

FULL BOARD MINUTES

DATE: May 20, 2004
TIME: 6:30 P.M.
PLACE: NYU Cantor Film Center, 36 E. 8th St., Room 101

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Galal Chater, Maria P. Derr, Doris Diether, Edward Gold, Lawrence Goldberg, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Rosemary McGrath, Philip Mouquinho, T. Marc Newell, Ronald Pasquale, Judy Paul, David Reck, Robert Rinaolo, Rocio Sanz, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Sean Sweeney, Martin Tessler.

BOARD MEMBERS EXCUSED: Helene Burgess, Harriet Fields, Elizabeth Gilmore, Jo Hamilton, Arthur Harris, Robert Riccobono, Mark Rosenwasser, Shirley Secunda, Wilbur Weder, Carol Yankay.

BOARD MEMBERS ABSENT: Keith Crandell, Don Lee, Chad Marlow, Rick Panson, Arthur Z. Schwartz, Ruth Sherlip, Betty Williams,

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, 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; Kate Seely-Kirk, and Carin Mirowitz, Council Member Christine Quinn's office; Laura Smith, Daniel Pelarin, John Stuart, Allan Harris, Lawrence Kaplan, Jessica Ashenberg, Carter Booth, Lois Rakoff, Ian Dutton, Bob Cohen, Daniel Schaffer, Jim Bond, Susan Goren, Zella Jones, Kim Gledhill, Hollister Lowe, Sante Scardillo, Jessica Weil, Catherine Schubart, Teresa Tan, Pingyi Lee, Robert Wasserman, Ledinton Moreira, Michael Sillerman, Ivard Dennis, Elisa Hwu, Michael Saperstein, Jennifer Lafferty.

MEETING SUMMARY

Meeting Date – May 20, 2004
Board Members Present – 29
Board Members Excused–10
Board Members Absent - 7

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II. PUBLIC SESSION

Non-Agenda Items

Events in the Village

Honi Klein spoke regarding upcoming Village Alliance B.I.D. events.

CERT

Lois Rakoff spoke.

Falun Gong

Teresa Tan & Pingyi Lee gave an introduction to Falun Gong.

Business Items

Mix It, 20 Prince St.

Sante Scardillo spoke against the liquor license application.

Antique Garage, 41 Mercer St.

Allan Harris and Lawrence Kaplan spoke against the liquor license upgrade.

Landmarks & Public Aesthetics Items

38 Bethune St. Application is to construct a 2-story rooftop addition.

Ledinilton Moereira, applicant, Jessica Weil, Jennifer Lafferty and Robert Wasserman, spoke in favor of the Landmarks application.

312 Bowery. Application for rear yard and rooftop additions & to alter ground floor for new storefront infill.

Zella Jones spoke regarding the proposed Landmarks application.

105-113 Wooster St. App. for new storefront & for the LPC to issue report to CPC Modification of Use.

Michael Sillerman and Ivard Dennis, both representing the applicant, spoke in favor of the Landmarks application.

Parks, Recreation And Open Space

The Tile Project Installation in Mercer Park

Kim Gledhill spoke regarding the project.

Sidewalks, Public Facilities & Access Items

Agozar, 324 Bowery

Zella Jones and Carter Booth spoke against the sidewalk café application.

Zoning and Housing Items

80 Varick St., BSA Special Order App. to Amend Previous Variance for Residential Use on 2nd & 3rd Flrs.

John Stuart, Catherine Schubart, tenants, spoke against the proposed variance application.

Daniel Pellarin, Hollister Lowe, tenants, Elisa Hwu, representing the applicant, and Michael Saperstein spoke in favor of the application.

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

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,

V. ADOPTION OF MINUTES

Adoption of March minutes and distribution of April minutes.

VI. EXECUTIVE SESSION

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

STANDING COMMITTEE REPORTS

BUSINESS

1A. Downtown Restaurant Group, d/b/a PM, 50 Gansevoort Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a Cabaret license at this 3,500 square foot, 490 person capacity Tapas lounge; and

WHEREAS, the applicant stated that the method of operation would not change; and

WHEREAS, several members of the community appeared for this application and stated that there have been noise, vibration, traffic and sidewalk congestion problems associated with this location. They also stated that the owner has been responsive in meeting with them to discuss the problems and that he has taken various steps to lessen the impact, however, things have not gotten any better; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of a Cabaret license for Downtown Restaurant Group, d/b/a PM, 50 Gansevoort Street, NYC

Vote: Unanimous, with 29 Board members in favor.

1B. The Inn LLC d/b/a The Inn, 7 Ninth Avenue, NYC.

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

WHEREAS, this application is for an On Premise License for a 135 person capacity 4500 square foot restaurant spread over four floors at this location formerly operated as the Rio Mar; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to 4 AM seven days; and

WHEREAS, the applicant stated that music would be background only, there would be no dancing and that they will not apply for a Cabaret license at this address; and

WHEREAS, several members of the community including one Board member spoke in opposition to this application and to the proliferation of liquor licenses being issued in this area, however, in the end only four members of the community raised their hands in opposition; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to The Inn LLC d/b/a The Inn, 7 Ninth Avenue, NYC.

Vote: Unanimous, with 29 Board members in favor.

2. Cavonberry's LTD., d/b/a Emerald Planet, 2 Great Jones Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a change of ownership at this 1,800 square foot, 95 person capacity restaurant at this location currently operated as Emerald Planet; and

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

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

WHEREAS, the chair of the NoHo Neighborhood Association appeared before the Committee and stated that their group had no objection 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 **Cavonberry's LTD., d/b/a Emerald Planet, 2 Great Jones Street, NYC**

Vote: Unanimous, with 29 Board members in favor.

3. Antique Garage Inc., d/b/a Antique Garage, 41 Mercer Street, NYC

WHEREAS, the applicant and his representative appeared before the committee; and

WHEREAS, this application is for an upgrade from Beer and Wine to a full On Premise license at this 1,368 square foot 74 person capacity location; and

WHEREAS, the applicant also stated that music will be background, however, members of the community appeared and informed the Committee that this premise has been open for four months and has had live entertainment on a regular basis; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to 4 AM seven days; and

WHEREAS, several members of the community including one Board member appeared in opposition to this application. They stated that the front of this establishment is nothing more than a garage door that the applicant opens fully allowing restaurant noise and live entertainment noise to emanate into the surrounding buildings in this otherwise quiet neighborhood; and

WHEREAS, the community members also stated that this applicant places tables on the sidewalk which is prohibited in the SoHo Zoning District, M1 5A & M1 5B; and

WHEREAS, the community members reminded the Committee that in 1997, a stipulation was entered into between the SoHo Alliance and the State Liquor Authority. That agreement stated that any licensed establishments that open within a 500 foot radius of 72 Grand Street will be required to close at 12:30 AM during the week and at 1:30 AM on weekends. This establishment is within the 500 foot radius; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the issuance of an On Premise license to **Antique Garage Inc., d/b/a Antique Garage, 41 Mercer Street, NYC.**

Vote: Unanimous, with 29 Board members in favor.

4. Service Corp., d/b/a Mix It, 20 Prince 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 1,050 square foot 45 person capacity location; and

WHEREAS, the hours of operation will be from 8 AM until Midnight weekdays and until 1 AM on weekends; 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 that the front café doors will be kept open during operation; and

WHEREAS, this establishment has not opened for business as yet and they are already asking for an upgrade from Beer and Wine. The Committee asked the applicant why he didn't apply for the On Premise license first instead of the Beer and Wine first followed by an upgrade prior to opening. The applicant, an experienced restaurateur with two other locations, declined to offer an explanation; and

WHEREAS, the Committee felt that the applicant should open for business with the Beer and Wine license first and demonstrate to the Community that he is a good neighbor. After a reasonable period of time the applicant may reappear before the Committee to seek the upgrade; and

THEREFORE, BE IT RESOLVED that CB#2, Man. objects to the issuance of an On Premise license for Service Corp., d/b/a Mix It, 20 Prince Street, NYC.

Vote: Unanimous, with 29 Board members in favor.

5. 675 Hudson Vault LLC., d/b/a Vento Trattoria, 675 Hudson Street a/k/a 22-28 Ninth Avenue, NYC.

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

WHEREAS, this application is for an alteration of the existing On Premise license at this 4000 square foot 246 person capacity restaurant to include liquor service to the recently approved sidewalk café and also to change an existing service bar in the basement to a full service stand-up bar; and

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

WHEREAS, one person from the community spoke in favor of this application; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the two alterations stated above for **675 Hudson Vault LLC d/b/a Vento Trattoria, 675 Hudson Street a/k/a 22-28 Ninth Avenue, NYC.**

Vote: passed, with 25 Board members in favor, 1 in opposition, and 3 recusals (H. Klein, L. La Frieda, M. Sklarz).

6. Judith Joice or an entity to be formed, 138 West Houston Street, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 115 seat Regional American restaurant at this location formerly operated as Lo Zoo; and

WHEREAS, the applicant stated that the hours of operation will be from 11AM until 2 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 **Judith Joice or an entity to be formed, 138 West Houston Street, NYC.**

Vote: Passed, with 28 Board members in favor, and 1 abstention.

7. Music is Love Inc., 40 West Eighth Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an alteration to the existing On Premise license at this location; and

WHEREAS, the applicant stated that the alteration will entail the elimination of one 20 foot long bar and the extension of the other remaining bar from 17 feet to 26 feet; and

WHEREAS, the applicant stated that there will 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 **Music is Love Inc., 40 West Eighth Street, NYC.**

Vote: Unanimous, with 29 Board members in favor.

8. Angel Caffè, Inc., d/b/a Angel Caffè, 135 West Third Street, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 3,600 square foot 72 seat location; 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

WHEREAS, this location has been open for three weeks and already there has been an arrest of one of the management; and

WHEREAS, when asked about this incident, the applicant stated that the person arrested was not one of her employees. She stated that she had rented out the premises to someone for the night. She also stated that the person she rented the premises to had insisted that neither she nor any of her employees be present; and

WHEREAS, the police were called and arrested her tenant for serving liquor without a license and serving liquor to underage persons. Her tenant was escorted out of the premises in handcuffs by the police; and

WHEREAS, the applicant does not understand why she should be denied a license based on this minor infraction; and

WHEREAS, the applicant also admitted that she was not the sole owner of this premise, however, she stated that her partner did not wish to have his name on the liquor license and preferred to have her be the main applicant; and

WHEREAS, the applicant does not understand why this action should be a reason for denial; and

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the issuance of an On Premise license for Angel Caffe, Inc., d/b/a Angel Caffe, 135 West Third Street, NYC.

Vote: Unanimous, with 29 Board members in favor.

9. DMD Restaurant LLC, 73 Eighth Avenue, NYC

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for a transfer of the existing On Premise license at this location currently operated as the club Go that has been in continuous operation since before 1993; and

WHEREAS, the applicant stated that there would be no change to the method of operation except that they will have a limited food menu; and

WHEREAS, the applicant stated that he had rented the apartment directly above this premise to alleviate any potential noise problems; 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 DMD Restaurant LLC, 73 Eighth Avenue, NYC.

Vote: Unanimous, with 29 Board members in favor.

10. ALN, 180 Hester Street, NYC

WHEREAS, the applicant failed to appear before the Committee or call to postpone or cancel; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for ALN, 180 Hester Street, NYC and calls upon the SLA to return this applicant to the Committee should an application be filed.

Vote: Unanimous, 29 with Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1st LANDMARKS MEETING

#1 - 317 West 11 St. - Application to remove parapet and install a cornice

WHEREAS, the present cornice is not in the style of the building, as is obvious by other such buildings in the immediate area, and

WHEREAS, the proposed cornice matches the style and dimensions of other such cornices in the area, so this-would be considered a restoration 1,

THEREFORE, BE IT RESOLVED CB#2, Man. approves of this restoration, and would suggest that' the owner of the adjacent building with a similar situation also be urged to follow suit and install a matching cornice.

Vote: Unanimous, with 29 Board members in favor.

#2 365 Bleecker St. - Application to replace the storefront.

WHEREAS, the Landmarks Preservation Commission's (LPC) 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 29 Board members in favor.

#3 - 95-103 Christopher St. a/k/a 330-338 Bleecker St. - Application is to legalize security gates installed without LFC permits, to modify awnings installed without LPC permits and to install new awnings.

WHEREAS, this project involves a series of connected storefront's and

WHEREAS, most of the stores have install6d exterior roll-down gates, and

WHEREAS, many of the stores have installed awnings, but they are not matching, and

WHEREAS, CB#2, Man. has opposed roll-down, gates on the exterior of storefronts as not being in character with the historic look of the area, and

WHEREAS, although the applicant stated that interior gates were not possible here and one of the store owners said she had not been successful in her attempts to secure scissor gates for her store, no conclusive information was presented to back up these statements, and

WHEREAS, although we were told the awnings proposed to be installed were retractable, in an attempt to hide the housing for the roll-down gates they would be stationary, and

WHEREAS, the proposed awnings were not uniform, with one in a different color scheme and-another with a scalloped edge instead of the straight edge of the other awnings, and

THEREFORE, BE IT RESOLVED CB#2, Man. does not approved this application, and requests that the applicant and the LPC explore other solutions to the security problems of the stores rather than the roll-down gates, and he awnings proposed be uniform in profile and color; and

Vote: Unanimous, with 29 Board members in favor.

#4 - 89 Greene St. - Application to construct a rooftop stair bulkhead, deck and railing.

WHEREAS, the proposed stair bulkhead is only slightly visible from the street, and

WHEREAS, the increase in, the exterior wall is minor and not noticeable since the side wall of the building slopes, and

WHEREAS, the railing around the deck area is also minimally visible since it consists of only narrow metal rails, and

WHEREAS, the choice of materials in harmony with the existing building,

THEREFORE, BE IT RESOLVED that CB#2, Man. approves this application for a rooftop stair bulkhead, deck and railing.

Vote: Unanimous, with 29 Board members in favor.

#5 146 Spring St. - Application to install new storefront infill.

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 of 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 29 Board members in favor.

2nd LANDMARKS MEETING

LPC Item: 20 - 503-511 Broadway - SoHo-Cast Iron Historic District. Three store buildings built in 1878-79 designed by J. B. Snook. Application is to construct a rooftop addition. Zoned M1-5B

WITHDRAWN

LPC Item: 21 - 17 Greene Street (Canal)- SoHo-Cast Iron Historic District. A warehouse building built in 1894-95 designed by Samuel A. Warner. Application is to create new window openings.

WHEREAS, the three proposed lot-line windows do not detract from the building or the historic district; now

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

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 22 - 105-113 Wooster Street (Prince/Spring) - SoHo-Cast Iron Historic District. A warehouse built in 1891-92 designed by Charles Behrens. Application is to install new storefront infill.

WHEREAS, painting the storefront will improve its appearance, the wood infill will replace the inappropriate marble bulkhead, and exposed shutters will be moved indoors; now

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

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 23 -105-113 Wooster Street - SoHo Cast-Iron Historic District. A warehouse built in 1891-92 designed by Charles Behrens. Application is to request that the LPC issue a report to the City Planning Commission (CPC) relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution.

WHEREAS, although the zoning text states that LPC may issue a report to CPC for a change of use if a historic preservation purpose is served, it is our understanding that this should require a significant or major effort, e.g. major façade restoration or restoring a derelict building, not replacing a storefront that a prior tenant messed up, probably without bothering to get permits; and

WHEREAS, new storefront applications so frequently come before us as to be routine, and the work initially proposed in this application, namely, graffiti removal, removing an exterior rolldown gate, and replacing diamond plating and a marble bulkhead is not a significant preservation effort, but something that myriad owners have done to their properties to beautify it, not to claim a preservation purpose; and

WHEREAS, the brick building already is in a very good state of preservation, and the amount of maintenance work required every five years would be negligible. After all brick doesn't rust or rot; and

WHEREAS, any good owner of a building in this well-kept neighborhood will maintain the property's façade for their own benefit; witness the scaffolding on every block in SoHo the past few year without a request for a zoning change from those landlords; and

WHEREAS, although the Landmarks Preservation Commission does not speak out on zoning issues, nevertheless there is a zoning component to 74-71 and the LPC is part of that process; and

WHEREAS, prior 74-711 applications requested only a change of use from manufacturing to retail, with a median area of 4,000 square feet; but

WHEREAS, this application not only requests that use change, but pushes the envelope to a unheard of new level, namely, requesting a huge exemption in the floor area that zoning currently permits, to 40,000 square feet, tenfold the median amount, which would make it the second biggest store in SoHo and quite non-conforming; and

WHEREAS, if this were approved, it could set a terrible precedent, where applicants might manipulate the landmarks provision of 74-711 to “spot-zone”, to change detrimentally the character of the district entirely, from one characterized by small stores to a neighborhood of big-box retail or other inappropriate and non-conforming uses while riding the Trojan Horse of basic building maintenance; but

WHEREAS, this applicant subsequently revealed that it restored a full metal cornice and did some pointing to the building a year ago, rather than wait to include the work in this application; and

WHEREAS, the applicant has committed, in response to the Board’s concerns regarding the amount of work proposed, to develop additional restoration, and layover it’s application at the Commission until such work can be identified; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends deferral of this application, and looks forward to any further restoration the applicant can identify, and

BE IT FURTHER RESOLVED, that CB#2, Man. reiterates that approval of the landmarks portion of the application does not necessarily indicate approval of the zoning portion; and

BE IT FURTHER RESOLVED, that CB#2, Man. requests the Landmarks Preservation Commission be aware of the potential for abusing the 74-711 process.

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 24 - 312 Bowery - NoHo East Historic District. A vernacular style apartment building with Classical details, designed by Shampan and Shampan and built in 1940. Application is to construct rear yard and rooftop additions and to alter the ground floor to create new storefront infill. Zoned C 6-1/ L1.

WHEREAS, about ten members of the public voiced their opposition to the proposal; and

WHEREAS, since the Landmarks Committee was evenly split on the esthetics of the project, no report was issued; and

WHEREAS, most important, the question arose whether the rooftop addition is permitted in the Little Italy Special District, of which this area of NoHo is part, because section 109-411 of the Zoning Resolution states, “The front building wall of any development or enlargement shall extend along the full length of its front lot line *without setback* (italics added)”;

WHEREAS, a zoning expert on the board who was involved in the passage of the Little Italy Special District zoning believed the proposed sloped addition was a setback, not in the common sense but a setback nevertheless, and violated both the spirit and the letter of the law; and

WHEREAS, further inquiry with two different zoning professionals produced conflicting opinions on the definition of set back, hinging upon semantics; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the LPC thoroughly research whether this sloped style of rooftop addition is set back from the building wall, or not, lest it be a violation of the zoning law.

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 25 - 225 West 10th Street (Bleecker/Hudson) - Greenwich Village H.D. A Romanesque Revival style flat house with Renaissance Revival style features designed by Schneider & Herter and built in 1893. Application is to install new store fronts.

WHEREAS, the restoration of the façade, roofing and lighting contribute to the building and district; and

WHEREAS, there was some discussion whether the multi-pane basement windows were appropriate, but concluded that they matched the front door's fenestration; now

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

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 26 - 260 West 11th Street - Greenwich Village Historic District. A Federal style house built in 1830 and altered with Italianate style details in 1872. Application is to construct a rear yard addition. Zoned R-6.

WHEREAS, there was an evenly split vote on the Landmarks Committee whether the addition contributed or detracted from the district, so no report was issued; now

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

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 27- 186-192 Seventh Avenue South (W.11)- Greenwich Village Historic District. A store building designed by Willard Parker and built in 1920. Application is to legalize the installation of mechanical equipment on the roof and the enlargement of a window at the West 11th Street facade without Landmarks Preservation Commission permits.

WHEREAS, the proposed new placement for the HVAC is an improvement, but we would like to see the enlarged window replaced with something more in character with West 11th Street where it is located; and

WHEREAS, although it is not part of this application, we felt that the existing fence and planting is better than a bare, exposed pink wall which would result were they removed; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the placement of the HVAC and the fence on 11th Street, and it recommends denial of the legalization of the enlarged window.

Vote: Passed, with 27 Board members in favor, 1 in opposition, and 1 abstention.

LPC Item: 28 - 95-103 Christopher Street, a/k/a 330-338 Bleeker Street - Greenwich Village Historic District. An apartment building designed by H.I. Feldman and built in 1930-31. Application is to legalize security gates installed without Landmarks Preservation Commission permits, to modify awnings installed without Landmarks Preservation Commission permits, and to install new awnings.

HEARD PREVIOUSLY

LPC Item: 29 - 22 Greenwich Avenue - Greenwich Village Historic District. A rowhouse with a commercial first story, built in 1839 and remodeled after the turn of the century. Application is to legalize the installation of an exterior security gate, tracks and housing, and the installation of an awning without Landmarks Preservation Commission permits.

WHEREAS, the re-skinning of the awning will add to the character of the building; but

WHEREAS, the exterior roll-down security gate is out of character with this old building, since such gates were not invented until the mid-20th century; but

WHEREAS, we empathize with the applicant's need for security; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of awning and suggests the applicant explore other solutions, like scissor gates.

Vote: Unanimous, with 29 Board members in favor.

LPC Item: 30- 38 Bethune Street (Greenwich/Washington) A one-story garage built in 1927. Application is to construct a two-story rooftop addition. Zoned R6

WHEREAS, some members thought the addition was attractive, with the fenestration resembling a work of abstract art, but

WHEREAS, the majority disagreed because the windows lacked elements common to industrial buildings which it sought to reference. That is, the windows lacked vertical masonry piers and horizontal banding to indicate the separation of the stories; now

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

Vote: Failed, with 16 Board members in opposition and 10 in favor.

SEE SUBSTITUTE RESOLUTION BELOW.

LPC Item: 30- 38 Bethune Street (Greenwich/Washington) A one-story garage built in 1927. Application is to construct a two-story rooftop addition. Zoned R6

WHEREAS, some members thought that the windows of the addition lacked details common to industrial buildings, which it sought to reference. That is, the windows lacked vertical masonry piers and horizontal banding to indicate the separation of the stories, but

WHEREAS, the majority disagreed and believed the change is attractive, with the fenestration resembling a work of abstract art; now

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

Vote: Passed, with 27 Board members in favor and 1 in opposition.

LPC Item: 31 - 504 Hudson Street (Christopher/W.10) Greenwich Village Historic District. An apartment building designed by J. I. Feldman and built in 1944. Application is to replace an exterior security gate, tracks and housing installed without LPC permits, and to install awnings.

WHEREAS, the awnings are appropriate; and

WHEREAS, the exterior security gates will conform in height with the adjacent gates; and

WHEREAS, ordinarily, we do not approve exterior rolldowns; in this case, due to the style of the building and the problems with visitors misbehaving on this block on weekends, we make an exception; now

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

Vote: Passed, with 27 Board members in favor, and 2 in opposition,

Letter to NYC Landmarks Preservation Commission, NYC Dept. of Transportation and NYC Dept. of Design and Construction Regarding Houston St.

Dear Chairman Tierney:

The NYC Department of Transportation (NYCDOT) and the NYC Department of Design and Construction (DDC) have proposed several changes along the length of Houston Street, river to river. However, the proposed changes within two historic districts, the King-VanDam -Charlton Historic District and the SoHo Cast-Iron Historic District are inappropriate and out of character.

It should be noted that we are not discussing the traffic measures of the reconstruction project, pro or con. We are merely stating the effect on the historic streetscape.

One proposed change is to extend the sidewalk on the south side of Houston Street between Sixth Avenue and MacDougal Street about eleven feet, resulting in a 22-foot sidewalk. The King -VanDam - Charlton Historic District is characterized by narrow early -19th century sidewalks, between seven and twelve feet in width. Doubling or tripling the width is out of context, and as one proponent of this planned extension stated, it would resemble a pedestrian mall in Santa Monica. That is correct and that is why it would stand out like a sore thumb in this old historic district. The sidewalks should remain as they have been for the past two centuries. Over 75 people turned out at a community board meeting opposing this enlargement. We trust the LPC will support them.

In the SoHo Cast-Iron District, DOT has proposed a “neck-down” at the southwest corners of Greene and Houston Streets and Houston and Broadway. This bulbous protrusion extends about eight feet into Houston Street, altering the traditional grid structure of a rectangular SoHo block into a rectangle with a bulb on its corner. Again, there is not historic precedence for this.

The DOT claims the neck-down is for pedestrian safety, but is not installing this neck-down anywhere else in Community Board 2 except in the SoHo Historic District. Odd, isn't it? If they were so concerned with pedestrian safety, they should be installing these neckdowns at every intersection in the city. Instead, they choose to place them only in a landmarked district, noted for its grid of rectangular blocks. Why?

Finally, within the SoHo Historic District on West Broadway and Broadway, DOT and DDC have placed signs to indicate local streets that are oversized generic highway signs, something you would expect on an Interstate or Route 1&9 in New Jersey. This is to enable cars to travel faster. So, on one hand DOT claims it is concerned about pedestrian safety, yet it uses inappropriately large signage to speed traffic.

Whatever the opposing traffic engineers may say one way or the other on the efficacy of these huge street signs, they do not belong in a historic district. These street signs are in no other historic district in New York City, and we strongly urge that they not start in one of the most prominent districts.

We urge you to consult with DOT and DDC and remind them of the necessity to preserve the character of our historic districts.

Thank you for your attention to this matter.

Vote: Unanimous, with 29 Board members in favor.

LESBIAN, GAY, BISEXUAL AND TRANSENDER

NYC Transgender Civil Rights Compliance Guidelines Resolution

WHEREAS, the New York City Council passed INT 24 in May 2002 by a vote of 45-6, giving transgender New Yorkers civil rights based on the city administrative code; and

WHEREAS, Mayor Bloomberg signed the bill into law, to be known as Local Law #3 on May 26, 2002; and

WHEREAS, a Local Law #3 Working Group was established, comprised of members of the transgender community and the NYC Human Rights Commission, and met for 5 months from January 2003 to May 2003 in an effort to create compliance guidelines for private businesses, schools, hospitals, and city agencies using current language and ideas from New York and laws in San Francisco, and Rhode Island; and

WHEREAS, terms were defined, discriminatory actions were identified, and boundaries were created in an effort to update current concepts on gender identity and gender expression; and

WHEREAS, leadership of the Human Rights Commission lost faith in the processes and ideas of the Working Group, primarily based on bathroom protocols, and thus stopped all guidelines work for the next year, until now; and

WHEREAS, New York City Council leaders who helped create Local Law #3, including Gifford Miller, Margarita Lopez, and Christine Quinn, sent a letter imploring the Commission to get on with its work, to no avail; and

WHEREAS, a hearing will be held at City Hall to determine discrimination among transgender NYC employees, in an effort to resolve the guideline dispute;

THEREFORE, BE IT RESOLVED, that CB#2, Man. reiterates its support for Local Law #3; and

BE IT FURTHER RESOLVED, that CB#2, Man. supports the efforts of the City Council and the transgender community in their effort to create workable guidelines for gender variant New Yorkers; and

BE IT FURTHER RESOLVED, CB#2, Man. requests NYC Mayor Bloomberg and Commissioner Patricia Gatling of the Human Rights Commission meet with the Local Law #3 Working Group to eliminate concerns and resolve differences.

Vote: Unanimous, with 29 Board members in favor.

NOMINATING

Nominating Committee Members: Hon. Rick Panson, Chair, Hon. Martin Tessler, Vice Chair Hon. John Maggio, M.D., Hon. Aubrey Lees, Hon. Maria Derr, Esq., Hon. Rosemary McGrath, Hon. Don MacPherson

The 2004 Nominating Committee recommends these candidates for CB2 Board Positions:

Hon. Jim Smith, Chairperson; Hon. Carol Yankay, 1st Vice Chairperson; Hon. Lisa La Frieda, 2nd Vice Chair; Hon. Robert Rinaolo, Secretary; Hon. Mark Rosenwasser, Asst. Secretary; Hon. Rocio Sanz, Treasurer.

By unanimous vote, on May 12, 2004.

No one was nominated from the floor for any office. Nominations, therefore, were closed.

Vote: Unanimous, with 29 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

1. Installation of The Tile Project

WHEREAS, the Trans Cultural Exchange, a not-for-profit organization, is sponsoring a proposal called The Tile Project, which is a one year temporary arts installation to be located along the brick wall adjacent to the Mercer Street Park and;

WHEREAS, The Tile Project is a public arts project that will use the work of local artists as well as the work of artists from over 35 countries and said project has already been approved by the NYC Parks Department as well as NYU;

THEREFORE, BE IT RESOLVED that CB#2, Man. approves the installation of The Tile Project.

VOTE: Unanimous, with 29 Board members in favor.

2. Temporary Cube-like Sculpture

WHEREAS, a temporary cube-like sculpture, made of turkey feathers, has been approved by the NYC Parks Department and is to be located in Duarte Park and;

WHEREAS, oddly enough, there was no community opposition to said temporary cube-like sculpture, made of turkey feathers;

THEREFORE, BE IT RESOLVED that CB#2, Man. approves the installation of a temporary cube-like sculpture, made of turkey feathers, to be located in Duarte Park.

VOTE: Unanimous, with 29 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Oreste, Inc. d/b/a Trattoria Oreste, 64 Carmine Street, with 8 tables & 20 seats, DCA#1163792.

WHEREAS, the applicant and his architect, appeared before the committee and,

WHEREAS, this restaurant is located on Carmine Street between Bedford and Seventh Avenue South and is within 100 feet of a commercial district and;

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

WHEREAS, there was no opposition from the community,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by Oreste, Inc. d/b/a Trattoria Oreste, 64 Carmine Street, with 8 table and 20 seats DCA#1163792.

Vote: Unanimous, with 29 Board members in favor.

2. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Picnic Associates, Inc. d/b/a Picnic, 100 -7th Avenue South, with 29 tables and 56 seats, DCA#1164541.

WHEREAS, the manager appeared before the committee and;

WHEREAS, this restaurant is formerly known as Frascati's and is now under new ownership and;

WHEREAS, the applicant agreed to modify his application to 22 tables and 44 seats, and further agreed to no tables or seats on Grove Street, and;

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

WHEREAS, there was no opposition from the community;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by Picnic Associates d/b/a Picnic, with 22 tables and 44 seats, DCA#1164541.

VOTE: Unanimous, with 29 Board members in favor

3. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Buffana, Inc. d/b/d Il Piccolo Buffolo, 141 Mulberry Street (at Grand Street) with 6 tables and 12 seats, DCA#1165364.

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

WHEREAS, there was no opposition from the community and;

WHEREAS, this restaurant is formerly known as Biondo and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by Buffana, Inc. d/b/d Il Piccolo Buffolo, 141 Mulberry Street (at Grand Street) with 6 tables and 12 seats DCA#1165364.

VOTE: Unanimous, with 29 Board members in favor.

4A. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 7 tables and 17 seats, DCA#1164802.

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

WHEREAS, the applicant is requesting 2 tables and 5 seats on the Bleecker Street side of this establishment and 5 tables and 12 seats on the Bowery street side of this establishment and;

WHEREAS, two people from the community spoke in opposition and;

WHEREAS, Bleecker Street is a residential street and no sidewalk cafes are allowed on Bleecker Street;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery with 5 tables and 12 seats on Bowery, DCA#1164802.

Vote: Failed, Unanimous, with 29 Board members in favor.

SEE SUBSTITUTE RESOLUTION BELOW.

4B. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery, with 7 tables and 17 seats, DCA#1164802.

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

WHEREAS, the applicant is requesting 2 tables and 5 seats on the Bleecker Street side of this establishment and 5 tables and 12 seats on the Bowery street side of this establishment and;

WHEREAS, two people from the community spoke in opposition and;

WHEREAS, Bleecker Street is located in M1-5B zoning District which explicitly prohibits sidewalk cafes; and

WHEREAS, the operation does not appear to be a restaurant serving people, but is basically a bar, serving alcohol; and

WHEREAS, the operation would seriously add to an already noisy area which currently has a liquor licenses within 500 feet of the applicant

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café by G.D.P. Enterprises, Inc. d/b/a Agozar, 324 Bowery with 5 tables and 12 seats on Bowery, DCA#1164802.

VOTE: Unanimous, with 29 Board members in favor

5. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Yonehama, Inc d/b/s ONY Japanese Restaurant, 357 Avenue of the Americas with 8 tables and 20 seats, DCA# 1148238.

WHEREAS, the applicant appeared before the committee and;

WHEREAS, the area was posted and there was no opposition for the community and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Yonehama, Inc d/b/s ONY Japanese Restaurant, 357 Avenue of the Americas with 8 tables and 20 seats, DCA# 1148238.

VOTE: Unanimous, with 29 Board members in favor.

6. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Mi Cocina Corp. d/b/a Mi Cocina, 57 Jane Street with 18 tables and 36 seats, DCA#11654078.

WHEREAS, the applicant appeared before the committee and;

WHEREAS, the applicant agreed to modify his application as follows: remove all tree guards and maintain trees flush with the sidewalk; no tables and chairs on Jane Street; remove one table on Hudson Street and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café of the modified plan to Mi Cocina Corp. d/b/a Mi Cocina, 57 Jane Street with 11 tables and 22 seats, DCA#11654078.

VOTE: Unanimous, with 29 Board members in favor.

7. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café for Mulberry Street Bar, LLC d/b/a Mare Chiara, 176 ½ Mulberry Street with 7 tables and 15 seats, DCA#114852.

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

WHEREAS, the applicant stated that they currently serve food and are in the process of building a new kitchen in order to expand their menu, and;

WHEREAS, there is no opposition from the community and;

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

THEREFORE, BE IT RESOLVED That CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Mulberry Street Bar, LLC d/b/a Mare Chiara, 176 Mulberry Street with 7 tables and 15 seats, DCA#114852.

VOTE: Unanimous, with 29 Board members in favor.

8. NEW application to NYCDCA for revocable consent to operate an ENCLOSED sidewalk café by SDB Rockets New York, Inc. d/b/a Johnny Rockets, 42 East 8th Street with 5 tables and 16 seats, DCA#1101614. .

WHEREAS, the area was posted and the applicant's corporate representative and manager appeared before the committee and;

WHEREAS, there are restrictions on 8th Street for sidewalk cafes but the enclosure for this restaurant is located on Greene Street and;

WHEREAS, one Board Member, not on the committee, spoke in opposition and;

WHEREAS, this restaurant has had an enclosed sidewalk café for 5 years and;

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate ENCLOSED sidewalk café to SDB Rockets New York, Inc. d/b/a Johnny Rockets, 42 East 8th Street with 5 tables and 16 seats, DCA#1101614.

VOTE: Passed, with 26 in favor, 1 in opposition and 2 abstentions.

9. RENEWAL application to NYCDCA for revocable consent to operate an ENCLOSED sidewalk café by Cosi, Inc. 504 Avenue of the Americas with 4 tables and 14 seats, DCA#097953.

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

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

WHEREAS, this restaurant has had an enclosed sidewalk café for 6 years and;

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends APPROVAL of a TWO YEAR revocable consent to operate an ENCLOSED sidewalk café to Cosi, Inc. 504 Avenue of the Americas with 4 tables and 14 seats, DCA#097953.

VOTE: Unanimous, with 29 Board members in favor.

10. RENEWAL application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Dynamic Music Corp. d/b/a Olive Tree Café, 117 Macdougall Street with 4 tables and 8 seats, DCA#0807555.

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

WHEREAS, there is no opposition from the community and no complaints on file at the board office and;

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

WHEREAS, there has been a sidewalk at this location since 8 years and;

THEREFORE BE IT RESOLVED that CB#2, Man. Recommends APPROVAL of a TWO YEAR, revocable consent to operate an unenclosed sidewalk café to Dynamic Music Corp. d/b/a Olive Tree Café, 117 Macdougall Street with 4 tables and 8 seats, DCA#0807555.

VOTE: Unanimous, with 29 Board members in favor.

11. RENEWAL application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Hudson Falafel, 516 Hudson Street with 8 tables and 15 seats, DCA#0955186.

WHEREAS, the applicant did not appear before the committee for the second consecutive month that this was on the agenda and;

THEREFORE, BE IT RESOLVED that CB#2, Man. Recommends DENIAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Hudson Falafel, 516 Hudson Street with 8 tables and 15 seats, DCA#0955186.

Vote: Tabled. This application will be held over for the June, 2004 meeting.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Armed Hospital Security

WHEREAS, Legislation has been introduced in the State Assembly and Senate to Require Health & Hospitals to have armed hospital security office in public Hospitals Diagnostic & Treatment Centers and clinics; and

WHEREAS, the bill requires only public healthcare facilities to have armed hospital security personnel; and

WHEREAS, The health and welfare of the patients and staff at all Health & Hospital facilities will be jeopardized with the introduction of firearms; and

WHEREAS, A 5 year pilot program undertaken by Health & Hospital and Local 237 in the mid-1990's proved that fire arms were unnecessary for hospital police to perform their job duties; and

WHEREAS, Hospital Police are trained to the special needs and conditions for service in the hospital environment; and

WHEREAS, The citywide crime rate is at its lowest level since 1968; and

WHEREAS, There is no evidence to justify the need for firearms in Health & Hospital facilities;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly opposes the use of armed Hospital Security Officers in Health & Hospitals facilities

Vote: Unanimous, with 29 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Continuing Construction for the Fan Plant Rehabilitation Project on West13th Street

WHEREAS, in August 2002, MTA New York City Transit (“NYC Transit”) began a \$25 million project to rehabilitate and expand an existing emergency ventilation fan plant located in the street bed of West 13th Street on both sides of Sixth Avenue in order to supply fresh air to subway tunnels in case of an emergency (the “Fan Plant Project”); and

WHEREAS, due to construction delays of up to one year, according to the revised project schedule, the earliest that the Fan Plant Project will be completed is in mid-2006; and

WHEREAS, for nearly two years, the Fan Plant Project has already been a tremendous inconvenience to members of the community, who have numerous quality-of-life, environmental and safety concerns relating to the Fan Plant Project, the specifics of which were articulated at a public meeting with NYC Transit on May 10, 2004.

THEREFORE BE IT RESOLVED, that CB#2, Man. requests that NYC Transit institute the following actions in connection with the Fan Plant Project as soon as possible:

- i. Cease weekend construction indefinitely in order to give the community a much-needed respite from continuous work on the Fan Plant Project;
- ii. Widen and resurface the wooden walkway on the South side of 13th Street, near the corner of Sixth Avenue (the “Walkway”), to improve the safety of this hazardous pedestrian area;
- iii. Plug any gaps in the Walkway and increase and coordinate baiting and trapping of rats with local restaurants and businesses in the area to stem the rodent infestation;
- iv. Utilize methods in addition to “wetting” pulverized rock to reduce the tremendous amount of dust from the construction site, which an official from NYC Transit says is already being explored; and
- v. Evaluate the necessity of contractors keeping numerous unused vehicles and machinery on the site and remove non-essential vehicles and machinery in order to improve safety.

Vote: Unanimous, with 29 Board members in favor.

2. Dilapidated Brick Crosswalks Along Lower Sixth Avenue

WHEREAS, many of the brick paving blocks delineating crossing areas along lower Sixth Avenue (the “brick crosswalks”) have sunk into the asphalt as the street has been resurfaced over the years and many bricks are missing; and

WHEREAS, the irregular surface of the brick crosswalks poses a safety hazard to pedestrians; and

WHEREAS, the brick crosswalks apparently serve no pedestrian, historic or aesthetic benefit;

THEREFORE BE IT RESOLVED, that CB#2, Man. urges the NYC Department of Transportation to survey the condition of the brick crosswalks, remove those that are unsafe and repave the crossing areas. The crossing areas could be marked possibly by employing “perma-pattern” materials or by using a decorative design.

Vote: Unanimous, with 31 Board members in favor.

3. Proposed Parking Regulation Change on West 13th Street, between 9th Avenue and Washington Street

WHEREAS, parking regulation signs inexplicably were posted recently on West 13th Street, between 9th Avenue and Washington Street, that did not reflect the consensus of this community board regarding parking in this area; and

WHEREAS, the current regulations in the aforementioned area do not permit garbage truck pickups; and

WHEREAS, loading and unloading in the aforementioned area is necessary for two restaurants and the hotel in the neighborhood; and

WHEREAS, the proposed parking regulation change will not cause a backup of traffic;

THEREFORE BE IT RESOLVED, that CB#2, Man. requests the following parking regulation change: On West 13th Street, between 9th Avenue and Washington Street, North side, change the regulation from “No Parking Anytime” to “No Parking, Except Trucks Loading and Unloading” from the corner of 9th Avenue to the first pole on the north side of the street.

Vote: Unanimous, with 29 Board members in favor.

4. Proposed Parking Regulation Change on 9th Avenue, between 13th and 14th Streets.

WHEREAS, parking regulation signs inexplicably were posted recently on 9th Avenue, between 13th and 14th Streets, that did not reflect the consensus of this community board regarding parking in this area; and

WHEREAS, this aforementioned area is required for safe loading and unloading in front of the hotel; and

WHEREAS, the proposed parking regulation change will not cause a backup of traffic;

THEREFORE, BE IT RESOLVED, that CB#2, Man. requests the following parking regulation change: On 9th Avenue, between 13th and 14th Streets, West side, change the regulation from “No Parking, 2 a.m. – 4 a.m., Except Trucks/No Parking 4 p.m. – Midnight” to “No Parking, Hotel Loading Zone” in front of 29-35 9th Ave. two parking spaces in length.

Vote: Unanimous, with 29 Board members in favor.

5. Proposed Parking Regulation Change on West 4th Street, between 7th Avenue South and 6th Avenue.

WHEREAS, the owners of several small businesses on West 4th Street, between 7th Avenue South and 6th Avenue (i.e., Karavas Place, Subterranean Records and CDs, Burrito Loco Restaurant, and Tio Pepe Restaurant) have approached this community board about the difficulties of delivery trucks making deliveries in the aforementioned area; and

WHEREAS, the impact of the proposed parking regulation change on pedestrian and parking is negligible.

THEREFORE BE IT RESOLVED, that requests the following parking regulation change: On West 4th Street, between 7th Avenue South and 6th Avenue, South side, change the parking regulation from “No Parking 3 a.m. to 6 p.m. to “No Standing Except Trucks, 8 a.m. – 6 p.m., Loading and Unloading, Monday – Friday.”

Vote: Passed, with 28 Board members in favor and 1 recusal (Rocio Sanz).

6. Pump Fan Rehabilitation Plant on West 11th Street.

WHEREAS, MTA NYC Transit (“NYC Transit”) is scheduled to rehabilitate a pump facility located at the intersection of West 11th St., Seventh Avenue and Greenwich Avenue this summer that is expected to take approximately eight weeks to complete (the “Project”); and

WHEREAS, officials at St. Vincent’s Hospital have given their consent to evening work on the Project that will be relatively free of noise (i.e., no jack hammering); and

WHEREAS, NYC Transit has requested the community board advise it on whether it concurs with evening work on the Project and the hours that it should perform pavement removal for the Project, which will involve jack hammering;

THEREFORE BE IT RESOLVED that CB#2, Man. advises NYC Transit that (i) the community board concurs with evening work on the Project between 10 p.m. and 5 a.m., as long as such work is relatively free of noise, and (ii) NYC Transit should perform pavement removal for the Project between the hours of 3 p.m. and 7 p.m. on weekdays; and

BE IT FURTHER RESOLVED, that the community board requests that NYC Transit restore the street and sidewalk to its former condition after completion of the Project.

Vote: Unanimous, with 29 Board members in favor.

7. The Use of Watts Street as a Bus Lane Entering the Holland Tunnel

WHEREAS, after 9/11/01, the bus lane on Hudson Street was moved to Church Street, which has resulted in the conversion of the right side of Watts Street into a bus lane extending to Varick leading into the Holland Tunnel; and

WHEREAS, there are six residential buildings along this portion of Watts Street and the numerous buses using Watts Street present a health, safety and noise problem for local residents.

THEREFORE BE IT RESOLVED, that CB#2, Man. requests that the New York City Department of Transportation, the Port Authority of New York and Jersey and the New York Metropolitan Transportation Council (through the Canal Area Transportation Study) explore the possibility of rerouting buses from this portion of Watts Street to other streets, such as Canal Street, in order to improve health and safety conditions and reduce noise in the neighborhood

Vote: Unanimous, with 29 Board members in favor.

ZONING AND HOUSING

1. Int. No. 170, A Local Law to amend the charter of the city of the city of New York in relation to appealing decisions of the Board of Standards and Appeals granting or denying variances or special permits pursuant to the zoning resolution of the city of New York.

WHEREAS, CB#2, Man. has reviewed many Board of Standards and Appeals variance applications in recent years, And;

WHEREAS, Community Boards and Borough Boards are given the right to review applications for variances and special permits, however, this review procedure is only advisory to the BSA process, And;

WHEREAS, Currently there is no process for appealing decisions of the Board of Standards and Appeals and creating a "Council Review" appeals process, similar to that which exists for the City Planning Commission decisions, is a much-needed regulatory measure, which will help to prevent potential agency misconduct and uphold the credibility of BSA decisions.

THEREFORE BE IT RESOLVED, That CB#2, Man. supports Int. No. 170 and the creation of a "Council Review" appeals process for decisions rendered by the Board of Standards and Appeals.

Vote: Unanimous, with 29 Board members in favor.

2. 80 Varick Street, Block: 477, Lot: 1, BSA Calendar No.: 67-79-BZ Board of Standards and Appeals special order calendar application to amend a previous variance to permit residential use on the second and third floors.

WHEREAS, This application is an amendment to the original variance that is not subject to the findings of the original variance, and;

WHEREAS, This application is meant to legalize residential occupancy on the second and third floors and the granting of the variance will have little, if any, impact on the building or the surrounding neighborhood, and;

WHEREAS, Many residents of the building attended the committee meeting and no one objected to legalizing residential occupancy on the second and third floor, and;

WHEREAS, The residents of the building noted numerous problems with elevators, building ventilation systems, roof leakage, and other building maintenance issues, and;

WHEREAS, There may be additional residential occupancies in the building that may not be resolved with this application;

THEREFORE BE IT RESOLVED, That CB#2, Man. does not object in principal to this amendment to the previous variance to permit residential use on the second and third floors, however, CB#2, Man. withholds its approval pending a resolution of the outstanding building maintenance issues, and;

BE IT FURTHER RESOLVED, That CB#2, Man. requests that Board of Standards and Appeals facilitate the resolution of the outstanding building maintenance issues and require the legalization of all residential uses in the building and that all applicable building codes be complied with as a requirement of this application.

Vote: Passed, with 28 Board members in favor, with 1 Board member not voting (D. MacPherson).

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo
Secretary
Community Board #2, Manhattan