

FULL BOARD MINUTES

DATE: November 15, 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, Lisa Cannistracci, Leonard Cecere, Maria Passannante Derr, Doris Diether, Ian Dutton, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Zella Jones, Susan Kent, Raymond Lee, Elizabeth Loeb, Edward Ma, Don MacPherson, Jason Mansfield, Rosemary McGrath, Philip Mouquinho, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Wendy Schlazer, Arthur Z. Schwartz, Shirley Secunda, James Solomon, Shirley H. Smith, Richard Stewart, Sean Sweeney, Naomi Wender, Carol Yankay, Elaine Young

BOARD MEMBERS EXCUSED: Amanda Khan, Ke-Wei Ma, Judy Paul, Annie Vanrenterghem-Raven

BOARD MEMBERS ABSENT: David Ethan, Harriet Fields, Lawrence Goldberg, Arthur Kriemelman, Christine Lindemann,

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

GUESTS: Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, 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; Maryann Buscaino, Carla M. Palandrani, Jesse Campoamor, Lawrence S. Birns, Maurice Zucker, Dan Rafalin, Daniel Braff, Sarah Kupferberg, Hannah Nadler, Gary Parker, Josee Parys, Margaret Stewart, Amanda McEntire, Janet Rosen, Robert Berlin, Mary Johnson, Frank Kahn, James Drougas, Luke Henry, Bonnie Maitenaz, Jonathan Slaff, Elizabeth Adam, Susan Paston, Caroline Benuenigle, Andrew Weber, David Handler, Jim Fouratt, Diane Stein, Edy Selman, Trevor Stewart, Dan Ferris, Maria Skouras, Jose Silva, Susan Goren, Jo Laird, Howard Zipser, Melissa Baldock, Gary Tomei, Brenda Murad, Irene Kaufman, Chet Adrani, Christian Miller

MEETING SUMMARY

Meeting Date – November 15, 2007
Board Members Present – 41
Board Members Excused–4
Board Members Absent - 5

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II. PUBLIC SESSION

Non-Agenda Items

Health Education

Jesse Campoamor, from the 1199 SEIU Health Education Project spoke.

Washington Square Park

Mary Johnson spoke against the park's redesign. Edy Selman spoke regarding new information in a report. Susan Goren spoke.

Free Concert

Doris Diether made an announcement on a free concert event.

Special Events

Elizabeth Adam spoke regarding special events.

St. Vincent's Hospital Expansion

Susan Paston and Maurice Zucker spoke against the proposed hospital expansion.

Melissa Baldock, Trevor Stewart, Janet Rosen, Brenda Murad, and Gary Tomei spoke regarding the expansion project.

Irene Kaufman spoke regarding the expansion and the need for schools.

McBurney YMCA

Christian Miller gave an update.

Norman Mailer

Rosemary McGrath spoke regarding Mr. Mailer.

New York University

Gary Parker introduced himself as the new Manager of the Office of Community Relations

Traffic and Transportation Items

Requesting a Study of Converting Carmine St. to a One-Way Street

Carla Palandrani spoke against the proposal to add a bike lane. David Gruber spoke in favor of the one-way conversion. James Drougas signed up but did not speak regarding a revision of the proposal.

Zoning and Housing Items

341 Canal St-Construction of a new six-story plus penthouse residential building.

Howard Zipser, representing the applicant, spoke in favor of the project.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Erin Drinkwater, Congressman Jerrold Nadler’s office provided an update.

Crystal Gold-Pond, Senator Tom Duane’s office replacing Adam Riff, introduced herself as the new CB2 liaison.

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 spoke regarding bicycle lanes.

Diane Stein and Paul Nagle, Council Member Alan Gerson’s office.

Kate Makuliak, Council Member Rosie Mendez’s office,

John Ricker, NYC Comptroller’s office;

V. ADOPTION OF MINUTES

Adoption of September minutes and distribution of October minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

BUSINESS

1. 316 Bowery, LLC, 316 Bowery (at Bleecker), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license, pursuant to purchase for a New American/Fusion restaurant, located in a 6,000 s.f. premise in a mixed use building located on the corner of Bowery and Bleecker Streets, with 134 table seats, 2 bars with 28 seats and a maximum legal capacity of 170 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:00 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 has agreed to operate as a Restaurant only as defined in the New York State ABC Law and referenced in the SLA Taskforce Report; and,

WHEREAS, the applicant has agreed to abide by the regulations associated with all New York City departments and safety organizations including but not limited to Department of Buildings and Fire Department, and will obtain all required certificates, permits and related documents, including but not limited to the Certificate of Occupancy or Letter of No Objection and Public Assembly Permit. All certificates, permits and related documents will be in place prior to the use of the On Premise license; and,

WHEREAS, the applicant has agreed to operate only when violations (if any) at this current location under previous ownership and management have been corrected.

WHEREAS, those conditions agreed to by applicant and NoHo Residents and Property Owners in a fully executable agreement attached will be incorporated into the “Method of Operation” on the SLA On Premise license; and,

WHEREAS, members of the community and former executive members of the NoHo Neighborhood Block Association appeared to state their support for the applicant; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed On Premise license for **316 Bowery, LLC, 316 Bowery**, UNLESS those conditions agreed to by applicant relating to the fourth, fifth, sixth and seventh “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

2. Barba, Inc., 192 Bleecker Street (MacDougal and 6th Avenue), NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 1,440 s.f. Greek restaurant d/b/a Gus’ Place in a mixed use building on Bleecker Street between MacDougal and 6th Avenue, with 44 table seats and 1 bar with 5 seats, and maximum legal capacity of 49; and,

WHEREAS, the applicant stated the hours of operation are 12:00 p.m. – 12:00 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 CB2, Manhattan has no objection to the approval of an On Premise license to **Barba, Inc., 192 Bleecker Street d/b/a Gus’ Place, NYC**.

Vote: Unanimous, with 41 Board members in favor.

3. Little Water, LLC, 61 W. 8th Street (MacDougal and 6th Avenue), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a French American bar/restaurant, located in a 1,200 s.f. premise in a mixed use building located on W. 8th street between MacDougal and 6th Avenue, with 40 table seats, 1 bar with 15 seats and a maximum legal capacity of 55 persons; and,

WHEREAS, the applicant stated the hours of operation are 4:00 p.m. – 2:00 a.m. Monday – Friday; 11:30 a.m. – 2:00 a.m. Sat and Sun; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

WHEREAS, members of the community and executive members of the 8th Street Block Association and Washington Square-Lower Fifth Avenue Block Association appeared to state their support for the applicant; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan has no objection to the approval an On Premise license to **Little Water, LLC, 61 W. 8th Street**.

Vote: Passed, with 40 Board members in favor, and 1 recusal (D. Gruber).

4. Martin Whelan or Corp. to be formed, 80 W. 3rd St. (Thompson and Sullivan), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for an American restaurant, located in a 3,100 s.f. premise in a commercial building located on W. 3rd street between Thompson and Sullivan Streets, with 80 table seats, 2 bars with 35 seats and a maximum legal capacity of 135 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 3:00 a.m. seven days a week; there will not be a sidewalk café nor a backyard garden; music will be background only; and,

WHEREAS, the applicant has agreed that a Public Assembly permit will be issued by the New York City Department of Buildings prior to the use of the On Premise license; and,

WHEREAS, the applicant has agreed to install sound proofing in the premises and no “velvet rope” will be used at the entrance; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed On Premise license for **Martin Whelan or Corp. to be formed, 80 W. 3rd St.**, UNLESS those conditions agreed to by applicant relating to the fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license; and

BE IT FURTHER RESOLVED that CB2, Manhattan strongly recommends that the SLA conduct a 500-foot rule hearing with the applicant and members of the community to determine if licensing this restaurant is in the public interest.

Passed: Unanimous with 41 Board Members in Favor

5. Portuga Restaurant Group, LLC, 212 Lafayette St. (Spring and Kenmare), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for a French Mediterranean restaurant, located in a 2,000 s.f. premise in a residential building located on Lafayette between Spring and Kenmare, with 60 table seats, 1 bar with 8 seats and a maximum legal capacity of 74 persons; and,

WHEREAS, the applicant stated the hours of operation are 11:30 a.m. – 11:00 p.m. Monday – Thursday; 11:30 a.m. – 12:00 a.m. Friday and Saturday; 11:30 a.m. to 10 p.m. on Sundays; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

WHEREAS, the SLA should review the New York City Department of Buildings record to ensure that the proper certificates and permits are in place to allow restaurant use of this size and occupancy at this location; and,

WHEREAS, the applicant has agreed to install sound proofing on the ceiling of the premises; and,

WHEREAS, the applicant has agreed that the ventilation system will be up to code according to New York City Department of Buildings requirements 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 CB2, Manhattan recommends denial to the proposed On Premise license for **Portuga Restaurant Group, LLC, 212 Lafayette St**, UNLESS those conditions agreed to by applicant relating to the fifth and sixth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

6. Kimuta Corp., 15 W. 8th Street (5th Avenue and MacDougal), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a Japanese restaurant, located in a 1,700 s.f. premise in a mixed use building located on W. 8th street between MacDougal and 5th Avenue, with 66 table seats, 1 Sushi bar with 8 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. seven days a week; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

WHEREAS, members of the community and executive members of the 8th Street Block Association and Washington Square-Lower Fifth Avenue Block Association appeared to expressed no objection of the applicant; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan has no objection to the approval an On Premise license to **Kimuta Corp., 15 W. 8th Street**.

Vote: Unanimous, with 41 Board members in favor.

7. G&S Restaurants, LLC d/b/a De’Vill, 68 W. 3rd St. (LaGuardia and Thompson Streets), NYC

WHEREAS, the applicant re-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. Kosher bar/restaurant, with 48 table seats, 1 bar with 12 seats, and a maximum legal capacity of 74 persons; and,

WHEREAS, the applicant stated the hours of operation are 7:00 a.m. – 2:00 a.m. Sunday - Thursday; 7:00 a.m. – 4:00 a.m. Friday and Saturday; there will not be a sidewalk café application and a backyard garden will not be in use; music will be live jazz and background only; in light of community concerns, applicant stipulated to have live music for Saturday and Sunday only starting no earlier than 11:00 a.m.; and,

WHEREAS, the applicant has agreed to not have a DJ present; and,

WHEREAS, the applicant has agreed to have security personnel present from 10:00 p.m. until closing; and,

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

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends denial to the proposed On Premise license for **G&S Restaurants, LLC d/b/a De’Vill, 68 W. 3rd St.**, UNLESS those conditions agreed to by applicant relating to the third, fourth and fifth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 40 Board members in favor, and 1 recusal (L. Rakoff).

8. AKM, LLC, d/b/a Centovini, 25 W. Houston Street (Greene and Mercer Streets), NYC.

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of an existing On Premise license in a 1,250 s.f. Italian restaurant known as Centovini with 60 table seats and 1 bar with 14 seats; and a maximum legal capacity of 74 persons, located in a mixed use building on W. Houston between Greene and Mercer streets, **to add 3 tables and 12 table seats while reducing the number of bar seats from 14 to 4**; and,

WHEREAS, the applicant stated the hours of operation will remain at 8:00 a.m. – 12:00 a.m. seven days a week; there will not be a sidewalk café 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 proposed alteration of the On Premise license of **AKM, LLC, d/b/a Centovini, 25 W. Houston Street.**

Vote: Unanimous, with 41 Board members in favor.

9. Mavalex Corp., d/b/a Pio Maya, 40-42 W. 8th 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 CB2, Manhattan strongly recommends denial of an On Premise liquor license to **Mavalex Corp., d/b/a Pio Maya, 40-42 W. 8th 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 41 Board members in favor.

10. SoHo Village, LLC 66 Charlton 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 CB2, Manhattan strongly recommends denial of an On Premise liquor license to **SoHo Village, LLC 66 Charlton 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 41 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST MEETING

60 Grand Street (West Bdwy) Application is to remove layered historic ‘ghost’ advertising signs and install a contemporary painted wall sign.

WHEREAS, in an action rarely seen at any community board in the city, residents sacrificed an evening of their free time to testify at our committee, not for some self-serving interest, say, opposition to a new building or some personal inconvenience, but to rally and implore the LPC to save an historic advertising iconic relic: a faded wall sign. Such is the worth this community puts on that wall: and

WHEREAS, there is strong and widespread community opposition in SoHo and the community board against removing these ghost signs which are widely revered by tourists, historians and local residents alike; and

WHEREAS, the proposed sign is 672 square feet, 522 square feet larger than what is allowed under the current SoHo zoning and landmarking regulations (i.e., six times the width of the building, or 6 x 25 square feet = 150 square feet). The proposed sign is well over four (4) times the permitted size; and

WHEREAS, the presumed constitutional right - expounded exclusively by the sign company - to put up an oversized advertising sign in an historic district based on the tenuous right of commercial free speech is weak at best.

In fact, four states - Vermont, Alaska, Washington and Oregon - have enacted bans prohibiting all billboards, and these laws have withstood legal muster. On a Federal level, Lady Bird Johnson’s renowned 1966 Highway Beautification Act also severely restricts the alleged rights of advertisers to ruin the landscape. So, we urge in strongest terms the LPC to ignore this self-serving line of legalistic reasoning espoused by the sign company; and

WHEREAS, the other specious premise submitted to allow this gross signage - that it is replacing large grandfathered non-conforming advertising signs of similar size - is also incredible; and

WHEREAS, the existing ghost signs are in fact not advertising signs, as the applicant states. Indeed, they advertise nothing. Rather, they are palimpsests of long-extinct businesses; and

WHEREAS, the Coca-Cola graphic is an antique sign not an advertising sign. This Coca-Cola sign is no more an advertisement for the company than a Coca-Cola poster at an antique fair is. The sign is so antiquated as to bear no resemblance to any current Coca-Cola advertising campaign. It is a historically anachronistic of anything that Coke is advertising today. In fact, the Coca-Cola company has neglected this sign for almost a hundred years, so there can be no serious proprietorial claim that this is true advertising sign which happens to be non-conforming; and

WHEREAS, we agree with the applicant that these historic palimpsests were common to the historic, but disagree that the best thing to do would therefore be to destroy them; now

THEREFORE, BE IT RESOLVED, that Community Board 2 appeals to the Commission in the strongest of terms to preserve these revered historic palimpsests, these historic ghosts signs beloved by so many; and

BE IT FURTHER RESOLVED, that we equally implore the Commission to spare the area from yet another advertising sign, which will just get lost amongst all the other gross signage that is prevalent on the other side of West Broadway; and

BE IT FURTHER RESOLVED that we ask the Commission to consider whether it is worth the price to obliterate forever these grand old vestiges of advertising history and replacing them with a moveable feast of dubious revolving ads every four months, as proposed by the applicant.

Vote: Unanimous, with 41 Board members in favor.

15 Bank Street (Waverley Place) Application is to construct a rooftop addition and alter the rear facade.

WHEREAS, with the exception of the grey color of the new cornice which would not match the white cornices of the two adjacent buildings, the restoration of the front façade to its original look is most commendable, with the style, materials, and proportion complementing the building and the historic district; and

WHEREAS, it would be nice if the original rear façade could likewise be restored to its original appearance, but that appearance is not known; and

WHEREAS, although we commend the applicant for not extending the rear wall beyond the rear building line, we would prefer to see a bit more brick and a bit less fenestration, opening up the appearance of the back wall somewhat; but

WHEREAS, overall the proposed rear yard is a vast improvement to what is there now, and does not detract from the building or the rear-yard landscape; now

THEREFORE, BE IT RESOLVED that Community Board 2 recommends approval of this application.

Vote: Unanimous, with 41 Board members in favor.

66 Watts Street (Varick) Request to LPC to consider immediately for designation this building in order to prevent imminent demolition.

WHEREAS, a Federal building at 66 Watts Street was about to be demolished illegally last week when a Stop Work Order from the Buildings Department halted the destruction of this structure, one in a row of Federal houses on this block; and

WHEREAS, there are only about a hundred Federal houses left undesignated throughout the city, houses which were ubiquitous in this neighborhood; and

WHEREAS, the only thing that can save these houses on Watts Street is if they are designated as Individual Landmarks; and

WHEREAS, there is great urgency, since the SWO could be revoked at any time and the city would lose another of these treasures which have survived for almost two hundred years, yet now face extinction as a result of the current building boom; and

WHEREAS, if the LPC accepts for consideration and calendars 66 Watts, the demolition permit will be held up for forty days, during which time the LPC could designate this threatened relic. Otherwise, the Buildings Department will issue a demolition permit, and another part of this city's and country's heritage will be lost to the wrecking ball; now

THEREFORE, BE IT RESOLVED that Community Board 2 strongly urges the LPC to accept for consideration and calendar immediately 66 Watts and the other Federal buildings on this block in order to preserve for posterity a lasting reminder of our national heritage.

Vote: Passed, with 39 Board member, 1 abstention, and 1 recusal (T. Bergman).

Intro. 0623-2007 (Proposal to permit advertising on sidewalk sheds)

WHEREAS, for years, sidewalk sheds – the wooden structures that enclose the lower portion of scaffolding – had remained in place much longer than necessary, often for years, and often when not necessary in the first place; and

WHEREAS, these sheds obstructed our sidewalks and our light, created a nuisance and caused an eyesore in order for sign companies and property owners to profit by placing illegal advertising on them, further blighting our cityscape; and

WHEREAS, at the insistence of community and civic groups like the Municipal Arts Society as well as our local elected officials like Borough President Scott Stringer and Senator Tom Duane, the Department of Buildings in January of this year ordered all advertising to be removed from these sheds under penalty of heavy fines; and

WHEREAS, the offenders quickly complied, removing this 'advertecture' and freeing our congested sidewalks from these monster Erector sets to the immediate benefit of the city; and

WHEREAS, Queens City Councilmember Melinda Katz, has introduced Intro 623 which would permit the return of advertising on the sheds by permitting the commissioner of the Department of Buildings to set a price to lease space to businesses looking to place their ads. The sidewalk shed advertisements would only be permitted in commercial or manufacturing zones, and could not abut a building or property located in a historic district or that is designated a landmark site; and,

WHEREAS, the bill states that the permit shall be limited to one year consisting of an initial term of six months and up to two consecutive renewal periods of three months, each to be granted at the discretion of the department. In addition, the bill requires that no permit may be issued for the same premises until four years have elapsed since the expiration of any prior advertising permit; and

WHEREAS, the decision to permit these eyesores and the fees charged will be solely at the discretion of the commissioner of the Department of Buildings and enforcement will also be dependent solely on this agency, which is famously overburdened as it is; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the City Council vote down Intro 623; and,

BE IT FURTHER RESOLVED that CB#2, Man. strongly urges Councilmember Katz to reconsider her sponsorship of this legislation.

Vote: Passed, with 40 Board members in favor, and 1 in opposition.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

App. to NYCDOT for revocable to construct, maintain and use: steel & cast iron stoop at North Bay of 148 Mercer St., NYC 10012.

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and

WHEREAS, the steel and iron stoop is located on Mercer St between Houston and Prince on the East Side of the Street in the SoHo Historic District, (See Pictures in Attachment) and

WHEREAS, an application for Landmarks approval for extensive renovations, including the addition of the steel and cast iron stoop in March, 2007, and was approved by CB#2 Manhattan (See Attachment), and

WHEREAS, the Landmarks Commission released a Certificate of Appropriateness on August 14, 2007, and

WHEREAS, the stoop extends six feet into a 12 foot sidewalk,

THEREFORE BE IT RESOLVED that CB#2 Manhattan APPROVES the **NYCDOT for revocable to construct, maintain and use:** steel & cast iron stoop at North Bay of 148 Mercer St., NYC 10012.

Vote: Unanimous, with 41 Board members in favor

1a. Renewal app. for revocable consent to operate an Unenclosed sidewalk cafe for: Le Basket, Inc. 683 Broadway, with 10 tables & 31 seats, DCA# 1108196-(cont'd).

WHEREAS, the area was posted, contiguous neighborhood associations alerted twice by e-mail and the applicant did NOT appeared before the committee in October but asked to appear before the Committee in November; and,

WHEREAS, there were no community members present, but Committee members have been apprised by the neighborhood that this sidewalk café is less regularly used for food consumption than it is for a hang-out, and

WHEREAS, the Committee asked for confirmation from the Department of Health that this establishment does indeed derive 50% of its income from prepared food and therefore is approvable for a DCA Sidewalk Café License, and received an affirmative answer, and,

WHEREAS, the applicant agrees to reduce the number of tables to 10, 6 placed on the South side and 4 placed on the north side of this sidewalk café, AND THE NUMBER OF SEATS TO 24and,

WHEREAS, the applicant agrees to reduce the hours of sidewalk café operation to Sunday through Thursday to 11:00 PM and Friday and Saturday to Midnight,

THEREFORE, BE IT RESOLVED, that CB#2, Man. AMENDS its previous resolution of October, 2007 to APPROVE the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for **Le Basket, Inc. 683 Broadway. Between East 3rd and Bleecker, DCA# 1108196; CONDITIONAL UPON;**

Reduction of tables to 10 and seats to 24

Reduction in hours of operation to Sunday through Thursday to 11:00 PM and Friday and Saturday to Midnight,

Vote: Passed, with 40 Board members in favor, and 1 opposition.

1b. Renewal app. for revocable consent to operate an Enclosed sidewalk cafe for: Four Green Fields, LLC d/b/a Agave, 140 7th Ave. South, with 12 tables & 24 seats, DCA# 1131159

WHEREAS, the area was posted, contiguous neighborhood associations alerted by e-mail and,

WHEREAS, no members of the public appeared, but the applicant did appear before this committee, and,

WHEREAS, members of the Committee were familiar with this location for a number of years and knew them to be good neighbors, (current pictures attached)

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of. **the Renewal app. for revocable consent to operate an Enclosed sidewalk cafe for:** Four Green Fields, LLC d/b/a Agave, 140 7th Ave. South, with 12 tables & 24 seats, DCA# 1131159.

Vote: Unanimous, with 41 Board members in favor

JOINT CHINATOWN/TRAFFIC AND TRANSPORTATION

Support of New York City Council Intro 504 (Regulation of Permit Placard Parking)

WHEREAS, Intro 504, a bill before the New York City Council, mandates that the number, purpose and (to the extent practicable) recipients' names and titles of all existing parking placard permits be inventoried and documented with the goal of reducing these permits and further regulating their use; and

WHEREAS, placard parking permit abuse is rampant, congesting our streets, exacerbating air pollution, compromising pedestrian safety and access and hindering the conduct of business throughout Community District 2, particularly in Chinatown where the community has long been requesting both strict enforcement against illegal placard permit parking and the posting of permanent "No Permits Allowed" signage;

THEREFORE, BE IT RESOLVED that CB#2, Man. fully supports Intro 504 and urges its rapid passage into law; and

BE IT FURTHER RESOLVED that CB#2, Man. urges the establishment and application of strong enforcement measures to regulate illegal parking placard permit use.

Vote: Unanimous, with 41 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Support of a Stop Sign and Crosswalks on W. 10th St. at Waverly Place

WHEREAS, cars heading east on W. 10th St. between Seventh Ave. S. and Greenwich Ave. frequently travel at high speeds, often exceeding the posted speed limit; and

WHEREAS, many cars, spotting the next traffic signal at Greenwich Ave., gun their engines to catch its green phase, traveling at speeds up to an estimated 40 mph; and

WHEREAS, on this route are a children's shoe store, a crowded preschool and several other businesses catering to pedestrians, including a number of new restaurants attracting even more foot traffic in an area already filled with walkers, whose safety is threatened by the fast-moving motor vehicle traffic;

THEREFORE, BE IT RESOLVED that Community Board No. 2 Manhattan (CB2) supports the placement of a stop sign on W. 10th St. at Waverly Pl. to slow down the advancing traffic; and

BE IT FURTHER RESOLVED that CB#2, Man. urges that crosswalks be placed at the intersection of W. 10th St. and Waverly Pl. (where currently there are none) to further help make crossing the street safer for pedestrians.

Vote: Unanimous, with 41 Board members in favor.

2. Requesting a Study to Eliminate or Restructure Excess Signage Around the Sheridan Sq. Viewing Garden between W. 4th St., Washington Pl. and Barrow St.

WHEREAS, the Sheridan Square viewing garden between W. 4th St., Washington Pl. and Barrow St. is surrounded by multiple unattractive and redundant signs, such as a tall reflector at the apex of the garden triangle covered by graffiti and stickers, repetitive one-way and stop signs, and many other excess signs enumerated in the attached addendum submitted by the community; and

WHEREAS, this excessive signage obstructs people's view and detracts from their enjoyment of the viewing garden, as well as causing confusion for both pedestrians and drivers;

THEREFORE, BE IT RESOLVED that Community Board No. 2 Manhattan (CB2) requests that the New York City Department of Transportation (DOT) study these signage conditions around the Sheridan Sq. Viewing Garden and develop approaches to reducing the excess signage there and producing more suitable alternatives; and

BE IT FURTHER RESOLVED that CB2 requests that, at the completion of this study, DOT present their findings and recommendations to CB2.

Vote: Unanimous, with 41 Board members in favor.

3. Requesting a Study of Alternatives to Reflectors at Waverly Triangle between Christopher and Grove Sts. and Waverly Pl.

WHEREAS, the Waverly Triangle between Christopher and Grove Streets and Waverly Place is surrounded by numerous unattractive traffic reflector signs, some covered by graffiti, that interfere with the viewing and enjoyment of the Green Streets garden there and hinder its enhancement of the neighboring community; and

WHEREAS, the neighboring community reports that the reflector signs are inefficient in reducing vehicular conflicts at the Triangle; and

WHEREAS, there are several similar Green Streets triangle gardens throughout New York City where other measures to reduce these conflicts, such as bollards and banners, are operating successfully;

THEREFORE, BE IT RESOLVED that Community Board No. 2 Manhattan requests that the New York City Department of Transportation (DOT) study conditions with these reflectors at the Waverly Triangle and develop more effective, attractive and less obstructive alternatives to them for use at that location; and

BE IT FURTHER RESOLVED that CB2 requests that, at the completion of this study, DOT present their findings and recommendations to CB2.

Vote: Unanimous, with 41 Board members in favor.

4. Requesting a Study of Converting Carmine St. to a One-Way Street

WHEREAS Carmine St. is a two-way street between Bleecker St. and Seventh Ave. S., but the great majority of traffic travels only in the northeasterly direction; and

WHEREAS restricting traffic on Carmine St. to one-way northeast bound would free space in the roadbed to better accommodate other community uses, such as widened sidewalks, a bicycle lane separated from automobile traffic and short-term and delivery-oriented parking; and

WHEREAS the intersection of Carmine St. and Seventh Ave. S. is dangerous and difficult to navigate for pedestrians and motorists due to the misalignment and opposite-flow traffic proceeding from Clarkson St. and the southwest bound traffic on Carmine St.;

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan (CB2), requests that the New York City Department of Transportation (DOT) conduct a study of the feasibility of converting Carmine St. into a one-way street and using the freed space for the above-mentioned community uses; and

BE IT FURTHER RESOLVED that DOT then convey the results of that report back to CB2 for community input as soon as feasible.

Vote: Passed, with 29 Board members in favor, 11 in opposition and 1 abstention.

5. Opposing MTA Proposed Fare Increases

WHEREAS the Metropolitan Transportation Authority (MTA) is proposing fare increases for subways and buses, as well as for railroads and paratransit; and

WHEREAS any fare increase would discourage transit use and encourage driving, counter to the goals of the Mayor's Congestion Pricing program, which seeks to advance increased use of transit in an effort to reduce car use and traffic congestion and their negative impacts on New York City's environment, business, health, and quality of life; and

WHEREAS MTA has a surplus of funds in its budget that will be sufficient to sustain current fares for the coming year; and

WHEREAS the New York State legislature has already introduced legislation to be considered to provide additional funds to MTA in the State budget to be adopted by April 1st next year;

THEREFORE BE IT RESOLVED that Community Board No. 2, Manhattan strongly opposes any MTA fare increase.

Vote: Unanimous, with 41 Board members in favor.

ZONING AND HOUSING

1. 341 Canal St nw corner Greene (Block: 229, Lot: 1) CPC# 070161 ZSM City Planning Commission Special permit pursuant to Section 74-712 of the Zoning Resolution to allow construction of a new six story plus penthouse residential building, Use Group 2 with ground floor retail Use Group 6 (no eating & drinking establishment) and to permit minor bulk modification for height, setback, and sky exposure plane in an M1-5B zoning District

WHEREAS; This project was previously presented as a Board of Standards and Appeals Zoning (BSA) Variance application that differed slightly from this application and that application was rejected by the BSA in favor of this Special Permit Application, And,

WHEREAS; CB#2, Man. previously approved both the BSA application and the Landmarks applications, And,

WHEREAS; After the Community Board approved the BSA application the Community requested full compliance with this Special Permit, And,

WHEREAS; Several years ago the Community and the Community Board negotiated and approved a substantial text amendment the original Special Permit text that created the requirements that apply to this application, And,

WHEREAS; This application is in full compliance with the requirements of the Special Permit including no eating and drinking establishment in the retail space at this location, a Floor Area Ratio of 5, and 1,200 Sq Ft minimum size units, And,

WHEREAS; The applicant adjusted the design to prevent the coverage of most of the adjoining lot line windows, And,

WHEREAS, The attorney for the applicant has agreed to reach out to the adjoining building and try to resolve any outstanding issues, And

WHEREAS; The applicant has stated that the foundations will not require underpinning of adjoining Buildings, 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 RESOLVED, that CB#2, Man. supports this application for a Special permit pursuant to Section 74-712 of the Zoning Resolution to allow construction of a new six story plus penthouse residential building, Use Group 2 with ground floor retail Use Group 6 (no eating & drinking establishment) and to permit minor bulk modification for height, setback, and sky exposure plane in an M1-5B zoning District; and

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. prefers that the main entrance for the ground floor retail space be located on Canal St, however, the Board recognizes that that if the retail is subdivided an entry on Greene St. may be necessary, And

THEREFORE BE IT FURTHER 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. 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; and

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 41 Board members in favor.

2. 37 East 4th St. / Bowery (Block 544, Lots 59, 65, 66, 67 and 68) (Restoration of the Skidmore House) Application on behalf of To Better Days, LLC for a City Planning Commission Special Permit pursuant to section 74-711 of the Zoning Resolution to allow the construction of a new, primarily residential building on a site located on the northwest corner of Cooper Square and East 4th Street in an M1-5B zoning district.

WHEREAS; The applicant met with the community before the Public Hearing and worked out an agreement, And

WHEREAS; community members expressed support for this application because of the mutual agreement, And

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

WHEREAS; The transfer of air rights from the adjoining water tunnel project has produced a building that is bigger than the board would have liked, however, the air rights transfer is allowed as of right and is not part of this application, And

WHEREAS; The applicant has stated that the ground floor retail space will be restricted to Use Group 6 and any eating and drinking establishment will be limited to a maximum of 100 persons, And

WHEREAS; The applicant has agreed to make a contribution to the new park that will be built on the water tunnel site, And

WHEREAS; The applicant and the community have agreed to a list of construction protocols, 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 City Planning Special Permit Pursuant to Section 74-711 of the Zoning Resolution to allow the construction of a new, primarily residential building on a site located on the northwest corner of Cooper Square and East 4th Street in an M1-5B zoning district, And

THEREFORE BE IT FURTHER RESOLVED, that requests that the applicant make a good faith effort to keep rents as affordable as possible, And

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses and that the applicant will provide contact information to the community, “with construction protocols to be agreed between applicant and community for attachment to City Planning Commission with this resolution” 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, And,

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: Passed, with 39 Board members in favor, and 2 in opposition.

3. 813-815 Broadway (Block: 563; Lots: 33 & 34) BSA # 197-05-BZ Revised Plans for a Board of Standards and Appeals variance application pursuant to Section 72-21 to allow a new 40-unit residential building with commercial uses on the ground floor, to utilize residential floor area beyond the maximum permitted for residential uses, and a bulk variance to permit the height and setback regulations to be modified.

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 uses in the surrounding buildings and would have no adverse impacts on the neighborhood, And,

WHEREAS, There are significant residential uses in the area, And,

WHEREAS, The proposed building would be the same size if it was an office building or a hotel and there are many residential buildings of similar size in the area, And,

WHEREAS, The site only allows a small floor plate, And,

WHEREAS, The applicant has stated that the ground floor retail space will be restricted to use group 6.

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals variance application pursuant to Section 72-21 to allow a new 40-unit residential building with commercial uses on the ground floor, to utilize residential floor area beyond the maximum permitted for residential uses, and a bulk variance to permit the height and setback regulations to be modified., 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 41 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Susan Kent, Secretary
Community Board #2, Manhattan