

FULL BOARD MINUTES

DATE: July 20, 2000
TIME: 7:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Steven Ashkinazy, Tobi Bergman, Glenn Bristow, Helene Burgess, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether, Carol Feinman, Rev. Keith Fennessy, Harriet Fields, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa LaFrieda, Don Lee, Aubrey Lees, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David B. Reck, Carol Reichman, Robert Rinaolo, Debra Sandler, Rocio Sanz, Arthur Z. Schwartz, Ruth Sherlip, John Short, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Suzanne Williamson, Carol Yankay.

BOARD MEMBERS EXCUSED: Edward Ma, Shirley Secunda, Verna Small.

BOARD MEMBERS ABSENT: Noam Dworman, Ann Robinson,

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Meg Reed, Senator Martin Connor'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, Councilmember Christine Quinn's office; Danny Colvin, James Kleinbaum, Mary K. Doris, Stacey Haskel, Terry Ford, Ellen Peterson-Lewis, Supoj Pornpitansun, William P. Maloney, Robert McBrien, Barry Mallin, Konrad B. Abbott, Jan Richter, Adam Goldstein, Ann Zieha, Liza Dunn, Andrew Mendelson, Philip Quilter, Kevin B. McGrath, Philip Bidler, Claude Brown, Neil Cohen, D. Fong, Jose Caraballo, Ivy Bernhard, Jody Rudin, Susan Goren, Albert Bennett, Ernest Albanese, James Kleinbaum.

MEETING SUMMARY

Meeting Date –July 20, 2000
Board Members Present –45
Board Members Excused–3
Board Members Absent- 2

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II. PUBLIC SESSION

Business Items

Progressive Management, 350 W. 14th St.

Barry Mallin, Mallin & Goldstein, spoke against the liquor license application and submitted a letter. Danny Colvin, Ernest Albanese, Liza Dunn, Adam Goldstein, James Kleinbaum, also spoke against the liquor license application.

Philip Quilter, applicant, spoke in favor of the application.

Landmarks & Public Aesthetics Items

Saving/Landmarking of Poe House

David Reck, Committee to Save Washington Square, spoke regarding the upcoming Poe rally.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Debbie Roth, of Assemblymember Deborah Glick's office, reported on a meeting with Hudson River Park Trust.

Dirk McCall, Manhattan Borough President C. Virginia Fields' office

Tom Castele, of Councilmember Kathryn Freed's office.

Kariny Santana, Councilmember Margarita Lopez' office.

Tony Simone, of Councilmember Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption of May minutes. Distribution of June minutes.

VI. EXECUTIVE SESSION I

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

3. ZONING AND HOUSING

756 Washington Street (between Bethune St. and W. 12th St.) Application by Waywest Development Co. to build a residential building with accessory parking. BSA Cal. No. 218-97-BZ; CEQR 98-BSA-032M.

WHEREAS, CB#2, Man. has held 4 well-attended public hearings with respect to Waywest Development Co.'s application seeking a zoning variance to allow a rental residential building with accessory underground parking in a M1-5 district since late 1997; and

WHEREAS, in December 1999, CB#2, Man. passed a resolution (attached hereto) strongly recommending denial of the application; and

WHEREAS, the Applicant had purchased two lots in the early 1970s and at that time converted the building (380 West 12th Street) standing to the west of the property under consideration here to residential use pursuant to a variance. The applicant constructed 380 West 12th Street so that the balconies were built to the lot line of the undeveloped lot and the building was given a 22 foot easement; and

WHEREAS, the Applicant has now submitted a plan which (1) does not exceed the M1-5 district's allowable FAR of 5.0, (2) is designed so that the 22-foot easement is comprised of the garage driveway, and thus counts as part of the FAR calculations, (3) provides an ungated open plaza area so that most of 380 West 12th Street balconies are not obscured and an open area with trees is provided to the community, but (4) because of the plaza, is 27 feet taller than it would be should it be fully built; and

WHEREAS, the residents of 380 West 12th Street have testified, with considerable merit, that, should a residential building be permitted, they would prefer the design with the plaza, which was drawn after negotiation with the Applicant; and

WHEREAS, a number of residents of Westbeth, a building developed in the late 1960's to provide affordable housing for artists, object that the proposed design of the building, which is directly across Bethune Street to Westbeth's north, would block the coveted diffuse north light so important to many painters, and thus could adversely affect the as of right Use Group 17D manufacturing use and CB#2, Man. also recognizes the merits in these arguments; and

WHEREAS, CB#2, Man. agrees that, should the variance be permitted, the plaza design is preferable but still believes that townhouses would have the least impact; and

WHEREAS, CB#2, Man. continues to believe that, if the hardship case finding is accepted as legitimate in a situation where a property owner has owned a typical far West Village property for close to 30 years and now claims that it cannot get a reasonable rate of return through as of right uses, there is a need to explore rezoning the area rather than haphazardly, a building at a time, changing the nature of the community from manufacturing/commercial to residential/commercial through variance; and

WHEREAS, the soil analysis made at the insistence of CB#2, Man. shows contaminating levels of arsenic, beryllium, chromium, copper, mercury, nickel, selenium, zinc and other contaminants plus pervasive deposits of lead, but the report, while filed with CB#2, Man. was not filed with the BSA by the applicant and the Applicant's cost projections do not incorporate the expense of dealing with a contaminated site; and

WHEREAS, the applicant's plans to remove about 10 feet of soil in the course of construction might protect future residents of the building if provisions are made to prevent leaching, but they would not protect the neighborhood from exposure to contaminants during excavation and construction, when disturbance of the soil makes contaminants airborne and breathable, and thus "bioavailable," potentially causing respiratory damage, poisoning and, in the case of lead (a potent neurotoxin), cognitive damage to children;

THEREFORE BE IT RESOLVED that CB#2, Man. does not withdraw its previous resolutions, attached hereto, and continues to strongly recommend denial of the application for a variance; and

BE IT FURTHER RESOLVED, that, in the event the Board of Standards and Appeals nevertheless grants the variance and refuses, as we were told it would, to consider townhouses, that CB#2, Man. recommends the design with a plaza presented to CB#2, Man. in June 2000 and with the proviso that the open plaza be required to remain open, planted and ungated in perpetuity and that the building continue to be rental rather than converted to a cooperative or condominium; and

BE IT FURTHER RESOLVED, that CB#2, Man. urges the developer to take the utmost in precautionary measures for this contaminated site, including wetting down procedures during all disturbances of the soil, with safe cleanup and handling of the resulting run-off, in order to make certain that the surrounding neighborhood is not exposed to airborne and waterborne contaminants from this site; and

BE IT FURTHER RESOLVED, that CB#2, Man. requests the BSA to requires the Applicant to take the utmost of precautionary measures in order to safeguard the community during soil disturbance and, in connection therewith, to require the developer to establish a neighborhood advisory committee for the project so that cooperative communication regarding potential problems may be maintained.

RESOLUTIONS PASSED DECEMBER 1999 BY FULL BOARD OF CB2

756 Washington St. (between Bethune St. & W. 12th St.) Application by Waywest Development Co. to build a 9-story residential building with residential parking. BSA Cal. No. 218-97-BZ; CEQR 98-BSA-032M

WHEREAS, the applicant seeks a zoning variance to allow a 9-story building with 76 units and accessory underground parking for about 40 cars in a M1-5 district; and

WHEREAS, the first of the five findings for a variance application, unique circumstances peculiar to the subject premises resulting in unnecessary hardship that has not been self-created, has not been met for the following reasons:

- The lot is neither unique in its configuration nor in its size, as there are many comparable sites in the neighborhood. In fact, even if the shape of the lot is unique, there is no explanation of how this shape contributes to the hardship. Additionally, this parcel was created when the applicant subdivided a larger parcel, including 380 West 12th Street, so to the extent that the shape of the zoning lot does create a hardship, such hardship is self-created.
- neither the existence of the Hi-Line nor the cost of its removal constitute a unique condition because (a) the application is to be based on the zoning lot as presently constituted and the Hi-Line was removed about 9 years ago and (b) the Hi-Line ran, and in some cases still runs, through a large part of this neighborhood, and, indeed through many properties on the West Side;

- No evidence was presented to show that the high water table on this site is different from the other sites in the neighborhood. In fact, the whole community is suffering from frequent flooding and sewer backups, which the City is trying to address;
- this is a neighborhood composed primarily by narrow streets, so location on narrow streets is common to this area and certainly not unique, and

WHEREAS, by its very nature (uniqueness, extraordinary circumstances, etc) the prior development of residential buildings in this zoning district pursuant to zoning variances cannot be seen as precedent for the instant application. Nevertheless, the applicant argues that, largely by virtue of such variances, the nature of the community has become largely residential. It is clear that each time such variances are granted, the nature of the neighborhood is slightly changed. To date, it has been accepted that each such change would have minimal impact on the essential character of the neighborhood (just a “ drop in the bucket”). However, there is a point where the cumulative effect of such variances results in a change in the essential character of the neighborhood (and the bucket overflows). The applicant’s arguments confirm that such a point has been reached and that any further construction of residential buildings in this M1-5 zoning district would change the neighborhood’s essential character; and

WHEREAS, the applicant purchased the property at Washington St. between Bethune and W. 12th Streets in the early 1970s, developed a portion of it (380 W. 12th St.) and is currently operating a parking lot on the remaining parcel. CB#2, Man. has asked the applicant four times for the rate of return of the current use of this parcel, based on actual investment and costs, but to date the information has not been forthcoming. The applicant has failed to prove that it’s rate of return on its initial investment is sufficient to support this extraordinary remedy; and

WHEREAS, CB#2, Man. would also like to see (and has asked for) analyses of residential buildings with an FAR at or below the FAR of 5 permitted in the zoning district, which would be a more minimal variation than the 9-story residential building that is proposed; and

WHEREAS, our community needs affordable housing, not more units for high-income individuals.

THEREFORE, BE IT RESOLVED, that for the reasons cited above, particularly that the finding of uniqueness has not been met, CB#2, Man. strongly recommends denial of the application for a zoning variance made by Waywest Development Co. with respect to 756 Washington Street.

Vote: Unanimous, with 45 Board members in favor.

4. SIDEWALKS, PUBLIC FACILITIES AND ACCESS

New application for revocable consent to operate an unenclosed sidewalk cafe by Restaurant, 46 Gansevoort Street with 20 tables and 40 seats, DCA #1034274.

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

WHEREAS the applicant agreed to a reduction in tables from 20 to 9 and seats from 40 to 18 and;

WHEREAS there is sufficient passage for pedestrian access and:

WHEREAS at the full Board meeting on June 22nd, the applicant appeared and reversed his position by speaking in favor of getting approval from the full Board for more tables and chairs than originally agreed to; and

WHEREAS the full Board subsequently voted to deny the application; and

WHEREAS the applicant now wishes to agree to the original reduction in tables and chairs and to appear before the next committee meeting;

THEREFOR BE IT RESOLVED that CB#2, Man. recommends rescinding the previous resolution that was voted on at the full Board meeting denying the application of a one (1) year revocable consent to operate an unenclosed sidewalk café to Le Gans Restaurant, 46 Gansevoort Street, with 9 tables and 18 seats, DCA #1034274.

VOTE: Passed, with 15 Board members in favor and 1 in opposition. (This resolution was adopted at the Special Executive Committee meeting on June 27, 2000. See new resolution in the Sidewalks section further in this document).

5. BUSINESS

Substitute Resolution re: The Nut Club, Inc. d/b/a Garage -Restaurant & Café 99 Seventh Avenue South NYC 10014

WHEREAS applicant has operated a restaurant featuring live music for the past period, and

WHEREAS there has been no patron dancing and applicant stated that he does have a dance floor, and

WHEREAS applicant has stated that his request for a cabaret license is primarily defensive position so that if patrons should happen to get up and dance on basis, a cabaret license would protect him from receiving a citation and closing down of the premises if there were multiple violations, and

WHEREAS residents who live in close proximity to the subject have registered their complaints regarding noise from the musical performances and from the exiting crowds that have emanated from the restaurant and are decidedly against the granting of any cabaret license to allow patron dancing, and

WHEREAS these neighborhood residents cited the numerous restaurants, bars and jazz avenues in the surrounding area of Sheridan Square/7 Avenue South that have music but do not have cabaret licenses and believe that the granting of such a license to The Garage would set a precedent for a flood of other similar requests which would result in further deterioration of the quality of life in this area of the West Village,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends that the NYC Department of Consumer Affairs deny a cabaret license allowing patron dancing to the Nut Club, Inc. d/b/a The Garage Restaurant & Café, 99 7th Avenue So. NYC 10014.

Vote: Passed, with 44 Board members in favor, and 1 recusal (R. Rinaolo).

6. LANDMARKS AND PUBLIC AESTHETICS

1. LPC Item: 19 - 545 Broadway, a.k.a. 116 Mercer St. Loft building built in 1885. Application is to install a storefront and two flagpoles and banners.

WHEREAS, the presentation was not clear cut, since the applicant offered us several treatment choices; but

WHEREAS, the applicant has offered to replace the flagpole and banner with blades signs on the front and rear of the store, although we question the need for hanging a commercial sign above the rear door since it will be used solely as a secondary exit; and

WHEREAS, overall, the storefront renovation was appropriate, except the installation of the business' awning above the resident's "doorway;"

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

Vote: Passed, with 43 Board members in favor and 2 in opposition

2. Judson Student Houses - 237-239 Thompson St. (W. 3rd/Washington Square So.) built in 1841 and renovated by McKim, Mead and White.

WHEREAS, the Judson Student Houses have architectural importance as a renovation work by McKim, Mead & White and cultural importance as part of the original community program of the Judson Memorial Church as conceived by John Rockefeller; and

WHEREAS, these buildings have been determined eligible for the State and Federal Register, and a nomination is currently being pursued; and

WHEREAS, the Municipal Arts Society, the Historic Districts Council, and the Greenwich Village Society for Historic Preservation, and others have resolved that these buildings should be preserved and incorporated into a new law school; and

WHEREAS, it is NYU's stated intention to demolish the Judson Student Houses;

THEREFORE BE IT RESOLVED that CB#2, Man., urges NYU to reconsider their intention and preserve, restore and incorporate these architecturally and culturally important buildings into their new law facilities.

Vote: Unanimous, with 45 Board members in favor.

7. WATERFRONT

1. Dog Run

WHEREAS, dog runs provide places where dog owners can join with their neighbors in the enjoyment of a healthful outdoor recreational activity which is neither safe nor legal without such designated places, and

WHEREAS, dog runs bring a regular group of visitors to a park, and further, these visitors are especially valuable for a park because they come even during non-peak hours and seasons, and further, these visitors generally become good park stewards and a benefit for park maintenance and security, and

WHEREAS, dog runs provide owners with a sense of community, and

WHEREAS the West Village, SoHo and Hudson Square presently lacking, dog and dog-owner recreational areas, and

WHEREAS, the waterfront, being set apart, provides a natural sound barrier, and is a perfect setting for a dog run; and

WHEREAS, owner facilities along the waterfront bring people out who might not otherwise go to the river and also provide non-owner entertainment, and

WHEREAS, exercise, play and socialization are necessary to the health and well being of dogs and responsible dog owners, need to provide safe, enclosed areas for their dogs in which to play and be socialized; and

WHEREAS, the West Village Dog Owner Action Committee (DOAC) enjoys wide support and participation among dog owners in the Southwest Village, and has presented a responsible plan for creating, a temporary dog run in the area of Hudson River Park;

THEREFORE, BE IT RESOLVED:

- 1 That CB#2, Man. strongly supports the creation of a temporary dog run within the jurisdiction of Hudson River Park within the boundaries of CB#2, Man.;
- 2 That the site south of Pier 40, bounded by Jersey barriers to the east and to the west, presently being used for parking by Department of Transportation (DOT) personnel involved in Route 9A construction, is the best site or such a temporary run;
- 3 That CB#2, Man. requests that the DOT make some space available for a dog run in that area until they vacate the site;
- 4 That CB#2, Man. requests that the Hudson River Park Trust make the same site available for a temporary dog run once DOT leaves the site (probably sometime late in 2000);
- 5 That CB#2, Man.'s recommends that the area be used as a dog run on condition that.
 - a) DOAC, or some similar organization, take responsibility for care and maintenance,
 - b) The facility be open to all dog owners,
 - c) The responsible group set up a system of self-governance, so that designated individuals are responsible for the running and maintenance of the dog run, and as liaison with the Trust and other community officials,
 - d) Users be responsible for cleaning, setting up a regular schedule for maintenance and for compliance with sanitation standards and HRPT regulations,
 - e) The responsible groups post signs listing rules of the run, and provide the necessary gates, fencing and benches should the Trust so require.
- 6 That CB#2, Man. requests that HRPT assure that this temporary run has sufficient lighting for safe night time use;
- 7 That CB#2, Man. requests that the trust work with CB#2, Man. and the dog owner groups to fund a location for a permanent run in the area south of Christopher Street, either in the southern part of Segment 4, on Pier 40, or in the northern part of Segment 3.

Vote: Unanimous, with 45 Board members in favor.

2. Army Corps Permit

WHEREAS, the Army Corps of Engineers has approved a permit which will allow construction of Hudson River Park and the renewal of the piers along the Hudson River waterfront; and

WHEREAS, the Army Corps permit process took 2.5 years to complete; and

WHEREAS, the Army Corps made extensive findings as part of a thorough process, and made a profound analysis of the impact of the park on our community;

THEREFORE BE IT RESOLVED:

1. That CB#2, Man. applauds and welcomes the Army Corps of Engineers permit for Hudson River Park;
2. That CB#2, Man. calls on the Trust, the Governor and the Mayor to move forward quickly with park construction, and with securing the necessary funds to build a world class park; and
3. That CB#2, Man. calls on all groups, including, those who have opposed the park; in the past, to support the construction of the park as rapidly as possible and to avoid taking actions which will further impede its completion.

Vote: Unanimous, with 45 Board members in favor.

3. Fendering

WHEREAS, the Hudson River Park Trust (HRPT) decided, without notice to or consultation with CB#2, Man. to proceed with a major \$250,000 fendering project at Pier 40; and

WHEREAS, CB#2, Man. has passed an extensive resolution about interim plans at Pier 40, and has worked with a large number of community groups; and

WHEREAS, CB#2, Man. is concerned about the lack of coordination between HRPT and CB#2, Man.

THEREFORE BE IT RESOLVED that CB#2, Man. strongly requests that HRPT make stronger efforts to consult with and notify CB#2, Man. about its activities and plans, both long term and short term, before undertaking such activities and plans.

Vote: Unanimous, with 45 Board members in favor.

8. ENVIRONMENT

1. Problems with Contaminants in Soil of Planned 4 New Residential Building Sites @ Perry/West Sts.

WHEREAS, reports have come to the attention of CB#2, Man. that Richard Meier, architect, intends to begin construction on two towers, one on the southern corner of Perry and West, the other on the northern corner of Perry and West; 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, the corner of Charles Lane and West Streets, a mere 100' south of the corner of Perry and West, was one of the most highly contaminated sites on the Greenwich Village stretch of Route 9A; 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

NOW THEREFORE BE IT RESOLVED that, without soil testing, disclosure of the test results and appropriate mitigation and precautionary measures regarding any toxic substances found in the soil at the corner of Perry and West Streets, 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 NY's Department of Environmental Protection and NYS' 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 corner of Perry and West Streets.

Vote: Unanimous, with 45 Board members in favor.

2. Department Of Sanitation's Update and EIS for Its Solid Waste Management Plan

WHEREAS, CB#2, Man. has long supported a more environmentally sound waste management plan; and

WHEREAS, NYC Department of Sanitation's Solid Waste Management Plan Update is environmentally unsound, both in the plan itself and in its Environmental Impact Statement, in that it:

- 1) Emphasizes waste export and fails in the EIS fails to address the health impacts of such a truck-dependent plan, including base-line and projected respiratory disease data;
- 2) Fails to provide concrete plans for waste reduction and increased recycling to reduce the City 's growing waste stream and reduce exported waste;
- 3) Fails to take into account the impacts that the ultimate DOS plan for reactivating and expanding existing waste transfer stations would have on the communities that surround them;

WHEREAS, there are repeated references to research projects to which citizens have not had access, although their taxes have paid for them; and

WHEREAS, the update includes nothing of the recommendations of the Borough Reports to promote more recycling and waste prevention, both urgently needed because problems with export increase with excessive Volume; and milestones for reducing waste are needed and not included, nor are plans to set up the repair and reuse programs and expanded composting, all necessary to waste reduction; and

WHEREAS, commercial waste export is not addressed, yet it comprises half of the NYC waste currently trucked out;

THEREFORE BE IT RESOLVED that CB#2, Man. urges the NYC Council to require of NYC's Department of Sanitation a true Solid Waste Plan Update and EIS be done, one that:

- 1) Includes air pollutants impacts of waste export, and the neighborhood impacts of reactivated and expanded waste transfer stations;
- 2) Includes the large component of commercial waste in the City's waste stream; and
- 3) Contains concrete plans for implementing waste reduction and increased recycling;

AND BE IT FINALLY RESOLVED CB#2, Man. urges the NYS Department of Conservation to withhold approval of this plan pending a revision, which addresses these essential issues.

Vote: Unanimous, with 45 Board members in favor.

3. Suspected Soil Contaminants at Proposed Site for "Bond Street Hotel" In oho

WHEREAS, CB#2, Man. has been advised of plans to purchase and develop as a hotel 32-40 Bond Street (North side between Lafayette St. and the Bowery) in the NoHo community; and

WHEREAS, research by the NoHo Neighborhood Association into the historical records of uses of the proposed hotel site and other NoHo sites has produced considerable information 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, and

WHEREAS, the majority of the undeveloped spaces in NoHo area have been used for automotive purposes during the last century, as the neighborhood served as an "automotive service center" for the surrounding residential and industrial communities, with repair shops, gasoline stations, truck and automobile parking garages and lots, and

WHEREAS, such automotive uses took place notably along Astor Place, Lafayette Street, Cooper Square, the Bowery, East 4th St., Great Jones St., Bond St. and East Houston St., and

WHEREAS, the lots proposed for the "Bond Street Hotel" are now used for car parking and were for many decades used as parking and service facilities for Hertz and Penske truck rental operations, complete with gasoline pumps and underground gasoline storage tanks a common source of soil contamination, and

WHEREAS, CB#2, Man. is on record recommending that, before such sites are 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; also, that 'wet-down' precautions be taken when the soil on any such site is disturbed, with shrouding in heavily contaminated areas of the site;

NOW THEREFORE BE IT RESOLVED that CB#2, Man. insists that the soil at 32-40 Bond St. be tested for toxic substances, that test results be disclosed to the community, and that appropriate precautionary and mitigation measures be undertaken, lest the NoHo community be put at risk for exposure to toxic substances made bio-available by release of toxins into the air and water and onto surrounding sidewalks and residences; and

BE IT FINALLY RESOLVED that CB#2, Man. urges NYC's Department of Environmental Protection and NYS' Department of Environmental Conservation to exercise their authority regarding the reasonable probability of the presence of toxic materials by requiring that soil tests be done before work is begun on any project in the NoHo community on sites which have historically had predominantly automotive and industrial uses, including the proposed "Bond Street Hotel" site.

Vote: Unanimous, with 45 Board members in favor.

4. Need For Adequate Sanitation Service for Heavily-Touristed Central Village Areas

WHEREAS, the central area of Greenwich Village - especially that area bounded by 7th Avenue on the west, 6th Avenue on the east, West 4th Street on the north, and Bleecker Street on the south - is plagued by constantly overflowing trash in street baskets and garbage blowing on the sidewalks and in the streets, creating an abundant food source for rats; and

WHEREAS, the street trash in this area is primarily generated by tourists, not by the residential and merchant communities; and

WHEREAS, concerned residents formed the Central Village Block Association to address this problem and have tried to work with the Department of Sanitation, without success, despite petitions with nearly 150 signatures of local residents and merchants, evidence of great community concern; and

WHEREAS, Councilperson Christine Quinn has written repeatedly and made many phone calls to the Department of Sanitation in an effort to help residents address this problem, also without success; and

WHEREAS, NYC's largest industry is tourism, and this part of Central Greenwich Village is among the top tourist attractions for visitor from the surrounding boroughs and states, as well as from all parts of the globe; and greeting tourists with unsightly heaps of trash on the street corners that spill onto the sidewalks and into the streets does not reflect well upon the reputation of this city; and

WHEREAS, overflowing trash blown into the streets eventually clogs the catch basins, exacerbating the problem of street flooding, and causing NYC Department of Environmental Protection to spend more money to clean the catch basins; and

WHEREAS, the NYC Department of Sanitation (NYCDOS) services this area inadequately, and inappropriately, as a residential neighborhood with pickups of street baskets only two times a day on Tuesday, Wednesday, and Thursday, and only one time a day on Friday, Saturday, Sunday, and Monday;

THEREFORE BE IT RESOLVED that CB#2, Man. supports the Central Village Block Association and Councilperson Quinn in their request that NYCDOS designate the area of Greenwich Village bordered by 7th Ave., 6th Ave., W. 4th St., and Bleecker St. as a special district without prejudice to the inclusion of other areas of the CB2 district, similar to other tourist destinations, such as Jones Beach and Times Square, thereby ensuring at least one additional pick-up on Tuesday, Wednesday, and Thursday, and two additional pick-ups on Friday, Saturday, Sunday, and Monday;

BE IT FURTHER RESOLVED that requests CB#2, Man. that NYCDOS position more street baskets in this area; and

BE IT FURTHER RESOLVED that CB#2, Man. requests that NYCDOS strictly enforce all laws pertaining to trash pick-ups in this area and restore baskets that have been removed from Sixth Avenue and Bleecker St. and other locations in Greenwich Village; and

BE IT FURTHER RESOLVED that CB#2, Man calls upon the NYCDOS to undertake the necessary studies and consultations to ascertain need and extend coverage to all the other qualifying and need sectors of the CB#2, Man. district; and

BE IT FINALLY RESOLVED that CB#2, Man asks that NYCDOS reinstate the Partnership Program between themselves and relevant businesses to address the problems created by the excessive amounts of trash and garbage generated by the fast-food and the take-out food industry.

Vote: Unanimous, with 45 Board members in favor

VII. EXECUTIVE SESSION II

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

3. BUSINESS

1. 229 Elizabeth Corp., d/b/a Café Habana, 229 Elizabeth St., a/k/a 17 Prince St., NYC

WHEREAS, in August 1998, CB#2, Man. adopted a resolution (copy attached) recommending denial of a liquor license to 229 Elizabeth corp., d/b/a “Café Habana,” located at 229 Elizabeth St. a/k/a 17 Prince St. for the reasons cited in that resolution, and

WHEREAS, almost two years later, on learning of the proposed 500’ hearing scheduled by your authority, numerous letters from residents in the area have again come in to CB#2, Man., so obviously the conditions which brought about the first recommendation for denial have not been remedied—loud music and noise, crowds on the street which are noisy and block the narrow sidewalks, even a fire hazard on one residential building due to cooking fat from an exhaust fan pooling on the roof,

WHEREAS, the applicant appeared before CB#2, Man. at the June 13th meeting of its Business & Institutions Committee requested that he had not yet filed with the SLA and wanted to use the CB#2, Man. forum to obtain community understanding and support, and

WHEREAS, it was found out that on the day following the CB#2, Man. hearing applicant files with the SLA, thus avoiding further meetings with the community and going against the agreed-upon understanding between CB#2, Man. and applicant that he would meet with the community before he made an application,

THEREFORE BE IT RESOLVED CB#2, Man. renews its former objections and urges the SLA to deny a license to 229 Elizabeth Corp to sell liquor on premises at 229 Elizabeth St. a/k/a 17 Prince St., NYC 10012.

Vote: Unanimous, with 45 Board members in favor.

2. 241 Sullivan St. Cafe Corp. d/b/a SHADE WINE BAR CAFE, 241 Sullivan St., NYC 10012 (up-grade).

WHEREAS the applicant has had a wine license for 2 years without any problems, and

WHEREAS this is a small establishment with only a capacity of 18 and is not planning to use either a backyard garden or sidewalk cafe, and

WHEREAS the hours of operation are 11 AM to 2 AM with background music only, and

WHEREAS there are 3 on-premises liquor licenses within 500' of the applicant's premises thus necessitating a 500' rule hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. does not object to the granting of an on-premises liquor license to 241 Sullivan St. Cafe Corp. d/b/a SHADE WINE BAR CAFE, 241 Sullivan St., NYC 10012, and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the views of the community can be heard.

Vote: Unanimous, with 45 Board members in favor.

4. PARKS, RECREATION AND OPEN SPACE

Proposal by Marc Jacobs to Use Seravalli Park

WHERE AS Marc Jacobs has proposed to use Seravalli Park for a fashion show September 15th, 16th, 17th, 18th, and Bleecker Park September 18th for the reception; and

WHERE AS this event calls for the erection of a 150 feet by 85 feet tent in Seravalli Park and a smaller tent in Bleecker Park; and

WHERE AS Seravalli Park is there to be used by our neighborhood children and not for a commercial use; and

WHERE AS solicited input from the community indicates much opposition to this proposal;

THEREFORE BE IT RESOLVED CB#2, Man. strongly urges the Department of Parks to turn down this proposal to use our 2 parks, Seravalli and Bleecker for commercial reasons.

Vote: Unanimous, with 45 Board members in favor.

5. CHAIR

Unofficial Letter

WHEREAS an anonymous letter headed "Personal and Unofficial" was sent to some CB#2, Man. members, on board stationary, without the authorization of the Chair and without his signature, a violation of procedure for the use of board letterhead; and

WHEREAS this unauthorized correspondence was sent using the board's postage meter, a violation of law and;

WHEREAS the letter's ostensible aim was support for the board's chair, but by its manner, temper and language militated against unity and amity among members;

THEREFORE BE IT RESOLVED that if the party or parties responsible are identified and if such individuals are members of the board, that they will be called upon to resign and if they refuse to resign that the board will work to have them removed. If such person or persons are staff members, they will be asked to resign and should they refuse the board will follow appropriate procedures to terminate their employment.

Vote: Unanimous, with 45 Board members in favor.

6. NEW BUSINESS

Board Members Mutual Support for Lora Tenenbaum

WHEREAS over the past several days, one or more persons who have kept their identities hidden have distributed copies of one or two newspaper articles containing unproven allegations involving the husband of board member Lora Tenenbaum; and

WHEREAS those copies were furtively placed on the community board literature table outside the board's monthly meeting hall and anonymously mailed to many board members; and

WHEREAS this dissemination clearly reflects a despicable and cowardly attempt to intimidate a board member or undermine her status on the board; but

WHEREAS the articles do not at all pertain or make any reference whatsoever to any board member or to any business of the community board; and

WHEREAS Lora Tenenbaum has served her community and community board in several leadership capacities, including as a Vice Chair of the Board to which she was recently reelected without opposition, with dedication, distinction and impeccable integrity; and

WHEREAS Lora Tenenbaum's community service exemplifies the best tradition of civic activism of our community; and

WHEREAS the contemptible attack on Lora Tenenbaum constitutes an attack on and an affront to the entire community board and all community board members;

THEREFORE BE IT RESOLVED 1) CB#2, Man. declares its unequivocal support for and solidarity with Lora Tenenbaum; and 2) CB#2, Man. calls upon Lora Tenenbaum to continue her outstanding and exemplary service to her community and community board without heed to the aforementioned articles; 3) CB#2, Man. condemns and censors any person involved with the aforesaid dissemination as contrary to standards of common decency and civic ethics, reflected by the clandestine fashion in which it was undertaken; and 4) CB#2, Man. further

declares that the aforementioned dissemination and the attempt of intimidation, will have no bearing whatsoever on Lora Tenenbaum's position or status with the community or her work on the board.

Vote: Unanimous, with 45 Board members in favor.

VIII. STANDING COMMITTEE REPORTS AND OTHER BUSINESS

INSTITUTIONS

Poe House

WHEREAS in a recent meeting on June 19th regarding the proposed NYU School of Law expansion plans for what is known as the Judson Church block Dean John Sexton solicited input and feedback from CB#2, Man. and neighborhood groups, and

WHEREAS an offer was made to any interested parties through CB#2, Man. who are willing to underwrite the cost of moving Poe House (more commonly known as 85 West 3rd St.) and

WHEREAS fund-raising efforts are now underway by the Poe Society, Poe Studies and Mystery Writers groups to implement the offer to move 85 W. 3rd St., along with efforts by City-wide and neighborhood preservation groups to suggest design alternatives concerning the Judson House properties on Thompson Street, and

WHEREAS the impending demolition of 85 West 3rd St. and the Judson House buildings will make the offer for community input and the moving of the Poe building moot, and

WHEREAS CB#2, Man. has scheduled a Public Hearing on these matters for Thursday, September 7, 2000 @ 7PM;

THEREFORE BE IT RESOLVED that CB#2, Man. respectfully requests that the NYU School of Law defer any demolition action on the Judson and Poe buildings until the requested community input can be heard and conveyed to the NYU School of Law and following this scheduled meeting.

Vote: Passed, with 44 Board members in favor and 1 recusal.

BUSINESS

1. MORLANG USA, d/b/a "undecided", 169 Sullivan St., NYC 10012

WHEREAS this will be a new establishment occupying space now at this location operating as Cafe Lure, and

WHEREAS this is a small place, 600 sq. ft., with 17 tables and 34 seats and a bar seating 7, and

WHEREAS the hours of operation will be 5 PM to 1 AM in both the indoor and outdoor seating areas, with music by tapes, and

WHEREAS there are 12 premises within the 500' radius of the applicant's premises, and

WHEREAS the area was posted and no one appeared at the hearing, nor does there appear to be any complaints at the CB#2, Man. office,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises license to Morlang USA, 169 Sullivan Street, NYC 10012, and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the views of the community can be heard.

Vote: Unanimous, with 45 Board members in favor

2. VIPACA, d/b/a Nostro Sapore, 64 Carmine St., NYC 10014

WHEREAS this will be a new establishment occupying space vacated by a former restaurant, and

WHEREAS the seating capacity is 45 seats at tables and 3 people at the bar, and

WHEREAS hours of operation will be noon to 11PM with music by tapes, and

WHEREAS the premises is due to open on July 7 with a "Conditional Letter of Approval" from the SLA and

WHEREAS no one appeared at the hearing and there does not appear to be any complaints at the CB#2, Man. office, and

WHEREAS there are more than 3 premises within 500' of the proposed restaurant,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of a on-premises license to Vipaca d/b/a/ Nostro Sapore, 64 Carmine St. and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the views of the community can be heard.

Vote: Unanimous, 45 Board members in favor.

3. Progressive Management LLC, d/b/a/ "???", 350 West 14 St., NYC 10003

WHEREAS applicant has submitted plans for a 2-level restaurant with seating for 200 persons on the first floor and 150 persons on the cellar level, and

WHEREAS this premises is situated in a residential building with 49 condominium units and abuts a recently renovated loft building at 345 W 13 St. which contains 50 condominium units, and

WHEREAS tenants from both 345 W. 13 St. and 350 W. 14 St. have voiced strenuous opposition to an establishment of this magnitude that will be serving liquor and will be a severe disruption to the quiet enjoyment of residential living to which the owners of these apartments are entitled, and

WHEREAS, among the complaints voiced at the hearing were: over saturation of the area with bars and restaurants serving liquor; the closing hours of the premises with people spilling out onto the street up to 30 minutes later; the limited menu and small kitchen size which seemed to indicate more of a bar than a restaurant; that it was too big; that the space above the low portion of the restaurant would trap and magnify noise from the proposed facility; that the location would encourage car and taxi traffic and the confused street patterns would lead to traffic problems. Joining the residential protesters was the Chelsea Village Partnership; and

WHEREAS the area already has at least 15 other establishments with on-premises liquor licenses.

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends denial by the SLA of an on-premises license to Progressive Management LLC, 350 West 14 St., NYC 10014,

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the concerns of the community can be heard.

Vote: Passed, with 44 Board members in favor and 1 in opposition.

312 Spring St. d/b/a "no name yet", 312 Spring St., NYC 10012

Vote: No resolution - request that applicant return next month.

Bowlmor Lanes, 110 University Place, NYC 10003

WHEREAS the applicant has submitted plans to convert a tennis bubble on the roof of 110 University Place to a restaurant and pool hall for 150 plus people, and

WHEREAS questions were raised as to sound problems caused by using an outdoor bubble for food and liquor service, and

WHEREAS questions were also raised about the fire safety of using a bubble with narrow passageways around it to accommodate that many people instead of the about 16-20 that it was constructed for, and

WHEREAS there are probably at least 3 other premises selling liquor within the 500' radius besides the two on-site bars in the bowling alleys under the same management,

Vote: No vote; Laid over until next month.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Fruit stand at corner of Broadway and East Houston St.: Proposed new license agreement with Metropolitan Transportation Authority.

The matter is continued until next month, as the applicant could not appear.

2. Application to NYCDOT for revocable consent to construct, maintain and use a subsurface telecommunications conduit to connect facilities at #721-725 Broadway and those at 740 Broadway. This conduit will be used for NYU's private communications only.

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

WHEREAS the applicant wishes to provide improved telecommunications services between the Petitioner's building at 721-725 Broadway and offices leased from Lafayette Astor Associates, L.L.C., located at 740 Broadway and 10 Astor Place (740 Broadway and 10 Astor Place are directly adjacent and commonly owned) and;

WHEREAS the engineer represented that the work would take from start to finish 7-10 days, excluding Saturday and Sunday and;

WHEREAS no one from the community appeared to speak against the application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of the application to NYCDOT for revocable consent to construct, maintain and use: subsurface telecommunications conduit to connect facilities at #721-725 Broadway and those at #740 Broadway.

VOTE: Unanimous, with 45 Board members in favor.

3. New application for revocable consent to operate an unenclosed sidewalk cafe by New Image 2000 Corp. d/b/a Little Basil, 39 Greenwich Ave., with 27 tables and 60 seats, DCA #1035734.

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

WHEREAS the applicant agreed to a reduction in tables from 27 to 13 and seats from 60 to 26 and;

WHEREAS there is sufficient passage for pedestrian access and;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to New Image 2000 Corp. d/b/a Little Basil, 39 Greenwich Ave., with 13 tables and 26 seats, conditioned on receiving revised plans prior to the next full board meeting DCA #1035734.

VOTE: Unanimous, with 45 Board members in favor.

4. New application for revocable consent to operate an unenclosed sidewalk cafe by Le Gans Restaurant, 46 Gansevoort St., with 20 tables and 40 seats, DCA #1034274.

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

WHEREAS the applicant agreed to a reduction in tables from 20 to 9 and seats from 40 to 18 and provided, per the committee's request, a copy of the letter of DOB's letter rescinding the revocation on the premises;

WHEREAS there is sufficient passage for pedestrian access and;

THEREFOR BE IT RESOLVED that CB#2, Man. recommends approval of the application of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Le Gans Restaurant, 46 Gansevoort Street, with 9 tables and 18 seats.

VOTE: Passed, with 41 Board members in favor and 4 in opposition.

5. New application for revocable consent to operate an unenclosed sidewalk cafe by Twelfth Street Corp. 225 West 12th St., with 13 tables and 26 seats, DCA #1035310.

WHEREAS the area was posted, the applicant appeared before the committee and 1 member of the community spoke in support of the application;

WHEREAS there is sufficient passage for pedestrian access and;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Twelfth Street Corp. 225 West 12th St., with 13 tables and 26 seats, DCA #1035310.

Vote: Passed, with 35 Board members in favor and 10 in opposition.

6. New application for revocable consent to operate an unenclosed sidewalk cafe by Luna Italian Restaurant, Inc., 110-112 Mulberry St., with 6 tables and 12 seats, DCA #1035411.

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

WHEREAS pursuant to the plans of the applicant there is not 8 feet of sidewalk space from the curb to the proposed sidewalk cafe per the City's rules and regulations and;

THEREFORE BE IT RESOLVED that there is insufficient passage for pedestrian access and:

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Luna Italian Restaurant, Inc., 110-112 Mulberry St., with 6 tables and 12 seats, DCA #1035411.

Vote: Unanimous, with 45 Board members in favor.

7. New application for revocable consent to operate an unenclosed sidewalk cafe by Frank Et Arnaud d/b/a Camaje, 85 Macdougall St., with 1 table and 2 seats, DCA #1037077.

WHEREAS the area was posted, the applicant appeared before the committee and 4 members of the community spoke in support of the application;

WHEREAS there is sufficient passage for pedestrian access and:

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Frank Et Arnaud d/b/a Camaje, 85 Macdougall St., with 1 table and 2 seats, DCA #1037077.

Vote: Unanimous, with 45 Board members in favor.

8. New application for revocable consent to operate an unenclosed sidewalk cafe by BCD Restaurant Corp., d/b/a Hudson Corner, 570 Hudson St., with 14 tables and 20 seats, DCA #1029547.

The matter was rescheduled for next month's meeting as the applicant failed to appear.

9. New application for revocable consent to operate an unenclosed sidewalk cafe by David's Rio Mar, 7 Ninth Ave., with 10 tables and 20 seats, DCA #1034274.

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

WHEREAS this is the oldest restaurant in the Meat Market:

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to David's Rio Mar, 7 Ninth Ave., with 10 tables and 20 seats, DCA #1034274.

Vote: Passed, with 41 Board members in favor 3 in opposition and 1 abstention.

TRAFFIC AND TRANSPORTATION

Houston Street Plan

WHEREAS the New York City Department of Transportation (NYCDOT) has submitted preliminary plans for the reconstruction of East-West Houston Street between the Bowery and West Street to CB#2, Man., and asked for comments; and

WHEREAS the principal improvements include: 5 new turn bays, expanded medians in some locations, some pedestrian refuges, some corner and side extensions, reduction of north-south crossing distances in 12 locations, the connection of the Bedford Triangle to the mainland with sidewalk widenings and enhancements, plus amenities such as Flatbush-type light poles, relocation of street furniture away from corners, granite curbs and tinted sidewalks in landmarked areas, median plantings, and new street trees; and

WHEREAS this plan calls for the widening of West Houston Street, between 6th Avenue and Washington Street by 3 feet, to be taken from the sidewalks; and

WHEREAS CB#2, Man., has reviewed these preliminary plans and still does not see a coherent pattern of pedestrian accommodation, i.e. reduced crossing distances using either median tips or corner extensions or both, through each of the intersections along this corridor, for example the eastern crossing at Mercer Street, and both crossings at West Broadway; and

WHEREAS our board continues to be concerned about potential accidents resulting from turning conflicts at heavily trafficked intersections such as Broadway, West Broadway, the Bowery, and other intersections where turning bays are planned; and

WHEREAS there is no explanation as to why Crosby Street has been chosen to be closed by a continuous median which could potentially cause a very dangerous "dead" street between Houston and Bleecker ; and

WHEREAS the plan shows no indication about signal timing for pedestrian crossings; and

WHEREAS there is no indication that there are the necessary pedestrian ramps or similar type provisions (e.g. protected pathways cutting through) on the medians at crosswalks for disabled access, which we urge to be incorporated;

THEREFORE BE IT RESOLVED that CB#2, Man., thanks NYCDOT for presenting us with their latest plans; and

BE IT FURTHER RESOLVED that, CB#2, Man., requests that NYCDOT send a representative to our Traffic and Transportation Committee to clarify these plans and respond to our concerns; and

BE IT FURTHER RESOLVED that CB#2, Man., reaffirms its strong opposition to the widening of Houston Street between 6th Avenue and Washington Street, as stated in our resolution adopted at our May 2000 meeting and sent to the NYC DOT on June 7, 2000.

Vote: Unanimous, with 45 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1. LPC Item: 15 - 3-7 Wooster Street A vacant lot. Application is to construct a new 7-story building.

WHEREAS, the applicant was responsive to the concerns of the community and modified the proposal to help mitigate these concerns; and

WHEREAS, notwithstanding the fact that the community board is disappointed that the building is not a more accurate interpretation of 19th century architecture;

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

Vote: Unanimous, with 45 Board members in favor.

2. LPC Item: 8 - 361 Bleecker Street (Charles/W.10) An Italianate-style rowhouse built in 1829 and altered ca. 1858. Application is to legalize installation of a storefront, security gates, and awning without LPC permits.

WHEREAS, the air conditioner is installed through the storefront masonry; the awning is fixed with closed sides; the security gate outside the window is inappropriate for this building;

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

Vote: Unanimous, with 45 Board members in favor.

3. LPC Item: 9 - 387 Bleecker Street (Perry/W.11th) A rowhouse built in 1817. Application is to install a storefront.

WHEREAS, we appreciate the retractable awning; but

WHEREAS, the proposals to the lengthen the doorway, to remove the residence door step, and to replace the 3 over 3 windows with a single-pane window are out of character with the building; and

WHEREAS, the residence door transom proposed to be replaced may be original; and

WHEREAS, the bulkhead should have an inset panel and be higher than the proposed 14' bulkhead; and

WHEREAS, we object to the lack of detail in the storefront, specifically the absence of mullions and a molded surround; and

WHEREAS, the proposed design bears no resemblance to a Federal-style storefront; and

WHEREAS, we have concern that historic fabric may be hidden under later construction;

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

FURTHER, BE IT RESOLVED that CB#2, Man. recommends removal of the non-original fabric around the residence door to determine the extent of the original doorframe and transom.

Vote Unanimous, with 45 Board members in favor

4. LPC Item: 10 - 33 Fifth Avenue

WHEREAS the applicant was unable to appear to before the Landmarks Committee;

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

Vote: Unanimous, with 45 Board members in favor.

5. LPC Item: 11 - 87 7th Avenue South

WHEREAS, the applicant appeared before the Landmarks Committee, but unfortunately did not have boards or renderings.

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

Vote: Unanimous, with 45 Board members in favor.

WATERFRONT

1. Proposal for Wigstock Event on Pier 54

WHEREAS DBK Events has asked for Board Approval of locating Wigstock on Pier 54 on Sunday, September 3, 2000 from 2:00 p.m., - 10:30 p.m., and

WHEREAS these same promoters have successfully held Wigstock on Pier 54 since 1997, with no problems, and **WHEREAS**, the promoters have promised to limit ticket sales to 10,000 people, have made appropriate security arrangement with the NYPD and HRPT, and have agreed to donate all money raised to GMHC, it is hereby;

THEREFORE BE IT RESOLVED that CB#2, Man. approves the production of Wigstock on September 3, 2000 on Pier 54.

Vote: Unanimous, with 45 Board members in favor.

2. Rats

WHEREAS the removal of pier decking on various Hudson River piers alongside Greenwich Village has added to the rat population currently plaguing the West Village and

WHEREAS the addition of these rats has pushed the West Village rat population to

WHEREAS, baiting only west of Route 9A has not stemmed the rat population coming from the piers and bulkhead, therefore be it

THEREFORE BE IT RESOLVED that CB#2, Man. asks The Hudson River Park Trust, NYSDOT, NYCDOT, the Mayor's Rat Task Force and the Borough Presidents Rat Task Force to undertake a systematic baiting program from 6th Avenue west to the Hudson river to stop the rat menace; and

BE IT FURTHER RESOLVED that CB#2-Man. urges that the NYC Dept. of Health's office of Pest Control be restored to full staffing so that it may once more be an effective force in preventing rat propagation through clean-up of problem sites and education of the public in rat prevention and

BE IT FURTHER RESOLVED that CB#2-Man. calls upon the city, the Department of Health, and The Hudson River Park Trust, NYSDOT, NYCDOT, the Mayor's Rat Task Force and the Borough Presidents Rat Task Force to evaluate and extend rat baiting throughout the CB#2, Man. District in recognition to the dire needs and severe rat problem throughout our District; and

BE IT FURTHER RESOLVED that HRPT is requested to prevent future release of rat populations into the community by massively baiting piers prior to commencement of demolition work.

Vote: Unanimous, with 45 Board members in favor.

ZONING & HOUSING

58-60 Greene Street (between Broome & Spring Streets) App.# C000106 ZSM

WHEREAS, 60 Greene Realty LLC seeks a special permit pursuant to ZR Sec.74-711 in order to (a) enlarge a building occupied by JLWQA (UG17D) by building a penthouse; (b) permit JLWQA in the penthouse and (c) legalize the UG6 retail store that has occupied the ground floor and basement since 1990; and

WHEREAS, CB#2, Man. started receiving protests against the proposed enlargement as soon as construction started in 1999. Approximately 20 neighbors attended the Zoning Committee's meeting to voice their oppose the application; and

WHEREAS, the predominant uses of the 80 or so windows sharing the courtyard with the Applicant relate to UG17D (Joint Living-Work Quarters for Artists). Artists are often dependent on available natural light and could be severely impacted by the extension of this building through the construction of a penthouse. This is not a matter of people who might lose their view but a matter of artists whose ability to continue manufacturing their art, and thus their livelihoods, could be impacted; and

WHEREAS, the applicant has a history of violations from the ECB and DOB in connection with the construction of the extension. The bulk of these violations display a worrisome disregard for the safety of the occupants of the building and for the safety of its neighbors. Also the Applicant's indifference to damage caused to adjacent buildings should not be taken lightly. Violations (and defaults) were as follows:

- violations re use of combustible materials - in the new stair bulkhead constructed at rooftop-south side at lot line and in the party wall extension (wood studs) (November 1999)
- Failure to meet plan requirements (Structural plans architectural plans unclear as to construction method.) (Former contractor; November 1999) (Default)
- Partial obstruction of roof exit at 5th floor (March 2000) (Hearing date pending)

WHEREAS, the applicant cites a number of rooftop penthouses as proof that penthouses are normal course in the neighborhood. However CB#2, Man. asked the Buildings Department to check if any of those buildings had received permits to construct penthouses. DOB was unable to provide such evidence with the exception that 80 Greene received a permit to renovate an existing penthouse. The protesting neighbors have testified that at least three of the penthouses are, in actuality bulkheads; and.

WHEREAS, CB#2, Man. had the opportunity to see the architectural drawings for the interior of the penthouse, which show a lovely residential apartment with a living room, kitchen, two bedrooms, two baths and more than 1500 square feet of decking and terrace. There was no accommodation for an artist's studio, and no indication that this was being built to satisfy an artist's need for a large working space; and

WHEREAS, the Applicants claim that the use of the occupied floors is conforming. However, although told about a year ago that CB#2, Man. would want proof that at least one person in each currently occupied JLWQA is certified as an artist by the Dept. of Cultural Affairs, no such proof was provided; and

WHEREAS the attached "Manhattan Transfers" article from *The New York Observer* reports the sale of the third-floor apartment of 60 Greene Street to an advertising executive; and

WHEREAS, all of the above causes CB#2, Man. to fear that the Applicant's claim that the use of the extension will be JLWQA is not made in good faith; and

WHEREAS, with respect to the third portion of this tripartite application, CB#2, Man. reiterates its position that eating and drinking uses should be carved out of the UG6 uses permitted below the second story in SoHo. While we find that the current retail store usage is consistent with the uses in the area, we would like to see the special permit restrict the uses below the ground floor to UG6 uses other than eating and drinking establishment

THEREFORE BE IT RESOLVED for the reasons cited above, CB#2, Man. recommends THAT:

- (a) A special permit legalizing the current retail use below the second story be issued;
- (b) No special permit be issued for the extension of the building;
- (c) In the event the penthouse, and JLWQA uses within the penthouse, is permitted, City Planning work closely with the Buildings Department and the Department of Cultural Affairs to make sure that the permitted use is, indeed, the actual use.

Vote: Unanimous, with 45 Board members in favor.

14TH STREET SPECIAL COMMITTEE

Placement of Dog Run

WHEREAS the Joint 14th Street Committee has no objection to the placing of a dog run in the southern edge of the passive recreation triangle park proposed for West 14th Street and 10th Avenue except that it is small and would accommodate a limited amount of dogs and owners; and

WHEREAS there is a large area available on Little West 12th Street, West 13th Street and West Street that was used as a staging area for the 9A Project and now partially as a parking area for trucks, that would accommodate a larger number of dogs and allow them running and socializing space; and

WHEREAS this space is on the East Side of 9A and would not necessitate crossing the very busy 9A and would not be surrounded by heavy traffic; and

THEREFORE BE IT RESOLVED that CB#2, Man. supports a dog run open to all dog owners at the site located at West Street, between Little West 12th and 13th Streets.

Vote: Unanimous, with 45 Board members in favor.

Respectfully submitted,

Michael Mirisola, Secretary

