

FULL BOARD MINUTES

DATE: December 18, 2003
TIME: 6:30 P.M.
PLACE: NYU Kimmel Building, 60 Washington Sq. South
Room 914

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Doris Diether, Harriet Fields, Jo Hamilton, Brad Hoylman, Barbara Jeter, Honi Klein, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Rosemary McGrath, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Sean Sweeney, Martin Tessler, Wilbur Weder, Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Elizabeth Gilmore, Arthur Harris, Lawrence Goldberg, Lisa La Frieda, Don Lee, Rick Panson, Shirley Secunda.

BOARD MEMBERS ABSENT: Helene Burgess, Keith Crandell, Marie P. Derr, Edward Gold, Anne Hearn, Chad Marlow, Doris Nash, Ann Robinson, Arthur Z. Schwartz, Ruth Sherlip, Jeanne Kazel (Wilcke).

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Matt Viggiano, Senator Martin Connor's office; Danielle Cabaldi-Micca, 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; J. Callef, Laura Pena, Andrew Berman, Gary Parker, Lois Rakoff, Jennifer Monan, Bob Kohler.

MEETING SUMMARY

Meeting Date December 18, 2003
Board Members Present – 30
Board Members Excused– 7
Board Members Absent - 11

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II. PUBLIC SESSION

Non-Agenda Items

NoHo NY B.I.D.

Laura Pena spoke regarding NoHo projects.

Child Health Clinics

Wilbur Weder spoke against the Mayor's budget adjustment reducing funding for clinics.

NYU Community Fund Grants

Gary Parker spoke regarding the availability of community fund grants for neighborhood organizations.

Emergency Preparedness Committee

Lois Rakoff spoke regarding the formation of this committee.

YMCA

Jennifer Monan gave an update.

Retirement

Yvonne Morrow, of Assembly Member Sheldon Silver's office, announced her retirement.

Landmarks & Public Aesthetics Items

848 Washington St., Application to install new storefront infill and replace the canopy roof.

Andrew Berman spoke regarding the proposed Landmarks application.

Lesbian, Gay, Bisexual & Transgender

Sylvia Rivera Way

Bob Kohler spoke in favor of this proposal.

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

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 October minutes and distribution of November minutes.

VI. EXECUTIVE SESSION

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

STANDING COMMITTEE REPORTS

BUSINESS

1. MacDougal Bleecker Corp., 89 MacDougal 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 in a similar manner as it has been operated for the past 25 years. There will not be only minor 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 **MacDougal Bleecker Corp., 89 MacDougal Street, NYC.**

Vote: Unanimous, with 30 Board members in favor.

2. In Boca Al Lupo., 113 Mulberry Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application for an alteration to move the existing bar and kitchen from the front of the premise to the rear; and

WHEREAS, the applicant has owned and operated this premise since 1985; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the alteration of the existing On Premise license to **In Boca Al Lupo, 113 Mulberry Street, NYC.**

Vote: Unanimous, 30 with Board members in favor.

INSTITUTIONS

The Bottom Line, W. 4th St. & Mercer

WHEREAS, the Bottom Line and NYU were the subject of a resolution passed at the November 20, 2003 regular monthly meeting, and

WHEREAS, this resolution encouraged both the landlord, NYU, and the tenant, The Bottom Line, to negotiate a mutually agreeable lease, and

WHEREAS, the court ruled that The Bottom Line must vacate for failure to pay Back rent approximating \$200,000, and

WHEREAS, it was never the intention of Community Board 2 Manhattan to convey an impression that the resolution supported The Bottom Line's failure to pay rent.

THEREFORE, BE IT RESOLVED that CB#-Man. wishes to clearly state that its November resolution encouraging both NYU and The Bottom Line in negotiating a mutually agreeable lease did not countenance the failure to pay back rent.

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

LANDMARKS AND PUBLIC AESTHETICS

1. LPC Item: 29 Greene Street (Grand/Canal)

WHEREAS, several neighbors expressed concern about the height and scale of the structure, the design of the upper three floors, as well as the loss of light and air; but

WHEREAS, the proposed upper three floors, although of non-descript design, are not visible from Greene Street and barely visible from Wooster Street; and,

WHEREAS, we are thrilled that the applicant is restoring the missing third and fourth stories (unlike the folks last month who wanted to demolish the existing floors at 44 Mercer Street); now

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval, but requests the applicant work with the neighbors to ameliorate any problems that may arise during construction.

Vote: Unanimous, with 30 Board members in favor.

2. LPC Item: 96 Greene Street (Spring/Prince)

WHEREAS, we had no problem with the blade sign for the ground-floor retail store, and the applicant requesting a small blade sign for the second-story commercial space made a compelling argument for allowing an exception to the rule that there be only one blade sign per facade - in this case we would make an exception, since both signs are so understated; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval of both blade signs.

Vote: Unanimous, with 30 Board members in favor.

3. LPC Item: 742 Broadway (Astor Place)

WHEREAS, the blade sign is in scale with this building, and the sign in the transom does not detract from the building or the district, and

WHEREAS, we understand the human need and legal requirements for the handicap ramp, but urge the applicant and Commission to come up with a solution to this problem of the tension between historic preservation and the presence of unattractive exterior ramps that intrude onto the streetscape and detract from the integrity of the building.

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval, but urges some consideration to the effect caused by the growing presence of these structures in historic districts. Alternate solutions like interior ramps could be one solution.

Vote: Unanimous, with 30 Board members in favor.

4. LPC Item: 56 West Eighth Street

WHEREAS, this is a building without style on an idiosyncratic commercial street, so we feel that the signage is appropriate; and, in this rare instance, we do not object to an exterior roll-down gate, if the housing were painted black to be less noticeable; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval in this case.

Vote: Unanimous, with 30 Board members in favor.

5. LPC Item: 75 Christopher Street (Sheridan Square)

WHEREAS, the proposal maintains the symmetry and scale of the storefront and utilizes appropriate materials; and the signage is appropriate; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval.

Vote: Unanimous, with 30 Board members in favor.

6. LPC Item: 835 Washington Street (Little West 12th)

WHEREAS, the frontage is some 100 feet long and makes a large statement, which could set a precedent. So there was thoughtful discourse regarding some of the elements of the design; and

WHEREAS, overall, the consensus was that the upper-floor fenestration and the stuccoing of the façade were appropriate; but

WHEREAS, although the proposed ground-floor fenestration may mimic some buildings in the district, we would prefer that the storefront have a bulkhead; and

WHEREAS, we thought that the awning with amoeboid elements was a whimsical adaptation of the trademark meat-market awnings; but we feel that there is a bit too much lighting; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval of the awning and upper floor, but we question the appropriateness of some of the elements of the ground floor, for example, the excessive lighting and lack of bulkhead.

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

PARKS, RECREATION AND OPEN SPACE

1. Return of the Bob Bolles Sculpture to Sun Flower Park

WHEREAS the Bob Bolles sculptures were removed several years ago from Sun Flower Park while the Park was being renovated; and

WHEREAS at the time of removal, the Parks Department had agreed and promised to return the sculptures to the Park once the Park was completed, as reflected in the attached CB#2 Parks Committee resolution; and

WHEREAS Parks did not advise the community board or members of the public of the onerous conditions required in order to have the sculpture returned; and

WHEREAS since the Park was completed, members of the community have repeatedly requested Parks to return the sculpture as promised; and

WHEREAS we urge the Parks Department to keep its promise and to make it a top priority to work with members of the community as well as the Bolles estate to facilitate the return the sculpture to the Park as soon as possible;

THEREFORE BE IT RESOVED that CB#2 Manhattan supports the return of the Bob Bolles Sculpture to Sun Flower Park as soon as possible.

Vote: Unanimous, with 30 Board member s in favor.

2. Preliminary Plan to Refurbish Historic Washington Square Park

WHEREAS Washington Square Park is in great need of refurbishing basic elements, such as repairing sidewalks, paths, the fountain area, fencing and improved grading in order to make the Park handicapped accessible and to be in compliance with A.D.A. regulations; and

WHEREAS Washington Square Park has not been refurbished for over 30 years, and looks it; and

WHEREAS on several different occasions, at CB#2 community forums, a preliminary concept plan, designed by George Vellonakis, has been presented by NYC City Parks Commissioner Adrian Benepe and Manhattan Borough Commissioner William Castro; and

WHEREAS we accept the necessity of refurbishing the Park and that the plan as presented is only a preliminary concept; and

WHEREAS in order to initiate the process of refurbishing the Park we support in principle the Vellonakis plan; and

WHEREAS we urge the NYC Parks Department to work with us and to provide funds in order to make Washington Square Park a world class Park;

THEREFORE BE IT RESOVED that CB#2 Manhattan approves the concept plan to refurbish Washington Square Park as presented by the Parks Department.

Vote: Unanimous, with 30 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Prior Approved Change To the Parking Regulations on the North Side of Perry Street between Washington and Greenwich Streets.

WHEREAS, this Community Board approved a parking regulation change on the North side of Perry Street between Washington and Greenwich Streets; and

WHEREAS, DOT has requested an amended resolution from this Board's October 2002 resolution in order to coordinate street cleaning on Perry Street and the surrounding blocks of the neighborhood.

THEREFORE BE IT RESOLVED, that CB#2, Man. supports conforming the parking regulations on the North side of Perry Street between Washington and Greenwich Streets in order to coordinate street cleaning on Perry Street and surrounding blocks in the neighborhood. The change would be from the current "No Parking 12:30 - 2:00 PM Monday & Thursday" to "No Parking 11:00 AM -12:30 PM Monday & Thursday."

Vote: Unanimous, with 30 Board members in favor.

2. Resolution Supporting Renaming Hudson Street Between Christopher And West 11th Street To "Sylvia Rivera Way".

WHEREAS, Sylvia Rivera (1951-2002) is an historic figure in the history of the struggle for civil rights for lesbian, gay, bisexual and transgender people and she is credited with throwing the first bottle in the Stonewall Riots, which marked the beginning of the modern-day Gay Rights Movement; and

WHEREAS, Sylvia Rivera fought tirelessly for the rights of gay and transgender people, especially youth, and was regarded as the "mother" to thousands of homeless transgender "children" living on the West Village piers from the early 1970s until her death; and

WHEREAS, Sylvia Rivera's commitment to civil rights for all, her message of compassion and her belief in our shared humanity merit recognition by the City of New York in the neighborhood and on the street where she lived and worked.

THEREFORE BE IT RESOLVED, that CB#2, Man. supports renaming Hudson Street between Christopher and West 10th Street to "Sylvia Rivera Way".

Vote: Unanimous, with 30 Board members in favor.

3. Support Of A Proposed Bus Stop Shelter on S.W. King St. (Between Hudson Street and Greenwich Street), Access-A-Ride P/U.

WHEREAS, this Board is strongly supportive of improvements to the city's mass transit system, including buses; and

WHEREAS, bus shelters provide important amenities to riders, especially seniors and people with disabilities;

THEREFORE BE IT RESOLVED, that CB#2, Man. supports DOT installing a bus stop shelter on S.W. King Street between Hudson Street and Greenwich Street.

Vote: Unanimous, with 30 Board members in favor.

ZONING AND HOUSING

1. 476 Broadway (38 Crosby St.) N040061ZAM & 040062 ZCM. Application for: (1) a zoning authorization pursuant to Section 42-142 of the Zoning Resolution to permit 2nd, 3rd, 4th and 5th floor Joint Living Work Quarters for Artists, and (2) a Chairperson's Certification to modify roof top recreation space requirements.

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, This application will complete the conversion of the building to Joint Living-Work Quarters for Artists that was started in 1983, And,

WHEREAS, CB#2, Man. supported the original application for conversion to Joint Living-Work Quarters for Artists, and;

WHEREAS, CB#2, Man. recognizes that it would be difficult and expensive to provide the full amount of roof area set aside for recreational use for all occupants of the building and the short fall is minor, and,

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

THEREFORE BE IT RESOLVED, that CB#2, Man. supports this application for: (1) a zoning authorization to permit 2nd, 3rd, 4th and 5th floor Joint Living Work Quarters for Artists, and (2) a Chairperson's Certification to modify roof top recreation space requirements.

Vote: Unanimous, with 30 Board members in favor.

2. Support For the Platform of the Community-Based Planning Task Force of the Municipal Art Society

WHEREAS, there is an urgent need for timely development of affordable housing, open space, and economic development opportunities that benefit all New Yorkers; and

WHEREAS, Community-based plans, with their emphasis on these pressing issues, frequently offer the best answers; and

WHEREAS, Community planners are not given the financial and technical support as required by the City Charter; and

WHEREAS, The Department of City Planning's acceptance of innovative proposals as valid and worthy of inclusion in a plan or rezoning proposal is frequently blocked; and

WHEREAS, Communities have had to resort to lobbying, protesting and litigating to stop other plans and proposals from being implemented before community plans have been adopted or before adopted plans have been implemented; and

WHEREAS, the City agencies do not implement the recommendations that are intended to shape and influence capital and expense investments and land use and zoning proposals and approvals; and,

WHEREAS, the Community-Based Planning Task Force has requested the board's support;

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the following principles of community-led planning as articulated in the campaign platform of the Community-Based Planning Task Force:

- **IMPROVE THE CAPACITY OF COMMUNITY BOARDS TO PLAN;**
- **BUILD COMMUNITY BOARDS' CAPACITY TO REFLECT THE DISTRICTS THEY REPRESENT and,**
- **PROVIDE COMMUNITIES WITH THE TOOLS THEY NEED TO IMPLEMENT THEIR PLANS.**

Vote: Unanimous, with 30 Board members in favor.

3. NYC Department of Buildings ruling on "Apartment-UG-5" "available for long term occupancy" in a Transient Hotel

WHEREAS, The NYC Department of Buildings issued a ruling on 1/16/03 that would allow up to 49% of a Transient Hotel to consist of "Apartments-UG-5" "available for long term occupancy", And,

WHEREAS, The Zoning Resolution contains the following definitions:

Hotel, transient Use Group 5

A "transient hotel" is a building or part of a building in which living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis.

Hotel, apartment Use Group 2

An "apartment hotel" is a building or part of a building in which the dwelling units or rooming units are used primarily for permanent occupancy; And;

WHEREAS, hotels in Use Group 5 are allowed in manufacturing zone whereas residential uses are not and would result in severe land use conflicts; And

WHEREAS, The Zoning Resolution does not contain any definition of “Apartments-UG-5” “available for long term occupancy” in a Transient Hotel, And

WHEREAS, This Department of Buildings ruling would, in effect, allow half of a Transient Hotel to be an apartment building which is clearly not intended and not allowed under the Zoning Resolution.

THEREFORE BE IT RESOLVED, that CB#2, Man. strongly asserts that “Apartment-UG-5” “available for long term occupancy” in a Transient Hotel is a misinterpretation of the Zoning Resolution and calls upon The NYC Department of Buildings to withdraw the ruling issued on 1/16/03. And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. asks the City Planning Commission to review this ruling by The NYC Department of Buildings and oppose its interpretive for compliance with the Zoning Resolution.

Vote: Unanimous, with 30 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Secretary
Community Board #2, Manhattan