

SPECIAL EXECUTIVE COMMITTEE

AUGUST 2001

The Executive Committee of Community Board #2, Manhattan (CB#2, Man.) held a special meeting in lieu of the Full Board meeting on August 23, 2001, at 7 p.m., at St. Vincent's Hospital, 170 W. 12th Street, Cronin Auditorium, 10th Floor.

COMMITTEE MEMBERS PRESENT: Ann Arlen, Anthony Dapolito, Doris Diether, Aubrey Lees (Chair), Lisa La Frieda, T. Mark Newell, David Reck, Robert Rinaolo, Melissa Sklarz, James Smith (Immediate Past Chair), Martin Tessler, Jeanne Wilcke, Carol Yankay

BOARD MEMBERS PRESENT: Glenn Bristow, Don MacPherson, Ann Robinson

COMMITTEE MEMBERS EXCUSED: Rosemary McGrath, Ruth Sherlip, Sean Sweeney,

COMMITTEE MEMBERS ABSENT: Alan J. Gerson, Arthur Schwartz,

GUESTS: M.K. Doris, Eliza Bradley

STANDING COMMITTEE REPORTS

EXECUTIVE

Proposed Amendment to Community Board #2, Manhattan Bylaws

WHEREAS Section 4(b) of the bylaws of CB#2, Man. provides that if the Board Chairperson is unable to serve as Chairperson until the end of his or her term, then the Vice Chairperson who received the most votes at the most recent board election shall succeed as Chairperson for the balance of the term; and

WHEREAS said bylaws further provide that if neither of the foregoing officers are able to serve, then the other Vice Chairperson shall succeed to the Chair for the balance of the term;

THEREFORE BE IT RESOLVED that the Vice Chairperson who received the most votes in the most recent board election shall have the title of 1st Vice Chair; and

BE IT FURTHER RESOLVED that the other Vice Chairperson shall have the title of 2nd vice Chairperson.

Vote: withdrawn.

Discussion RE: 1st & 2nd Vice Chairs as separate officers and not on basis of most votes and designate as 1st Vice Chair or 2nd Vice Chair. Jim Smith to write new amendment for 1st Vice Chair and 2nd Vice Chair as separate positions.

BUSINESS

1. Da Silvano Corp., d/b/a Da Silvano, 260 Ave. of the Americas, NYC 10014

WHEREAS, the applicant and his architect appeared before the committee; and

WHEREAS, the applicant currently operates a restaurant with an on-premise liquor license at the above location; and

WHEREAS, the applicant is expanding into an adjacent vacant store to the south of the premises, adding approximately 40 additional seats; and

WHEREAS, the applicant stated that there will be no change in the hours of operation.

THEREFORE BE IT RESOLVED that CB2 recommends approval of this alteration application for Da Silvano Corp., d/b/a Da Silvano, 260 Ave. of the Americas, NYC 10014.

Vote: Unanimous, with 16 Committee members in favor.

2. 10th and 4th Restaurant, LLC d/b/a L'Atelier, 189 West 10th Street, NYC 10014

WHEREAS, this location currently operates as the La Metairie Restaurant; and

WHEREAS, there will be no change in the menu, seating or operation of this restaurant whatsoever; and

WHEREAS, there are no current violations, nor did any members of the public object to this application.

THEREFORE BE IT RESOLVED that CB2 recommends approval of this application for 10th and 4th Restaurant, LLC d/b/a L'Atelier, 189 West 10th Street, NYC 10014.

Vote: Unanimous, with 16 Committee members in favor.

3. 59 5th Avenue Café, Inc. d/b/a Luahn, 59 Fifth Avenue, NYC 10003

WHEREAS, the applicants and their attorney appeared before the committee; and

WHEREAS, this location is directly across from the New School and next door to the Cardozo Law School and has previously been turned down by CB#2, Man. three years ago; and

WHEREAS, the applicants stated that they will remain open until 4AM, and may apply for a cabaret license; and

WHEREAS, this location is rather large with a legal capacity of 174 persons; and

WHEREAS, members of the public testified that the current licensee, “The Three Micks” has been problematic and the source of many neighborhood complaints as it operates as a lounge and/or disco with loud DJ music and a restrictive door policy. This being contrary to their stipulated “no music” agreement with the community; and

WHEREAS, fourteen members of the public, in addition to a representative of the 13th St. Block Assn. were present at the committee meeting in opposition to this application.

THEREFORE BE IT RESOLVED that CB#2, Man. once again recommends denial of this application for an on premise liquor license to 59 5th Avenue Café, Inc. d/b/a Luahn, 59 Fifth Avenue, NYC 10003; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to look into the viability of this application with regard to the distance from the New School and the Cardozo Law School; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500-foot Rule Hearing so that the views of the community can be heard and taken into account.

Vote: Unanimous, with 16 Committee members in favor.

4. SF Union Square LLC d/b/a Outback Steakhouse, 140 Fourth Avenue, NYC 10003

WHEREAS the applicants and their attorney appeared before the committee; and

WHEREAS this will be a large restaurant with 7800 sq. ft. and seating for 230 persons; and

WHEREAS the applicant stated that their normal hours of operation will be until 10:30 PM weekdays and 11:30 PM on weekends; and

WHEREAS the applicant stated that this operation is more of a restaurant than a bar with liquor sales amounting to only 11% of total sales nationwide; and

WHEREAS the applicant assured the committee that any patrons waiting to be seated will be inside the premises and that no lines will be allowed to form outside; and

WHEREAS no one from the community appeared in opposition to this application, however, a representative of the Union Square South Community Advisory Board did appear and was afforded an opportunity to question the applicant regarding various issues of concern.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application for an on premise license for SF Union Square LLC d/b/a Outback Steakhouse, 140 Fourth Avenue, NYC 10003; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon this applicant to meet with the local community groups as needed to resolve ongoing issues.

Vote: Unanimous, with 16 Committee members in favor.

5. El Tano Corp. d/b/a El Tano Restaurant, 78 Carmine Street, NYC 10014

WHEREAS the applicants appeared before the committee; and

WHEREAS the area was posted and no one from the community appeared in opposition of this application; and

WHEREAS the applicants desire to operate an Argentinean/Italian restaurant with 74 seats; and

WHEREAS there hours of operation will be until 10 PM weekdays and 11PM weekends; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of an on premise license for El Tano Corp. d/b/a El Tano Restaurant, 78 Carmine Street, NYC 10014.

Vote: Unanimous, with 16 Committee members in favor.

6. Divel Enterprises, Inc. 350 Hudson Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, the applicant stated that there would be no changes to the décor or hours of operation of this location, which is currently operating as Meigas, a Spanish restaurant; and

WHEREAS the applicant stated that the hours of operation will be until 10:30 PM weekdays and 11:30 weekends; and

WHEREAS the area was posted and there was no opposition to this application from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of this application for an on premise license for Divel Enterprises, Inc., 350 Hudson Street, NYC 10014

Vote: Unanimous, with 16 Committee members in favor.

LAND MARKS & PUBLIC AESTHETICS

1. LPC Item: 7 – 127 Spring Street

WHEREAS, the Landmarks Preservation Commission's (LPC'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 16 Committee members in favor.

2. LPC Item: 8 – 53 Mercer Street

WHEREAS, the LPC'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 16 Committee members in favor.

3. LPC Item: 9 – 652 Broadway

WHEREAS, the LPC'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 16 Committee members in favor.

4. LPC Item: ? – 42 West 12th Street Application to NYCDOT for reconstruction of a previously removed stoop and fence.

WHEREAS, the LPC'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 16 Committee members in favor.

SOCIAL SERVICES, HOMELESS & SENIOR SERVICES

1. Training & Education Bill proposed by the Coalition for Access to Training and Education (CATE), to increase access to training and education.

WHEREAS a problem with the current method of operation of the WorkFare program often requires students who have not yet completed their education or are lacking in some basic skills to quit classes and go to work, and

WHEREAS this bill would permit welfare recipients to pursue the training and education needed to move from welfare to a permanent job at decent wages,

THEREFORE BE IT RESOLVED CB #2 supports the proposed Training and Education Bill proposed by CATE.

Vote: Unanimous, with 16 Committee members in favor.

2. Individuals with Disabilities Lawsuit against Duane Reade Stores

WHEREAS Individuals with Disabilities filed suit in US District Court against Duane Reade because it failed to adopt or implement policies that would ensure that its stores and pharmacies are accessible to people with physical disabilities, especially those with mobility impairments, and

WHEREAS Councilwoman Christine Quinn wrote a letter of protest to the President and CEO of Duane Reade, specifying various problems with its stores; and

WHEREAS the stores of Duane Reade in our area exhibit most of the problems cited by Councilwoman Christine Quinn - pharmacies located either in the basement or on the 2nd floor, elevators used for freight and not easily accessible for the handicapped, aisles partially blocked with merchandise, doors which do not open automatically,

THEREFORE BE IT RESOLVED that CB#2, Man. supports the stand taken by Councilwoman Quinn and suggests that the CB #2 sends a similar letter, protesting lack of access for those with disabilities, to the President of Duane Reade and also to all the Duane Reade stores in our area protesting these conditions.

Vote: Unanimous, with 16 Committee members in favor.

ZONING AND HOUSING

2-8 Fifth Avenue Parking Garage BSA #727-59-bz Transient Parking Application to Renew a Variance for 15 Transient Parking Spaces.

WHEREAS CB#2, Man. approved the variance for 2-8 Fifth Avenue in 1991; and

WHEREAS the application was approved on the condition that the applicant complied with all the provisions of the existing variance, specifically that the illegal signs be removed, that the Washington Square North entrance be used only as an emergency exit, and that the lighting be approved by the NYC Landmarks Preservation Commission; and

WHEREAS the Washington Square exit is not being used as an emergency exit, but instead as a regular entrance and exit to the garage, as evidenced by the signs that state "Enter", "Exit" and "Open 24 Hours", the rate signs inside the door, and the free-standing sign outside the garage next to the steps of the adjacent building on Washington Square North; and

WHEREAS the Washington Square signage is in regular use and not temporary signage associated with the 8th Street entrance being closed due to the construction from the 8th Street sidewalk widening; and

WHEREAS cars are seen entering and exiting through the emergency exit as seen in the attached photos;

THEREFORE BE IT RESOLVED CB#2, Man. cannot recommend the renewal of the variance until such time as the applicant adheres to the conditions of the original variance. (See attachment)

Vote: Unanimous, with 16 Committee members in favor.

Respectfully submitted,
Martin Tessler
Assistant Secretary
Community Board #2, Manhattan