

## FULL BOARD MINUTES

**DATE:** April 21, 2005

**TIME:** 6:30 P.M.

**PLACE:** NYU Kaufman Center, 44 W. 4<sup>th</sup> St., Room 2-60

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Helene Burgess, Galal Chater, Keith Crandell, Maria P. Derr, John Diaz, Doris Diether, Harriet Fields, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Arthur Harris, Anne Hearn, Brad Hoylman, Don Lee, Raymond Lee, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Chad Marlow, Rosemary McGrath, T. Marc Newell, Rick Panson, Ronald Pasquale, Judy Paul, David Reck, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Richard Stewart, Sean Sweeney, Michael Xu, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Philip Mouquinho, Wilbur Weder, Betty Williams.

**BOARD MEMBERS ABSENT:** None

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

**GUESTS:** Congressman Jerrold Nadler's office; Matt Viggiano, Sen. Martin Connor's office; Jon Prosnit, 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 Seeley-Kirk, Council Member Christine Quinn's office; Andrew Berman, Herman Schaffer, George Cominskie, Lezly Ziering, Gil Horowitz, M. Bergmann, Erin Bogart, Faye Armon, Vincent Kartheiser, Ian Dutton, Shea Hover, Alice Milkin, Alex Kossi, Ann Arlen, Sante Scardillo, Kay Rogers, Harvey J. Osgood, Jonathan Kuhn, Elizabeth Kahler, Dylan Edrich, Jessica Berk, Keen Berger, M. Verkerk, Carter Booth, John Ricker, Po-Ling Ng, Tan De, Allen B. Cohen, Susan Goren, David Lehmann, Ron Barney, Steve Stollman, Emily Farris, Judith Stonehill, Alice McGrath, Leonore Hamson, Madelyn Sutton, Howard Negrin, Mary Johnson, Gabrielle Strasun, Linna Fang, Sarah Schubert, Greg Dorsuki, V. Nyvarhen, Luther Harris, Tobi Bergman, Jim Kober, L. Condon, Brad Burnham, Marc Brodeur, Daniel Dempsey, Pat Mckee, E. Glasberg, Patrick Healy, Miki Grubel, Mary Burnham, Giulia Fleishman, Margaret Hsu, Natalie Zuckerman, Eric J. Prindle, Crystal Yakacki, Jonathan Greenberg, Matthew Evinger, Julian Canek Pena-Vargas, Mariana Verkerk, Casey Selwyn, Alex Atalay, Peter Geis, David Rabin, Monika Chiang.

### MEETING SUMMARY

Meeting Date – April 21, 2005

Board Members Present – 40

Board Members Excused–3

Board Members Absent - 0

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Introduction

David Rabin and Monika Chiang, of 14 Bar, introduced themselves to the neighborhood.

#### Slag Heap

The Cherrylane Theatre, spoke on this new show.

#### Several Items

Harvey J. Osgood spoke on various topics.

#### Safe Horizon

Herman Schaffer spoke regarding 911 services.

#### Local Expression

Steve Stollman spoke in favor of cycling.

#### NYU

David Lehmann spoke regarding their upcoming community events.

#### Senior Citizen Center

Don Lee gave an update regarding 240 Centre St.

### **Environment Items**

#### Improving Motorcycle Provisions of Mayor Bloomberg's Proposed Noise Code

Ron Barney, Gil Horowitz, spoke in favor of the resolution.

### **Parks, Recreation And Open Space**

#### Renovation of Washington Square Park

V. Nyvarhen, Alex Atalay, Alice McGrath, Leonore Hamson, Elizabeth Kahler, Madelyn Sutton, Howard Negrin, Mary Johnson, Gabrielle Strasun, Linna Fang, Sarah Schubert, Greg Doruski, Lezly Ziering, Marc Brodeur, Daniel Dempsey, Pat Mckee, Alex Kossi, E. Glasberg, Patrick Healy, Miki Grubel, Giulia Fleishman, Margaret Hsu, Natalie Zuckerman, Eric J. Prindle, Erin Keskeny, Jonathan Greenberg, Matthew Evinger, Julian Canek Pena-Vargas, and Casey Selwyn, spoke against the renovation. Crystal Yakacki spoke regarding the "destroying of her park". Susan Goren, and Mariana Verkerk spoke regarding the Washington Sq. Park fountain. Kay Rogers spoke re: the park and stated she wanted a full playground with the 3 hills.

Ann Arlen, Mary Burnhuam, Judith Stonehill, Meredith Bergmann, Tobi Bergman, Gil Horowitz, Ian Dutton, Jim Kober, L. Condon, and Brad Burnham spoke in favor of the renovation.

### **Zoning and Housing Items**

#### **25 Bond St. Minor Amendment to BSA Variance**

Peter Geis, representing the applicant, spoke in favor of the amendment.

#### **469 West St./70 Bethune (Superior Ink site) BSA variance application to construct a 20 and 3 story mixed-use development, with 60 accessory parking spaces.**

Emily Farris spoke for and against the variance. Judith Stonehill spoke against the variance. Andrew Berman, Jonathan Kuhn, Meredith Bergmann spoke in favor of the resolution regarding the variance.

Jerry Johnson, representing the applicant, spoke against the resolution.

### **III. ADOPTION OF AGENDA**

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

#### **Congressman Jerrold Nadler's office**

Matt Viggiano, Senator Martin Connor's office;

Jon Prosnit, 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,

Kate Seeley-Kirk, of Council Member Christine Quinn's office

### **V. ADOPTION OF MINUTES**

Adoption of February minutes and distribution of March minutes.

### **VI. EXECUTIVE SESSION**

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.
3. **Thanks to Tobi Bergman For His Service**

**THEREFORE, BE IT RESOLVED** that Community Board #2, Manhattan. offers a vote of thanks and gratitude to Tobi Bergman for his service to Community Board #2, Manhattan, the Parks Committee, and for parenting this difficult resolution on behalf of the renovation of Washington Square Park.

Vote: Unanimous, with 40 Board members in favor.

### **STANDING COMMITTEE REPORTS**

#### **ELECTION OF NOMINATING COMMITTEE**

The following Board members were elected to the Nominating Committee: Melissa Sklarz, as Chair of Nominating Committee; Ed Gold, Dr. John Maggio, Judy Paul, Shirley Smith, and Shirley Secunda, who subsequently resigned, and was replaced by Ann Hearn.

### **BUSINESS**

1. **417 LAFAYETTE, INC d/b/a COLORS RESTAURANT, 417 Lafayette Street, NYC 10003.**

**WHEREAS**, the project manager/engineer and the chef appeared before the committee; and

**WHEREAS**, this application is for a new On Premise license at this 5,000 s.f. (basement – 1,500 s.f. and ground floor – 3,500 s.f.) establishment between East 4<sup>th</sup> Street and Astor Place, with 130 table seats and one bar with 10 seats that was formerly Club Pangea; and

**WHEREAS**, the applicants stated that this an employee owned restaurant financed by foundation funding and by a group of 32 members from 20 different countries, associated with Windows on the World and other restaurants, who were affected by the events of “911”; and

**WHEREAS**, the applicant stated that the hours of operation will be Sunday-Thursday, 5:30 – 10 p.m., and Friday-Saturday, 5:30 – 11p.m.; and the theme to this establishment is “diversity”, that is a global cuisine reflecting the different cultural backgrounds of the owners; and

**WHEREAS**, the music is background only; there will be no use of the basement for public use, no sidewalk café and no backyard garden; and

**WHEREAS**, one from a community association appeared and stated that they were not opposed to the application on the condition that the applicant substantially comply with the aforementioned hours of operation and use; and

**WHEREAS**, should the SLA determine that there are more than three similarly licensed premises within 500 feet, then a 500 foot rule hearing must be held;

**THEREFORE, BE IT RESOLVED** that CB#2, Man., has no objection to the issuance of an On Premise license to **417 LAFAYETTE, INC. d/b/a COLORS RESTAURANT, 417 Lafayette Street, NYC 10003.**

Vote: Unanimous, with 40 Board members in favor.

## **2. 191 GRAND REST. CORP., 191 Grand Street, NYC.**

**WHEREAS**, the applicant’s expeditor appeared before the committee; and

**WHEREAS**, this application is for a new On Premise license located in a mixed use building on the corner of Grand and Mulberry Streets, consisting of 1,364 s.f. (street level); and

**WHEREAS**, the applicant currently operates Di Nico’s; and

**WHEREAS**, the music will be background only and the hours of operation will be Monday – Saturday, 11 a.m.-2 a.m. and Sunday, Noon – 11:30 p.m.; and

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

**WHEREAS**, should the SLA determine that there are more than three similarly licensed premises within 500 feet, then a 500 foot rule hearing must be held;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to **191 GRAND REST. CORP., 191 Grand Street, NYC.**

Vote: Unanimous, with 40 Board members in favor.

## **3. PMP VENTURES, INC. d/b/a REDJACKS RESTAURANT, 137 Seventh Avenue South, NYC**

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

**WHEREAS**, this application is for a new On Premise license for a 2,800 s.f. restaurant located in a two story commercial building, between 10<sup>th</sup> and Charles Streets, formerly the Village Grill and Edelweiss, consisting of 90 table seats (45 on each of two floors), 12 bar seats and a basement kitchen, and

**WHEREAS**, the applicant stated that the hours of operation will be 11:00 a.m.- 3 a.m., seven days a week, the music would be background only and the menu would feature fried chicken and other foods with a “southern flair”; and

**WHEREAS**, the applicant stated that the applicant had executed a letter of intent with the landlord but the lease was contingent on the present tenant vacating; and

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

**WHEREAS**, should the SLA determine that there are more than three similarly licensed premises within 500 feet, then a 500-foot rule hearing must be held;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an On Premise license to **PMP VENTURES, INC. d/b/a REDJACKS RESTAURANT, 137 Seventh Avenue South, NYC**

Vote: Unanimous, with 40 Board members in favor.

**4. CEVICHERIA GROVE, INC. d/b/a CEVICHERIA GROVE, 100-7<sup>TH</sup> Avenue South, NYC**

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

**WHEREAS**, this application is for a new On Premise license for a 700 s.f. restaurant located in a mixed use building, on the corner of Seventh Avenue South and Grove Street, formerly Picnic and Frascati's, consisting of 24 seats with a service bar only; and

**WHEREAS**, this operation will be similar to the Mercadito Restaurant, owned by the applicant and located at 179 Avenue B in that it will have a traditional Mexican menu; and

**WHEREAS**, the applicant stated that the hours of operation will be 11:00 a.m.- 3 a.m., seven days a week, the music would be background only and the sidewalk café would be configured like that of the prior owners; and

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

**WHEREAS**, should the SLA determine that there are more than three similarly licensed premises within 500 feet, then a 500-foot rule hearing must be held;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an On Premise license to **CEVICHERIA GROVE, INC. d/b/a CEVICHERIA GROVE, 100-7<sup>TH</sup> Avenue South, NYC.**

Vote: Unanimous, with 40 Board members in favor.

**5. O & CO TABLE LLC, 92 Prince Street, NYC**

**WHEREAS**, the applicant did not appear before the committee; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license to **O & CO TABLE LLC, 92 Prince Street, NYC.**

Vote: Unanimous, with 40 Board members in favor.

**MEI MAE CORPORATION, 26 Bond Street, NYC 10012**

By agreement, between the applicant and the committee, this matter is tabled to next month's calendar in order to give the applicant an opportunity to provide the committee and the community with architect's plans.

**6. BUBBLEWORLD, INC., d/b/a AMA RESTAURANT, 48 Macdougall Street, NYC**

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

**WHEREAS**, this application is for an upgrade from a beer and wine license to an On Premise license for a 1,500 s.f. (basement and ground floor) restaurant located in a mixed use building between Prince and Houston Streets, consisting of 50 seats and one bar with 4 seats; and

**WHEREAS**, this operation will be similar to Donatella and David Burke, the applicant's other restaurant on 61<sup>st</sup> between Park and Lexington; and

**WHEREAS**, the applicant stated that the hours of operation will be Monday-Thursday, 5-10:30 p.m., Friday-Saturday, 5-11:30 p.m. and Sunday 5-10 p.m.; the music would be background only; and

**WHEREAS**, St. Anthony's Catholic School is closing in June, 2005; and

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

**WHEREAS**, should the SLA determine that there are more than three similarly licensed premises within 500 feet, then a 500-foot rule hearing must be held;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an On Premise license to **BUBBLEWORLD, INC., d/b/a AMA RESTAURANT, 48 Macdougall Street, NYC.**

Vote: Unanimous, with 40 Board members in favor.

**7. LET’S EAT, LLC d/b/a EXTRA VIRGIN, 259 West 4<sup>th</sup> St., NYC**

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

**WHEREAS**, this application is for an alteration to extend the licensed premises to add adjoining interior space (20 seats) within the same building; and

**WHEREAS**, the applicant has operated with an On Premise license for one year in this 400 s.f. restaurant located in a mixed use building, between Charles and Perry Streets, consisting of 25 tables and 6 bar seats with background music only; and

**WHEREAS**, the applicant stated that the hours of operation are 5:30 p.m. – midnight, seven days a week, although service stops in the outdoor café at 10:30 p.m.; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an alteration of an On Premise license to **LET’S EAT, LLC d/b/a EXTRA VIRGIN, 259 West 4<sup>th</sup> St., NYC**

Vote: Unanimous, with 40 Board members in favor.

**8. T. HOSPITALITY, INC. d/b/a HIGHLINE, 835 Washington St., NYC**

**WHEREAS**, the applicant’s attorney appeared before the committee; and

**WHEREAS**, this is an application for an alteration of an on-premise license to add the unenclosed sidewalk café to the license; and

**WHEREAS**, the applicant has operated with an On Premise license for almost one year in this 3,950 s.f. Thai restaurant, located on three floors, in a commercial use building, at the corner of Little West 12<sup>th</sup> Street \*consisting of 150 table seats and 20 bar seats with background music only; and

**WHEREAS**, the applicant stated that the hours of operation are Sunday – Thursday, 11 a.m. – midnight and Friday-Saturday, 11 a.m. – 2 a.m.; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the approval of an alteration of an On Premise license to **T. HOSPITALITY, INC. d/b/a HIGHLINE, 835 Washington St., NYC.**

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

**ENVIRONMENT**

**1. Noise Conditions- Hotel Gansevoort**

**WHEREAS**, Community neighbors of the Gansevoort Hotel, 18 9th Avenue, testified before the CB#2, Man. Environment Committee that the Gansevoort Hotel continues to bedevil its neighbors with noise pollution in the following ways:

- \* opening its rooftop area to large, noisy public parties, making use of accessibility to its rooftop bar;
- \* continuing to operate an illegal exhaust system for the hotel and its ground floor restaurant, Ono, which has been found in violation of noise standards of the NYC Department of Environmental Protection

**AND WHEREAS**, the Gansevoort Hotel management has reneged on previously agreed-upon conditions with respect to hours of operation and use of the rooftop by the public;

**AND WHEREAS**, use of rooftop areas as open-air bars, as in the case of the Gansevoort Hotel, appears to be a means of creating a drinking area, which is not subject to NYC smoking restrictions;

**AND WHEREAS**, creation of a combined drinking-smoking-music-party establishment on a open-air rooftop on the fringe of a residential neighborhood, as in the case of the Gansevoort Hotel, appears by its very nature to inevitably disturb the peace of nearby residents;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly urges the NYS Liquor Authority to withdraw its license for a rooftop bar at the Gansevoort Hotel, 18 9th Avenue, New York City on the grounds that Hotel Gansevoort has reneged on agreed-upon conditions of operation, and has been a bad neighbor by violating the peace of nearby residents by playing loud music from the roof and operating an illegally noisy exhaust system;

**AND BE IT FURTHER RESOLVED** that CB#2, Man. strongly urges the NYS Liquor Authority to give special review to rooftop bar applications to be certain that they do not interfere with the rights of their residential neighbors to peaceful use of their homes.

Vote: Passed with 39 Board members in favor and 1 abstention.

## **2. Improving Motorcycle Provisions of Mayor Bloomberg's Proposed Noise Code**

**WHEREAS**, the City Council is now considering Int. No. 0397-2004, a proposed local law to amend the administrative code of the City of New York in relation to its noise code; and

**WHEREAS**, motorcycle noise in said proposed law is discussed only at §24-236 (b), which states in its entirety "No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motorcycle"; and

**WHEREAS**, to our knowledge, no part of City government has performed tests within ambient sound levels of City streets (1) to establish the decibel level required for a motorcycle sound to be "plainly audible" at 200 feet or (2) to determine whether a limit of less than 200 feet would be more in keeping with desirable quality of life standards; and

**WHEREAS**, a number of other municipalities in the United States have enacted noise codes that prohibit motorcycle noise that is "plainly audible" at distances of 100 feet or less; and

**WHEREAS**, the proposed law restricts "cumulative" sound from circulation devices such as air conditioners, and restricts "aggregate" sound from construction sites, but does not consider either cumulative or aggregate sound emitted by motorcycles operating in groups; and

**WHEREAS**, motorcycles operating in groups make more noise than motorcycles operating individually;

**NOW, THEREFORE, BE IT RESOLVED**, that the CB#2, Man. urges the New York City Council to amend Int. 0397-2004 to reduce the limit for plainly audible motorcycle noise to 50 feet, so that §24-236 (b) reads "No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 50 feet or more from the motorcycle"; and

**BE IT FURTHER RESOLVED**, that the CB#2, Man. urges the New York City Council to amend Int. 0397-2004 to penalize each member of any group of motorcycles which, while operating, emits cumulative sound that is plainly audible at 50 feet or more.

Vote: Passed with 39 Board members in favor and 1 in opposition.

## **LANDMARKS AND PUBLIC AESTHETICS**

### **1<sup>ST</sup> LANDMARKS MEETING**

**Item 17 - 172 Mercer Street a/k/a 599 Broadway - Soho-Cast Iron H.D. A store and loft building designed by J. Odell Whitenach and built in 1917. Application is to legalize the installation of storefront infill and neon signage without Landmarks Preservation Commission permits and to alter the stair and areaway.**

**WHEREAS**, we applaud the bold direction of this application, which seeks to introduce into the cast-iron district a well-deserved plot of greenery, belying the assertion of some preservationists that SoHo should remain a drab, lifeless industrial district; and

**WHEREAS**, the reconfiguration of the windows unifies the fenestration; but

**WHEREAS**, there should be an additional handrail to balance the entryway; now

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

**BE IT FURTHER RESOLVED** that CB#2, Man. welcomes the introduction of any green area into the otherwise stark urban SoHo streetscape.

Vote: Unanimous, with 40 Board members in favor.

**Item 18 - 548 Hudson Street - Greenwich Village Historic District. A townhouse built in 1852. Application is to install new storefront infill.**

**WHEREAS**, we applaud the effort and expense incurred by the applicant to return this storefront to a historic configuration; and

**WHEREAS**, we understand that this is a modern interpretation of a bay window; but

**WHEREAS**, the clear full-length glass door, lacking a base, is not historic; and

**WHEREAS**, there was no evidence presented that a bay window is original to the building; and

**WHEREAS**, the photos presented as precedent indicate bay windows as common to the district, however, the windows represented do not project outwardly as far as this proposal would; and

**WHEREAS**, one recently-installed bay window offered as precedent by the applicant indeed does have an LPC permit; however, it is on a secondary-façade, off Hudson Street, not on the primary Hudson Street façade; and

**WHEREAS**, in general, we would prefer to see much more detailing, representative of a traditional bay window; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application, but encourages the applicant to work with the Commission to arrive at a suitable alternative.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

### **2<sup>ND</sup> LANDMARKS MEETING**

**Item 5 - 149 Wooster Street - SoHo Cast-Iron Historic District. A manufacturing building designed by Neville and Bagge built in 1897-98. Application is to construct a rooftop addition. Zoned MI-5A**

**WHEREAS**, the applicant failed to appear, although every other applicant showed up, and despite the fact that the area was well posted for days prior to the hearing; and

**WHEREAS**, the applicant failed to contact the community board subsequent to the meeting to explain the reason for the failure to appear; and

**WHEREAS**, this seems like a deliberate attempt to avoid an important part of the application process, namely, consultation with the community board; now



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

**BE IT FURTHER RESOLVED** that, due to the importance and gravity of this two-part application, that the Commission not reward the applicant for avoiding the community board when of all the other applicants attended, but should hold the application over until the applicant fulfills the important responsibility of presenting to the community.

Vote: Unanimous, with 40 Board members in favor.

**Item 6 - 149 Wooster Street - SoHo Cast-Iron Historic District . A manufacturing building designed by Neville and Bagge built in 1897-98. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned MI-5A**

**WHEREAS**, the applicant failed to appear, although every other applicant showed up, and despite the fact that the area was well posted for days prior to the hearing; and

**WHEREAS**, the applicant failed to contact the community board subsequent to the meeting to explain the reason for the failure to appear; and

**WHEREAS**, this seems like a deliberate attempt to meet an important part of the application process, namely, consultation with the community board; now

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

**BE IT FURTHER RESOLVED** that, due to the importance and gravity of this two-part application, that the commission not reward the applicant for avoiding the community board to the disregard of all the other applicants who did attend, but hold the application over until the applicant fulfills the important responsibility of presenting to the community.

Vote: Unanimous, with 40 Board members in favor.

**Item 7 - 103 Greene Street (Prince/Spring)- SoHo-Cast Iron Historic District. A store and loft building with neo-Grec style elements designed by Henry Fernbach and built in 1879. Application is to install a flagpole.**

**WHEREAS**, the proposed banner is too large and we see no reason why the applicant cannot utilize the small tasteful blade signs that other applicants find sufficient; and

**WHEREAS**, if a lighter-weight blade sign was employed, the large flagpole penetrating through the wooden transom would be obviated and replaced with a more suitable bracket or tripod; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application for a large banner and intrusive flagpole, and suggests a blade sign with a subtle attachment.

Vote: Unanimous, with 40 Board members in favor.

**Item 8 - 459 West Broadway (Prince/Houston)- SoHo-Cast Iron H.D. A store building designed by John H. Whitenach and built in 1888-89. Application is to construct a rooftop addition, install mechanical equipment, and to alter windows openings. Zoned M1-5A**

**WHEREAS**, the rooftop addition is barely visible now, and would be completely blocked from public view by the new building going up soon next door; but

**WHEREAS**, the proposal to lengthen the rear windows on the top floor would destroy historic fabric and be incongruous with the notion that windows on these style buildings usually are smaller on the upper floors; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the rooftop addition; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of the enlargement of the upper windows.

Vote: Unanimous, with 40 Board members in favor.

**Item 9 - 583 Broadway – (Houston/Prince) SoHo Cast-Iron Historic District. A neo-Classical style store and loft building designed by Cleverdon and Putzel and built in 1897. Application is to create new lot line windows.**

**WHEREAS**, the proposal to have a double window would disrupt the uniformity created by all the other single windows on this prominent secondary façade; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 10 - 37 East 4th Street -Tredwell Skidmore House-Individual Landmark A Greek Revival style townhouse, built in 1844-1845. Application is to alter the areaway to create a barrier-free access.**

**WHEREAS**, the proposal to create a barrier-free access, although non-historical for this style building, may be mandated by code; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 11 - 37 East 4th Street - Tredwell Skidmore House, Individual Landmark . A Greek Revival style townhouse, built in 1844-1845, a vacant lot and parking lot. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Modification of Use and Bulk Pursuant to Section 74-711 of the Zoning Resolution. Zoning M1-5B**

**WHEREAS**, the NoHo community appeared in large numbers to denounce this property owner’s arrogance, and urged us to give no break for the blight caused on the neighborhood for four decades; and

**WHEREAS**, this owner of the property is using a legal maneuver to avoid capital gain taxes, and, in doing so, also is trying to obscure the fact that the property will still remain in the estate; and

**WHEREAS**, to reward this property owner or his estate a whit of graciousness for all the aggravation and expense he has caused everyone is repugnant; but

**WHEREAS**, the planned restoration is long welcomed, and is well-done and appreciated, but it is unfortunate that it took four decades of effort and great expense for a cash-strapped City government to prevent the owner from destroying by neglect this gem; and

**WHEREAS**, the applicant wishes a zoning modification to turn the building to residential use, which is prohibited in this manufacturing district; and

**WHEREAS**, if granting a use modification is necessary to save this prize, it is probably worth it to avoid further delay and litigation by the City; but

**WHEREAS**, we are very troubled that extending the modification granted by a 74-711 application - intended exclusively for landmark properties - from the Skidmore House over to the large parking lot, which is not in a landmarked district, would set a terrible precedent, is unheard of, and may not be what the framers of the 74-711 section intended; and

**WHEREAS**, in the event that this use modification is approved by the Landmarks Preservation Commission and the City Planning Commission, it, should not apply to the modification for bulk, specifically, the intrusion into the sky-plane exposure; instead the applicant should reduce the bulk of the building to be within the sky-exposure plane permitted; now

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval only for the portion of this application relating the Skidmore House; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends denial of the portion of this application relating to the non-landmarked parking lot; and

**BE IT FURTHER RESOLVED** that CB#2, Man. reminds the applicant that approval for the landmark portion of the application by the community board and the LPC does not indicate approval for any zoning modifications.

Vote: Unanimous, with 40 Board members in favor.

**Item 12 - 1 Fifth Avenue - Greenwich Village Historic District . An Art Deco style hotel building built in 1926 and designed by Helmle & Corbett and Sugarman & Berger. Application is to install through-the-wall air conditioner units.**

**WHEREAS**, the tilt-and-turn windows and through-the-wall AC will not destroy any ornamentation or detract significantly from the building; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 13 - 228 West 11th Street (W.4<sup>th</sup>/Waverly)- Greenwich Village H.D. A Greek Revival style rowhouse built in 1838. Application is to alter the areaway.**

**WHEREAS**, extending out the areaway will not detract from the building or the district; but

**WHEREAS**, we remind the applicant that this extension should not be used for garbage receptacles, which would detract from the building and district; now

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

Vote: Unanimous, with 40 Board members in favor.

**Item 14 - 259 West 12th Street (6<sup>th</sup>/5<sup>th</sup> Aves)- Greenwich Village H.D. An Art Deco style apartment house designed by Emery Roth and built in 1929-1931. Application is to alter a window opening.**

**WHEREAS**, this proposal would restore the windows to be more in character with the style of the rest of the windows, and the squaring of the semi-circular arch reflects better the Art Deco style of this building; now

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

Vote: Unanimous, with 40 Board members in favor.

## **LESBIAN, GAY, BISEXUAL AND TRANSENDER**

### **Community Board and GENDA**

**WHEREAS**, civil rights legislation in New York State has provided Protection for gay and lesbian people when the Sexual Orientation Non Discrimination Act Was Signed in December 2002, and

**WHEREAS**, an amendment by Senator Tom Duane to update the protective language to include gender identity and gender expression ffiled. to win a majority in the State Senate, and

**WHEREAS**, the tram community has created a new bill called GENDA(Gender Expression Non Discrimination ACT) to create civil rights for gender variant and trans people in New York State, and

**WHEREAS**, the bill has 51 bi-partisan sponsors in the State Assembly, led by Dick Gottfried and Deborah Glick, and has the support of the Democratic Minority in the State Senate, and

**WHEREAS**, the New York State GENDA Coalition is growing daily, with legislators, educators, clergy, community groups, and ordinary citizens interested in civil fights for all, and

**WHEREAS**, discrimination against trans people happen daily throughout the state, even though municipal legislation has provided limited geographic protection.

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. supports GENDA and adding civil rights protection for trans and gender variant people in New York State, and

**BE IT FURTHER RESOLVED**that we urge our legislators to do everything they can to insure the passage of the bill this session.

Vote: Passed, with 39 Board members in favor and 1 abstention.

## **PARKS, RECREATION AND OPEN SPACE**

### **1. Increased Lighting at J. J. Walker Park**

**WHEREAS**, representatives from the St Luke's Block Association appeared before the committee and requested that one additional light be placed inside the children's playground on St. Luke's Place: and

**WHEREAS**, there currently exists only one light in the playground and said lighting is inadequate for reasons of safety and security in the park; and

**WHEREAS**, there was no opposition to said request;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. requests that the Department of Parks install another light inside the children's' playground on St. Luke's Place, at J.J. Walker Park.

VOTE: Unanimous, with 40 Board members in favor

### **2. Renovation of Washington Square Park**

**WHEREAS**, Washington Square Park is in poor physical condition, with degraded pathways, poorly functioning drainage systems, compacted soils adversely affecting the health of grass and trees, poor lighting, and horrible rest rooms, among other deficiencies; and

**WHEREAS**, nevertheless the park is a community treasure and we remain immensely proud of its history, its traditions, its popularity among residents and visitors alike, and its central place in the life and meaning of our community; and

**WHEREAS**, the Parks Department has proposed a preliminary plan for renovation of the park in two phases including a budget composed of public and private funding; and

**WHEREAS**, our community has had an opportunity to review this plan and many people, including some of the most active and important users of the park, have voiced concerns regarding various aspects of the plan; and

**WHEREAS**, most of these concerns relate to design details for Phase 2 of the project;

**THEREFORE, BE IT RESOLVED** that CB#2, Man., approves the start of work on Phase 1 as is the plans presented to the Board based on a commitment from Parks to work with the community and our Councilmember, Alan J. Gerson, to satisfactorily resolve issues such as the locations of the dog runs, the design of the playgrounds including the complete reconstruction of the adventure playground in the southwest corner, and the performance space; and

**BE IT FURTHER RESOLVED** that the location finally chosen for the dog runs should not reduce the availability of either winter sun or summer shade and that the entrance/exit should be located so it will not conflict with the use of the perimeter path by joggers; and

**BE IT FURTHER RESOLVED** the three hills should be retained, repaired, resurfaced and open to the public; and

**BE IT FURTHER RESOLVED** that the area currently used for chess playing be retained in its present location with at least an equal number of tables suitable for chess; and

**BE IT FURTHER RESOLVED** that the park should continue to include performance space equal in size to the current space north of teen plaza and that keeping the raised plaza, perhaps reduced in size, should be considered because of the advantage of having a stage without having to construct one or transport one to the park for each event; and

**BE IT FURTHER RESOLVED** that if a perimeter fence should be installed, it should be done in Phase 2 and its height should be no more than four feet, and preferably even lower, and

**BE IT FURTHER RESOLVED** that the current mix of uses is generally good, and the areas for these uses should be enhanced and not constrained in any way, and while we support more lawn areas if these can be maintained, trees must not be cut down to provide sun for lawn areas, and these new areas should not be created at the expense of existing uses including dog runs, playgrounds, game tables, and areas for formal and informal performances, and

**BE IT FURTHER RESOLVED** that the park must retain its character as a neighborhood park and as a place intended to encourage freedom of expression and informal performances.

Vote: Passed, with 35 Board members in favor and 5 in opposition

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1A. New application to NYC Dept. of Transportation for an additional street naming on the corner of Bank and Bleecker Streets in the name of Police Officer Thomas J. Gargan killed in the line of Duty**

**WHEREAS**, Detective Michael Singer, Community Relations Officer from the 6<sup>th</sup> Police Precinct appeared, together with members of the police from the 6<sup>th</sup> Precinct; and

**WHEREAS**, on August 17, 1947, Police Officer Thomas J. Gargan, was shot and fatally wounded by an 18 year old burglar he surprised in a dark, unoccupied attic apartment at 132 Bank Street and was met by a blast from a 12 gauge shotgun shell fired from a flare gun. The shot was fatal and Officer Gargan died at St. Vincent's Hospital an hour later; and

**WHEREAS**, Detective Singer stated that the family requested that the title of Patrolman be substituted for Police Officer, as this was the designation used at that time; and

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

**THEREFORE, BE IT RESOLVED THAT** CB#2, Man. recommends APPROVAL of an additional street renaming on the corner of Bank and Bleecker Streets in the name of Patrolman Thomas J. Gargan.

Vote: Unanimous, with 40 Board members in favor.

**1B. NEW application to NYCDCA for revocable consent to operate an unenclosed sidewalk café for T. Hospitality, Inc. d/b/a Highline, 835 Washington Street, NY, NY 10014, with 29 tables and 58 seats, DCA#1190801.**

**WHEREAS**, the area was posted and the applicant's attorney and their two managers appeared before the committee; and

**WHEREAS**, this Thai restaurant, consisting of a basement, first and second floor with 296 seat, is located at the corner of Little West 12<sup>th</sup> and Washington Streets; and

**WHEREAS**, this location was, formerly, vacant for 30 years; and

**WHEREAS**, the hours of operation are Sunday, Noon-11:30 p.m., Monday-Thursday, 11:30 a.m.-11:30 p.m. and Friday-Saturday, 11:30 a.m.- midnight; and

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

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to **T. Hospitality, Inc. d/b/a Highline, 835 Washington Street, NY, NY 10014**, with 29 tables and 58 seats.

Vote: Unanimous, with 40 Board members in favor.

**2. NEW Application to NYCDCA to operate an enclosed sidewalk café to BYO CO USA, LTD. d/b/a EN, 435 Hudson Street, NY, NY 10014, with 16 tables and 32 seats, DCA#1190695.**

**WHEREAS**, the area was posted and applicant and applicant's attorney appeared; and

**WHEREAS**, this restaurant is located at the corner of Hudson and Leroy Streets; and

**WHEREAS**, the applicant stated that the bike rack is being relocated by the building; and

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

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to operate an enclosed sidewalk café to **BYO CO USA, LTD. d/b/a EN, 435 Hudson Street, NY, NY 10014** with 16 tables and 32 seats.

Vote: Unanimous, with 40 Board members in favor.

**3. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by SJM Food and Beverage, Inc. d/b/a Salon, 505 West Street, NY, NY 10014 with 14 tables and 32 seats DCA#1190608.**

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

**WHEREAS**, this restaurant is located at the corner of Jane and West Streets; and

**WHEREAS**, the applicant has a positive relationship with the Jane Street Block Association, who previously appeared on his behalf, when the applicant sought an on premise liquor license; and

**WHEREAS**, this sidewalk café will improve the streetscape in that it would otherwise be a desolate location; and

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

**WHEREAS**, there is 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 **SJM Food and Beverage, Inc. d/b/a Salon, 505 West Street, NY, NY 10014** with 14 tables and 32 seats.

Vote: Passed, with 39 Board members in favor, and 1 recusal (R. Pasquale).

**4. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Legendary Nightspots, Inc. d/b/a Duplex, 61 Christopher Street, NY, NY 10014 with 18 tables and 36 seats DCA#1190534.**

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

**WHEREAS**, this establishment is located at the corner of Christopher Street and Seventh Avenue South; and

**WHEREAS**, there is no change in the configuration of this sidewalk café that has been at this location for at least 10 years; and

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

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

**THEREFORE, BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL of a revocable consent to operate an unenclosed sidewalk café to **Legendary Nightspots, Inc. d/b/a Duplex, 61 Christopher Street, NY, NY 10014**, with 18 tables and 36 seats DCA#1190534.

Vote: Unanimous, with 40 Board members in favor.

**5. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by 60 Greenwich LLC d/b/a IRAGAZZI, 60 Greenwich Avenue, NY, NY 10011, with 8 tables and 16 seats, DCA# 1191326.**

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

**WHEREAS**, this restaurant is located between Perry and Charles Streets; and

**WHEREAS**, the applicant is the owner of and resides in the building; and

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

**WHEREAS**, there is 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 to **60 Greenwich LLC d/b/a IRAGAZZI, 60 Greenwich Avenue, NY, NY 10011, with 8 tables and 16 seats, DCA# 1191326.**

Vote: Unanimous, with 40 Board members in favor.

**6. NEW Application to NYCDCA for revocable consent to operate an unenclosed café by Eat Well, Inc. d/b/a Bone Lick Park, 75 Greenwich Avenue, NY, NY 10014 with 10 Tables and 20 seats, DCA# 1191650.**

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

**WHEREAS**, this restaurant is located between 11<sup>th</sup> and Bank Streets; and

**WHEREAS**, the applicant owned the Viceroy Restaurant in Chelsea, for 6 years, without any problems; and

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

**WHEREAS**, there is 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 to **Eat Well, Inc. d/b/a Bone Lick Park, 75 Greenwich Avenue, NY, NY 10014**, with 10 Tables and 20 seats.

Vote: Unanimous, with 40 Board members in favor.

**7. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Hunan Pan Restaurant, Inc., 550 Hudson Street, NY, NY 10014, with 11 tables and 22 seats, DCA# 1169708.**

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

**WHEREAS**, this restaurant is located at the corner of Hudson and Perry Streets; and

**WHEREAS**, there has been a sidewalk café at this location for 25 years and the present owners allowed the sidewalk café license to lapse during lease negotiations; and

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

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL an unenclosed sidewalk café to **Hunan Pan Restaurant, Inc., 550 Hudson Street, NY, NY 10014**, with 11 tables and 22 seats.

Vote: Unanimous, with 40 Board members in favor.

**8. RENEWAL Application to NYCDCA for revocable consent to operate an enclosed sidewalk café by Arbee Rest. Corp. d/b/a Pennyfeathers, 95 Seventh Avenue South, NY, NY 10014 with 12 tables and 32 seats, DCA#0734464.**

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

**WHEREAS**, this restaurant is located between Grove and Barrow Streets; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to operate an enclosed sidewalk café to **Arbee Rest. Corp. d/b/a Pennyfeathers, 95 Seventh Avenue South, NY, NY 10014**, with 12 tables and 32 seats, DCA#0734464.

Vote: Unanimous, with 40 Board members in favor.

**9. RENEWAL Application to NYCDCA for revocable consent to operate an enclosed sidewalk café by Japonica USA, Inc. d/b/a Japonica Restaurant, 100 University Place, NY, NY with 7 tables and 20 seats, DCA#0885853.**

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

**WHEREAS**, this restaurant is located at the corner of University Place and 12<sup>th</sup> Street; and

**WHEREAS**, there has been an enclosed sidewalk café at this location for 23 years; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to operate an enclosed sidewalk café to **Japonica USA, Inc. d/b/a Japonica Restaurant, 100 University Place, NY, NY**, with 7 tables and 20 seats, DCA#0885853.

Vote: Unanimous, with 40 Board members in favor.

**10. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Xing Hao, Inc. d/b/a Okinawa's Japanese Restaurant, 496 La Guardia Place, NY, NY 10012 with 5 tables and 10 seats, DCA# 1136299.**

**WHEREAS**, the applicant did not appear before the committee;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of a TWO-YEAR revocable consent to operate an unenclosed sidewalk café to **Xing Hao, Inc. d/b/a Okinawa's Japanese Restaurant, 496 La Guardia Place, NY, NY 10012**, with 5 tables and 10 seats.

Vote: Unanimous, with 40 Board members in favor.

**11. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Tre Giovani, Inc., 548 La Guardia Place, NY, NY 10012 with 4 tables and 12 seats, DCA#0997686.**

**WHEREAS**, the applicant did not appear before the committee; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to **Tre Giovani, Inc., 548 La Guardia Place, NY, NY 10012**, with 4 tables and 12 seats.

Vote: Unanimous, with 40 Board members in favor.

**12. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by The Original Vincent's Established 1904 Inc., 119 Mott Street, NY, NY 10013 with 9 tables and 18 seats, DCA#1139678.**

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

**WHEREAS**, this restaurant has been at this location, between Mott and Hester Streets, for 100 years; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

**WHEREAS**, there is 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 to **The Original Vincent's Established 1904 Inc., 119 Mott Street, NY, NY 10013**, with 9 tables and 18 seats.

Vote: Unanimous, with 40 Board members in favor.



**13. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Two Bacalhaus, Inc. d/b/a Pao, 322 Spring Street, NY, NY 10013 with 16 tables and 32 seats, DCA#0957079.**

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

**WHEREAS**, this restaurant is located at the corner of Spring and Greenwich Streets; and

**WHEREAS**, there has been a sidewalk café at this location for 9 years; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

**WHEREAS**, there is 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 to **Two Bacalhaus, Inc. d/b/a Pao, 322 Spring Street, NY, NY 10013**, with 16 tables and 32 seats, DCA#0957079.

Vote: Unanimous, with 40 Board members in favor.

**14. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Le Gans Restaurant, Inc., 46 Gansevoort Street, NY, NY 10014, with 10 tables and 19 seats, DCA#1034274.**

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

**WHEREAS**, this restaurant is located between Greenwich and Washington Streets; and

**WHEREAS**, there has been a sidewalk café at this location since 1997; and

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

**WHEREAS**, there is 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 to **Le Gans Restaurant, Inc. 46 Gansevoort Street, NY, NY 10014**, with 10 tables and 19 seats.

Vote: Unanimous, with 40 Board members in favor.

**15. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by La Meridana, Ltd. d/b/a Bella Pasta, 26-28 Carmine Street, NY, NY 10014 with 18 tables and 36 seats, DCA#1133014.**

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

**WHEREAS**, this restaurant is between Bleecker and Bedford Streets; and,

**WHEREAS**, there is no change in the configuration of this sidewalk café; and,

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

**WHEREAS**, there is 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 to **La Meridana, Ltd. d/b/a Bella Pasta, 26-28 Carmine Street, NY, NY 10014** with 18 tables and 36 seats.

Vote: Unanimous, with 40 Board members in favor.

**16. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring Street, NY, NY 10012 with 13 tables and 28 seats, DCA#1101999.**

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

**WHEREAS**, this restaurant is located at the corner of Spring and Thompson Streets; and

**WHEREAS**, there has been a restaurant at this location for 60 years and sidewalk café for 7 years; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

**WHEREAS**, there is 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 to RDK Restaurant Corp. d/b/a Bistro Les Amis, 180 Spring Street, NY, NY 10012, with 13 tables and 28 seats.

Vote: Unanimous, with 40 Board members in favor.

**17. RENEWAL Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Florio's Enterprises, Inc. d/b/a Florio's Restaurant, 192 Grand Street, NY, NY 10013 with 7 tables and 20 seats, DCA#0890546.**

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

**WHEREAS**, this restaurant, has been at this location, between Mulberry and Mott Street, for 32 years; and

**WHEREAS**, there is no change in the configuration of this sidewalk café; and

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

**WHEREAS**, there is 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 to Florio's Enterprises, Inc. d/b/a Florio's Restaurant, 192 Grand Street, NY, NY 10013 with 7 tables and 20 seats.

Vote: Unanimous, with 40 Board members in favor.

## **SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES**

### **Open Door Senior Center at 240 Centre St.**

**WHEREAS**, CB#2, Man. in November, 1995 unanimously endorsed the ULURP application of the New York City Department of the Aging and the Department of General Services to install at 240 Centre Street the Open Door Senior Center, then and now operated by the Chinese-American Planning Council at 115 Christie Street (LTLURP Application 95 0479 PSM); and

**WHEREAS**, the new location was to make use of 17,000 square feet in the basement of 240 Centre St., ceded to the city in 1993 as a result of a tax foreclosure on the landmarked building, formerly the City Police Headquarters and operated as a condominium apartment building since 1985; and

**WHEREAS**, the condominium, where individual units sell for as much as \$3 million to leaders in the fashion, sports, and entertainment industries, has erected a seemingly interminable series of technical and legal roadblocks to the accomplishment of what appeared to be a simple task; and

**WHEREAS**, the City Government has dragged its feet in following through on its original ULURP application, resulting in a ten-year delay in moving the Open Door Senior Center from its overcrowded Christie Street location to its larger, wheelchair-accessible quarters on Centre Street;

**WHEREAS**, neither members of the condominium nor their representatives attended the CB2 committee meeting at which this subject was discussed;

**WHEREAS**, the Condo development has already benefited for 10 years from tax abatements in consideration of their agreement to provide this community space, despite their failure to actually do so;

**THEREFORE BE IT RESOLVED** that CB#2, Man. expresses its outrage at the failure of the building owners and city officials to complete the installation of the Open Door Senior Center; and

**BE IT FURTHER RESOLVED** that CB#2, Man. urges public officials representing Chinatown to immediately assemble a meeting to include the Chinese-American Planning Council, Community Board 2, and the 240 Centre Street condominium, at which a specific move-in date for the Open Door Senior Center be established; and

**BE IT FURTHER RESOLVED** that the City investigate the feasibility of retroactively rescinding the Condo's Tax abatement for those years it was not in compliance, and requiring the condo to pay that money back to the city.

Vote: Unanimous, with 40 Board member in favor

## **TRAFFIC AND TRANSPORTATION**

### **1. Change the Parking Regulations on the South Side of Houston Street**

**WHEREAS**, there is a shortage of parking in SoHo and residents and small businesses would benefit from additional parking; and

**WHEREAS**, additional parking on Houston Street would have a "traffic calming" effect on this busy street, increasing safety for pedestrians and motorists; and

**WHEREAS**, it is unclear how long the planned reconstruction of Houston Street will take to complete and therefore, in the interim it is appropriate to seek additional parking on this street.

**THEREFORE BE IT RESOLVED** that CB#2, Man., supports a change in the parking regulations on Houston Street (south side) from 6<sup>th</sup> Avenue East to West Broadway from "No Parking, Monday – Friday, 8 AM – 6 PM" to Alternate Side Parking.

Vote: Unanimous, with 40 Board members in favor.

### **2. Jane Street Triangle Reconstruction Plans**

**WHEREAS**, CB#2, Man. has requested the design and reconstruction of the Jane Street Triangle pursuant to the CB 2 resolution dated April 14, 1998 and the CB2 Committee FY 2005 Capital Budget Priorities & Request; and

**WHEREAS**, funds have been allocated for this project in the Adopted Capital Budget for FY 2005 due to the efforts of Council member Christine Quinn; and

**WHEREAS**, NYC DOT has stated that in order to proceed with elements of the project it is necessary that the NYC Department of Parks & Recreation (NYC DPR) incorporate the Jane Street Triangle into the Greenstreets program for maintenance purposes; and

**WHEREAS**, Jane Street residents have expressed their continued support for this project;

**THEREFORE BE IT RESOLVED**, that CB#2, Man., thanks Council member Quinn and NYC DOT for their attention to this important project and urges the NYC DPR to work with CB2's Parks Committee in establishing a Greenstreet at the Jane Street Triangle and to coordinate with NYC DOT, CB2 and the community in completing a final design and reconstruction of the Triangle pursuant to Landmarks appropriateness.

Vote: Unanimous, with 40 Board members in favor.

### **3. Critical Mass Bike Activity**

**WHEREAS**, the City of New York has apparently decided to make bicyclists a persistent target of overzealous police enforcement, using tactics which interfere with civil liberties of New Yorkers, as exemplified by their attack on cyclists gathered at Union Square Park on the last Friday of April for a peaceful ride through Lower Manhattan; and

**WHEREAS**, 37 men and women assembled in Union Square Park were handcuffed and imprisoned and charged with violating a range of laws involving plans to bicycle, and locks on 50 bicycles destroyed and the bicycles confiscated; and

**WHEREAS**, several defendants were charged with violating a city ordinance which prohibits "advertising the time or location of a meeting or group activity in a City park"; and

**WHEREAS**, several of the defendants were out-of-town visitors who simply chanced to be in a New York City public park; and

**WHEREAS**, summonses were issued under the name of the Environmental Control Board, ironic because cyclists assert that their vehicles emit no fumes and are environmentally friendly.

**THEREFORE BE IT RESOLVED**, that the CB#2, Man., expresses its profound concern at the City Administration's decision to violate many of the most sacred provisions of the Constitution as enumerated in the Bill of Rights: notably, freedom of speech; freedom of the press, and freedom to assemble; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. insists that the City Administration halt its unconstitutional attacks on our fellow citizens as they assemble peaceably and respect the rights of all our citizens to exercise the freedoms guaranteed by the Constitution and Bill of Rights.

Vote: Unanimous, with 40 Board members in favor.

## **ZONING AND HOUSING**

**1. 469 West St./70 Bethune (Superior Ink site) (Block 640, Lot 1) Board of Standards and Appeals variance application pursuant to Section 72-21 to construct a 20 and 3 story mixed-use development in an M1-5 zoning district with 60 accessory parking spaces.**

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

**WHEREAS**, The Far West Village has traditionally had a pleasing scale and a unified urban fabric and an increasing amount of development is currently taking place in the Far West Village, And;

**WHEREAS**, New development in this area has been out of scale and context with the surrounding neighborhood and has eroded the local urban fabric, And;

**WHEREAS**, The community and the Community Board are greatly concerned that future development will not be in context with the Far West Village and will further erode the local urban fabric, And;

**WHEREAS**, There is an urgent need to ensure that new development under the zoning will help maintain the quality and the historic nature of the Far West Village, And;

**WHEREAS**, CB#2, Man. has requested that City Planning study the Far West Village area and engage in conversation with the community and the Board to see how the zoning can be modified to the benefit of all of our mutual interests, And;

**WHEREAS**, CB#2, Man. has requested that the Landmarks Commission study of the Far West Village area and engage in conversation with the community and the Board to see how the landmarking can be modified to the benefit of all of our mutual interests, And;

**WHEREAS**, There are many buildings recently constructed or currently under construction under similar conditions and with similar zoning within Community Board #2 that have maintained the underlying floor area ratio of 5 and the fact that they are being built clearly shows that this application is not a minimum variance, And;

**WHEREAS**, The foundation system for this building is the same as most of the buildings currently under construction within Community Board #2 and these other buildings have not declared their foundations to be a hardship, And;

**WHEREAS**, In the nearby Meat Market district, which has the exact same zoning and soil conditions, there is a building currently under construction and building recently constructed, both of which are in full conformance with M1-5 zoning, And;

**WHEREAS**, The community and the Community Board would prefer to address zoning issues in the Far West Village as a zoning revision rather than by variance application

**THEREFORE, BE IT RESOLVED**, That CB#2, Man. strongly opposes this Board of Standards and Appeals variance application pursuant to Section 72-21 to construct a 20 and 3 story mixed-use development in an M1-5 zoning district with 60 accessory parking spaces, And;

**BE IT FURTHER RESOLVED**, That CB#2, Man. has determined that this application does not meet the five required findings for the granting of a zoning variance, And;

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests that City Planning move forward with a study of the Far West Village area and engage in conversation with the community and the Board to see how the zoning can be modified to the benefit of all of our mutual interests.

**BE IT FURTHER RESOLVED**, That. CB#2, Man. requests that the Landmarks Commission move forward with a study of the Far West Village area and engage in conversation with the community and the Board to see how the landmarking can be modified to the benefit of all of our mutual interests.

Vote: Unanimous, with 40 Board members in favor.

**2. 25 Bond St. BSA# 377-03-BZ (Block 529, Lot 21) Board of Standards and Appeals Application to request minor changes to the variance granted last year.**

**WHEREAS**, The area was posted and the community expressed great concern about problems that have arisen from the ongoing construction, And;

**WHEREAS**, Community Board #2 recognizes that this request for an amendment is minor in nature,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. does not object in principal to this amendment to the previous variance, however, Community Board #2 withholds its approval pending a resolution of the outstanding building construction issues, And;

**BE IT FURTHER RESOLVED**, That CB#2, Man. requests that the applicant minimize the construction impacts on the surrounding buildings, have regular meetings with the community, and keep them informed as construction progresses, And;

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

Vote: Unanimous, with 40 Board members in favor.

**3. 286 Hudson Street, Block 579, Lot 3, BSA No. 144-04-BZ CEQR No.: 04-BSA-154M Review of minor modifications to a Board of Standards and Appeals variance application pursuant to Section 72-21 of the Zoning to allow residential uses (use group 2) at the second through 7th floors of a proposed 7 story building in a M1-6 zoning district. Previously heard July 2004.**

**WHEREAS**, CB#2, Man. previously heard this application in July 2004 and voted to support it, And,

**WHEREAS**, This project remains wholly consistent with the adjacent C6-2A zoning district and at the time that the recently enacted Hudson Square rezoning was reviewed, Community Board #2 Manhattan recommended that the southern district be expanded to include this site, And;

**WHEREAS**, the modifications to this application are in compliance with the resolution previously passed by CB#2, Man., And;

**WHEREAS**, The previous buildings on this site were residential with ground floor retail, And;

**WHEREAS**, The applicant has agreed to limit the ground floor space to Use Group 6 uses which would not allow Night Clubs or Catering Establishments, And;

**WHEREAS**, The area was posted and there was no community opposition,

**THEREFORE BE IT RESOLVED**, That CB#2, Man. continues to support this Board of Standards and Appeals variance application for 286 Hudson Street, Block 579, Lot 3, BSA No. 144-04-BZ CEQR No.: 04-BSA-154M to allow residential uses (use group 2) at the second through 7<sup>th</sup> floors of a proposed 8 story building in a M1-6 zoning district providing that the ground floor uses be restricted to Use Group 6 and that the applicant plant street trees, And;

**BE IT FURTHER RESOLVED**, That CB#2, Man. calls on the Department Of City Planning to reconsider expanding the southern area of the Hudson Square rezoning as recommended by the Board.

Vote: Passed, with 39 Board members in favor, and 1 abstention.

**NEW BUSINESS**

Respectfully submitted,

Robert Rinaolo  
Secretary  
Community Board #2, Manhattan