

## FULL BOARD MINUTES

**DATE:** September 19, 2002  
**TIME:**6:30 P.M.  
**PLACE:** Lucille Lortel Theater  
121 Christopher Street

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashkinazy, Tobi Bergman, Helene Burgess, Keith Crandell, Doris Diether, Harriet Fields, Edward Gold, Arnold L. Goren, Jo Hamilton, Anne Hearn, Honi Klein, Lisa La Frieda, Hyun Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don MacPherson, Rosemary McGrath, Doris Nash, T. Marc Newell, Judy Paul, David Reck, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Ruth Sherlip, James Smith, Shirley H. Smith, Sean Sweeney, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Anthony Dapolito, Brad Hoylman, Ann Robinson, Arthur Z. Schwartz, Melissa Sklarz, Lora Tenenbaum, Stephanie Thayer.

**BOARD MEMBERS ABSENT:** Noam Dworman, Elizabeth Gilmore, Lawrence Goldberg, Don Lee, Carol Reichman.

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

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, Senator Tom Duane's office; Meg Reed, Senator Martin Connor's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gary Parker, Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Andree Tenemas, Council Member Margarita Lopez' office; Carin Mirowtiz, Council Member Christne Quinn's office; Noreen Sweeney, James Wanderstock, Sikay Tang, Victoria Dennis, Lawrence White, Andrew Berman, Yngve Bilsted, Dana Escoffier, Margie Rubin, Christian Miller, Carla Jackson, Jim Farrin, Stacy Kaufman, Harald Wacker, Claudia Golden, Kim Martini, Hal Magida, Pat McKee, Bob Barkin, Meredith Boyce, Chal Pivik, Shann Hallum, Robert Isole, Jessica Berk, Josephine Mullin, Marsha Crane, Tony Salvatore, Louise Symonds, Eli Hausknecht, Joan Stadman, Abigail Ruth, Aaron, Glazer, Lynn Pacifico, Ann Davis, Anna Colombo, Marilyn Tauber, Lauren Isaacs, Leslie Heilbrunn, Marie Hieney, L. Kapture, John Schabel, Manuel Greer, Eliza Bradley, Jessica Berk, Marilyn Thornton, Daniel Schaffer

### MEETING SUMMARY

Meeting Date - September 19, 2002

Board Members Present – 35

Board Members Excused– 7

Board Members Absent - 5

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### YMCA

Carla Jackson and Christian Miller reported.

#### Rats around Washington Sq. Park & NYU, & NYU's Expansion vs. Community Interests

Stacy Kaufman spoke against these issues/problems.

#### Quality-of-Life Issues

Dana Escoffier spoke re: noise, safety and security issues.

Jim Farrin, Congressional candidate for District 8, introduced himself.

#### Bedford Triangle

Margie Rubin, of Disabled in Action, spoke against the Bedford Triangle viewing garden.

### **Business Items**

#### Renewal for Sushi Samba 7, 877<sup>th</sup> Ave. So.

James Wandertock, representing the applicant, spoke in favor of the renewal of the liquor license.

#### Renewal for Sweet & Vicious, 5 Spring St.

Sikay Tang spoke against the renewal of the liquor license.

### **Parks, Recreation & Open Space Items**

#### Proposal for Small Dog Run for Small Dogs in Washington Square

Noreen Sweeney, Victoria Dennis, Claudia Golden, Kim Martini, Hal Magida, Pat McKee, Bob Barkan, Chal Pivik, Shann Hallum, Robert Isole, Jessica Berk, Meredith Boyce, Marsha Crane, Tony Salvatore, Louise Symonds, Eli Hausknecht, Joan Stadman, Abigail Ruth, Aaron Glazer, Lynn Pacifico, Ann Davis, Anna Colombo, Marilyn Tauber, Lauren Isaacs, Marie Hieney and Leslie Heilbrunn, spoke in favor of the small dog run.

Yngve Bilsted, Stacy Kaufman and Harald Wacker spoke against the location of the dog run.

### **Zoning and Housing Items**

Andrew Berman, GVSH, spoke re: overuse of community facilities and the Gansevoort Market.

## **III. Adoption of Agenda**

**IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Daryl Cochrane, of Congressman Jerrold Nadler’s office

Bronley Luhrs, Senator Tom Duane’s office

Yvonne Morrow, of Assembly Speaker Sheldon Silver’s office

Gary Parker, of Assembly Member Deborah Glick's office

Dirk McCall, of Council Member Alan Gerson’s office.

Andree Tenemas, Council Member Margarita Lopez’ office,

Carin Mirowitz, of Council Member Christine Quinn's office

**V. ADOPTION OF MINUTES**

Adoption and Distribution of July Full Board and August Executive Committee minutes.

**VI. EXECUTIVE SESSION**

- **Chair's Report** Aubrey Lees reported
- **District Manager's Report** Arthur Strickler reported.
- **Executive Committee Reports For August**

**BUSINESS**

**These Resolutions Were Voted On August 22, 2002, At Special Executive Committee and are now adopted by September Full Board.**

**1. NYC Libations Inc, 316 Bowery, NYC 10012**

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

**WHEREAS**, this application is a transfer from the former occupant of these premises, Astor Restaurant and Lounge, and

**WHEREAS**, the applicant stated that this would be an American style restaurant with hours of operation being Noon to Midnight weekdays and until 2AM on weekends, and

**WHEREAS**, the applicant stated that the capacity will be for 198 persons and that music will be background only; and

**WHEREAS**, no one from the public spoke in opposition to this application and the applicant has met with the NoHo Neighborhood Association and has agreed to meet with them regularly to discuss any problems that might occur; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to NYC Libations Inc., 316 Bowery, NYC 10012.

Vote: Unanimous, with 35 Board members in favor.

**2. 76 Wooster Street Café, Inc., d/b/a Resilience, 76 Wooster Street, NYC**

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

**WHEREAS**, this application is for a tapas style restaurant with hours of Noon to 4AM daily; and

**WHEREAS**, the applicant stated that the music will be background only; and

**WHEREAS**, fourteen members of the community appeared in opposition to this application, they were represented by an attorney who submitted a written “Statement in Opposition” to this application.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for 76 Wooster Street Café, Inc., d/b/a Resilience, 76 Wooster Street, NYC

Vote: Passed, with 23 Board members in favor, 3 in opposition, and 1 abstention.

**(SEE EXHIBIT I ATTACHED).**

**3. R.J. Tavern Corp., d/b/a Nino's, 431 Canal Street, NYC**

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

**WHEREAS**, this application is for an alteration adding 400 square feet and 22 seats to this existing establishment; and

**WHEREAS**, the applicant stated that there would be no change to the method of operation or ownership; and

**WHEREAS**, the hours of operation will be from 11AM to 2 AM daily with background music only; and

**WHEREAS**, no one from the community appeared in opposition to this application; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. has no objection to the alteration of the existing On Premise license for R.J. Tavern Corp., d/b/a Nino's, 431 Canal Street, NYC

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

**4. Adrfarri Thafath Felagh Corp., d/b/a Denizen, 73 Thompson Street, NYC**

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

**WHEREAS**, this application is for a renewal of the On Premise license for this existing location; and

**WHEREAS**, fourteen members of the community, including seven whom live above this location appeared before the committee and stated that this applicant is the worst possible neighbor that they can imagine. They stated that this applicant plays music at outrageously loud levels until 5 AM nightly. Attempts to discuss this issue have not been met with any cooperation at all on the part of the applicant. This condition has been going on for at least five years and despite continuous calls to the police and various agencies and elected officials, the condition has not improved. The Community Board has received numerous letters of complaint in regard to this location and the applicant's other location. The applicant has another location in the area, Yemma Bar Corp., d/b/a Red Bench, at 109 Sullivan Street, that has exactly the same community problems and complaints; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of the renewal of the On Premise license for Adrfarri Thafath Felagh Corp., d/b/a Denizen, 73 Thompson Street, NYC and calls upon the State Liquor Authority to investigate this situation and take appropriate action to alleviate the horrendous conditions that the neighbors have had to bear with regard to this licensee.

Vote: Unanimous, with 35 Board members in favor.

**5. Yemma Bar Corp., d/b/a The Red Bench, 107-109 Sullivan Street, NYC**

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

**WHEREAS**, this application is for a renewal of the On Premise license for this existing location; and

**WHEREAS**, fourteen members of the community, including seven who live above this location appeared before the committee and stated that this applicant is the worst possible neighbor that they can imagine. They stated that this applicant plays music at outrageously loud levels until 5 AM nightly. Attempts to discuss this issue have not been met with any cooperation at all on the part of the applicant. This condition has been going on for at least five years and despite continuous calls to the police and various agencies and elected officials, the condition has not improved. The Community Board has received numerous letters of complaint in regard to this location and the applicant's other location. The applicant has another location in the area, Adrfarri Thafath Felagh Corp., d/b/a Denizen at 73 Thompson Street, that has exactly the same community problems and complaints; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of the renewal of the On Premise license for Yemma Bar Corp., d/b/a The Red Bench, 107-109 Sullivan Street, NYC and calls upon the State Liquor Authority to investigate this situation and take appropriate action to alleviate the horrendous conditions that the neighbors have had to bear with regard to this licensee.

Vote: Unanimous, with 35 Board members in favor.

## **LANDMARKS & PUBLIC AESTHETICS**

### **Public Hearing: Landmarks Preservation Commission, September 17, 2002**

**LPC Item: Bauman Brothers Furniture Store, 22-26 East 14<sup>th</sup> Street Application is to designate structure as an Individual Landmark**

**WHEREAS**, this community board has long pushed for designation of worthy buildings; and

**WHEREAS**, this structure has notable and unique features, details and ornamentation; and

**WHEREAS**, this would be one of the few cast-iron buildings in Greenwich Village to be designated;

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

Vote: Unanimous, with 35 Board members in favor.

## **ZONING AND HOUSING**

### **1. Water Tunnel #3, Stage 2, Shaft 27B (9th Avenue And 13th Street) CPC# 000154PCM**

**WHEREAS** the construction of the water tunnel shaft on 9th Avenue and 13th Street requires a construction staging area for equipment around the site for approximately 4 years and the DEP sited the staging area on an adjacent parking lot and this plan met with the approval of the community; and

**WHEREAS** without notification to the community, the plans were significantly altered and DEP now can no longer use the parking lot for a staging area because the owners decided to build a hotel and construction begins in a few days; and

**WHEREAS** in order to accommodate the construction, DEP has to place the staging area in the street, thereby closing down one half of the width of 9th Avenue (30 feet) for the entire street length from Little West 12th Street to 13th Street; and

**WHEREAS** 9th Avenue is used as a turnaround point for two bus routes (#11 and #14), for through traffic, for meat market trucks loading and waiting for deliveries, and the avenue is narrow; and

**WHEREAS** there appears to be no approval by DOT for closing or reducing the size of the street, per a DOT representative, and their approval is required; and

**WHEREAS** to move the water tunnel to another site north or south is problematic since there is almost no vacant land in the area in which to site this staging area; and

**WHEREAS** around the site there will be an entire block of 10 to 12 foot concrete walls for 4 years and the new hotel being built will face this wall; and

**WHEREAS** the site is an area of this district where typical historic uses were industrial and automotive, resulting in sites contaminated with lead, asbestos, petroleum residues and/or other harmful residues;

**THEREFORE BE IT RESOLVED** that CB#2, Man. feels that the change in the staging area of the water tunnel shaft on 9th Ave. And 13th St. from a parking lot to the street bed is a significant diversion from the original plans that the community approved; and

**BE IT FURTHER RESOLVED** that closing down one half of an avenue for an entire city block for 4 years, and the fact that it is a through street that is also used by the local meat market and a turnaround for buses, is a severe disruption to the community and the city; and

**BE IT FURTHER RESOLVED** that a special permit for the site must incorporate a Health and Safety plan for the protection of the neighboring community and the workers from contaminants from past industrial and/or automotive uses; and

**BE IT FURTHER RESOLVED** that past uses of the site should be determined by an investigation of the City’s historic records, as in a “Phase 1” investigation and the nature and level of contamination should be determined by tests conducted by a licensed environmental testing firm, with results of the investigations made known to Community Board #2 and to the community; and

**BE IT FURTHER RESOLVED** that due to the major disruption expected and the problems in finding alternative locations for the water tunnel shaft, the revised plans should be scrapped and DEP should go back to the original plans;

**BE IT FURTHER RESOLVED** that if it is necessary, the parking lot should be taken by eminent domain until completion of the water tunnel project, and city agencies should be barred from issuing any permits where such actions would interfere with the public improvement project

Vote: Unanimous, with 39 Board members in favor.

**(SEE EXHIBIT II ATTACHED).**

**2. 32-40 BOND STREET Special Permit application to permit general retail or hotel uses on the ground floor and cellar levels in an M1-5B zoning district. Application # C020539ZSM**

**WHEREAS**, the applicant has filed an application under Section 74-781 of the zoning regulations which applies to conversions of non-residential buildings, and this site is a vacant lot, not a building; and

**WHEREAS**, under the Section 74-21 of the zoning regulations which applies to Special Permits in general, requirements include a site plan and other such information as the City Planning Commission may require; and

**WHEREAS**, the same section requires substantial evidence and data in order to determine the minimal effect of such Special Permit; and

**WHEREAS**, we feel this application is premature in that the plans were deficient since we were provided with only the ground floor and cellar plan, but not the rest of the building, and no economic data; and

**WHEREAS**, because this site is located in the portion of NoHo which is slated for possible landmarking and there are many artist-in-residence buildings contiguous to the site, we require information on the outer envelope of the building in order to address the impact on the other buildings and the NoHo area, whether it be light, air or design; and

**WHEREAS**, the applicant could not provide information on items such as:

- Trash removal
- Parking in front of the hotel
- Traffic flow – including both hotel and restaurant/bar use expectations; and

**WHEREAS**, hotel use allows catering and the fact that certain of the individual owners are known as developing “destination” hotels raises concerns over catering uses and the probability of night club use; and

**WHEREAS**, the applicant will have to apply for liquor licenses and be subject to 500’ foot rule hearings because of the proximity to other establishments; and

**WHEREAS**, in the last five years there have been many new restaurants and bars and recently a variance was granted for a new building directly around the corner that will be restaurant and bar use, and one block up there are numerous problems with a bar/lounge establishment, giving the community concerns about the amount of such bar and restaurant use arriving in this mixed-use zoning district; and

**WHEREAS**, the loss of parking lots is reaching epidemic portions and providing below-ground parking should be considered by the applicant as parking is needed in the area and it would provide income to the owners; and

**WHEREAS**, our City Councilperson Alan Gerson has requested that all conversions and new buildings incorporate art use in artist-in-residence districts, and we encourage the applicant to do the same; and

**WHEREAS**, we are not convinced that the applicant made a good-faith effort to rent the space to an as-of-right use:

The size of the space advertised was incorrect and/or changed

Until December 16, 2001 the space was listed as “8,000 S.F. 1<sup>st</sup> floor and cellars each” and from December 16, 2001 the space was listed as 12,000 S.F. which is a significant difference, given that we have recently heard arguments from other applicants that they needed spaces of 12,000 S.F. because smaller floor plates are not desirable in this day and age, so advertising at the lower square footage causes concerns that the applicant inappropriately advertised the space;

A case can be made for a lower ground floor rental price

The price of \$65 a S.F. on the 1<sup>st</sup> floor is a bar to finding a conforming use, but if the use above the ground floor is the as-of-right hotel use which achieves higher prices, an argument can be made that the ground floor could carry a lower price to attract as-of-right uses;

Basement space should not be advertised at the same price as the ground floor

The price of \$65 a S.F. for basement space is very high since this space is usually included in the 1st floor lease price;

The advertising process was not done for the required time based on the documents presented

Many of the advertising dates revolve around December 2001 and the special permit process requires 1 year of advertising, also it is not clear if ads were run in March 2002 and after;

Not all conforming uses were targeted in the advertising campaign

“Conforming” users calls were highlighted, but it is not clear that other user groups were included (#s 12, 15, 24, 27 & 33);

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not approve the granting of a Special Permit for 32-40 Bond Street as the Special Permit process requires more information, such as complete site plans and other important data, which were not provided, and we feel the application is premature; and

**BE IT FURTHER RESOLVED** that the advertising campaign does not appear to be done in good faith, as required in the zoning regulations: the size advertised changed significantly, not all conforming uses were targeted, basement space was advertised at a high price, the time required to advertise was not done or was done inconsistently; and

**BE IT FURTHER RESOLVED** that although the section under which the applicant filed applies to conversions of non-residential buildings, this is an empty lot; and

**BE IT FURTHER RESOLVED** that although the community acknowledged the as-of-right use, additional information is important to this application due to the fact the site is in the midst of a potential landmark area, is contiguous to many artist-in-residence buildings, and will house bar and restaurant use which may have significant impact on the area; and

**BE IT FURTHER RESOLVED** since the proposed use for the Special Permit is listed as retail/hotel and there have been rumors that the site may go residential, and

**THEREFORE, BE IT RESOLVED** that it is unclear why the application is being made when there appears to be such uncertainty about what the eventual plans for the site are expected to be.

Vote: Unanimous, with 35 Board members in favor.

**NEW BUSINESS**

**1. Proposal by *Art in General*, to install 3 wind sock installation in 3 planted park sites:**

- 1. Gravel Triangle at the West end of Canal St. and the West Side Highway;**
- 2. Planting an entrance to the Holland Tunnel on north side of Canal St.;**
- 3. Small planted triangle at Baxter St. on the on the south side of Canal St.**

**WHEREAS** *Art in General* is a nonprofit organization, founded in 1981, dedicated to presenting opportunities for emerging artists who create contemporary art; and

**WHEREAS** the windsocks are modeled after ones used for aviation; that they will be mounted on painted metal poles embedded in foundations in the dirt of the parks; that the socks will be made out of silver metallic fabric and fly above the plants about 20' and that they will be lit up at night with spotlights mounted on the poles; and

**WHEREAS** the project is designed to encourage interaction between the pedestrian and the street cityscape; and

**WHEREAS** the use of a helicopter over Canal Street was presented as part of the project but this component was denied;

**THEREFORE BE IT RESOLVED** that the proposal by *Art in General*, to install 3 wind sock installation in 3 planted park sites located at:

1. Gravel Triangle at the West end of Canal St. and the West Side Highway;
2. Planting an entrance to the Holland Tunnel on north side of Canal St.;
3. Small planted triangle at Baxter St. on the on the south side of Canal St. is approved but **the use of a helicopter over Canal Street was denied.**

Vote: Unanimous, with 35 Board members in favor.

## **2. Amending Title III, Part, 2 of Community Board #2, Manhattan By-laws**

**WHEREAS** Title III (The Board Officers) - Part 2 (Rotation of Chairpersons) of the Bylaws of Community Board #2 - Manhattan (CB#2) currently reads: "To provide the greatest opportunity of service for each member of the Board, no Chairperson shall serve for more than two consecutive terms, *except by unanimous recommendation of the Board to the Borough President*" (italics added); and

**WHEREAS** the City Charter requires only a majority vote of members present and entitled to vote (in the presence of quorum) for the passage of any act, decision or recommendation by the Board; and

**WHEREAS** CB#2, Man. should be the master of its internal affairs and not abdicate its prerogatives regarding the selection of its own officers; and

**WHEREAS** CB#2, Man. has been well-served by the tradition of "not more than two consecutive terms" for each Board Chairperson; and

**WHEREAS** CB#2's Bylaws have been silent regarding the effect of partial terms on the potential tenure of a successor to a Board Chairperson who ascends to the chair when the Board Chairperson leaves office before the end of his/her term,

**THEREFORE BE IT RESOLVED** that Tile III (The Board Officers) - Part 2 (Rotation of Chairpersons) of the Bylaws of Community Board #2 (Manhattan) is amended to read as follows:

- To provide the greatest opportunity for service for each member of the board, no Chairperson shall serve for more than two consecutive terms.
- In the event the Chairperson leaves office before his/her term expires and the remainder of his/her term is more than six months, the remainder shall be counted against the successor as a full term and, if six months or less, the remainder shall not be counted at all."

Vote: Unanimous, with 35 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

#### **1. Madi, Inc., 183 West 10<sup>th</sup> Street, NYC 10014**

**WHEREAS**, the applicant and their attorney appeared before the committee; and

**WHEREAS**, this application is for a 24 seat Italian restaurant with hours of Noon to 4 AM daily; and

**WHEREAS**, the applicant stated that the music will be background only; and

**WHEREAS**, no one from the community appeared in opposition to this application; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for Madi, Inc., 183 West 10<sup>th</sup> Street, NYC 10014

Vote: Unanimous, with 35 Board members in favor.



**2. Noakhali Rest. Corp., d/b/a Amin Indian Restaurant, 222 Lafayette Street (near Spring), NYC**

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

**WHEREAS**, this application is for a 40 seat Indian restaurant with hours from 11:30 AM to 11:PM daily; and

**WHEREAS**, the applicant stated that music will be background only; and

**WHEREAS**, no one from the community appeared in opposition to this application; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to Noakhali Rest. Corp., d/b/a Amin Indian Restaurant, 222 Lafayette Street, NYC

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

**3. 7<sup>th</sup> & Barrow LLC, d/b/a Sushi Samba 7, 87 7<sup>th</sup> Avenue South, NYC 10014**

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

**WHEREAS** this application is for a renewal of the On Premise license for this existing location; and

**WHEREAS** members of the community who live adjacent to this location appeared before the committee and stated that this applicant is creating difficulties with the rooftop seating. They stated that this applicant plays music at loud levels on the rooftop until closing time. They also stated that this applicant's air conditioning units vibrate and cause their apartment walls to shake. Attempts to discuss this issue have been met with a cooperative spirit on the part of the applicant, however, the conditions have not improved; and

**WHEREAS**, this applicant has been issued several violations by the Buildings and Landmarks Departments for performing work without a permit; and

**WHEREAS**, this applicant's Certificate of Occupancy permits only 50 persons on the rooftop of this structure and the applicant regularly exceeds this limit, sometimes by as much as 150 persons causing a dangerous situation for the patrons and an untenable noise problem for the occupants; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the renewal of the On Premise license for 7<sup>th</sup> and Barrow LLC., d/b/a Sushi Samba 7, 87 7<sup>th</sup> Avenue South, NYC 10014

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

**4A Sweet and Vicious Bar, 5 Spring Street, NYC**

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

**WHEREAS** this application is for a renewal of the On Premise license for this existing location; and

**WHEREAS** members of the community appeared before the committee and stated that this applicant \ plays music at loud levels into the night and his backyard seating is disturbing to the neighborhood; and

**WHEREAS**, the applicant stated that he closes the backyard seating at 11PM during the week and at 12 AM on weekdays in an effort to cooperate with the neighborhood and that he has taken steps to alleviate the noise problems associated with his music system; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of the renewal of the On Premise license for Sweet and Vicious, 5 Spring Street, NYC

Vote: Failed: with 15 Board members in opposition, 12 in favor, and 1 abstention. See substitute resolution below.

**4B. Sweet and Vicious Bar, 5 Spring Street, NYC**

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

**WHEREAS** this application is for a renewal of the On Premise license for this existing location; and

**WHEREAS** members of the community appeared before the committee and stated that this applicant plays music at loud levels into the night and his backyard seating is disturbing to the neighborhood; and

**WHEREAS**, the applicant stated that he closes the backyard seating at 11PM during the week and at 12 AM on weekends in an effort to cooperate with the neighborhood and that he has taken steps to alleviate the noise problems associated with his music system; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not recommend approval of the renewal of the On Premise license for Sweet and Vicious, 5 Spring Street, NYC.

Vote: Passed, with 28 Board members in favor, 4 in opposition and 3 abstentions.

**5. Uniform regulation of all outdoor seating for restaurants and bars with regard to hours of operation and noise from loudspeakers.**

**WHEREAS**, from time to time the Community Board is asked to recommend approval of liquor licenses for locations that have an outdoor seating area other than a Sidewalk café, such as a rear yard or rooftop; and

**WHEREAS** some members find it difficult to support these applications due to the lack of regulation in regard to hours of operation and noise from loudspeakers for these types of establishments; and

**WHEREAS**, the regulations that govern sidewalk cafes with regard to hours of operation and noise from loudspeakers do not apply to outdoor seating that is not located on the sidewalk; and

**WHEREAS**, at present there are no regulations that govern the hours of operation and noise for rear yard or rooftop installations making it possible for these premises to operate until the early morning hours and to have recorded noise from loudspeakers; and

**WHEREAS** it would be beneficial if the same rules and regulations that apply to sidewalk cafes in regard to hours of operation and noise from loudspeakers would be extended to all outdoor seating whether it be rear yard or rooftop; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. calls upon the City of NY, The Dept. of Transportation and the Dept. of Consumer Affairs to develop rules and regulations that will require all premises with outdoor seating to be subject to the same rules and regulations that govern sidewalk cafes with regard to hours of operation and noise.

Vote: Unanimous, with 35 Board members in favor.

**ENVIRONMENT**

**AIDS Funding & the Barcelona International AIDS Conference.**

**WHEREAS**, at the request of 12 members of the U.S. Congress, the U.S Dept. of Health & Human Services is subjecting to special audit the federal funding of over a dozen prominent AIDS service organizations (including Gay Men's Health Crisis, Treatment Action Group, AIDS Vaccine Advocacy Group and AIDS Project Los Angeles) that joined in a noisy demonstration against U.S. Health and Human Services Secretary Tommy Thompson during his speech at the recent international AIDS conference in Barcelona; and

**WHEREAS**, the demonstration protested U.S. failure adequately to contribute to an international fund to arrest the AIDS pandemic in Africa and Asia by such low-cost prevention measures as education and blocking transmission from mother to newborn, along with treatment of affected individuals; and

**WHEREAS**, as has been customary in the history of HIV/AIDS, the protesting groups are among the most vigorous, knowledgeable and effective advocates and service providers in the HIV/AIDS crisis; Now

**THEREFORE BE IT RESOLVED** that CB#2, Man., representing a district of over 90,000, many of whom are surviving with HIV/AIDS, protests in the strongest possible terms this attempt by 12 members of the U.S. Congress to use the power of their office to silence dissent by requiring the U.S. Department of Health and Human Services to conduct special audits of the AIDS groups that protested at Barcelona, and we call upon these Congress members to rescind this request; and Representatives Nadler, Velazquez, and Maloney, and all other members of the New York delegation to prevail upon these 12 members to withdraw this unseemly request; and

**BE IT FINALLY RESOLVED** that CB#2, Man. reminds these 12 members of Congress that it is only through protest that people with AIDS are now surviving in this country, and that, with AIDS, the motto "Silence Equals Death" is the simple truth.

Vote: Unanimous, with 35 Board members in favor.

**INSTUTIONS**

**Cooper Union Plan**

**WHEREAS** CB#2, Man. has reviewed the City Planning Commissions 8-3 vote supporting rezoning to C6-3 from C6-1 for the Cooper Union Large Scale Development Plan with an FAR of 7.5 to allow for a commercial office building; and

**WHEREAS** there was no analysis in the City Planning deliberations that current or future office space demand warrants this rezoning, and

**WHEREAS** there is little difference between the existing C6-1 zoning's allowable FAR and the imposition of the maximum 7.5 FAR under the C6-3 passed by City Planning and

**WHEREAS** this C6-3 rezoning opens up the Cooper Union Engineering Bldg. site to possible future residential development at an FAR of 7.52 which would represent a 118% increase over the existing C6-1 FAR of 3.44 for residential and impose a residential tower in an area that is developed primarily in low-mid rise buildings,

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly urges the City Council to reject the City Planning Commission proposal for blanket C6-3 zoning and keep the existing C6-1 zone and its maximum FAR of 3.44 for residential development thus precluding Cooper Union from requesting at a future date a land use change in its General Large Scale Development Plan from office to residential which would allow Cooper to develop at an FAR of 7.52 that is not in keeping with the existing 231' low rise scale of the residential neighborhood.

Vote: Unanimous, with 35 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, September 24<sup>th</sup>, 2002**

- 1. LPC Item: 7 - 464 Hudson Street - Greenwich Village Historic District**  
**An apartment building built in 1925-26 designed by Renwick, Aspinwall & Tucker. Application is to remove an awning installed without Landmarks Preservation Commission (LPC) permits, to legalize the installation of exterior roll-down security gates without LPC permits, and to install two new awnings.**

**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 35 Board members in favor.

- 2. LPC Item: 8 - 259 West 4th Street (Perry)- Greenwich Village Historic District. An apartment house designed by Bernstein & Bernstein, Architects, and built in 1905. Application is to install storefront infill and areaway railings.**

**WHEREAS**, the application calls for the replacement of the plain wood picket fence with a 32"- high steel and cast-iron fence with decorative elements; and

**WHEREAS**, it is unsure whether there was ever a fence there originally; but

**WHEREAS**, there was some confusion on condo board procedure in authorizing the application, but that is not this board's bailiwick;

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

**BE IT FURTHER RESOLVED** that the controversy over whether the application was properly authorized be resolved before a Certificate of Appropriateness is issued.

Vote: Unanimous, with 35 Board members in favor.

**3. LPC: Item 9 - 121-127 West 10th Street - Greenwich Village Historic District. A commercial building built in 1954. Application is to install storefront infill and illuminated signage.**

WITHDRAWN

**4. LPC Item: 10 - 178 Waverly Place - Greenwich Village Historic District  
Two Greek Revival style houses built in 1839. Application is to raise the height of the roofs at the rear.**

WITHDRAWN

**5. LPC Item: 11 - 100 West 12th Street - Greenwich Village Historic District  
An apartment building built in 1956 and designed by Horace Ginsbern and Associates. Application is to install a barrier free access ramp.**

HELD OVER

**6. LPC Item: 12 - 512 Broadway, a/k/a 56 Crosby Street (Spring/Prince)- SoHo Cast-Iron Historic District. A Renaissance Revival style store and loft building built in 1881-82 designed by Lamb & Wheller. Application is to install canopies on the Broadway and Crosby Street facades.**

**WHEREAS**, the proposed curved brushed aluminum awnings with a perforated open grill is stylish and attractive, and its attachment to the storefront will not damage original elements; and

**WHEREAS**, there was some debate on whether four awnings on Broadway were too many, and whether the awning on the Crosby façade was appropriate at all;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of the application relating to the Broadway facade; and

**BE IT FURTHER RESOLVED** that CB#2, Man. recommends approval of this application relating to the Crosby Street facade;

Vote: Unanimous, with 35 Board members in favor.

**7. LPC Item: 13 - 70 Greene Street - SoHo-Cast Iron Historic District  
A store and tenement building built in 1860. Application is to legalize the installation of a storefront in non-compliance with Certificate of Appropriateness 99-4665 and the installation of lighting with exposed conduit and a flagpole without Landmarks Preservation Commission permits.**

**WHEREAS**, there was a mix-up with the mail notifying the applicant and the meeting announcement was consequently returned to the community board office, so the applicant was not aware of the meeting;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. cannot take a position on this application.

Vote: Unanimous, with 35 Board members in favor.

**8. LPC Item: 14 - 35 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 35 Board members in favor.

**9. LPC Item: 15 - 83 Wooster Street - SoHo-Cast Iron Historic District**

**A commercial building designed by J.B. Snook and built in 1876. Application is to install a painted wall sign.**

**WHEREAS**, there is widespread nostalgic enjoyment of old ghost signs, as demonstrated in photographic exhibitions on the subject in Williamsburg, Brooklyn in the year 2000, stories in scholarly journals, e.g., *The New York Chronicle* vol.10 no.4, Fall 1998, and media reporting whenever a particularly delightful sign is discovered (witness the recent story in the *New York Times*; when demolition of a building near Lincoln Center exposed a wonderful old ghost sign for Hunter Baltimore Rye); and

**WHEREAS**, this is one of the few ghost business signs remaining that evokes SoHo’s manufacturing history, once so prominent and important in the 19<sup>th</sup> and 20<sup>th</sup> centuries; and

**WHEREAS**, the installation of a large, new, inappropriate sign would obliterate the ghost sign and do nothing to contribute to the Historic District, in fact, it would add to the blight of advertising signs;

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

Vote: Unanimous, with 35 Board members in favor.

**10. Street Furniture Franchise Authorization Resolution**

**WHEREAS**, the Mayor has introduced to the City Council two bills dealing with the awarding of an exclusive franchise to one company to design, build, and maintain various facilities in the city, a.k.a. street furniture, e.g., newsstands, bus shelters, public toilets, trash baskets, etc.; and

**WHEREAS**, in return for the exclusive franchise, the operator would pay a franchise fee to the City; and

**WHEREAS**, in order to pay for the design, building and maintenance of the facilities and the franchise fee, the operator would be given permission to install advertising on the above-named items; and

**WHEREAS**, in Historic Districts and in the immediate proximity to designated Individual Landmarks, both the community boards and the Landmarks Preservation Commission (LPC) should have a say regarding the appropriateness of such signage and the design of the street furniture, as directed by the Landmarks Law; therefore,

**THEREFORE BE IT RESOLVED** that CB#2, Man. wants to see the Authorization Resolution amended to incorporate into its language, the requirement that all such designs and advertising must be submitted to both the local community board and the LPC before approval.

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

**11. LPC Item: 16 - 6 Wooster Street** HELD OVER

**12. LPC Item: 17 - 6 Wooster Street** HELD OVER

**13. LPC Item: 18 - 7 Great Jones Street** PREVIOUSLY HEARD BY US

**PARKS, RECREATION AND OPEN SPACE**

**1. Proposal for private use of Passannante Park**

**WHEREAS** the committee received a proposal from GMR Marketing, Inc. for private promotional use of Passannante Park for seven days; and

**WHEREAS** this is a heavily used by children and schools; and

**WHEREAS** there is no stated public benefit of this event; and

**WHEREAS** the sponsors did not attend the meeting to make a presentation or respond to questions; and

**WHEREAS** the public has not had an opportunity to respond to this proposal; and

**WHEREAS** the Parks Department did make a request to the committee with respect to this proposal; and

**WHEREAS** CB#2, Man. has consistently opposed private uses of our parks which close the parks to their customary and popular public uses;

**THEREFORE BE IT RESOLVED** that CB#2, Man. opposes this proposal and requests the Department of Parks to reject a permit application if one is submitted.

Vote: Unanimous, with 35 Board members in favor.

## **2. A Proposal for A Small Dog Run for Small Dogs in Washington Square**

**WHEREAS** the committee first considered this proposal for a small dog run in June; and

**WHEREAS** the proposal is supported by numerous owners of small dogs who feel strongly that their dogs are endangered in dog runs used by larger dogs and that a dog run for smaller dogs would greatly benefit the animals and their owners; and

**WHEREAS** a petition was presented to the committee; and

**WHEREAS** of the 27 people attending the public hearing, 23 were in favor and three were opposed; and

**WHEREAS** the committee visited alternative sites in Washington Square Park after its July meeting and there was unanimous preference among those attending in favor of a site on the brick area adjacent to the petanque courts on the south side of the park because this area is not well used by the public and has no grass or trees or benches; and

**WHEREAS** there was no consensus among committee members attending the September meeting in favor of this or any other specific site;

**WHEREAS** no alternatives sites have been found outside Washington Square Park; and

**WHEREAS** the total area for the proposed run is under 600 square feet which is less than one six hundredth of the park area; and

**WHEREAS** a group of dog owners is proposing to raise private funds for construction and maintenance of this proposed dog run;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recognizes the need for a dog run for small dogs and supports the construction of such a run in Washington Square Park; and

**FURTHER BE IT RESOLVED** that CB#2, Man. urges the Parks Department to work with the group of dog owners to design, build, and maintain this dog run using funds raised by the group; and

**FURTHER BE IT RESOLVED** that CB#2-Man. recommends an area for this dog run approximately 20 x 30 feet at the south east corner of the brick area across W. 14 St. from the Kimmel Center.

Vote: Passed, with 29 Board members in favor and 6 in opposition.

**(SEE EXHIBIT III ATTACHED).**

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

**1. NEW application to NYCDOT for revocable consent to install and maintain a line of planters. Eight planters three feet by six feet each in front of NYU Coles Sports Center, at 181 Mercer Street, NYC.**

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

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

**WHEREAS**, after planters are installed there will be ten feet of sidewalk access and:

**WHEREAS**, after planters are installed there will be four feet by two inches of walking space between planters for students to enter the Coles building and;

**WHEREAS**, these planters are going to be installed for safety reasons and;

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

**WHEREAS**, there are no complains on file at the board office.

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends approval of revocable consent to install eight planters by NYU Coles Sports Center, at 181 Mercer Street, NYC.

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

**2. NEW application to NYCDOT by The Renaissance Properties for revocable consent to relocate one existing stoop located at 194-196 Mercer Street, NYC.**

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

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

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

**WHEREAS** by changing the existing stoop it will add more pedestrian access; and

**WHEREAS** by changing the existing stoop it will add charm and character to this block;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of revocable consent to relocate one existing stoop at 194-196 Mercer Street, NYC, by The Renaissance Properties.

Vote: Unanimous, with 35 Board members in favor.

**3. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Sammy's Asian Gourmet, 301-303 6<sup>th</sup>. Avenue. NYC, with 10 tables and 32 seats. DCA# 1027523.**

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

**WHEREAS**, there was opposition from the community, but not about the sidewalk café only about a nosey exhaust system located behind the restaurant; and

**WHEREAS**, the applicant agreed to work with the community to fix the exhaust problem; and

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of a ONE YEAR ONLY revocable consent to operate an unenclosed sidewalk café to Sammy's Asian Gourmet, 301-303 6<sup>th</sup> avenue, NYC, with 10 tables and 32 seats.

Vote: Unanimous, with 35 Board members in favor.

**4. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Café Español, 172 Bleecker Street NYC with 3 tables and 8 seats DCA# 920629.**

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

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

**WHEREAS**, there are no complaints on file at the Board office; and

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

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval for a THREE YEAR revocable consent to operate and unenclosed sidewalk café to Café Español, 172 Bleecker Street, NYC, with 3 tables and 8 seats.

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

**5. Request by the Sidewalk Committee of CB#2, Man. not to increase Sidewalk Café Rates**

**WHEREAS**, these are really bad economic times - even more so after September 11<sup>th</sup> 2001; and

**WHEREAS** the application rate for Sidewalk Cafés should not be increased to nine hundred dollars; and

**WHEREAS** the rate for unenclosed and enclosed Sidewalk Cafés seats should stay at the same price;

**THEREFORE BE IT RESOLVED** that the Sidewalk Café Committee of CB#2, Man. recommends the rates to remain at the same price.

Vote: Passed, with 32 Board members in favor, 2 in opposition, and 1 abstention.

**TRAFFIC AND TRANSPORTATION**

**1. \*Request to review the new design of the Bedford St. triangle (Houston St. & 6<sup>th</sup> Ave.) as part of the West Houston St. Reconstruction Project.**

**WHEREAS**, The plans presented to the Board show a viewing garden surrounded by sidewalks, And;

**WHEREAS**, Many community members expressed a desire for a with interior seating, And;

**WHEREAS**, The designer of the green space noted several possible problems with a more open design particularly the small size of the triangle, And;

**WHEREAS**, Board members found it difficult to evaluate a theoretical open design with out a drawing, And;

**WHEREAS**, The cross walk at the eastern tip of the triangle does not pass through the triangle to provide pedestrian refuge,

**THEREFORE BE IT RESOLVED**, CB#2, Man. requests that basic sketches of an open design that includes full H/C access & interior seating be presented to the board so that the Board can better evaluate the possible options for this triangle And;

**THEREFORE BE IT FURTHER RESOLVED** CB#2, Man. requests that NYCDOT extend the eastern tip of the triangle so that the adjoining cross walk will pass through the triangle to provide pedestrian refuge.

Vote: Unanimous, with 37 Board members in favor.

**2. \*Request to review Handicap Ramp access for the new Library at 285 Lafayette St. The ramp will restrict the usage of Jersey St. for one block.**

**WHEREAS**, CB#2, Man. has strongly supported this new Library, And;

**WHEREAS**, CB#2, Man. has strongly supports access for the disabled, And;

**WHEREAS**, Community members noted that some of the adjoining sidewalks lack the appropriate curb cuts, And;

**WHEREAS**, the presentation was for the Handicap Access Ramp and it was noted that there are also plans to close this block of Jersey St, And;

**WHEREAS**, The closure of Jersey St. for this block would have little if any affect on traffic flow,  
**THEREFORE BE IT RESOLVED** that CB#2, Man. supports the Handicap Access Ramp for the new Library at 285 Lafayette St. The Board further requests that appropriate curb cuts be installed in the adjoining sidewalks and that any existing obstructions be removed, And;

**BE IT FURTHER RESOLVED** that CB#2, Man. requests that the NYCDOT prepare and present to the Board a design for the closure of Jersey St. The design should consider maximum access for the disabled, resurfacing of the street bed, raising the level of the street and adding additional curb cuts, and recessing Ballard's at the intersections to provide a H/C drop-off zone.

Vote: Unanimous, with 37 Board members in favor



### 3. Milling of streets

**WHEREAS**, A representative of NYC DOT presented a plan for resurfacing Broadway from 14<sup>th</sup> St. to Canal St. and West Broadway from Canal St. to West 3<sup>rd</sup> St. to be done in one continuous operation, And;

**WHEREAS**, The majority of the work must be done at night which will cause some disturbance to residents that will be minimized by performing the work in one continuous operation, And;

**WHEREAS**, This project will result in a major improvement for two important streets with the minimum inconvenience to the community., And;

**WHEREAS**, The representative of NYC DOT indicated that it might be possible to add a small additional area for resurfacing and community members noted the poor condition of Watts St. from 6<sup>th</sup> Ave. to the Holland Tunnel which is close to the area that is being resurfaced.,

**THEREFORE BE IT RESOLVED** that CB#2, Man. supports the resurfacing of Broadway from 14<sup>th</sup> St. to Canal St. and West Broadway from Canal St. to West 3<sup>rd</sup> St. provided that the work is performed in one continuous operation and further requests that the NYCDOT add Watts St. from 6<sup>th</sup> Ave. to the Holland Tunnel to the area that is being resurfaced.

Vote: Unanimous, with 37 Board members in favor.

### ZONING AND HOUSING

#### 1. **55 WEST HOUSTON STREET Application to reopen and amend the variance to change the number of dwelling units from 43 to 15. Application # 175-97-BZ.**

**WHEREAS**, in repeated testimony before the Community Board, the Board of Standards and Appeals, the NY State Supreme Court, the Appellate Division of the NY State Supreme Court, and the NY State Court of Appeals, the developer presented this proposal as a single project that would unify two separate lots and be developed simultaneously, and

**WHEREAS**, all decisions made by these governmental bodies were predicated on the premise that this was a single project; and

**WHEREAS**, the original variance granted by BSA called specifically for both sites of this project to be built simultaneously, and

**WHEREAS**, the variance was based upon a blended economic analysis of both lots together, and this blended analysis was consistently used by the developer to establish a hardship that, it was argued,

- was not self-created,
- that individually these two lots could not earn a reasonable rate of return,
- that the opportunity to develop these lots together was unique,
- that the variance would not have a negative impact on the neighborhood,
- that the project represented the minimum variance necessary; and

**WHEREAS** last January, the BSA, within five days of the request by the developer, conveniently eliminated the provision of the original variance requiring that both sites be developed simultaneously, and

**WHEREAS**, this was done without any public notification and in an uncharacteristically expeditious manner, of concern particularly since this was known as a controversial variance; and

**WHEREAS**, the presentation to the NYC Landmarks Preservation Commission rested largely upon the notion that the project would consist of two buildings representing a unified appearance as the "Gateway to SoHo"; and

**WHEREAS**, the 55 W. Houston site cannot be developed without the approval of the New York State Department of Environmental Conservation, and

**WHEREAS**, the NYSDEC has not approved the cleanup protocol submitted by the developer; therefore,

**WHEREAS**, although the change in size of the units and reduction in density of the project is commendable, this change only applies to 1/2 the project;

**THEREFORE BE IT RESOLVED**, that the change in variance requested be denied; and,

**BE IT FURTHER RESOLVED** that the project should remain unified and that the larger, lower density units requested for the 55 W. Houston portion of this project be made applicable to the 19/35 W. Houston portion of this unified project after all the environmental issues have been resolved.

Vote: Unanimous, with 35 Board members in favor.

**2. 40 THOMPSON STREET- Special Permit application to permit retail use on the ground floor. CPC Application # 020399ZSM**

**WHEREAS**, there was no opposition to the change of use on the ground floor; and

**WHEREAS**, the applicant did an exemplary job in the advertising of the space and outreach to conforming uses; and

**WHEREAS**, the one complaint we did receive was about the billboards protruding from the building, which the applicant says are legal and are grandfathered, but we request that the applicant or the City ascertain that this is so; and

**WHEREAS**, the billboards do not have any bearing on the Special Permit application, except that if we are allowing the applicant to legalize the ground floor use, we have the right to ask that the rest of the building have legal uses, such as appropriate signage;

**THEREFORE BE IT RESOLVED** that CB#2, Man. approves the granting of a Special Permit for 40 Thompson Street and commends the applicant for the thorough application;

**BE IT FURTHER RESOLVED** that this community has fought long and hard against inappropriate placement of billboards and oversized advertising on buildings;

**BE IT FURTHER RESOLVED** that we request the legality of the billboards be ascertained and that, even if they are legal, the applicant consider replacing them with signage more appropriate to this prominent location.

Vote: Unanimous, with 35 Board members in favor.

**3. Community Facilities and The Overuse of Zoning**

**WHEREAS**, community facility zoning has been overused in our district; and

**WHEREAS**, the intent of the community facility zoning was never meant to alter the character and zoning of entire neighborhoods, yet it has; and

**WHEREAS**, there are no mechanisms in place for assessing the impact when an organization builds more than one community facility in a neighborhood, and no such Regulations as the "fair share" provisions for social service facilities; and

**WHEREAS**, we are seeing organizations build not one, but 2, 3 or 20; and

**WHEREAS**, our community can not even begin to enumerate the examples of negative impact on the district, for example Washington Square Park is forever changed by the large community facilities that dominate the landscape and alter the light and air and even the historic view through the Washington Square Arch; and

**WHEREAS**, we have recently seen buildings built with community facility zoning now asking for variances for the community facility portion of the building to be turned into residential, claiming hardship, although they were already overbuilt for residential buildings and the variance would further increase the residential FAR; and

**WHEREAS**, in this bad economic climate it is easier to prove the hardship finding for variances, a situation that might not have been the case prior to 9/11 and might not be the case several years from now, and there is concern that more variances may be requested by owners taking advantage of the situation to convert their overbuilt buildings; and

**WHEREAS**, we agree with the recommendations of The Greenwich Village Society for Historic Preservation which is examining changing the regulations on community facility zoning; and

**THEREFORE BE IT RESOLVED** that the zoning regulations are in dire need of being changed to address the overuse of community facility zoning which is forever altering the character of our neighborhoods and is defacto rezoning; and

**BE IT FURTHER RESOLVED** that we support the general concepts raised by the recent study put out by the Greenwich Village Society for Historic Preservation; and

**BE IT FURTHER RESOLVED** that the regulations need to address size and scale as pertains to the surrounding zoning, the type of district (historic, special district), the proximity to parks and view corridors (river, historic views), and the saturation of existing community facilities and their effect on a neighborhood; and

**BE IT FURTHER RESOLVED** that we call upon City Planning to mandate and develop master plans with large institutions in order to allow their growth without hurting our neighborhoods and parks.

Vote: Unanimous, with 35 Board members in favor.

#### **4. Proposed Legislation for Granting of Franchises on Public City Structures**

**WHEREAS** the Mayor has resurrected an Executive Order issued in August 1995, which designated the NYC Department of Transportation (NYCDOT) the agency for granting of franchises for bus shelters, self-cleaning automatic public toilets, newsstand structures and “additional public services structures”; and

**WHEREAS** the legislation now before the City Council provides for the designation of one company to install, operate, and maintain such franchise structures in all five boroughs of the City; and

**WHEREAS** in its RFP the NYCDOT will develop siting and design criteria for such structures, reflecting “a citywide coordinated design scheme” with consultation with Community Boards only as to siting for such franchise structures; and

**WHEREAS** these structures will contain advertising with the maximum number and area left to NYCDOT to determine; and

**WHEREAS** the franchise term is 20 years; and

**WHEREAS** in the presentation, it was stated that existing newsstands would buy the new structures, with payment spread over a period of time, and that the income from sale of the advertising space would go to the franchise holder, who would pay a minimum fee or a portion of the receipts to the City for the franchise; and

**WHEREAS** this legislation would have an impact on CB#2, Man., not only in its many Historic Districts and individual landmarks, but also because of the layout of streets which do not follow the traditional grid pattern and are often narrow with narrow sidewalks; and

**WHEREAS** it was stated the newsstands, for instance, would contain 82.5 sq. ft. of advertising, which would be more than 8 ft., 5 in. on each side of the stand, leaving little room for the usual newspaper and magazine displays; and

**WHEREAS** this amount of visual pollution on the quaint Village streets and even in its manufacturing districts such as the Meat Market, SoHo, and the Printing area, would detract from the atmosphere that draws tourists to the area; and

**WHEREAS** there is no opportunity for the Community Boards to comment and make suggestions on this proposed legislation because of the accelerated fast track hearing schedule;

**THEREFORE BE IT RESOLVED** that this is too important a matter not to be sent to the Community Boards under the usual ULURP clock, for full evaluation and comment.

Vote: Unanimous, with 36 Board members in favor.

#### **NEW BUSINESS**

##### **Pre-Emptive War against Iraq**

**WHEREAS**, a unilateral pre-emptive war against Iraq would likely have grave consequences for the United States and our allies, including possible collapse of the coalition against terrorism, destabilization of the Middle East and possible hostilities against the State of Israel, great economic dislocations, and great loss of life in Iraq and in our invading forces, and

**WHEREAS**, diplomatic options to resolve our dispute with Iraq have not been exhausted; and

**WHEREAS** the United States successfully contained the very grave danger posed by the Soviet Union and its weapons of mass destruction for over forty years, until economic and political changes in the Soviet Union forced a change in the regime, and

**WHEREAS**, the United States Constitution requires approval of the Congress for war against another country, and this is especially applicable to a pre-emptive war planned and announced long in advance, and

**WHEREAS**, the United Nations Charter, a treaty which is part of U.S. law, allows the use of force only (1) In self-defense against an attack pursuant to Article 51 of the Charter, or (2) when authorized by the Security Council as necessary to counter a threat to international peace and security under Chapter VII of the Charter, and

**WHEREAS**, we fought the Persian Gulf War in 1991 to uphold the principle that no nation may attack another for purposes other than self-defense against an actual attack, and proceeded to war against Iraq only after authorization by the UN Security Council, and

**WHEREAS**, even numerous prominent Republicans from both the moderate and conservative wings of that Party have publicly questioned the wisdom of a pre-emptive American war against Iraq,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that CB#2, Man. opposes a pre-emptive American war against Iraq, and urges its representatives In the House of Representatives and the Senate to make every effort to pursue a policy of containment by a full weapons inspections program, and by the maintenance of a fully adequate American force to deter and protect against an), possible Iraqi attack.

Vote: Move to table: passed, with 29 Board members in favor, and 6 in opposition.

Respectfully submitted,

Robert Rinaolo,  
Secretary  
Community Board #2, Manhattan