

MINUTES OF THE MONTHLY MEETING OF
MANHATTAN COMMUNITY BOARD #1
HELD
APRIL 18, 2006
PACE UNIVERSITY
1 PACE PLAZA

Julie Menin, Chairperson, called the meeting to order.

Public Session:

John Ricker of the Comptroller's office spoke regarding the Mayor's 5 Year Budget Plan and the need for living wages for City employees.

Noah Pfefferblitt of Wall St. Rising invited all to the Taste of Wall St. event on May 15th at 7 WTC.

Debra Lester representing Speaker Sheldon Silver spoke of the State eliminating sales tax on clothing items under \$110 and about a Public Hearing on lack of enforcement of the SLA's 500 foot rule on May 5th, 10:30 am at 250 Broadway.

Tom Hall of the NYC Rescue Mission invited all to their open house on April 30th from 2-4 pm.

Several speakers Mark Scherzer, Arturo Garcia-Costas, Jonathan Bennett, Esther Regelson, Kimberly Flynn, Rachel Lidov, Craig Hall and Jean Grillo spoke and raised concerns regarding the demolition of 130 Liberty Street.

Business Session:

The minutes of the monthly meeting held on March 21, 2006 were adopted as presented.

Chairperson's Report:

Julie Menin reported on the following issues:

- Funding for the two proposed new Lower Manhattan schools has been approved. Ms. Menin thanked Assemblyman Silver, Councilman Gerson, Assemblymember Glick and Borough President Stringer for their efforts.
- On April 19th Ms. Menin is scheduled to meet with Amanda Burden to discuss the Jack Parker issue.
- Congratulations were extended to Rebecca Skinner on her marriage.
- The recently appointed Board members were introduced. They include Susan Cole, Andy Neale, Laura Braddock, Peter Glazier and Diane Lapson. An orientation meeting is scheduled for Thursday April 27th.

Treasurer's Report:

Joe Lerner reported that his term has limited out and presented his final quarterly Treasurer's report.

District Manager's Report:

Paul Goldstein reported on the following issues:

- A City Council hearing is scheduled for Friday April 21st regarding the need for more schools and hospitals as the community population increases.
- Mr. Goldstein reported that he testified at a recent City Council hearing regarding the WTC Memorial in support of the current proposal to go forward so that the rebuilding can proceed without further delay.
- Mr. Goldstein discussed the Scoping Session on the East River Waterfront Project. The project is going forward with some delays due to the need for an Environmental Impact Statement. Related projects not on the water including local park projects including Peck Slip park can move forward without the need for an EIS. An amount of \$150 million was allocated from LMDC for the project.

Borough President Scott Stringer made several announcements. He announced the appointment of five new CB #1 Board members. He further announced that CB #1 Chair Julie Menin should be included as a member of LMDC.

Councilman Alan Gerson spoke on several issues. Councilman Gerson discussed the rebuilding of the WTC Memorial. He further discussed the approval of funding for the two downtown schools. He spoke about the upcoming hearing regarding the need to plan for schools and adequate health care facilities in Lower Manhattan. Additionally, he congratulated Una Perkins for earning the Pacesetter Award.

Committee Reports:

NOTE:
ONLY RESOLUTIONS THAT HAVE BEEN REVISED / MODIFIED ARE
ATTACHED HERE.
PLEASE CONTACT THE CB #1 OFFICE FOR COPIES OF OTHER
RESOLUTIONS

Seaport / Civic Center Committee

RE: Co-naming of Park Row between Beekman and Spruce Streets for Elizabeth Jennings

In 1854 an African-American teacher named Elizabeth Jennings was forcibly removed from a whites-only streetcar at the corner of Pearl Street and Chatham Street (now Park Row).

With the support of her family and her abolitionist church community she sued the Third Avenue Railways Company and won a court ruling stating that African-Americans “had the same rights as others” an important ruling that ultimately helped to overturn segregated public transportation.

By a vote of 37 in favor and 1 opposed, CB #1 supports the co-naming of the eastside of Park Row between Beekman Street and Spruce Street Elizabeth Jennings Way. CB #1 requests that some sort of plaque be installed in the sidewalk or elsewhere informing people of who Elizabeth Jennings was and why she is being honored at this location.

RE: Reconsideration of boundaries for Peck Slip open space

CB #1 is very supportive of plans to create a new community open space in the center of Peck Slip. The Peck Slip open space has not yet been designed but has already generated considerable community discussion. NYC DOT had come before the Community Board in December 2004 both to create footprints for the new park space and to establish the parameters of their capital project to re-cobblestone Peck Slip and vicinity. The Community Board was recently approached by local residents and representatives of the Seaport Speaks charrette in support of a piazza-style design for Peck Slip which calls for no curbs and all cobblestones.

By a unanimous vote, CB #1 rescinds its December 2004 approval of a geometric street plan for Peck Slip and the curb locations for the new open space. CB #1 calls on the NYC Parks Department to immediately begin a design process, with considerable Community Board and community input, for the new Peck Slip open space.

Seaport / Civic Center & Tribeca Committees

RE: Proposal to allow on street parking from 7pm – 12am on the south side of Canal Street from Broadway to the Manhattan Bridge

This application, made by the Chinese Chamber of Commerce and the Chinatown Partnership, would change the current parking regulations from “NO STANDING ANYTIME” to a revised regulation allowing on street parking after 7 PM seven days a week on the south side of Canal Street from Broadway to the Manhattan Bridge, possibly with the installation of meters.

By a unanimous vote, CB #1 supports this proposed parking regulations change and requests that a feasibility study be conducted by the NYC DOT.

Tribeca Committee

A progress report was given on Laight Street Park.

RE: 181 Duane St., wine and beer application for 181 Duane Ristorante d/b/a Max Tribeca

The applicant proposes to operate a restaurant/bar on the first floor with a kitchen in the basement. This location has no Certificate of Occupancy or a sprinkler system. The second floor and above is residential and does not have a sprinkler system. The configuration of the building would prevent adequate venting for a commercial kitchen in the basement.

By a vote of 32 in favor, 4 abstained and 1 recused, CB #1 opposes the wine and beer application for 181 Duane Ristorante d/b/a Max Tribeca citing the concerns raised above.

RE: 305 Church Street, wine and beer license application for Province

The applicant proposes to operate an establishment with 10 tables and 40 seats. The proposed maximum hours of operation will be 11:00 AM – 9:00 PM, Sunday – Saturday. The applicant agreed not to have music.

By a unanimous vote, CB #1 does not oppose a wine and beer license for Province located at 305 Church Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

RE: 139½ Reade Street, beer and wine license application for Kiva Café LLC

The applicant proposes to operate an establishment with 8 tables and 17 seats. The proposed maximum hours of operation will be 8:00 AM – 9:00 PM, Sunday – Saturday. The applicant agreed to have background music only as appropriate for an establishment located where it is, and to provide adequate sound-proofing insulation.

By a unanimous vote, CB #1 does not oppose a beer and wine license for Kiva Café LLC located at 139½ Reade Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

RE: 131 Duane Street, unenclosed sidewalk cafe renewal for Radiante LLC

The applicant has applied for a unenclosed sidewalk cafe renewal license for 7 tables and 24 seats. The proposed hours of operation will be 8 AM until midnight Monday through Thursday, 8 AM until 1:00 AM on Friday and Saturday and noon until midnight on Sunday. The owner of Radiante LLC is also the owner of the building and the Community Board is on record expressing its serious concerns regarding their aggressively seeking the improper eviction of his tenants.

By a vote of 22 in favor, 12 opposed and 3 abstained, CB #1 recommends rejecting the application as submitted by Radiante LLC.

RE: 460 Greenwich Street, unenclosed sidewalk cafe renewal for Tecton Café Inc. d/b/a Sosa Borella

The applicant has applied for a unenclosed sidewalk cafe renewal license for 5 tables and 10 seats. The proposed hours of operation will be 8 AM until midnight Monday through Thursday, 8 AM until 1:00 AM on Friday and Saturday and noon until midnight on Sunday.

By a unanimous vote, CB #1 does not object to the sidewalk café renewal license for Tecton Café Inc. d/b/a Sosa Borella at 260 Greenwich Street for a period of two years. CB #1 recommends that the application be re-examined to ensure that the tables placed on the sidewalk (as opposed to the loading dock) have the necessary clearance.

RE: 281 West Broadway, unenclosed sidewalk cafe renewal for Pepolino

The applicant has applied for a unenclosed sidewalk cafe renewal license for 5 tables and 10 seats. The proposed hours of operation will be 8 AM until midnight Monday through Thursday, 8 AM until 1:00 AM on Friday and Saturday and noon until midnight on Sunday.

By a unanimous vote, CB #1 does not object to the sidewalk café renewal license for Pepolino at 281 West Broadway for a period of two years.

RE: Liquor license establishments facing revocation of licenses due to proximity to mosque on West Broadway

The Mosque has reported that it has no objection to co-existing in close proximity to the three existing restaurants that are within 200 feet of its entrance. Community Board #1 has no objection to the continued operation of these three existing restaurants. The signage printed on the glass panel of the recessed door has wording that is not clear that the building is a house of worship.

By a vote of 37 in favor and 1 opposed, CB #1 has no objection to the Liquor Authority finding that the existing restaurants operated in good faith and should continue to operate with a liquor license.

Financial District Committee

RE: 10 Hanover Square, BSA variance application to allow the operation of a Physical Culture Establishment

10 Hanover Square was recently vacated by Goldman Sachs and the upper floors are being converted to residential use. Goldman Sachs had for many years operated a physical culture establishment (PCE) as an amenity to their employees on the ground floor, cellar and sub-cellar of this building. Goldman Sachs still wishes to maintain the PCE facility for use by employees of Goldman Sachs and residents of the building. Because this facility will no longer be an accessory use, it now requires a BSA special permit.

By a unanimous vote, CB #1 supports the granting of a physical culture establishment variance at 10 Hanover Square.

RE: Proposed relocation of the Bowling Green Greenmarket 2 blocks south to Whitehall Street between Water and Pearl Streets

Construction planned for Bowling Green necessitates the relocation of the Greenmarket which has been operating at this location for over 10 years. An appropriate new location has been identified two blocks to the south on the west side of Whitehall Street between Water and Pearl Streets.

By a unanimous vote, CB #1 supports the proposed Bowling Green Greenmarket relocation for the upcoming season.

RE: 81 Pearl Street, liquor license application for Beckett's Restaurant

The applicant proposes to operate a restaurant with 40 tables and 150 seats. The proposed maximum hours of operation will be 11:30 AM – 4:00 AM. The applicant stated there would be no music.

By a unanimous vote, CB #1 does not oppose a liquor license application for Beckett's Restaurant located at 81 Pearl Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

RE: 25 Cedar Street, liquor license application for Gerasimos Enterprises Inc. d/b/a Koyzina Grill

The applicant proposes to operate an establishment with 36 tables and 130 seats. The proposed maximum hours of operation will be 11:00 AM – 11:00 PM. The applicant agreed to have background music only as appropriate for an establishment located where it is, and to provide adequate sound-proofing insulation.

By a unanimous vote, CB #1 does not oppose a liquor license application for Gerasimos Enterprises Inc. d/b/a Koyzina Grill located at 25 Cedar Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

RE: 110 John Street, liquor license application for Mario and Kathy Inc.

The applicant proposes to operate an establishment with 30 tables and 98 seats. The proposed maximum hours of operation will be 11:30 AM – 10 PM, Monday through Friday and 5:00 PM -10:00 PM on Saturday. The applicant agreed to have background music only as appropriate for an establishment located where it is, and to provide adequate sound-proofing insulation.

By a unanimous vote, CB #1 does not oppose a liquor license application for Mario and Kathy Inc. located at 110 John Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

RE: Proposed closure of Thames Street between Broadway and Trinity Place by Big Al's Chicago Style Pizza from May 1, 2006 to September 29, 2006

By a vote of 35 in favor and 2 opposed, Community Board #1 approves the proposed street closure permits submitted by Big Al's Chicago Style Pizza for May 1, 2006 – September 29, 2006 during the hours of 9 AM – 6 PM on Thames Street between Broadway and Trinity Place.

RE: Proposed closure of Thames Street between Broadway and Trinity Place by Suspenders Restaurant from May 15, 2006 to September 30, 2006

By a vote of 35 in favor and 2 opposed, Community Board #1 approves the proposed street closure permits submitted by Suspenders Restaurant for May 15, 2006 – September 30, 2006 during the hours of 11:00 AM – 9:30 PM on Thames Street between Broadway and Trinity Place.

Battery Park City Committee

Reports were given regarding the North End Avenue Dog Run and the Sirius Dog Run.

RE: Proposed closure of Warren Street between West Street and North End Avenue by Tribeca Spiritual Center for June 10, 2006

By a unanimous vote, Community Board #1 approves the proposed street closure permit submitted by Tribeca Spiritual Center for June 10, 2006 during the hours of 10 AM – 5 PM for Warren Street between West Street and North End Avenue.

Arts & Entertainment Task Force

At the recommendation of the Arts and Entertainment Task Force, CB 1 will write a letter of support for the Drawing Center and its proposed relocation to the South Street Seaport..

Landmarks Committee

RE: 166 Duane Street, application for modifications to a roof deck fence

The applicant did not appear at the Community Board.

By a unanimous vote, The Landmarks Preservation Commission is urged to hold over this application until the applicant makes its presentation before the Landmarks Committee of Community Board #1 Manhattan.

RE: 72 Reade Street, application to add a rooftop terrace

This application requests the modification of, and exterior addition to, an existing rooftop terrace. The proposal does not ask for any additional fully enclosed space. Four 6 ½ -foot pylons would be added to the southern edge of the terrace, forming and supporting the ceilings of two square “pavilions.” One “pavilion” would have a seasonal canvas top and open

sides, and the other would have an innovative ceiling made of plantings supported invisibly by a modular cable system underneath it.

By a vote of 35 in favor and 1 opposed, Community Board #1 recommends that the Landmarks Preservation Commission approve this application, with the substitution of pylons of smaller volume.

RE: Tribeca Historic Districts Extension

In July 2005, members of Community Board #1, met with Tribeca residents who had created a Conservancy Committee to sponsor research and request an extension of the Tribeca South Historic District.

The Board and Committee agreed that the area bounded by Broadway to the east, Church Street to the west, Chambers Street to the north and Warren Street to the south meet the criteria for designation on the grounds of both architecture and historic events, and noted that the designation would help provide much needed guidance to signage and storefronts for commercial tenants on Chambers Street as well as improve the sense of place of the neighborhood. One important building in the proposed extension, 16 Warren Street has been completely demolished since the submittal of the proposal to the Landmarks Preservation Commission. This part of Tribeca is under constant threat of inappropriate and architecturally unreviewed redevelopment, and since July 2005, at least three structures (8-10 Warren; 88 Chambers; and 92 Chambers) have been altered.

Tribeca North, the area bounded by Canal to the north, Hubert Street to the south, West Street to the west, and Hudson Street to the east is under the same constant threat of inappropriate redevelopment, and also contains many unprotected areas. A large number of Tribeca North residents seek to sponsor the research and request for an extension to the Tribeca North Historic District ("Tribeca North Historic District Extension-2006").

By a unanimous vote, CB#1 strongly recommends that LPC schedule a public hearing in the immediate future to review applications for Tribeca South Historic District Extension-2006 and Tribeca North Historic District Extension-2006.

RE: New Department of Buildings safeguards for construction adjacent to landmark structures

Development is widespread in Community Board 1. A significant amount of new construction takes place in close proximity to historic buildings. The existing New York City Buildings Department standard, NYC TIPPN#10/88, has not been updated for many years. New, more informed standards have been recently created regionally; notably, Massachusetts

Highway Department – Central Artery/ Tunnel, “Design Policy Memorandum No1 (Revision 6) Construction Impact Mitigation.” and internationally, Swiss Standards Association, SN 604312, “Criteria for Construction Vibrations” to preserve these masterworks from the past. These documents as well as others have significantly raised the bar for protection and preservation of historic structures world-wide.

By a unanimous vote, Community Board #1 recommends that the Landmarks Preservation Commission work with the New York City Department of Buildings to create and enforce a new more informed standard to safeguard and preserve the rich architectural history of New York City.

Youth & Education Committee

A report was given regarding the proposed Waldorf School in Lower Manhattan. The Beekman Street school 6th to 8th grade configuration was also discussed. Finally, a report was given regarding the Battery Park City ball fields and community access.

Waterfront Committee

RE: NY Trapeze School Request

The applicant has been operating the NY Trapeze School located in the north end of Segment 3 of the Hudson River Park Trust (HRPT) for the past five years. They seek approval to make some modifications to their existing operation prior to their move several blocks north.

By a vote of 35 in favor and 2 opposed, CB #1 approves the request by the NY Trapeze School and encourages them to continue to work closely with the HRPT to ensure they can continue their operation.

An update was given regarding Governor’s Island, and a report was given on the Seaport Speaks Charrette and its recommendations for the Seaport area.

New Business:

RE: Deutsche Bank Demolition Update (aka 130 Liberty Street)

The demolition in a densely populated area of the heavily contaminated high-rise building at 130 Liberty Street, poses risks to the workers on the job and to people who live and work in the surrounding area. The abatement and demolition of 130 Liberty should be carried out only by responsible contractors with the experience and qualifications to do the job safely and effectively.

John Galt Corporation has been contracted by the Lower Manhattan Development Corporation (LMDC) for abatement and deconstruction work at 130 Liberty Street. Safeway Environmental was also contracted by LMDC to work at 130 Liberty Street.

Recently, two workers employed by Safeway and John Galt Corporation, respectively, have suffered serious injuries in the course of their work at the site. The New York Daily News has reported that Safeway and John Galt Corporation have ties to each other, and Safeway has a poor safety record and is barred from bidding on New York City School Construction Authority contracts (NY Daily News article "Mob link eyed in bank demolition," by Greg B. Smith, April 16, 2006, <http://www.nydailynews.com/news/local/story/409209p-346370c.html>).

Serious questions have been raised regarding the business integrity of Safeway and the City Department of Investigations is probing Safeway's ties to Harold Greenberg, who according to the New York Times was convicted of paying a bribe to a federal environmental inspector to overlook violations in an asbestos removal project in 1988 and was convicted of wire fraud in a bid-rigging scheme in 1993 ("Demolition Company To Have Role Downtown," New York Times, by Alan Feurer, July 16, 2005).

We understand that John Galt Corporation has only recently obtained an asbestos removal license, as required by New York State Department of Labor and the New York City Department of Environmental Protection.

The Procurement Policy Board Rules of the City of New York state that "the City may award contracts only to responsible contractors. A responsible contractor is one who has the capability in all respects to perform the contract requirements fully and the business integrity to justify the award of public tax dollars."

The Environmental Protection Agency (EPA) has expressed serious concerns (again recently in their latest letter dated April 11, 2006, http://www.epa.gov/wtc/demolish_deconstruct/130libertyst_41106.pdf) about the abatement and demolition plans and procedures the LMDC and its contractors are developing and following.

By a unanimous vote, Community Board #1 demands that LMDC only use companies with appropriate qualifications and experience to properly conduct abatement and demolition at 130 Liberty. Community Board #1 calls on LMDC to adopt the procurement policy language from the City of New York in its contracting process, and that LMDC and its contractors adhere to it in all hiring decisions. Community Board #1 calls on LMDC to quickly revise all demolition plans in accordance with EPA and the regulatory team. Community Board #1 calls on the EPA to play a more

active role not only in assessing the abatement and demolition plans and procedures, but in fully evaluating and approving any contractor to be hired.

RE: Commencement of Construction of Memorial and Memorial Museum

CB #1 has reaffirmed its position in numerous resolutions (September 2002, January 2003, July 2003, February 2004, April 2004, July 2005, October 2005, November 2005 and December 2005) that the WTC site should be redeveloped as quickly as possible in a manner compatible with the goals of developing a vibrant economy and a livable and dynamic mixed-use community.

CB #1 is concerned about additional possible delays in the planning and construction of the memorial and memorial museum and strongly opposes the lawsuit brought by the Coalition of 9/11 Families and others against the Lower Manhattan Development Corporation (LMDC) in an effort to stop construction of the memorial on various grounds.

CB #1 believes that the extensive cumulative effects analysis conducted in connection with the excavation and construction work to be conducted at the WTC site satisfies the requirements of the World Trade Center Transportation Hub Section 106 Memorandum of Agreement and that the plans for the memorial and memorial museum strike a reasonable balance between the need to commence construction promptly on the WTC site and to protect remnants at the site that have been deemed eligible for and worthy of such protection under the National Historic Preservation Act.

By a unanimous vote, CB #1 urges Governor Pataki, Mayor Bloomberg, City Council Member Gerson and other elected officials involved in the rebuilding process to support the rebuilding of the WTC site without further delay in accordance with the Master Plan and the designs for the memorial and memorial museum approved following the public design process.

CB #1 strongly supports the LMDC in its defense of the lawsuit brought by the Coalition of 9/11 Families and others to stop construction of the memorial on various grounds and hereby approves and authorizes the participation of CB#1 in the filing of a brief as *amicus curiae* in support of the LMDC by various Section 106 Consulting Parties and others if the Community Board is permitted to do so by law.

CB #1 urges the WTC Memorial Foundation to reject demands being made by the Coalition of 9/11 Families and others to expand the scope of the memorial and memorial museum beyond that approved and to proceed without any further delay to construct the memorial and memorial museum and the Gehry-designed cultural and performing arts center as part of the Master Plan for the WTC site.

Adjournment

There being no further business, the meeting was adjourned.