

FULL BOARD MINUTES

DATE: February 19, 2004
TIME: 6:30 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th St., Cafeteria

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Keith Crandell, Marie P. Derr, Doris Diether, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Jo Hamilton, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Aubrey Lees, Edward Ma, Don MacPherson, Rosemary McGrath, T. Marc Newell, Rick Panson, Judy Paul, David Reck, Carol Reichman, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Helene Burgess, Arthur Harris, Don Lee, Dr. John Maggio, Ruth Sherlip, Sean Sweeney, Martin Tessler.

BOARD MEMBERS ABSENT: Harriet Fields, Chad Marlow, Doris Nash, Ann Robinson, Arthur Z. Schwartz, Wilbur Weder.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Danielle Cabaldi-Micca, Senator Tom Duane's office; Deborah Lester, Matt Viggiano, Sen. Martin Connor's office; Assembly Speaker Sheldon Silver's office; Gregory Brender, 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, Ellen Peterson-Lewis, Matteo Carazos, Terence Doren, Zella Jones, P.O. Sean Rooney, Susan Goren, J.J. Lo Maglio, Elizabeth Ferris, Robert Agons, Craig Bourgeois, Janna Passuntino, Linda D. Schloss, Colm Leahy, Mari Denby, David Gruber, Maura Geils, Julie Greenberg, Sheldon Werdiger, Andrew Berman, Rev. Joseph A. Cogo, Jim Kafuder, Jay Segal, Terence Doran.

MEETING SUMMARY

Meeting Date – February 19, 2004
Board Members Present – 34
Board Members Excused– 7
Board Members Absent - 6

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	1
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	3
BUSINESS	3
INSTITUTIONS	7
LANDMARKS AND PUBLIC AESTHETICS	8
PARKS, RECREATION & OPEN SPACE	9
PUBLIC SAFETY, PUBLIC HEALTH	10
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	10
ZONING AND HOUSING	14
NEW BUSINESS	16
ROLL CALL	17

II. PUBLIC SESSION

Non-Agenda Items

Town Hall Meeting

Andrew Berman spoke re upcoming town hall meeting to discuss further landmarking in the Village/CB2 area.

Newspaper Boxes on Sidewalks

Susan Goren spoke against newspaper boxes on local sidewalks.

The Door/Mentoring USA

Matthew Cavazos spoke re recruiting of new mentors for their program.

Parks, Recreation And Open Space

Proposed Restoration of Father Demo Square

Reve. Joseph A. Cogo and David Gruber spoke in favor of the restoration.

Sidewalks, Public Facilities & Access Items

91 Charles Street Rest. d/b/a Hue, 91 Charles St.

Robert B. Agans, Maura Geils, Jim Kafuder, and Terence Doran spoke against the proposed sidewalk café application.

Proposed newsstand at the NE corner of East Houston & Broadway

Sheldon Herdiger, Zella Jones, spoke against the proposed application.

Zoning and Housing Items

92-94 Greene St. a/k/a 109 Mercer St. BSA Application for a variance for new 7-story building with retail use in the cellar & 1st fl. and residential use on the upper 6 flrs.

Jay Segal, representing the applicant, and Julie Greenberg spoke in favor of the proposed application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler's office

Danielle Cabaldi-Micca, of Senator Tom Duane's office

Matt Viggiano, of Sen. Martin Connor's office

Deborah Lester, of Assembly Speaker Sheldon Silver's office

Gregory Brender, of 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 December 2003 minutes and distribution of January 2004 minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jim Smith reported

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

3. Amendment to Community Board #2, Manhattan By-Laws

Effective from the date of passage of this amendment by Community Board #2, Manhattan, the by-laws of this board are changed as follows:

1. By-laws Clause I-Part VI (Committee Meetings) which reads as follows, is deleted:

“I. No committee meeting shall be held on New York State-recognized Federal holidays unless necessary to the proper execution of the Committee’s responsibilities in the opinion of Committee Chairperson.”

2. By-laws Clause I-Part VI (Committee Meetings) is re-written to read as follows instead:

“I. No committee meeting shall be held on New York State-recognized Federal holidays. These holidays are: New Year’s Day, Martin Luther King Day, President’s Day (Washington’s Birthday), Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day Thanksgiving Day and Christmas Day.”

Vote: Unanimous, with 34 Board members in favor.

STANDING COMMITTEE REPORTS

BUSINESS

1. Sogo NY, Inc., 337B West Broadway, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise License for a 1,000 square-foot 50 person capacity sushi restaurant at this location; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to Midnight 7 days

WHEREAS, the applicant stated that music would be background only: and

WHEREAS, no one from the 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 **Sogo NY, Inc., 337B West Broadway, NYC.**

Vote: Unanimous, with 34 Board members in favor.

2. 18 Front, Inc., d/b/a Room 18, 18 Spring Street, NYC.

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is an On Premise license for this 900 square foot, 74 person capacity Asian Fusion restaurant at this location; and

WHEREAS, the applicant stated that the hours of operation will be from 11 AM until 11PM weekdays and until Midnight on weekends; and

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

WHEREAS, one member of the community appeared in favor of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for the **18 Front, Inc., d/b/a Room 18, 18 Spring Street, NYC.**

Vote: Unanimous, with 34 Board members in favor.

3. 8th Avenue Expansion Corp., d/b/a Nikita, 102 Macdougall Street, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 1,400 square-foot 74 person capacity location that was formerly Brazil Grill; and

WHEREAS, the hours of operation will be from 11 AM until 4 AM seven days; and

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

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **8th Avenue Expansion Corp., d/b/a Nikita, 102 Macdougall Street, NYC.**

Vote: Passed, with 31 Board members in favor, and 3 in opposition.

4. Lunchbox Food Company Inc., d/b/a West, 357 West Street, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an upgrade from Beer and Wine to a full On Premise license at this location that has been in business for over one year without any violations or complaints; and

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Lunchbox Food Company, Inc., d/b/a West, 357 West Street, NYC.**

Vote: Unanimous, with 34 Board members in favor.

5. C & E 161 Lafayette Corp., d/b/a Lafayette Lounge, 161 Lafayette Street, NYC.

WHEREAS, the applicants appeared before the committee; and

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

WHEREAS, this application is for an On Premise license at this 200 square foot, 30 seat location; 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 **C & E 161 Lafayette Corp., d/b/a Lafayette Lounge, 161 Lafayette Street, NYC.**

Vote: Unanimous, with 34 Board members in favor.

6. Ask 244 LLC, 244 West 14th Street, NYC

WHEREAS, the applicants and their attorney appeared before the committee; and

WHEREAS, this application is for a transfer of the On Premise license at this 8500 square foot, 575 person capacity location currently operated as Nell's and continuously licensed since 1986; and

WHEREAS, the applicant stated that the hours of operation will be from 8 PM until 4 AM seven days; and

WHEREAS, the applicant stated that this will be operated as an upscale club with memberships being sold for V.I.P. admission; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **Ask 244 LLC, 244 West 14th Street, NYC.**

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

7. Cantaloupe LLC d/b/a Lovely Day, 196 Elizabeth Street, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an upgrade from Beer and Wine to a full On Premise license for this 875 square foot restaurant that seats 40 persons and has been in business for 14 months without incident; and

WHEREAS, the applicant stated that the hours of operation will be until 11 PM weekdays and until Midnight 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 **Cantaloupe, LLC d/b/a Lovely Day, 196 Elizabeth Street, NYC**

Vote: Unanimous, with 34 Board members in favor.

8. 359 Restaurant LLC d/b/a August, 359 Bleecker Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an alteration to extend the existing On Premise license at this 74 seat location that has been in operation since 1999 into the newly enclosed rear yard; and

WHEREAS, the applicant stated that there would be a name change from Café Picasso to August along with a new menu; and

WHEREAS, the applicant stated that the hours of operation will be from 10 AM until Midnight, seven days and that music will be background only; and

WHEREAS, three members of the public appeared and stated that all their concerns had been satisfactorily addressed; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the extension of the existing On Premise license for **359 Restaurant LLC d/b/a August, 359 Bleecker Street, NYC**.

Vote: Passed, with 33 Board members in favor, and 1 in opposition.

9. JEC II, LLC d/b/a One, 1 Little West 12th Street, NYC.

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for an alteration of the existing On Premise license at this location to convert an existing oyster bar into a liquor bar; and

WHEREAS, the applicant stated that there would be no change to the 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 alteration of the existing On Premise license for **JEC II, LLC d/b/a One, 1 Little West 12th Street, NYC**.

Vote: Passed, with 33 Board members in favor, and 1 in opposition.

10. 205 Thompson Rest., Inc., 205 Thompson Street, NYC

WHEREAS, the applicant appeared before the committee; and

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

WHEREAS, this premise is 2,100 square feet with a capacity of 186 persons on two floors; and

WHEREAS, the applicant stated that the music will be DJ music until 2 AM weekdays and until 3 AM weekends; and

WHEREAS, the applicant presented the committee with a C of O # 102789724 dated February 15, 2002 that supercedes C of O #68373 for Block 539 Lot #35 with the address shown as 205 Thompson Street; and

WHEREAS, a close examination of the C of O revealed that this document is not the C of O for this two story building, but is for the adjacent 4 story building located at 155 Bleecker Street which may share the same Block and Lot number; and

WHEREAS, the existing On Premise license was issued with the applicant using this same incorrect C of O; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application for an On Premise license for **205 Thompson Rest., Inc., 205 Thompson Street, NYC** unless a proper C of O is presented to CB#2, Man. and subsequently to the SLA; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to examine their records to determine if the existing applicant used the same incorrect C of O and to take appropriate action.

Vote: Unanimous, with 34 Board members in favor.

11. 7th Ave. and Grove Street Corp., d/b/a Pure, 70 Grove St., a/k/a 101 Seventh Ave. South, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a Cabaret license at this existing 1500 square foot, 135 person capacity location; and

WHEREAS, the applicant stated that the hours of operation will be until 2 AM weekdays and until 4 AM weekends; and

WHEREAS, the Central Village Block Association presented the Committee with a five page letter plus attachments strongly objecting to the issuance of a Cabaret license at this location. A copy of their letter is attached; and

WHEREAS, the letter alleges that the location does not meet the requirements for the issuance of a Cabaret license on the following basis: 1, The location is 95 feet from a residential zone not the 100 feet required by the regulations, and 2, The required indoor waiting area of 4 square feet per person of capacity has not been allocated.

WHEREAS, the letter also states that the applicant has been doing construction inside and outside the premises without a Building Permit or Landmarks Preservation Commission approval; and

WHEREAS, the letter also outlines a history of bad management and noise problems with the current licensee; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of a Cabaret license for **7th Ave. and Grove Street Corp., d/b/a Pure, 70 Grove Street, a/k/a 101 Seventh Avenue South, NYC**.

Vote: Passed, with 33 Board members in favor, and 1 recusal (R. Rinaolo).

12. BBL Investors LLC., 643 Broadway, NYC

WHEREAS, the applicants and their attorney appeared before the committee; and

WHEREAS, this application is for a Cabaret license at this newly acquired location formerly known as V.G. that has had a cabaret license for many years; and

WHEREAS, the applicant stated that the menu will be new American food on the first floor and also in the basement lounge; and

WHEREAS, the applicant also stated that music will be background on weekdays and DJ on weekends; and

WHEREAS, the applicant stated that the hours of operation will be from 8 AM until 2 AM weekdays and until 4 AM weekends; and

WHEREAS, two members of community who live next door appeared in favor of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of a Cabaret license to **BBL Investors LLC., 643 Broadway, NYC.**

Vote: Passed, 33 with Board members in favor, and 1 in opposition.

13. 28 Seventh Avenue South Restaurant LLC., d/b/a Movida, 28 Seventh Avenue South, NYC

WHEREAS, the applicants and their attorney appeared before the committee; and

WHEREAS, this application is for a Catering license at this location that has not yet opened for business; and

WHEREAS, when this applicant came before this Committee in April of 2003 the Full Board of CB#2, Man. voted to deny the On Premise application at that time due to the concerns of the community regarding the bad behavior of the prior operator. Despite the CB#2, Man. denial and the appearance and objections of many community residents, the SLA has approved the On Premise application; and

WHEREAS, on their application last April, this applicants stated that their operation was going to be a quiet 126 seat Mediterranean Restaurant with the music being background only; and

WHEREAS, now the applicant is applying for a Catering license and has restated their capacity as 275 persons, more than double the 126 capacity originally applied for; and

WHEREAS, the applicant stated that they need the Catering license because, from time to time they will be booking the location for private parties; and

WHEREAS, the Committee has observed that Catering licenses are nothing more than an “end run” around the Cabaret laws. A Catering license permits dancing at private parties. The worst example of this subterfuge is the mega club Capitale at 130 Bowery that does not have a Cabaret license but is operating a huge dance club on a Catering license; and

WHEREAS, the applicant has deceived both the Committee and the SLA on the original application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of this Catering license application and calls upon the SLA to rescind their On Premise approval on the basis that the applicant fraudulently stated their capacity and intentions on the original On Premise application.

Vote: Passed, with 26 Board members in favor, 7 in opposition, and 1 abstention.

INSTITUTIONS

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 in favor, 4 in opposition, 2 abstentions and 2 recusals – David Reck & Tobi Bergman.

THIS RESOLUTION IN SUPPORT OF THE HUDSON SQUARE B.I.D. HAS BEEN RETURNED TO COMMITTEE FOR RECONSIDERATION.

Vote: Unanimous, with 34 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

LPC Item 2 - 481 Broadway WITHDRAWN

LPC Item 3 - 259 West 4th Street (Perry)- Greenwich Village Historic District. An apartment building designed by Bernstein & Bernstein, and built in 1905. Application is to legalize the installation of storefront infill without Landmarks Preservation Commission permits, to amend the design of a previously approved areaway railing, and to install awnings.

WHEREAS, several members of the community appeared to voice approval of the new storefront; however, a building resident testified that she hated to see the loss of the historic fabric from her building; and

WHEREAS, while the original tin frieze and column are retained, the original tile floor has been covered over with modern tiling without an LPC permit, a further disappearance of original material; and

WHEREAS, the original 1890's storefront has been removed and replaced with a European-style storefront, because the applicant stated he was faced with an extended delay in obtaining LPC approval; but

WHEREAS, the new imported storefront, while it is attractive and tasteful, does not relate to the building in style, configuration, palette and details; now

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

Passed: Unanimously, with 34 Board members in favor

Item 4 - 55 Bank Street (W.4 & Bleeker)- Greenwich Village Historic District. A Greek Revival style rowhouse built in 1842. Application is to demolish an existing rear addition and to construct a new five-story rear addition. Zoned R6

WHEREAS, several members of the co-op next door appeared, especially those who live in the rear apartments which have only a few rear windows, and testified that the proposed stair bulkhead on the roof would cut precious light coming through their lot line windows (We informed the neighbors that lot-line windows are, unfortunately for them, not protected under the Building Code.); and

WHEREAS, we would prefer to see the Grecian look of the front continued to the back; and

WHEREAS, while the proposed Arts and Crafts design is characteristic of some houses in the Village, it is not character of a Greek Revival building; but

WHEREAS, the existing rear façade bears little resemblance to the original; and

WHEREAS, this is not really part of the doughnut hole and not visible from the street; and

WHEREAS, the work would align the rear façade of this building with the rear of the adjacent building, unifying these two facades; now

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

Vote: Unanimous, with 34 Board members in favor.

SECOND LANDMARKS MEETING

Item 2 - 386 Bleeker Street - Greenwich Village Historic District. A rowhouse built in 1852-53. Application is to install new storefront infill.

WHEREAS, the style, symmetry, materials, and palette of the storefront infill add to the character of this building and the historic district; and

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

Vote: Unanimous, with 34 Board members in favor.

Item 3 - 73 Washington Place - Greenwich Village Historic District. A Greek Revival style rowhouse built in 1847. Application is to legalize the construction of a stair bulkhead in non-compliance with Certificate of No Effect

WHEREAS, notice of the meeting was posted, but no one from the public attended; and

WHEREAS, there was some confusion during the presentation about what had been previously approved and the need to deviate from that, as well as the issue of how important is the view from the rear yard, if it is not seen by the general public; and

WHEREAS, the applicant stated it was the need for expeditious fire evacuation that prompted the change, which safety measures we understand; but

WHEREAS, it boiled down to the issue of whether the high visibility of the new stairhead bulkhead was appropriate, and there was a split vote on the Landmarks Committee on that question; now

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

Passed, with 29 Board members in favor and with five in opposition

Item 4 - 17 Little West 12th Street, a/k/a 416 West 13th Street (Collier Building) - Gansevoort Market Historic District. A neo-Classical style factory/office building designed by Trowbridge and Livingston and built in 1901-02. Application is to alter masonry openings, to install new infill and two barrier-free access lifts, and to modify stairs and loading docks at the ground floor.

WHEREAS, this portion of the alteration work continues the good taste and style exemplified in the new design for the front of this building that was presented to us a few months ago; and

WHEREAS, this is a well-thought out and well-presented proposal; now

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

Passed: Unanimously, with 34 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Proposed Restoration of Father Demo Square

WHEREAS Father Demo Square was funded in the 2004 Capital Budget for renovation and the Parks Department has undertaken a design plan for said project and;

WHEREAS the Dept. of Parks has had extensive meetings with and shown the proposed design to various community groups, block associations, institutions, such as the Friends of Father Demo Square, the Carmine Street Block Association, Our Lady of Pompeii Church and others and;

WHEREAS as a result of said community review process, the following consensus was reached about the design of said park; a 36'' perimeter fence with 4 entrances spaced around the Square with 3 of them 15 feet wide and one smaller one; a classic 16' high fountain with an industry glass base that will be illuminated; the placement of historic lamp posts within the park as well as imbedded subsurface lights; an improved irrigation system to facilitate healthier tree growth and the replacement of dying trees with new ones and increased and better quality seating throughout the square and;

WHEREAS said extensive and thorough community review process further generated consensus on the following: keep the park as an open plaza rather than as a heavily planted environment; have it closed late at night (12 or 1 am); have a clear and prominent presentation in bronze or other sturdy material detailing the contributions to the community of the late Father Demo, Pastor of Our Lady of Pompeii; as well as a history of the Italian-American community that settled the area in the 19th and 20th centuries.

THEREFORE BE IT RESOLVED that CB#2, Man. approves the Proposed Design plan for the Restoration of Father Demo Square.

Vote: Unanimous, with 34 Board members in favor.

PUBLIC SAFETY AND HEALTH

Continuing To Work With Con-Edison In Its Effort To Ensure Our Community's Safety

WHEREAS, David Gmach, The Director of Manhattan Public Affairs and Financial Planning & Analysis for Con Edison, presented an update on the unfortunate circumstances surrounding the death of Jodi Lane and the ongoing safety concerns in Manhattan due to "Stray voltage" emanating from Con Edison structures (i.e. man-hole covers, service boxes, gratings etc.) to the Community Board 11 Committee on Health and Safety on Tuesday, February 10, 2004;

WHEREAS, the Committee has made clear to David Gmach our concern that *First Responders' (i.e. Police, Fire, EMS) should all be trained and equipped to help a victim of an electrocution;

WHEREAS, we have encouraged David Gmach, in his capacity as the Director of Public Affairs for Con Edison, to put together safety literature that should be made available to the public as soon as possible,

WHEREAS, the Committee looks forward to continuing to work with Con Edison in the coming months and thanks David Gmach and Con Edison for taking the time to meet with us and update us on their significant efforts to eliminate this safety concern.

THEREFORE, BE IT RESOLVED that CB#2, Man. Committee on Health and Safety supports that the following next steps be taken,

- 1) David Gmach will continue to work closely with the Committee in order to address, any ongoing safety concerns and will provide a formal update to the Committee no later than May 11, 2004, three months from the date of our initial meeting with him. The purpose of this update will be to make us aware of any continuing safety issues, and steps being taken to prevent future incidents
- 2) David Gmach will notify the Committee once safety information has been put together for distribution to the community
- 3) David Gmach will respond quickly to the Committee if Con Edison needs any help to facilitate the process of working with Police, Fire, and EMS to ensure that these agencies receive proper training and equipment to deal with any future emergencies.

Vote: Passed, with 33 Board members in favor and 1 abstention.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW Application to NYCDOT by Balthazar Restaurant for revocable consent to install and maintain 4 benches at 80 Spring Street, NYC.

WHEREAS, the applicant's expeditor appeared before the committee; and,

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

WHEREAS, Balthazar has always been a good neighbor; and,

WHEREAS, there is sufficient passage for pedestrian safety and access for four benches;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to Balthazar Restaurant, 80 Spring Street, NYC, to install and maintain four benches.

Vote: Passed, with 32 Board members in favor, and 2 in opposition.

2. NEW Application to NYCDOT for revocable consent for a permanent entrance, platform, stair and handicapped lift at the primary entrance on West 13th Street and for a secondary platform and stair on Ninth Avenue by the Spice Market Restaurant located at 29-35 Ninth Avenue, New York City, N.Y.

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

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

WHEREAS, these entrances are needed to enter the Spice Market Restaurant because the floor of the entranceway is not street level; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to Spice Market Restaurant, 29-35 Ninth Avenue, NYC, for revocable consent for a permanent entrance, platform, stair and handicapped lift at the primary entrance on West 13th Street and for a secondary platform and stair on Ninth Avenue located at 29-35 Ninth Avenue, New York City, N.Y.

Vote: Unanimous, with 34 Board members in favor.

3A. New Application to NYCDCA for revocable consent to construct and maintain a newsstand at the NE corner of East Houston & Broadway, by Syed Mahmood, DCA#1155753.

WHEREAS, The applicant appeared before the committee; and,

WHEREAS, there was no opposition from the community, except one member of this Board; and,

WHEREAS, the applicant operated a newsstand up town, lost it due to the high increase in rent; and,

WHEREAS, the applicant has been driving a cab to earn a living to support his family; and,

WHEREAS, the applicant submitted a newspaper article saying that he is a good neighbor and the community did not want to see him leave;

WHEREAS, the newsstand owner has agreed not to construct his newsstand until the construction of the adjacent building is finished.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval to operate a newsstand by Syed Mahmood, at the NE Corner of East Houston and Broadway.

Vote: **SEE SUBSTITUTE RESOLUTION**

3. New application to NYCDCA for revocable consent to operate and maintain a Newsstand at the North East corner of Houston Street, NYC, by Syed Mahmood, DCA # 1155753.

WHEREAS, the applicant appeared before the committee and,

WHEREAS, there two complaints from the community and,

WHEREAS, the applicant submitted blue prints with no architect's name or a legal stamp and,

WHEREAS, the applicant's blue prints show a twenty foot wide sidewalk, the chair of this committee called the lawyer for the adjacent building that is being constructed and requested a survey map, the survey map shows the sidewalk to be 13.25 feet wide and,

WHEREAS, the chair of this committee measured the sidewalk to be 14 feet wide, because there is a construction fence around the property it is hard to get the right measurements and,

WHEREAS, there is not sufficient space for a newsstand the sidewalk must be 17 feet wide and,

WHEREAS, this sidewalk is impossible for pedestrian safety or public access and,

WHEREAS, the applicant would not be a good neighbor after submitting improper blue prints and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends DENIAL revocable consent to operate and maintain a NEWSSTAND at the North east corner of Houston Street, NYC to Syed Mahmood.

Vote: Unanimous, with 34 Board members in favor.

3. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Café Bivio Restaurant, 637 Hudson St., with 8 tables and 16 seats, DCA#1158471.

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

WHEREAS, there was one letter of 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;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by Bivio Restaurant, 637 Hudson St., with 8 tables and 16 seats, DCA#1158471.

Vote: Unanimous, with 34 Board members in favor.

2A. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Hue Restaurant, 91 Charles St, with 15 tables and 31 seats, DCA#1157960. 1146070.

There was too much community opposition; and, the applicant was asked to appear in March 2004.

SEE SUBSTITUTE RESOLUTION BELOW.

2B. New application for revocable consent to operate an unenclosed sidewalk café by Hue Restaurant, 91 Charles Street, NYC, with 15 tables and 31 seats, DCA # 1157960.

WHEREAS, the applicant appeared before the committee and,

WHEREAS, there was several complaints from the community and,

WHEREAS, the owner of this restaurant was to meet with the community, to address the problems, but did not and,

WHEREAS, there is a tremendous amount of late night noises from music and crowds of people and,

WHEREAS, there is not sufficient space for a sidewalk café the sidewalk is twelve feet wide and there is a four foot platform making it impossible for pedestrians safety and,

WHEREAS, this restaurant has a capacity of four hundred people in side and

WHEREAS, this restaurant is located on Bleecker Street, which is already over crowded and,

WHEREAS, the applicant wants to also have tables on Charles Street, which is a residential block where no tables should be placed, and,

WHEREAS, the owner of this restaurant is not a good neighbor to the community and,

WHEREAS, there is a number complaints on record at the police department about noise from this restaurant.

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends DENIAL revocable consent to operate an unenclosed café to HUE restaurant, 91 Charles Street, NYC, with 15 tables and 31 seats.

Vote: Unanimous, with 34 Board members in favor.

3. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Vento Trattoria Restaurant, 675 Hudson St., with 59 tables and 159 seats, DCA#1159248;

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

WHEREAS, members of the community were present, agreements were reached; and,

WHEREAS, this restaurant has 250 seats inside; and,

WHEREAS, this sidewalk café is on two streets, Ninth Avenue, Hudson Street, almost one block long on each side; 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;

THEREFORE, BE IT RESOLVED That CB#2, Man. Recommends Approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café to Vento Trattoria Restaurant, 675 Hudson St., with 51 tables and 142 seats, DCA#1159248;

Vote: Passed, with 32 Board members in favor, and 2 in opposition.

4. NEW application (transfer) to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Sambuca Restaurant, 105 Mulberry Street, with 8 tables and 16 seats, DCA# 1158751.

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

WHEREAS, there was opposition from the community and;

WHEREAS, this restaurant is being transferred from the mother to the son, there are no changes 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 ONE YEAR revocable consent to operate an unenclosed sidewalk café by Sambuca Restaurant, 105 Mulberry Street, with 8 tables and 16 seats, DCA# 1158751.

Vote: Unanimous, with 34 Board members in favor.

5. NEW application (transfer) to NYCDCA for revocable consent to operate an enclosed sidewalk café by Due Amici Café, 504 La Guardia Place, NYC with 9 tables and 20 seats, DCA #1134221.

WHEREAS, the owner and manager of this establishment appeared before the committee and;

WHEREAS, there was no opposition from the community and;

WHEREAS, this is a transfer from Tutta Pasta Restaurant to Due Amici Café and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends Approval for a ONE YEAR revocable consent to operate an unenclosed sidewalk café by Due Amici Café, 504 La Guardia Place, NYC, with 9 tables and 20 seats, DCA# 1134221.

Vote: Unanimous, with 34 Board members in favor.

6. NEW application (transfer) to NYCDCA for revocable consent to operate an enclosed sidewalk café by Fiddlesticks Restaurant, 54-56 Greenwich Avenue, NYC, with 16 tables and 29 seats, DCA #1133898;

WHEREAS, the applicant's expeditor appeared before the committee and;

WHEREAS, there was no opposition from the community and;

WHEREAS, this restaurant has had a sidewalk café, there is only a change in ownership and;

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends Approval for a ONE YEAR revocable consent to operate an unenclosed sidewalk café by Fiddlesticks Restaurant, 54-56 Greenwich Avenue, NYC, with 16 tables and 29 seats, DCA #1133898;

Vote: Passed, with 33 Board members in favor and 1 recusal (S. Ashkenazy).

ZONING AND HOUSING

1. 110 Christopher Street BSA Cal. No. 85-91 BZ Board of Standards and Appeals Application to extend the term of a temporary variance for an additional 10 years to allow office space (Use group 6) in the cellar of an existing 5 story multiple dwelling in an R-6 zone and to amend the variance to allow two of the office spaces to be used for a custom dressmaking and sales shop (Use group 6).

WHEREAS; the area was posted and there was no community opposition to this application, And;
WHEREAS; The original variance was granted on June 1, 1960 and there have been no complaints, And;

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

WHEREAS; the original variance was limited to only allow office space (Use group 6) in 35% of the cellar and the amendment to the variance will only allow two of the office spaces to be used for a custom dressmaking and sales shop (Use group 6), And;

WHEREAS; The restrictions on signage contained in the original variance will be included in the extension of term;

THEREFORE BE IT RESOLVED, that Community Board #2 supports this Board of Standards and Appeals Application to extend the term of a temporary variance for an additional 10 years to allow office space (Use group 6) in the cellar of an existing 5 story multiple dwelling in an R-6 zone and to amend the variance to allow two of the office spaces to be used for a custom dressmaking and sales shop (Use group 6).

Vote: Unanimous, with 34 Board members in favor.

2. 92-94 Greene Street a/k/a 109 Mercer Street Board of Standards and Appeals Application for a variance to permit a new seven-story building that will have retail use in the cellar and first floor and residential use on the upper six floors.

WHEREAS; CB#2, Man. and the community worked hard on the Amendment of the text of Section 74-712 of the Zoning Resolution to allow, by City Planning Commission special permit, modification of use regulations for vacant or substantially vacant sites within M1-5A and M1-5B zoning districts located in historic districts designated by the Landmarks Preservation Commission, And;

WHEREAS; The Amendment of the text of Section 74-712 applies to this site, And;

WHEREAS; The area was posted and there was community opposition to this application, And,

WHEREAS; The applicant has appeared before the board and has met with community groups and public officials, And,

WHEREAS; This building is seeking a variance that would allow a higher Floor Area Ratio than what is allowed under the M1-5A zoning which would greatly impact the essential fabric of the lower rise SOHO neighborhood, And;

WHEREAS; The FAR of the Building would be 6.13, and if the mezzanines were removed, the FAR would be 5.06, which is almost equal to the 5.0 FAR in an M1-5A district, And;

WHEREAS; The applicant has claimed that compliance with requirements for construction in an Historic District is a unique hardship of this site and there are a great many sites in Community Board #2 that are also in an Historic District which calls to question this "unique hardship", 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; SoHo and NoHo were founded as arts orientated communities and there is no provision in this project for an arts-related project. Not having this provision will further diminish SoHo's and NoHo's reputation as world-famous arts neighborhoods, And,

WHEREAS; The community has requested that an arts-related project be incorporated to support and preserve SoHo's status as an arts orientated community, And,

WHEREAS, The Courts have already confirmed that SoHo is over saturated with licensed eating and drinking establishments, And;

THEREFORE BE IT RESOLVED, That CB#2, Man. is strongly opposed to the granting of this variance at a higher Floor Area Ratio than what is allowed under the M1-5A zoning (FAR 5) and is not consistent with the essential fabric of the lower rise SOHO neighborhood though the Board does recognize that the excess FAR is in the mezzanines, And;

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests the applicant comply with the Amendment of the text of Section 74-712 that applies to this site, And;

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. does not find that compliance with requirements for construction in an Historic District is a unique hardship of this site, And;

THEREFORE BE IT FURTHER RESOLVED, CB#2, Man. requests that an arts-related project be incorporated and encourages the applicant to continue to develop this concept with community groups and public officials, And;

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. supports the following provisions this application

- That the building will have only residential units with use group 6 retail on the ground floor.
- The minimum size of all residential units will be 1,200 sq ft.
- that there will be no eating and drinking establishments of any kind and any use group in this building,

THEREFORE BE IT RESOLVED, That CB#2, Man. thanks the applicant for meeting with community groups and public officials, And,

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

THEREFORE BE IT FURTHER RESOLVED, should this project move forward 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.

Vote: Passed as amended with 33 Board members in favor and 1 Abstention.

3. Proposal by the Department of City Planning for an Amendment to the zoning text to allow Small Sidewalk Cafés in certain areas of Community Board #2 Manhattan.

WHEREAS; the resolution on Small Sidewalk Cafes, passed by the Executive Committee and then the full Community Board #2 in January, stated that CB#2 has no objection to the proposed locations for small sidewalk cafes (as amended), and

WHEREAS, the amendment referred to deletion of West Broadway and Crosby Street from the original listing, and

WHEREAS, CB#2 was under the impression that the inclusion of Fifth Avenue involved only the area from 12th Street to 14th Street, and

WHEREAS, the text was written (#55) reads “Fifth Avenue from Washington Square North to 33rd Street” and

WHEREAS, when questioned, City planning said that no sidewalk cafes would be permitted in residential districts, but Fifth Avenue from Washington Square North to 12th Street is zoned R10, and

WHEREAS, this is confusing the owners and renters along this strip who now have two conflicting regulations- that they are permitted per this text listing and that they are not permitted because the zoning is R10,

THEREFORE, BE IT RESOLVED that CB#2, Man. would like to amend its previous resolution to request that #55 be changed to read “from 12th Street to 33rd Street.

Vote: Passed with 29 Board members in favor, and 5 in opposition.

NEW BUSINESS

Amendment to Small Sidewalk Café Resolution passed by the Executive Committee & Full Board in January

ROLL CALL VOTE TO REFER THIS RESOLUTION TO ZONING COMMITTEE

Failed-23 Board members in opposition, 7 in favor, and 1 abstention.

RESOLUTION PASSED AS WRITTEN.

Vote: Passed, with 29 Board Board members in favor, and 5 in opposition.

Respectfully submitted,

Robert Rinaolo
Secretary
Community Board #2, Manhattan