAS**, the proposed contemporary façade represents a mixing of styles in this 19<sup>th</sup> century building; now

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

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of this application replacing the original rear façade.

Vote: Passed, with 27 Board members in favor, and 3 in opposition.

**LPC Item: 8 – 250 West 12<sup>th</sup> STREET HELD OVER**

**LPC Item 10 - 301 West 13th Street** (Eighth Ave.)- Greenwich Village Historic District. An apartment building designed by William H. Cauvet and built in 1852. Application is to install new storefront infill and doors and to legalize the installation of through-the-wall air-conditioning units and alterations to the secondary rear elevation without Landmarks Preservation Commission permits.

**WHEREAS**, the restoration work to the façade is commendable; and

**WHEREAS**, we would not ordinarily approve placing through-the-wall AC units in buildings in historic districts; however, in this case it works with little distraction from the building and little harm to the character of the historic district; and

**WHEREAS**, the changes to the secondary rear façade are appropriate; now

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

Vote: Unanimous, with 30 Board members in favor.

**LPC Item 11 - 675 Hudson Street** - Gansevoort Market Historic District. A vernacular/neo-Grec style factory building built in 1849, enlarged in 1854-60 and altered circa 1884. Application is to install awnings and lighting at the ground floor.

**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 30 Board members in favor.

**LPC Item 12 - 835 Washington Street** (Little West 12<sup>th</sup>) - Gansevoort Market H.D. An Art-Deco style market building designed by Keeler and Fernald and constructed in 1926. Application is to install new storefront infill and replace the canopy roof.

**WHEREAS**, the applicant appeared and gave an honest and earnest presentation of the existing conditions and his proposed changes; but

**WHEREAS**, unfortunately we were not provided with sketches, drawings or boards of what the proposed structure would actually look like, so it was difficult to make a decision of the appropriateness of the proposed design; now

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

**BE IT FURTHER RESOLVED** we urge the applicant to present next month more comprehensive schematics of his proposal.

Vote: Unanimous, with 30 Board members in favor.

**PARKS, RECREATION AND OPEN SPACE**

**NYU Permit Application to Use Washington Square Park for '04 Commencement**

**WHEREAS**, representatives from NYU appeared before the Parks Committee to request approval to have its commencement in Washington Square Park on May 13<sup>th</sup>, 2004 and;

**WHEREAS**, NYU has had its commencement in Washington Square Park for many years and has attempted to mitigate any community concerns that have arisen as a result of said commencement and;

**WHEREAS**, the Parks Committee and CB#2 have always in the past approved NYU's Permit Application to Use Washington Square Park for its Commencement:

**THEREFORE, BE IT RESOLVED** that CB#2, Man. Parks Committee approves NYU's Permit Application to Use Washington Square Park for '04 Commencement.

Vote: Passed, with 28 Board members in favor and 2 in opposition.

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

**1. NEW application for revocable consent to operate an unenclosed sidewalk café by Grotta Azzurra Restaurant, 177 Mulberry Street, NYC with 36 tables and 72 seats, DCA#1150943.**

**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 Grotta Azzurra Restaurant at this location for more than 30 years and;

**WHEREAS**, there has been a sidewalk café at the location before 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 Grotta Azzurra Restaurant, 177 Mulberry Street, NYC with 36 tables and 72 seats.

Vote: Unanimous, with 30 Board members in favor.

**2. RENEWAL application for revocable consent to operate an enclosed sidewalk café by Starbucks Coffee Company, 454 Lafayette Street, a/k/a 13-25 Astor Place NYC with 24 tables and 77 seats DCA# 0924582.**

**WHEREAS**, the area was posted, the applicant did not appeared before the committee and;

**WHEREAS**, the applicant did call on of the committee members, stating he could not make the meeting and;

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

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

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

**WHEREAS**, this has been and enclosed sidewalk café since 1995 with no complaints;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. Recommends Approval for a TWO YEAR revocable consent to operate an enclosed sidewalk café by Starbucks Coffee Company, 454 Lafayette Street, a/k/a 13-25 Astor Place, NYC with 24 tables and 77 seats.

Vote: Unanimous, with 30 Board members in favor.

### **TRAFFIC AND TRANSPORTATION**

**1. Installation of Bicycle Racks by NYC Dept. of Transportation**

**WHEREAS**, the New York City Department of Transportation (DOT) has approved several new bicycle rack sites in this Community Board based on recommendations from business owners, employees, customer, citizens and DOT City Racks staff and the DOT have requested the review of these sites by this Community Board; and

**WHEREAS**, this Community Board strongly supports of encouraging bicycling as an alternative form of transportation but is concerned about placing bicycle racks on East Houston street due to heavy pedestrian congestion in that area;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. does not support the installation of bicycle racks at 1 East Houston Street (Site No. 8; from Broadway to Crosby Street and Site No. 9; from Crosby Street to Broadway); and that the bicycle racks planned for 221 Canal St., 245 Canal St. be relocated on adjacent side of streets; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. supports the installation of bicycle racks at the remaining proposed locations: 221 Canal Street, 245 Canal Street, 251 Canal Street, 453 Broadway, 127 Grand Street, 451 Broome Street, 594 Broadway, 350 Lafayette Street, 145 East 14<sup>th</sup> Street, 1410 Union Square, 317 Bleecker Street and 87 Spring Street.

Vote: Unanimous, with 30 Board members in favor

## **2. Request To Change the Parking Regulations on Thompson Street and La Guardia Place.**

**WHEREAS**, there are frequent deliveries to NYU's Kimmel Center for University Life by way of the loading dock on West Third Street between LaGuardia Place and Thompson Street; and

**WHEREAS**, many of the trucks are unable to maneuver into the loading dock due to vehicles parked on the south side of West Third Street, thereby prompting trucks to double park along the north side of West Third Street while loading and unloading; and

**WHEREAS**, this situation creates a safety hazard to both pedestrians and vehicles as the view of traffic on West Third Street is frequently blocked by double-parked trucks; and

**WHEREAS**, NYU has requested this change out of concern for the safety of residents, faculty and students and has proposed a plan to mitigate the loss of parking on West Third Street with the creation of new parking spaces on LaGuardia, which shall result in a net gain of three parking spaces in the area;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. requests changing the parking regulations on West Third Street between LaGuardia Place and Thompson Street, immediately south of the loading dock of the NYU Kimmel Center, from "Tuesday and Friday, 9:30 AM – 11 AM" to "Monday – Friday, 8 AM – 6 PM" for the length of approximately 3 car spaces, extending westward from the existing sign; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. supports removing the "No Parking" regulations on the west side of LaGuardia Place between Washington Square South and West Third Street to create six new parking spaces on the street, it being understood that parking meters are not to be erected on this portion of the street and that the timing of this parking change will coincide with aforementioned parking regulation change on West Third Street in order that parking access shall not be disrupted by these changes.

Vote: Passed, with 29 in favor and 1 abstention.

## **3. Request For Parking Regulation Change In Front Of 77 East 12<sup>th</sup> Street.**

**WHEREAS**, by letter dated October 22, 2003, Residential Management Group, the management agent for 77 East 12<sup>th</sup> Street, requested no parking in front of this address in order that "residents may have access to taxis and other vehicles"; and

**WHEREAS**, it is not the practice of this Community Board to grant such privileges to residential buildings and no representatives from the management agent office or 77 East 12<sup>th</sup> Street appeared before the Community Board to explain this request further; and

**WHEREAS**, parking spaces are a scarce commodity in this neighborhood and such a parking regulation change would result in less parking for residents;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. does not support the request for the erection of a sign that would read "No Parking from Here to Corner" in front of 77 East 12<sup>th</sup> Street.

Vote: Unanimous, with 30 Board members in favor.

**4. Support Of Parking Regulation Changes on Leroy Street and Washington Street.**

**WHEREAS**, Richard Raffetto, the proprietor of Raffetto’s Fresh Pasta, Inc., located at 156 Leroy Street (between Route 9-A and Washington Street), has found it very difficult to load and unload trucks for his business under the current parking regulations for this area; and

**WHEREAS**, Mr. Raffetto has requested by a letter dated October 20, 2003 that this Community Board support changing the parking regulations in order to facilitate his business operations;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. supports the change in the parking regulations as follows:

- On the south side of Leroy Street between Washington Street and the West Side Highway, change the parking regulations from “No Parking 8 AM to 6 PM” to “No Standing Except Trucks Unloading and Unloading,” such change to include Saturdays; and
- On the west side of Washington Street between Leroy and Clarkson Streets, change the parking regulations from “No Parking 8 AM to 6 PM” to “No Standing Except Trucks Loading and Unloading,” such change to include Saturdays.

Vote: Unanimous, with 30 Board members in favor

**YOUTH**

**CB2 Youth Committee Proposals for November 2003**

**WHEREAS**, last year (in 2002) CB#2, Man. issued a grant of \$1,000, from its discretionary funds, to Greenwich House; and

**WHEREAS**, this money enabled six local children, whose families would not have been able to afford to send them to summer camp, to attend Greenwich House’s summer camp program; and

**WHEREAS**, Greenwich House and the families of these six children have expressed their gratitude to CB#2, Man. and their satisfaction with the success of that program; and

**WHEREAS**, Greenwich House is currently celebrating its 100<sup>th</sup> Year of providing excellent and necessary services to the Greenwich Village community; and

**WHEREAS**, there is currently a balance of \$1,300 in CB#2, Man.’s discretionary account; and

**WHEREAS**, Greenwich House reports that this money could enable 8 or 9 local youngsters to attend camp this summer; and

**WHEREAS**, this money is earmarked to be used only for Youth programming;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does hereby grant the \$1,300 from its Discretionary Youth Fund to Greenwich House in order to provide scholarships for local children, from needy families, to attend its Summer Camp program.

Vote: Unanimous with 30 Board members in favor

**ZONING AND HOUSING**

**1. 148-150 Greene Street (Block 513, Lot 10) 010691ZSM, 01DCP073M, Application for a special permit pursuant to Zoning Resolution Section 74-711 to legalize an existing commercial retail use (Use Group 6) on the ground floor and in a portion of the cellar.**

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

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

**WHEREAS**, CB#2, Man. is satisfied that the applicant has met the required findings for this special permit,

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

Vote: Unanimous, with 30 Board members in favor.

**2. 470 Broome Street (Block: 486, Lot 32) #C 030420 ZSM, Application for a special permit pursuant to Zoning Resolution Section 74-781 to allow commercial retail use (Use Group 6) on the ground floor, mezzanine, and cellar.**

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

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

**WHEREAS,** CB#2, Man. is satisfied that the applicant has met the required findings for this special permit,

**THEREFORE BE IT RESOLVED,** That CB#2, Man. has no objection to this proposed usage at this specific location providing that the Certificate of Occupancy for this building is properly amended to reflect the existing uses.

Vote: Unanimous, with 30 Board members in favor.

**3. Proposal by the Department of City Planning for an Amendment to the zoning text to allow Sidewalk Cafés in the M1-5A & M1-B Districts of SoHo & NoHo.**

**WHEREAS;** This proposed zoning text change is intended to allow Sidewalk Cafés in the M1-5A & M1-B Districts of SoHo & NoHo, And,

**WHEREAS,** there are more sidewalk cafés in CB#2, Man. than any other community board, and,

**WHEREAS,** enforcement of existing sidewalk café regulations has been very lax and there are many illegal Sidewalk Cafés currently operating in this area, And,

**WHEREAS,** a small sidewalk café would be more compatible for some areas in Community Board #2, And,

**WHEREAS,** West Broadway has sidewalks that are very congested and has a continuous line of street vendors that adds to the congestion, and Crosby Street has very narrow sidewalks and is also congested, And,

**WHEREAS,** about 2 dozen SoHo residents appeared to speak in opposition to sidewalk cafes on Crosby St. and West Broadway, and not one person spoke in favor of permitting sidewalk cafes; and

**WHEREAS,** the sidewalks along 6<sup>th</sup> Ave. and Center St. are wide and are not as congested, And,

**WHEREAS,** Lafayette Street has become increasingly residential and is in the process of change, and CB#2, Man. is unsure about permitting sidewalk cafés on this street and would like to investigate further,

**THEREFORE BE IT RESOLVED,** that CB#2, Man. strongly supports adding the additional category of a small sidewalk café to the zoning text and calls on the City Planning Commission (CPC) to review other areas of CB#2, Man. to determine if this type of sidewalk café might have wider application, And,

**BE IT FURTHER RESOLVED,** that CB#2, Man. requests that the CPC and the Department of Consumer Affairs review enforcement procedures and develop a better plan for insuring compliance to the existing sidewalk café regulations, And,

**BE IT FURTHER RESOLVED,** that CB#2, Man. opposes allowing Sidewalk Cafés on West Broadway and Crosby Street, And,

**BE IT FURTHER RESOLVED,** that CB#2, Man. requests that the CPC review the sidewalks on Lafayette Street and continue the discussion about permitting sidewalk cafés on this street, And,

**BE IT FURTHER RESOLVED,** that CB#2, Man. supports allowing Sidewalk Cafés on the sidewalks along 6<sup>th</sup> Ave. and Centre St., And,

**BE IT FURTHER RESOLVED,** That CB#2, Man. requests that the CPC reconsider the implications of this proposed zoning text change and incorporate the recommendations of CB#2, Man. in this application, And,

**BE IT FURTHER RESOLVED,** That CB#2, Man. requests that the CPC return to the board for additional comments when this application is certified.

Vote: Unanimous, with 30 Board members in favor.

**4. Application by the New York City Department of Environmental Protection, for Uniform Land Use Review Procedure (ULURP) to site City Water Tunnel Number Three Shaft Site #30B**

**WHEREAS**, CB#2, Man. and the community recognizes the importance of having a safe and reliable water supply, And,

**WHEREAS**, the community will have to endure the numerous impacts of this lengthily construction project even though the construction methods have been designed to be as minimal as possible, And,

**WHEREAS**; CB#2, Man. has very few parks and SoHo has none,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the following items be addressed in the Construction Documents:

- The entire construction site should be surrounded by full height concrete walls during construction. All construction work must be restricted to the site and not be allowed on the surrounding streets.
- The extensive truck traffic that uses this site must be carefully managed to avoid adding to the traffic congestion in the surrounding streets.
- Care should be taken to minimize noise and dust.
- The contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings
- The contractor must survey and document the structural condition of the surrounding buildings prior to the start of construction; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

**BE IT FURTHER RESOLVED**, that CB#2, Man. supports locating City Water Tunnel Number Three Shaft Site #30B in the parking lot at Lafayette St. and Grand St on the condition that the finished site be turned into a Open space / park for the use of the SoHo community, and,

**BE IT FURTHER RESOLVED**, that CB#2, Man. requests that City Council call up this Uniform Land Use Review Procedure (ULURP) for review and require that the site be turned into an Open space/Park upon completion of construction

Vote: Unanimous, with 30 Board members in favor.

**5. 744 Greenwich Street (Block: 633, Lots: 20 & 119) Cal. No. 04-BSA-059M, CEQR No. 309-03-BZ, Board of Standards and Appeals Application for a variance**

**WHEREAS**; The applicant designed a building what the applicant and the NYC Buildings Department assumed was as of right based on an old survey that incorrectly showed the division of the lot between two zoning districts and when the applicant suspected the old survey was not correct a new survey was commissioned and the applicant brought forward the correct information, And,

**WHEREAS**; The Variance Application for floor area, height, and setback bulk requirements is minor in nature and, should the variance not be granted, the resulting conforming building would be only slightly smaller and the variance application would result in a somewhat better design, And,

**WHEREAS**; The applicant will live in the building and there will only be 5 residential units, And,

**WHEREAS**; The community expressed concern about potential damage to surrounding buildings and the impacts of this construction project, And,

**WHEREAS**; The community expressed many concerns about changes in the surrounding neighborhood that are also concerns of CB#2, Man. but these issues can not be addressed in this Variance Application, And,

**WHEREAS**; The applicant held numerous community meetings as the building was being designed, And,

**WHEREAS**; CB#2, Man. and the Landmarks Preservation Commission reviewed and approved the landmarks design.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. has no objection to this Variance Application in that it is minor in nature and would result in a somewhat better design, And,

**BE IT FURTHER RESOLVED**, that CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

**BE IT FURTHER RESOLVED**, that CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings, And,

**BE IT FURTHER RESOLVED** that this building must be constructed as per the approved landmarks design.

Vote: Unanimous, with 3 Board members in favor.

**6. 328 Spring Street, Cal. No. 36-01-BZ, Board of Standards and Appeals Application to amend the variance granted on February 11, 2003.**

**WHEREAS**, This proposed building is located in the southern area of Hudson Square and CB#2, Man. and the community strongly supported the new Hudson Square Rezoning that was recently approved, And,

**WHEREAS**, CB#2, Man. strongly opposed the granting of the original variance that was approved at a higher FAR than what is allowed under the new Hudson Square Rezoning, and

**WHEREAS**, CB#2, Man. notes that there is not an actual reduction in FAR under this application in that the 644 SQ. FT. removed from this building will be used elsewhere on the combined zoning lot, and,

**WHEREAS**, CB#2, Man. recognizes that the original variance has already been granted and that this Amendment to the Variance Application is minor in nature and would result in a somewhat better design.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. restates its opposition to the granting of the original variance that was approved at a higher FAR than what is allowed under the new Hudson Square Rezoning, and

**BE IT FURTHER RESOLVED**, That CB#2, Man. has no objection to this Amendment to the Variance Application in that it is minor in nature and would result in a somewhat better design, And,

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings, And,

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests that the applicant fulfill his expressed intention to add sculpture and to beautify the surrounding block.

Vote: Passed, with 29 Board members in favor, and 1 in opposition.

**NEW BUSINESS**

Respectfully submitted,

Robert Rinaolo,  
Secretary,  
Community Board #2, Manhattan