

## FULL BOARD MINUTES

**DATE:** May 18, 2000  
**TIME:** 7:00 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street  
Cronin Auditorium, 10<sup>th</sup> Floor

**BOARD MEMBERS PRESENT:** Ann Arlen, Steven Ashkinazy, Tobi Bergman, Glenn Bristow, Helene Burgess, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Noam Dworman, Carol Feinman, Harriet Fields, Edward Gold, Arnold L. Goren, Brad Hoylman, Lisa LaFrieda, Don Lee, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David B. Reck, Robert Rinaolo, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Ruth Sherlip, John Short, Melissa Sklarz, Verna Small, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Suzanne Williamson.

**BOARD MEMBERS EXCUSED:** Elizabeth Gilmore, Jo Hamilton, Anne Hearn, Honi Klein, Carol Reichman, Ann Robinson, Debra Sandler, Carol Yankay.

**BOARD MEMBERS ABSENT:** Rev. Keith Fennessy, Alan Jay Gerson

**BOARD STAFF PRESENT:** Arthur Strickler, District Manager

**GUESTS:** Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Dirk McCall, Manhattan Borough President C. Virginia Fields' office; Tom, Castele, Councilmember Kathryn Freed's office; Kariny Santana, Councilmember Margarita Lopez' office; Tony Simone, of Councilmember Christine Quinn's office; Frank Castellana, Electa Brown, Michael Katz, Susan Pope, Linda Yanuzzi, Milton Pahuacho, Karen Fazio, Edith Arndt, Judy Siegel, Steve Norris, Becca Demarco, Michael J. Deas, Danny McDonald, Peter K. Zimmer, Richard Nahen, M.K. Doris, Sheldon Farrer, Robert Novogratz, Courtney Novogratz, Julie S.Thurman, Tom Cammella, Robert McBrien, Marilyn Stults, Josh Pickard, Joanne Spano, Frank DeMarco, Bill Wolstremer, Luther Harris, Stephen Bloom, J. McNab, H. Chowdhry, Lisa Cannistraci, Anastazia Poulos, Victoria George, Danielle Hechme, Victoria Sanders, Jean Kramper, Tom McCormack, Ward Dennis, Bill Higgins, Barbara Millstein, Brian Stutes, Ava Sterling, Robert and Margeax Boyar, Susan Goren, Storme DeLarverie, Stu Waldman, Nathan Powers, Sharon G. Theodoro, Armando Buria, Tziporah Kesachlopf, Jonathan Geballe, Douglas Nelson, Noelle Russell, Miriam L. Lee, Christabel Gough, Vhanessa Victoria, Ted Flomenhaft, Alice Rohrbacher, John Jurays, Bruce Sterling, Roy Cosme, Michael Jenelli.

### MEETING SUMMARY

Meeting Date –May 18, 2000  
Board Members Present – 40  
Board Members Excused– 8  
Board Members Absent - 2

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Paving Belgium Blocks

Robert Boyar spoke in favor of paving Belgium blocks throughout the Village.

#### Zoning Variance for Block G-40, Lot 21

J. McNab, Westbeth Preservation, spoke against a zoning variance for W. 12<sup>th</sup> St.

#### Foster Care Recruitment

Susan Pope, The Salvation Army, spoke regarding community-based foster care, stating that kids should be placed in their own community.

### **Business and Institutions Items**

#### Preservation of Poe House

Marilyn Stults, Luther Harris, and John Jurays, spoke in favor of preserving Poe House. Christabel Gough, of the Society for the Architecture of the City, stated that landmarking is possible and that Poe House should be protected. Michael Deas, preservationist and author on Poe thanked the Board for being the first official body to take a stand on preserving this building (owned by NYU for 30 years) and feels that it can be repaired.

### **Landmarks and Public Aesthetics Items**

#### 149 Mercer Street (Prince/Houston)

Ward Dennis, representing the applicant, spoke in favor of the application.

### **Sidewalks, Public Facilities and Access Items**

#### Henrietta Hudson, 438-44 Hudson St. Sidewalk Café

Lisa Cannistraci, owner, spoke in favor of the café renewal, and stated that the summonses they received were on Gay Pride and were subsequently dismissed. She also stated that there has been no communication from the Morton St. Block Assn. Storme DeLarverie spoke in favor of the sidewalk café renewal, stating that clients were respectful of community, and that there are many cafes on Hudson St. Victoria George also spoke in favor of the renewal. Anastasia Poulos, was in favor of the café renewal, but did not speak.

Miriam Lee and Judy Siegel, both of Morton St. Block Assn., spoke against the renewal, stating that there are still problems, such as noise and loud music due to doors being open, public urination, and occurrence of violence. Steve Norris, President of the Hudson St. Block Assn., also spoke against the café and stated they have received summonses by the Police, which the Police have agreed to submit.

**Traffic and Transportation Items**

Widening of Houston St.

Bruce and Ava Sterling, Jonathan Geballe, Barbara Millstein, W. Houston St. Block Assn., and Armando Buria, Bedford-Downing Block Assn., spoke against the proposal.

Vhanessa Victoria and Ted Flomenhaft, W. Houston St. Block Assn., spoke against tree removal on W. Houston St.

Roy Cosme and T. Marc Newell, W. Houston St. Block Assn., spoke in favor of the proposal.

Electa Brown, W. Houston St. Block Assn., spoke regarding traffic on W. Houston St.

**Zoning and Housing Items**

24 Thompson St. Application for a Variance from M1-5B Zoning

Thomas Cammella and Cortney Novogratz spoke in favor of the proposal for a variance to change zoning and permit construction and use of a single-family residence in an empty lot.

**III. ADOPTION OF AGENDA**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

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

Dirk McCall, Man. Borough President C. Virginia Fields’ office reported.

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

Tom Castele, of Councilmember Kathryn Freed's office reported.

Kariny Santana, Councilmember Margarita Lopez’ office reported.

Tony Simone, of Councilmember Christine Quinn's office reported.

**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.

**1. STANDING COMMITTEE REPORTS AND OTHER BUSINESS**

**NOMINATING COMMITTEE**

**1a. Report of the Nominating Committee**

1. Every member of the current slate of Board officers has formally indicated a desire to be re-elected to a new one-year term beginning on July 1, 2000.

2. No other member of the Board has informed either the Board office or the Chair of the Nominating Committee of an intention to seek any Board office for the one-year term beginning July 1, 2000.

**THEREFORE**, the Nominating Committee recommends the following slate of officers for a one-year term beginning July 1, 2000:

- Chair: Jim Smith
- Vice Chair: Lora J. Tenenbaum
- Vice-Chair: Carol Yankay
- Treasurer: Jeanne Wilcke
- Secretary: Michael Mirisola
- Asst. Secretary: Doris B. Nash

Vote: Unanimous, with 40 Board members in favor.

**ZONING & HOUSING**

**1. 24 Thompson Street (between Grand and Broome Sts.). Application to the Board of Standards and Appeals for a variance from M1-5B zoning to permit construction and use of a 5-story single family residence in what is now an empty lot. (118-00-BZ)**

**WHEREAS**, the applicant seeks to build a 5- story one-family dwelling in a 19.1 ft by 52 foot lot in a M1-5B district; such lot being further diminished by a three-foot wide easement along the entire width of the lot; and

**WHEREAS**, the lot is located on a peripheral area of SoHo, where there is a mix of residential buildings, manufacturing buildings converted to joint living work quarters for artists and ground floor UG6 retail, including bars, restaurants and boutiques; and

**WHEREAS**, CB#2 was reluctant to recommend approval of the application because of concerns about light and air for the tenants of the old-law tenements abutting the back of the lot, but any as of right construction and use could also take away light and air by virtue of having no rear yard requirements; and

**WHEREAS**, the applicant produced close to 60 letters from his neighbors supporting the application, primarily on the basis that they see a 1-family use much less of a negative impact on their quality of life than a commercial establishment that would bring more strangers onto the street; and

**WHEREAS**, on the other hand, CB#2 (a) would have liked to see a more accurate rendering of the uses within 400 feet of the applicant as many buildings that are as-of-right UG17D (JLWQA) are depicted as residential or commercial in the submitted radius map, (b) believes that an as-of-right “bed and breakfast” establishment might be feasible, (c) would prefer seeing a 4-story building, and (d) is concerned about a design calling for 7 bedrooms;

**WHEREAS**, while CB#2, Man. is concerned that that this health club was able to operate for a full five years without a special permit, the health club has operated with the support of Westbeth’s Board and fulfills a useful function of bringing activity to an otherwise barren block;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the application to construct a one-family dwelling in this small lot at 24 Thompson Street, as this is a case where the community has clearly shown a preference for the a one-family home.

Vote: Passed, with 36 Board members in favor, and 4 abstentions.

**2. Body by Serge, Inc. d/b/a Serge Gym, 163 Bank Street (bet. West and Bank Sts.). Special Permit application to the Board of Standards and Appeals for to legalize first floor physical culture (health club) use.**

**WHEREAS**, while CB#2, Man. is concerned that that this health club was able to operate for a full five years without a special permit, the health club has operated with the support of Westbeth’s Board and fulfills a useful function of bringing activity to an otherwise barren block;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a 10-year special permit to operate a physical culture establishment, such term to commence with the date Serge Gym, 163 Bank Street, first opened.

Vote: Passed, with 39 Board members in favor, and 1 recusal (C. Feinman).

**3. Unified Bulk Program: NYC, Citywide**

**WHEREAS** City Planning has held its first of two public hearings on its proposed Unified Bulk Program, opened the idea of expanding scope and has issued Modified Zoning Text Amendment;

**THEREFORE, BE IT RESOLVED** that CB#2 makes the following comments in response to the Modified Unified Bulk Program.

**What we find acceptable:**

- 23-522(b)(1)(14) has been amended to substantially reduce the domino effect. If the new building has a lot line that is 70feet contiguous with an oversized building, the oversized building must have been in existence at the time the UBP is passed. Also, narrow street limitations apply if the oversized building is wholly or partially 100 feet away from a wide street. The best is that the new building’s height would be restricted to that of the adjacent oversized building, not the district height limit.
- 35-53 – In C4 to C6 Districts, a rear yard, rather than a rear-yard equivalent, is required.

- 77-42 – With respect to transferring bulk on split lots, M1-6 Districts are comparable to C4-7, C5-2, C5-4, C6-6 and C6-8 Districts only if the buildings are subject to tower regulations of Sec. 43-34 (Base 150 feet; standard 210 feet on wide streets; base 125 feet, standard 185 feet on narrow streets). Otherwise M1-6 is comparable to C4-7A, C5-2A and C6-4A (base 60 feet to 125 feet; district height 185 feet).
- 11-332 extends the period for completion of construction for “ Other Construction” from 3 months to 9 months on a BSA permit. Currently, the BSA can extend the completion time to one year, if additional findings, such as hardship or circumstances beyond applicant’s control, are made. (“Other Construction” is extension, conversion, or structural alteration or construction of any structure other than a building).
- 24-422 and 33-422 – The Chart already indicates that the 140-foot height is only for buildings with community facility uses, but further clarification has been added to state that the 140-foot height does not apply to buildings containing residential uses.

**What we find unacceptable:**

- 23-522(b)(1) – Permits 33% lot coverage without setback in R6-R8 Districts up to District Height Limits.
- 24-11 – Increases lot coverage for Community Facility Buildings on interior lots in R6-R10 Districts from 65% to 70%. On corner lots, such coverage is increased from 70% to 100% for R6, R7-1, R7-2 Districts and from 75% to 100% in R8-R10 Districts.
- 43-332 – In M1-6 Districts, on through lots connected to corner lots, wide street figures would apply, thus increasing height from 185 feet to 210 feet, regardless of distance from the wide street.
- 43-256 – In M1-6 Districts, on through lots connected to corner lots, rear yard requirements are eliminated.
- 35-61 and 43-32 – In C4-C6 and M Districts, antennas and antenna masts are permitted obstructions of unlimited height if they do not exceed 18 feet of horizontal lot coverage. This is not appropriate to such districts within CB#2, and probably not in Manhattan at all. A Special Permit with full community review would be appropriate.
- 43-32(d)(3) – Permits bulkheads with lot coverage of 40% and height limit of 60 feet for UG6D (Public Service Establishments).
- 74-72 (Design Panel) Permits transfer of floor area between portions of split lots not permitted under split lot regulations for lot coverage, yards, height and setback and minimum distance between windows and walls or lot lines by Special Permit at recommendation of Design Panel.

**RESOLVED FURTHER**, CB#2 has the following comments, based on testimony made at the 24<sup>th</sup> April public hearing held by the City Planning Commission:

- We join with numerous other speakers (including City Club, APA and the Municipal Arts Society) in calling for mechanical space to be included in FAR and height limit calculations. In fact, we believe this a vital addition to the UBP. It may also be appropriate to consider floor to floor height limits as well.
- We strongly object to adding any grace periods to this legislation.
- We urge you to look again at our recommendations for definitions.
- We totally and absolutely disagree with the suggestion that the Hudson Square area, largely zoned M1-6, and totally within CB#2, Man. should have Towers in the Park and taller buildings.
- Height limits are too broadly drawn. The UBP should recognize neighborhood scale and character. This goes back to our comments about NoHo and SoHo – which are unique in having an M1-5A and M1-5B District designation, but to which height limits for all M1 districts are being applied. Thus, in these two districts, where the vast majority of buildings are 75 feet tall, buildings almost twice that height will be permitted. There is no recognition that the prevalent manufacturing use in these two districts (UG17D) are negatively impacted by tall buildings that cut off light and air.
- We continue to support the elimination of District Height as destructive to the stated goals of the UBP.

Vote: Unanimous, with 40 Board members in favor.

**WATERFRONT**

**Rock Steady 23<sup>rd</sup> Anniversary – July 29<sup>th</sup>**

**WHEREAS** Backspin Productions has proposed to hold its 23<sup>rd</sup> annual Rock Steady Hip Hop Festival on Pier 54 on July 29, 2000; and

**WHEREAS** this same organization held a similar event on Pier 54 last year which was attended by 6,000 people, without any problems; and

**WHEREAS** the purpose of the event is to promote the non-commercial aspect of hip-hop culture; and

**WHEREAS** Backspin Productions does not plan to charge admission and has been actively making security arrangements with the New York Police Department and the Hudson River Park Trust (HRPT), therefore be it

**RESOLVED** that CB#2-Man. approves of the scheduling of the Rock Steady Hip Hop Festival on pier 54 on July 29, 2000 on conditions that finalizes security arrangements with NYPD and HRPT, and charges no admission fee to person's entering the festival.

Vote: Unanimous, with 40 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. NYCDOT Proposal for the Reduction of West Houston Street Sidewalks between 6th Ave. & Washington St.:**

**WHEREAS** NYC Department of Transportation (NYCDOT) has proposed in drawings and plans supplied to CB#2, Man. for the Houston Street capital project many improvements for the Houston Street corridor from Bowery to 6th Avenue; and

**WHEREAS** NYCDOT has NOT supplied final drawings or plans for W. Houston Street from 6th Ave to West Street and has proposed to widen the 6th Ave to Washington St. roadbed from 35' to 38', thereby reducing three feet of sidewalk space- 1.5' each from the north and south sides, which would involve ripping up trees recently planted as well as trees that are over 50 years old, which carry dedications to our local firefighters and greatly enhance the pedestrian environment while they help to filter the air from vehicular pollution; and

**WHEREAS** CB#2's Traffic Committee has a long standing policy to promote and preserve a calm, safe, pedestrian friendly street environment with ample sidewalk space, held a public hearing and heard testimony from the community and from members and officers of the W. Houston Street BA, Morton Street BA, Bedford/Downing BA, and 7th Ave So. BA, representing the impacted neighborhoods; and

**WHEREAS** this neighborhood is a vibrant growing residential, cultural and business area with institutions such as, Gilda's Club and Film Forum (both world renowned), Satchi & Satchi Advertising, Merrill Lynch World Wide HQ, Bloomberg Financial HQ, Carpenters Union, Social Service Providers AHRC, AA/NA programs, neighborhood amenities; retail stores, schools, post office; IRT #1/9 Houston St., just to name a few, all attracting numerous pedestrians who must be accommodated on safe comfortable, uncrowded sidewalks and the proposed DOT roadbed widening would remove vital sidewalk space; and

**WHEREAS** West Houston street has virtually become a limited access entrance roadway for both the Holland Tunnel and Route 9A, creating an expressway in the effected neighborhoods while the state and NYC DOT's have failed either to address this inappropriate impact on Houston Street or holistically assess its relationship to activities occurring on other streets; and

**WHEREAS** West Houston Street between Washington and West St. has already been identified as a major environmental "Hot Spot" and the additional use of this street as a limited access entrance road to Route 9A, an alternate to Canal and Broome for thru truck traffic from the Verrazano Bridge to the Holland Tunnel (which uses East Houston St.), in addition to the already heavy southbound flow of 7th Ave. So./Varick traffic is intensifying this environmental "hot spot"; and

**WHEREAS** in October 1998 CB#2, Man. approved a resolution to CDOT asking for alternate side parking regulations for W. Houston St. between 6th & 7th Ave's (allowing sanitation to clean the street), Grid Lock boxes, and although work orders have been approved, nothing has been installed to date; and

**WHEREAS** restricting parking or banning it on one side of the street altogether, would add three feet of roadbed creating a smother flow of traffic, easing the congestion at the 7th Ave So./Varick intersection without the huge cost of major road construction, disruption, loss of valuable community sidewalk space, and trees; and

**WHEREAS** the community continued to write the CDOT and Police Department on Sept. '98, Oct. '98, Feb. '99, March '99, April '99, May '99 and on May 6th '99 contacted the Department of Investigation [case # 99-334 & #99-03373] to request enforcement against the illegal parking by government officials- Federal and city- and commercial vehicles parked all day as well as over-night warehousing, on West Houston Street between 6th Ave and 7th Ave. So./Varick causing incredible traffic backups into both the 6th and 7th Avenue intersections @West Houston Street that back up 7th Avenue So./Varick to Bleecker St. causing severe threats to pedestrians safety and emergency vehicle access and still the 1st and 6th Police precincts continue to allow these infractions;

**THEREFORE BE IT RESOLVED** that CB#2, Man. demands that the NYC Department of Transportation, cease any plans to narrow the sidewalks on Houston Street between 6th Ave and Washington Street, immediately enact the work orders issued in Feb. and March 1999 and additionally create roadbed arrow signage on both W. Houston St. and 7th Ave. So./Varick (from Watt Street to Bedford Street) delineating thru travel lanes from Holland Tunnel access lanes; and

**BE IT FURTHER RESOLVED** that CB#2, Man. demands that the Department of Investigation and NYC Police Department's Bureau of Enforcement give the community written follow-up to the May 1999 Investigation case #99-334 & #99-03373 and to instruct both the 1st and 6th precincts to do their job and enforce the current as

well as any new regulations that may be enacted as well as supply traffic enforcement during the key rush hours of 3-6pm seven days a week on 7th Ave So./ Varick @W. Houston St.; and

**BE IT FURTHER RESOLVED** that CB#2, Man. strongly urges the U.S. Department of Transportation and Federal Highway Administration's Air Quality/Urban Transportation Planner Joseph E. Rich, Jr. to investigate City DOT's use of Federal CMAQ funds for the Houston Street Capital improvement Plan @ West Houston St. between 6th Ave and West Street, as this corridor is in severe non Compliance with the 1991 Clean Air Act, is the center of one of New York City's major environmental "Hot Spots" and needs to remove these streets from the CDOT Capital Plan for the Houston Street Corridor; and

**BE IT FURTHER RESOLVED** that CB#2, Man. strongly urges the U.S. Department of Transportation and Federal Highway Administration's Air Quality/Urban Transportation Planner Joseph E. Rich, Jr. to investigate the New York State DOT's creating a limited access entrance to Route 9A from West Houston Street without an EIS as this is the exact site of an already established environmental Hot Spot, which has become further exacerbated by directing additional vehicular traffic to West Houston Street @ West Street;

**BE IT FURTHER RESOLVED** that CB#2, Man. calls on the NYC Department of Parks to save the 50 year old trees as well as the newly planted trees on West Houston St. between 6th Avenue & Washington St. by preventing NYCDOT from narrowing the sidewalks that support both the trees and the community health and well being.

Vote: Unanimous, with 40 Board members in favor.

## **2. Call for Extensive Traffic study-7th Avenue So./ Varick St.**

**WHEREAS** numerous representatives of our community, including almost 200 members of the Morton St. Block Association, as well as members of the Bedford Street Association and many residents on the surrounding blocks have indicated that for the past two years, motor traffic has been increasingly backing up on 7th Avenue South/Varick Street from the Holland Tunnel to as far up as 14th Street, preventing pedestrians from crossing and endangering their lives as drivers jockey for position, block intersections, honk their horns, ignore traffic lights and erratically change lanes, and ambulance drivers from St. Vincent's Hospital and firemen stationed at the 6th Avenue/Houston Street firehouse complain that they are unable to get down 7th Avenue (their major access south) because the street is blocked, which puts lives in jeopardy because of substantial delays; and

**WHEREAS** similarly numerous community representatives, including close to 100 members of the West Houston Street Block Association, as well as businesses and other residents of the surrounding neighborhood have indicated that many tractor trailer trucks now come across Houston Street as their approach to the Holland Tunnel, turning left on 7th Avenue South to head downtown, rather than taking the heavily congested Canal Street, adding further danger to pedestrians on this already hazardous street, as well as air and noise pollution; and

**WHEREAS** residents of Broome/Watts Street have similarly reported conditions of traffic congestion, air and noise pollution and danger to pedestrians because of severe overuse of the street by vehicles on the way to the Holland Tunnel; and

**WHEREAS** our Board has already extensively documented reports by hundreds of members of the community in meetings, letters, papers and forums the impact of traffic on Canal Street, including oversize trucks as well as the unacceptable levels of air and noise pollution generated by this extra traffic, mostly by the Verrazano Bridge one-way toll accessing the Holland Tunnel; and

**WHEREAS** the traffic conditions on all of these streets are interrelated and affect one another and have severe negative effects on the safety, health, well-being and economic viability of the neighborhoods they impact, which spins off on the rest of our district, especially the small residential side streets adjacent to these major access routes to the Holland Tunnel;

**THEREFORE BE IT RESOLVED** that CB#2, Man. calls upon the NYC Department of Transportation, the NYC Department of City Planning and the Port Authority to immediately conduct a full scale comprehensive study of the traffic and pollution problems created by the Holland Tunnel on 7th Avenue South/Varick Street, West Houston Street, Broome/ Watts Street and Canal Street, and the neighborhoods surrounding them; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends that as an interim step police enforcement officers be assigned more extensively to monitor traffic and enforce traffic rules on these streets.

Vote: Unanimous, with 40 Board member in favor.

## **LANDMARKS & PUBLIC AESTHETICS**

### **PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, May 30, 2000**

**1. LPC Item: 16 - 149 Mercer Street (Prince/Houston) A Federal-style building built in 1826. Application is to install a storefront and signage.**

**WHEREAS**, the proposed modern storefront is attractive, but not on this building;

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

Vote: Passed, with 38 Board members in favor, and 2 abstentions

**2. LPC Item: 19 - 100 Prince Street (Mercer/Greene) A warehouse built in 1881 and designed by Henry Fernbach. Application is to construct a vestibule.**

**WHEREAS**, the Department of Buildings has not yet issued a determination on whether the new vestibule currently meets code; and

**WHEREAS**, such a determination should be made before the applicant requests this drastic change to the façade; and

**WHEREAS**, the proposal to move the front door beyond the plane of the building is a result of a predicament of the owner's creation and we do not feel that it warrants the removal of the original fabric of the building to accommodate the applicant; and

**WHEREAS**, the examples of similar alterations to the entryway that the applicant supplied, while technically legal, are later additions that were grandfathered at the time of designation and are not original to the building.

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

Vote: Unanimous, with 40 Board members in favor.

**3. LPC Item: 20 - 50 Howard Street (Broadway/Mercer) An Italianate style store and loft building built in 1860. Application is to install new storefronts, alter window openings on the rear, and construct rooftop bulkheads.**

**WHEREAS**, we appreciate the tasteful signage and the restoration of the original windows; but

**WHEREAS**, the proportions of the tri-partite fenestration division proposed by the applicant have no relation to historical precedent (please refer to Badger's cast-iron catalogue): the picture window is very large without muntins and it has a very low bulkhead; and

**WHEREAS**, the proposed windows on the alley facing Broadway are too long and we would prefer the same restoration as proposed for the other existing windows; and

**WHEREAS**, the applicant agreed to explore different tri-partite proportions;

**THEREFORE, BE IT RESOLVED that** CB#2, Man. recommends approval of the proposed signage and window restoration, but requests that the applicant return with a more appropriate design for the storefront.

Vote: Unanimous, with 40 Board members in favor.

**4. LPC Item: 21 - 63 West 8<sup>th</sup> Street**

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

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

**THEREFORE, BE IT RESOLVED that** CB2 recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

**5. 387 West Broadway a.k.a. 73 Wooster Street (Broome & Spring) A garage building built in 1927. Architect: unknown Application is for façade and storefront work on West Broadway & Wooster Streets, and the construction of joint live-work quarters for artists.**

**WHEREAS**, this resolution supersedes our previous resolution on the subject; and

**WHEREAS**, CB#2, Man. had previously approved of the design with the exception of the pivoting display windows; and

**WHEREAS**, the applicant was considerate enough to respond to our objections and has returned with stationery display windows with attractive multi-pane transoms; and

**WHEREAS**, while cast-iron buildings in the historic district typically have much higher bulkheads than the proposed bulkhead of 9” to 12”, such a low bulkhead is not inappropriate for this garage building;

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

Vote: Unanimous, with 40 Board members in favor.

**6. 387 West Broadway a.k.a. 73 Wooster Street (Broome & Spring) A garage building built in 1927. Architect: unknown Application is for a change of use from automotive use to retail and joint live-work quarters for artists pursuant to ZR 74-711.**

**WHEREAS**, the Landmarks Preservation Commission has approved every application for the demolition of a garage building in the cast-iron historic district, because they were considered non-contributing structures: namely, garages at Houston and Greene and at Houston and Mercer Streets, and another garage building at 101 Greene Street; and

**WHEREAS**, CB#2, Man. has concurred with the Commission in these decisions; and

**WHEREAS**, like the other garage structures already demolished, this undistinguished 1927 garage with its unknown architect contributes little, if anything, to the cast-iron historic district;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of this application because we believe that the 74-711 section of the zoning resolution should apply to buildings that contribute to the historic district.

Vote: Unanimous, with 40 Board members in favor.

#### **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

**1. Application to NYCDOT for revocable consent to construct, maintain and use stoop and fence at exterior entry stairs at 63 Charles Street, by NYU.**

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

**THEREFORE BE IT RESOLVED** that the application to NYCDOT for revocable consent to construct, install, and restore a stoop and fence at exterior entry stairs at 63 Charles St. by NYU is approved.

VOTE: Unanimous, with 40 Board members in favor.

**2A. New application for revocable consent to operate an unenclosed sidewalk cafe by 38 Corp. d/b/a Sammy’s Asian Gourmet, 301-303 6th Ave., with 10 tables and 32 seats, DCA #1027523.**

**WHEREAS** the applicant failed to appear before the committee for the second consecutive month and;

**WHEREAS** The Carmine Courtyard Association, which is composed of seven families, appeared both times the matter was scheduled and spoke in opposition to the application citing the fact that the immediate area was heavily used by pedestrians to the extent that there was serious congestion, overcrowding and noise and;

**WHEREAS** there is insufficient passage for pedestrian access;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to 38 Corp. d/b/a Sammy’s Asian Gourmet, 301-303 6th Ave., with 10 tables and 32 seats, DCA #1027523.

VOTE: Unanimous, with 40 Board members in favor.

**2B. New application for revocable consent to operate an unenclosed sidewalk cafe by Joe’s Public, LLC, d/b/a Joe’s Pub, 425 Lafayette St, with 45 tables and 90 seats, DCA #1029371.**

**WHEREAS** the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to a reduction in tables from 45 to 29 and seats from 90 to 58 and further agreed to make every effort to preserve the ancient trees that exist parallel to the proposed unenclosed sidewalk cafe;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Joe’s Public, LLC, d/b/a Joe’s Pub, 425 Lafayette St, with 29 tables and 58 seats, DCA #1029371, conditioned on receiving revised plans prior to the next full board meeting.

Vote: Passed, with 36 Board members in favor, 2 abstentions and 2 recusals (T.M. Newell & B. Rinaolo).

**2C. New application for revocable consent to operate an unenclosed sidewalk cafe by Ho Brass, LLC, d/b/a Demarchelier, 100 West Houston St., with 5 tables and 10 seats, DCA #10299108.**

**WHEREAS** the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to place the tables and seats on a platform;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Ho Brass, LLC, d/b/a Demarchelier, 100 West Houston St., with 5 tables and 10 seats, DCA #10299108.

Vote: Passed, with 39 Board members in favor and 1 abstention.

**2D. New application for revocable consent to operate an unenclosed sidewalk cafe by Trosel limited Partnership d/b/a Vandam Restaurant, 150 Varick St., with 19 tables and 38 seats, DCA #1030317.**

**WHEREAS** the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to place the tables and seats on a elevated platform along the building line;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Trosel Limited Partnership d/b/a Vandam Restaurant, 150 Varick St., with 19 tables and 38 seats, conditioned on receiving revised plans prior to the next full board meeting, DCA #1030317.

Vote: Passed, with 33 Board members in favor and 7 in opposition.

**2E. New application for revocable consent to operate an unenclosed sidewalk cafe by Greenwich Village Bistro, 13 Carmine St., with 9 tables and 18 seats, DCA #1030835.**

**WHEREAS** the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to reduce the number of tables from 9 to 6 and number of seats from 18 to 12;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Greenwich Village Bistro, 13 Carmine St., with 6 tables and 12 seats, conditioned on receiving revised plans prior to the next full board meeting, DCA #1030835.

Vote: Unanimous, with 40 Board members in favor.

**2F. New application for revocable consent to operate an unenclosed sidewalk cafe by Mirchi, Inc., 29 7th Avenue So., with 18 tables and 54 seats, DCA #1030988.**

**WHEREAS** the applicant appeared before the committee and;

**WHEREAS** there is sufficient passage for pedestrian access and:

**WHEREAS** the applicant agreed to reduce the number of seats from 54 to 36;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Mirchi, Inc., 29 7th Avenue So., with 18 tables and 36 seats, conditioned on receiving revised plans prior to the next full board meeting, DCA #1030988.

Vote: Passed, with 39 Board members in favor and 1 in opposition.

**2G. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Angelo's of Mulberry St., Inc., 146 Mulberry St., with 3 tables and 10 seats, DCA #964932.**

The matter was rescheduled for next month.

**2H. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by West End Kids Corp., d/b/a Henrietta Hudson 438-444 Hudson St., with 8 tables and 16 seats, DCA #908690.**

**WHEREAS**, the applicant appeared before the committee and several residents spoke in support of the application; and

**WHEREAS** in 1996 when the applicant appeared for renewal of the application, the committee and full Board voted overwhelming to deny the application based on complaints by local residents of constant noise from the establishment due to the music being played too loudly, the doors being kept open and patrons drinking and congregating on the sidewalk and,

**WHEREAS** Albert Bennett, the President of the Morton Street Block Association, appeared on behalf of the block association to oppose the renewal based on the constant noise problems that have not abated and;

**WHEREAS** numerous other local members of the community also appeared both last month and this month to oppose the renewal of the application;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to West End Kids Corp., d/b/a Henrietta Hudson 438-444 Hudson St., with 8 tables and 16 seats, DCA #908690.

Vote: Passed, with 14 Board members in favor, 7 in opposition, and 5 abstentions.

**2I. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Riomar Corp., d/b/a Kana Tapas Bar & Restaurant, 324 Spring St., with 4 tables and 13 seats, DCA #1003195.**

**WHEREAS** the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access and:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to by Riomar Corp., d/b/a Kana Tapas Bar & Restaurant, 324 Spring St., with 4 tables and 13 seats, DCA #1003195.

VOTE: Unanimous, with 40 Board members in favor.

**2J. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by C&O Coffee Shop Inc., d/b/a La Bonboniere, 28 8th Ave., with 5 tables and 10 seats, DCA #0962976.**

**WHEREAS** the applicant appeared before the committee; and

**WHEREAS** there is sufficient passage for pedestrian access and:

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to C&O Coffee Shop Inc., d/b/a La Bonboniere, 28 8th Ave., with 5 tables and 10 seats, DCA #0962976.

VOTE: Unanimous, with 40 Board members in favor.

## **BUSINESS & INSTITUTIONS**

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

**Yddo, Inc. d/b/a Café Bari, 529 Broadway, NYC 10012.**

**WHEREAS** the applicant did not appear for the second consecutive month, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the SLA to postpone any action on Yddo, Inc. d/b/a Café Bari, 529 Broadway, NYC 10012, and**

**BE IT FURTHER RESOLVED that CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**Grotta Azzurra Inn, Inc., 177 Mulberry St., NYC 10013 (Broome-Grand).**

**WHEREAS** the applicant is establishing a new corporation after being in business at the same location for many years operating with 17 tables and 48 seats, and

**WHEREAS** there are no violations, complaints or community opposition but, it should be noted that, the premises has been vacant for approximately 2 years, and

**WHEREAS** there are 3 or more on-premises licenses within 500'

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting of an on-premises license to Grotta Azzurra Inn, Inc., 177 Mulberry St., NYC 10013 and calls upon the SLA to hold a 500' rule hearing so that the community can be heard.**

Vote: Passed, with 39 Board members in favor and 1 in opposition.

**Green 90, Inc., 90-92 Greenwich Ave., NYC 10011**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the SLA to postpone any action on Green 90, Inc., 90-92 Greenwich Ave., NYC 10011;**

**BE IT FURTHER RESOLVED that CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor

**D. M. S. Restaurant Corp., 176 Christopher St., NYC 10014.**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the SLA to postpone any action on D. M. S. Restaurant Corp., 176 Christopher St., NYC 10014; and**

**BE IT FURTHER RESOLVED that CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor

**Jedems, Inc. d/b/a The Cooler a/k/a Baktun, 418 W. 14<sup>th</sup> St., NYC 10014**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA, and

**WHEREAS** there are 3 or more on-premises liquor licenses within 500' feet,

**THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the SLA to postpone any action on Jedems, Inc. d/b/a The Cooler, a/k/a Baktun, 418 W. 14<sup>th</sup> St., NYC 10012, and**

**BE IT FURTHER RESOLVED that in view of the great proliferation of On-Premises licenses along the West 14<sup>th</sup> Street corridor, which is affecting the quality of life of the residential community, the lack of community input and participation in this particular application should merit special attention by the SLA at the 500' rule hearing and also before it votes on this the applicant, and**

**BE IT FURTHER RESOLVED that CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. prior to the 500' rule hearing with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**1b. Applications to the SLA for Alteration to sell Liquor on-Premises.**

**B.L.L. Restaurant Corp., d/b/a Porto Bello Restaurant, 208 Thompson St., NYC 10012 (3<sup>rd</sup>-Bleecker).**

**WHEREAS** the applicant has operated a restaurant with 13 tables and 48 seats for 17 years at this location, and

**WHEREAS** the applicant has operated a sidewalk café with 2 tables and 5 seats for 4 years without having obtained the proper on-premises liquor license and

**WHEREAS** the applicant is now attempting to legalize the sidewalk café license, it being noted that are no community complaints or violations,

**THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval by the SLA of an alteration to the on-premises liquor license of B.L.L. Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St., NYC 10012.**

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

**3. Azure Nightclub, Inc. d/b/a Key Club a/k/a Spa Club, 76 E. 13<sup>th</sup> St. NYC 10003 (Bway.-4<sup>th</sup> Ave.).**

**WHEREAS** the applicant is proposing internal changes that are of a cosmetic nature which has met with the community's advisory board approval, and

**WHEREAS** the applicant has, for the short period of their operation, been issued 3 separate NYPD and NYC Fire Department summonses for Disorderly Premises and Overcrowding on 4/21/00; 4/29/00 and 5/06/00 (copies of which are herewith attached and made part of this resolution), and

**WHEREAS** the applicant has previously gone on record with CB#2, Man. and community groups in their immediate vicinity that it will maintain an orderly and lawful premises that will not harm the tranquility of the community

**THEREFORE BE IT RESOLVED that CB#2, Man. regards the NYPD and NYC Fire Department citations as being in violation of their promises to CB#2, Man. and the surrounding community and thus opposes the granting by the SLA of an alteration to the on-premises license of Azure Nightclub, Inc. d/b/a Key Club a/k/a Spa Club, 76 E. 13<sup>th</sup> St., NYC 10003.**

Vote: Passed, 39 Board members in favor, and 1 recusal (T.M. Newell).

**Pee Wee & Tyson Ltd. d/b/a Café Gitane, 242 Mott St., NYC 10012 (Prince-Houston)**

**WHEREAS** the applicant has operated a restaurant with 10 tables and 24 seats for several years and

**WHEREAS** the applicant has received permission to operate an outdoor sidewalk café with 4 tables and 8 seats and

**WHEREAS** the applicant is now applying for an alteration to its on-premises liquor license for the sidewalk café and

**WHEREAS** there was no community opposition or record of complaints,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an alteration to the on-premises liquor license of Pee Wee & Tyson d/b/a Café Gitane 242 Mott St., NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

**214 Sullivan Caterers d/b/a Lion's Den, 214 Sullivan St., NYC 10012.**

**WHEREAS** the applicant's questionnaire arrived too late to schedule on our May agenda and

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED** that **CB#2, Man. calls upon the SLA to postpone any action on 214 Sullivan Caterers d/b/a Lion's Den, 214 Sullivan St., NYC 10012, and**

**BE IT FURTHER RESOLVED** that **CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**David's Rio Mar, Inc. d/b/a Rio Mar, 7 Ninth Ave., NYC 10012.**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED** that **CB#2, Man. calls upon the SLA to postpone any action on David's Rio Mar, Inc. d/b/a Rio Mar, 7 Ninth Ave., NYC 10012.**

**BE IT FURTHER RESOLVED** that **CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**S.L.P. Management, Inc., d/b/a Slaughtered Lamb, 182 W. 4<sup>th</sup> St. NYC 10014.**

**WHEREAS** the applicant did not appear, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED** that **CB#2, Man. calls upon the SLA to postpone any action on 214 Sullivan Caterers d/b/a Lion's Den, 214 Sullivan St. NYC 10012, and**

**BE IT FURTHER RESOLVED** that **CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**1c. Applications to the SLA for Transfer to Sell Liquor On-Premises.**

**Sliver of New York City, Inc., 337B W. Broadway, NYC 10012.**

**WHEREAS** the applicant did not appear for the second consecutive month, and

**WHEREAS** CB#2, Man. has no information to base any decision or recommendation to the SLA

**THEREFORE BE IT RESOLVED** that **CB#2, Man. calls upon the SLA to postpone any action on Sliver of New York City, Inc., 337B W. Broadway, NYC 10012.**

**BE IT FURTHER RESOLVED** that **CB#2, Man. recommends to the SLA that it direct the applicant to appear before CB#2, Man. with information on their license application so that proper procedures with regard to community input can be followed.**

Vote: Unanimous, with 40 Board members in favor.

**Charles Seventh Corp., 140 Seventh Ave. So. NYC 10014 (10<sup>th</sup>-Charles).**

**WHEREAS** the applicant is purchasing the existing Woody's Restaurant and Bar; and

**WHEREAS** the applicant is proposing to continue operation with 22 tables, 5 booths, and 90 seats plus an existing outdoor café with 9 tables and 18 seats, and

**WHEREAS** there was no community opposition or complaints,

**THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises liquor license to Charles Seventh Corp., 140 Seventh Ave. So. NYC 10014.**

Vote: Unanimous, with 40 Board members in favor.

**Application to the NYC Dept. of Consumer Affairs for a Cabaret License West Eighth Street Enterprises, LLC, 40 W. 8<sup>th</sup> Street NYC 10011 (5<sup>th</sup>-MacDougal).**

**WHEREAS** CB#2, Man. has previously gone on record opposing the granting of **two on-premises liquor licenses** for this the applicant and for previous operators, and

**WHEREAS** this the applicant was previously opposed by CB#2, Man. at this location as well as at another location at 12 Spring Street where the applicant operates the Vig Bar, the generator of excessive noise to the tenement residents living above the bar who have continuously complained to the applicant about the inadequacy of soundproofing, and

**WHEREAS** CB#2, Man. is of the strong opinion, based on chronic community complaints by residents of 8<sup>th</sup> and MacDougal Streets, that this venue is not suitable for a cabaret due to the surrounding residential nature of the area which has suffered from past cabaret operations,

**THEREFORE, BE IT RESOLVED that CB#2, Man. unalterably opposes the applicant's request for a cabaret license and strongly recommends to the NYC Department of Consumer Affairs that it deny such request by West Eighth Street Enterprises, LLC, 40 W. 8<sup>th</sup> St. NYC 10011.**

Vote: Unanimous, with 40 Board members in favor.

**3. Business & Institutions Committee Open Forum on Edgar Allan Poe Residence, 85 W. 3<sup>rd</sup> Street, May 10, 2000**

**WHEREAS** CB#2, Man. has been advised by New York University (NYU) and its School of Law that it has commissioned architectural design plans for certain University-owned properties situated between Judson Memorial Church and Fuchsberg Hall which encompass frontages along Thompson, Sullivan and W. 3<sup>rd</sup> St. for the expansion of its Law School, and

**WHEREAS** NYU has indicated that such plans contemplate the likely demolition of 85 W. 3<sup>rd</sup> St. where Edgar Allan Poe resided for approximately 6 months in the latter part of 1845 and early 1846, and

**WHEREAS** CB#2, Man., in an effort to uncover the literary, cultural and historic events that were contributory to an evolving 19<sup>th</sup> century American literary heritage resulting from this brief residence, held an Open Forum for Poe scholars to present and debate any such facts, and

**WHEREAS** the following scholars in attendance (academic affiliations noted) were unanimous in their presentations that Poe's writings and activities, while residing at 85 W. 3<sup>rd</sup> were significant contributions to his own and to the evolving 19<sup>th</sup> century literary canon in America and thus warranted preservation from demolition:

Barbara Cantalupo, Assoc. Prof. of English & Editor of Poe Studies Assoc. Newsletter, Penn State University; Michael J. Deas, author of Portraits & Daguerreotypes of Edgar Allan Poe; Heyward Ehrlich, Assoc. Prof. & Dir. of American Studies, Rutgers University; Richard Kopely, Assoc. Prof. of English & President, Poe Studies Assoc., Penn State University; Burton T. Pollin, Professor Emeritus of English, CUNY, & author of 12 books & 136 articles on Poe; and

**WHEREAS** these scholars were joined in such support by the following organizations:

The Edgar Allan Poe Society of Baltimore; Poe Studies Association; Mystery Writers of America; The New York Historical Society; The Bronx County Historical Society; and

**WHEREAS** Prof. Kenneth Silverman, a Poe scholar from NYU, did not refute any of the historic or literary facts offered by the above-mentioned individuals but confined his remarks to the building's lack of

architectural merit owing to its series of alterations throughout its physical life and thus neither supported its preservation or demolition; and

**WHEREAS** CB#2, Man. has received overwhelming if not unanimous responses from the community and from national and international groups to the effect that 85 W. 3<sup>rd</sup> should be preserved as a legacy to the important role that Edgar Allan Poe played in American literary history,

**THEREFORE BE IT RESOLVED** that CB#2, Man. finds that there is overwhelming factual evidence, as presented by Poe scholars, that 85 W. 3<sup>rd</sup> Street played a significant role in the literary career of Edgar Allan Poe and thus in the history of 19<sup>th</sup> century American literature, and

**BE IT FURTHER RESOLVED** that CB#2, Man. regards the intent by NYU Law School to demolish 85 W. 3<sup>rd</sup> Street as an assault on the literary legacy that permeates Poe's last residence in Manhattan and the legacy of Greenwich Village as an historic home for America's great artists and authors, and

**BE IT FURTHER RESOLVED** that CB#2, Man. would regard the demolition of 85 W. 3<sup>rd</sup> Street as a grossly insensitive act that perpetuates the on-going assault on the human scale physical fabric of Greenwich Village as manifest by NYU's development of such anti- Village mega structures such as Bobst Library, and the hulking Kimmel Student Center, and

**BE IT FURTHER RESOLVED** that NYU should take cognizance of the fact that its own marketing publications to students the world-over capitalizes on the unique human scale and urbanity of Greenwich Village and that it is rapidly eroding this very quality that makes its location so desirable to its growing enrollment, and

**BE IT FURTHER RESOLVED** that NYU should begin to look at its building program in terms of cumulative effect and not as isolated site-specific projects that are merely planned to fulfill space programs for its various schools and programs and therefore, within the foregoing context, CB2 Manhattan strongly urges NYU and its School of Law to direct its architectural consultants to incorporate the preservation of 85 W. 3<sup>rd</sup> Street into its design concepts and thus preserve the legacy of Edgar Allan Poe's contributions to American and Greenwich Village literary history, and

**FINALLY, BE IT RESOLVED** that CB#2, Man. views the emerging new School of Law building as the "maiden voyage" on establishing a true dialogue between NYU and the Greenwich Village and CB#2, Man. community that will permit valid neighborhood input into an evolutionary design process for buildings planned by NYU in the very scale-sensitive Washington Square and its surrounding area with the intent that NYU will cease its past practices of presenting the community with designs that are "accomplished facts".

Vote: Unanimous, with 40 Board members in favor.

## YOUTH

### **Impact of the Rockefeller Drug Laws**

**WHEREAS** the Rockefeller Drug Laws, enacted in 1973, are among the most punitive in the nation, mandating a prison, term of 15 years to life for anyone convicted of possessing 4 ounces or selling 2 ounces of heroin or cocaine; and

**WHEREAS** these laws which were designed to trap big time dealers are actually used to sentence nonviolent drug offenders predominately African-American and Latinos, often first offenders, from poor communities; and

**WHEREAS** there is as well, a sizable increase in the number of women imprisoned under these laws. A large percentage are mothers with one or more children; and

**WHEREAS** children of imprisoned mothers are usually placed with the maternal grandmother or other relations or friends. A very small percentage remain with their father, and others enter the foster care system; and

**WHEREAS** imprisoned mothers can lose track of their children as they move through the foster care system; and

**WHEREAS** children of imprisoned mothers often experience anger, shame, feelings of abandonment and an overall dysfunction; and

**WHEREAS** for many years there has been effort to force reform of Rockefeller Drug Laws by encouraging treatment as opposed to incarceration as the way to handle the nonviolent low level drug addicts; and

**WHEREAS** the Rand Drug Center found treatment is much more effective in fighting substance abuse and reducing serious crime than incarceration, and

**WHEREAS** it cost \$32,000 per year to keep one person in prison and the treatment alternative costs considerably less.

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges reform of the Rockefeller Drug Laws so that nonviolent low-level addicts can be given treatment rather than incarceration.

Vote: Unanimous, with 40 Board members in favor.

## **ENVIRONMENT**

### **Suspected Toxics at the Yellow Freight Site**

**WHEREAS**, reports have come to the attention of CB#2, Man. that a real estate/investment firm partnership seeks to purchase and develop the Yellow Freight site on the Washington-Leroy-West-Morton block in the Far West Village; and

**WHEREAS**, research into the historical uses of the Yellow Freight site and other Far West Village sites by member organizations of the Community Environmental Monitoring Coalition has produced considerable documentation about past industrial and automotive uses that are known to leave behind dangerous residues of toxic materials now recognized as toxic but historically in common use; these include asbestos, lead and other heavy metals, some of which were shown to be present in soil tests done for the Route 9A EIS; and

**WHEREAS**, CB#2, Man. is on record recommending that, before each of these Far West Village sites is developed or the soil disturbed, the soil be tested for the presence of toxic materials, the results be publicly disclosed, and appropriate mitigation measures be completed; and

**THEREFORE BE IT RESOLVED** that, without soil testing, disclosure of the test results and appropriate mitigation of any toxic substances found in the soil at the Yellow Freight site, disturbance of the soil and development of the site would put the Far West Village community at risk for exposure to toxic substances made bio-available by release of toxins into the air and water and onto surrounding sidewalks, gardens and play areas; and

**BE IT FINALLY RESOLVED** that CB#2, Man. urges New York City's Department of Environmental Protections and New York State's Department of Environmental Conservation to exercise their authority regarding the reasonable suspicion of the presence of toxic materials by requiring that an EIS be done before work is begun on any project at the Yellow Freight site.

Vote: Unanimous, with 40 Board members in favor.

## **NEW BUSINESS**

### **Restoration of Parks Department Budget Cuts**

SEE ATTACHED RESOLUTION.

Vote: Unanimous, with 40 Board members in favor.

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