

FULL BOARD MINUTES

DATE: June 17, 1999

TIME: 7:00 P.M.

PLACE: NYU Cantor Film Center, 36 E. 8th Street

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Donna Blau, Enid Braun, Glenn Bristow, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Carol Feinman, Alan Jay Gerson, Chair, Community Board #2, Man. (CB#2-Man.); Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Anthony Hoffmann Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Debra Sandler, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, Sharon Slotnick, Verna Small, James Smith, Sean Sweeney, Abraham Tan, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Suzanne Williamson, Carol Yankay.

BOARD MEMBERS EXCUSED: Charle-John Cafiero, Rev. Keith Fenessy, John Short.

BOARD MEMBERS ABSENT: Helene Burgess, Harriet Fields, Rachel Lavine.

BOARD STAFF PRESENT Arthur Strickler, District Manager.

GUESTS: Andrew Berman, Senator Tom Duane's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Craig Albert, Bethany Rouslin, Shanna Busman, Hillary Siskind, Randall Kornblatt, Wanda Hanlon, Susan Quist, Charles Wallace, Jim Ripellino, Mary K. Doris, Samuel Glaser, Lynn Gross, Mary Bezirjian, Tam Tran, Glynn Holmberg, Tom Erfian, Scott Moyer, Len Rubin, Ronni Bennett, Armando Buria, Vincent ?, Nina Cipriani D'Angelo, Zina Cipriani, Daria D'Angelo, Ava Hardison, Erika Miele, Susan Flynn Hummel, John W. Russell, Damon Larsen, Connie Silver, Joan Engel, Leonard Steinberg, Axel Miranda, Elizabeth Mann, Stuart Waldman, Joanne Beretta, Forrest Myers, Diane Fong, Tom O'Hargan, Toni LoMaglio, Lois C. Robinson, John Latemina, Carol Lewis, Michael Pieck, Gizella Engel, Margaret Millard, Marlene Payton, Robert Payton, Michelle Groom, Jonny Ohlson, Elisabeth Schrieber, Chris Hasket, Amy Mintelsr, Jeanne Michels, Amy Guip, Rick Patrick, Jayne Haynes ?; Eileen Robert, Paula Champa, Geoffrey Precours, Jane Laster, Jan Klucersch, Robert McBrien, Christine Bevington, Seenjetta Desa, Sudheet Desa, Alistair Bevington, Lori Cuisinier, John Sampson, Joyce Sampson, Natalie Leitch, Douglas Sherman, Elaine DiPicari, Richard DiPicari, Pasquale Margratti, Patricia Margratti, Douglas Vogel, Judith Vogel, David Beatty, Jessica Henry, Polly Horton, Nadine Covert, Vittorio Assaj, Jesse Marwell, Mary Ann Pizza, Glynnis Eldridge, David Milch, Katy Bordonaro, Rebecca Cole, Gary Lecce, Camille Romanovich, Roslyn Kramer, Steven Crane, Jennifer Gripenberg, Jason Denton, Miles Flamenbaum, Roffredo Gaetani, Barbara Reuther, Nathaniel Eldridge, Kate Webb, Arthur Bromelh, Patrick Blaine, Demoura, Michael Sillerman, David Topping, Stephen McGinnis, Diane Ghioto, Maria Ross, William Hanley, David D'Angelo, Dr. Brandt, Arthur Brandt, Eric Robinson, Jeffrey Raven, Lynne P. Brown, Robert Cohen.

MEETING SUMMARY

Meeting Date – June 17, 1999

Board Members Present – 43

Board Members Excused – 3

Board Members Absent - 3

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	3
STANDING COMMITTEE REPORTS	4
ENVIRONMENT	4
PARKS, RECREATION AND OPEN SPACE	5
PUBLIC SAFETY & HEALTH	5
ZONING AND HOUSING	6
ARTS	6
TRAFFIC AND TRANSPORTATION	7
BUSINESS & INSTITUTIONS	9
LANDMARKS	11
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	13
ROLL CALL	16

II. Public Session

Non-Agenda Items

Bellevue Hospital Center

Axel Miranda introduced himself.

Scaffolds

Steven McGinnis, NYC Carpenters Union, spoke about the dangerous conditions on scaffolds.

Vig Bar, 12 Spring St.

Joan Engel spoke against the bar.

M&R Bar, 264 Elizabeth St.

Carol Lewis spoke against the bar/restaurant.

Proposed Equinox Gym

Damon Larsen spoke against the proposed sports club.

Flooding

Katy Bordonaro spoke.

NYU Loeb/Kimmel Center

Lynne P. Brown and Bob Cohen, of NYU spoke in favor of the proposal for this site.

P.S. 41

Jeffrey Raven spoke in favor of using the schoolyard for community use.

Parking on Bedford and Downing Sts.

Rebecca Cole spoke in favor.

Business & Institutions Items

Charisma d/b/a Isla, 37-39-41 Downing St.

Armando Buria, Jane Lester, Lynn Gross, Craig Albert, Stuart Waldman, Elizabeth Mann, Scott Moyer, of Bedford-Downing Block Assn.; Eileen Robert, Natalie Leitch, Mary Ann Pizza, Jim Ripellino, spoke against the proposed liquor license application.

Diane Ghioto, applicant, Randall Korlblatt, Kate Webb; Geoffrey Precours, Ronni Bennett, Richard DiPicari, Camille Romanovich, Elisabeth Schreiber, David D'Angelo, Zina Cipriani, Nina Cipriani, of Bedford-Downing Block Assn., Hillary Siskind, Shanna Busman, Paula Champa, Amy Guip, Rick Patrick, Charles Wallace, Chris Haskett, Bethany Rouslin, Len Rubin, Jennifer Gripenberg, William Hanley, Steven Crane, Jason Denton, spoke in favor of the liquor license application.

SFH Café, Inc. d/b/a Flynn's Pub, 47-49 Charles St.

Susan Flynn Hummel, applicant, John W. Russell, attorney for applicant, Maria Ross and David Beatty spoke in favor of the proposed liquor license application.

Eric Robinson, Joseph LoMaglio, Dr. Brandt, Arthur Brandt, spoke against it.

Thompson Street Hotel, 60 Thompson Street

Jeanne Michels spoke against the liquor license application.

Traffic & Transportation Items

Parking Regulations, traffic signal changes traffic problems on E. 3th St. between 4th Ave. and Broadway
Leonard Steinberg spoke in favor of the resolution.

Landmarks & Public Aesthetics Items

97-101 Greenwich St. (former Greenwich theater)
Barbara Reuther spoke against the landmark application.

599 Broadway Art Wall
Michael Sillerman and David Topping spoke in favor of the landmark application; Forrest Myers spoke against it.

Sidewalks, Public Facilities & Access Items

Oliver King Enterprises, Inc. 173 Seventh Ave. So.
Susan Quist, Wanda Hanlon spoke against the enclosed sidewalk café application.

Frank Et Arnaud d/b/a Camaje, 85 MacDougal St.
Joanne Beretta, spoke against the sidewalk café due to illegal tables & seats placed outside and noise.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Andrew Berman, of Senator Tom Duane's office reported.

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported.

Debbie Roth, of Assemblymember Deborah Glick's office reported.

Dirk McCall, of Man. Borough President C. Virginia Fields' office

Tom Castele, of Councilmember Kathryn Freed's office reported

Tony Simone, of Councilmember Christine Quinn's office reported

Damaris Reyes, of Councilmember Margarita Lopez's office.

V. Adoption of Minutes

Adoption of May minutes.

Distribution of June minutes.

VI. Executive Session

Chair's Report Alan Jay Gerson reported

District Manager's Report Arthur Strickler reported.

STANDING COMMITTEE REPORTS

ENVIRONMENT

Sewer Back-ups and Flooding Along the Western Edge of Community Board #2, Manhattan

WHEREAS on May 20, 1998; June 13, 1998; and January 3, 1999, serious sewer back-ups and flooding occurred along the western edge of CB#2, Man. during heavy rainstorms, and these three dates represent only the most recent instances of sewer back-ups and flooding reported over the last twenty-plus years; and

WHEREAS Community Boards 1 and 4 report a similar situation; and

WHEREAS during these storms, water, mixed with sewage, entered people's homes through kitchen sinks, toilet bowls, bathroom sinks, tubs (often erupting in a geyser-like fashion), and infiltrated through air conditioner sleeves; in addition, patio drains backed up and poured water into buildings; and on Canal Street, an eruption in the sewer blew off a man-hole cover; and

WHEREAS the quality of the water has been described as "filthy," "black," and "sooty," and some residents have found human waste, along with a residue of garbage, sand and sludge; and

WHEREAS these incidents create a serious public health concern because sewer back-ups carry disease into homes, and flooding brings molds that cause or aggravate allergies and asthma; and

WHEREAS this repeated and prolonged water damage is undermining the structural integrity of the affected buildings, along with neighboring buildings; and

WHEREAS flooding and standing water near elevators, and electrical appliances like heaters, air conditioners, and laundry machines pose a serious fire hazard; and

WHEREAS there are financial hardships for building owners who must bear the cost of the repair from water damage, clean-up, and damage to or loss of personal possessions; and

WHEREAS it has been documented that the most, if not all, of the incidents occur during heavy rainstorms while there is a high tide; and

WHEREAS New York City has a combined sewer and storm drainage system, and the amount of water during a heavy rainstorms while there is a high tide; and

WHEREAS tide gates installed along the Hudson River are designed to open under these circumstances and allow the system to drain directly into the river, thereby creating an environmental hazard to the ecosystem of this important river; and

WHEREAS during high tide the gates cannot open, forcing the system to back up into buildings throughout the area; and

WHEREAS the sewer-back-ups and flooding that occur during heavy rains at high tide are the responsibility of the New York City Department of Environmental Protection and not due to problems in individual buildings.

THEREFORE BE IT RESOLVED that CB#2-Man. demands that the New York City Department of Environmental Protection (NYCDEP) take immediate action to rectify the intolerable problem of sewer back-ups and flooding caused by a Combined Sewer Overflow system with inadequate capacity to handle the amount of water that flows into it during a heavy rain storm; and

BE IT FURTHER RESOLVED that CB#2-Man. urges NYCDEP to meet with the communities involved to receive input as to the nature and extent of the problem, and to provide those affected with temporary protections against the hazards created from back-ups and flooding, and to report proposed solutions as they are discussed and developed; and

BE IT FURTHER RESOLVED that the NYC Department of Health is urged to conduct test on the sewage back-up residues and to study the health implications of untreated sewage backing up into residences, businesses, and onto city streets; and

BE IT FURTHER RESOLVED that the NYC Department of Buildings is urged to address the need to protect the structural integrity of affected buildings where there is regular sewer back-ups and flooding; and

BE IT FURTHER RESOLVED that the NYC Fire Department is urged to develop appropriate guidelines to protect buildings from the potential fire hazards of flooding near electrical uses; and

BE IT FURTHER RESOLVED that the NYC Planning Commission is urged to consider the impact on sewage back-ups and the problems of capacity in the Combined Sewer Overflow system as they evaluate further development along the western corridor of lower Manhattan; and

BE IT FURTHER RESOLVED that the NYSDOT and NYC DOT and the Route 9A Reconstruction team explain the repairs and replacements to the Hudson River tides gates and perform any upgrades needed to remedy the problem; and

BE IT FURTHER RESOLVED that the New York State Department of Environmental Conservation, the U.S. Environmental Protection Agency, and the U.S. Army Corps. of Engineers are urged to study the effect of regularly dumping untreated sewage into the Hudson River eco-system.

Vote: Unanimous, with 43 Board members in favor.

2. Water Bills

SEE ATTACHED RESOLUTION – EXHIBIT I.

Vote: Unanimous, with 43 Board members in favor.

PARKS, RECREATION & OPEN SPACE

How many benches, if any, should be placed in the newly renovated parks on 6th Ave. & Downing St; 6th Ave. & Minetta St. & Minetta Lane?

WHEREAS four half-sized benches, two in Minetta Triangle and two in Minetta Green recently installed in the ongoing renovation were removed; and

WHEREAS the benches were removed following a complaint from a resident of one of the adjoining building; and

WHEREAS a public hearing by CB#2-Man.on June 2, 1999, held after the board received many objections to this action produced overwhelming support for the return of the benches;

THEREFORE BE IT RESOLVED that CB#2-Man. appeals to the Dept of Parks Commissioner Henry Stern and Borough Commissioner Adrian Benepe, to reinstall the benches that were removed from Minetta Triangle and Minetta Green.

Vote: Unanimous, with 43 Board members in favor.

PUBLIC SAFETY & HEALTH

1. Night Life

SEE ATTACHED RESOLUTION – EXHIBIT II.

Vote: Unanimous, with 43 Board members in favor.

2. Scaffolding Safety

WHEREAS Scaffolding over sidewalks is a common feature of the streetscape in the (CB#2, Man.) district and our city, and walking under scaffoldings a common pedestrian experience; and

WHEREAS Scaffolding continues to proliferate along with building construction repair and renovation and has proliferated especially in the past 5 years following City Council legislation requiring repairing of bricks at regular intervals and requiring sidewalk bridges during repointing; and

WHEREAS countless workers, pedestrians and residents depend on secure, properly installed and maintained scaffolding for the protection and safety of their lives; but

WHEREAS over the past year and a half alone, seven deaths of workers have resulted from the collapse of scaffolding in our city; and

WHEREAS an additional collapse occurred in recent months within the (CB#2, Man.) district at Washington and Spring Streets – when only miraculously did not cause injury or fatality, and an injury occurred at 29 Washington Square W. when a worker fell off scaffolding without proper safety netting; and

WHEREAS presently, no scaffolding training or certification is required for persons erecting or maintaining scaffolds; and

WHEREAS many companies or contractors and subcontractors in a highly competitive environment frequently fail or cannot on their own establish adequate training or inspection, and unscrupulous companies have tried to save costs by employing underpaid and inadequately trained workers; and

WHEREAS to assure scaffolding safety, Councilmember Stanley Michels has introduced Bill 98A, which would require workers who erect scaffolding to take the Federal OSHA 40-hour scaffolding safety course, and allow such training to be provided by state-certified organizations; and

WHEREAS at a meeting of the Public Safety and Health Committee of CB#2, for which the customary advance notice was given that the Committee would consider a scaffolding safety proposal, representatives of the District Council of Carpenters spoke in favor of Bill 98A, and no one spoke in opposition;

THEREFORE BE IT RESOLVED that

IV. (CB#2, Man.) endorses the concept of the Bill and pending its enactment calls upon the Department of Buildings to immediately implement improved inspection improved inspection procedures to assure scaffolding safety and expand its inspection staff; and

V. CB#2-Man. endorses Bill 98A, and calls upon the City Council to enact this bill as a matter of exigent public safety

Vote: Unanimous, with 43 Board members in favor.

ZONING AND HOUSING

554 Broome Street-Application to Convert a 6-Story Building in an M1-6 Zone to a 7-Story with Residential Use (BSA Cal. #108-99-BZ)

SEE ATTACHED RESOLUTION. – EXHIBIT III.

Vote: Unanimous, with 43 Board members in favor.

ARTS

BUDGET REQUESTS TO NEW YORK STATE ARTS COUNCIL

WHEREAS CB#2, Man. historically supports the development and sustainability of art and cultural institutions, and

WHEREAS non-profit art and cultural organizations need funding from the private and public sectors to continue to operate and provide programs and services to the community, and

WHEREAS funding to non-profit art and cultural organizations from the City of New York also provides a “Seal of Approval” indicating to other supporters that the investment is worthwhile, and

WHEREAS public funding for the arts is a beneficial allocation and use of City funds which helps stimulate economic development, community understanding, compatibility and cohesiveness, creativity and productivity among children and adults,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the City Council restore to the previous years funding level the reductions to art and cultural organizations that receive City funds through the Department of Cultural Affairs.

Vote: Unanimous, with 43 Board members in favor.

TRAFFIC AND TRANSPORTATION

I. Parking Regulations, Traffic Signal Changes and Other Improvements to Address Traffic Problems on East Thirteenth Street Between 4th Avenue and Broadway.

WHEREAS 13th Street is the only East to West thoroughfare between 9th Street and 17th Street off 4th Avenue, with an inordinately large volume of motor vehicles travelling westbound from 4th Avenue on this street, especially on weekends; and

WHEREAS 13th Street between 4th Avenue and Broadway is 29 feet wide, with parking on both sides of the street, which allows only a single lane of vehicles to enter the street from 4th Avenue which is five lanes wide including the bicycle lane (which often is taken over illegally by motor vehicles), causing traffic turning east to back up and block the intersection, and resulting in continuous vehicular honking of horns and excessive noise; and

WHEREAS the constant stop and go traffic dangerously compromises air quality, since this type of acceleration-deceleration produces air polluting emissions; and

WHEREAS no left turns are allowed on 14th Street at both Fourth Avenue and University Place (where traffic proceeds right and circles the block to go west on 13th Street creating additional unnecessary trip travel and thus, added emissions), further exacerbating the congested traffic conditions, and

WHEREAS impatient drivers on 4th Avenue run red lights to make the turn into 13th Street and also are often slowed up and/or stopped in the crosswalk on 13th Street after turning, while other motor vehicles speed north to make the 14th Street traffic signal, all seriously compromising pedestrian safety and endangering bicyclists travelling up 4th Avenue; and

WHEREAS the Union Square South area, which includes the vicinity of 13th and 14th Street, 4th Avenue, Broadway and University Place, has developed considerably over the past five years with, among others, a 14 screen multiplex movie theater, a Virgin Record store (the largest of its kind in the City), Circuit City (with car radio installation accessed on 13th Street between Broadway and 4th Avenue), new NYU housing (which when completed will add over 1500 students), POP Restaurant, and the Key Club (a new nightclub), all of which has dramatically increased both pedestrian and vehicular traffic; and

WHEREAS another recent retail addition, Bradlee’s, has a loading dock on 13th Street between Broadway and University Place with trucks delivering, loading and unloading, and there is a parking garage on 13th Street between Fourth Avenue and Broadway, both further compounding the traffic congestion; and

WHEREAS trucks from the fire station located on 13th Street just east of Fourth Avenue have great difficulty trying to edge through the traffic to respond to fire alarms, and, to go west, are frequently compelled to first go east on another street and then turn west somewhere else besides crowded 13th Street, seriously compromising their quickest response to a fire emergency; and

WHEREAS there is a considerable number of elderly and physically challenged people in the area, whose safety and accessibility are threatened by such conditions; and

WHEREAS a petition containing over 500 signatures, representing both residents and businesses in the area, was submitted supporting measures such as “No Standing” regulations, turning and traffic signal changes and enforcement “to alleviate the excessive traffic noise and congestion and dangerous pedestrian conditions in and around the intersection of 4th Avenue and 13th Street,” and it was reported that these people were willing to lose parking spaces on 13th Street in order to implement these alleviating measures;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that “No Standing” regulations be instituted on both sides of 13th Street between 4th Avenue and University Place, Sundays through Thursdays from the hours of 5:00 p.m. to 8:00 p.m., and on Fridays and Saturdays between 5:00 p.m. and 4:00 a.m. (which are considered the days and hours of the most acute congestion); and

BE IT FURTHER RESOLVED that CB#2, Man. recommends that “No Honking” signs (with penalty and enforcement) be posted on:

- Fourth Avenue between 11th Street and 14th Street
- 13th Street between Third Avenue and University Place
- 12th Street between Third Avenue and University Place
- Broadway between 14th Street and 11th Street; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends that traffic police be stationed at the intersection of Fourth Avenue and 13th Street to direct and monitor traffic and enforce the recommended “No Standing” and “No Honking” regulations as well as existing citywide prohibitions against running red lights; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the timing of the traffic signals on 13th Street and Broadway and 13th Street and University Place be adjusted to allow more traffic to go west each time the signal is green than the currently allotted green time permits; and

BE IT FURTHER RESOLVED that CB#2, Man. urges that the left turn on 14th Street at 4th Avenue (which was removed only a few years ago) be restored, with a traffic light left turn arrow, and that a left turn traffic light arrow be installed at 14th Street and University Place for northbound University Place traffic to be directed west onto 14th Street.

Vote: Unanimous, with 43 Board members in favor.

2. Fire Hydrant Replacements Procedure: Leroy; Morton; Washington; Bedford Streets, Etc.

WHEREAS the City of New York has two separate contracts for fire hydrants, one only to remove fire hydrants, the other only to install new fire hydrants, and these contracts are let to two different companies, neither of who know what the other is doing, or when, and so go about their work with absolutely no coordination with each other; and

WHEREAS new fire hydrants are being installed while the old ones remain, resulting in less sidewalk space for pedestrians and the loss of several parking spaces, for example:

- On the east side of Washington Street between Christopher and Barrow Streets, a new fire hydrant was installed where no hydrant previously existed, while there are two fire hydrants remaining on the west side of the street, one good one and one bad one, resulting in the loss of three parking spaces.
- On the north side of Morton Street between Hudson and Bedford Streets, a fire hydrant was newly installed in the middle of the block, but the old one was not removed, again resulting in the loss of three parking spaces.
- On the west side of Bedford Street between Morton and Barrow Streets, a new hydrant was installed several feet from the old hydrant which is still on the corner, with the loss of a parking space; and

WHEREAS sidewalks are being torn up twice to put hydrants in the ground and then to remove old ones, instead of having the operation being performed all at once, and this duplicative digging up of city streets is adding costly and unnecessary expenses for New York City; and

WHEREAS sidewalks are blocked off to pedestrians without warning as to where to walk;

THEREFORE BE IT RESOLVED that CB#2, man. urges that the City require that all old fire hydrants be removed at the same time as new fire hydrants are installed, and also require that the new hydrants replace the old hydrants in the same exact location, and additionally establish a procedure to be followed by the two types of contractors to coordinate their operations.

Vote: Unanimous, with 43 Board members in favor.

BUSINESS & INSTITUTIONS

1a. Applications to the SLA for New Licenses to Sell Liquor on Premises:

Il Nonno Corp., d/b/a Euro, 202 West 14th Street, NYC 10014 (7th-8th Ave.).

WHEREAS the applicant has previously operated a restaurant in the same location with an on-premises liquor license between 1990-1996 and

WHEREAS the applicant closed the operation to attend to personal business which took him to Spain and is now re-establishing the business, and

WHEREAS the applicant is amending his application before CB#2-Man. to show a capacity of 50 persons which will comply with the NYC Building Dept. Certificate of Occupancy of a 50-person capacity, and

WHEREAS the applicant proposes to operate between the hours of noon until midnight, and

WHEREAS, notwithstanding that there was no neighborhood opposition including any tenants from the applicant's building, and

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting of an on-premises license to **Il Nonno Corp. d/b/a Euro, 202 W. 14th Street, NYC 10014** but calls upon the SLA to hold a 500' rule hearing so that community comment, if any, can be ascertained.

Vote: Unanimous, with 43 Board members in favor.

Thompson Street Hotel, 60 Thompson Street, NYC 10012 (Broome-Spring).

WHEREAS the applicant is constructing a 13-story hotel and is applying for an on-premises license **to serve liquor in an interior bar on the second floor and to allow mini-bars in guest rooms and provide room service liquor to guests, and**

WHEREAS it is noted that this application will also **cover serving of guests on the rooftop garden of the completed hotel which overlooks lower 6-story tenement buildings, and**

WHEREAS the applicant is also applying through the NYC Zoning Resolution for a **Special Permit to allow retail use below the 2nd floor in what is now a M1-5B District and presumably will be the basis for a future restaurant, if granted, and**

WHEREAS, it is noted that representatives of some 30 tenants living next to the applicant's site at 64-66 Thompson Street appeared to oppose the granting of a new license in an area that contains 10 other licensed establishments within a one block radius,

THEREFORE BE IT RESOLVED that CB#2-Man. notes that this application is solely for serving the guests of the hotel within their rooms, and on the second floor clubroom and rooftop garden and is not applicable to any ground floor restaurant that may make application in the future should a Special Permit be granted for ground floor retail, and

BE IT FURTHER RESOLVED that CB#2-Man. calls upon the SLA to hold a 500'rule hearing for **Thompson Street Hotel, 60 Thompson Street, NYC 10012 to ascertain community concerns; and**

BE IT FURTHER RESOLVED that CB#2-Man. does not oppose the granting of an on-premises license by the SLA to Thompson Street Hotel, 60 Thompson Street, NYC 10012 in order to serve its guests within the hotel premises but calls upon the SLA to withhold approval for the serving of liquor on the rooftop garden because of surrounding residential tenement buildings which are likely to be negatively impacted by any exterior service due to the inherent nature of the rooftop as a place of assembly for crowds which generate noise.

Vote: Passed, with 38 Board members in favor, 5 in opposition, and 1 abstention.

Charisma, Inc., 37-39-41 Downing Street a/k/a 31-33 Bedford Street, NYC 10014

WHEREAS the applicant is proposing a 55-person capacity restaurant and bar in what is a residential zone district where there was a former retail use in part of the premises, and

WHEREAS there are 19 licensed on-premises establishments within 500' that serve liquor, and

WHEREAS testimony by some 30 neighborhood residents presented written petitions by over 300 neighbors within the Bedford-Downing Street location surrounding the applicant's premises protesting that the community cannot tolerate one more on-premises liquor license because of the negative effect of these establishments in producing late night street noise, crowds, traffic, horn honking, double parking, etc., that have permeated the neighborhood from people patronizing these establishments who live outside the neighborhood, and

WHEREAS the granting of another on-premises liquor license would not be considered as serving the public interest but, in fact, would undermine it because it would allow the expansion of a non-conforming retail use in a residential zone which is contrary to the spirit and intent of the NYC Zoning Resolution

THEREFORE BE IT RESOLVED that CB#2-Man. strongly recommends denial by the SLA of an on-premises license to Charisma, Inc. 37-39-41 Downing St. NYC 10014

Vote: Passed, with 23 Board members in favor, 7 in opposition, and 2 abstentions.

Capitoline Management Corp., 189 West 10th Street, NYC 10014 (West 4th).

WHEREAS the applicant is purchasing the existing Chez Ma Tante which has operated for many years at the same location, and

WHEREAS the applicant intends to continue the same basic operation which has existed harmoniously with the community, and

WHEREAS the only negative commentary has been that the existing establishment has allegedly played loud music and set up speakers on the sidewalk which the new owners stated they definitely are not in favor of,

THEREFORE BE IT RESOLVED that CB#2-Man. does not oppose the granting by the SLA of an on-premises liquor license to Capitoline Management Corp. 189 West 10th St. NYC 10014.

Vote: Unanimous, with 43 Board members in favor.

SFH Café, Inc. d/b/a Flynn's Pub, 47-49 Charles Street, NYC 10014

WHEREAS the applicant is proposing to utilize the garden area which is surrounded by residential buildings, and

WHEREAS the applicant is proposing to remain open until 4 AM in a heavily populated residential neighborhood, and

WHEREAS there are over 20 on-premises liquor licenses within 500' of the applicant's premises thus requiring a 500' rule hearing by the SLA, and

WHEREAS this location is within 100' of a House of Worship whose entrance is on Charles Street, and

WHEREAS over 100 neighborhood residents expressed their signed opposition not to a neighborhood restaurant previously which co-existed with its residential neighbors, by closing at 1 AM, but to an on-premises liquor establishment professing to be a neighborhood restaurant that will stay open until 4 AM,

THEREFORE BE IT RESOLVED that CB#2-Man. strongly recommends denial by the SLA of an on-premises license to SFH Café, d/b/a Flynn's Pub, 47-49 Charles St. NYC 10014

Vote: Passed, with 42 Board members in favor, and 1 abstention.

BCD Restaurant Corp., 570 Hudson Street, NYC 10014

WHEREAS the applicant is purchasing the existing Hudson Corner Restaurant, and

WHEREAS the applicant's application was incomplete, and

WHEREAS the applicant stated that they would get back to CB#2-Man. with such vital information as seating capacity, hours of operation, among others, and

WHEREAS the applicant failed to do so,

THEREFORE BE IT RESOLVED that CB#2-Man. recommends to the SLA that it withhold any action on BCD Restaurant Corp. until such time as the applicant submits such data to this body.

Vote: Unanimous

1b. Applications to the SLA for Alteration to license to sell liquor:

Restaurant Boughalem, 14 Bedford Street, NYC 10014

WHEREAS the applicant has been operating at this premises which is in a 6-story building containing 17 apartments above the ground floor for approximately one year with no adverse neighborhood opposition, and

WHEREAS the applicant's desire to expand into the rear area of the premises which is in actuality an alley and is open to the residential apartments above which surround it, all in an R-6 residential zone district which make the restaurant a non-conforming use, and

WHEREAS a test on several occasions by the applicant to see how this rear exterior operation would be resulted in numerous complaints by the resident neighbors as to noise transmission, sleep disruption, cigarette smoke and telephone conversations that carry into the surrounding apartments thus indicating that more problems would be created, and

WHEREAS testimony by many of the neighboring residents indicated that although they have no problem with the existing restaurant which is completely enclosed any alteration to allow exterior serving would be injurious to them and thus not in the public interest,

THEREFORE BE IT RESOLVED that **CB#2-Man. reaffirms its long-standing policy of opposing the expansion of on-premises licenses to backyard areas that are surrounded by residential tenement apartments and strongly urges the SLA to deny alteration to the on-premises license of Restaurant Boughalem, 14 Bedford Street, NYC 10014, and**

BE IT FURTHER RESOLVED that CB#2-Man. calls upon the SLA to note that approval of this alteration to expand into the backyard would also be the sanctioning of expansion of a non-conforming use which violates public policy and therefore strongly recommends that the SLA deny the alteration to Restaurant Boughalem to expand on this ground as well.

Vote: Unanimous, with 43 Board members in favor.

LANDMARKS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION (LPC), June 29, 1999

1. LPC Item: 21 - 148-150 Wooster Street (Houston St.)

WHEREAS the restoration of missing cast-iron elements, the replacement of missing brick and terra cotta, and the restoration of the cornice are appropriate for this building;

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

Vote: Unanimous, with 43 Board members in favor.

2. LPC Item: 22 - 148-150 Wooster Street (Houston St.)

WHEREAS it appears to us that the scope of proposed work could fall under a routine maintenance program that a conscientious owner would perform and is not the type of major restoration project that has characterized and justified many 74-711 applications;

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

Vote: Unanimous, with 43 Board members in favor.

3. LPC Item: 23 - 599 Broadway (Houston St.)

WHEREAS there is agreement that water is penetrating the exposed north wall of this building upon which a sculpture has hung since the earliest days of the Historic District; and

WHEREAS the application calls for a red painted advertising sign of estimated 4000 sq.ft. to be positioned permanently above the sculpture to pay the cost of waterproofing the wall and repositioning the art work; but

WHEREAS the application did not provide us with documentation to support a hardship claim which may provide mitigation for the placement of a huge advertising sign here; and, further,

WHEREAS the piece of art would be seriously minimized by this advertising sign and the community would like to see the art preserved;

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

BE IT FURTHER RESOLVED that we wish to state that we are troubled by the notion that the applicant is seeking a *quid pro quo* by performing facade restoration contingent upon the granting of an advertising sign which would set a bad precedent for future owners seeking to do repairs.

Vote: Unanimous, with 43 Board members in favor.

4. LPC Item: 24 - 466 Broome Street

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

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

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

Vote: Unanimous, with 43 Board members in favor.

5. LPC Item: 26 - 92 Charles Street (Bleecker & W. 4th Sts.)

WHEREAS this rooftop addition with red trim may be seen prominently from Bleecker Street;

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

Vote: Unanimous, with 43 Board members in favor.

6. LPC Item: 27 - 19 King Street

WHEREAS we have reservations about lengthening the original Federal windows to the level of the living room floor on the second floor; but

WHEREAS this building has changed through the last century;

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

Vote: Unanimous, with 43 Board members in favor.

7. LPC Item: 28 - 97-101 Greenwich Avenue (former Greenwich Theater)

WHEREAS there is considerable community opposition to this plan; and

WHEREAS we sincerely appreciate the applicant's willingness to participate in the community review process as well as the changes to the original design in response to the community's concerns, viz. reduced fenestration, new placement of entrance, decreased height, removal of swimming pool dome on roof, et. al.; but

WHEREAS although set back, large glass panels are still present at either end; and

WHEREAS the commercial facade of Greenwich Avenue is unfortunately carried over to West 12th St. which contains residential row houses; and

WHEREAS we feel that the 18"-square lettering is slightly out of scale with the building, and that the projection of signage is excessive and may not meet the building code regulation;

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

Vote: Unanimous, with 43 Board members in favor.

8. LPC Item: 29 - 12 Washington Square Mews

WHEREAS this project will be seen only from NYU interior office windows; and

WHEREAS the design is appropriate for this rear facade;

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

Vote: Unanimous, with 43 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Application to NYC Dept. of Transportation (NYCDOT) for revocable consent to construct and maintain and use an entrance stoop from sidewalk to first floor in restoration of previously removed stoop at 122 Washington Place.

WHEREAS the area was posted, the applicant appeared before the committee; and

WHEREAS the applicant worked on the design of the stoop in conjunction with the Landmarks Preservation Commission; and

WHEREAS the proposal is consistent with and conforms to the character of the block;

THEREFOR BE IT RESOLVED that the application to NYCDOT for revocable consent to construct and maintain and use an entrance stoop from sidewalk to first floor in restoration of previously removed stoop at 122 Washington Place is granted.

VOTE: Unanimous, with 43 Board members in favor.

2. New application for revocable consent by Oliver King Enterprises, Inc., 173 7th Ave. So., to operate an enclosed sidewalk cafe with 14 tables and 22 seats.

WHEREAS the area was posted and the applicant appeared before the committee; and

WHEREAS the enclosed sidewalk has existed at this location for many years and this application is before the committee because of a change in ownership; and

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to Oliver King Enterprises, Inc., 173 7th Ave. So., to operate an enclosed sidewalk cafe with 14 tables and 22 seats.

VOTE: Unanimous, with 43 Board members in favor.

3. New application for revocable consent by J.E.F. Management, d/b/a JA, 84 7th Ave. So., to operate an enclosed sidewalk cafe with 6 tables and 21 seats.

WHEREAS the area was posted and the applicant appeared before the committee; and

WHEREAS the enclosed sidewalk has existed at this location for many years and this application is before the committee because of a change in ownership; and

WHEREAS there is sufficient passage for pedestrian safety and access;

WHEREAS the applicant agreed to keep the doors and sliding windows closed in order to reduce the noise level;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to J.E.F. Management, d/b/a JA, 84 7th Ave. So. to operate an enclosed sidewalk cafe with 6 tables and 21 seats.

VOTE: Unanimous, with 43 Board members in favor.

4. New application for revocable consent by Miso Restaurant, Inc. d/b/a Souen, 210 Sixth Ave. a/k/a Charlton St., to operate an unenclosed sidewalk cafe with 5 tables and 20 seats.

Continued until next month for the applicant to produce revised plans.

5. New application for revocable consent by Green Papaya, Inc. d/b/a Green Papaya Restaurant, 185 Sullivan St. to operate an unenclosed sidewalk cafe with 4 tables and 8 seats.

Continued until next month for the applicant to produce a survey regarding the zoning issue.

6. New application for revocable consent by Poy Laung Thai Restaurant, 210 Thompson St., to operate an unenclosed sidewalk cafe with 4 tables and 9 seats.

Continued until next month for the applicant to produce a survey regarding the zoning issue.

7. New application for revocable consent by Frank Et Arnaud d/b/a Camaje, 85 MacDougal St., to operate an unenclosed sidewalk cafe with 3 tables and 6 seats.

WHEREAS the area was posted and the applicant appeared before the committee and 7 people from the community spoke in favor of the application and;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to Frank Et Arnaud d/b/a Camaje, 85 MacDougal St. to operate an unenclosed sidewalk cafe with 3 tables and 6 seats.

VOTE: Unanimous, with 43 Board members in favor.

8. Renewal of application for revocable consent by Jo-Rach, Inc., 148 Mulberry St., to operate an unenclosed sidewalk cafe with 3 tables and 10 seats.

WHEREAS the area was posted, the applicant appeared before the committee;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFOR BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to Jo-Rach, Inc., 148 Mulberry St. to operate an unenclosed sidewalk cafe to 3 tables and 10 seats.

VOTE: Unanimous, with 43 Board members in favor.

9. Renewal of application for revocable consent by Dixie Rose Cafe & Bar, 178 Mulberry St., to operate an unenclosed sidewalk cafe with 4 tables and 8 seats.

WHEREAS the area was posted and the applicant appeared before the committee;

WHEREAS there is sufficient passage for pedestrian safety and access; and

WHEREAS the applicant often has more than the permitted tables and chairs outside and also places a barrier in the street;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to Dixie Rose Cafe & Bar, 178 Mulberry St., to operate an unenclosed sidewalk cafe with 4 tables and 8 seats, but calls for enforcement of the allowable number of tables and removal of street obstructions.

VOTE: Unanimous, with 43 Board members in favor.

10. Renewal of application for revocable consent by Angelo's of Mulberry St., 146 Mulberry St., to operate an unenclosed sidewalk cafe with 3 tables and 10 seats.

WHEREAS the area was posted and the applicant appeared before the committee;

WHEREAS there is sufficient passage for pedestrian safety and access;

WHEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to Angelo's of Mulberry St., 146 Mulberry St., to operate an unenclosed sidewalk cafe with 3 tables and 10 seats.

VOTE: Unanimous, with 43 Board members in favor.

11. Renewal of application for revocable consent by Caffe Sorrento, Inc. 132 Mulberry St., to operate an unenclosed sidewalk cafe with 7 tables and 15 seats.

WHEREAS the area was posted and the applicant appeared before the committee;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to Caffe Sorrento, Inc. 132 Mulberry St., to operate an unenclosed sidewalk cafe with 7 tables and 15 seats.

VOTE: Unanimous, with 43 Board members in favor

12. Renewal of application for revocable consent by Florence Restaurant, Inc., 147 Mulberry St.. to operate an unenclosed sidewalk cafe with 5 tables and 19 seats.

WHEREAS the area was posted and the applicant appeared before the committee; and

WHEREAS the applicant had appeared before the committee in 1997 as a new application and had requested 6 tables and 23 seats and had agreed with the committee to a reduction of 5 tables and 10 seats; and

WHEREAS the committee agrees with its 1997 resolution and is concerned that the applicant appears not to have followed through with the agreed upon reduction;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to Florence Restaurant, Inc., 147 Mulberry St., to operate an unenclosed sidewalk cafe with 5 tables and only 10 seats and not 19 seats.

VOTE: Unanimous, with 43 Board members in favor.

Respectfully submitted,
Carol Yankay, Secretary
Community Board #2, Manhattan
Cb2data\florence\fbm\fullbadminjune.99