

FULL BOARD MINUTES

DATE: September 20, 2007
TIME: 6:30 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street, Cronin Auditorium

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Sigrid Burton, Leonard Cecere, Maria Passannante Derr, Doris Diether, Robert Ian Dutton, David Ethan, Harriet Fields, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Zella Jones, Amanda Khan, Susan Kent, Arthur Kriemelman, Raymond Lee, Elizabeth Loeb, Edward Ma, Ke-Wei Ma, Don MacPherson, Jason Mansfield, Rosemary McGrath, Philip Mouquinho, Judy Paul, Lois Rakoff, Annie Vanrenterghem-Raven, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Shirley Secunda, James Solomon, Shirley H. Smith, Richard Stewart, Sean Sweeney, Naomi Wender, Carol Yankay, Elaine Young, Wilbur Weder

BOARD MEMBERS EXCUSED: Lawrence Goldberg, Wendy Schlazer

BOARD MEMBERS ABSENT: Lisa Cannistracci, Christine Lindemann, Arthur Z. Schwartz

BOARD STAFF PRESENT: Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

GUESTS: Erin Drinkwater, Congressman Jerrold Nadler's office; Adam Riff, Senator Tom Duane's office; Grey Elam, Council Speaker Christine Quinn's office; Matt Borden, Assembly Member Deborah Glick's office; Hunter Johansson, Manhattan Borough President Scott Stringer's office; Paul Nagle, Council Member Alan Gerson's office; Kate Makuliak, Council Member Rosie Mendez's office; John Ricker, NYC Comptroller's office; Joyce Chan, Lily Pang, Lisa Lin, Janise Eng, Carmen, Ben, William Bialosky, Janet Freeman, Carol Lewis, Douglas Davis, Carol Prud'Homme, Liz Kurtzman, Edith Ho, Ara Fitzgerald, Carter Jones, Lucy Newman, Paul Dobie, Geo Wachtel, Linda Schulze, John Matturi, Betty Truong, Scott Ewaly, John Kurtz, Deborah McMella, Estella Melamid, Zev Melamid, David Leiber Quint, Iby Brown, Jet Evezai, Andy Yoon, Yee Wing, Mei Chang Zhao, Ed Kilduff, Susan Breindel, Michael Orklenf, David Mulkins, Geraldine , Cheung Ping, Yan, Robert Schri, Chan Mina, Bobby Schrijer, David Chen, Dorina Yuen, Ann Arlen, Mary Johnson, Robin Goldberg, Edy Selman, Michael Verrilli, Scott Gillo, Marie Potenza, Laura Felstein, Priscilla Cole, Alan Jacobs, Julie Menin, Jon Meyer, Bill Doody, Ralph Musolino, Lelena Wang, Margaret Chin, Kan Zong Wong, Karen Hwang, Wylie Stecklow, Ricky T. Li, Mary Clarke, Richard Goldberg, Helen Chiu, Lap Han Li, Elizabeth Adam, John Czarnecki, Deborah Thomas, Michele Campo, James Sherry, Andre Grant, Jessica Lawrence, Bruce Williams, Jon Gill, Dan Rafalin, Ellen Peterson-Lewis, Mee Wong, Sook Ling Lai, Lai Hing Ng, Chan Choi Jim, Wai Kuen Selto, Isabelle Fisher, Marie Helene Attwood, Jack Champin, Joseph Gannon, Enrico Ciotti, Janece Cline, Jonathan Slaff, Dan Saltiel, Luke Henry, J. Rinesmith, Wan Lee, Peggy Ng, Chunci Yu, Gao Mei Rong, Lui Ten Jiang, Xian Z. Leie, Hai Liang Wu, Sueying Chen, Ai Qioy Li, Sn Q. Qiu, Michelle Cheng, Norma K. M. Wong, Sihua Lin, Xiu Wen Huzing, Sleo Khor, Simon Wong, Susan Xen, Marly Ho, Winnie Ho, Herman Lan, Lillian Tozzi, Kin Lee Wong, Pao G. Kwong, Wee Koon Chin, John Casalnuovo, Frank Guglielmo, J. Hershberg, Michael Fagan, Joan Bender, Dr. Ivan Lee, Alida Moyan, Justin Yu, Virginia Kee, David Mulkins, Jeanne Wilcke, Annie Shaver-Crandell, Shelly Friedman, George Wachtel, Tor Barbara Chmura, K. Browner, Marc Hitchcock, Avan Seville, Shek Hing

MEETING SUMMARY

Meeting Date – September 20, 2007
Board Members Present – 45
Board Members Excused– 2
Board Members Absent - 3

I. SUMMARY AND INDEX

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II. PUBLIC SESSION

Non-Agenda Items

Deutsche Bank

Julie Menin spoke regarding the Deutsche Bank incident.

St. Vincent's Hospital

Michael Fagan updated everyone on the hospital's upcoming projects.

New York State Police

Tor Barbara Chmura spoke regarding recruitment opportunities with the New York State Police.

Business Items

Cantaloupe, LLC d/b/a Lovely Day, 196 Elizabeth St.

Joan Bender spoke against the liquor license alteration to include the proposed sidewalk café.

New York IKFD, LLC, d/b/a Forty Deuce, 19 Kenmare Street

Dr. Ivan Lee, Janet Freeman, Sook Ling Lai, Robin Goldberg, Lillian Tozzi, and Wylie Stecklow, spoke in opposition to the proposed liquor license.

Alida Moyan, Justin Yan, Virginia Kee, Bobby Schrijer, Douglas Davis, Carol Prud'homme, John Casalnuovo, and David Mulkins, were against the application but did not speak.

Superior Restaurant NYC, LP, 26-28 Bond St.

Jeanne Wilcke, Annie Shaver-Crandell, and Shelly Friedman spoke against the proposed liquor license.

George Wachtel, Ann Arlen, Ellen Peterson-Lewis, Bruce Williams, Janece Cline, David Lieber, Susan Breindel, and John Gill did not speak but were against the proposal for a liquor license.

Danal Salvo, Inc., 59 5th Ave.

Dan Saltiel, applicant, spoke in favor of the proposed liquor license.

Sidewalks, Public Facilities & Access Items

App. to NYCDOT for a removable bench at 225 Sullivan St.

Bill Doody spoke against the proposal for a bench at V-Bar.

Enrico Ciotti, applicant, spoke in favor of the application.

Traffic and Transportion

Changing Back Parking Regulations on W. 13th St. bet. 6th and 7th Aves.

Zev Melamid spoke in favor of the proposed parking changes. Alan Jacobs spoke in favor of the changes.

Zoning and Housing Items

200 Lafayette Street, Application for a special permit for development of joint living work quarters for artists
Bill Bialosky, representing the applicant, spoke in favor of the application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Erin Drinkwater, Congressman Jerrold Nadler's office

Adam Riff, Senator Tom Duane's office

Matt Borden, Assembly Member Deborah Glick's office

Hunter Johansson, Manhattan Borough President Scott Stringer's office;

Grey Elam, of Council Speaker Christine Quinn's office stated that Council Speaker Christine Quinn has made funding available for some parks in the district.

Paul Nagle, Council Member Alan Gerson's office, spoke in opposition to the proposed liquor license for Superior, at 26-28 Bond St.

Kate Makuliak, Council Member Rosie Mendez's office,

John Ricker, NYC Comptroller's office;

V. ADOPTION OF MINUTES

Adoption of June minutes and distribution of July minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported

2. **District Manager's Report** Bob Gormley reported.

3. **Standing Committee Reports**

1. **Resolution to Rescind the Resolution of April 19, 2007 by Community Board No. 2, Manhattan, regarding the On Premise License Application by New York IKFD, LLC, 19 Kenmare Street (Bowery and Elizabeth Streets).**

WHEREAS, on April 19, 2007, Community Board No. 2, Manhattan (the "Community Board"), unanimously passed the resolution (the "Community Board Resolution") (attached hereto as Exhibit "A") to deny the On Premise license application (the "Application") by New York IKFD, LLC, owned and operated by Ivan Kane (the "Applicant"), for an lounge/restaurant at 19 Kenmare Street (between Bowery and Elizabeth Streets), unless certain conditions agreed to by the Applicant relating to reduced hours were incorporated into the "Method of Operation" on the Applicant's New York State Liquor Authority ("SLA") On Premise license (the "Conditions"); and

WHEREAS, the Applicant agreed to the Conditions and therefore the Community Board supported the Application; and

WHEREAS, the Applicant provided to the Community Board as the first page of the Application a letter dated February 20, 2007 (the "Fifth Precinct Letter") on "Police Department, City of New York" letterhead from Police Officer Richard Stellmann, the Community Affairs Officer for the Fifth Precinct (attached hereto as Exhibit "B"), in which P.O. Stellmann states that he recommends the Applicant "and his establishment to [the] community"; and

WHEREAS, two officers from the Fifth Precinct, including P.O. Stellman, appeared at the Community Board's Business Committee meeting, along with the Applicant, on April 10, 2007, and spoke in reference to the Fifth Precinct Letter and general support of the Applicant; and

WHEREAS, the Community Board relied on the Fifth Precinct Letter and the appearance of the officers as a true and factual representation of the Fifth Precinct's position on the Application and noted as such in its meeting minutes and in the Resolution; and

WHEREAS, had the Applicant not provided the Fifth Precinct Letter the Community Board may have requested additional stipulations from the Applicant, such as earlier closing times or increased security patrol, and considered issues such as traffic, noise and the relevancy of the number of other licensed establishments nearby; and

WHEREAS, in a letter dated August 5, 2007, from Police Officer Gin Yee, Deputy Inspector of the Fifth Precinct, to Noreen Healey, Commissioner of the SLA (attached hereto as Exhibit "C"), P.O. Yee clarified that the Fifth Precinct does not, in fact, have a position on the Application, stating that P.O. Stellman "has been spoken to and re-instructed to the fact that [they] in law enforcement do not submit letters as character references without prior approval from Police Headquarters and that [they] as a city agency will always remain neutral in all aspects of establishments that are seeking licenses from other agencies, such as the State Liquor Authority."

THEREFORE, BE IT RESOLVED, that CB#2, Man., rescinds the resolution of April 19, 2007 regarding the On Premise License Application by New York IKFD, LLC, 19 Kenmare Street (Bowery and Elizabeth Streets), because the Community Board was misled to rely upon the erroneous Fifth Precinct Letter provided by the Applicant; and

BE IT FURTHER RESOLVED, that the Applicant's Application shall be referred back to the Business Committee for further action by such committee at the earliest possible date.

Vote: Unanimous, with 45 Board members in favor.

2. Diverse Gastronomik Holdings Inc., 33 E. 8th Street (5th and 6th Avenues), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a mixed use building on E. 8th Street between 5th and 6th Avenue, for a 2,000 s.f. European inspired restaurant known as Elettaria, with 57 table seats and 1 bar with 10 seats, and a maximum legal capacity of 74 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:00 a.m. – 1:00 a.m. Sunday – Thursday and 11:00 a.m. – 2:00 a.m. Friday and Saturday; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan has no objection to the approval of an On Premise license to Diverse Gastronomik Holdings Inc., 33 E. 8th Street, NYC.

Vote: Unanimous, with 45 Board members in favor.

3. William DeMeo or Corp to be formed, 248 W. 14th St. (7th and 8th Avenues), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for a bar and nightclub, located in a 4,100 s.f. premise in a commercial building on 14th Street between 7th and 8th Avenues, with 66 table seats, 2 bars with 12 seats, and a maximum legal capacity of 196 persons; and,

WHEREAS, the applicant stated the hours of operation are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café application nor a backyard garden; music will be DJ and background; and,

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

WHEREAS, members of the committee expressed concerns with potential noise and overcrowding issues at this location; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed transfer of an On Premise license to William DeMeo or Corp. to be formed, 248 W. 14th St., NYC.

Vote: Unanimous, with 45 Board members in favor.

4. Fem Fatale, Inc., 173 Mott St., (Broome and Grand Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for a bar and restaurant in two adjoining facilities encompassing 2,500 s.f. in a mixed use building located on Mott Street between Broome and Grand, with 104 table seats and 2 bars with 15 seats and a maximum legal capacity of 148 persons; and,

WHEREAS, the applicant stated the hours of operation are 6:00 p.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café application nor a backyard garden; music will be DJ and background; and,

WHEREAS, 40+ members of the community appeared in opposition; and,

WHEREAS, several members of the community spoke in opposition, citing potential noise and overcrowding issues, as well as the close proximity of other similar licensed establishments, and raised concerns that the establishment has building and safety issues, and may be located within 200 ft of a place of worship and school; and,

WHEREAS, members of the committee expressed concerns with the ingress and egress of the adjoining facilities in the floor plan, which may escalate the noise and overcrowding problems; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of the proposed transfer of an On Premise license to Fem Fatale, Inc., 173 Mott St., NYC.

Vote: Unanimous, with 45 Board members in favor.

5. Italian Wine Company, LLC, 38 8th Avenue (at Jane Street), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a mixed use building on the corner of 8th Avenue and Jane Street, for a 1,200 s.f. Italian Bistro restaurant, with 45 table seats and 1 bar with 8 seats, and a maximum legal capacity of 74 persons; and,

WHEREAS, the applicant stated the hours of operation are 8:00 a.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

WHEREAS, the applicant stated that the apartment located directly above the establishment has been leased by the proprietor; and,

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

WHEREAS, a member of the community spoke in support of the applicant; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license for Italian Wine Company, LLC, 38 8th Avenue, NYC, subject to the State Liquor Authority successfully investigating the validity of the existing Certificate of Occupancy (listing legal capacity as 30 persons).

Vote: Unanimous, with 45 Board members in favor.

6. La Sosta Inc., 105 Christopher St. (Bleecker and Hudson Streets), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a mixed use building on Christopher Street between Bleecker and Houston streets, for a 1,100 s.f. Italian restaurant known as Il Sodi, with 26 table seats and 1 bar with 14 seats, and a maximum legal capacity of 48 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 12:00 a.m. seven days a week; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to La Sosta Inc., 105 Christopher St.

Vote: Unanimous, with 45 Board members in favor.

7. PM, 50 Gansevoort St. (Greenwich and Washington Streets), NYC

WHEREAS, the applicant has received numerous 311 noise complaints with several violations on record; and,

WHEREAS, the applicant appeared before the committee to address the noise complaints of the community; and,

WHEREAS, this application is for renewal of an On Premise license for a 3900 s.f. lounge, in a mixed use building on Gansevoort Street between Greenwich and Washington Streets; and,

WHEREAS, the applicant stated there are no plans to change current operations; the applicant has been operating for 5+ years with an On Premise license; applicant stated the hours of operation are 9:00 p.m. - 4:00 a.m. seven days a week; the music is D.J. and background; there will not be a sidewalk café application, nor a backyard garden; and,

WHEREAS, the applicant has installed a soundproofing wall on the south facing side of the lounge to address the concerns of the community; and,

WHEREAS, several members of the community spoke in opposition, citing ongoing noise issues and raised concerns that the establishment has no real intent to isolate the noise; community members testified that sound readings conducted by the community have reached over 45 decibels; and,

WHEREAS, members of the committee expressed concerns that applicant may be operating in violation of the Method of Operation put forth in their original CB#2, Man. application in December 2002 (a copy of the resolution enclosed); and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the renewal of the On Premise license of PM, 50 Gansevoort St., NYC, and calls on the State Liquor Authority to verify that the establishment is not operating in violation of their duly licensed Method of Operation.

Vote: Unanimous, with 45 Board members in favor.

8. Theatres @ 45 Bleecker St., 45 Bleecker St. (Lafayette and Mulberry), NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a Beer and Wine license for 832 s.f. café and lobby located inside a theatre of a mixed use building on Bleecker between Lafayette and Mulberry streets; and

WHEREAS, this applicant has met with the NoHo Neighborhood Association stipulating the conditions set forth in this resolution; and

WHEREAS, the applicant stated that the hours of operation will be 7:00 a.m. – 12:30 a.m. Sunday – Thursday and 7:00 a.m. – 1:00 a.m. Friday and Saturday; any music will be in connection with live theatrical productions; there will not be a sidewalk café application or a backyard garden; and

WHEREAS, the applicant has agreed to seek a Beer and Wine license exclusively; and

WHEREAS, the applicant has agreed that the Café will serve prepared food only, that there will be no kitchen and that the Café area will be limited to the current vestibule area at this location; and

WHEREAS, the applicant has agreed to limit the sale of beer and wine to the Cafe/lobby space while allowing patrons to carry their drinks into the theatre; and beer and wine will be dispensed and served to patrons in the lobby and café only; beer and wine will not be brought or served to patrons currently seated in the theatre; and

WHEREAS, the applicant has agreed that there will be no outside seating or benches that would accommodate seating associated with this location, now or in the future, on Bleecker Street or in Jones Alley; and

WHEREAS, the applicant has agreed that the Jones Alley exits will not be used to bring audiences in or out and will make deliberate effort that there will be no patron smoking in the public space, Jones Alley; and

WHEREAS, the applicant has agreed to use the entrance and exit farthest away from the Subway Station (IRT#6) and will start the upstairs and downstairs shows one half hour apart and use the lobby only as a lobby from 7:00 p.m. to 8:00 p.m. on double show nights; and

WHEREAS, the applicant has agreed that there will be no rear yard use by customers now or in the future; and

WHEREAS, the applicant has agreed to store all Café garbage inside the establishment until pick-up occurs, to regularly sweep and clean the area in front of the establishment during hours of operation and to be in compliance with all other statutes regarding sanitation; and

WHEREAS, the applicant has agreed to abide by the regulations enforced by all New York City agencies and safety organizations, including the Department of Buildings, the Fire Department, and the Landmarks Preservation Commission; copies of all certificates issued by said agencies, and all related documents, will be provided to CB#2, Man. prior to any use of the Beer and Wine license; and

WHEREAS, the applicant has agreed that an appropriate sign will be permanently affixed at the entrance requesting patron respect for the neighbors; and

WHEREAS, the applicant has agreed that there will be personnel assigned from 7:00 p.m. until closing to the front entrances at 45 Bleecker street to monitor patron entrance and exit, use of sidewalk and for directing patrons to locations other than directly in front of the Subway Station (IRT#6) for smoking or intermission conversation;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed Beer and Wine license for Theatres @ 45 Bleecker St., 45 Bleecker Street, unless those conditions agreed to by applicant relating to the fourth thru fifteenth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA Beer and Wine license.

Vote: Unanimous, with 45 Board members in favor.

LANDMARKS & PUBLIC AESTHETICS

Item 10

321 W. 12th Street (Hudson/Greenwich) A three-story Federal house.

Application is to legalize alterations to the rear façade and roof without LPC permits.

WHEREAS, the applicant blames the contractor for not fulfilling his word of getting the permits; and

WHEREAS, this is an abuse of process with no one given an opportunity to comment on the alteration, causing us to defer to the ‘sympathy factor’ and making the Landmarks Law meaningless; but

WHEREAS, the alteration is not grossly out of scale, symmetry, style or fabric, although the bricks in the Photoshop do not match the existing bricks; now

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

BE IT FURTHER RESOLVED, that we would like to see a way in which contractors, expeditors, architects or other similar professionals who willfully perform illegal work in historic districts be prohibited from working in historic districts in the future, if that is legally possible.

Vote: Unanimous, with 45 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES & PUBLIC ACCESS

1 New App. for revocable consent to operate an Unenclosed sidewalk café for: 10 Downing, LLC, 10 Downing St., with 26 tables & 52 seats, DCA# 1260889;

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee and both the Applicant and his attorney were present at this hearing; and,

WHEREAS, the restaurant is located at the corner of Sixth Avenue and Downing Street, with the proposed café located on Sixth Avenue, and

WHEREAS, this block has no other sidewalk café’s, though they are allowed in the C1-5 commercial overlay on this R7-2 zone (Zoning Map 12A), and

WHEREAS, there was considerable community and 10 Downing St Tenants Association concern expressed in 13 letters (12 in opposition, one in favor) and more than 34 attendees at this hearing on this application with more than a dozen residents speaking on this application, and

WHEREAS, the applicant has previously demonstrated a favorable compatibility with its neighbors in a restaurant in the far-west Village and expressed an interest modifying the application to address concerns for his new neighbors, and

WHEREAS, handicapped street access (**SEE attached photo**), noise, sanitation, opened hours and additional sidewalk traffic were the primary public concerns, and

WHEREAS, the applicant has agreed to prominently display the Sidewalk License Complaint Sign at the main entrance to this location, for public viewing,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an UNENCLOSED sidewalk café to. 10 Downing, LLC, 10 Downing St., DCA# 1260889, CONDITIONAL UPON the following stipulations mutually agreed between members of the public, the Sidewalks Committee and the Applicant and reflected in the Change Agreement attached to this application:

1. A reduction in tables to 18 tables and seats to 36,
2. The installation of a sound mitigating awning over the entire sidewalk cafe located on Sixth Avenue and another over the entrance to the restaurant on Downing St.
3. A reduction in hours to 11:00 P.M. Sunday through Thursday and Midnight on Friday and Saturday (meaning all tables cleared at those times).
4. Provision for the engagement of a sound engineer, at the applicant's expense, to monitor noise (from the interior and exterior portions of this establishment) in second story apartments (location to be determined by the 10 Downing St. Tenants Association) for the first week of opening, to ensure that all NYC Noise code statutes (including the new statute) are adhered to and an ongoing and acceptable base-line is established.
5. Request for daytime garbage pick-up with all garbage to be stored in a vermin-proof, refrigerated room until pick-up, on the Sixth Avenue side.
6. No benches placed anywhere on the perimeter of this establishment, for smokers or any other purpose.
7. That the two year revocable consent license will require review and another public hearing in 12 months (August 16, 2007), where the applicant can request approval for additional seats and the community can voice any additional concerns, before CB#2 Manhattan/s Sidewalks Committee, toward possible modification of this permit.

Vote: Unanimous, with 45 Board members in favor.

2. New App. for revocable consent to operate an Unenclosed sidewalk café for Alfra, LLC, 115 Mulberry St., with 6 tables & 12 seats, DCA# 1261753

WHEREAS, the area was posted, area neighborhood organizations were alerted by e-mail and the applicant's attorney appeared before the committee; and

WHEREAS, this restaurant is located between Hester and Canal Streets in the Mulberry Street Mall area and

WHEREAS, this is a new application and new owner for a facility that previously received DCA approval for a raised platform and fixed railing sidewalk café, and

WHEREAS, the Committee Chair observed that a table and chair at the south side of this raised sidewalk café obstructed the entrance to the building (**SEE attached photograph**), and

WHEREAS, the applicant agrees to abide by the distinction between Mulberry St Mall sidewalk hours and those granted by this application in hours of use, (**SEE attached CB#2 Resolution regarding 2007 dates and hours of operation of the Mulberry St. Mall**), and

WHEREAS, the applicant has agreed to prominently display the Sidewalk License Complaint Sign at the main entrance to this location, for public viewing,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an UNENCLOSED sidewalk café to: Alfra, LLC, 115 Mulberry St., with 6 tables & 12 seats, DCA# 1261753, CONDITIONAL UPON

1. Demonstration to CB#2 Sidewalks Committee and the DCA that a previous DCA or DOT permit for this location did approve a raised platform and fixed railing.
2. No chairs or tables will encumber the entrance to the other floors of this building.

Vote: Unanimous, with 45 Board members in favor.

3. New App. for revocable consent to operate an Unenclosed sidewalk cafe for Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St., with 3 tables & 6 seats, DCA# 1260966;

WHEREAS, the area was posted, area neighborhood organizations were alerted by e-mail and the applicant and applicants architect appeared before the committee; and,

WHEREAS, more than 12 community residents appeared before this Committee and 10 letters were received, and a petition containing 52 signatures was presented to the Committee, all in approval and none in opposition, and,

WHEREAS, this is a new application for a sidewalk café for a restaurant that has operated at this location for ___ years, and,

WHEREAS, there are currently two platforms and a tree bench built at this location (**SEE attached photograph**),

WHEREAS, the applicant has agreed to prominently display the Sidewalk License Complaint Sign at the main entrance to this location, for public viewing,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St., with 3 tables & 6 seats, DCA# 1260966, CONDITIONAL UPON, the removal of the platforms and tree bench.

Vote: Unanimous, with 45 Board members in favor.

4. New App. for revocable consent to operate an Unenclosed sidewalk cafe for Uno Restaurant, LLC, 391 6th Ave. with 8 tables & 15 seats, DCA# 1261553;

WHEREAS, the area was posted, area neighborhood organizations were alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, this restaurant is located on Sixth Avenue between Waverly Place and Greenwich Avenue, and,

WHEREAS, the applicant was not present at the Sidewalks Committee hearing, and

WHEREAS, this block on Sixth Avenue is designated on Department of City Planning records as a limited commercial district connected to first blocks of Greenwich Ave – where sidewalk cafes are not allowed,

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an UNENCLOSED sidewalk café to Uno Restaurant, LLC, 391 6th Ave. with 8 tables & 15 seats, DCA# 1261553.

Vote: Unanimous, with 45 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Support of the Approval of A Street Activity Permit for The NYU College of Arts & Sciences Student Council, at Washington Place bet. Washington Square East & Greene Street

WHEREAS, this is the 10th year that this fair has been performed; and

WHEREAS, this event has been moved from 8/30/07 to 9/27/07 on the advice of the Community Board; and

WHEREAS, Christen Penberthy appeared before the community and explained the closing will be for 3 hours 1:00 P.M. to 4:00 P.M.; and

WHEREAS, the University agreed to move the music to the Washington Sq. East side of the event to minimize its impact on the residents; and

WHEREAS, there will be no alcohol; and

THEREFORE BE IT RESOLVED, that CB#2, Man., supports the street fair permit application on 9/27/07 for The NYU College of Arts & Sciences Student Council, at Washington Place bet. Washington Square East & Greene Street.

Vote: Unanimous, with 45 Board members in favor.

2. Support of a Street Activity Permit for The Minetta Block Assn., at Minetta St. & Minetta Lane bet. 6th Ave. & MacDougal St.;

WHEREAS, the applicant, Minetta Block Association was represented by Mr. John F. Bennett who gave an informative presentation to the committee; and

WHEREAS, the street fair will be a series of tables with food that was donated by local merchants and will be open to the public; and

WHEREAS, there will be no amplified pre recorded sound; and

WHEREAS, this street fair has been held for many years prior; and

THEREFORE BE IT RESOLVED, that CB#2, Man., supports the street fair permit application by Minetta Block Assn. on 9/9/07, at Minetta St. & Minetta Lane bet. 6th Ave. & MacDougal St, from 2:00 P.M. to 9:00 P.M.;

Vote: Unanimous, with 45 Board members in favor.

3. Denial of a Street Activity Permit for the AIDS Monument Committee, Weehawken St. bet. Christopher & W. 10th Sts. on 9/9/ 07

WHEREAS, this application did not comply with the time constraints that have been imposed on the community board for the purpose of the street closing by CAU; and

WHEREAS, this location has already been granted a street closing application within the same month; and

WHEREAS, several members of the Christopher St. Block Association appeared in opposition of the street closing; and

THEREFORE BE IT RESOLVED, that CB#2, Man., does not support the street fair permit application by The AIDS Monument Committee, at Weehawken St. bet. Christopher & W. 10th Sts. on 9/9/ 07

Vote: Unanimous, with 45 Board members in favor.

4. Denial of a Street Activity Permit for - Immedia Artists, Inc., Thompson St. Bet Broome & Watts Sts. on 9/15/07 and 10/15/07

WHEREAS, this location is high traffic intersection which feeds into the Holland Tunnel; and

WHEREAS, this proposed block is diagonally across from a Hotel and a construction site which is in the midst of intense street excavation and construction; and

WHEREAS, there was community opposition from the SoHo Alliance and numerous other residents complaining about additional street closings and the subsequent congestion; and

WHEREAS, committee received several petitions in opposition to the applications; and

THEREFORE BE IT RESOLVED, that CB#2, Man., opposes the street fair permit applications by The Immedia Artists, Inc., for Thompson St. Bet Broome & Watts Sts. on 9/15/07 and 10/13/07

Vote: Unanimous, with 45 Board members in favor.

5. Denial of a Street Activity Permit for Il Buco Restaurant in front of 47 Bond Street bet. Bowery & Lafayette St. on 9/20/07

WHEREAS, the applicant was using the permit to promote a commercial business; and

WHEREAS, the committee felt this approval would establish a precedent for any restaurant to close the sidewalk to promote itself; and

WHEREAS, the intended purpose of the event was a pig roasting which did not target any charitable organization for receipt of donations;

THEREFORE BE IT RESOLVED, that CB#2, Man., does not support the street activity permit as described by Il Buco Restaurant in front of 47 Bond Street bet. Bowery & Lafayette St. on 9/20/07.

Vote: Unanimous, with 45 Board members in favor.

6. Support of a Street Activity Permit for The Bedford-Downing Block Association, at Downing St. Bet. Bedford St. & 6th Ave.

WHEREAS, the applicant appeared before the committee and answered all questions regarding the particulars of the event; and

WHEREAS, this fair has been an annual event for many years; and

WHEREAS, there was no community opposition; and

THEREFORE BE IT RESOLVED, that CB#2, Man., supports the street fair permit application on 10/13/07 by The Bedford-Downing Block Association, at Downing St. Bet. Bedford St. & 6th Ave. from 9:00 A.M. to 6:00 P.M.

Vote: Unanimous, with 45 Board members in favor.

ZONING AND HOUSING

1. 520-532 Broome St (Block 489, Lots 1 and 41) (Tunnel Garage) Revisions to Board of Standards and Appeals variance application pursuant to Section 72-21 to allow an eight-story, mixed-use building in an M1-5B zoning district with residential uses on floors two through eight, ground floor retail uses, and parking garage cellar. (Third Hearing)

WHEREAS; CB#2, Man. has had two previous hearings on this application and the Board has not found sufficient reason to change its position, And

WHEREAS; the addition of the town house on Sullivan St. is clearly an improvement, however, the design of this component is not in context with Sullivan or Broome Streets, And

WHEREAS; the elimination of the Quality Hosing bulk bonus is misleading in that they were not entitled to use it in the first place, And

WHEREAS; when the floor area was reduced the size of the floor plates were reduced and the height was not, however, the Community Board would have preferred to retain the size of floor plate and reduce height of the building which would be more in context with the surrounding buildings, And

WHEREAS; the reduction in parking also eliminates a very expensive foundation that is not reflected in the economics, And

WHEREAS; there have been significant changes in the building that greatly change the over all economics that call to question what the minimum variance necessary actually is, And,

WHEREAS; Great concern was expressed that the new construction might effect the foundations of the surrounding buildings,

THEREFORE BE RESOLVED, That CB#2, Man. continues to oppose this application and reaffirms its previous resolutions, And,

BE IT FURTHER RESOLVED, That CB#2, Man. restates its request that the ground floor use be restricted to Use Group 6 and that no eating and drinking establishment be allowed at this location, And

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

BE IT FURTHER RESOLVED, That CB#2, Man. requests that all pile foundations be drilled not hammered and that the underpinning of the surrounding buildings be carefully monitored.

Vote: Unanimous, with 45 Board members in favor.

2. 214-218 West Houston St. / 50-56 Downing St. (060233ZSM) Block: 528 Lot 12, Revisions to City Planning Special permit application pursuant to Sec. 74-902, on behalf of Village Care of New York, for a Nursing Home, Use Group 3, residential health care facility (Community Facility Use) and an increase in bulk from FAR 2.43 to FAR 4.8 in an R6 district

WHEREAS; CB#2, Man. has previously expressed strong support for this application, And

WHEREAS; Village Care has provided an important and high quality service to the community for many years, And

WHEREAS; The applicant held numerous community meetings as the building was being designed and the applicant significantly modified the design in response to community concerns, And

WHEREAS; The applicant has continued to work with the community as they had promised, And

WHEREAS; The community has continued to express support for this application and has no objections to these modifications, And

WHEREAS; CB#2, Man. finds that the revisions to this application are in fact minor modifications, And

THEREFORE BE IT RESOLVED, That CB#2, Man. thanks the applicant for having reached out to the community and responding to their concerns, And

BE IT FURTHER RESOLVED, That CB#2, Man. finds that our district is not over saturated with nursing home beds and we welcome the additional five beds, And

BE IT FURTHER RESOLVED, That CB#2, Man. continues to support this application for 214-218 West Houston St. / 50-56 Downing St. (060233ZSM) Block: 528 Lot 12, Revisions to City Planning Special permit application pursuant to Sec. 74-902, on behalf of Village Care of New York, for a Nursing Home, Use Group 3, residential health care facility (Community Facility Use) and an increase in bulk from FAR 2.43 to FAR 4.8 in an R6 district, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant continue to meet with the community to address the issues, And

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

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

Vote: Unanimous, with 45 Board members in favor.

3. 50 Howard St. ULURP#070105ZSM (Block 231, Lot 16) City Planning Special permit application pursuant to Sec. 74-711 to permit Use Group 6 (Retail) on the ground floor and portions of the cellar.

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

WHEREAS, The proposed usage is consistent and compatible with the other proposed uses in this building and in the surrounding buildings and would have no adverse impacts on the neighborhood, And,

WHEREAS, The owner of the property will live in the building,

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a City Planning Special Permit application pursuant to Sec. 74-711 to allow Use Group 6 (retail) at 50 Howard St (Block 231, Lot 16) on the ground floor and portions of the cellar.

Vote: Unanimous, with 45 Board members in favor.

NEW BUSINESS

Temporary Teacher Parking for P.S. 130

WHEREAS, P.S. 130 on the east side of Baxter St. between Grand St. and Hester St. is undergoing extensive repairs, scheduled to last for two years, and this has resulted in the loss of over 12 teacher parking spaces; and

WHEREAS, P.S. 130 has requested temporary parking spaces on the west side of Baxter St., from 148 Baxter extending north to Grand St. to accommodate its teaching staff during the construction period; and

WHEREAS, the west side of Baxter St. is signed “No Parking 8 a.m. to 6 p.m.” but repeated visits to the site reveal that all curb spaces are occupied with vehicles displaying city-issued and homemade “parking permits”; and

WHEREAS, in order to combat the negative effects of traffic congestion, this Board would prefer to see far fewer city employees being issued parking privileges that are not available to other citizens or privately-employed individuals and instead see them making use of public transportation, though we do sympathize with this temporary impact on the teachers of P.S. 130;

THEREFORE BE IT RESOLVED, that CB#2, Man. requests that the NYC Department of Transportation change the parking regulation along the west side of Baxter Street from in front of 148 Baxter Street northwards to Grand Street from “No Parking 8am to 6pm” to “No Parking 7am – 4pm School Days Except Faculty Vehicles” until the P.S. 130 construction project is completed; and

BE IT FURTHER RESOLVED, that CB#2, Man., requests the assistance of the NYPD 5th Precinct in keeping this teacher-only parking zone free of vehicles of the employees of other city agencies.

Vote: Unanimous, with 45 Board members in favor.

STANDING COMMITTEE REPORTS

BUSINESS

1. Supper Gourmet Foods, 169 Bleecker St., (at Sullivan St), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for an American Comfort Food restaurant located in a 1,300 s.f. premise in a mixed use building located on the corner of Bleecker and Sullivan Street, with 50 table seats and 1 bar with 12 seats and a maximum legal capacity of 62 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 2:00 a.m. Sunday - Wednesday and 11:30 a.m. - 3:30 a.m. Thursday - Saturday; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premise license to Supper Gourmet Food Corp, 169 Bleecker St.

Vote: Unanimous, with 45 Board members in favor.

2. New York IKFD, LLC, 19 Kenmare St. (Bowery and Elizabeth Streets), NYC

WHEREAS, The Executive Committee of CB#2, Man. rescinded the resolution of April 19th, 2007 regarding the On Premise License Application by the applicant, because the Community Board was misled to rely upon what turned out to be an unauthorized letter of endorsement from the Fifth Precinct of the NYPD, said letter provided by the applicant; and,

WHEREAS, the applicant re-appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a multi-level restaurant and night club, with burlesque shows, in a 3000 s.f. premise in a mixed use building, with the entrance on Kenmare Street between Bowery and Elizabeth Streets, with 26 table seats and 1 bar with 8 seats at the ground floor burger café; 50 table seats and 2 bars with 18 seats at the lower level burlesque performance space; and a maximum legal capacity of 180 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:00 a.m. – 4:00 a.m. Wednesday-Sunday; in light of community concerns, applicant stipulated to reduce the hours on Monday and Tuesday to 12:00 a.m.; there will not be a sidewalk café application nor a backyard garden; music will be live jazz and background only; performances will be classic burlesque with no nudity; and,

WHEREAS, over 15 letters were written in support of the applicant; and,

WHEREAS, over 50 members of the community appeared in support of the applicant; and,

WHEREAS, several hundred members of the community appeared in very strong opposition citing quality of life concerns intrinsic to a large nightclub with burlesque entertainment, including noise and overcrowding issues in a residential area, traffic concerns along the already busy Kenmare Street and the Bowery; citing the applicant consistently and intentionally misled and misinformed the community, its elected and appointed representatives, and administrative agencies; has provided inconsistent and contradictory information regarding maximum occupancy; the use violates NYC Zoning regulations; and the close proximity to other licensed establishments; and,

WHEREAS, the applicant presented a plan to address community concerns; sound containment plans include: extensive sound isolation construction to be implemented and the lower level will be isolated acoustically from the apartments above; security and traffic plans include strict admission standards and exterior controls in parking, vehicle drop off/pick up and patron activities, and independent traffic analysis procured by applicant over the Labor Day weekend (Holiday) indicated that traffic volume is 40% less during night time hours; implementation of community outreach plans, including monthly meetings; and,

WHEREAS, a petition with over 1800 signatures in opposition were collected within 7 days, including nearby residents, parents with children, and religious leaders; 106 local businesses signed another petition opposing the applicant;

WHEREAS, community, educational, social service and religious organizations stated their opposition, including but not limited to the Chinese Chamber of Commerce, the Chinese Consolidated Benevolent Association and the Chinatown Head Start program; and,

WHEREAS, State Assembly member Sheldon Silver, State Senator Martin Connor and Councilmember Alan Gerson have written letters to the State Liquor Authority requesting denial of this application; and,

WHEREAS, over 26 establishments holding an on-premise license are located within 500 feet; and

WHEREAS, the community has submitted credible documentation to the board and elected officers that the applicants did not reflect the stipulated agreement to reduce hours in his SLA application's Method of Operations and that the applicant has not amended his SLA application to reflect such; and

WHEREAS, the community has shown that a designated house of worship – Shinji Shumaikai of America temple – located at 165 Elizabeth Street is within 100 feet of the proposed establishment; and

WHEREAS, the community has shown documentation from the NYC Department of Transportation that a) Kenmare Street is a designated truck route – both local and through trucks – from Williamsburg Bridge to the Holland Tunnel; b) the intersection at Bowery and Kenmare/Delancey has one of the highest incidents of vehicular and pedestrian traffic accidents; and c) Kenmare Street becomes one of the most congested streets during the PM and Sunday peak periods; and

WHEREAS, the applicant states the location may be exempt from the 500-foot rule based on the “grandfather” clause by claiming that the location has been continuously licensed in some capacity since November 1, 1993. The committee noted this exemption should not apply in this case because the applicant's application includes significant expansion into areas not previously licensed including an adjoining storefront which was not previously licensed and was a physically separate business until recently and a basement space which was not previously licensed and also did not have a proper Certificate of Occupancy for use by customers.

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial to the proposed On Premise license for **New York IKFD, LLC, 19 Kenmare St.**; and

BE IT FURTHER RESOLVED that we ask the appropriate elected official to track this resolution, to be sure that the SLA knows about our opposition, and our community's opposition to this application.

Vote: Passed, with 44 Board members in favor, and 1 abstention.

3. Superior Restaurant NYC, LP, 26-28 Bond St. (Lafayette & Bowery), NYC

WHEREAS, The Executive Committee of CB#2, Man. requested to layover the application to provide sufficient time for the applicant to address community concerns with their method of operation; and

WHEREAS, the applicant re-appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a mixed use building on Bond Street between Lafayette and Bowery streets, for a 5,800 s.f. New American restaurant, with 100 table seats (reduced from 130 in the original plan), 1 bar with 13 seats, and a maximum legal capacity of 145 persons; and,

WHEREAS, over 25 letters were written in support and over 250 members of the community (over 25 in NoHo) signed a petition fully supporting the applicant to operate a restaurant at 26-28 Bond Street; and,

WHEREAS, the committee recognizes the quality of the applicant, and

WHEREAS, the density of licensed establishment is twelve within 500 feet; and

WHEREAS, the community, consisting of residents, property owners, businesses and developers object to additional licenses in this area of NoHo; and

WHEREAS, considerable proof - by petition letter and attendance of community opposition was received; and

WHEREAS, CB#2, Man. does not feel this in this application the public interest would be served;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for Superior Restaurant NYC, LP, 26-28 Bond St.,

Vote: Passed, with 43 Board members in favor, and 2 in opposition.

4. Holiday Inn SoHo, 138 Lafayette St. (Howard and Canal Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for a hotel located in a 112,900 s.f. premise in a mixed use building located on Lafayette Street between Howard and Canal Street containing a restaurant/lounge facility with 52 table seats and 1 bar with 2 seats and a maximum legal capacity of 937 persons for the hotel; and,

WHEREAS, the applicant stated the hours of operation are 24 hours per day seven days a week but beverage service in the lounge will expire at 4:00 a.m. daily; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premise license to Holiday Inn SoHo, 138 Lafayette St.

Vote: Unanimous, with 45 Board members in favor.

5. Tong Hospitality d/b/a Tong, 39 E. 13th St. (University and Broadway), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 2,000 s.f. Thai restaurant on East 13th Street between University and Broadway, with 75 table seats and 1 bar with 16 seats, and a maximum legal capacity of 74 pending the issuance of a new Certificate of Occupancy; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 11:00 p.m. Sunday – Thursday and 11:30 a.m. – 12:00 a.m. Friday and Saturday; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

WHEREAS, the amended Certificate of Occupancy will be issued by the New York City Department of Buildings and a copy be provided to CB#2, Man. prior to the use of the On Premise license; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for Tong Hospitality d/b/a Tong, 39 E. 13th St., unless those conditions agreed to by applicant relating to the fourth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 45 Board members in favor.

6. De’Vill, 68 W. 3rd St. (LaGuardia and Thompson Streets), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a mixed use building on 3rd Street between LaGuardia Place and Thompson Street, for a 1,562 s.f. Asian Fusion bar/restaurant, with 52 table seats, 1 bar with 13 seats, and a maximum legal capacity of 63 persons; and,

WHEREAS, the applicant stated the hours of operation are 9:00 a.m. – 4:00 a.m. seven days a week; there will not be a sidewalk café application but a backyard garden will be in use; in light of community concerns, applicant stipulated to reduce the hours for the backyard garden to 10:00 p.m.; music will be live jazz and background; in light of community concerns, applicant stipulated to have live music for Saturday and Sunday brunch hours only; and,

WHEREAS, the applicant provided inconsistent information about their method of operation; discrepancies with the Certificate of Occupancy, floor plans, type of establishment and type of music were identified by the committee; and

WHEREAS, an owner/resident living directly behind the established appeared in opposition from the community; citing noise issues with the backyard garden; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the proposed On Premise license to De’Vill, 68 W. 3rd St.

Vote: Unanimous, with 45 Board members in favor.

7. 14 Bar, LLC, 63 Gansevoort St. (9th Avenue and Washington Street), NYC.

WHEREAS, the applicant re-appeared before the committee; and,

WHEREAS, this application is for an extension for a previously approved transfer of On Premise license for a restaurant/bar located in a 3200 s.f. premise in a commercial building located on Gansevoort Street between 9th Avenue and Washington Street with 108 table seats and 1 bar with 8 seats and a maximum legal capacity of 150 persons; and,

WHEREAS, the applicant stated the hours of operation are 5:00 p.m – 4:00 a.m. seven days a week; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

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

WHEREAS, a member of the community appeared in support of the applicant; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premise license to 14 Bar, LLC, 63 Gansevoort St.

Vote: Unanimous, with 45 Board members in favor.

8. Cosanita, LLC, 331 West Broadway a/k/a 53 Grand St. (at Grand Street), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for an Italian restaurant located in a 1,340 s.f. premise in a mixed use building located on the corner of West Broadway and Grand Street, with 55 table seats and 1 bar with 10 seats and a maximum legal capacity of 74 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:00 a.m. –11:00 p.m. Sunday - Thursday and 11:00 a.m. - 12:00 am Friday and Saturday; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premise license to Cosanita, LLC, 331 West Broadway a/k/a 53 Grand St.

Vote: Unanimous, with 45 Board members in favor.

9. 225 Restaurant, LLC, 225 Varick St. (at Clarkson Street), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for a steakhouse restaurant in the space formerly operated as Brother's Barbeque, located in a 4,200 s.f. premise in a commercial building located on the corner of Varick and Clarkson Streets, with 105 table seats, 1 bar with 16 seats and a maximum legal capacity of 115 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 1:00 a.m. seven days a week; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of transfer of an On Premise license to 225 Restaurant, LLC, 225 Varick St.

Vote: Unanimous, with 45 Board members in favor.

10. Cantaloupe, LLC d/b/a Lovely Day, 196 Elizabeth St. (Prince and Spring Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an alteration of an existing On Premise license for a Noodle House / Asian restaurant d/b/a Lovely Day for the addition of a 875 s.f. basement in a mixed use building located on Elizabeth between Prince and Spring Streets, with 40 table seats and 1 bar with 6 seats and a maximum legal capacity of 46 persons; and,

WHEREAS, the applicant stated the hours of operation are 12:00 p.m. – 11:00 p.m. Sunday – Thursday and 12:00 p.m. – 12:00 a.m. Friday - Saturday; there will be a sidewalk café application but not a backyard garden; music will be background only; and,

WHEREAS, a member from the community appeared in opposition; citing noise and overcrowding issues; and,

WHEREAS, a petition with over 100 signatures in opposition were collected within a few hours; and,

WHEREAS, the applicant proposes to extend the current retail use from the ground floor to the basement, which currently has a Certificate of Occupancy for storage use – not retail use; and

WHEREAS, zoning regulations dictate that whenever there is a substantial change of use or occupancy – which this extension from storage to retail use would trigger – that there must be an accommodation for accessibility for the disabled; and

WHEREAS, the application provided no plans or intentions to provide handicap accessibility, which would violate local as well as Federal laws;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed alteration of an On Premise license for Cantaloupe, LLC d/b/a Lovely Day, 196 Elizabeth St.

Vote: Unanimous, with 45 Board members in favor.

11. Iridium Restaurant Corp. d/b/a Bread, 20 Spring St. (Elizabeth and Mott Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of an existing On Premise license in a 3300 s.f. restaurant known as Bread with 84 table seats and 1 bar with 3 seats; and a maximum legal capacity of 84 persons, located in a mixed use building on Spring Street between Elizabeth and Mott streets, to include the recently approved sidewalk cafe with 2 tables and 4 seats; and

WHEREAS, the applicant stated the hours of operation will be 10:30 a.m. – 2:00 a.m. Seven Days a Week; there will be a sidewalk café but no backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the proposed alteration of the On Premise license of Iridium Restaurant Corp. d/b/a Bread, 20 Spring St.

Vote: Unanimous, with 45 Board members in favor.

12. Danal Salvo, Inc., 59 5th Ave. (bet. 12th & 13th Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for relocation of an established restaurant known as Danal in a 4,000 s.f. premise in a commercial building located on 5th Avenue between 12th and 13th Streets, with 130 table seats and 1 bar with 12 seats and a maximum legal capacity of 174 persons; and,

WHEREAS, the applicant stated the hours of operation are 9:00 a.m. – 12:00 a.m. seven days a week; there will not be a sidewalk café application and nor a backyard garden; music will be background only; and,

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to Danal Salvo, Inc., 59 5th Ave.

Vote: Unanimous, with 45 Board members in favor.

13. Almond Flower Bistro, Inc., 96 Bowery, NYC

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Almond Flower Bistro, Inc., 96 Bowery, NYC and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard

Vote: Unanimous, with 45 Board members in favor.

14. 296 Sandwich LLC, 296 Bleecker St., NYC

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to 296 Sandwich LLC, 296 Bleecker St., NYC and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard

Vote: Unanimous, with 45 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST SEPTEMBER MEETING

12 Greene St. (Canal) SoHo H.D. Application is to construct a rooftop addition.

WHEREAS, the project will be using neighboring party-walls to support the structure; and

WHEREAS, neighbors showed up to express concern about potential damage from drainage, as occurred from a similar project on the adjacent building; and

WHEREAS, the applicant assured them that only the highest standards would be employed; and

WHEREAS, the addition will not be visible from the street and there is no destruction of historic material; now

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

Vote: Unanimous, with 45 Board members in favor.

121 Greene St. Application is to construct a rooftop addition.

WHEREAS, this addition is barely visible at only one spot on the street - a block away; now

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

Vote: Unanimous, with 45 Board members in favor.

425 Broadway (Grand/Canal) Application is to replace a storefront installed without LPC permits.

WHEREAS, the current storefront infill is a blight; and

WHEREAS, the proposed bulkhead is a bit low at only 14"; but

WHEREAS, the infill is compatible in scale, style and materials with the historic district; and

WHEREAS, the applicant said he would seriously consider installing the more historically appropriate retractable awnings as a sun shield, instead of the proposed fixed awning, most of which are used nowadays as an advertising medium 7/24/365 and are not at all serving their historic use of shading; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application and urges incorporation of retractable awnings.

Vote: Unanimous, with 45 Board members in favor.

477 Broadway a/k/a 50-52 Mercer St. (Broome/Spring) Application is to construct rooftop bulkheads, raise a parapet, and install a new railing.

WHEREAS, rooftop additions are usually requested by an applicant to add an additional room, but

WHEREAS, this request is in response to the desire of the applicant to raise his interior ceiling height four feet; and

WHEREAS, the side parapet-wall be raised and a new bulkhead added to the roofscape to accommodate this interior expansion; and

WHEREAS, this will be noticeable from the street, particularly since the adjacent building is only a couple of stories tall; and

WHEREAS, we feel that cluttering the public's view of the roofscape solely to raise the height of one ceiling inside the building is not an equitable trade-off; now

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

Vote: Unanimous, with 45 Board members in favor.

79 Mercer St. Application is to install new storefront infill.

WHEREAS, we do not condone installation of a storefront with LPC permits, but;

WHEREAS, the remedy will actually result in an improvement, as elements are made to match and the design becomes better balanced; and

WHEREAS, the design would have been even better if the applicant had come first to LPC for permits and consultation; now

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

Vote: Unanimous, with 45 Board members in favor.

351-353 Bleecker St. a/k/a 213-215 W. 10th St. Application is to replace a storefront installed without LPC permits and install signage.

WHEREAS, we applaud the applicant and architect for their conscientious diligence in presenting this to the community board; and

WHEREAS, the materials used, the linear louvers, external painted hardwood trim, as well as the design conform to the style of the district; now

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

Vote: Unanimous, with 45 Board members in favor.

76 Washington Pl. Application is to enlarge window openings and install new windows.

WHEREAS, the treatment will bring it closer to the historical style and scale of this building's fenestration; now

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

Vote: Unanimous, with 45 Board members in favor.

122 Waverly Pl. Application is to replace the sidewalk.

WHEREAS, the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

WHEREAS, the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

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

Vote: Unanimous, with 45 Board members in favor.

548 Hudson St. Application is to construct rooftop and rear yard additions.

WHEREAS, the rear-yard addition has been removed from the application; and

WHEREAS, the applicants, on their own, are restoring the front façade, removing fire escapes which block the facade, leaving the original cornice untouched and are re-pointing; and

WHEREAS, the part of the setback rooftop addition that will be visible from the street will blend in somewhat with the surrounding busy roofscape, and stucco will be used to enable it to blend in even better; now

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

Vote: Unanimous, with 45 Board members in favor.

2ND SEPTEMBER MEETING

1. 54 Bond Street (Bouwerie Lane Theatre) Application is to construct a rooftop addition. Individual Landmark

WHEREAS, to maintain two means of egress, the non-historic fire escape is being removed and a rooftop bulkhead is being added; and

WHEREAS, the bulkhead will be quite prominently visible along points on the east side of Bowery; but

WHEREAS, nevertheless, it will still be less visible from more places than the existing fire escape is, which distracts from the wonderful façade of this special building; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application, since the proposed bulkhead would be less intrusive than the existing fire escape.

Vote: Unanimous, with 45 Board members in favor.

675 Hudson Street (13th St.) Application is to legalize signage installed without LPC permits.

WHEREAS, the application was asked to be laid over till next month, which is convenient for the applicant, since it represents at least a month's more revenue generated by this Illegal billboard, revenues estimated to be in the tens of thousands of dollars; and

WHEREAS, several residents appeared as well as the Greenwich Village Society for Historic Preservation to voice strong opposition to this illegal billboard; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends a hearing of this application by Landmarks immediately, and stiff fines if possible, to counter any ill-begotten gains for this applicant.

Vote: Unanimous, with 45 Board members in favor.

432 Sixth Avenue (W. 10th) Application is to replace storefront infill and install signage

WHEREAS, the removal of tile and roll-down gates from the façade greatly improves its appearance; and

WHEREAS, a transom will be installed and the storefront painted black;
now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application, which is a welcomed improvement over the existing façade.

Vote: Unanimous, with 45 Board members in favor.

36 Greene Street Application is to construct a rooftop bulkhead.

WHEREAS, the proposed elevator housing of this corner building will be clearly and prominently visible from much of the street, partly because it is not set back even an inch from the building line (since it must align with an existing elevator shaft); and

WHEREAS, the applicant offered no compelling reason for the need for the elevator to service the roof, particularly since it is rare indeed in the Cast-Iron District for any building to have an elevator reaching the roof, even those with penthouses and/or roof top gardens; now

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

Vote: Unanimous, with 45 Board members in favor.

113 Greene Street Application is to replace sidewalk vault lights.

WHEREAS, these leaky vault coverings are endemic in the Cast-Iron District; and

WHEREAS, leaking from the existing vault covering is causing rusting of the underlying support beams in the basement; and

WHEREAS, some of the existing vault lights will be restored and preserved wherever possible; and

WHEREAS, the existing granite pavers will be restored and repaired; now

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

Vote: Unanimous, with 45 Board members in favor.

483 Broadway/56 Mercer (Grand/Broome) Application is to install storefront infill.

WHEREAS, Pottery Barn is doing a magnificent and extensive restoration of the both storefronts of this through-block building, for which it should be applauded; and

WHEREAS, the work is compatible in scale, style, materials, and rhythm with other buildings in the Historic District; and

WHEREAS, the lighting and signage will be modest; now

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

BE IT FURTHER RESOLVED that the Board commends the applicant for doing such an extensive and expensive restoration solely for the aesthetic benefits derived, instead of some minor restoration in the applicant's self interest to be followed quickly by a *quid pro quo* request to the Landmarks Preservation Commission relating to a change of use or bulk, which, sadly, is too frequently the case.

Vote: Unanimous, with 45 Board members in favor.

7. 680 Broadway

WHEREAS, the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

WHEREAS, the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of this application in the absence of this important step in the review process; and,

BE IT FURTHER RESOLVED, that the Commission not reward the applicant for ignoring the Community Board while other applicants did the right thing, and that the Commission refer the applicant back to the Board, as its own publication suggests.

Vote: Unanimous, with 45 Board members in favor.

8. 708 Broadway a/k/a 402-408 Lafayette Street (Great Jones St./Astor Pl.) Application is to install storefront infill and construct a rooftop addition.

WHEREAS, this is an extensive and expensive restoration, greatly improving the storefront and façade, and is to be commended; but

WHEREAS, the rooftop addition is fairly visible from parts of Lafayette Street; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application with the exception of the rooftop addition.

Vote: Unanimous, with 45 Board members in favor.

9. 708 Broadway a/k/a 402-408 Lafayette Street Application is to request that the LPC issue a report to City Planning Commission re: an application for Modification of Use pursuant to Sec. 74-711 of the Zoning Resolution.

WHEREAS, this is a giant undertaken that will restore the building to much of its original glory; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application because it is refreshing to see a 74-711 application for such an extensive beautification of an old building concomitant with such a relatively benign change-of-use request, instead of what we see too often, namely, an applicant doing just minor restoration and wanting the family farm in return; but

BE IT FURTHER RESOLVED that approval for the landmarks work should in no way influence the decision later by the Zoning Committee in rendering an opinion.

Vote: Unanimous, with 45 Board members in favor.

PARKS, RECREATION, OPEN SPACE

Design for Petrosino Park

WHEREAS, the design for Petrosino Park passed by CB#2, Man. included bollards on each side of the pedestrian curb cuts and additional bollards at the north tip of the park; and

WHEREAS, there is heavy traffic westbound on Kenmare Street and heavy nighttime traffic all around the park; and

WHEREAS, the angles of the intersections and unusual and deceptive to drivers; and

WHEREAS, the park perimeter has become a popular gathering area; and

WHEREAS, CB#2, Man. believes the bollards will provide a measure of safety to pedestrians on the park perimeter; and

WHEREAS, apparently the bollards were removed from the design because the city has a new policy discouraging use of bollards to protect buildings, but these few bollards intended to protect pedestrians fall outside the intent of that policy; and

WHEREAS, the bollards also provided an attractive feature connecting the sidewalk to the park;

THEREFORE, BE IT RESOLVED that CB#2, Man. requests that the Parks Department restore the bollards to the design.

Vote: Unanimous, with 45 Board members in favor

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1.* App. to NYCDOT for revocable consents for: removable bench at 225 Sullivan St.

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, the Bar is located on Sullivan St., between Bleecker and West 3rd St., and

WHEREAS, this block is predominantly residential apartments with the exception of the Children's Aide Society located just south and a small unenclosed sidewalk café just north of this location, and is closely located to tenant apartments above the subject location, and

WHEREAS, four residents appeared before this committee representing this building and neighboring buildings and more than 6 other letters were received in objection to this application, and

WHEREAS, this committee sees no material benefit to either the Community or the applicant in placing a bench on this sidewalk and the petitioner only intended the bench for daytime use

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends DENIAL of the NYCDOT application for revocable consents for a removable bench at 225 Sullivan St. for VBar.

Vote: Passed, with 33 Board members in favor, 9 in opposition, and 1 abstention.

1a.* Renewal Applications. for revocable consent to operate an Unenclosed sidewalk cafe for:

1. Florio's Enterprises Inc., 192 Grand St. with 7 tables & 20 seats, DCA# 0890546;

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, the restaurant is located on Grand Street between Mulberry and Mott Sts., and

WHEREAS, on personal inspection the Committee Chair found 7 double tables and 27 seats (see addenda pix) at this location, and a pedestal menu on the sidewalk by the curb, and

WHEREAS, there was a DCA sign noting 7 tables & 20 seats

THEREFORE, BE IT RESOLVED, that CB#2, Man. Recommends APPROVAL for the Renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for Florio's Enterprises Inc., 192 Grand St. with 7 tables & 20 seats, DCA# 0890546, **CONDITIONAL upon:**

1. The removal of the current 7 additional seats
2. The removal of the Pedestal Menu currently placed by the curb.

Vote: Unanimous, with 43 Board members in favor.

2. Marbar, LLC, 359 Sixth Ave. with 6 tables & 12 seats, DCA# 1141303.

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, there was no community complaint or opposition, and

WHEREAS, the restaurant is located on Sixth Avenue between West 4th St. and Washington Place, and

WHEREAS, on personal inspection the Committee Chair found tables, chairs and barriers to be in compliance, but a DCA Sign not visible, and

WHEREAS the owner in attendance agreed to place the DCA license in a visible location,

THEREFORE, BE IT RESOLVED, that CB#2, Man. Recommends APPROVAL for the Renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for **Marbar, LLC, 359 Sixth Ave. with 6 tables & 12 seats, DCA# 1141303**

Vote: Unanimous, with 43 Board members in favor.

3. I Malatesta Trattoria, Inc., 649 Washington St. with 18 tables & 35 seats, DCA# 1076713;

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, there were two Community residents speaking in favor and no Community complaint or opposition, and

WHEREAS, the restaurant is located at the corner of Washington and Christopher Sts., and

WHEREAS, the applicant has reduced the number of tables to 16 and seats to 34 and added a small platform on the Washington St. side, leading to the café, and

WHEREAS, it was observed that the altered configuration fits the streetscape more compatibly and local residents feel its presence is an asset in this location, and

WHEREAS, the applicant has prominently displayed the past DCA License in an easily visible public location,

THEREFORE, BE IT RESOLVED, that CB#2, Man. Recommends APPROVAL, for the renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for **I Malatesta Trattoria, Inc., 649 Washington St. with 16 tables & 34 seats, DCA# 1076713, CONDITIONAL** upon:

1. The revision of the renderings submitted with this application to show the currently accurate 16 tables and 34 chairs
2. The removal of the platform on the Washington St. side.

Vote: Unanimous, with 43 Board members in favor.

4. KID Restaurant, Inc., 340 Bleecker St. with 6 tables & 12 seats, DCA# 0885879

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and the applicant appeared before the committee; and,

WHEREAS, there were no Community members who appeared representing any opposition, and

WHEREAS, the restaurant is located on Bleecker St. between Christopher and West 10th St, and

WHEREAS, inspection showed that the sidewalk café is exactly as represented in the last application, and

WHEREAS, the applicant agrees to more prominently display the DCA license for public viewing,

THEREFORE, BE IT RESOLVED, that CB#2, Man. Recommends APPROVAL, for the renewal Application for revocable consent to operate an Unenclosed sidewalk cafe for **KID Restaurant, Inc., 340 Bleecker St. with 6 tables & 12 seats, DCA# 0885879.**

Vote: Unanimous, with 43 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Support of a Study by DOT to Mitigate Traffic Speed on Bleecker and W. 11th Streets

WHEREAS, traffic speed and magnitude, including through traffic, have increased significantly on Bleecker and West 11th Streets, threatening pedestrian safety in an area with a children's playground, many retail establishments and heavy pedestrian density; and

WHEREAS, the New York City Department of Transportation (DOT) has indicated it is able to investigate traffic light synchronization, speed humps and other solutions to such conditions, based on specific criteria (e.g. street width, bus route, snow route);

THEREFORE, BE IT RESOLVED that CB#2, Man. urges DOT to conduct a study of traffic speed conditions on Bleecker and West 11th Sts. and approaches to mitigate them, looking at a range of traffic light sequencing strategies that both slow down traffic and inhibit through traffic, the feasibility of speed humps, and other possible solutions; and

BE IT FURTHER RESOLVED that CB#2, Man. requests that, at the completion of this study, DOT present their findings and recommendations to CB#2, Man. .

Vote: Unanimous, with 45 Board members in favor.

2. Support of Installing a Light Filter at Horatio St. and 8th Ave. and Installing a Flashing Red Light and Re-Striping the Crosswalk at Horatio St. and W. 4th St.

WHEREAS, drivers going eastbound on Horatio Street regularly run a stop sign at West 4th Street in response and even in anticipation to the traffic light turning green at 8th Avenue and Horatio Street, about 150 feet ahead of the stop sign, creating a hazardous crossing for pedestrians; and

WHEREAS, putting a filter on the lenses of the traffic light at Horatio Street where it intersects with 8th Avenue would obscure the light's designation (red, green or yellow) to approaching drivers unless directly at that intersection, a technique that has been used successfully at the Mosholu Parkway/Sedgwick Avenue intersection in the Bronx to deter drivers forging ahead to make the light; and

WHEREAS, a flashing red light at Horatio Street where it intersects with West 4th Street, along with a highly visible crosswalk there would be a strong, further deterrent to drivers who might run the stop sign at that location;

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the installation of a light filter at Horatio Street and 8th Avenue and the installation of a flashing red light and re-striping of the crosswalk at Horatio and West 4th Streets.

Vote: Passed, with 44 Board members in favor and 1 abstention.

3. Support of Installing a Bike Rack In Front Of 277 W. 10th St.

WHEREAS, a request has been received on behalf of the residents of 277 West 10th Street, a building with more than 250 inhabitants, to have a bicycle rack installed in front of their building; and

WHEREAS, there are many bicycle users in the area, including those in the building, and the only places people can lock up their bikes there are on stop signs, at bus stops or on other street signs; and

WHEREAS, this makeshift bicycle parking creates hazards for pedestrians, by blocking the sidewalks, of particular concern with the Village Community School right across the street;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly supports the installation of a bicycle rack in front of 277 West 10th Street.

Vote: Unanimous, with Board members in favor.

4. Support of Changing Back Parking Regulations on W. 13th St. bet. 6th and 7th Aves. from Street Cleaning Rules to “No Parking 8 am – 6 pm on the North Side T, Th and S and on the South Side M, W and F” (Alternate Side Parking)

WHEREAS, prior to the MTA New York City Transit fan plant construction project on West 13th Street between 6th and 7th Avenues, parking regulations on that block were for “No Parking 8 am – 6 pm on the North Side Tuesday, Thursday and Saturday and on the South Side Monday, Wednesday and Friday;” and

WHEREAS, following completion of the fan plant project, street cleaning rules (“No Parking 9-10:30 am North Side Monday and Thursday, South Side Tuesday and Friday) were instituted on that block, leading to increased traffic with more noise, pollution and danger to pedestrians as well as obstructed deliveries on a block with many businesses; and

WHEREAS, the West 13th Street 100 Block Association representing that street has voted overwhelmingly in favor of retaining the original parking regulations and has requested that the current street cleaning parking regulations on West 13th Street between 6th and 7th Avenues be changed back to the original regulations on that street for “No Parking 8 am – 6 pm on the North Side Tuesday, Thursday and Saturday and on the South Side Monday, Wednesday and Friday”;

THEREFORE, BE IT RESOLVED that CB#2, Man. supports changing back parking regulations on West 13th Street between 6th and 7th Avenues from Street Cleaning Rules to “No Parking 8 am – 6 pm on the North Side Tuesday, Thursday and Saturday and on the South Side Monday, Wednesday and Friday” (Alternate Side Parking).

Vote: Unanimous, with 45 Board members in favor.

WATERFRONT

Hudson River Park Pier 40 - Pier 40 Partnership

WHEREAS

1. CB#2, Man. has endorsed the Report and Recommendations of the Pier 40 Working Group, including its recommendation to reject the Pier-wide development proposals made by Related and the Urban Dove/ Camp Group;
2. The Pier 40 Partnership, a not for profit corporation, has galvanized an effort in support of the Working Group’s recommendations and CB2’s resolution, and has offered to raise between \$10million and \$30 million in private contributions to repair and improve Pier 40 in the immediate future;
3. The Pier 40 Partnership has offered to donate as much as \$200,000 to a study, recommended by the Working Group, to assess and present an alternative vision or visions for Pier 40, centered around the concept of an incremental development schedule;
4. The Pier 40 Partnership has pledged to coordinate its study with CB2, CB1, CB4, and the local elected officials so as to assure that the views of the entire community are reflected in any proposals which might be made as part of the study;
5. The Pier 40 Partnership is not looking to become the developer of Pier 40, or to transform itself into some sort of conservancy which would attempt to run Pier 40;
6. CB2 reiterates its belief that the current proposals are not only contrary to the interests of the CB2 community and Hudson River Park, they do not maximize the economic potential of Pier 40 as a source of funds to support the operations and maintenance of all of Hudson River Park;
7. The Hudson River Park Trust has discouraged the Partnership’s offer to do a study;
8. A well-done study of alternatives at Pier 40 would greatly advance the effort to have the Trust choose an alternative other than the Related and Urban Dove/Camp Group proposals.
The Full Board voted to send this resolution back to the committee. See votes below.

Vote: Passed, with 32 Board members in favor, 10 in opposition, and 1 abstention.

ZONING AND HOUSING

1. 200 Lafayette Street, Manhattan (Block 482, Lot 37) CPC#070400ZSM Application for a special permit pursuant to section 74-782 of the Zoning resolution for development of joint living work quarters for artists in a building with lot coverage in excess of 5,000 square feet in an M1-5B district

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

WHEREAS; this is a changing area of our board and the proposed usage is appropriate for this building, And

WHEREAS; the ground floor spaces are relatively small and the applicant has stated that there will be no night club on the ground floor, And

WHEREAS; Adequate and well designed rooftop recreation space will be provided and the applicant has stated that there will be no roof top parties, And

WHEREAS; The foundation work will be very limited and will not impact the surrounding buildings, And

WHEREAS; The project will also involve the restoration of the historic brownstone façade and main interior features of the Building, including the cast iron columns even though it is not required, And

WHEREAS; SoHo is a world renowned arts orientated neighborhood that has been at risk due to intense development and a community give back is appropriate for this project.

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Special Permit Pursuant to Section 74-782 of the Zoning resolution for development of joint living work quarters for artists in a building with lot coverage in excess of 5,000 square feet in an M1-5B district providing that the applicant include a gallery space for local artists on the ground floor of the building.

Vote: Unanimous, with 45 Board members in favor.

2. 325-329 West Broadway/23-25 Wooster St., Chocolate Factory, (Block 228, Lot 20) Application for a Special Permit Pursuant to Section 74-711 to modify use regulations (§§42-10 & 42- 14D.(2)), height and setback (§43-43) and rear yard (§43-313) requirements of the Zoning Resolution in order to develop a mixed use building ,primarily residential, with ground floor retail. in M1-5A/M1-5B Districts.

WHEREAS; The applicant met with the community before the Public Hearing, And

WHEREAS; community members expressed support for this application, And

WHEREAS; The restored townhouses on Wooster St. will be a welcome addition to the neighborhood, And

WHEREAS; The applicant has stated that there will be no eating and drinking establishment in the retail space at this location, And

WHEREAS; The applicant has been advised that compliance with The NYC Department of Buildings Technical Policy and Procedure Notice #10/88 *Procedures for the avoidance of damage to historic structures resulting from adjacent construction* is required for this project.

THEREFORE BE IT RESOLVED, That CB#2, Man. thanks the applicant for having reached out to the community and responding to their concerns, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Special Permit Pursuant to Section 74-711 to modify use regulations (§§42-10 & 42- 14D.(2)), height and setback (§43-43) and rear yard (§43-313) requirements of the Zoning Resolution in order to develop a mixed use building ,primarily residential, with ground floor retail in M1-5A/M1-5B Districts providing that the ground floor use be restricted to Use Group 6 and that no eating and drinking establishment be allowed at this location, And

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

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

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests that all pile foundations be drilled not hammered and that any underpinning of the surrounding buildings be carefully monitored.

Vote: Unanimous, with 45 Board members in favor.

3. 47 West 13th St. / 48 West 14th St. (Block 577, Lot 15) BSA#180-07-BZ Board of Standards and Appeals special permit application by Rituals Spa LLC d/b/a Silk Day Spa, pursuant to Section 73-36 to permit the operation of a Physical Culture Establishment on a portion of the first floor and cellar of a building located within a C6-2/C6-2M zoning district.

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

WHEREAS; Local residents noted that the current operation is neighborhood friendly and they expressed support for this application, And

WHEREAS; The applicant started operation without the required permit, however, their operation has not caused any significant problems, And

WHEREAS; there will be no change in operation, And

WHEREAS; Local residents noted that there is a louver on 13th Street that vents a lot of hot moist air onto the sidewalk and the spa operator has looked into the problem and has promised to resolve it in a timely fashion, and

WHEREAS, The proposed usage is consistent and compatible with the other proposed uses in this building and in the surrounding buildings and would have no adverse impacts on the neighborhood,

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals special permit application by Rituals Spa LLC d/b/a Silk Day Spa, pursuant to Section 73-36 to permit the operation of a Physical Culture Establishment on a portion of the first floor and cellar of this building located within a C6-2/C6-2M zoning district for a period not to exceed ten years providing that the problem with the louver on 13th Street be resolved prior to the issuance of the permit.

Vote: Unanimous, with 45 Board members in favor.

1. CPC Zoning Proposal for Text Change dealing with Privately Owned Public Plazas. – N 070497 ZRY.

“The Department of City Planning is referring to CB#2 the above referenced application submitted by the Department of City Planning to amend various sections of the Zoning Resolution related to design and operational standards for privately owned public plazas.”

WHEREAS, CB#2, Man. has a number of areas where privately owned public plazas would be permitted, including the area where the Trump Condo-Hotel is planned, and.

WHEREAS, this legislation revises and updates design and operational standards for such plazas, and

WHEREAS, this text eliminates the terms “plaza,” “residential plaza,” and “urban plaza” and includes all these categories in the new term “Plaza, public,” and

WHEREAS, CB#2, Man. finds many of the proposed changes are very welcome, such as:

- Setting a minimum size of public plazas at 2,000 sq. ft.
- Specifying rules for its location in relation to other public open spaces
- Requiring that the major portion of the plaza contains 75% of the area, and the minor portion, with slightly different requirements, not more than 25% of the area
- Setting rules for the location of trees, lights, signage, and trashcans
- Eliminating skating rinks and amphitheaters from the definition.
- Setting rules for corner and through-block plazas
- Requiring at minimum a 10’ path between streets on a through block lot
- Circulation paths must be unobstructed
- Public plazas must be unobstructed and open to the sky except for fountains, trees, planters, arbors or trellis

- Permits open air cafes in public plazas but not using more than 50% on plazas less than 10,000 sq. ft. and 60% on plazas larger than 10,000 sq. ft., with style and size limitations, permanently unenclosed, completely removed when not in operation, and applications for them will be certified by the Chair of the City Planning Commission, sent to Community Boards, Council Members, and the Borough President for comment, and then granted by the City Planning Commission for 3 years and renewable, and

WHEREAS, the plazas will have signage giving rules, hours of operation and other information, plus the wording “Open to the Public”, and

WHEREAS, a major change will be that open air cafes and kiosks will have their permits renewed every three years, with a review by the CPC and other parties, and part of the renewal requirements will be statements and photos showing that they are maintaining the premises in compliance with the original grant.

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the proposed text change for plazas, but requests that the Commission look again at the requirements for lighting to be sure it will not be permitted to shine into windows of adjoining buildings at night.

Vote: Unanimous, with 36 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan