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## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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### FULL BOARD MINUTES

**DATE:** January 20, 2011  
**TIME:** 6:00 P.M.  
**PLACE:** Grace Church School, 94 Fourth Avenue

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, Denise Collins, Terri Cude, Maria Passanante Derr, Doris Diether, Ian Dutton, Roberty Ely, Sheelah Feinberg, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Chair, Community Board #2, Manhattan (CB#2, Man.), Anne Hearn, Brad Hoylman, Mary Johnson, Susan Kent, Arthur Kriemelman, Evan Lederman, Edward Ma, Jason Mansfield, Alexander Meadows, Florent Morellet, Lois Rakoff, David Reck, Robert Riccobono, Robin Rothstein, Rocio Sanz, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Antony Wong,

**BOARD MEMBERS EXCUSED:** Sigrid Burton, Heather Campbell, Lisa Cannistracci, Raymond Lee, Jane McCarthy, Judy Paul, Erin Roeder, Wendy Schlazer, James Solomon, Carol Yankay, Elaine Young

**BOARD MEMBERS ABSENT:** Sean Sweeney

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

**GUESTS:** Katie Smith, Congressman Jerrold Nadler's office; Daniel Contreras, NYS Comptroller Thomas DiNapoli's office; Crystal Gold-Pond, Senator Tom Duane's office; Mary Cooley, Sen. Daniel Squadron's office; Lolita Jackson, Mayor Mike Bloomberg's Community Affairs Unit; Sandy Myers, Lin Zeng, Man. Borough President Scott Stringer's office; Matt Borden, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Noah Isaacs, Council Speaker Christine Quinn's office; Jasmin Torres, Council Member Rosie Mendez's office; Matt Viggiano, Kelly Magee, Council Member Margaret Chin's office; Colin Beavan, Nick Delany, Marna Lawrence, Sam Hurwitt, Abigail Agranat, Kim Martin, Darlene Reddish, Vance Trimble, Robin Goldberg, Joshua Kent, Yunjung Yun, Ethan Kent, Andy Jordan, Sam Bazy, Andrew Gounardes, Douglas Kepple, Ralph Tramontana, Joseph Hagelmann, Noah Kazis, Aki Gennaro, Minaa Gurosi, Marty Tessler, Stuart Summit, Vivian Catenaccio, John Ciarcia, David Crane, David Goldberg, Sherrie Levy, Robert Marsholl, Frank Roberts, Emily Lyon, Emily Depalo, Petrea Davis, Joseph Scicluna, Max Dworin, Raul Sanchez, Michael Chiara, Jeanne Wilcke, John Flood, Kristi Avram, Ray Smith, Davide Gentile, Ralph Preite, Zella Jones, Diana Fryda, Ashley Voroba, Maura Pico, Daniel Ferris, Joyce Kuh, Lisa Shalb, Sheryl Lee, Adam Weber, Evette Stark, Rebecca Kalin, Daniel Gabay, Rachel Mauro

### MEETING SUMMARY

Meeting Date – January 20, 2011

Board Members Present – 38

Board Members Excused – 11

Board Members Absent – 1

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Lower Chelsea Alliance

Emily Lyon spoke regarding the formation of the group and against the proposed 347-foot hi-rise on 15<sup>th</sup> Street.

#### Bedford Street

Douglas Kepple spoke regarding issues on Bedford Street.

#### St. Vincent's Hospital Location

Evette Stark spoke regarding news on the above-referenced site.

#### Citizens Committee for New York City

Andrew Gounardes made a community announcement.

### **Environment, Public Safety & Public Health Items**

#### Support of Intro 332-2010: A local law prohibiting smoking in parks or pedestrian plazas

Diana Fryda, Raul Sanchez, Ashley Voroba, Maura Pico, and Rebecca Kalin, spoke in favor of the resolution supporting the proposal by the City Council to ban smoking in city parks, beaches and pedestrian plazas.

### **New Business**

#### Reconstruction of Astor Place and Cooper Square

David Crane, Joyce Kuh, David Goldberg, Jeanne Wilcke, and Marty Tessler spoke in favor of the proposed redesign/reconstruction of Astor Place and Cooper Square.

Rachel Mauro and Zella Jones spoke against the proposed redesign/reconstruction of Astor Place and Cooper Square.

### **Street Activity & Film Permits**

Stonewall Democratic Club Street Fair on 7/30/11 at Waverly Pl. bet. Broadway & University Pl. & Washington Square North bet. 5<sup>th</sup> Ave. & University Pl.

Joseph Hagelmann, the applicant, spoke in favor of the annual street festival.

Figli di San Gennaro Street Festival, Canal & Houston Sts. & Hester & Grand bet. Mott & Centre Sts.

Kim Martin, Marna Lawrence, Kristi Avram, Sam Hurwitt, Lisa Shalb, and Michael Chiara, spoke against the annual street festival.

Stuart Summit spoke against the festival and in favor of limiting the blocks of the festival.

Adam Weber, Ray Smith, and Marna Lawrence spoke in favor of the resolution regarding the limiting of blocks for the festival.

Robert Marshall, Emily DePalo, and Vivian Catenaccio, spoke in favor of the annual festival.

Mulberry Mall, Mulberry St. bet. Canal & Broome Sts. & Hester St. bet. Mott & Mulberry Sts.

Marna Lawrence spoke against the annual street closure.

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

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

Katie Smith, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Mary Cooley, Sen. Elect Daniel Squadron's office;

Lolita Jackson, Mayor Mike Bloomberg's Community Affairs Unit; gave an update regarding the DASH store in SoHo.

John Ricker, NYC Comptroller's office;

Sandy Myers and Lin Zeng, Man. Borough President Scott Stringer's office

Matt Borden, Assembly Member Deborah Glick's office

Noah Isaacs, of Council Speaker Christine Quinn's office

Matt Viggiano and Kelly Magee, Council Member Margaret Chin's office;

Jasmin Torres, Council Member Rosie Mendez's office,

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

Adoption of November minutes and distribution of December minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Jo Hamilton reported
2. **District Manager's Report** Bob Gormley reported.
3. **Proposed SoHo Business Improvement District**

**Whereas**, at its November 18, 2010 meeting, in the face of overwhelming public opposition, CB2, Man., passed a unanimous resolution strongly opposing the formation of a SoHo Business Improvement District (BID); and

**Whereas**, CB#2, Man. found that the BID applicants had conducted a poor public outreach campaign, and had failed to clearly explain to, or convince, people who live in the area that there is a need for a BID, beyond providing sanitation services; and

**Whereas**, there are viable alternatives for sufficient sanitation services, such as fully supporting A.C.E. (SoHo Partnership) in their current street cleaning program; and

**Whereas**, CB#2, Man. listed a number of specific objections to the BID as proposed, including:

- There is no mechanism in place to ensure that all residential owners will not be assessed more than \$1 annually, as is the custom in all BIDs in New York City
- There is concern that the voting membership is unfairly weighted in favor of condo owners over co-op owners because votes are tallied by tax lot
- One of the stated missions of the BID is Marketing/Promotion/Advertising, with the goal of attracting businesses to the neighborhood, when the area is already burdened with traffic and pedestrian congestion

**Whereas**, the BID applicants have had two months to address our concerns, and to meet with residents in order to develop support; and

**Whereas**, CB#2, Man. has no evidence that this has happened; and

**Whereas**, the BID applicants have not resolved the inequitable assessment formula for all of the residential co-op buildings.

**Therefore, be it resolved that** CB#2, Man. continues to oppose, unconditionally, the SoHo BID application and urges the Department of City Planning and our elected officials to reject it, as well.

Vote: Unanimous, with 38 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH**

1. **Resolution in support of Intro 332-2010: A local law prohibiting smoking in parks or pedestrian plazas**

**Whereas**, the United States Surgeon General released a report in 2010 that states that, "low levels of exposure, including exposures to secondhand tobacco smoke, lead to a rapid and sharp increase in

endothelial\* dysfunction and inflammation, which are implicated in acute cardiovascular events and thrombosis,” and

**Whereas**, legislation has been introduced by Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera, Rodriguez, Reyna, Nelson and Koo (in conjunction with the Mayor) that would ban smoking in parks, beaches, pedestrian plazas, and other public areas (but not sidewalks); and

**Whereas**, research shows that over 65% of New Yorkers favor smoke-free outdoor recreational areas; and

**Whereas**, there are 97 municipalities in the United States that have smoke free beaches, including Chicago, Santa Monica, Los Angeles, and Seattle; and

**Whereas**, 10 counties in New York state have enacted smoke-free policies for their beaches and 34 counties have enacted smoke-free policies for their parks; and

**Whereas**, tobacco kills more New Yorkers each year than AIDS, homicide, drugs, and suicide combined; and

**Whereas**, 75% of the litter found on New York beaches are cigarette butts, which are toxic, slow to decompose, costly to manage, and growing in volume; and

**Therefore be it resolved**, CB#2, Man. urges the City Council to pass this legislation.

Vote: Passed with 37 Board members in favor and 1 recusal (S. Feinberg).

## **2. Resolution in appreciation of the efforts made to pass the 9/11 Health & Compensation Act**

**Whereas**, Community Board 2 has supported the 9/11 Health & Compensation Act (H.R. 847) for many years; and

**Whereas**, New York Representatives Carolyn Maloney and Jerrold Nadler authored H.R. 847, “To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September, 11, 2011”; and

**Whereas**, the House passed the bill with a strong bipartisan majority (268 to 160) on September 29, 2010; and

**Whereas**, New York Senator Kirsten Gillibrand was the chief Senate sponsor of the Senate version of the 9/11 Health and Compensation Act with co-sponsor Senator Charles Schumer; and

**Whereas**, on December 22, 2010 the Senate passed by voice vote an amended version of the bill that reduces the bill’s cost to \$4.3 billion over five years; the House approved the Senate’s changes shortly afterward by a vote of 206-60; and

**Whereas**, President Barack Obama signed the bill on Sunday, January 2, 2010; and

**Whereas**, the law ensures that first responders, survivors (affected residents, office workers, and students from our district and other communities), and volunteers suffering health problems as a result of the 9/11 attacks receive the specialized health care and compensation that they need and deserve; and

**Whereas**, CB#2, Man. thanks the many groups that rallied together to demand that the entire Community made ill by the 9/11 attacks - responders and survivors alike - receive the health care they need and deserve. This diverse coalition includes the FealGood Foundation, Uniformed Fire Fighters and Fire Officers Unions, Policemen's Benevolent Association and other police unions, DC-37, Communications Workers Association of America District One, the construction trade unions, New York State AFL-CIO, Organization of Staff Analysts, World Trade Center Environmental Health Center Community Advisory Committee, Beyond Ground Zero, 9/11 Environmental Action, Asian American Legal Defense Fund, Community Boards #1 and #3; and

**Whereas**, CB#2, Man. recognizes the important work of the medical doctors, researchers, and epidemiologists, at the various WTC Centers of Excellence: the WTC Worker and Volunteer Medical Monitoring and Treatment Program, the WTC Program of the Fire Department of New York, the WTC Environmental Health Center, who continue to provide monitoring and treatment to 9/11 responders and survivors, and who continue to document the serious and ongoing health impacts of 9/11 through a substantial and growing body of research, and

**Whereas**, special thanks go to the Beyond Ground Zero network, Bellevue Hospital, and Dr. Joan Reibman for creating the survivor program, and to Congressman Jerrold Nadler who led the effort to compel the federal government to tell the truth about the hazards released by the WTC disaster and to conduct proper testing and cleanup of toxic WTC dust from homes, schools and workplaces, and later worked to ensure that sick residents, students and area workers would be eligible for care and compensation under the Zadroga bill; and

**Whereas**, CB#2, Man. also appreciates the invaluable work of House Speaker Nancy Pelosi, House Majority Leader Steny Hoyer, NY Senator Kirsten Gillibrand, Congressman Peter King, Congressman Anthony Weiner, Congressman Eliot Engel, and Congressman Frank Pallone along with all of the New York congressional delegation; and

**Whereas**, Kathleen Sebelius, Secretary of the Department of Health and Human Services will appoint a WTC Medical Administrator to administer the WTC medical program created under the 9/11 Health and Compensation Act, and

**Whereas**, Dr. John Howard, who has brought his extraordinary administrative, medical and public health expertise to the role of federal WTC Coordinator for the better part of 5 years, winning the strong support of labor, community and medical stakeholders as well as the respect of members of Congress on both sides of the aisle, is uniquely qualified and prepared to serve as WTC Medical Administrator.

**Therefore be it resolved**, that CB#2, Man. respectfully recommends to Secretary Sebelius that she appoint Dr. John Howard to the position of WTC Program Administrator so that he can continue his outstanding work administering the WTC medical program so critical to the health and well-being of sick 9/11 responders and survivors; and

**Therefore be it further resolved**, CB#2, Man. expresses its wholehearted thanks to NY Senators Kirsten Gillibrand and Charles Schumer for their very hard work towards passage of the 9/11 Health Bill; and

**Therefore be it further resolved**, CB#2, Man. thanks every member of the Senate and Congress that recaptured the spirit of national unity that prevailed in the days and months after 9/11 and voted YES for the 9/11 Health and Compensation Act.

Vote: Unanimous, with 38 Board members in favor.

## LANDMARKS AND PUBLIC AESTHETICS

**1 - LPC Item:11 - 252 West 12<sup>th</sup> Street** (W4th/Greenwich Ave) – Greenwich Village H.D. An Italianate style rowhouse built in 1857. Application is to construct rooftop and rear yard additions, excavate the rear yard, and replace windows. Zoned R6

**Whereas**, several neighbors and property owners attended the meeting to insist that the proposed work not damage their buildings, particularly the excavation work in the rear yard, which could compromise their buildings' foundation and the integrity of an old tree in the adjacent backyard; and

**Whereas**, the rooftop bulkhead is only minimally visible; and

**Whereas**, we believe that replacing the 4-over-4 windows with 2-over-2 is more historically accurate; and

**Whereas**, we have no problem with the removal of the existing rear-yard addition, but we do object to the removal of the historic masonry of the rear wall that this project would cause; and, further

**Whereas**, the proposed rear addition looks too much like a garage door. Instead, we would like to see three defined windows, so that it has more of the feel, appearance and scale of a tea parlor; and

**Whereas**, using the traditional tea-parlor concept as a point of reference, the design should employ a wood frame and should scale the windows differently to make them more consistent with the rest of the building; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application regarding the front windows and the roof bulkhead, as well as the rear excavation; but

**Further, be it resolved** that CB#2, Man. recommends denial of the proposed rear yard addition, and suggests that the applicant re-work the design to restore it closer to a more historic tea-parlor appearance.

Vote: Unanimous, with 38 Board members in favor.

**2 - LPC Item:12 - 69 Washington Place** - Greenwich Village Historic District **Held Over**

**3 - LPC Item:13 - 14A Washington Mews** - Greenwich Village Historic District . An apartment building designed by J.E. Terhune and built in 1884. Application is to alter the areaway and side facades, replace windows, and construct a roof bulkhead. Zoned R-6

**Whereas**, the roof bulkhead will be minimally visible; and

**Whereas**, the alteration to the areaway and air shaft do not detract from the building or the mews; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**4 - LPC Item:14 - 591 Broadway, a/k/a 164 Mercer Street** – SoHo-Cast Iron Historic District  
A store and loft building built in 1859. Application is to install painted wall signs. Zoned M1-5B

**Whereas**, there was indeed much signage historically in the Cast-Iron District, and as soon as the signs went up, even over a hundred years ago, civic groups, for instance, the Municipal Arts Society, bemoaned the deleterious effect these adverts produced on our streetscape and on our city’s beautiful buildings; and

**Whereas**, there may have been some rationalization for wall signage back then, since the number of venues for advertising were far more limited than they are today; and

**Whereas**, walls of beautiful buildings cluttered with signage were unattractive then, so a reasonable person would ask why would we want to reproduce the errors of the past; and

**Whereas**, the signage proposed is presented as “commercial signage” by the applicant. However, Mercer Street is not an entrance to the store. Thus, the rationale for claiming it is a commercial sign is dubious, since a customer cannot enter the business on Mercer Street. We feel that it is basically an advertising sign, trumpeting a brand name; and

**Whereas**, there is more basis for accepting the signage on Broadway, since the sign is above the store’s entrance and would point the shopper directly to the business; but

**Whereas**, we feel that it is too large and elongated, and would detract from this charming building; and

**Whereas**, we suggest reducing it in scale, perhaps to 8’ by 24’, which would show more of the masonry and would result in the sign ‘floating’ on the secondary façade, instead or ‘rising up’ from the base, as it was initially presented to us; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the signage on Broadway, if it is reduced in scale and made to “float”; and

**Further, be it resolved** that CB#2, Man. recommends denial of the Mercer Street signage, since it would really only be an advertising sign, where no advertising sign had ever been before; and

**Further, be it resolved** that CB#2, Man. requests the Commission to consider whether black background with white lettering for the Broadway sign might be more appealing than the proposed black lettering on white background.

Vote: Unanimous, with 38 Board members in favor.

#### **LAND USE AND BUSINESS DEVELOPMENT**

**1. 34-42 West 14<sup>th</sup> St. (Block: 577 Lot: 19) BSA#172-99-BZ, Board of Standards and Appeals to request an extension of term of a previously granted Special Permit that allows the operation of a Physical Culture Establishment (New York Sports Club) in an existing five story commercial building in a C6-2M/C6-2 Zoning District for a term not to exceed 10 years.**

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

**WHEREAS**, This application is to request an extension of term of a previously granted Special Permit, And,



**WHEREAS**, The building is entirely occupied as a commercial structure, And,

**WHEREAS**, the current operation has had no complaints, And,

**WHEREAS**, The usage is consistent and compatible with the other uses in this building and in the surrounding buildings and has had no adverse impacts on the neighborhood, And,

**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 Board of Standards and Appeals to request an extension of term of a previously granted Special Permit that allows the operation of a Physical Culture Establishment (New York Sports Club) in an existing five story commercial building in a C6-2M/C6-2 Zoning District for a term not to exceed 10 years, providing that the start of the term is back dated to the date the Special Permit should have been renewed.

Vote: Unanimous, with 38 Board members in favor.

**2. 101 Spring Street (Block 498 Lot 27) City Planning Special Permit Application, on behalf of the Judd Foundation, pursuant to Zoning Resolution Section 74-711 to modify the use regulations to permit Use Group 4A non-profit institution use without sleeping accommodations and accessory uses thereto on the sub-cellar through fifth floors of an existing building located in a M1-5B District.**

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

**WHEREAS**, The building will be entirely occupied as a Use Group 4A non-profit institution, And,

**WHEREAS**, The Building was the home and working studio of the late minimalist post-modern artist Donald Judd, and the Applicant will open the Building to the public for guided tours of its exhibition space, And,

**WHEREAS**, The usage is consistent and compatible with the other uses in this building and in the surrounding buildings and has had no adverse impacts on the neighborhood, And,

**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, on behalf of the Judd Foundation, pursuant to Zoning Resolution Section 74-711 to modify the use regulations to permit Use Group 4A non-profit institution use without sleeping accommodations and accessory uses thereto on the sub-cellar through fifth floors of an existing building located in a M1-5B District.

Vote: Unanimous, with 38 Board members in favor.

**3. 405-421 Hudson Street (Block 601; Lot 58) “The Printing House”, Board of Standards and Appeals Application for an amendment to a Variance previously granted permitting, in an M1-5 zoning district, for conversion of an existing building to permit residential uses with a restaurant and health facility on the penthouse and roof levels and an Application for a Special Permit, pursuant to § 73-36 of the Zoning Resolution, on a site previously before the Board, for a physical culture establishment within portions of an existing mixed-use building.**

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

**WHEREAS**, The entry to the physical culture establishment is entirely separate from the residential entry to the building, And,

**WHEREAS**, the current operation has had no complaints, And,

**WHEREAS**, The usage is consistent and compatible with the other uses in this building and in the surrounding buildings and has had no adverse impacts on the neighborhood, And,

**WHEREAS**, Equinox Fitness has had serious violations of signage rules at another location in Community Board #2,

**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. reminds the applicant that compliance with signage rules is mandatory and The Board further requests that all signage installations be designed so that they do not disturb tenants of this building and the surrounding buildings, And,

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a Board of Standards and Appeals Application for an amendment to a Variance previously granted permitting, in an M1-5 zoning district, the conversion of an existing building to permit residential uses with a restaurant and health facility on the penthouse and roof levels and an Application for a Special Permit, pursuant to § 73-36 of the Zoning Resolution, for a physical culture establishment within portions of an existing mixed-use building.

Vote: Unanimous, with 38 Board members in favor.

**SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**New App. for revocable consent to operate an Enclosed sidewalk café for:**

**1. 151 Bleecker LLC d/b/a The Red Lion, 151 Bleecker St. (at Thompson St), with 7 tables & 13 seats, NYC 10012 DCA# 1348216**

Block:537 Lot:37 Lot Frontage:57.17' Lot Depth:100 Year Built:1900(estimated)  
Number of Buildings:2 Number of Floors:6 Residential Units:40 Total # of  
Units:44 Zoning:R7-2 , Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this new application, and the applicant’s representative, Mike Kelly, was present, and

**Whereas**, this enclosed café has been operated by this applicant for several years and this is a new application due to the addition of a long-time manager being added to the ownership, and

**Whereas**, members of the committee as well as community members have complained about the continued illegal placement of a sandwich board sign on the public area of the sidewalk, and

**Whereas**, this committee has been given previous commitments by the applicant to correct this situation and that has not occurred,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **151 Bleecker LLC d/b/a The Red Lion, 151 Bleecker St (at Thompson St), with 7 tables & 13 seats, NYC 10012 DCA# 1348216** **CONDITIONAL UPON** consistent correction of the signage issue identified in Whereas clauses 3 & 4

VOTE: Passed, with 37 Board members in favor and 1 recusal-(Rakoff)

**Renewal App. for revocable consent to operate an Enclosed sidewalk cafe for:**

**2. Zonor Rest Corp. d/b/a Riviera Café, 225 W. 4<sup>th</sup> St. (at 7<sup>th</sup> Ave S), with 17 tables & 36 seats, DCA# 0629616**

Block:610 Lot:9                      Lot Frontage:90.25' Lot Depth:64.17 Year Built:1910  
Number of Buildings:3,              Number of Floors:4                      Residential Units:12 Total # of  
Units:16 Zoning:C4-5 Landmark Building: Yes                      Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was not present, and

**Whereas**, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **Zonor Rest Corp. d/b/a Riviera Café, 225 W. 4<sup>th</sup> St. (at 7<sup>th</sup> Ave S), with 17 tables & 36 seats, DCA# 0629616**

**UNLESS the applicant appears before this committee as required.**

VOTE: Unanimous, with 38 Board members in favor.

**Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**3. Service Corp. d/b/a Jacques Restaurant, 20 Prince St. (Mott St & Elizabeth St), with 6 tables & 11 seats, DCA# 1173208**

Block:493 Lot:17                      Lot Frontage:47.5' Lot Depth:129                      Year Built:1900(estimated)  
Number of Floors:6                      Residential Units:48 Total # of Units:50                      Zoning:C6-2

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, this unenclosed café has been operated by this applicant for several years with no known issues,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Service Corp. d/b/a Jacques Restaurant, 20 Prince St. (Mott St & Elizabeth St), with 6 tables & 11 seats, DCA# 1173208**

VOTE: Unanimous, with 37 Board members in favor.

**4. Sengupta Food Services, LLC d/b/a SoHo Park, 62 Prince St (at Lafayette St), with 7 tables & 14 seats, DCA# 1277362**

Block:496 Lot:18 Lot Frontage:47.33' Lot Depth:54.92 Year Built:2005  
Number of Floors:1 Residential Units:0 Total # of Units:1 Zoning:M1-5B

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant and his representative, Frank Pallilo, were present, and

**Whereas**, this unenclosed café has been operated by this applicant for several years with no known issues, and

**Whereas**, the committee noted that foliage in bordering planters was higher than the allowed 30" and the applicant committed to remedying the situation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Sengupta Food Services, LLC d/b/a SoHo Park, 62 Prince St (at Lafayette St), with 7 tables & 14 seats, DCA# 1277362**

VOTE: Unanimous, 38 Board members in favor.

**5. Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130**

Block:479 Lot:18 Lot Frontage:22.58' Lot Depth:125.33 Year Built:1900(estimated)  
Number of Floors:6 Residential Units:15 Total # of Units:16 Zoning:C6-2, C6-1

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this unenclosed café has been operated by this applicant for several years with no known issues, and

**Whereas**, the committee noted the plan incorrectly shows an additional 2 tables and 4 seats in front of a freight access door, which is not allowed, and

**Whereas**, the applicant is not using the additional tables and chairs in any case,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130**

VOTE: Unanimous, with 38 Board members in favor.

**6. 316 Bowery LLC d/b/a Double Crown, 316 Bowery (at Bleecker St), with 17 tables & 34 seats, DCA# 1281748**

Block:521 Lot:74 Lot Frontage:40.33' Lot Depth:42.67 Year Built:1910(estimated)  
Number of Floors:4 Residential Units:3 Total # of Units:4 Zoning:C6-1 Landmark  
Building:YesHistoric District:Noho East

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, this unenclosed café has been operated by this applicant for two years with no known issues, and

**Whereas**, the committee noted the applicant needs to move bordering planters up against the building when the café is not in use and the applicant has committed to do so,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **316 Bowery LLC d/b/a Double Crown, 316 Bowery (at Bleecker St), with 17 tables & 34 seats, DCA# 1281748**

VOTE: Unanimous, with 38 Board members in favor.

**7. Facosull Corp. d/b/a The Four Faced Liar, 165 W. 4<sup>th</sup> St. (btw Jones St & Cornelia St), with 5 tables & 11 seats, DCA#1166884**

Block:592 Lot:29 Lot Frontage:63' Lot Depth:70.5 Year Built:1900(estimated)  
Number of Floors:6 Residential Units:31 Total # of Units:34 Zoning:R6, R7-2, Commercial  
Overlay:C1-5 Landmark Building: Yes Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this unenclosed café has been operated by this applicant for many years with no known issues, and

**Whereas**, the committee noted the concrete platform on which the café sits is grandfathered within the Greenwich Village Landmark District,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Facosull Corp. d/b/a The Four Faced Liar, 165 W. 4<sup>th</sup> St. (btw Jones St & Cornelia St), with 5 tables & 11 seats, DCA#1166884**

VOTE: Unanimous, with 38 Board members in favor.

**8. 174 Grand St. d/b/a Onieals, 174 Grand St. (at Centre Market Pl), with 7 tables & 14 seats, DCA# 1218544**

Block:471 Lot:28 Lot Frontage:24.75' Lot Depth:72.33 Year Built:1910(estimated)  
Number of Floors:4 Residential Units:6 Total # of Units:7 Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was not present, and

**Whereas**, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **174 Grand St. d/b/a Onieals, 174 Grand St. (at Centre Market Pl), with 7 tables & 14 seats, DCA# 1218544**

**UNLESS the applicant appears before this committee as required**

VOTE: Unanimous, with 38 Board members in favor.

**8. Mulberry Street Bar, LLC, 176½ Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1164852**

Block:471 Lot:33                      Lot Frontage:26.08' Lot Depth:100.33                      Year Built:1900(estimated)  
Number of Floors:7                      Residential Units:26 Total # of Units:28                      Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant’s representative, Michael Kelly, was present, and

**Whereas**, this unenclosed café has been operated by this applicant for many years with no known issues, and

**Whereas**, the committee noted the applicant has sometimes varied from the approved seating plan, but appears to do so only with the allotted tables and chairs, and

**Whereas**, the applicant’s representative committed to ensuring the applicant follows the approved arrangement,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Mulberry Street Bar, LLC, 176½ Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1164852**

VOTE: Unanimous, with 38 Board members in favor.

**9. Restaurant 597 Inc. d/b/a Bus Stop, 597 Hudson St. (at Bethune St), with 10 tables & 20 seats, DCA# 0918358**

Block:624 Lot:21                      Lot Frontage:21.83' Lot Depth:76.33                      Year Built:1901(estimated)  
Number of Floors:5                      Residential Units:12 Total # of Units:14                      Zoning:C1-6  
Landmark Building: Yes                      Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was present, and

**Whereas**, this unenclosed café has been operated by this applicant for many years with no known issues, and

**Whereas**, the committee reminded the applicant to move the café railings in against the building façade when the café is not in use,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Restaurant 597 Inc. d/b/a Bus Stop, 597 Hudson St. (at Bethune St), with 10 tables & 20 seats, DCA# 0918358.**

VOTE: Unanimous, with 38 Board members in favor.

**10. Oreste Inc. d/b/a Trattoria Toscana, 64 Carmine St. (7<sup>th</sup> Ave S & Bedford St), with 8 tables & 18 seats, DCA# 1163792**

Block:528 Lot:76	Lot Frontage:75' Lot Depth:60	Year Built:1900(estimated)
Number of Floors:6	Residential Units:30 Total # of Units:35	Zoning:R6

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, Steve Wygoda, was present, and

**Whereas**, this unenclosed café has been operated by this applicant for many years with no known issues, and

**Whereas**, this establishment is in an R6 zone which does not allow sidewalk cafés, this block of Carmine St is intersected on the south by a commercial zone along 7<sup>th</sup> Ave S which appears to have caused confusion, and

**Whereas**, both 66 Carmine St and 68 Carmine St further to the south of this property are also fully within the R6 zone indicating that 64 Carmine is not crossed by the commercial district line, and

**Whereas**, the committee has asked DCA to confirm the legality of the café's location but that confirmation has not been provided,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Oreste Inc. d/b/a Trattoria Toscana, 64 Carmine St. (7<sup>th</sup> Ave S & Bedford St), with 8 tables & 18 seats, DCA# 1163792**

**CONDITIONAL UPON the Dept. of Consumer Affairs confirming the basis for the legality of this sidewalk café under zoning regulations**

VOTE: Unanimous, with 38 Board members in favor.

**11. Zonor Rest. Corp. d/b/a Riviera Café, 225 W. 4<sup>th</sup> St. (at 7<sup>th</sup> Ave S), with 27 tables & 60 seats, DCA# 0922650**

Block:610 Lot:9	Lot Frontage:90.25' Lot Depth:64.17	Year Built:1910
Number of Buildings:3,	Number of Floors:4Residential Units:12	Total # of Units:16
Zoning:C4-5	Landmark Building: Yes	Historic District: Greenwich Village

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant was not present, and

**Whereas**, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Zonor Rest Corp. d/b/a Riviera Café, 225 W. 4<sup>th</sup> St. (at 7<sup>th</sup> Ave S), with 17 tables & 36 seats, DCA# 0629616**

**UNLESS the applicant appears before this committee as required**

VOTE: Unanimous, with 38 Board members in favor.

**12. A.C.A 110 Mulberry Inc. d/b/a La Bella Ferrara Coffee Shop, 110 Mulberry St. (btw Canal St & Hester St), with 6 tables & 12 seats, DCA# 0787968**

Block:205 Lot:6 Lot Frontage:24.92' Lot Depth:100.33 Year Built:1910(estimated)  
Number of Floors:5 Residential Units:16 Total # of Units:18 Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this renewal application, and the applicant's representative, Michael Kelly, was present, and

**Whereas**, this unenclosed café has been operated by this applicant for many years with no known issues, and

**Whereas**, the committee noted the applicant is using an additional 2 tables and 4 seats, and

**Whereas**, due to the use of two doors for service, the applicant may be able to file for a modification of their application to include the additional 2 tables and 4 seats, and

**Whereas**, the applicant's representative committed to working with the applicant to resolve the discrepancy between the application and use the number of tables in use,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **A.C.A 110 Mulberry Inc. d/b/a La Bella Ferrara Coffee Shop, 110 Mulberry St. (btw Canal St & Hester St), with 6 tables & 12 seats, DCA# 0787968**

**CONDITIONAL UPON the applicant either filing for a modification to include the additional 2 tables and 4 seats OR returning the café to the currently approved 6 tables and 12 seats**

VOTE: Unanimous, with 38 Board members in favor.

### **SLA LICENSING**

**1. Marumi Corp. d/b/a Marumi Restaurant, 546 LaGuardia PL., NYC 10012**

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

**Whereas**, this application is for an alteration to a Beer and Wine license for a Japanese restaurant to add an outdoor area with 5 tables and 10 seats measuring 13ft x 20ft to be partially covered by a new temporary fire retardant canvas awning in an existing courtyard immediately adjacent to the existing location which is a 900 s.f. restaurant with 20 tables and 48 seats in a mixed use building on LaGuardia Place between Bleecker and West 3<sup>rd</sup> Street in which there are no bars within, music is background only, a maximum legal capacity of 65 persons and no sidewalk cafe; and,



**Whereas**, the applicant stated the hours of operation of the existing interior area are 12:00 p.m. – 3:00 p.m. and then from 5:30 p.m. – 11:00 p.m. 7 days a week and there are currently no outdoor areas; and,

**Whereas**, the applicant agreed in consideration of other outdoor spaces in the area and in consideration of the surrounding neighbors that the new outdoor area in the rear courtyard being added in this alteration would be closed and ‘dark’ by 10 pm on all nights and absolutely no music of any kind would be played in the new outdoor area; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of this alteration to the Beer and Wine license for Marumi Corp. d/b/a Marumi Restaurant, 546 LaGuardia PL., NYC 10012, unless the applicant, as stated in the 4<sup>th</sup> ‘Whereas’ clause, will allow no music in the new outdoor area and will close the outdoor area by 10:00 p.m. each day.

Vote: Unanimous, with 38 Board members in favor.

## **2. Remi LaBa d/b/a Gans Wine Concept, LLC, 69 Gansevoort St., NYC 10014**

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

**Whereas**, this application is for a new Full OP license in a commercial building on Gansevoort Street between Washington Street and 9<sup>th</sup> Avenue for a 2200 s.f. restaurant with 18 tables and 60 seats, 1 bars with 10 seats, and a maximum legal capacity of 78 persons; , music will be background only; and,

**Whereas**, the applicant requested to have the hours of operation being Sunday to Wednesday 11:00 a.m. –2:00 a.m. and Thursday to Saturday 11:00 a.m. – 4:00 a.m.; there will be no sidewalk café, there will be no backyard garden, music would be background only; and,

**Whereas**, two principals already serve as principals in a restaurant in this neighborhood and are/have been involved with several other operations in different capacities; and,

**Whereas**, the applicant presented a business plan that was inconsistent with their application; and,

**Whereas**, the applicant is presenting an upscale restaurant that has almost no menu but claims that they do not have a chef yet to put the menu together; and,

**Whereas**, the almost unreadable copy of the Certificate of Occupancy which states an occupancy of 74 does not match the applicants total capacity in their original application to the committee which stated an occupancy of 128; and

**Whereas**, the floor plan for tables and chairs does not match the application; and,

**Whereas**, these constant contradictions with this application from an applicant that already has a restaurant and bar in this neighborhood and is intimately involved in the operation of several other locations creates some suspicion as to whether the applicant is presenting this application in the spirit of providing a thorough overview of the proposed restaurant business; and

**Whereas**, there is concern that the applicant is placing very limited emphasis on the restaurant aspect of this application when they stated on their application that this will be a restaurant and is instead placing too much emphasis on the “new technology” that they call oenomatic technology for serving alcohol which seems from the applicants presentation to allow patrons to serve themselves; and,

**Whereas**, the applicant stated that there may be plans in the future to expand the premise within the existing building; and,

**Whereas**, the existing and previous operations at this location have been for a full service restaurant/diner only; and,

**Whereas**, the applicant did not present a detailed plan on how security and traffic would be handled in this area nor define with the exception of new technology for the serving of alcohol what they would provide that is not already present in this area which already has a high concentration of licensed premises that provide dining, late night dining, lounge, and dancing venues among others.

**Whereas**, there were community members in attendance against this application based on saturation of the neighborhood; and,

**Whereas**, there are already over 22 licensed premises within 500 feet and CB2 request that the SLA conduct a 500 ft. rule hearing; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of the new full OP license to **Remi LaBa d/b/a Gans Wine Concept, LLC, 69 Gansevoort St., NYC.**

Vote: Unanimous, with 38 Board members in favor.

### **3. Gamma Thompson Corp. d/b/a Blue Haven, 108 W. Houston St., NYC**

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

**Whereas**, this application is for the alteration to extend hours of operation of their full On Premise license in a mixed use building on the corner of Houston Street and Thompson Street in a 2,000 s.f. restaurant with 15 tables and 55 seats, 1 bar with 15 seats and a total capacity of 74 persons, there is no sidewalk café and no backyard garden; and,

**Whereas**, the applicant is seeking no changes to their current method of operation but seeks to increase their hours of operation from Sunday to Wednesday from 2:00 a.m. to 4:00 a.m. in this highly residential neighborhood; and,

**Whereas**, the applicant currently operates as a full service restaurant only with hours of operation Sunday thru Wednesday 8:00 a.m. – 2:00 am and Thursday - Saturday 8:00 a.m. – 4:00 a.m.; and

**Whereas**, this applicant first appeared in front of this committee in April 2010 and historically CB#2, Man. has requested all new applications to refrain from 4:00 a.m. closings in this area during weekdays; and,

**Whereas**, the committee could find no changes that would warrant an increase in hours in this highly residential neighborhood which already has a very high number of licensed establishments, many of whom have similar earlier hours during the week or even close earlier; and,

**Whereas**, the applicant did state that they would keep their kitchen open until closing and would close all doors by 8pm; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. denies the alteration of a full On Premise license to **Gamma Thompson Corp. d/b/a Blue Haven, 108 W. Houston St., NYC.**

Vote: Unanimous, with 38 Board members in favor.

**4. 359 Restaurant, LLC, d/b/a/ August, 359 Bleecker Street, NYC 10014**

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

**Whereas**, this application is for the upgrade from a Beer and Wine License to a full On Premise license in a mixed use building on Bleecker Street, between 10<sup>th</sup> Street and Charles Street in a 1,000 s.f. full service restaurant with 15 tables and 30 seats, 1 bar with 10 seats and a total capacity of 50 persons, there is no sidewalk café and no backyard garden, music is background only; and,

**Whereas**, the hours of operation will continue to be Sunday – Friday from 11:00 am to 11:00 p.m. and Saturday from 11:00 a.m. to midnight

**Whereas**, this applicant has been operating this restaurant for 10 years with a Beer and Wine license and has demonstrated to the community that they will continue to be an asset to the neighborhood; and,

**Whereas**, this applicant has a strong, positive relationship with the community and no violations that this board is aware of; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. request the approval of the upgrade to a Full OP license to **359 Restaurant, LLC, d/b/a August, 359 Bleecker Street, NYC 10014.**

Vote: Unanimous, with 38 Board members in favor.

**5. Wong Hospitality Group Corp. d/b/a Wong, 7 Cornelia St., NYC 10014**

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

**Whereas**, this application is for a new On Premise license in a mixed use building on Cornelia Street between West 4<sup>th</sup> Street and Bleecker Street for a 1,600 s.f. restaurant with 10 tables and 38 seats, 1 bars with 8 seats, and a maximum legal capacity of 60 persons; , music will be background only; and,

**Whereas**, the applicant stated the hours of operation are Sunday – Thursday from 11:00 a.m. to 12:00 a.m., Friday - Saturday from 11:00 a.m. – 12:30 a.m.; there will be no sidewalk café at this time and no backyard garden; and,

**Whereas**, this location has never been licensed before and was previously residential and is only recently converted to a new commercial space; and,

**Whereas**, this will be adding an additional OP license within the CB#2, Man. district in a previously unlicensed space which is already saturated; and,

**Whereas**, there is no possible recourse by CB#2, Man. towards landlords that eliminate residential space for higher commercial rent; and,

**Whereas**, the current windows in this location are incapable of opening which will help control noise issues in this neighborhood and the applicant has agreed that if the windows are changed they will remain closed at all times; and,

Whereas, there are already over 21 licensed premises within 500 feet and CB#2, Man. request that the SLA conduct a 500 ft. rule hearing; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of the On Premise license for **Wong Hospitality Group Corp. d/b/a Wong, 7 Cornelia St., NYC 10014.**

Vote: Passed, with 34 Board members in favor, 3 in opposition (K. Berger, I. Dutton, M. Schott) and 1 abstention (D. Gruber).

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**6. Corp to be formed, or Thomas Makkos d/b/a Nello, 67 Greene Street, NYC 10012**

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license to **Corp to be formed , or Thomas Makkos, d/b/a Nello, 67 Greene Street, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**7. Arsenoi, Inc., 404 Sixth Avenue, NYC 10011**

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Arsenoi, Inc., 404 Sixth Avenue, NYC 10011** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**8. Parm Restaurant, LLC, 248 Mulberry Street, NYC 10012**

Whereas, the applicant failed to appear before the committee and their attorney notified CB2 that the applicant was withdrawing their application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Parm Restaurant, LLC, 248 Mulberry Street, NYC 10012** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**9. Jimmy Chin & Stephen Breskin or Entity to be formed d/b/a Jimmy Chin's, 481 Washington Street, NYC 10013**

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Jimmy Chin & Stephen Breskin or Entity to be formed d/b/a Jimmy Chin's, 481 Washington Street, NYC 10013** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**10. Elizabeth Rest. Group LLC, d/b/a Nolita Tavern or Pub One Burgers, 265 Elizabeth NYC 10012**

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing or withdrew their application from CB2; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Elizabeth Rest. Group LLC, d/b/a Nolita Tavern or Pub One Burgers, 265 Elizabeth St., NYC 10012** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**11. Emperor Japanese Tapas Shabu, 96 Bowery, 1st Floor, NYC 10013**

Whereas, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing or withdrew their application from CB2; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Emperor Japanese Tapas Shabu, 96 Bowery, 1st Floor, NYC 10013** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**12. Spring Bar LLC, Inc. d/b/a Spring Bar, 5 Spring St., NY**

Whereas, the applicants attorney notified CB#2, Man. that the applicant was withdrawing their application from CB#2, Man.; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Spring Bar LLC, Inc. d/b/a Spring Bar, 5 Spring St., NY** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**13. Yeah Shanghai Deluxe Inc. 135-137 Grand St., NYC 10013**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Yeah Shanghai Deluxe Inc. 135-137 Grand St., NYC 10013** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**14. Quimera Restaurant Group, LLC, TBD, 81 Greenwich Ave. a/k/a 2 Bank St., NYC 10014**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Quimera Restaurant Group, LLC, TBD, 81 Greenwich Ave. a/k/a 2 Bank St., NYC 10014** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**15. 68 West 3rd Café Inc. TBD, 68 W. 3rd St., NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **68 West 3rd Café Inc. TBD, 68 W. 3rd St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**16. Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. a/k/a 184 Mulberry St., NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Lucali Kenmare, LLC, d/b/a Lucali, 78-80 Kenmare St. a/k/a 184 Mulberry St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

**17. JNR 86 LLC, 86 Kenmare St., NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **JNR 86 LLC, 86 Kenmare St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**18. Entity to be formed by Tracey Hecht Smilow & David Smilow, d/b/a The Hutch, 130 W. 10th St., NYC 10014**

**Whereas**, the applicant failed to appear before the committee and their attorney notified CB2 that the applicant was withdrawing their application; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Entity to be formed by Tracey Hecht Smilow & David Smilow, d/b/a The Hutch, 130 W. 10th St., NYC 10014** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

**19. Forcella Eatery, Inc. d/b/a Forcella, 334 Bowery, NYC 10012**

**Whereas**, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of any proposed liquor license to **Forcella Eatery, Inc. d/b/a Forcella, 334 Bowery, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 38 Board members in favor.

## **SOCIAL SERVICES AND EDUCATION**

### **1. Protecting Foreign Born Spouses in Same-Sex Couples from Deportation**

**Whereas** United States Immigration Law does not allow foreign-born individuals to obtain permanent resident status based on marriage or long term partnership with a United States citizen of the same sex, even if they were lawfully married in a state that recognizes their marriage, and

**Whereas** the Federal Department of Homeland Security is currently actively seeking to deport foreign born, same-sex spouses of American citizens, even though they were legally married in a State that recognize same-sex marriage, and

**Whereas** Congress is considering a legislative remedy to same-sex bi-national couples in the **Uniting American Families Act**, which would remove the legal basis for deporting same-sex spouses of American citizens, and this consideration makes a very good case for using prosecutorial discretion to stop all such deportations until this law is passed and

**Whereas** the Department of Homeland Security has authority to not pursue deportation against certain individuals, per an August 20, 2010 memo issued by Assistant Secretary John Morton of Immigration and Customs Enforcement, encouraging officials to exercise prosecutorial discretion in certain cases and

**Whereas** immigration authorities have used prosecutorial discretion to discontinue deportation cases against other groups in the past, and

**Whereas** deportation of same-sex spouses forces American citizens to choose between their life partner and their country, forcing many to bring their skills and resources to another country, and

**Whereas** among developed countries, the United States is an outlier in its backwardness on gay and lesbian rights in that every Western European country except Italy has recognized same-sex marriage, domestic partnership, or civil unions as grounds for immigration sponsorship, as do many other nations including Canada, Australia, New Zealand, South Africa, Brazil, and Argentina. To our shame, the United States no longer is a world leader in the struggle for civil rights and equality for all, but has fallen behind even countries once reviled for their lack of civil rights, such as South Africa, and

**Whereas** the decision to forcibly separate a couple who have committed to stay together “until death do us part,” based solely on their sexual orientation is not only discriminatory, but extraordinarily cruel.

**Therefore Be It Resolved** that Community Board 2 Manhattan urges our elected officials in The U.S. Senate and the U.S. House of Representatives to join Congressman Nadler to reintroduce and pass the Uniting American Families Act, which would provide a mechanism under the Immigration and Nationality Act to allow United States citizens and legal permanent residents in binational same-sex relationships to sponsor their foreign-born partners for immigration to the United States in a manner consistent with the legal requirements and rights currently enjoyed by opposite-sex couples. and

**Be it Further Resolved** that CB#2, Man. calls upon President Obama to instruct the Department of Homeland Security to apply its power of prosecutorial discretion in order to discontinue its efforts to deport same-sex spouses of U.S. citizens and legal permanent residents, while Congress is considering the Uniting American Families Act.

Vote: Unanimous, with 38 Board members in favor.



## 2. Resolution Regarding Children's Aid Society

Whereas, the Children's Aid Society has been a much-loved educational resource for about 100,000 Greenwich Village families since it opened in our neighborhood in 1892, and

Whereas the current location on Sullivan Street (the Coltoff Center) had served our community for decades, currently with 1,500 children, aged birth to 17, including in the Early Childhood program (405 children, the largest nursery program in the downtown Manhattan) as well as in programs for children with special needs, the theater program, the camp, the after school program, sports, arts, and more, and

Whereas thousands of members of our community are devastated at the possible loss of these programs and more than 2,500 have signed a petition to this effect, many with heartrending comments attesting to their children's benefit from this institution, and

Whereas we need more educational programs for our booming population of children, as documented by several CB#2, Man. public hearings that reveal severe school overcrowding in CB#2, Man. and

Whereas, we understand and appreciate the mission of Children's Aid to serve children in poverty, but

Whereas the decision to sell the Philip Coltoff Center and its Early Childhood Annex was done before parents and the community could express concerns and suggest alternatives, and

Whereas the Children's Aid Society assured the Community Board on January 18, 2010 that they have not yet secured a broker, or buyer, or written a contract for sale

**Therefore, be it resolved** that CB#2, Man. strongly insists that the Children's Aid Society must include representatives of CB#2 and the parent's group (SAVE – Save A Village Education) in any future decisions about the sale, and

**Be it further resolved** that CB#2, Man. urges Children's Aid Society write a contract for sale that preserves all the current programs within the current facilities on Sullivan Street, through June, 2012; and

**Be it further resolved** that CB#2, Man. requests Children's Aid Society develop and offer financial and career incentives to retain administration, teachers and staff of the Coltoff Center through at least June 2012 with specifics communicated to parents before they sign contracts with deposits on February 18, 2011.

**Be it further resolved** that CB#2, Man. insists Children's Aid Society stay true to its core mission by finding a buyer who will continue all existing education and community-based programs at the current level or higher and

**And be it further resolved** that CB#2, Man. requests the Board of Directors, all our local political and community leaders, and all members of Community Board Two will use their best efforts to ensure that the programs currently in place at the Center continue for current and future children of our community.

Vote: Unanimous, with 38 Board members in favor.

## **STREET ACTIVITY & FILM PERMITS**

### **1. Support of Various Street Fair Permit Applications (Renewals)**

**WHEREAS**, each of the street fair permit applications listed below were approved by CB#2, Man. last year and are up for renewal this year; and

**WHEREAS**, each of the street fair permit applications listed below appear to not have changed in any material manner from last year; and

**WHEREAS**, each of the street fair permit applications listed below include a setup and breakdown time between 8:00 a.m. and 8:00 p.m.; and

**WHEREAS**, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

**WHEREAS**, there is no community opposition to such applications from the public; now

**THEREFORE BE IT RESOLVED** that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

1. 3/12/-12/11/11-Saint Anthony’s Church, W. Houston bet Thompson St. & Macdougall St. (sidewalk only)

Vote: Unanimous, with 38 Board members in favor.

2. 3/12-12/18/11-Saint Patrick’s Old Cathedral, Prince St. bet. Mulberry St. & Mott St. (sidewalk only)

Vote: Unanimous, with 38 Board members in favor.

3. 4/2/-12/18/11-Our Lady of Pompei Church-Bleecker St. Flea Market, 240 Bleecker St. bet. Carmine St. & Leroy St. (sidewalk only)

Vote: Unanimous, with 38 Board members in favor.

4. 4/2/11-Transportation Alternatives Cooper Square Festival, Cooper Square bet. E. 5th St. & East 8th St.

Vote: Unanimous, with 38 Board members in favor.

5. 4/16/11-Ninth Precinct Community Council Astor Pl. Festival, Astor Pl. bet. Broadway & Lafayette St.

Vote: Unanimous, with 38 Board members in favor.

6. 4/17/11-Delta Phi Fraternity 4th St. Festival, E. 4th St. bet. Lafayette St. & Broadway & West 4th St. bet Broadway & Washington Square East

Vote: Passed, with 37 Board members in favor, and 1 abstention (L. Rakoff).

7. 4/30/11-Village Committee for Jefferson Area Market Greenwich Ave. Festival, Greenwich Ave. bet. 6th Ave. & 7th Ave.

Vote: Unanimous, with 38 Board members in favor.

8. 5/7/11-The Children's Aid Society Spring Carnival, 219 Sullivan St. bet. Bleecker St. & West 3rd St.

Vote: Unanimous, with 38 Board members in favor.

9. 5/7/11-Grace Church School Annual Spring Fair, East 10th St. bet. Broadway & 4th Ave.

Vote: Unanimous, with 38 Board members in favor.

10. 5/7/11-Cooke Street Fair, Macdougall St. bet. W. Houston St. & King St.

Vote: Unanimous, with 38 Board members in favor.

11. 5/25/11-St. Anthony's Feast, Mulberry St. bet. Broome St. & Spring St.

Vote: Unanimous, with 38 Board members in favor.

12. 5/28/11-Caring Community Waverly Place Festival, Waverly Pl. bet. 6th Ave. & University Pl.

Vote: Unanimous, with 38 Board members in favor.

13. 6/4/11-6th Precinct Community Council Bleecker St. Festival, Bleecker St. bet. 7th Ave. So. & 8th Ave.

Vote: Unanimous, with 38 Board members in favor.

14. 6/18/11-Village Reform Democratic Club Waverly Pl. Festival, Washington Square North bet. University Pl. & 5th Ave. & Waverly Pl. bet. Broadway & University Pl.

Vote: Passed, with 34 Board members in favor, and 4 recusals (K. Berger, B. Hoylman, L. Rakoff, A. Schwartz).

15. 6/19/11-Women's Democratic Club Astor Pl. Festival, Astor Pl. bet. Broadway & Lafayette St.

Vote: Unanimous, with 38 Board members in favor.

16. 6/25/11-BAMRA Bleecker St. Festival, Bleecker St. bet 6th Ave. & Broadway

Vote: Passed, with 37 Board members in favor and 1 recusal (L. Rakoff).

17. 7/2/11-Saint Bernard Church 14th Street Festival, West 14th St. bet. 7th Ave. & 8th Ave.

Vote: Unanimous, with 38 Board members in favor.

18. 7/16/11-East Village Visiting Neighbors East Village Festival, 4th Ave. bet. East 8th St. & East 14th St.

Vote: Unanimous, with 38 Board members in favor.

19. 7/30/11-Stonewall Democratic Club Waverly Pl. Festival, Waverly Pl. bet. Broadway & University Pl. & Washington Square North bet. 5th Ave. & University Pl.

Vote: Passed, with 35 Board members in favor and 3 recusals (K. Berger, B. Hoylman, L. Rakoff).

20. 8/6/11-Friends of LaGuardia Pl. LaGuardia Pl. Festival, LaGuardia Pl. bet W. Houston St. & Washington Square So.

Vote: Passed, with 37 Board members in favor, and 1 recusal (L. Rakoff).

21. 8/13/11-Village Visiting Neighbors University Pl. Festival, University Pl. bet. Waverly Pl. & East 14th St.

Vote: Unanimous, with 38 Board members in favor.

- 2. 9/11/11-Christopher East Block Association, Christopher Street Festival, Christopher St. bet. 7th Ave. So. & Greenwich Ave.**

**WHEREAS**, this street fair permit application was approved by CB # 2 Manhattan last year and is up for renewal this year; and

**WHEREAS**, this street fair permit application appears to not have changed in any material manner from last year; and

**WHEREAS**, this street fair permit application includes a setup and breakdown time between 8:00 a.m. and 8:00 p.m.; and

**WHEREAS**, the sponsors of the street fair permit application appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsors meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

**WHEREAS**, there is no community opposition to such applications from the public; now

**THEREFORE BE IT RESOLVED**, that C # 2 Manhattan supports the street fair permit for the Christopher East Block Association, Christopher Street Festival, Christopher St. bet. 7th Ave. So. & Greenwich Ave. on 9/11/11, provided that the NYPD doesn’t have overriding concerns regarding manpower or through-street access on this date, the tenth anniversary of the Sept. 11<sup>th</sup> attacks.

Vote: Unanimous, with 38 Board members in favor.

**3. Conditional Support of the Figli di San Gennaro Street Activity Permit Application, (multi day, multi-block), Canal & Houston Sts. & Hester & Grand bet. Mott & Centre Sts.**

**Dates:** 9/15-9/25, 2011

**Hours of Operation:** 11:30am – 11pm (Sun – Thurs) and 11:30am – 12:30am (Fri and Sat); 30 minute reductions from past years application.

**Whereas,** applicant was represented by Vivian Catanaccio and Mort Berkowitz; and

**Whereas,** this street fair has been on going for approximately the last 80 years and is a important and symbolic annual event; and

**Whereas,** the San Gennaro street fair provides much needed revenue to local restaurants and businesses, who are experiencing severe financial hardships during the current economic downturn; and

**Whereas,** the San Gennaro Festival generates approximately \$800,000 in gross revenues of which \$160,000 in fees are turned over to the City of New York; and

**Whereas,** more than 40 community residents spoke on this application, with those in support and opposition being roughly equal; and

**Whereas,** the majority of residents from the community who spoke in support of the application cited the historical, cultural and economic value to the Little Italy community; whereas, those opposed to the application cited the length and scope of the festival as being unreasonably burdensome, the loud carnival like atmosphere causing constant disruption, the lack of a religious or cultural focus, and public intoxication as being the main complaints; and

**Whereas,** Mort Berkowitz, the promoter for the applicant, exchanged telephone numbers with Committee members and agreed to work with them and CB#2, Man. to solve their concerns and strictly enforce all rules and regulations; and

**Whereas,** the CB#2, Man. strongly urges the 5<sup>th</sup> Police Precinct and Department of Environmental Protection to strictly enforce all rules and regulations governing this street fair with a maximum police presence so as to minimize the impact on the residential community, including monitoring noise levels to ensure compliance with all city regulations;

**THEREFORE BE IT RESOLVED,** that CB#2, Man. recommends approval of the San Gennaro street fair permit application subject to an ongoing dialogue regarding the enforcement of applicable rules and regulations governing San Gennaro, which shall take place both before and after any permit is issued, and shall include the applicant, LIMA, residents of the community, merchants, the 5th Police Precinct, SAPO, Council Member Chin’s office, other local elected officials and all other relevant City agencies, and with the following conditions (which are subject to change based upon the ongoing discussions referenced above):

1. **Soundstage/Bandstand:** The applicant agrees to rotate the location of the soundstage/bandstand on a yearly basis so as not to inconvenience the same residents each year who are affected by the amplified sound. The location of the soundstage/bandstand each year will be determined by the applicant in consultation with CB#2, Man. and local residents. The applicant further agrees to reduce or eliminate amplified sound during periods when live performances are not taking place. The soundstage shall operate during the following hours:

Monday-Thursday	5:30 p.m. – 9:30 p.m.
Friday	5:30 p.m. – 11:00 p.m.
Saturday	12:00 p.m. - 12:30 a.m.
Sunday	12:00 p.m. – 9:30 p.m.

2. **Enforcement of Rules and Regulations:** The applicant agrees to strictly enforce all rules and regulations governing the street fair, which will be discussed and clearly agreed upon during the course of the continuing dialogue between the relevant parties referenced above. The applicant further agrees to promptly investigate and respond to any complaints from CB# 2 Manhattan and/or local residents.
3. **Announcements:** The applicant agrees that there will be no PA announcement made at the end of the night asking vendors to shut down their stands, instead the event staff will walk the streets telling vendors to close their stands. This will reduce noise levels late at night.
4. **Building:** The applicant agrees that no building is to take place overnight. Vendors must comply with the DOT construction regulations.
5. **Oil:** The applicant agrees that for clean-up and dumping of oil, the feast will continue to require all vendors to pay a mandatory fee for an outside company to pick up the oil.
6. **Sidewalk cafes:** The applicant agrees that all restaurants should comply with their DCA permits and will seek to enforce any violations that take place.
7. **Trees:** The applicant agrees that they will respect the trees and that vendors cannot hang anything from them or dump waste/debris in the tree pits.
8. **Toilets:** The applicant agrees that port-a-potties will be cleaned on a regular schedule.
9. **Noise:** The applicant agrees that there should not be any bands walking the streets late at night and no vendors should be selling or playing tapes or CDs that are not related to the theme of the feast. The applicant further agrees that all music/radio stations should have sound permits and should comply with the regulations of those permits.
10. **Walkways:** The applicant agrees to mark (with tape or chalk or paint) the sidewalk for unobstructed passageways to the entrance of buildings.
11. **Setup and Breakdown:** The applicant agrees to formulate a setup and breakdown committee to monitor noise and other issues associated with the setup and breakdown of San Gennaro, which shall include a member of CB# 2 Manhattan.
12. **Karaoke Machine/Booth:** The applicant agrees there will not be any Karaoke booth or device at this year's fair; and

**BE IT FURTHER RESOLVED,** that CB#2, Man. strongly urges SAPO to consider cutting back the size of San Gennaro by stopping the street fair at Kenmare Street so as not to disturb the emerging business community in NOLITA who expressed significant concerns about lost profits and disruption caused by the festival and advises the applicant and SAPO to expect that CB#2, Man. will continue to negotiate further reductions of scale and duration for subsequent years.

Vote: Unanimous, with 38 Board members in favor.

**4. Conditional Support of the Little Italy Merchants Assn. Inc. (“LIMA”), Street Activity Permit Application (the “Mulberry Mall”), (multi day, multi-block), Mulberry St. bet. Canal & Broome Sts. & Hester St. bet. Mott & Mulberry Sts.**

**Dates:** 5/13-9/11, 2011

**TOTAL WEEKS: 18**

**Hours:**

Monday - 11:30 a.m. through 10:00 p.m. (Memorial Day, Independence Day and Labor Day Weekends)

Fridays – 5:30 p.m. through 12:00 midnight

Saturday - 11:30 a.m. through 12:00 midnight

Sunday - 11:30 a.m. through 10:00 p.m. during non-holiday weekends

Sunday - 11:30 a.m. through 12:00 midnight (Memorial Day, Independence Day and Labor Day Weekends)

**Whereas**, the applicant appeared before the committee with his attorney and various members of the LIMA organization; and

**Whereas**, according to LIMA, the Mulberry Mall began as a tourist attraction in 1996 to attract shoppers and diners to the community, and serves to promote and enhance the interaction between the Italian and Chinese communities, culminating in an East meets West holiday parade promoting brotherhood; and

**Whereas**, restaurant owners stated that they are experiencing severe financial hardship during this economic downturn and without the revenue generated by the Mulberry Mall would face the prospect of going out of business; and

**Whereas**, Mort Berkowitz, the promoter for the applicant, exchanged telephone numbers with Committee members and agreed to work with them and CB# 2, Man. to solve their concerns and strictly enforce all rules and regulations; and

**Whereas**, unlike past years, due to vast improvements in the organization of the Mulberry Mall, a small number of community members expressed opposition to the application and the Committee praises the applicant and organizers for working with the Committee and community to improve the Mulberry Mall and for making it a far more community friendly event; and

**Whereas**, the committee strongly urges the 5<sup>th</sup> Police Precinct to strictly enforce all rules and regulations governing this street fair with a maximum police presence so as to minimize the impact on the residential community; now

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of the Mulberry Mall street fair permit application subject to an ongoing dialogue regarding the enforcement of applicable rules and regulations governing this street fair, which shall take place both before and after any permit is issued, and shall include the applicant, LIMA, residents of the community, merchants, the 5th Police Precinct, SAPO, Council Member Chin’s office, other local elected officials and all other relevant City agencies, and with the following conditions (which are subject to change based upon the ongoing discussions referenced above):

1. **Income and Expenses:** The applicant agrees to provide an Income and Expense statement to the Committee if requested.
2. **Community Meetings during the Street Fair:** The applicant agrees to hold a minimum of three community meetings during the course of the street fair to address any concerns raised by the community.
3. **Weekend Closing Time:** The applicant again agrees to close the street fair at midnight on Fridays and Saturdays as stated in its application, which is a one hour reduction from past years.
4. **Enforcement of Rules and Regulations:** The applicant agrees to strictly enforce all rules and regulations governing the street fair, which will be discussed and clearly agreed upon during the course of the continuing dialogue between the relevant parties referenced above. The applicant further agrees to promptly investigate and respond to any complaints from CB# 2, Man. and/or local residents.
5. **Tables/Vendors:** The applicant agrees that more effective enforcement by LIMA, SAPO, and the 5<sup>th</sup> precinct is needed, including assigning police who are familiar with the area and concerns of the community to enforce the rules and regulations governing the street fair.
6. **Walkways:** The applicant agrees to mark (with tape or chalk or paint) the sidewalk for unobstructed passageways to the entrance of buildings.

Vote: Unanimous, with 38 Board members in favor.

**5. Denial of Village Crosstown Trolley, Astor Pl. bet. Broadway & Lafayette St.**

**Date:** 5/07/11

**Set up:** 8am

**Breakdown:** 7pm

**WHEREAS**, The Village Crosstown Trolley seeks a renewal of its street fair application permit, which was denied last year by CB#2, Man.; and

**WHEREAS**, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, states that a street fair sponsor should be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event”; and

**WHEREAS**, the applicant was unable to identify any events sponsored by the Village Crosstown Trolley Association that take place within our community or anywhere in Manhattan for that matter; and

**WHEREAS**, the applicant’s only apparent activity is handing out flyers to the public from time to time about his organization and its activities; and

**WHEREAS**, there are already an overwhelmingly large number of promoter based street fairs that take place annually within CB#2, Man. and therefore CB#2, Man. believes that only those street fair permit applications sponsored by a not-for-profit organization or the like with a close nexus to and ongoing activities within CB#2, Man. should be approved; now

**THEREFORE BE IT RESOLVED**, that CB#2, Man. denies the street fair permit application of the Village Crosstown Trolley.



Vote: Passed, with 34 Board members in favor, and 4 abstentions (B. Hoylman, I. Dutton, J. Hamilton, S. Secunda).

## **TRAFFIC AND TRANSPORTATION**

### **Resolution supporting the Chinatown Working Group's Transportation Preliminary Action Plan.**

**Whereas** the greater Chinatown area is surrounded on all sides by major bridges and roadways including, but not limited to, the Brooklyn Bridge, the Manhattan Bridge, the FDR Drive, and is near the Williamsburg Bridge and the Holland Tunnel; and

**Whereas** there is a need for better and safer pedestrian and cyclist access especially around bridge entrances and exits; and

**Whereas** intra-borough vehicular traffic and traffic on Canal Street needs to be reduced; and

**Whereas** parking issues and the continuing impact of placard parking require solutions;

**Whereas** the closure of vehicular and pedestrian access between Government Center and Chinatown since 9/11 has produced negative impacts on Park Row and other access points to Chinatown for businesses and residents; and

**Whereas** the growing number of interstate buses and commuter vans in Chinatown are important to Chinatown's economy and workers, but issues of noise, pollution and traffic impacts need to be addressed, and

**Whereas** Chinatown, as a residential, business, and tourist center needs an integrated "ready-access" mass- transportation hub, and

**Whereas** the greater Chinatown area needs improved coordination between local residents and businesses with City agencies in ongoing transportation improvement planning, and

**Whereas** the Chinatown Working Group's (CWG) Parking, Transportation, Circulation and Safety working team prepared a Preliminary Action Plan (PAP) to address these concerns, as part of a comprehensive community-based plan to improve the greater Chinatown community, and presented this plan to Community Board 2 Manhattan's (CB2) Traffic and Transportation Committee in June 2010 for input; and

**Whereas** CWG is revising their PAP based on feedback from a wide array of community stakeholders through meetings as well as two town halls and is integrating into their plan CB2's suggestions for a Park Row shuttle and one that links Tribeca, SoHo and Chinatown along or around Canal St., and also is recognizing the competing goal of relieving traffic congestion and restoring pre-9/11 parking by including a park and ride possibility and continuing to look for other alternatives that strike a reasonable balance between the two;

**Therefore be it resolved** that CB#2, Man. supports the CWG's Parking, Transportation, Circulation and Safety PAP as part of a comprehensive, meaningful community-based plan to improve the greater Chinatown community.

Vote: Unanimous, with 38 Board members in favor.

## **NEW BUSINESS**

### **Reconstruction of Astor Place and Cooper Square**

**Whereas**, on January 6, 2010, the New York City Departments of Design & Construction, Transportation, and Parks & Recreation presented a plan for Reconstruction of Astor Place and Cooper Square to the CB2 & CB3 Joint Astor Place Task Force; and

**Whereas**, this plan is the most recent version of a proposal that has been developed in consultation in the two community boards over a period of years; and

**Whereas**, the plan is generally responsive to comments made in response to previous versions; and

**Whereas**, the project will provide important improvements to the area including pedestrian safety, attractive new open space, new trees and plantings, numerous bike racks, and better storm water management; and

**Whereas**, the area has numerous late night drinking establishments that often create disturbances to the quality of life for nearby residents; and

**Whereas**, heavy pedestrian traffic at night and on weekends is the subject of frequent complaints in the area; and

**Whereas**, the Astor Place subway triangle and the Alamo Island have historically attracted impromptu street performances and related street activity that on nights and weekends has substantially detracted from quality of residential life of the surrounding residential area; and

**Whereas**, the “Village Plaza” may attract similar problematic activity; and

**Whereas**, such activities are encouraged by the absence of physical design elements that thwart or discourage such behavior such as tree plantings, landscaping, sidewalk surfacing, and public seating arrangements or lack thereof, and

**Whereas**, neighbors have expressed reasonable concerns that the proposed plan provides expanded pedestrian areas that may encourage noisy activities and late night lingering; and

**Whereas**, well-placed amenities such as planters and bike racks can effectively discourage crowds from congregating, as demonstrated at the Alamo Island which has become less problematic since the installation of numerous well-used bike racks; and

**Whereas**, CB#3, Man. is particularly concerned about possible impacts on the nearby 150-unit JASA/Green Residence that provides housing for seniors and the mobility impaired; and

**Whereas**, Lafayette Street is the main northbound route used by the Great Jones Firehouse; and

**Whereas**, narrowed streets, pedestrian plazas, plantings, and street amenities are potential impediments to swift emergency response ; and

**Whereas**, neighbors have expressed concern about how reduced lanes may affect emergency and delivery access to buildings; and

**Whereas**, the park design as currently configured may include removal of one or more large trees; and

**Whereas**, the Joint Task Force voted unanimously to approve the plan subject only to removal of seating in the areas south of East 7<sup>th</sup> Street;

**THEREFORE BE IT RESOLVED** that CB#2, Man. approves this reconstruction plan as proposed if seating opportunities that cannot be locked or removed at night are eliminated from the areas below 7<sup>th</sup> Street, and

**BE IT FURTHER RESOLVED** that CB#2, Man. requests that during the concluding phase of design and approval all city agencies and the design team to give due consideration to community concerns expressed herein, including the addition of more trees, plantings, and amenities to break up large open spaces, and additional review of proposed permanent seating to diminish the likelihood uses that would be a disturbance to neighbors who are already often disturbed by late night crowds; and

**BE IT FURTHER RESOLVED** that CB#2, Man. asks that all the large trees at Cooper Square Park be protected and that the design of the park as much as possible be developed to avoid tree removals; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recognizes that the decision by the City to proceed with this project entails a considered commitment to the required level of management for all the expanded pedestrian areas, plantings, trees, and amenities, and CB2 looks forward to joining with the Department of Transportation and the Department of Parks in developing the best mix of public and private participation in the management and programming of the area, which may include participation of local institutions and business and neighborhood organizations; and

**BE IT FINALLY RESOLVED** that CB#2, Man. requests careful consideration during the concluding phase for design of the needs for vehicular access to buildings to assure required access for fire trucks, deliveries, and drop-offs, including consultation with the fire department and affected businesses and building owners.

Vote: Unanimous, with 38 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan