

## FULL BOARD MINUTES

**DATE:** July 19, 2001  
**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, Steve Ashkinazy, Tobi Bergman, Glenn Bristow, Helene Burgess, Charle-John Cafiero, Anthony Dapolito, Doris Diether, Carol Feinman, Harriet Fields, Alan Jay Gerson, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Honi Klein, Lisa LaFrieda, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) MacPherson, Rosemary McGrath, Doris Nash, T. Marc Newell, David Reck, Carol Reichman, Robert Rinaolo, Ann Robinson, Debra Sandler, Rocio Sanz, Shirley Secunda, Ruth Sherlip, Melissa Sklarz, Verna Small, Sean Sweeney, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Suzanne Williamson, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Rev. Keith Fennessy, Don Lee, Edward Ma, Arthur Z. Schwartz, John Short, James Smith, Betty Williams.

**BOARD MEMBERS ABSENT:** Keith Crandell, Noam Dworman, Lora Tenenbaum

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

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Scott Melvin, Senator Tom Duane's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Debbie Roth, Assemblymember Deborah Glick's office; Boaz Green, Councilmember Kathryn Freed's office; Andree Tenemas, Councilmember Margarita Lopez' office; Maura Keaney, Councilmember Christne Quinn's office, Blane Roberts, Man. Borough President's office; Joan Engel, Barbara Hodes, Mary K. Doris, Boaz Green, Leah Kane, Frank Eng, Sabina Wong, Norman K.M Wong, Kate Cavanaugh, Linda Schulze, David Finnegaan, Carl Kaner., Susan Weinstein, Bonnie Lucas, Eric Barrett, John Brescio, Claire Counihan, Louis S. Reich, B. Mui, Carol Rosenthal, Chris Schlank, Carol Lewis, Jennie Gip, Kau Hayd, Robert McBrien, Stas Salarzewski, Ophaso Southiphong, Steven Segure, Sal Croce, Marissa Feeney, Julie Gross, Larry Loewinger, Frank Struck, Frank Corbett, Marie Potenza, Dex Freeman, Janet Freeman, Richard Tschudy, Karen Lanza, Thomas McCallen, George Rudge, Craig Silver, Frank Costanza, Kerry Hanna, Sal Sillitti, Albert Bennett, Wendy Doremus, Denre Straussey, Margaret Zarcone, John Fratta, Margaret Hickey, Paul Westin, Jean Krampner, Betty Rinckwitz, Kelly Christy, Wendy Evans, Briant Stringham, Janice De Young, Andrea Sullivan, Jan T. Westervelt, Aric Obrose, Chad Benestante, Joe Bastianich, Mario Batali, Robert Palermo, Sante Scardillo, Stan Lachow, Barbara Lachow, Terri Howell, Diane Dreyfys, Bruce & Suzanne Poli, Susan Goren, Margaret Chin, Betsy Mickel, Kathryn Donaldson, Anna Miner, Elaine Goldman, Pryor Dodge, Lynn Seeney, Jill Tucker, Norma Schwartz, James Oleyar, Arye Sivion, Renato De Maria, Kristin Slaby, Carroll Chiu, Glenn Berman, Jerry Kraus, Michele Conizo, Drew Olewnick, Fgreda Fried, Bill Biggart, Bernadita Berman, Maria Clark, Samantha Berman, Joe Valdivia, Elizabeth Mann, Karen Hayden, Paul M. Westin, Jason Miner, David Poster, Dennis Marino, Stuart Waldman, Michael Takis, Danielle L.Day, Caleb Omens, William Clifton, Diane Dreyfus, Renee M. Soncy, Michele Volnp, Maria De Spinelli, Edith Pena, Tessie Calderazzo, J.T. Simpson, Joan Engel, Linda G. Schulze, John Mattoni, Larry Loewinger, Brandy Mui, Eugenia Velazquez, Raul Velazquez, Lawrence White, Joshua Blum, Julie Hoover, Rika Surnttam.

### MEETING SUMMARY

Meeting Date – July 19, 2001  
Board Members Present – 39  
Board Members Excused– 7  
Board Members Absent - 3

## I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	3
STANDING COMMITTEE REPORTS	3
BUSINESS	3
TRAFFIC AND TRANSPORTATION	12
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	14
LANDMARKS	17
ZONING AND HOUSING	19
SOCIAL SERVICES, HOMELESS & SENIOR SERVICES	21
LESBIAN, GAY, BISEXUAL & TRANSGENDER	22
WATERFRONT	22
NEW BUSINESS	23
ROLL CALL	24

## II. PUBLIC SESSION

### Non-Agenda Items

#### Bob Bolles Triangle at Watt St.

Lawrence White spoke regarding the removal of the art at the Triangle.

#### William F. Ryan Community Health Center

M. Zarcone spoke regarding the health center.

### Business Items

#### Two Potato, 143 Christopher St.

Marissa Fenney, Frank Constanza, James Oleyar, Suzanne & Bruce Poli, Wendy Doremus, Elaine Goldman, Briant Stringham, Bernadita Berman, Terri Howell, Wendy Evans, Barbara & Stanley Lachow, Renato De Maria, Maria Clark, Samantha Berman, Joe Valdivia, Eric Barrett, Andrea Sullivan, Elizabeth Mann, Kristin Slaby, Frank Corbett, Chad Benestante, Karen Hayden, Arye Sivion, Janice De Young, Margaret Hickey, Anna Miner, Paul M. Westin, Jasoin Miner, Frank Struck, Glenn Berman, Sal Sillitti, Kathryn Donaldson, David Poster, Betsy Mickel, Dennis Marino Stuart Waldman, Kerry Hanna, Carl Kanev, Susan Weinstein Kanev, Marie Potenza, and Bill Biggart, spoke in favor of the resolution recommending denial of the renewal.

#### Icon, 220 Bowery

Michael Takis spoke against the application for a liquor license.

#### Brasserie Felix, 340 West Broadway

Don MacPherson spoke in favor of the liquor license.

#### Hive Five, 197 Mott St.

Michael Takis, Pryor Dodge, Jill Tucker, Drew Olewnick, Karen Lanza, Danielle L. Day, Caleb Omens, Freda Fried, William Clifton, Diane Dreyfus, Aric Obrosey, Carroll Chiu, Jan Westervelt, Renee M. Soncy, Michele Conizo, Frank Eng, Sabina Wong, Norman Kam Man Wong, Carol Lewis, Michele Volno, Boaz Green, Councilmember Kathryn Freed's office, Dex Freeman, Bonnie Lucas, Ms. Maniscalco, Maria Di Spinelli, Edith Pena, Tessie Calderazzo, John Fratta, J.T. Simpson, Kelly Christy Sante Scardillo, Jill Tucker, Richard Tschudy, Joan Engel, Janet Freeman, Linda G. Schulze, Richard Tschudy, John Mattoni, Julie Gross, Craig Silver, Lynn Seeney, Larry Loewinger, Brandy Mui, Eugenia Velazquez, Raul Velazquez, Ophaso Southiphong, John Brescio, and Rika Surnttam, spoke in favor of the resolution recommending denial of the new liquor license.

#### Babbo, 110 University Place

Barbara Hodes, Robert Palermo, and Michael Gross, spoke in favor of the resolution opposing the renewal of the liquor license.

Joe Bastianich, principal, spoke against the resolution. Julie Hoover spoke regarding the restaurant.

### **III. Adoption of Agenda**

### **IV. Elected Officials Present and Reporting**

Daryl Cochrane, of Congressman Jerrold Nadler's office

Scott Melvin, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Debbie Roth, of Assemblymember Deborah Glick's office

Boaz Green, of Councilmember Kathryn Freed's office.

Andree Tenemas, Councilmember Margarita Lopez' office,

Maura Keaney, of Councilmember Christine Quinn's office

### **V. Adoption of Minutes**

Adoption and Distribution of June minutes.

### **VI. Executive Session**

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

### **STANDING COMMITTEE REPORTS**

#### **BUSINESS**

#### **1. Assembly Bill by Assemblymember Richard Gottfried re "Stipulations"**

**WHEREAS** Assemblyman Richard Gottfried has submitted a new bill which would authorize the State Liquor Authority to include terms and conditions as part of the grant of a liquor license, with the authority to make them legally enforceable, and

**WHEREAS** this would give the stipulations of the Community Board and other entitled persons some guarantee that conditions agreed to by the applicant would be legally binding,

**THEREFORE BE IT RESOLVED** that CB#2, Man. endorses this new legislation an amendment to Section 55 and other sections of the alcoholic beverage control law, as submitted by Assemblyman Richard Gottfried.

Vote: Unanimous, with 39 Board members in favor.

#### **2. 110 Waverly Pl. - Babbo Restaurant**

**WHEREAS** there were 2 violations for no Place of Assembly license still noted on the ECB records, although the applicant submitted a print-out indicating that the application for the license had been filed on August 21, 2000, and approved on December 1, 2000, and

**WHEREAS** a violation dated July 12, 2000, also shows on the ECB records for "Work does not conform to approved plans" specifically noting the 3rd and 4th floors, and it is not clear whether the applicants print-out re Change of Egress is related to this violation, and

**WHEREAS** the applicant has received a "Permit for Minor Work" from the Landmarks Preservation Commission (LPC) dated May 24, 2000, dealing with their outstanding violation for installation of lighting fixtures without permit, and

**WHEREAS** the LPC notified CB#2, Man. on May 29, 2001, that they would be issuing a Warning Letter to the restaurant for window replacement at the 2nd floor facade, and

**WHEREAS**, during the Public Hearing a number of residents from the area voiced complaints about conditions mostly at the rear of the restaurant which were affecting them - cooking smells day and night, noise

from the new ventilation system installed on the roof of the 1-story extension of the restaurant, roof structures on this extension interfering with the use of the adjacent properties yards and patios, and

**WHEREAS**, during the discussion the lawyer was asked about the use of the two former residential floors, and stated that they were to remain vacant, but then added that they might be used for storage by the restaurant which would be a commercial use; and

**WHEREAS** the questions was again raised about the lack of a variance for this restaurant since the former restaurant had been closed for about 5 years before Babbo opened, and

**WHEREAS**, in February 1998 when CB#2, Man first heard the application for a liquor license for this space, the resolution stated that there was no neighbor opposition, but stated: "**THEREFORE, BE IT RESOLVED**BE IT RESOLVED that CB#2, Man. recommends that the applicant have the building's owner apply to the NYC Board of Standards & Appeals for a zoning variance to allow for a restaurant, and "**BE IT FURTHER RESOLVED** that CB#2-Man recommends that the SLA postpone any action on this matter until such time as a variance from the NYC Board of Standards and Appeals has been obtained," and

**WHEREAS**, at the meeting, the applicant stated that he would supply the Committee with copies of the material submitted to the Dept. of Buildings and the SLA to prove that there had been no interruption in the operation of the restaurant, and

**WHEREAS**, the day after the meeting, the applicant's attorney submitted a letter to Chairman Jim Smith dealing with the neighbor's complaints, and further stated "With respect to this issue, Babbo has long since passed muster before the New York City Department of Buildings, the State Liquor Authority and all other City and State agencies with regulatory authority regarding its existence and operation, Babbo will no longer subject itself to addressing an issue which was determined in 1998 as to its right to operate at 110 Waverly Place," and

**WHEREAS**, besides recollections from many members of the community, there also appears to be numerous newspaper articles which refute the argument that the restaurant use at 110 Waverly Pl. never ceased operation, (see attached);

**THEREFORE, BE IT RESOLVED**BE IT RESOLVED that CB#2, Man opposes the renewal of the liquor license for 110 Waverly Pl., Babbo, based on the various complaints from neighbors and documentation and Recollections from community residents that the restaurant use was discontinued for more than two years and no variance was secured to reinstate this use.

Vote: Passed, with 16 Board members in favor, 15 in opposition and 1 recusal (L. La Frieda).

#### **Documentation on Babbo & Coach House**

*N.Y. Times*, Dec. 24, 1993 - "Diner's Journal" by Florence Fabricant "No More Coach House"

The Coach House, at 110 Waverly Place in Greenwich Village, has closed. The restaurant, long a landmark and once considered the best American restaurant in New York City, closed in the summer for vacation and never reopened. It has now been permanently closed by the owner, Leon Lianides, who is 76 years old and has not been in good health. The restaurant and building are for sale at an asking price of about \$3.5 million.

*N.Y. Times*, Jan. 2, 1994 - "Neighborhood Report: Greenwich Village - an Appreciation. "After 44 years and 4 proud stars, dinner is over at the Coach House." by Bryan Miller

"When the 44-year-old Coach House, at 110 Waverly Place, closed officially just before Christmas, the Village, indeed the city, lost a culinary icon..."

"The 76-year-old Mr. Lianides, who has been in failing health in recent years, never reopened the restaurant after closing for vacation last summer."

*Stribling, Wells & Gay*, 340 West 23 St.

EXCLUSIVE - 110 Waverly Pl. between Sixth Ave. & Macdougall St. Description: 4 story decontrolled brick walk-up with The Coach House Restaurant on street level and three apartments above leased on a month-to-month lease. Remarks: Building can be delivered vacant.

Faxes out to prospective buyer Feb. 17, 1997

*N.Y. Times*, 1998 - A New Restaurant replaces a Village Landmark by Florence Fabricant "The Coach House, which was founded nearly 50 years ago, has stood silent and shuttered on Waverly Place just off Washington Square since 1993..."

"By the time the Coach House closed for summer vacation in 1993, never to be opened by Mr. Lianides, whose health was failing, its status has slipped from the four stars it enjoyed in the 1970s and 80's to a single, somewhat bedraggled attar,

"After the restaurant closed, Mr. Lianides hoped to sell the building. The asking price was \$3.5 million.

*N.Y. Times* - June 3, 1998 - Obituary

Leon Lianides, 81: Opened Fine Restaurants to U.S. Cuisine

"Leon Lianides, the demanding owner of the Coach House restaurant in Greenwich Village, died Monday at his home in Riverdale, the Bronx. He was 81..."

"In the summer of 1993, the Coach House closed for the summer, and in December 1993 it was put up for sale. In January, it was announced that a new Mediterranean restaurant, Grillo, would open there."

*The Villager*, June 10, 1998 - Obituary

Leon Lianides, Coach House restaurant owner, died at 81

"Leon Lianides, who founded the Coach House, one of the city's premier restaurants, in the Village in 1949 and ran it until it closed in the summer of 1993, died June 1<sup>st</sup> at the age of 81..."

"The location, which has been vacant since Lianides put the place up for sale in 1993, has been remodeled and a new restaurant, Babbo, appears ready to open soon."

### **3. 391 Sixth Ave. - Pizzeria Uno Chicago Bar & Grill**

**WHEREAS** this applicant was called in for a violation still noted on the ECB records installation of an awning without permit, an awning made of metal frame and plaster grills on the underside of an illuminated awning "UNO", approximate side 25' by 4'. And

**WHEREAS** the restaurant applied to the Landmarks Preservation Commission and was granted a permit for minor work for removal of the box awning and replacing it with a fixe, sloping awning with loose skirt and open sides covered in canvas, per photo montages submitted, and

**WHEREAS** the awning has now been replaced with the Landmarks approved awning,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the renewal of the liquor license for Pizzeria Uno Chicago Bar & Grill at 391 Sixth Ave.

Vote: Unanimous, with 39 Board members in favor.

### **4. 197 Mott St.. - Hive Five**

**WHEREAS** the applicant appeared at our June meeting with an incomplete application and sketchy plans, and

**WHEREAS** this is a large space of 5,000 sq. ft., plus mezzanine, with a capacity of over 200 persons, and

**WHEREAS** the applicant was told to come back in July with a more complete set of plans, and

**WHEREAS** certain statements by the applicant about the surrounding area were contested by residents of the area who attended the June meeting, and

**WHEREAS** there are at least 26 other establishments in the immediate area with licenses, and

**WHEREAS** between the two meetings, individual letters were received from 16 residents, letters were received from Councilwoman Freed and LINA, and petitions were signed by 41 businesses in the area and 415 residents, and

**WHEREAS** the applicant informed the chair at 3 PM Friday before the Monday meeting that he would not be ready to attend the meeting, and

**WHEREAS** this is a narrow street incapable of handling a large amount of traffic, and

**WHEREAS** the buildings surrounding this site are residential buildings, with windows overlooking the skylight of the proposed establishment, and

**WHEREAS** a resident of One Fifth Ave., the site of another of the applicant's establishments, complained at the meeting about noise from that establishment, and

**WHEREAS** other uses more compatible with the community have been suggested for this site - an expansion of the Judson Health Center directly behind this building, moderate income housing, etc. - but the owner who is in Florida has kept this building off the market or asked too much money, and

**WHEREAS**, in view of the massive community protest about this project, it seems unlikely that the applicant could come up with any proposal which would not be opposed by the community,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. opposes this application from Hive Five, for a new liquor license at 197 Mott St.

(The day after the meeting a Fax was received from the applicant's lawyer "to remove itself from consideration before Community Board No. 2 for the time being...

I will inform you as to when my client will be ready to appear before the and until such time, my client will not file any application with the New York State Liquor Authority.")

Vote: Unanimous, with 39 Board members in favor.

**5. 99 Bank St., - Nadine's New Restaurant Corp. - transfer**

**WHEREAS** this is a purely technical application suggested by their lawyer since some of names on the original license are no longer connected to the operation, and

**WHEREAS** this restaurant has been in operation since April 1987 and no change will be made in the operation of the restaurant,

**THEREFORE, BE IT RESOLVED** that CB# 2, Man. has no objection to this new license for Nadine's, at 99 Bank St.

Vote: Unanimous, with 39 Board members in favor

**6. 100 Bowery - Fu Wong Restaurant, Inc. - beer license**

**WHEREAS** this is an Asian restaurant with a busy lunchtime crowd, and

**WHEREAS** it has a capacity of 118 seats with hours from 11 AM to 11 PM, and

**WHEREAS** there are no plans to have either a sidewalk cafe or backyard use, and

**WHEREAS** it has a full menu,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new beer license for Fu Wong Restaurant at 100 Bowery.

Vote: Unanimous, with 39 Board members in favor.

**7. 308 Bowery – Bowery Poetry Club, - on-premises liquor license**

**WHEREAS** this is to be a bar-restaurant with a capacity of 120 persons, and

**WHEREAS** the hours of operation will be from 10 AM to midnight with occasional nights to 2 AM, and

**WHEREAS** this is planned as a special use space, with classes for children during the day, lunch with coffee, and poetry readings, creating a showcase for poets to display their work, and

**WHEREAS** there was some community opposition based on-the proliferation of licenses in the area, but

**WHEREAS**, since NoHo is an arts area, and this establishment is, rather than just a restaurant/bar, a place with the stated purpose of encouraging the arts,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not object to a liquor license for Bowery Poetry Club at 368 Bowery, but only if the use remains a poetry club, and any change of focus of the space would require a new license to be applied for, and

**BE IT FURTHER RESOLVED** that since there are more than 3 establishments with on-premises licenses within the 500', we request a 500' hearing.

Vote: Unanimous, with 39 Board members in favor.

**8. 143 Christopher St. - "Two Potato" - renewal**

**WHEREAS** it was discovered that the license for Two Potato was due to expire on July 31<sup>st</sup>, and

**WHEREAS** the applicant was called in because there were complaints about the operation, and

**WHEREAS** the applicant stated that he was planning to close for one month, and change the operation to hopefully take care of the problems, and

**WHEREAS**, at the meeting, the President of the Christopher St. Patrol brought complaints of rowdy behavior, drug dealing, police arrests, and that he had information from the 6th Precinct of two summons for admitting underage patrons and one for their doorman selling drugs, and

**WHEREAS** the President of the Block and Merchants Assn. brought petitions signed by many of the area residents, and

**WHEREAS** the Bedford Barrow Commerce St. Block Assn. submitted a letter protesting this renewal, a local business wrote in, and an individual also wrote in, all asking that the renewal be denied,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. opposes the renewal of a liquor license for Two Potato, at 143 Christopher St.

Vote: Passed, with 37 Board members in favor, and 2 in opposition (S. Ashkenazy & M. Sklarz).

**9. 48 Gansevoort St. - Macelleria Restaurant - addl. license**

**WHEREAS** this is an existing restaurant which is expanding into the cellar and out onto the sidewalk in a sidewalk cafe, and

**WHEREAS** the sidewalk cafe was approved recently by CB#2, Man., and

**WHEREAS** there will be no change in the operation of the restaurant, and

**WHEREAS** hours of operation will be from noon to 2 AM,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the alteration of the existing liquor license to include the cellar space and the sidewalk cafe.

Vote: Unanimous, with 39 Board members in favor.

**10. 3 Greenwich Ave. - Vintage Cafe (Bennett's Catering) - (Beer & wine)**

**WHEREAS** this is a small place with 20 tables & 40 seats, and

**WHEREAS** this is a commercial strip with only commercial buildings, facing Wittenberg Triangle and Jefferson Market garden, and

**WHEREAS** there is currently a Landmarks violation for an illegal sign installed without Landmarks approval, and

**WHEREAS** the operators have been regularly putting two tables with chairs on the sidewalk without the required permit,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. approves the requested beer and wine license only if the applicant complies with his promise to correct the Landmark violation and keep the tables and chairs off the sidewalk, unless and until, he secures the required license.

Vote: Passed, with 38 Board members in favor and 1 recusal (H. Klein).

**11. 535 Hudson, St. - Monster Sushi - recall**

**WHEREAS** this applicant was called back because, when he came before us 6 months ago, various problems has surfaced, and

**WHEREAS** the most notable one was that a door was used between the restaurant and the residential portion of the building on a regular basis, not as an emergency exit, and

**WHEREAS** this violated the security of the residential portion of the building,

**THEREFORE, BE IT RESOLVED** that although we did not oppose the continuation of the restaurant, we will file a complaint with the Dept. of Buildings and ask for an inspection.

Vote: Unanimous, with 39 Board members in favor.

**12. 615 Hudson St. - Sung Chun Mei 1 - wine & beer**

**WHEREAS** this restaurant has been in operation for 19 years, and

**WHEREAS** it seats 80 patrons, with hours of operation from 11 AM to 11 PM Mon.-Thurs., to midnight Fri. & Sat., and Sunday from noon to 11 PM, and

**WHEREAS** there are no complaints about this restaurant,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. approves the application for a wine & beer license of Sung Chun Mei 1, at 615 Hudson St.

Vote: Unanimous, with 39 Board members in favor.

**13. 415 Lafayette St. - Varick Group -Liquor License**

**WHEREAS** this is the site of a former restaurant and

**WHEREAS** the capacity of the establishment, on two floors (cellar & 1<sup>st</sup> floor) is 228, and

**WHEREAS** the hours of operation are 5 PM to 4 AM, and

**WHEREAS** this is a mixed use 5-story building, and other commercial uses are present along the street, and

**WHEREAS**, although the applicant is asking for a 4 AM closing, he expects to close earlier most of the time, but to cover himself he requests 4 AM, but this is a concern to the Community Board, and

**WHEREAS** applicant pointed out that the former restaurant had the same hours and there would be little change in the operation,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not oppose the new liquor license for Varick Group at 415 Lafayette St., contingent on a 2 a.m. closing rather than 4 a.m., and

**BE IT FURTHER RESOLVED** since there are more than 3 establishments with on-premises licenses within the 500', we request a 500' hearing.

Vote: Unanimous, with 39 Board members in favor.

**14. 8 Little West 12 St. - Vadim Ponorovsky wine & beer**

**WHEREAS** the applicant came to the Business Committee last month with a proposal for a beer & wine license, and the application stated no sidewalk cafe or rear yard use, and

**WHEREAS** the committee at that time had no objection to the application, and

**WHEREAS** at the Community Board meeting last month there were speakers opposed to the license, claiming that the applicant had told them he intended to use the rear yard, and

**WHEREAS**, on the basis of their complaints, which they had not voiced at our previous meeting due to an error in the room number, and

**WHEREAS**, at this hearing, the applicant submitted an amended application which Stated that he was now planning to apply for a sidewalk cafe license, and did intend to use the rear yard, and

**WHEREAS** this would increase the occupancy from 26-30 inside the restaurant by adding the outdoor patrons, and

**WHEREAS** the hours of operation would be from 10 AM to 11 PM Sunday; 11 AM to midnight Mon. through Wed.; and 11 am to 2 IM Thurs, through Sat., with a closing time of 11 PM for the backyard space,

**WHEREAS** the objectors again showed up protesting the use of the rear yard, but the landlord pointed out that the spaces were rented for commercial use only,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the proposed beer & wine license for Vadim Ponorovsky at 1 Little West 12 St.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (M. Sklarz).

**15. 124 Macdougall St. - Macdougall St. Cafe - wine**

**WHEREAS** this is a small shop selling flowers which wishes to set up a few tables with seating for about 20 persons, and

**WHEREAS** the same people own a restaurant on East 12 St. which will actually be preparing the sandwiches, salads, and other light food for this establishment, and

**WHEREAS** the shop will also be selling take-out and such products as olive oil, etc. and

**WHEREAS** the hours of operation are from noon to midnight 7 days a week,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new beer & wine license for Tappo Enoteca at 124 Macdougall St.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (G. Bristow).

**16. 206 Spring St., Spring St. Rest. LLC d/b/a Fiamma Osteria-alteration**

**WHEREAS** the applicant had received a liquor license previously for the first floor of this two story and cellar space, and

**WHEREAS**, after consideration, it was decided to revise the plans and have only food preparation in the cellar, but add an additional kitchen to the 1<sup>st</sup> floor, and

**WHEREAS**, because of this change, it was decided a second bar for waiting area and service be added on the second floor, and

**WHEREAS** this alteration to the liquor license had to come before the Community Board, and

**WHEREAS** this applicant has a number of other restaurants, including 675 Hudson Vault and Blue Water Grill at Union Sq., West, and

**WHEREAS** the rest of the building is commercial office space,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to an alteration to the liquor license for 206 Spring St. d/b/a Fiamma Osteria, 206 Spring St. to add a second floor bar.

Vote: Unanimous, with 39 Board members in favor.

**17. 325 Spring St. - N.Y.C. Restaurants, Inc. - liquor license**

**WHEREAS** the applicant submitted plans showing a restaurant on the 1<sup>st</sup> floor and 2<sup>nd</sup> floor of the south end of the U.P.S. building on Spring St., and

**WHEREAS** the plans show the basement space as kitchen and mechanical space with a trash room, and

**WHEREAS** the capacity of this 3,600 sq. ft. space has the capacity of 150 people, with nine seats at the bar, and

**WHEREAS** the hours of operation are from 6 p.m. to 1:30 AM daily, and

**WHEREAS** the applicant has signed a Memorandum of Understanding with the Friends of Hudson Square which contains certain stipulations, and on the basis of this agreement they are supporting this application (attached),

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new liquor license for NYC Restaurants, Inc., at 325 Spring St., but only for this 3,600 sq. ft. space, and any addition to this space will require an alteration application to be submitted to the Community Board, and

**BE IT FURTHER RESOLVED** that since there are more than 3 liquor licenses within 500' of this space, we request a 500' hearing.

Vote: Unanimous, with 39 Board members in favor.

**18. 150 Varick St. - 30 Sweet Things, Inc. - liquor license**

**WHEREAS** this is an application for a liquor license for a corner space with a capacity of 119, the majority at tables and 20 seats at a bar, and

**WHEREAS** the hours of operation of from noon to 1 AM weekdays and to 4 AM on weekends, and

**WHEREAS** apparently this space was formerly occupied by a lounge, but the C of O only permits stores, so it will have to be amended, and

**WHEREAS** this is a commercial area, with few residential buildings nearby, and near the Holland Tunnel entrance,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new liquor license for 30 Sweet Things, Inc., at 150 Varick St.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (G. Bristow).

**19. 103 Waverly Pl. - Washington Sq. Hotel (Hotel Earle Realty) - alteration**

**WHEREAS** this hotel already has a liquor license for the CIII Restaurant on the corner of Waverly & Macdougall Sts., and

**WHEREAS** the hotel also has a liquor license for the lounge space behind the restaurant, and

**WHEREAS** this new application is for what is called a hotel liquor license which permits guests to have liquor served in their rooms and also will cover a small cafe in the lobby for hotel guests and their guests, with a capacity of maybe 20 persons, and

**WHEREAS** the hotel, when it applied for the license for the lounge area, marked the side entrance to the lounge as "Exit Only" as was agreed to with the Community Board,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to this alteration to the existing liquor licenses for Hotel Earle Realty (Washington Sq. Hotel) at 103 Waverly Pl.

Vote: Unanimous, with 39 Board members in favor.

**20. 340 West Broadway, Restaurant Felix d/b/a Brasserie Felix - Laid over to August.**

**21. 73 Eighth Ave. - KOS (Blues Bar) - transfer**

**WHEREAS** this application involves a new entity taking over an existing cabaret on Eighth Ave., and

**WHEREAS** the change in ownership requires a new liquor license, and

**WHEREAS** the new management intends to operate the place about the same as it is operated now, except that they will not have live jazz every night, but instead will sometimes use a disc jockey, and will not keep the door open as the sound reverberates across Jackson Sq. Park and bothers residents in two 18-story buildings, and

**WHEREAS** the capacity is 150 persons, and hours of operation will be from 6 PM to 4 AM, and

**WHEREAS** there are no plans for either a sidewalk cafe or backyard use, and

**WHEREAS** this site which was surrounded by predominantly commercial uses until now when the bank building is being converted to residential, and the applicant will have to check the sound-proofing to be sure it is adequate considering the change in the bank building,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the transfer of this liquor license to KOS (Blues Bar) at 73 Eighth Ave., provided the doors are kept closed.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (G. Bristow).

**22. 36 East 4 St. - PD Holdings wine**

**WHEREAS** this is a small storefront which will be called Himalayan Fiji, and

**WHEREAS** the capacity is 19 seats, with hours of operation from 11:30 AM to 11:30 PM, and

**WHEREAS** the area is characterized by small residential buildings with ground floor commercial uses.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new wine license for PD Holdings d/b/a Himalayan Fiji, at 36 East 4 St.

Vote: Unanimous, with 39 Board members in favor.

**23. 210 West 10 St. – Pio’s Ristorante, Inc. (Peter Addeo) - beer & wine**

**WHEREAS** this is a new owner making an application for a new beer & wine licenses, and

**WHEREAS** the capacity is 28 seats with no bar, and hours of operation are 11 a.m. to 11 p.m., and

**WHEREAS** there are no plans for either a sidewalk cafe or backyard use, and

**WHEREAS**, when the applicant was told of the two tables seen on the sidewalk during the site visit, he assured the committee *he* did not intend to have them

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to a new beer & wine license for Pio's Ristorante, Inc. (Peter Addeo), at 210 West 10 St.

Vote: Unanimous, with 39 Board members in favor.

**24. 304-310 West 14 St. - Due Amici - beer & wine**

**WHEREAS** this is an application for a new beer & wine license for a new pizza restaurant on 14th St. just off Eighth Ave., and

**WHEREAS** it will have a capacity of 20 persons, and

**WHEREAS** the hours of operation are 11 AM to 11 PM, and

**WHEREAS** this is a mixed use street with many stores and shops on the ground floor, and

**WHEREAS** there is no plan for either a sidewalk cafe or backyard use, and there will be no music,  
**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the grant of a new beer & wine license for Due Amici, at 304-310 West 14 St.

Vote: Unanimous, with 39 Board members in favor.

**25. 220 Bowery - Icon, LLC - liquor license**

**WHEREAS** this is an application for a full liquor license at 220 Bowery, and

**WHEREAS** the proposed premises now vacant, is 2500 sq. ft. with a capacity of 125, and 88 seats and 16 at the bar, and

**WHEREAS** the area is primarily wholesale with dozens of restaurant supply, office supply, lighting stores, etc., and

**WHEREAS** a restaurant supplier came to the public hearing, stating that the wholesalers were being forced out by the higher rents paid by restaurants and bars, and

**WHEREAS** the site is apparently a welfare hotel on the upper floors with a Certificate of Occupancy for "store" on the first floor, and

**WHEREAS** the original plans submitted had a kitchen not adequate for the number of patrons if this was a real restaurant; and

**WHEREAS**, the following day, new plans were submitted with an additional kitchen in part of the cellar, and the number of toilets, which seemed excessive for the size of the establishment, had been erased, and a lesser amount shown, and

**WHEREAS** the committee did not feel that the applicant had a legitimate application, since it was lacking much of the information and answers to questions were vague, and

**WHEREAS** this is an area where the existing businesses serve a real purpose for the economy of the city, and they are being forced out by the higher rents paid by restaurants, and the question of displacement is a real one,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not feel this application should be approved at this time and another site might be more appropriate.

Vote: Unanimous, with 39 Board members in favor.

#### **TRAFFIC AND TRANSPORTATION**

##### **1. For Crosswalks, Curb Cuts, And Striping On Thompson Street At Watts Street And Broome Street.**

**WHEREAS**, The NYC Greenstreets program is currently renovating the triangle at this location, and

**WHEREAS**, The crosswalks at these intersections are not currently marked in any way, and

**WHEREAS**, The pedestrian crossing is dangerous at this location because of the heavy Holland Tunnel traffic that typically blocks the Broome Street intersection, and

**WHEREAS**, a traffic light at Broome Street and Thompson Street would help to keep this intersection clear.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. requests full high visibility crosswalks be installed at the intersections of Thompson Street and Watts Street as well as Thompson Street and Broome Street with full painted striping, curb cuts, and "Do Not Block The Box" signage.

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests a warrant study of the Thompson Street and Broome Street intersection to determine if a traffic light can be installed at this location.

Vote: Unanimous, with 39 Board members in favor.

##### **2. Additional sites suitable for planting by the NYC Greenstreets program.**

**WHEREAS**, The NYC Department of Parks and Recreation Greenstreets program has asked for additional locations in Community Board #2 suitable for planting.

**THEREFORE BE IT RESOLVED**, that Manhattan Community Board #2 recommends that the following locations be included in this program.

1. The triangle on the West Side of 7<sup>th</sup> Ave. bounded by Morton Street & Barrow St..
2. The triangle on the East Side of 7<sup>th</sup> Ave bounded by Charles Street & Waverly Pl..
3. The vacant lot at the south east corner of 7<sup>th</sup> Ave & Greenwich Ave. at Mulry Sq.

Vote: Unanimous, with 39 Board members in favor.

**3. The New York City Transit Authority (NYCTA) proposal to close token booths and reassign token booth clerks.**

**WHEREAS**, The New York City Transit Authority (NYCTA) has indicated that it will close hundreds of token booths in subway stations throughout New York City; and

**WHEREAS**, The NYCTA has also stated that it is considering eliminating the use of tokens on the subway system thereby effectively enabling the closing of many subway station token booths, and

**WHEREAS**, The phasing out of tokens and token booths has been made possible by the use of MetroCard vending machines in subway stations where patrons may purchase MetroCards without the aid of a clerk; and

**WHEREAS**, the elimination of token booth clerks will leave many sections of stations or entire stations completely unstaffed resulting in increased safety concerns for riders; and

**WHEREAS**, Subway token booth clerks perform vital safety functions such as calling for emergency services, providing riders with directions and alerting incoming trains of persons on the tracks, which would be lost if their current ranks are not maintained, and

**WHEREAS**, the MTA did not adequately inform or seek input from the community in preparation for the proposed revisions to service; and

**THEREFORE BE IT RESOLVED** that subway token booth clerks perform vital safety functions, and the elimination of token booth clerks will leave many sections of stations, or entire stations, completely unstaffed, resulting in increased safety concerns for riders; and

**THEREFORE BE IT RESOLVED**, that Manhattan CB#2, Man. requests that the MTA hold full public hearings as soon as possible so that the community and transit riders can express their opinions and participate in the MTA's plans and that adequate notice of the hearings be provided to the community.

Vote: Unanimous, with 39 Board members in favor.

**4. RESOLUTION: to oppose State Assembly Bill A9230.**

**WHEREAS**, The State Senate has passed a bill that would allow trucks in New York City to exceed the current weight limit by 5% and would severely cut fines for violations and,

**WHEREAS**, If the Assembly passes this bill New York City will have larger trucks than the rest of the state and the city's efforts to enforce regulations against oversize and overweight trucks will be severely undermined and,

**WHEREAS**, More oversize trucks will add additional risk to an area that already has an unacceptable record of pedestrian and vehicular accidents and,

**WHEREAS**, Very large trucks already damage the infrastructure of New York City and,

**WHEREAS**, New York City currently has unacceptable air pollution from trucks that emit large amounts of asthma causing diesel particulate pollution. And,

**WHEREAS**, CB#2, Man. has long opposed the oversize and overweight trucks that already travel the crowded and dangerous streets of New York City.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. strongly opposes State Assembly Bill A9230.

Vote: Unanimous, with 39 Board members in favor.

**5. Request for a crosswalk on Prince St. at Macdougall St.**

**WHEREAS**, The crosswalk at this intersection is not currently marked in any way, and

**WHEREAS**, This pedestrian crossing is used by school children from St. Anthony School and by senior citizens, and

**THEREFORE BE IT RESOLVED**, that CB#2, Man. requests full high visibility crosswalk be installed on Prince Street at Macdougall with full painted striping and “Do Not Block The Box “ signage; and

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. requests that NYCDOT study this intersection to determine if a stop sign can be installed at this location.

Vote: Unanimous, with 39 Board members in favor.

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

**1. Application to NYCDOT for revocable consent for an new exterior metal staircase connecting the 1<sup>st</sup> floor with the existing sidewalk at Kenneth Cole Productions, at 168 Mercer Street.**

**WHEREAS** the area was posted, the applicant appeared before the committee, one person spoke against the application; and

**WHEREAS** there are also four (4) similar staircases on the same block and sufficient passage for pedestrian safety and access; and

**WHEREAS** there is a fire escape on the building and the safety of the resident who live in the building must be an issue that there is no conflict with the staircase and the fire escape.

**THEREFORE BE IT RESOLVED** that CB #2 Man. recommends approval of an exterior metal stairs connecting the 1<sup>st</sup> floor with the existing sidewalk at Kenneth Cole Productions, at 168 Mercer Street.

Vote: Unanimous, with 39 Board members in favor.

**2. Application to NYC Dept. of Consumer Affairs for a Newsstand in front of 5 E. 14th St. bet. Broadway & 4th Avenue App. #1076914**

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

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

**THEREFORE BE IT RESOLVED** that the application to NYC Dept. of Consumer Affairs for a newsstand in front of 52 E. 14th St., (bet. Broadway & 4th Avenue) is approved by CB#2, Man.

Vote: Unanimous, with 39 Board members in favor.

**3. Application to NYCDOT for revocable consent for an Emergency oil fuel tank in a concrete vault to be located beneath the sidewalk in front of St. Vincent’s Catholic Medical Center, at 148 W. 12<sup>th</sup>. Street.**

**WHEREAS** the applicant has agreed to meet with the Environmental Committee to discuss any problems of leakage when removing the tank; and;

**WHEREAS** the new tank must be in a cement vault twelve inches thick all around.

**THEREFORE BE IT RESOLVED** that CB2 Man. recommends approval to St. Vincent’s Catholic Medical Center 148 W. 12<sup>th</sup> Street for revocable consent for an Emergency oil fuel tank in a concrete vault to be located beneath the sidewalk.

Vote: Tabled.

**3. New application for revocable consent to operate an unenclosed sidewalk cafe by Big Longs Corp., 51 7th Ave. So. with 11 tables and 22 seats, DCA #1078787.**

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

**WHEREAS** the applicant agreed to a reduction of 4 tables from 11 tables and 8 seats from 22 seats; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe by Big Longs Corp., 51 7th Ave. So., with 4 tables and 8 seats, DCA #1078787.

Vote: Unanimous, with 39 Board members in favor.

**4. New application for revocable consent to operate an unenclosed sidewalk cafe by 172 Bleecker St., Rest. Inc., 190 Sullivan St. with 8 tables and 16 seats, DCA #1080119.**

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

**WHEREAS** the applicant currently has 3 tables and 6 seats on Bleecker street; and

**WHEREAS** the applicant agreed to a reduction of tables from 8 to 6 and of seats from 16 to 12 against the building line on Sullivan street; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to 172 Bleecker St. Rest. Inc., 190 Sullivan St. with 6 tables and 12 seats against the building line on Sullivan street, DCA #1080119.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (A. Hearn).

**5. New application for revocable consent to operate an unenclosed sidewalk cafe by 7th & Barrow LLC d/b/a Sushi Samba 7, 87 7th Ave., South Cafe with 16 tables and 40 seats, DCA #1080161, Assignment #957790.**

**WHEREAS** the area was posted, the applicant appeared before the committee; 3 people spoke against the application and letters were also submitted in opposition; and

**WHEREAS** the applicant indicated that the license was assigned to him by the previous owner and that he currently is utilizing 16 tables and 40 seats which was the same amount that the prior owner had agreed to with the committee; and

**WHEREAS** the transfer appears to be in violation of the City of New York Administrative Code, Title 20, Chapter 2, Subchapter 6, Sidewalk Cafes, section 20-224 (f.) which states that "a license is personal to the applicant and shall deemed to be revoked by the sale or transfer of the lease";

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends denial of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to 7th & Barrow LLC d/b/a Sushi Samba 7, 87 7th Ave. So., with 16 tables and 40 seats, DCA #1080161, Assignment #957790.

Vote: Unanimous, with 39 Board members in favor.

**6. New application for revocable consent to operate an unenclosed sidewalk cafe by Cheers of Manhattan, Inc., d/b/a Stonewall, 113 Seventh Avenue, So., 13 tables and 26 seats, DCA #1078190.**

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

**WHEREAS** the applicant agreed to place the tables against the building line; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a one (1) year revocable consent to operate an unenclosed sidewalk cafe to Cheers of Manhattan, Inc., d/b/a Stonewall, 113 Seventh Avenue, So., with 13 tables and 26 seats, DCA #1078190.

Vote: Passed, with 38 Board members in favor, and 1 in opposition (G. Bristow).

**7. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Greenwich 103 Rest. Ltd. d/b/a Day-O, 103 Greenwich Ave., with 10 tables and 22 seats, DCA #1022294 - Modification.**

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

**WHEREAS** the applicant currently has 6 tables and 12 seats on Greenwich Avenue and seeks to add 4 tables and 10 seats on West 12th Street; and

**WHEREAS** there is insufficient passage for pedestrian safety and access on West 12th Street;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café on Greenwich 103 Rest. Ltd. d/b/a Day-O, 103 Greenwich Ave., with 6 tables and 12 seats, and denies the modification request for 4 additional tables and 10 additional seats. DCA #1022294-Modification.

Vote: Unanimous, with 39 Board members in favor.

**8. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Ruby Slippers Rest. Ltd. d/b/a Dew Drop Inn, 57 Greenwich Ave., with 18 tables and 36 seats**

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

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Ruby Slippers Rest. Ltd. d/b/a Dew Drop Inn, 57 Greenwich Ave., with 18 tables and 36 seats.

Vote: Unanimous, with 39 Board members in favor.

**9. New application for revocable consent to operate an unenclosed sidewalk cafe by Rocipa Restaurant Corp d/b/a Rosa's Place Restaurant, 102 Macdougall Street, 4 tables and 8 seats**

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

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

**THEREFORE BE IT RESOLVED** that CB #2 Man. recommends approval of three (3) year revocable consent to operate an unenclosed sidewalk café to Rocipa Rest. d/b/a Rosa's Place Rest, 102 Macdougall Street, with 4 tables and 8 seats DCA #1080085.

Vote: Unanimous, with 39 Board members in favor.

**10. New application for revocable consent to operate an unenclosed sidewalk café by Oystergirl, Inc. d/b/a Mary's Fish Camp 246 West 4<sup>th</sup> St., 4 tables and 8 seats**

The applicant agreed to return in September with a new set of plans.

**11. Renewal application for revocable consent to operate an unenclosed sidewalk café by Le Pescadou Restaurant Corp, 16-18 King Street, 11 tables and 22 seats.**

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

**WHEREAS** there was no opposition from the community; and

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

**THEREFORE BE IT RESOLVED** the CB #2 Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk café to Le Pescadou Rest. Corp., with 11 tables and 22 seats. DCA #918375.

Vote: Unanimous, with 39 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, July 24, 2001**

**1. LPC Item: 6 – 77 Wooster St.**

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

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

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

Vote: Unanimous, with 39 Board members in favor.

**2. LPC Item: 7 – 83 Wooster Street (Spring/Broome) A neo-Grec style store and loft building built in 1876 by JB Snook. Application is to construct a rooftop addition and stair bulkhead.**

**WHEREAS**, the stair bulkhead at the rear of the roof is barely noticeable and the stucco is an appropriate material; but

**WHEREAS**, the other addition, the greenhouse/sunroom, is somewhat visible from up Wooster Street; and

**WHEREAS**, the addition with its windows may emit light at night which could draw attention to it;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the stair bulkhead but not of the room, which should be lowered to conceal it.

Vote: Unanimous, with 39 Board members in favor.

**3. LPC Item: 8 – 623 Broadway (Houston/Bleecker) (Crunch Gym) NoHo H.D. A Renaissance Revival style warehouse built in 1881 designed by JB Snook. Application is to construct a ramp.**

**WHEREAS**, the ramp will be for handicap access to the gym; and

**WHEREAS**, the concrete proposed for the floor of the ramp may not be a traditional material for ramps in the historic district, but it will match the sidewalk; and

**WHEREAS**, the single milled aluminum rail will not be attached to the building;

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

Vote: Unanimous, with 39 Board members in favor.

**4. LPC Item: 9 – 64 West 10<sup>th</sup> Street (6<sup>th</sup>/ 5<sup>th</sup>) (Peter's Backyard) (6<sup>th</sup>/5<sup>th</sup> Aves.) A Greek Revival style row house built in 1837 and substantially altered in 1882. Application is to alter the ground floor.**

**WHEREAS**, the application will change the hierarchy of the entrances, putting the focus on the commercial entrance away from the residential; and

**WHEREAS**, the existing residential double door will be replaced with a single door to match the existing residential windows of the upper floors and this unifies the façade; but

**WHEREAS**, the existing large marquee will be replaced by a smaller marquee, which regrettably will be an internally lit glass pediment, and such treatment and materials are uncharacteristic of buildings in the district.

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

Vote: Unanimous, with 39 Board members in favor.

**5. 28 West 8<sup>th</sup> St.**

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

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

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

Vote: Unanimous, with 39 Board members in favor.

**6. LPC Item: 11 - 775 Washington Street (W. 12<sup>th</sup> / Jane) A garage built in 1924. Application is to enclose the entry.**

**WHEREAS**, at the time of designation this industrial building had a large open area within the property line which is currently an enclosed restaurant; and

**WHEREAS**, the proposal to shorten the long entryway of the adjacent photo studio does not detract from this building; and

**WHEREAS**, we would ordinarily object to exterior security gates in the Greenwich Village historic district, but this proposal for gates to match the four adjacent exterior gates is not inconsistent with this industrial building; and

**WHEREAS**, the blackened steel doors and the dark painted metal used elsewhere in the window, railings and piers are true to this building; and

**WHEREAS**, cement board laminate used for the interior is appropriate and the moving door mechanism is creative; and

**WHEREAS**, the fluorescent lighting will have Plexiglas filters and would not look out of place here;

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

Vote: Unanimous, with 39 Board members in favor.

**7. LPC Item: 12 - 36 7<sup>th</sup> Avenue. St. Vincent's fence.**

This was passed last month by CB#2, Man.

**8. LPC Item: 13 - 17 St. Luke's Place An Italianate style 1853 row house. Application is to construct a roof top pergola.**

**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 CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 39 Board members in favor.

**9. LPC Item: 14 – 70 Barrow St.**

The applicant requested CB#2, Man. to hold this over one month.

## **ZONING AND HOUSING**

**1. 35 E 4<sup>th</sup> ST. WATER SHAFT Department of Environmental Protection (DEP) City Planning Application to locate Shaft 31B at 35 E 4<sup>th</sup> St. City tunnel No.3, Stage 2, Manhattan South ULURP 010126PCM**

**WHEREAS** the site for the water tunnel is between the Merchants House Museum and the Skidmore House, two much beloved landmark houses unique to the city; and

**WHEREAS** the community wholeheartedly supports the water tunnel at this site on the condition that when the tunnel shaft is completed, DEP will assist the community and coordinate with appropriate agencies to install a small park or public plaza area or a use associated with the two landmark houses that is sits between; and

**WHEREAS** we are not privy to the legal nature of the arrangement between the City and the owners of the property and we need this information in order to assure that the public space will be available to benefit the community; and

**WHEREAS** DEP has promised to work with the community associations to minimize disruptions during the construction phase;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. approves the water shaft at 35 E 4<sup>th</sup> St. on the condition that DEP assists in building a small public park or plaza and that this community request be integrated into DEP's legal negotiations with the owner of the property, whether it be a private owner or the City.

Vote: Unanimous, with 39 Board members in favor.

**2. CHELSEA ART MUSEUM - Proposal to change the zoning text to allow special permits for museums and non-commercial art galleries in M1-5 districts. City Planning Application 010126PCM**

**WHEREAS** a commercial gallery or museum is allowed in M1-5 districts but not a non-commercial gallery or museum; and

**WHEREAS** CB#2, Man., has serious concerns about the loss of manufacturing sites in the M1-5 districts, yet is also supportive of the arts and art-related uses; and

**WHEREAS** this zoning text applies city wide, but two distinct areas in our district are affected – the blocks around Gansevoort and an area north of West Houston and west of 7<sup>th</sup> Avenue; and

**WHEREAS** a non-commercial gallery or museum would be subject to the Special Permit process under the new zoning text, giving some measure of control and opportunity to comment from the community; and

**WHEREAS** these uses would be allowed community facility bonuses (6.5 FAR versus 5 FAR as-of-right), similar to other currently allowed community facility uses under the current zoning; and

**WHEREAS** community facility bonuses have been over used in our district, creating much greater density and bulk than the original zoning regulations surely intended; and

**WHEREAS** we question why library use, which is grouped with museums and non-commercial galleries under Use Group 3, was not included in the zoning text proposal;

**WHEREAS** the special permit would be subject to vehicular traffic study impacts, but not subject to environmental review, height, setback, density and pedestrian impacts, and alteration of the character of the neighborhood, which would trigger an environmental impact statement;

**THEREFORE BE IT RESOLVED**, that CB#2, Man., approves the zoning text changes to allow museums and non-commercial galleries in M1-5 districts on the condition that no additional FAR is granted because the use is designated a community facility and that additional requirements relating to the impact of height, setbacks, density, pedestrian traffic and alteration to the character of the neighborhood be added to the text.

Vote: Unanimous, with 39 Board members in favor.

**3. 159 GRAND ST. Zoning Bulk Variance Application for a new hotel in an M1-5B zone (an L-shaped lot through to Lafayette St.). The application requests increased FAR and retail use on the ground floor. BSA 224-01-BZ.**

**WHEREAS**, the applicant maintains that in order to be part of a national franchise of hotels and earn a reasonable return, they require an FAR of 5.67, approximately 42 rooms, above the allowed FAR of 5, which would give approximately 40 rooms, yet no documentation was presented which supports the requirements of the hotel chains; and

**WHEREAS**, we do not find that the increased FAR is absolutely necessary in order to earn a reasonable return, nor that the small difference in number of rooms would make a large difference in attracting a national chain, therefore the minimum variance should not exceed the allowed FAR of 5; and

**WHEREAS**, there is no support for finding (d) of Self Created Hardship, which states that “the practical difficulties or unnecessary hardship claimed as ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not in itself constitute a self-created hardship”, yet absolutely a predecessor in title joined the lots and created the hardship of the irregularity of the plot; and

**WHEREAS**, the applicant would like to open a small restaurant on the ground floor to accommodate their restaurant guests for breakfast, lunch and dinner and is expected to close by 11:30 p.m. or 12:30 a.m.; and

**WHEREAS** CB#2, Man., has no objection to such use as long as the restaurant is small and associated with the hotel and closes at a reasonable time; and

**WHEREAS**, a member of the public cited that there are a number of JLWQA buildings in the surrounding area and that many of these old buildings are at risk when construction on the hotel begins; and

**WHEREAS**, we request that the applicant devise a task force with the neighbors in order to minimize disruption and prevent deterioration to nearby walls and facades, and we also ask that neighborhood outreach also be done in Chinese to inform the Asian members of the district; and

**WHEREAS**, the community would be eternally grateful and the developer would be thought to be a good neighbor if the applicant would refrain from erecting any billboards on the building, as our community has suffered severely from the visual blight of large advertising; and

**WHEREAS**, we did not receive a Phase I environmental review or a 50-year history of the site, required by the BSA, and ask that these items be supplied to us and that we been given the chance to review and comment on the findings before any decision is made by the BSA; and

**WHEREAS**, the application details the height of neighboring buildings but not the current and former uses, and we request that this information be provided, particularly prior uses of hazardous materials, underground storage tanks, and possible soil and groundwater contamination, as required in the CEQR manual; and

**WHEREAS**, the applicant states that he intends to use the 1-story existing site for staging during construction, yet the streets are narrow and crowded and we request that a construction plan take this into account and be part of the application; and

**THEREFORE BE IT RESOLVED**, that CB#2, Man. opposes the increase in FAR to 5.67 as the rate of return at the allowed variance of 5 is reasonable and the modest decrease in rooms is not significant to either the return or, we believe, the potential to find a national franchise sponsor; and

**FURTHER BE IT RESOLVED**, that CB#2, Man. approves the retail use on the ground floor, subject to it being a restaurant associated with the hotel use; and

**FURTHER BE IT RESOLVED** that material information has not been provided, such as a Phase I environmental report and information on prior uses on this and neighboring sites as required in the CEQR technical manual, which information affects not only the construction methods used on this building, but neighboring buildings, and we request this information be provided and reviewed before a final decision if forthcoming from the BSA.

Vote: Unanimous, with 39 Board members in favor.

**4. 3-7 WOOSTER St. Zoning Variance Application to construct a new 6 story building with residential use (Use Group 2) on the upper floors and retail (Use Group 6) on the ground floor in an M1-5B zoning district. 01 BSA-070M**

**WHEREAS** CB#2, Man. opposed this application when it came before us in March 2001;

**WHEREAS** the application called for residential use, the only use not permitted in SoHo;

**WHEREAS** the developer must meet the finding of “minimum variance” and a grant for residential use would not be the minimum variance since the building could as easily be used for JLWAQ, a use permitted in the area, although not in a new building;

**THEREFORE BE IT RESOLVED** that CB#2, Man., again opposes this variance and particularly the use of the property for residential which is not the minimum variance.

Vote: Passed, with 38 Board members in favor and 1 abstention (W. Weder).

## **SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES**

### **1. Prenatal care for Immigrant Women-**

**WHEREAS** the May 22, 2001, US Court of Appeals ruling that overturned lower court decisions requiring Medicaid funding for prenatal care for both undocumented women and legal immigrant women who arrived in the US after 8 / 22 / 96, prenatal care for many low-income immigrant women will be lost, and

**WHEREAS** the children born in the US to immigrant mothers are automatically American citizens, prenatal care for these mothers would better insure that these children will be healthier, and the mothers will be less likely to require further assistance,

**THEREFORE BE IT RESOLVED** that A7774/ S5223, which would provide Medicaid and Family Health Plus coverage to legal immigrants, should be voted into law.

Vote: Unanimous, with 39 Board members in favor.

### **2. Rockefeller Drug Law**

**WHEREAS** the Rockefeller Drug Laws prescribe heavy sentences for drug-related offenses, and individual judges are not allowed to use their own discretion in *deciding* how long a person should be incarcerated because of some measure of dealing with drugs, and

**WHEREAS** so many people have been given long prison sentences, despite the insignificance of the drug-related offense, and

**WHEREAS** women, whose drug-related activities have mainly been that of transmitters of the drugs, have been given very lengthy sentences out of proportion to the crime they committed,

**THEREFORE BE IT RESOLVED** that the Rockefeller Drug Laws should be amended so that judges would be given greater leeway in sentencing those who have been declared guilty of drug-related crimes

Vote: Unanimous, with 39 Board members in favor.

### **3. Work and Wellness Act**

**WHEREAS** there are many persons who have chronic or long term illnesses which, like AIDS, require very expensive medications, and

**WHEREAS** they may be able to work while not being able to afford the appropriate medications,

**THEREFORE, BE IT RESOLVED** that Community Board 2, Man. support the Work and Wellness Act which would allow those with long term illnesses to buy into Medicaid coverage.

Vote: Unanimous, with 39 Board members in favor.

### **4. Reductions in Medicare reimbursements for hospital care**

**WHEREAS** we fully understand the concerns about the rising costs for medical care, we are deeply troubled by the negative effects of reductions in Medicare reimbursements for hospital care will have on hospitals that are already struggling to achieve fiscal soundness.

**THEREFORE, BE IT RESOLVED** we hope and trust that the Department of Health and Human Services will search for other ways to reduce health care costs.

Vote: Unanimous, with 39 Board members in favor

## **LESBIAN, GAY BISEXUAL AND TRANSGENDER**

### **Prostitution**

**WHEREAS** CB #2-Man. is concerned about continuing conflicts between Far West Village residents and Meat Market sex workers and feels that prostitution feeds on these conflicts; and

**WHEREAS** CB#2-Man. is interested in positive actions to help all people in the neighborhood and wants to help reduce hurtful rhetoric; and

**WHEREAS** some social work professionals from the West Village, namely the LGBT Center and Housing Works, feels enticement are a positive step to combat prostitution.

**THEREFORE BE IT RESOLVED** That CB#2-Man. offer assistance to help set up a clinic to provide pro bono legal assistance for legal name-changes for transgender people in and around the Meat Market area in an effort to offer incentives from stopping sex work.

Vote: Unanimous, with 36 Board members in favor.

## **WATERFRONT**

### **1. Park Rules**

**WHEREAS** the Hudson River Park Trust has released proposed Rules for Hudson River Park and has asked for comments from the public,

**IT IS HEREBY RESOLVED** by CB#2 that the following revisions should be made in the rules:

- a) The park should open at daybreak or 6:00 a.m., whichever is earlier.
- b) The rules should allow docking, without a permit, for emergency repair of boats.
- c) Applications for event permits should be submitted at least 40 days in advance of an event so that the affected Community Board has Time to conduct a public hearing, if necessary.

Vote: Unanimous, with 39 Board members in favor.

### **2. Wigstock**

**WHEREAS** Wigstock has become an important Greenwich Village institution; and

**WHEREAS** the location of the event on Pier 54 has proven popular with the attendees, the community and the police department; and

**WHEREAS** the promoters of Wigstock have a solid record of cooperation with Community Board 2, the 6<sup>th</sup> Precinct and the Hudson River Park Trust,

**IT IS HEREBY RESOLVED** by CB#2-Man. that conditioned upon the conduct of Wigstock in a manner consistent with the manner in which it was conducted in recent years, it is recommended that 4 necessary permits be granted for the production of Wigstock on Pier 54 on September 2, 2001,

Vote: Unanimous, with 39 Board members in favor.

## **NEW BUSINESS**

Respectfully submitted,  
Robert Rinaolo, Secretary  
Community Board #2, Manhattan