

FULL BOARD MINUTES

DATE: July 22, 1999

TIME: 7:00 P.M.

PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Glenn Bristow, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Carol Feinman, Harriet Fields, Alan Jay Gerson, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, T. Marc Newell, David Reck, Carol Reichman, Debra Sandler, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, John Short, Verna Small, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Abraham Tan, Lora Tenenbaum, Wilbur Weder, Jeanne Wilcke, Betty Williams, Suzanne Williamson, Carol Yankay.

BOARD MEMBERS EXCUSED: Enid Braun, Charle-John Cafiero, Rev. Keith Fennessy, Anthony Hoffmann, Doris Nash, Robert Rinaolo, Martin Tessler.

BOARD MEMBERS ABSENT: Donna Blau, Helene Burgess, Elizabeth Gilmore, Rachel Lavine.

BOARD STAFF PRESENT Arthur Strickler, District Manager.

GUESTS: Vinnie Maniscalco, Congressman Jerrold Nadler's office; Scott Melvin, 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; K. Babo, Sheila Sim, Lynn Pacifico, Andrea Melliadis, Tom Gass, Mary Bakaban, Robert McBrien, Armando Buria, Mary K. Doris, Larry Goldberg, David Gmach, Tod Lipzig, Kim Denpsler, Judy McCusker, Joshua Mandel, Alicia Hurley, Carl Lebowitz, Orli Eshkar, Eliza Bradley, Youn Kim, C. McGuire, Ellen Peterson-Lewis, Diane Fong, George Watson, Warren Hatch, Seth Russell, Joel ?, Janice DeYoung, Bob O'Sullivan, Ethan Wagner, Alice Grisant, Jean Krampner, Allan Buchman, Lynne P. Brown, Robert Cohen, Alan Silverstein, Claus Reinisch, Maria Santangelo.

MEETING SUMMARY

Meeting Date – July 22, 1999

Board Members Present – 39

Board Members Excused – 7

Board Members Absent - 4

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II. Public Session

Non-Agenda Items

Claus Reinisch spoke about construction being done by Bell Atlantic and Time Warner, and how the sites are not properly restored after the construction is completed.

Business & Institutions Items

Loeb/Kimmel Student Center

Tom Gass spoke against NYU tearing down the Loeb Student Center to build the Kimmel Center. Laurence Goldberg also spoke against the project and expressed concerns about the environment problems; he also stated that it was not as-of-right and a zoning variance would be necessary, and would like to see Loeb renovated instead.

Alicia Hurley, NYU student, spoke in favor of the project and stated that the students need a new center with a central location to provide services that are not being met. Lynne Brown, Vice President, NYU Administration, spoke in favor of the project, which she stated was undertaken with great effort and many years of work. She also stated that it was necessary to have a central location, and that it was-of-right. Plans have been changed based on input from the community. Bob Cohen, Director of Community Relations, NYU, also spoke in favor of the project, that the Community Board has been kept informed of the plans, and that Washington Square is being revitalized because of NYU.

Artelira d/b/a Artepasta 81 Greenwich Ave.

Judy McCusker spoke against the alteration of the liquor license, stating that there was a history of problems with them.

Landmarks & Public Aesthetics Items

69 Mercer St.

C. McGuire spoke against the rooftop construction and stated that it looked like a penthouse addition and not renovation work; Warren Hatch also spoke against the application and said there was no notification given re: work on the building. Maria Santangelo signed up but did not speak against this application.

Sidewalks, Public Facilities & Access Items

137 Seventh Maui, Inc., 137 Seventh Avenue South

Ori Eshkar, architect for the project, and Alan Silverstein, applicant, spoke in favor of the sidewalk café application.

Waterfront Items

Pier 40 Plan

Andrea Melliadis, Lynn Pacifico, Andrea Stewart, Armando Buria, spoke in favor of the need for “off-leash recreational site” (dog run) at Pier 40.

14th St. Special Joint Committee Items

Lighting at 14th St.

David Gmach spoke in favor of the resolution regarding installation of additional light poles on 14th St.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Vinnie Maniscalco, Congressman Jerrold Nadler’s office, reported on Canal St., a rent guidelines Board hearing, childcare safety at child care centers, religious liberty, and National Endowment for Arts funding.

Scott Melvin, of Senator Tom Duane's office.

Yvonne Morrow, of Assembly Speaker Sheldon Silver’s office.

Debbie Roth, of Assemblymember Deborah Glick's office reported, and also welcomed Jim Smith as the newly-elected Chair of the Board.

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 March minutes.

Distribution of April minutes.

VI. Executive Session

- 1. **Chair's Report** Jim Smith reported
- 2. **District Manager's Report** Arthur Strickler reported.

3.ENVIRONMENT

SEE ATTACHED RESOLUTION – EXHIBIT I

Vote: Unanimous, with 39 Board members in favor.

4.BUSINESS & INSTITUTIONS

NYU Kimmel Student Center

WHEREAS New York University (NYU) has informed CB#2, Manhattan CB#2, Man.) that it intends to demolish Loeb Student Center and construct a new student center building containing a 1,000 seat theatre and university conference center, and

WHEREAS presentations of preliminary designs and architectural renderings indicate that the new building design substantially exceeds the bulk, and to a lesser extent, the height, of the existing Loeb building, and

WHEREAS such proposed bulk and height will have a negative impact upon the surrounding Washington Square Park area by the shadows to be cast on the Park itself during late Fall and Winter periods and which are likely to extend to the Fountain in the center, and

WHEREAS the following items have been brought up as being of significant concern to CB#2, Man., namely:

- auto traffic generated by events to be held in the 1,000 seat theatre,
- mechanical systems and ventilation exhaust spilling across sidewalk and pedestrian areas, and
- color and texture of exterior building material, and

WHEREAS NYU has presented design revisions to CB#2, Man. based upon the aforementioned concerns but there still remain site data, zoning data, floor area calculations that have been requested by CB#2, Man. that have still not been submitted for review, and

WHEREAS the issue of sun shadow studies on the Park have been presented graphically, but which, in the opinion of CB#2, Man. have not been fully comprehended due to the inadequate scale and level of detail utilized in the presentation format,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly opposes the current design of Kimmel, as it finds its bulk to be out of character with the smaller scale of buildings located along the south side of Washington Sq. Park, and thus indicative of a continuation of the monstrous bulk of Bobst Library whose design and construction by zoning variance was vigorously opposed by CB#2, Man.; and

BE IT FURTHER RESOLVED that CB#2, Man. strongly urges NYU to address the issue of designing a building with less bulk so that it is harmonious with the scale of the majority of buildings along Washington Sq. South and does not add to the creation of shadows in the park which the present design indisputably does; and

BE IT FURTHER RESOLVED that CB#2, Man. expresses its interest in continuing dialogue with NYU toward resolving these major design issues.

Vote: with 37 Board members in favor, 1 in opposition, and 1 abstention.

STANDING COMMITTEE REPORTS

WATERFRONT

1. Proposal for Wigstock Event on Pier 54

SEE ATTACHED RESOLUTION – EXHIBIT II.

Vote: Unanimous, with 39 Board members in favor.

2. Pier 40 Design Program

SEE ATTACHED RESOLUTION – EXHIBIT III.

Vote: Passed, with 33 Board members in favor, 5 in opposition and 1 recusal.

ENVIRONMENT

1. Metropolitan Transportation Authority to change from Diesel to compressed natural gas buses in its upcoming 2000-2004 Capital Program

WHEREAS the metropolitan Transportation Authority has successfully converted its Long Island bus fleet from diesel fuel, the dirtiest fuel now in use in the United States to healthier compressed natural gas (CNG); and

WHEREAS the cities of Los Angeles, Atlanta, Boston, Dallas, and Houston currently either have or are in the process of converting their bus fleets to CNG from diesel in order to help clean up their air; and

WHEREAS the citizens of New York City deserve no less from the MTA than finally to have their money spent on buses which are not notoriously destructive to the health of themselves and their children – this in a city which has never yet achieved compliance with the clean Air Act, and which continues to have the dirtiest air on the East Coast;

THEREFORE BE IT RESOLVED that CB#2-Man. calls upon the Metropolitan Transportation Authority to take full advantage of the opportunity of the 2000-2004 Capital Program to replace its poisonous diesel buses with healthier compressed natural gas buses; and

BE IT FURTHER RESOLVED that CB#2-Man. thanks State Senator Thomas Duane for targeting the MTA’s inexcusable –and, we believe, unenlightened insistence upon the continued use of diesel fuel in the New York City bus fleet; and

BE IT FINALLY RESOLVED that CB#2-Man urges the New York State Legislature to exercise its oversight function in this matter so that the MTA is not permitted to repeat the air quality failures of the 1995-1999 and earlier Capital Programs.

Vote: Unanimous, with 39 Board members in favor.

2. Proposed DOT Truck Route Study

WHEREAS the New York City Department of Transportation is preparing to commission a study of optimum truck routes through New York City; and

WHEREAS Councilmember Kathryn Freed and Assemblymember Scott Stringer have pointed out that the scope of service for the study fails to include the impact of such routes on air quality, public health, and pedestrian, bicycle, and auto safety; and

WHEREAS the scope of service includes no provision for community input or for enforcement; and

WHEREAS the impact of large trucks on the health and safety of people of Community Board #2-Manhattan is major and deleterious, caused by

1. their emission of dangerous diesel fuel particulates, causing an asthma epidemic among
2. their contribution to dangerous and noisy congestion on the old, small streets of Lower Manhattan, which are largely unsuited to large truck traffic;
3. their frequent involvement in serious collisions, including deaths of eight pedestrians struck by trucks on Canal Street in 1998 alone;
4. their night-time travels along our streets cause sleep deprivation;
5. their damage to our fragile historic districts.

WHEREAS the DOT and the Police Department have failed notably to enforce truck and truck-related regulations, including prohibitions against over-sized trucks and failure to monitor air quality in truck-infested areas such as the Holland Tunnel approaches;

THEREFORE BE IT RESOLVED thatCB#2-Man. agrees with the position of Councilmember Freed that the proposed Truck Route Study, as presently structured, will provide “recommendations that will benefit only the trucking industry at the expense of the citizens of New York.”

BE IT FURTHER RESOLVED that CB#2-Man. strongly urges that such a study move forward only if its scope of service addresses questions of air quality, traffic noise, public health, pedestrian, bicyclist, and auto safety, and regulation enforcement, and provides opportunity for community input.

Vote: Unanimous, with 38 Board members in favor.

ZONING AND HOUSING

1. 473-475 Broadway (bet. Grand and Broome Streets) Application for Special Permit for Joint Living/Work Quarters for Artists on Upper Floors Of Two 8-Story Buildings With Frontage Along Broadway With More Than 3,600 Square Feet Of Lot Coverage And Retail Use Group 6 Below The Second Stories (DCP 990413ZSM And 990414ZSM)

WHEREAS this is an application under Sec. 74-711 and CB#2, Man. has ascertained that the work is substantial enough to qualify under this section; and

WHEREAS the applicant agreed that the Special Permit shall indicate that the permitted Use Group 6 (UG-6) uses below the second stories of each building excludes all eating and drinking establishments other than white tablecloth restaurants as described in the Alcohol Beverage Control Law; and

WHEREAS the IMD tenants in the building are not being driven out and will continue to occupy their lofts; and

WHEREAS the applicant agreed that the Offering Plans, when drafted and finalized, will include language making it clear that at least one person occupying each Joint Living/Work Quarters for Artists (JLWQA) on

floors 2-8 and the penthouses shall be an artist certified by the Department of Cultural Affairs and that the Certificate of occupancy issued by the Department of Buildings (DOB) will also make such permitted use clear; and

WHEREAS it is unfortunate that, while both buildings have non-compliant FARs, the applicants were permitted by the DOB, as-of-right, to reallocate floor area from the interior of each building to the roof and to construct a penthouse in each building;

THEREFORE BE IT RESOLVED that CB#2, Man. Supports the applications made by both 473 and 475 Broadway for Special Permits for Joint Living/Work Quarters for Artists on the upper floors and UG-6 below the second stories contingent upon the following:

- That the restrictions on UG-6 described above are made part of the special permits
- That the certificates of occupancy make it clear that the permitted uses above the first stories are UG-17D
- That the certificates of occupancy clearly restrict UG-6 uses as described above; and

BE IT FURTHER RESOLVED that CB#2, Man. urges the applicant to make it clear in all its advertisements that the use of floors 2-8 and the penthouses is Joint Living/Work Quarters for Artists only and to require proof of artist certification prior to occupancy of any Joint Living/Work Quarters for Artists.

Vote: Unanimous, with 39 Board members in favor.

2. 20-26 Greene Street (bet. Canal and Grand Sts.) Application to Covert the Upper Floors to 10 Joint Living/Work Quarters for Artists and to Allow Retail Uses on the Ground Floor (ULURP #990268ZSM; CEQR #990DCP022M).

WHEREAS the applicant will rewrite its Offering Plan to make clear what it represented to CB#2, Man. – that, in addition to adult entertainment or adult eating and drinking, all eating and drinking establishments other than white tablecloth restaurants shall be prohibited Use Group 6 (G-6) uses below the second-story; and

WHEREAS the applicant’s Offering Plan makes it clear that at least one person occupying each Joint Living/Work Quarters for Artists (JLWQA) shall be an artist certified by the Department of Cultural Affairs; and

WHEREAS the building has not had any JLWQA tenants and no such tenants have been forced out or left due to this application; and

WHEREAS CB#2, Man. Is unhappy that, although the building has a non-compliant FAR (being overbuilt by 3,887 square feet) the applicant was permitted by the Department of Buildings, as-of-right, to reallocate 3,297 square feet of floor area from the interior of each building to the roof and to construct two sixth-floor “duplex” units; and

WHEREAS the applicant, without application to the Landmarks Preservation Commission has erected a large banner and flagpole advertising “Classic SoHo Lofts for Sale” that fails to indicate that said “classic lofts” and JLWQA;

THEREFORE BE IT RESOLVED that CB#2, Man. supports the applications made by 20-26 Greene Street for a Special Permit for Joint Living/Work Quarters for Artists on the upper floors and UG-6 below the second stories contingent upon the following:

9. That the restrictions on UG-6 described above are made part of the Special Permits
10. That the Certificate of Occupancy make it clear that the permitted uses above the first stories are UG-17D
11. That the Certificate of Occupancy clearly restrict UG-6 uses as described above; and
- 12.

BE IT FURTHER RESOLVED that CB#2, Man. urges the applicant to make clear in all its advertisements that the use of floors 2-8 and the penthouses is JLWQA only and to require proof of artist certification prior to occupancy of any JLWQA.

Vote: Unanimous, with 39 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Misuse of Film Scouting Permits by Production Companies at “Gun For Hire” Production Center, 110 Leroy Street & 609 Greenwich Street.

WHEREAS there are eight (and more expected to be moving in) independent film production companies working out of the “Gun for Hire” film production center, located at 110 Leroy Street and 609 Greenwich Street, whose employees are using film scouting permits for on street parking in the area, and since with up to 10 scouting permits allowed to be issued per company for a production, there could be as many as 80 parking spots used with these permits at one time, with the potential for more parking spaces to be taken over in the future; and

WHEREAS the film production companies use the center for pre-production as well as storing of props and costumes and post-production, sound and film editing and *not as a scouting location* which is the only situation in which there is permitted use of these scouting permits; and

WHEREAS these film scouting permits are being misused by “Gun for Hire” resident companies’ production managers, assistant production managers and their staffs, i.e., office workers who are not involved in location scouting and could park anywhere around the city, including parking lots and garages; and

WHEREAS as many as 64 vehicles displaying film scouting permits have been counted parked in a day from 8:00 am to after 6:00 p.m. on Hudson Street from Clarkson to Barrow Streets, on Leroy Street from Hudson to Washington Streets, on Washington Street from Leroy to Christopher Streets, and on Greenwich Street from Barrow to Clarkson Streets, many taking up metered parking spaces without having to pay; and

WHEREAS this film scouting permit parking is taking up residential, manufacturing and small commercial businesses’ parking spaces, obstructing loading docks, causing trucks to double park, often with motors running, adding additional air pollution and creating additional traffic congestion, as well as resulting in summonses being issued to the businesses; and

WHEREAS this misuse of film scouting permit parking is causing vendor trucks that deliver goods to the small businesses on Hudson Street to park in the bike lane, which is a hazard to bicyclists using this lane, and

WHEREAS this misuse of scouting permit parking is preventing street cleaning by the Department of Sanitation by obstructing spaces which have been designated “No Parking” at certain times of the day and week to facilitate street cleaning; and

WHEREAS it appears that the New York City Police Department’s 6th Precinct is not familiar with certain regulations regarding film scouting permits, including:

- Scouting Permits may NOT Park in “No Stopping” and “No Standing Anytime” zones.
- All scouting provides limited-parking privileges for no more than 3 hours at any one location.
- Scouting permits are excluded from overnight parking; and

WHEREAS Dean McCann, the Director of Production of the Mayor’s Office of Film, Theater and Broadcasting, met with the CB#2, Man. Traffic and Transportation Committee at its monthly meeting on June 13th, and has agreed to work with the Committee in addressing the misuse of film scouting permits and the need for stronger enforcement;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly urges that the Mayor’s Office of Film Production work with the 6th Precinct to prevent the misuse of film scouting permits by those who are not film scouts, by those who are violating the three hour parking limit and the “No Stopping,” and “No Standing Anytime” prohibitions and overnight parking exclusion, so that these rules will be enforced on Hudson Street from Clarkson to Barrow Streets, on Leroy Street from Hudson to Washington Streets, on Washington Street from Leroy to Christopher Streets, and on Greenwich Street from Barrow to Clarkson Streets and wherever else is necessary in the Board 2 District; and

BE IT FURTHER RESOLVED that CB#2, Man. urges the 6th Precinct to thoroughly familiarize its traffic enforcement members with the film scouting permit regulations; and

BE IT FURTHER RESOLVED that CB#2, Man. urges the Mayor’s Office of Film Production to revisit their strategy in issuing film scouting permits in terms of further limiting the number of these permits and their duration; and ensuring that day-to-day film production company employees park their vehicles, like all other private sector employees, in legal spots (at times designated for parking) and in parking garages or lots, and not

in zones where vehicles with commercial plates park for short periods of time in truck loading and unloading zones nor in metered spaces nor in spaces designated “No Parking.”

Vote: Unanimous, with 39 Board members in favor.

2. Presentation By Port Authority: Renovation work at the Christopher & 9th Street PATH Stations.

SEE ATTACHED RESOLUTION – EXHIBIT IV.

VOTE: Unanimous, with 39 Board members in favor.

BUSINESS & INSTITUTIONS

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

Smithfield Associates, LLC, 9-19 Ninth Ave., NYC 10003 (Little W. 12th St).

WHEREAS the applicant proposes to open a new 150 person capacity bistro type restaurant in a non-residential area, and

WHEREAS the applicant proposes to operate from noon until 2:30 AM and serve liquor as an adjunct to a bonafide restaurant and not as a separate bar, and,

WHEREAS the applicant-owner has operated several other bars within (CB#2, Man.) and has made himself available to community concerns that may arise from time-to-time, and

WHEREAS a new Certificate of Occupancy has been applied in conjunction with the renovation and new use, and

WHEREAS there are three or more on-premises liquor establishments within 500’ of the applicant’s premises thus necessitating a 500’ rule hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the applicant’s request to the SLA for an on-premises liquor license to Smithfield Associates LLC, 9-19 Ninth Ave. NYC 10013 and calls upon the SLA to hold a 500’ rule hearing to ascertain community concerns, if any.

Vote: Unanimous, with 39 Board members in favor.

3 Meigas LLC, 350 Hudson St., NYC 10014 (cor. King St.).

WHEREAS the applicant is proposing to open a new 180 capacity Spanish restaurant in the former Hudson Grill space, and

WHEREAS operating hours will be from noon to midnight, and

WHEREAS the applicant has met with representatives of the community, and

WHEREAS the applicant’s premises is within 500’ of 3 or more on-premises establishments thus necessitating a 500’ rule hearing before the SLA,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises license by the SLA and calls upon the SLA to hold a 500’ rule hearing to ascertain community concerns, if any.

Vote: Unanimous, with 39 Board members in favor.

Washington Place, LLC, 75 Washington Place, NYC 10011 (Wash. Sq. West-6th Ave.)

WHEREAS the applicant is proposing to open 60 person restaurant with hours of operation from 11 AM to 11 PM in the premises formerly occupied by the Washington Place Restaurant, and

WHEREAS the applicant has produced a Certificate of Occupancy with showing restaurant usage and a 60 person capacity, and

WHEREAS premises is in a building containing residential apartments and on a block that is substantially residential in nature, and

WHEREAS there are three or more on-premises liquor establishments within 500’,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of a license by the SLA to Washington Place LLC, 75 Washington Pl. NYC 10011 to serve liquor on-premises and calls upon the SLA to hold a 500’ rule hearing so that the concerns of the community, if any, can be ascertained.

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

1b. Applications to the SLA for Alteration to License to Sell Liquor On-Premises.

11 Waverly Pub Ltd., d/b/a Boo Radley's, 11 Waverly Place, NYC 10014 (Mercer –Greene).

WHEREAS the applicant is proposing an extension of the bar area which is considered to be of no significant impact, and

WHEREAS the applicant is in compliance with the NYC Buildings Dept. Certificate of Occupancy, and

WHEREAS this establishment has operated under previous ownership for a considerable number of years with no adverse impact, and

WHEREAS residential tenants living above the premises have not voiced any complaints regarding this establishment,

THEREFORE BE IT RESOLVED CB#2, Man. does not oppose the granting of an alteration to the license of 11 Waverly Pub Ltd. d/b/a Boo Radley's, 11 Waverly Place, NYC 10014 to serve liquor on-premises.

Vote: Unanimous, with 39 Board members in favor.

Artelira, Inc. d/b/a Artepasta 81 Greenwich Ave., NYC 10011 (Bank St.).

WHEREAS the applicant is proposing to alter its service bar to a standing bar, and

WHEREAS there have been complaints regarding the kitchen work on premises without proper permits to Tom Duane, when he was Councilmember. CB#2, Man. wishes to apprise the SLA that the applicant holds a separate on-premises license immediately next door at 2 Bank Street where the applicant also operates the on-premises establishment known as Lips which has been the source of numerous complaints from time-to-time regarding hallway problems of trash storage, late night noise, music, etc. which has been disruptive to the residential tenants of the building; and

WHEREAS the two premises are interconnected and controlled by this single the applicant under two separate licenses,

THEREFORE BE IT RESOLVED that CB#2, Man. urges the SLA to take into account the applicant's entire operation and calls upon the SLA to use its full powers and authority by holding a public hearing on this matter and listening to the residents of the building and the neighbors represented by the Waverly-Bank Block Association to make the quality of life more amenable to the residents of 81 Greenwich Avenue- 2 Bank Street before considering any alteration to the on-premises license of Artelira, Inc. d/b/a Artepasta, 81 Greenwich Ave. NYC 10011.

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

LANDMARKS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION (LPC) July 27, 1999

Special Item: Proposal by the SoHo Partnership to place approximately 100 trash bins from Grand Street to Houston Street and from Lafayette Street to Sullivan Street

WHEREAS the Landmarks Preservation Commission (LPC) has voiced no objection to placing the trash bins in the SoHo Cast-Iron Historic District since they are not permanent; and

WHEREAS the NYC Arts Commission which has jurisdiction over street furniture has requested comments from the Community Board regarding the proposal as it pertains to the streets that are not in the Historic District, namely Lafayette, Thompson and Sullivan Streets; and

WHEREAS the applicant has agreed to change the colors of the bins from bright blue to a more subdued color and to use smaller trash bins than originally proposed and to cut down on the size and number of the sponsorship plaques attached to the bin;

THEREFORE BE IT RESOLVED that CB#2, Man. approves of the size and color of the trash bins and the attachment of a modest and appropriate plaque in bronze.

Vote: Passed, with 35 Board members in favor, and 4 in opposition.

1. LPC Item: 1-80 Perry St.

WHEREAS the widening of this rear window and installation of a new lintel is appropriate for this building;

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

Vote: Unanimous, with 39 Board members in favor.

2. LPC Item: 2 - 2 Fifth Ave.

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 39 Board members in favor.

3. LPC Item: 3 - 92 Charles St. No application.

4. LPC Item: 4 - 139 Christopher St.

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 39 Board members in favor.

5. LPC Item: 5 - 83 Jane St. (Washington & Greenwich Sts.)

WHEREAS the application calls for the widening of the ground-floor windows and the installation of a black iron gate in the front; and

WHEREAS the application proposes a wooden deck and guard rail as well as a large metal frame on the roof for supporting plants; and

WHEREAS the side guard rail and a significant portion of the frame will be noticeable from the street;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application regarding the work in the front of the building, but

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the rooftop addition since so much of it is visible.

Vote: Unanimous, with 39 Board members in favor.

6. LPC Item: 6 - 60 W. 8th St.

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 39 Board members in favor.

7. LPC Item: 7 - 81 Spring St. (Crosby St.)

WHEREAS the cornice will be rebuilt, the brick and mortar work will be repaired, and the proposed storefront renovation is attractive; and

WHEREAS the sidewalk will have glass crystal in the iron work and the existing industrial canopy will be refurbished; and

WHEREAS a rooftop addition in stucco is proposed, and the applicant has expressed willingness to modify that plan to include brick, metal, glass or suitable material; and

WHEREAS a modest banner of 4 ft. by 3ft. is proposed; and

WHEREAS the applicant has agreed to make the rooftop addition not visible from the street;

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

Vote: Unanimous, with 39 Board members in favor.

8. LPC Item: 8 - 81 Spring St.

WHEREAS there is significant historical preservation work undertaken by this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the filing of this application relating to a Modification of Use pursuant to Section 74-711 of the ZR.

Vote: Unanimous, with 39 Board members in favor.

9. LPC Item: 9 - 489 Broome St. (W. Broadway & Wooster) - Held over.

10. LPC Item: 10 - 155 Wooster St.

WHEREAS the proposed sign is attached to wood infill; and

WHEREAS the sign has sensible dimensions of 2' by 2' and projects a mere 18" from the building line;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of filing of this application and commends the applicant for his tasteful proposal.

Vote: Unanimous, with 39 Board members in favor.

11. LPC Item: 11 - 14-16 Wooster St.

WHEREAS the proposed façade work, window replacement, sidewalk replacement and restoration of the storefront are appropriate and welcomed on this neglected building; but

WHEREAS some members of the Community Board believe that the proposed bracket sign, although appropriate in itself, may not be legal since it is 6' long which is greater than the maximum length of 18" permitted for a sign;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application, but urges the LPC to determine if the sign can be legally that length.

Vote: Unanimous, with 39 Board members in favor.

12. LPC Item: 12 - 14-16 Wooster St.

WHEREAS there is significant historical preservation work undertaken by this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the filing of this application relating to a Modification of Use pursuant to Section 74-711 of the ZR.

Vote: Unanimous, with 39 Board members in favor.

13. LPC Item: 13 - 600 Broadway

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

WHEREAS the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; 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 39 Board members in favor.

14. LPC Item: 14 - 69 Mercer St. (Grand/Broome)

WHEREAS approximately one-third of the front of the proposed rooftop addition will be seen from Broadway through a view corridor provided by an existing empty lot; and

WHEREAS there is community opposition to the proliferation of roof-top additions in the SoHo;

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

Vote: Unanimous, with 39 Board members in favor.

15. LPC Item: 15 - 69 Greene Street

WHEREAS the proposed lighting is a pivoted halogen spotlight; and

WHEREAS the proposed banner is over 22 sq. ft. and the flagpole will project 6'6" beyond the soffit;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this lighting fixtures provided that they are in a fixed position facing downwards and not projecting into anyone's window; and

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of the banner due to its size; and

BE IT FURTHER RESOLVED that we would like to see an alternative to the excess of fifteen banners already existing on this street.

Vote: Unanimous, with 39 Board members in favor.

16. LPC Item: 16 - 91 Greene St.

WHEREAS three signs are proposed: one above the door, one projecting from the bulkhead (Sign #2) and a huge banner 6 feet by 7.5 feet (45 sq. ft.-Sign #1) on a flagpole (Sign #3) that projects 8'3" beyond the building line; and

WHEREAS with the exception of the sign above the door, the other signs are superfluous and too large;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of **Sign #1** only.

Vote: Unanimous, with 39 Board members in favor.

17. LPC Item: 17 - 107 Grand St. (Mercer/Broadway)

WHEREAS Grand Street in general and this block in particular has a welcomed absence of the excessive signage that has spread throughout the SoHo Cast-Iron District recently; and

WHEREAS there is adequate existing signage for the stores; and

WHEREAS the building is attractive and banners will undermine that charm;

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

Vote: Unanimous, with 39 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Proposed Newsstand at the Southeast Corner of 6th Avenue and W. 8th Street

WHEREAS the applicant's representatives explained that site was approved by the NYC Department of Transportation and that the application was being made following the end of a 4-year moratorium imposed by the city on new newsstands, and

WHEREAS community residents and a representative of the 8th Street Block Association spoke in opposition citing the generous availability of well-stocked news-dealers nearby, including the one directly opposite on 6th Avenue, and the extremely crowded sidewalk conditions prevailing at the 8th Street corner,

THEREFORE BE IT RESOLVED that CB#2, Man., recommends denial of the aforesaid application for a new newsstand at the Southeast corner of 6th Avenue and West 8th Street.

VOTE: Unanimous, with 39 Board members in favor.

2. New application for a revocable consent by Bombay City, Inc., 29 7th Avenue South, to operate an unenclosed sidewalk café with 8 tables and 32 seats.

WHEREAS the applicant runs a 74-seat traditional Indian restaurant on a quiet part of 7th Avenue South without sidewalk cafes, and has in the first several months of its operation established itself as a good neighbor, and

WHEREAS residents of Morton Street, having no problem with the restaurant itself, expressed misgivings about the introduction of café traffic so near their homes and the further extension of the 7th Avenue "café strip", and

WHEREAS the applicant agreed to a reduced total of 6 tables/24 chairs in one row against the building wall, and the location has 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 Bombay City, Inc., 29 7th Avenue South, to operate an unenclosed sidewalk café with 6 tables and 24 seats in one row against the building line.

Vote: Unanimous, with 39 Board members in favor.

3. New application for a revocable consent by La Ripaille Corp., d/b/a La Ripaille Restaurant, 605 Hudson Street, to operate an unenclosed sidewalk café with 3 tables and 8 seats.

WHEREAS the applicants have run a small, quiet French restaurant at the location for many years, and

WHEREAS the area was posted and members of the local community spoke in favor of the application, but the committee nonetheless considered the available sidewalk space so limited as to warrant a small reduction in table/chair total,

THEREFORE BE IT RESOLVED that CB#2, Man., recommends approval of a one (1) year revocable consent to La Ripaille Corp., d/b/a/ La Ripaille Restaurant, 605 Hudson Street, to operate an unenclosed sidewalk café with 3 tables and 6 seats.

Vote: Unanimous, with 39 Board members in favor.

4. New application for a revocable consent by Green Papaya, Inc., d/b/a Green Papaya Restaurant, 185 Sullivan Street, to operate an unenclosed sidewalk café with 4 tables and 8 seats (cont.)

Still lacking definitive information as to whether this premises' zoning allows for a sidewalk café, the committee advised the applicant to approach the relevant city agencies for a final determination.

5. New application for a revocable consent by Poy Laung Thai Restaurant, Inc., 210 Thompson Street, with 4 tables and 9 seats (cont.)

Still lacking definitive information as to whether this premises' zoning allows for a sidewalk café, the committee advised the applicant to approach the relevant city agencies for a final determination.

6. New application for a revocable consent by Miso Restaurant, Inc. d/b/a Souen, 210 6th Avenue, a/k/a 1 Charlton Street, with 5 tables and 20 seats (cont.)

WHEREAS the committee had postponed this application over the past 3 months because of questions regarding café size, table placement and possible effects on pedestrian access and quality of life, and

WHEREAS the applicant's architect has now appeared with revised plans, and

WHEREAS the area was posted and local residents spoke in favor of the application, but

WHEREAS committee members remained concerned given the placement of a large tree which effectively cuts the sidewalk in half near the restaurant entrance, and

WHEREAS the applicant agreed to a reduction in total chairs, and to requirements as to placement; and also agreed to keep the tree's protective raised guard platform and not replace it, as was being considered, with a grating placed over the tree pit at ground level which would level the sidewalk but not sufficiently protect the tree;

THEREFORE BE IT RESOLVED that CB#2, Man., recommends approval of a one (1) year revocable consent to Miso Restaurant, Inc., d/b/a Souen, 210 6th Avenue, a/k/a 1 Charlton Street, to operate an unenclosed café with 6 tables and 12 seats: 3 tables/6 seats to be placed against building wall near entrance and 3 tables/6 seats against building wall on Macdougall Street.

Vote: Unanimous, with 39 Board members in favor.

7. New application for a revocable consent by M.K. Trading of NY, Inc., d/b/a Astor Bar and Restaurant, 316 Bowery, to operate an unenclosed sidewalk café with 25 tables and 50 seats.

WHEREAS the applicant had appeared before CB#2, Man. in summer 1998 and several local residents spoke at that time against his application citing the café's proposed size and feared effects on quality of life, and

WHEREAS, though the application was placed on hold given major concerns, the applicant has been running his café this summer and is now appearing again before CB#2, Man. to seek approval for it, and

WHEREAS committee members familiar with the site voiced strongest disapproval of the sturdy, obstructive high wooden fence the applicant has constructed around his café and reminded the committee that it clearly violates the Administrative Code's restriction on café railings higher than 36 inches tall, and

WHEREAS objection was also made to café's proposed size and original plan for tables on both Bowery and Bleecker Street, and

WHEREAS the applicant agreed to place no tables on Bleecker Street, to reduce his total table/chair capacity on Bowery to 16 tables and 32 seats, and to see that the wooden fence is cut down or changed to comply with restrictions on fences or railings separating cafes from pedestrian footpaths,

THEREFORE BE IT RESOLVED that CB#2, Man., recommends approval of a one (1) year revocable consent to M.K. Trading of NY, Inc. d/b/a Astor Bar and Restaurant, 316 Bowery, to operate an unenclosed sidewalk café with 16 tables and 32 seats on Bowery only, subject to meeting with the NoHo Neighborhood Association and residents to rectify the code violations with respect to the illegal fence.

Vote: Unanimous, with 39 Board members in favor.

8. New application for revocable consent by PeeWee & Tyson Ltd. d/b/a Café Gitane, 242 Mott Street, to operate an unenclosed café with 3 tables and 9 seats.

The applicant wanted to set up an unenclosed café consisting of the two benches he already has on the sidewalk together with two small tables and approximately 4 chairs to be added. The Committee advised him that the community board could not approve a bench-plus-chair "hybrid" café since benches are illegal and only the number of one-person chairs placed on public sidewalk are counted in fee calculations for sidewalk cafés,

thereby providing no way of charging licensees for a cafe having benches. Asked if he would remove benches so that his application could be considered with tables and chairs, as the system requires, the applicant declined and withdrew his cafe application.

9. New application for revocable consent by 137 Seventh Maui, Inc., 137 Seventh Avenue South, to operate an unenclosed sidewalk cafe with 16 tables and 64 seats.

WHEREAS the applicant plans a 49-seat Hawaiian-theme, casual-food business in a new building between W. 10th and Charles Streets and showed menus and photographs from other branches since the 7th Avenue space is still under construction and the outlet has not opened, and

WHEREAS persons familiar with those other branches, as well as some local residents, spoke in favor of the application although a woman who had spoken vehemently against it at the June Full Board meeting was not present, and

WHEREAS a public member questioned the building's suitability for restaurant use, pointing out that it is a cramped, two-story triangular structure which has gone unrented for many months since construction, with 40 of the 49 proposed indoor seats accessible only by climbing either of two steep flights of stairs inside the entrance and with only 9 seats at street level because the cooking area takes up most of the ground floor, and

WHEREAS, though the applicant's 64-seat outdoor application is likely driven by this space limitation, such a large cafe would be highly inappropriate given Seventh Avenue South's severe cafe congestion and the effects which so many sidewalk cafes are having on the area's quality-of-life, and

WHEREAS the applicant agreed to a reduced total of 8 tables and 32 seats in one row against the building line, and 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 137 Seventh Maui, Inc., 137 Seventh Avenue South, to operate an unenclosed sidewalk cafe with 8 tables and 32 seats in one row against the building line.

Vote: Passed, with 36 Board members in favor, 1 in opposition, and 2 abstentions.

10. New application for revocable consent by Michael Baum, 419 Lafayette Street, to operate an enclosed sidewalk cafe with 3 tables and 8 seats.

WHEREAS the applicant envisaged constructing an enclosed sidewalk cafe at the entrance to a building he owns having primarily business tenants, although the applicant has as yet identified no restaurant or bar tenant to eventually operate such a cafe, and

WHEREAS the applicant and his architect were unaware that no cafe permit could be approved without obtaining from the city all pertinent documents and approvals including certificate of occupancy and without citing a specific restaurant operator who would occupy such premises; and both were equally unaware that the CB#2, Man. area has had no new approvals for enclosed outdoor cafes over approximately the past 10 years, and that such spaces which permanently remove public sidewalk from public use will continue to be disapproved, and

WHEREAS in addition, a building tenant spoke against the application based on inconvenience to tenants which would result from the applicant's plan to use part of building lobby as restaurant space,

THEREFORE BE IT RESOLVED that CB#2, Man., recommends denial of the application by Michael Baum, 419 Lafayette Street, to operate an enclosed cafe with 3 tables and 8 seats.

Vote: Unanimous, with 39 Board members in favor.

14th STREET SPECIAL JOINT COMMITTEE

1. 24 hour, 2 way traffic for the length of 14th Street, river to river, with 24 hour loading and unloading and appropriate signage.

WHEREAS 14th Street has been converted to 2 way traffic from river to river, 24 hours a day, as stated in a directive from the Office of the Manhattan Borough commissioner, NYC, Department of Transportation, dated: August 4th, 1997,

WHEREAS posting signage designating 24 hour loading and unloading was requested from and promised to the Special Joint CB#2, CB#4 Committee by the former Manhattan Borough Commissioner, Leon Heyward to clarify the traffic restrictions,

WHEREAS businesses, merchants and residents in this area need clarification of the ambiguous signage, that is causing dangerous traffic situations and loading configurations,

WHEREAS a video generated by the Joint Committee showed several near accidents during a 30-minute time span,

WHEREAS the lack of parallel loading configurations is causing massive traffic jams on this street,

THEREFORE BE IT RESOLVED that the August 4th, 1997 conversion of 14th Street between 9th Avenue and the river to 24 hour two way traffic be made known with appropriate signage installed that reflects this conversion,

AND BE IT FURTHER RESOLVED that posting and signage should indicate that the south side vehicles should always park facing east and north side vehicles should always face west, 24 hours a day,

AND BE IT FURTHER RESOLVED that 14th Street; between 9th Avenue and the river be posted to designate 24 hour loading and unloading vehicles.

Vote: Unanimous, with 39 Board members in favor.

2. Replacing and repairing the existing cobblestone paving on 14th Street between 9th Avenues and 9A.

WHEREAS the area is an existing historic market area,

WHEREAS cobblestone currently exists on 14th Street between 9th Avenue and 9A,

WHEREAS cobblestone has been proven to be dramatically longer lasting and more durable than asphalt or black top,

WHEREAS the Far West 14th Street Association, that represents merchants, businesses and residents expressed interest in restoring the cobble stone,

THEREFORE BE IT RESOLVED that The Joint Far West 14th Street Committee requests that all repairs restore the original cobble to a uniform level surface with as little impact as possible on the existing businesses who use this busy corridor, by replacing the cobble in areas where they are missing.

Vote: Unanimous, with 39 Board members in favor.

3. Adding additional lighting fixtures to the existing light poles on 14th Street, between 5th and 7th Avenues.

WHEREAS 14th Street between 5th and 7th Avenues is dark, foreboding and doesn't encourage foot traffic,

WHEREAS the proposed lighting additions, a smaller Bishops Crook version mimics the existing Lightpoles and are not offensive or unpleasant to the members of the Joint Committee,

WHEREAS the proposed lighting will be paid for by funds from the BID-14th Street, including the additional funds for added electric costs, maintenance and installation,

WHEREAS businesses, residents, merchants, pedestrians and shoppers have expressed a desire for increased lighting,

THEREFORE BE IT RESOLVED that the Joint Committee does not find any objection to the proposed extra lighting fixtures as shown in the design submitted for approval to this committee.

Vote: Unanimous, with 39 Board members in favor.

LESBIAN, GAY & TRANSGERED

AIDS Memorial

WHEREAS CB#2-Man passed the resolution from the Traffic & Transportation Committee in March 1999 which, among other things, resolved that the final design for the Jane Street Triangle “Incorporate an AIDS Memorial garden or leave room for a memorial, “ in honor of the spontaneous “Pink Triangle” that years ago appeared in the roadbed,” and asked the Lesbian, Gay, Bisexual and Transgender Committee to draw up recommendation for an AIDS Memorial; and

WHEREAS the chair has attended two meetings with DOT representative to discuss the parameters and criteria of such a design; and

WHEREAS the Lesbian, Gay, Bisexual and Transgender Committee has held four meetings to discuss alternatives and recommendations; and

WHEREAS five community groups, whose members live around the site, have called for a “green space” with an AIDS Memorial at the site; and

WHEREAS the people of Jane Street, regardless of sexual orientation, have for the past two years endeavored as individuals and members of Jane Street Assoc. to improve the local area, particularly planting and caring for the trees; and

WHEREAS they are working with the City and Community Board #2 to develop a suitable solution for what is known as the Jane Street triangle, one that incorporates additional trees and greenery and that is visually appealing and appropriate for the landmarked area; and

WHEREAS they wish to include an AIDS memorial that would fit well within a garden –like setting and period treatment.

THEREFORE BE IT RESOLVED that

1. There will be a living AIDS memorial consisting o a tree inside a well-proportion tree well and protected by a Landmarks Commission-approved, historic tree guard.
2. The well will be located centrally within the entire area, which includes the West Fourth Street roadbed.
3. A bronze plaque will be placed within the well on a raised (granite) pediment and it will be inscribed as follows: “*This tree was planted by the people of the neighborhood in memory of our friends and neighbors who have died of AIDS,*” Month, Year.
4. The people of the neighborhood in cooperation with Jane Street Association will raise the money necessary to purchase and install the plaque.

Vote: withdrawn.

Respectfully submitted,

Michael Mirisola, Secretary
Community Board #2, Manhattan

