

FULL BOARD MINUTES

DATE: November 18, 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, Enid Braun, Glenn Bristow, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Rev. Keith Fennessy, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Anthony Hoffmann, Brad Hoylman, Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Debra Sandler, Arthur Z. Schwartz, Shirley Secunda, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Wilbur Weder, Suzanne Williamson, Carol Yankay

BOARD MEMBERS EXCUSED: Helene Burgess, Noam Dworman, Harriet Fields, Arnold L. Goren, Robert Rinaolo, Ruth Sherlip, John Short, Abraham Tan, Jeanne Wilcke, Betty Williams

BOARD MEMBERS ABSENT: Verna Small, Martin Tessler

BOARD STAFF PRESENT Arthur Strickler, District Manager

GUESTS: Vinnie Maniscalco, Congressman Jerrold Nadler's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Tony Simone, Councilmember Christne Quinn's office; Diane Fong, Lillian Tozzi, Carmela Marratta, Danny Bari, Beatrice Fratta, V. Cutini, Elizabeth Battista, Rocco Battista, Connie DelVecchio, Mr. & Mrs. Louis Cucinotta, C. Eliseo, Lena Bartello, Joe Fratta, Mary Rini. Margaret LaRocca, Konrad Abbott, Jana Haimsohn, Richard Barrett, Ken Lu Chen, Harold Collins, Rebecca Lepkoff, Mary K. Doris, Frank Collierius, Sachin Agarwal, Judy Gallent, Judith Saltzman, Sally Lindsay, Barbara Siegel, Albert Bennett, Jared Friedman, Joshua David, Angela Showalter, Norman Kornbleuth, Carole DeSaram, Sante Scardillo, M. Haberman, Jack Neufield, Mark Scott, Kizmin Reeves, Barbara Williams, Benu Nova, Mike Amon, John Montefusco, Robert Redmond, Bob O'Sullivan, Hal Magida, Carl Rosenstein, Lois Penn, Robert A. Boyar, Diane Naiztat, Alex Ham, Joseph Marra, Arnol Kriss, Marc Ameruso, Margot Osborne.

MEETING SUMMARY

Meeting Date – November 18, 1999

Board Members Present – 36

Board Members Excused – 10

Board Members Absent - 2

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	3
ZONING AND HOUSING	3
PUBLIC SAFETY AND HEALTH	6
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	7
TRAFFIC AND TRANSPORTATION	7
BUSINESS & INSTITUTIONS	8
LANDMARKS	10
PARKS, RECREATION AND OPEN SPACE	13
SOCIAL SERVICES, HOMELESS & SENIOR SERVICES	14
YOUTH	14
NEW BUSINESS	14
ROLL CALL	15

II. PUBLIC SESSION

Non-Agenda Items

Bellevue Hospital

Will Weder spoke regarding Bellevue Hospital's Annual Holiday Dinner.

NYU Buses

Hal Magida reported the residents' annoyance with the buses and spoke against it.

Nurse Staff Levels at St. Vincent's Hospital

Lois Penn spoke regarding an upcoming rally regarding their contract and the minimum staff ratio for nurses and patients.

Elevated Rail Road Line

Joshua David spoke regarding an elevated railroad line from 34th Street to Gansevoort St.

Landmarks & Public Aesthetics Items

Parks Dept. Proposal to Legalize Yardarms at City Parks in CB2

Bob Redmond, Dept. of Parks, spoke in favor of the resolution to legalize the yardarms. Bob O'Sullivan, Washington Square Park Council, has no position and wants the Dept. of Parks to resolve this issue with Landmarks.

256 W. 12th St. a/k/a 790 Greenwich St.

Mark Scott, representing the applicant, spoke in favor of the application to add 2 floors to the above-referenced location. Robert Boyer spoke against the building additions to building in landmark low-rise district. Kizmin Reeves also spoke against the application.

117 Charles Street

Diane Naizat and Alex Ham, representing the applicant, spoke in favor of the application to alter window openings.

Zoning and Housing Items

168 Mulberry St. CPC Application

Lillian Tozzi, Antoinette Cucinotta, John Montefusco, and Sante Scardillo, all spoke in favor of the resolution and stated the various problems they have had with Da Nico, such as noise disturbances, unsafe work that has damaged the building and inconvenienced the tenants; according to C of O, no usage of yard is permitted; egress is illegal and not an improvement to the building.

Arnold N. Kriss, attorney for Da Nico, stated their willingness to work with the tenants; stated that the restaurant has no complaints on record and feels that the tenants' problem is with the City.

Traffic and Transportation Items

Truck Safety Rally

Carl Rosenstein spoke on the upcoming truck rally on December 7th.

Park at Canal/Washington Streets

Shirley Secunda, Traffic Strategies Subcommittee, stated that the Board has not been allowed to review the plan for the park. Marc Ameruso, CB#1, read their resolution into the record, and Carol de Saram explained their favorable vote on the resolution. Barbara Siegel did not support CB#1's resolution; she supports CB#2. Richard Barrett and Jana Haimsohn spoke in favor of our resolution. Margot Osborne and Rebecca Lepkoff both spoke of the dangers of crossing Canal St. and felt that the park would provide safety.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Vinnie Maniscalco, Congressman Jerrold Nadler's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported that the MTA hearing was a success.

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

Tom Castele, of Councilmember Kathryn Freed's office.

Tony Simone, of Councilmember Christine Quinn's office

V. Adoption of Minutes

Adoption of June minutes. Distribution of July minutes.

VI. Executive Session

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

STANDING COMMITTEE REPORTS

ZONING AND HOUSING

1. **99-101 Greenwich Avenue (AKA 230 W. 12th Street). Variance Application to Permit a Physical Culture Establishment in a C1-6/R6 Zoning District.**

WHEREAS, the applicant, Equinox Fitness, Inc. responded to the Community's distress over the original plans for this site as presented to the Community Board's Landmarks committee by meeting with and working with the community. As a result, they developed a plan that reduces the potential negative impact of the original plan and is largely acceptable to the residents in the community; and

WHEREAS, some problems remain which, while acceptable to Landmark's, are appropriately addressed here from a different perspective. The proposed signage is still somewhat excessive. The primary remaining issue is the up lighting, which says "upscale" in a neighborhood that is not and does not want to be. Please note that West 12th Street is a residential block with traditional Greenwich Village brownstones and that the Greenwich Avenue side faces St. Vincent's Hospital and other medical facilities. There is a concern that the up-lighting and signage will alter the character and nature of the neighborhood; and

WHEREAS, CB#2, Man. would have liked to see comparisons to gyms located within the Community Board, at least three of which are in close proximity to the applicant, rather than those presented and also analyses of the possibilities for affordable housing and for doctors offices.

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of the application for the reasons cited above, but strongly urges the applicant to further reduce the signage and remove the up lighting.

Vote: Unanimous, with 36 Board members in favor.

2. 166, 168, 170 Mulberry Street (between Broome and Grand Sts.). Application to sell rear yards to Da Nico Restaurant to use as Outdoor Restaurant Seating. (DCP application No. N9906792AM).

WHEREAS, the original 11-month lease made between the Department of Housing Preservation and Development and 164 Mulberry Street Corp. d/b/a Da Nico, dated as of March 14, 1997, leased only approximately 1,175 square feet of space and expressly maintained the 30-foot rear yard for 166, 168 and 170 Mulberry Street, the residential buildings. However, the proposed 35 plus 10-year lease is for approximately 2,040 square feet and creates a violation of the City Zoning Resolution, which requires a 30-foot rear yard for residential buildings. In one case, the 30-foot rear yard is reduced to 16.5 feet; and

WHEREAS, the EDC, which appeared as the applicant (the primary applicant, HPD, was not represented), was unable to provide a draft copy of the proposed lease or an appraiser's report. They provided a "fact/term sheet" that was so empty of facts as to be insulting. The HPD representative's oral testimony indicated that the amount to be charged for the property was approximately \$7.00 a square foot and that there would "of course" be incremental increases but he did not know what.

As Little Italy is going through a boom right now and it is a property-owner's market, even for land such as this, this rate seems quite low. The EDC could give the community no assurances of what would happen to the property should the restaurant go out of business or there be a change of ownership or of any other restrictions to the use of the property, including hours (and months) of usage and club or bar use, which would also be permitted under the lease; and

WHEREAS, the application under consideration is replete with errors and omissions. For example, it fails to mention the terms and length of the lease. It describes the project site as having a low tent and evergreen trees, while the tent is used only during cold weather, when propane heaters are also in use, and the "trees" are made of plastic. It does not discuss the loss of the 30-foot rear yards and does not include the construction of the secondary egress as part of the project. This is not indicative of the type of thorough, professional analysis we expect to see; and

WHEREAS, the current occupancy of the outdoor space is less than 75 persons and does not require egress other than through the restaurant. Despite this, the City has just constructed, at City expense, a secondary means of egress for the restaurant through 168 Mulberry Street. Although they claim it is also for use of the residents, access is only from the rear yard and ends in the lobby of the building. The "mutual easement" added to the Certificate of Occupancy in August 1999 makes it clear that the easement is only in respect of the accessory outdoor eating and drinking use on lots 30 and 31. Additionally, this egress is not handicapped accessible, and would, at all times, permit access to close to 200 restaurant patrons to (i) the remaining back yards of the residential buildings and (ii) the residential lobby of 168 Mulberry Street. There was no discussion of security during the periods when the leased outdoor premises are not in use; and

WHEREAS the owner of the restaurant admitted during the Public Hearing that the restaurant has, in fact, already illegally taken over use of the area not covered in her existing lease, not only violating the lease but also fire safety regulations. Additionally, it was only until it received a violation from the State Liquor Authority for serving liquor in the backyard that the applicant obtained its current liquor license; and

WHEREAS, the rear yards are being used by the tenants. The plans show at least two garden areas remaining in the portion of the yards left to them. Also, according to the tenants and not refuted by the restaurant, the former yard of grass and plants that existed at the site were cemented over by the restaurant up to and including the boundary of the proposed lease, thus extending well beyond the currently leased premises; and

WHEREAS, tenants complain of noise from the outdoor restaurant and from loss of privacy from the camera-loaded tourists who patronize the restaurant just under their windows and in their back yards. According to the Buildings Department, there were fines levied for noise and exhaust violations this year. While CB#2, Man. has no record of complaints being received, tenants explain that they really did not know that calling the Community Board and their Council representative was an option and that, as time went on and their complaints of noise to other City agencies gave no results, they stopped complaining; and

WHEREAS, there appears to be an attempt on the part of the City agency to coerce the tenants into withdrawing their opposition to the proposed disposition of property by threatening them with not permitting them to enter the Tenant Interim Lease program should they refuse the lease; and

WHEREAS, until the City stepped in and offered Da Nico what has been described as a ‘sweetheart’ deal, there was little friction between the residents of the buildings and the restaurant. The way this has been handled by the City, including the clear dismissal of the legitimate interests of the residents, has resulted in anger, outrage and divisiveness between the two elements that make Little Italy a community – its residents and its businesses. Both are victims here; and

WHEREAS, CB#2, Man. is on record as calling for regulations with respect to backyard eating and drinking uses due to the number of noise complaints received from all over the CB#2, Man. area. Nevertheless, despite complaints about noise and loss of privacy, most residents have indicated a willingness to accept some backyard use by the restaurant;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the application made by HPD and EDC to dispose of approximately 2,040 square feet of the backyards of 166, 168, and 170 Mulberry Street by means of a long-term lease so that it may be used for outdoor accessory eating and drinking by more than 90 persons on the basis that

- I. the proposed area for disposition encroaches deeply into the 30-foot rear yards of the buildings, in violation of zoning requirements for backyards of residential buildings,
- (b) the length of the lease makes this a de facto sale and removes any flexibility in use for up to 45 years,
- (c) the removal of an apartment in connection with the lease further chips away at the ever-dwindling and precious stock of affordable housing and is not in the best interests of maintaining a diverse community,
- (d) the description of the property in the application is replete with errors,
- (e) evidence that the lease will be at market rates and will include appropriate increments was not provided,
- (f) conditions of the lease and restrictions and terms of the lease that would protect the interests of the tenants (e.g., hours and days of operation, no music, white tablecloth restaurant use only) were not provided.

RESOLVED FURTHER, that CB#2, Man. is outraged and discouraged by the inappropriate actions taken by City agencies (DOB, HPD and EDC, in particular) in connection with this application, which have resulted in unnecessary conflict between the two elements vital to the viability of Little Italy – its long-term residents and its long-term businesses, including:

- a) a “sweetheart” lease that is blatantly to the benefit of the lessee and not to the benefit of HPD, which is the lessor, and is at the expense of the tenants of 166, 168 and 170 Mulberry Street,
- b) construction, at enormous City expense, of secondary egress through the residential buildings, which is required only because the proposed long-term lease provides for occupancy of more than 75 persons. Also, the commencement of the construction prior to approval of the disposition reflects a strong contempt for the public review process and, perhaps, the knowledge that it is a fait accompli,
- c) the jump from an 11-month lease (renewable) to a 35-year lease with option to extend up to 45 years is excessive and no analysis of the advantages was provided.
- d) non-enforcement of the restaurant’s encroachment onto non-leased space, despite the inspections that would have been required of the Buildings Department in connection with the revision of the C of O. for the restaurant’s building.

RESOLVED FURTHER, CB#2, Man. calls for the City to immediately put 166, 168 and 170 Mulberry Street into the TIL program and move with the same alacrity they did for this instant application.

Vote: Passed, with 31 Board members in favor, 1 in opposition, 2 abstentions and 2 recusals.

3. 102-106 Wooster Street (between Spring and Prince Streets). Application to Convert Floors 2-5 into Eight Joint Living Work Quarters for Artists (Use Group 17D). (DCP application no. N9906792AM).

WHEREAS, CB#2, Man. wishes to note that it had found that the extent of the work proposed to be done to the façade of the building was insufficient to qualify it for a 142-42 authorization, but that the LPC had not agreed. Since this means that the full community review accompanying a ULURP hearing is not going to be made, CB#2, Man. believes it even more important that the CPC make sure that the proposed JLWQA use is indeed the use to which the condominium will be put; and

WHEREAS, assuming that the occupants of each of these units will actually include at least one artist certified by the Department of Cultural Affairs, and taking into account that the restriction to garment industry uses expires in December, CB#2, Man. has no problem with the application;

THEREFORE BE IT RESOLVED, that CB#2 Man. recommends the approval of the application with the conditions that

- a) the description in the Condominium Offering Plan be revised from the inaccurate “ Residential (Joint Live-Work) Units” and “Residential Units” to the accurate description of “Joint Living Work Quarters for Artists”,
- (b) the applicant’s advertisements, including, without limitation, printed newspaper ads, flyers, internet advertising and hung signage, clearly state that the units are Joint Living Work Quarters for Artists,
- (c) the certificate of occupancy state that the zoning use groups for the upper floors are UG17D and note that “at least one occupant of each joint living work quarters for artists shall be an artist certified by the New York Department of Cultural Affairs,” and
- (d) that, after the building is fully occupied, the Buildings Department confirm with the Department of Cultural Affairs that at least one artist certification has been issued per unit and, if violation is found, to enforce the Zoning law.

Vote: Passed, with 35 Board members in favor, and 1 in opposition

PUBLIC SAFETY AND HEALTH

1. Defibrillator Program

SEE ATTACHED RESOLUTION – EXHIBIT I.

Vote: Unanimous, with 36 Board members in favor.

Patient-to-nurse Ratio

WHEREAS the nurses at St. Vincents Hospital, an institution so vital to the health and well-being of all who live in, work in or visit Community Board #2 area, have been working without a contract since February 1999 because of the failure of St. Vincents management to agree to contract language establishing minimum acceptable patient-nurse ratios in each hospital unit and on every nursing shift; and

WHEREAS though several other local hospitals have acceptable patient-nurse ratios without negative impact to profitability, management decisions such as the closing of its nursing school have exacerbated the problem of declining ratios at St. Vincents; and

WHEREAS with patient-nurse ratios in some units being dangerously high, management’s unwillingness to take this essential step towards assuring the well-being of both staff and patients at St. Vincents can benefit neither staff nor patient, since patient-nurse ratio must be considered a cornerstone issue in hospital care; and

WHEREAS beyond CB#2 boundaries, the country at large has become exceedingly concerned and vocal about changes in health care practice which put patient care at risk, and in fact California has now taken an important lead by passing legislation which defines minimum patient-nurse ratio; and

WHEREAS the situation at St. Vincents has already resulted in patient complaints and protest forms filed by the nurses with the New York State Nurses Association detailing short-staffing situations in their units and indicating the major jeopardy to proper health care which can result from such arrangements;

THEREFORE BE IT RESOLVED that CB#2-Man. is deeply concerned about implications to the health and well-being of its community resulting from vague or nonexistent rules as to patient-nurse ratios at St. Vincents Hospital, and believes that the most important part of the new nurses contract should be the establishment of minimum acceptable staffing levels per patient, and also believes that this minimum acceptable ratio should be determined through consultation among nurses, doctors, hospital management and patients advocates to arrive at binding resolutions.

Vote: Unanimous, with 36 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

- 1. Chilmark Realty, to construct, maintain and use 4 benches in front of 80 Spring St. (Balthazar) previously heard by CB2 in April.**

SEE ATTACHED RESOLUTION – EXHIBIT II.

Vote: Unanimous, with 36 Board members in favor.

- 2A. Renewal Application for revocable consent to operate an unenclosed sidewalk café for Tortellini Pasta Corp. d/b/a Tutta Pasta Rest., 504 LaGuardia Place, with 9 tables & 20 seats.**

SEE ATTACHED RESOLUTION – EXHIBIT III.

Vote: Unanimous, with 36 Board members in favor.

- 2B. Renewal Application for revocable consent to operate an unenclosed sidewalk café for The Greenwich Café, Inc., 75 Greenwich Ave., with 10 tables & 20 seats.**

SEE ATTACHED RESOLUTION – EXHIBIT III.

Vote: Unanimous, with 36 Board members in favor.

TRAFFIC AND TRANSPORTATION

CANAL/WASHINGTON STREET INTERSECTION

WHEREAS Canal Street is the boundary between Community Board No. 2, Manhattan (CB#2, Man.) and Community Board No. 1, Manhattan, and New York City defines such a boundary as a “Joint Interest Area” of equal concern to adjacent Community Boards, and New York City policy requires that neighboring Boards share jurisdiction over that boundary (see Appendices 1 and 2); and

WHEREAS the New York State Department of Transportation hired the Sam Schwartz Company to develop a plan to reconfigure traffic and pedestrian flow, and restore an historic park to the western end of Canal Street from Route 9A, through the intersection of Washington Street on Canal Street; and

WHEREAS this Sam Schwartz plan recommended an extension of the Canal Street Triangle Park as a permanent barrier across the Washington Street intersection, and further included: a reduction of the number of traffic lanes on Canal Street, provision of neck-downs on the northeast and northwest corners of the Washington Street intersection and high visibility crosswalks for all pedestrian crossings; and

WHEREAS this Sam Schwartz plan eliminates the potential for pedestrian/vehicle conflicts and increases pedestrian safety, adds much needed green space for the community, prevents increased volumes of vehicular traffic using Washington and Canal Streets to access the Holland Tunnel and rationalizes vehicular movement (See Appendix 3 for background); and

WHEREAS a wide pedestrian refuge area extending east along Canal Street beyond the Washington Street intersection was an integral part of the Final Environmental Impact Statement for the Route 9A Reconstruction Project in order to provide protection for pedestrians at this unusually wide 160 feet crossing, and therefore is located within the domain of the New York State Department of Transportation (See Appendix 4); and

WHEREAS the New York State Department of Transportation presented this Sam Schwartz plan to Community Board No. 1, Manhattan, at their October, 1999, meeting, and then revised this plan in response to a Community Board No. 1, Manhattan, resolution, which rejected the permanent build solution and asked for a temporary solution and a 6-month trial period with the intersection of Washington and Canal Streets left open; and

WHEREAS on November 9, 1999, the New York State Department of Transportation presented only the revised version of the Sam Schwartz plan to CB#2, Man. and refused to bring the original plan before CB#2, Man. for review; and

WHEREAS anything short of the proposed permanent-build solution will increase this area's vulnerability to pedestrian safety problems, vehicular conflicts, congestion, pedestrian/vehicular confusion, as well as add Holland Tunnel traffic to Washington and Canal Streets, as well as significantly reduce the size of the Canal Street Triangle Park;

THEREFORE BE IT RESOLVED that CB#2, Man. categorically rejects the revised plan that addresses the western end of Canal Street from Route 9A through the intersection of Washington Street, because it is a temporary measure that has the potential for severe negative traffic congestion and pedestrian safety impacts on our community, and loss of green space; and

BE IT FURTHER RESOLVED that CB#2, Man., urges the New York State and New York City Departments of Transportation to adopt the original Sam Schwartz plan that offers a permanent-build solution, including: the park extension across Washington Street, constructed neckdowns and high visibility crosswalks, and that has the overwhelming support of residents and businesses in our community; and

BE IT FURTHER RESOLVED that CB#2, Man. demands that the New York State Department of Transportation construct the Canal Street Triangle Park, including the full eastern extension across Washington Street, as defined in the original Sam Schwartz Plan, as part of the Route 9A Reconstruction Project; and

BE IT FURTHER RESOLVED CB#2, Man. vehemently expresses our outrage at the egregious violation of New York City policy in excluding CB#2, Man., from reviewing and giving input on all the proposals regarding this Canal Street area over which we have jurisdiction and that significantly impacts our community;

BE IT FURTHER RESOLVED CB#2, Man. emphatically expresses our outrage at the egregious violation by NYC and NYS Departments of Transportation of the NYC Planning Commission's statute, which specifically defines community board district boundaries as "Joint Interest Areas * ", by excluding Board 2 from reviewing and giving input on all the proposals regarding this Canal Street area over which we have jurisdiction and that significantly impacts our Community.

* Appendices number one, two and four are attached as a separate documents

Vote: Unanimous, with 36 Board members in favor.

BUSINESS AND INSTUTIONS

Applications to the State Liquor Authority for new licenses to sell liquor on-premises:

1. Jarnac, 328 W. 12th Street, NYC 10014 (Greenwich St.)

WHEREAS the applicant proposes to open a new French restaurant with 15 tables/40 seats and one bar with four seats in a four story residential building; and

WHEREAS the applicant proposes to operate from 12:00 p.m. to 12:00 a.m.; and

WHEREAS the applicant's restaurant experience includes the opening of a restaurant in London during the mid 1990's and, for the proposed operation, the applicant has teamed with an experienced chef who was the chef-owner of a French restaurant in Manhattan; and

WHEREAS the proposed operation will be basically the same as the previous restaurant at the location; and

WHEREAS the proposed operation is in a landmark district and the applicant has no plans to make any significant changes to the outside of the establishment; and

WHEREAS the applicant received no community opposition, and

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 Jarnac and call upon the SLA to hold a 500-foot Rule Hearing.

Vote: Unanimous, with 36 Board members in favor.

2. Red Dot Com, Inc., d/b/a Tangerine Restaurant and Cafe, 228 W. 10th Street, NYC 10003 (Bleecker Street)

WHEREAS the applicant proposes to open a new Pan Asian restaurant with 36 tables/159 seats and one bar with 11 seats in a four story residential building; and

WHEREAS the applicant proposes to operate from 12:00 p.m. to 2:00 a.m.; and

WHEREAS the applicant has several years of restaurant experience and currently operates restaurants in Singapore, Malaysia and Syracuse, New York; and

WHEREAS the proposed operation is in a landmark district and the applicant has no plans to make any significant changes to the outside of the establishment; and

WHEREAS there are three or more on-premises liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500 foot Rule Hearing,

WHEREAS the applicant received no community opposition, and

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 Red Dot Com, Inc., d/b/a Tangerine Restaurant.

Vote: Unanimous, with 36 Board members in favor.

3. I Gruilli, Inc., 133-135 W. 13th Street, NYC 10011 (6th Avenue)

WHEREAS the applicant proposes to open a new Italian restaurant with 17 tables/56 seats indoor, 13 tables/52 seats outdoor and one bar with 10 seats in a four story residential building; and

WHEREAS the applicant proposes to operate from 12:00 p.m. to 2:00 a.m. and the backyard garden will closed at 12:00 a.m.; and

WHEREAS the proposed operation is in a landmark district and the applicant has no plans to make any significant changes to the outside of the establishment; and

WHEREAS there are three or more on-premises liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500 foot Rule Hearing,

WHEREAS the applicant received no community opposition, and

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 I Gruilli, Inc.

Vote: Passed, with 32 Board members in favor, 3 in opposition, and 1 abstention.

4. York Food Corp., 162 Bleecker Street, NYC 10012 (Sullivan Street)

WHEREAS the applicant proposes to open a new Middle Eastern/Moroccan restaurant with 15 tables/48 seats and one bar with 6 seats in a 10 story residential/commercial building; and

WHEREAS the applicant proposes to operate from 12:00 p.m. to 1:00 a.m.; and

WHEREAS there are three or more on-premises liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500 foot Rule Hearing,

WHEREAS the applicant received no community opposition, and

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 York Food Corp. and call upon the SLA to hold a 500-foot Rule Hearing.

Vote: Passed, with 31 Board members in favor, 2 in opposition, and 3 abstentions.

5. Ho Brass LLC, 100 Houston Street, NYC 10012 (Thompson Street)

WHEREAS the applicant proposes to open a new French restaurant with 22 tables/59 seats and two bars with a total of 13 seats in a commercial building; and

WHEREAS the applicant proposes to operate from 12:00 p.m. to 2:00 a.m.; and

WHEREAS the applicant has more than 15 years of experience in operating restaurants in Manhattan; and

WHEREAS there are three or more on-premises liquor establishments within 500 feet of the applicant's premises, thus necessitating a 500 foot Rule Hearing,

WHEREAS the applicant received no community opposition, and

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 Ho Brass LLC.

Vote: Passed, with 35 Board members in favor, and 1 in opposition.

6. Recess, Inc., 310 Spring Street, NYC 10013

WHEREAS the applicant did not appear before the committee, and

THEREFORE BE IT RESOLVED that CB#2 Man. calls upon the SLA postpone any action on this matter until Recess, Inc., has appeared before the community.

Vote: HELD OVER TO DECEMBER.

7. Mansions Catering, Inc., 80 Fifth Avenue, NYC 10011

WHEREAS the applicant did not appear before the committee, and

THEREFORE BE IT RESOLVED that CB#2 Man. calls upon the SLA postpone any action on this matter until Mansions Catering, Inc., has appeared before the community.

Vote: HELD OVER TO DECEMBER.

1b. Applications To the State Liquor Authority for alteration of existing licenses to sell liquor on-premises:

KRAJ Foods d/b/a Baluchi's, 193 Spring Street, NYC 10012 (Thompson Street)

WHEREAS the applicant proposes to serve alcohol beverages in its unenclosed sidewalk cafe, and

WHEREAS the applicant has operated the restaurant without any adverse impact to the community, and

WHEREAS the applicant received no community opposition, and

THEREFORE BE IT RESOLVED that CB#2 Man. has no objection to this alteration of an on-premises liquor license for KRAJ Foods d/b/a Baluchi's.

Vote: Passed, with 34 Board members in favor, 1 in opposition and 1 abstention.

1c. Applications to the State Liquor Authority for a renewal of existing licenses to sell liquor on-premises:

'ino, 21 Bedford Street, NYC 10014

WHEREAS the applicant proposes to renew a beer and wine license; and

WHEREAS the applicant received community opposition to this license; and

WHEREAS there are complaints from the community about loud music and boisterous patrons, and complaints about a bench in front of the establishment (see attached letters); and

THEREFORE BE IT RESOLVED that CB#2 Man. calls upon SLA to take into consideration these complaints before renewing the beer and wine license for 'ino.

Vote: Unanimous, with 36 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1. LPC Item: 8 - 83 Wooster Street A neo-Grec style store and loft building built in 1876 by J.B. Snook. Application is to install a painted wall sign.

WHEREAS the proposed sign is an advertising and not a business sign; and

WHEREAS the applicant has a store directly across the street with three banners that more than adequately announce the store's presence; and

WHEREAS many people are enamored by these ghost signs that reach out to us from the past; and

WHEREAS this particular commercial ghost sign at 83 Wooster is in good condition but would be obliterated by this proposal; and

WHEREAS this existing ghost sign for an industrial business that once thrived in the building is an important part of the heritage of the district;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this application and urges the Commission to preserve this sign and not allow it to be obliterated or even infringed upon.

Vote: Unanimous, with 37 Board members in favor

2. **LPC Item: 9 - 477 Broome Street A neo-Classical style cast iron store building built in 1872 by E. Sniffen. Application is to install a flagpole and banner.**

WHEREAS this business already has three awnings whose purpose is, let's be frank, not to provide shade (the building faces north) but to serve as an advertising medium; and

WHEREAS the proposed sign is large at 40 sq. ft.; and

WHEREAS the proposed banner would hang down over the entablature, partly obscuring it; and

WHEREAS the proposed banner is actually longer than the existing banner;

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

Vote: Passed, with 35 Board members in favor and 2 in opposition.

3. **LPC Item: 10 - 51 Mercer 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 CB2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 37 Board members in favor.

4. **LPC Item: 11 - 558 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 37 Board members in favor.

5. **LPC Item: 12 - 117 Charles Street A vernacular style rear yard stable built c. 1853. Application is to alter window openings.**

WHEREAS although the proposed windows are too modern and we would prefer to see something more historically accurate; but

WHEREAS the change is not consistent with the character of the building as it now exists;

WHEREAS the building is barely visible;

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

Vote: Passed, with 35 Board members in favor and 2 in opposition.

6. **LPC Item: 13 - 242 West 12th Street. A brick house built c. 1852. Application is to alter the rear façade.**

WHEREAS we laud the fine restoration effort of the front façade; but

WHEREAS the rear façade retains the original design and we could see no legitimate justification for altering it so markedly;

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

Vote: Unanimous with 37 Board members in favor.

7. **LPC Item: 14 - 107 Waverly Place. A Greek Revival style rowhouse built in 1839-40. Application is to alter window openings on the side façade.**

WHEREAS the proposed perispherical windows represent an anomalous Georgian addition to a Greek Revival building;

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

Vote: Passed with 36 Board members in favor and 1 recusal.

8. **LPC Item: 15 - 790 Greenwich Street A brick warehouse built in 1924 and a brick office and warehouse built in 1935. Application is to construct rooftop additions.**

WHEREAS this is a highly visible addition; and

Whereas this addition will cause the garden of the adjacent building to lose light;

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

Vote: Unanimous with 37 Board members in favor.

9. **LPC Item:16 - Abingdon Square Application is to legalize installation of a yardarm without LPC permits.**

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 37 Board members in favor.

10. **LPC Item: 17 - Sheridan Square Application is to legalize installation of a yardarm without LPC permits.**

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: Passed, with 33 Board members in favor, 3 in opposition and 1 abstention.

11. LPC Item: 18 - M^cCarthy Square (7th Avenue South & Charles) Application is to legalize installation of a yardarm without LPC permits.

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: Passed, with 33 Board members in favor, 3 in opposition and 1 abstention.

12. LPC Item: 19 - Corporal Seravelli Playground (Hudson & Gansevoort) Application is to legalize installation of a yardarm without LPC permits..

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: Passed, with 33 Board members in favor, 3 in opposition and 1 abstention.

13. 110 Greene Street. A 12-story commercial building. Application is to construct a rooftop addition.

WHEREAS the applicant has modified the original presentation, removing some rooftop mechanical structures and reconfiguring the structure to make it all but invisible; and

WHEREAS the glass roof will be replaced with brass elements that restrict light from projecting upward to the sky.

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

Vote: Unanimous, with 37 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

Requirement Funds for Parks

WHEREAS the sitting area at Sixth Ave. and Charlton St. and the sitting park at Sixth Ave. and Houston St. are run down and in need of renovation: and

WHEREAS the possibility of using requirement funds to improve these parks immediately is present; and

WHEREAS meetings have been held with the Department of Parks to make this possible;

THEREFORE BE IT RESOLVED that CB#2-Man. supports the efforts of the Department of Parks and the Parks Committee of CB#2-Man. to make this renovation at Sixth Ave. and Charlton St. and the sitting park at Sixth Ave. and Houston St. a reality.

Vote: Unanimous, with 36 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Homes for the Homeless

WHEREAS the Mayor's edict requiring those homeless who are living in shelters to work in order to continue receiving the shelter benefit can have many negative repercussions and create great chaos and havoc; and

WHEREAS parents living in shelters would be especially affected negatively by such a policy because work outside the shelter would interfere with their need to care for their children, look for an apartment, or take care of other urgent matters especially since there are no available day care slots in New York City; and

THEREFORE BE IT RESOLVED that the Social Services Committee of Community Board #2, Manhattan joins with the Coalition of Tier 2 Organizations, which provides shelter services to homeless families, in strongly urging the Mayor to withdraw his latest decree which is so punitive as well as counterproductive.

Vote: Passed, with 36 Board members in favor and 1 recusal.

YOUTH

Half fare Metrocards.

WHEREAS New York City issues half fare Metrocards to school children in the 7th through the 12th grades who live within a mile to a mile and a half from their schools; based on the assumption that children that live within this distance should walk and use the Metrocard only for the bus and only for bad weather; and

WHEREAS many children must carry 25 pound backpacks, a burden that can cause serious injuries if carried twice a day for the mile to mile and a half distance; and

WHEREAS children walking the same route on a predictable schedule every school day are vulnerable to stalkers because they cannot exercise the option of boarding the train; and

WHEREAS half fare Metrocards are only to be used on buses, which may not be the best method of transportation especially in bad weather, and tend generally to be slower and less reliable than trains; and

WHEREAS our transit system has a unzoned single fare, therefore a half fare bus pass requires that children carry \$1.50 in change every school day, placing a burden on low income families living within the mile to mile and a half distance; particularly those with more than one 7th to 12th grader; and

WHEREAS the City instituted this half fare policy during the fiscal crisis in the 1970's and now the MTA has a budget surplus; and

WHEREAS the former full fare policy made it possible for more students to attend school related and constructive after-school activities until 8 pm;

THEREFORE BE IT RESOLVED that CB#2-Man. emphatically takes the position that all children are entitled to full transportation to and from school; and

BE IT FURTHER RESOLVED that the CB#2-Man. affirms that the health and safety of our children is a public responsibility and calls upon the Governor, Mayor and the Elected Officials to restore full fare transportation for all New York City school children.

Vote: Unanimous, with 36 Board members in favor.

NEW BUSINESS

Diesel

THIS SPACE IS PURPOSELY LEFT BLANK UNDER THIS CATEFORY. NO RESOLUTION RE: DIESEL WAS EVER RECEIVED BY THIS OFFICE

Respectfully submitted, Michael Mirisola, Secretary Community Board #2, Manhattan

Cb2data\full board meeting\minutes\minutes for november.1999