

FULL BOARD MINUTES

DATE: December 19,2002
TIME:6:30 P.M.
PLACE: St. Vincent's Hospital
170 W. 12th Street, 1st Floor Cafeteria

BOARD MEMBERS PRESENT: Ann Arlen, Steve Ashkinazy, Tobi Bergman, Keith Crandell, Doris Diether, Elizabeth Gilmore, Edward Gold, Arnold L. Goren, Jo Hamilton, Brad Hoylman, Lisa La Frieda, Don Lee, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Don MacPherson, Rosemary McGrath, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Robert Rinaolo, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Ruth Sherlip, Melissa Sklarz, James Smith, Sean Sweeney, Martin Tessler, Lora Tenenbaum, Stephanie Thayer, Wilbur Weder, Jeanne Kazel (Wilcke), Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Helene Burgess, Anthony Dapolito

BOARD MEMBERS ABSENT: Noam Dworman, Harriet Fields, Lawrence Goldberg, Anne Hearn, Honi Klein, Hyun Lee, Edward Ma, Doris Nash, Ann Robinson, Arthur Z. Schwartz, Shirley H. Smith

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, Senator Tom Duane'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 Christine Quinn's office, Bradford Sussman, Man. Borough President C. Virginia Field's office; Kacy Ames, Kate Schineller, Carla Jackson, David Schaffer, David Lieberman, Eunice Lee, Albert Bennett, Joshua David, Amelia Schwartz, Judy Selby, Cynthia Smith, Anne Arkush. Andrew Berman, Allen Fuss, Stu Waldman.

MEETING SUMMARY

Meeting Date December 19, 2002
Board Members Present – 34
Board Members Excused– 2
Board Members Absent - 11

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II. PUBLIC SESSION

Non-Agenda Items

Melissa Sklarz spoke re: SONDA.

Doris Diether gave an update re: zoning hearing results.

Amelia Schwartz, from the NY Public Library, spoke.

Gansevoort Peninsula

Andrew Berman, GVSHP, spoke in favor of the landmarking of the Gansevoort peninsula.

Man. District Attorney's office

Kacy Ames and Kate Schindler gave an update re: the agency's services.

McBurney YMCA

Carla Jackson spoke re: the new location at 14th St.

High Line

Joshua David, of Friends of the High Line, spoke on the topic.

Business Items

MM 130 Bowery d/b/a Capitale, 130 Bowery

David Lieberman, Allen Fuss, Eunice Lee, all spoke against the nightclub, citing noise and crowd problems.

Waterfront Items

Big Box Retail and Pier 40

Stu Waldman spoke against this topic.

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

Bradford Sussman, Man. Borough President C. Virginia Field's office

V. ADOPTION OF MINUTES

Adoption and Distribution of November minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Aubrey Lees reported

2. **District Manager's Report** Arthur Strickler reported.

VII. STANDING COMMITTEE REPORTS

BUSINESS

1. MM 130 Bowery Rest. Corp., d/b/a Capitale, 130 Bowery, NYC 10013

WHEREAS, the applicant's manager, banquet manager, and his attorney appeared before the committee; and

WHEREAS this application is for an alteration to add two additional bars to this 30,000 square foot recently licensed venue whose website already boasts of 11 bars (only two were applied for on the original application); and

WHEREAS, approximately one year ago this committee strongly recommended denial of the original On Premise license for this venue on the basis that it was suspected that this was to be no more than a raucous party space that would reek havoc on the community; and

WHEREAS, there have already been numerous problems beginning with a construction worker being shot during the construction. Also, numerous violations have been issued both before the opening and since; and

WHEREAS, the worst fears of the community have now been realized as this location warms up for its official opening by making itself available for "private parties" and has caused utter chaos and unbearable hardship on the community.

More specifically on the immediate neighbors who now have to withstand regular street closings, horrendous noise, public urination, vibrating walls, loss of property values and all the other problems that are customarily caused by the presence of a SUPER MEGA club on one's block; and

WHEREAS, this location was disingenuously licensed as a use group 9, "Catering Hall" and therefore can operate as a full blown dance club as long as the attendees claim to be "invited guests"; and

WHEREAS with the advent of the Internet and e-mail, the nature of club operations has changed dramatically. Practically no one walks in off the street and almost everyone who frequents these clubs are on email lists and are offered discounts for responding in advance which places their name on the clipboard therefore making them "invited guests"; and

WHEREAS, several immediate neighbors stated that their lives have been completely altered as a result of the opening of this club and they also stated that the management has been totally unresponsive to their plight. One of them shouting at the committee meeting "you are destroying us"; and

WHEREAS the owners and residents of the building next door were forced to hire an attorney (Barry Mallin) to accompany them to the committee meeting and assist them in stating their case and hopefully restoring some normalcy to their lives; and

WHEREAS, Mr. Mallin as attorney for these residents and owners told the committee of the unbearable conditions that his clients have to withstand and he also submitted a brief outlining the problems (copy attached); and

WHEREAS, the owner of the adjacent building stated that he enters the Capitale premises regularly to complain of noise problems and is accustomed to dealing with Mr. David Marvisi who is on the premises daily in charge of both club operations and construction activity and identifies himself as the club owner; and

WHEREAS, the committee in its original denial alerted the State Liquor Authority of its suspicion that the ownership of this premise is not as stated on the application which states that Ms. Margaret Millard is the sole proprietor. It is the belief of the committee that Mr. David Marvisi is the actual owner and he has repeatedly boasted this to be true to the press, immediate neighbors and anyone else who will listen; so

THEREFORE BE IT RESOLVED that CB#2, Man. calls upon the State Liquor Authority and the City of New York not to permit "technicality savvy" applicants to be dubiously licensed. This could cause the public to distrust the credibility of the agency, especially when the ownership status of the applicant is in question; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the State Liquor Authority to not only deny this application for additional bars but to right the wrong it has allowed by thoroughly investigating the questionable ownership situation stated above and to revoke the existing license if it finds these allegations to be true.

CB#2 Manhattan also calls upon the Department of City Planning to close the gaping loophole that permits Use Group 12 activity to be conducted in areas that are not zoned for this type of activity and are too fragile to withstand it on a daily basis; and

BE IT FINALLY RESOLVED that CB#2, Man. strongly recommends denial of this alteration application adding two additional bars for MM 130 Bowery Rest. Corp., d/b/a Capitale, 130 Bowery, NYC 10013, and calls upon the State Liquor Authority to investigate the legality of the eleven bars that are advertised as being already in use and to demonstrate exactly how the public interest is being served by the existence of this venue.

Vote: Passed, with 33 Board members in favor, and 1 abstention.

2. Downtown Restaurant Group, LLC., 50 Gansevoort Street, NYC 10014

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

WHEREAS, this application is for a 136 seat restaurant located in the meat market in the space formerly occupied by Chingalle; and

WHEREAS, the applicant stated that this would be a Bistro style restaurant with hours of operation being 4 PM to 4 AM seven days; and

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

WHEREAS, no one from the public spoke in opposition to this application;

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to Downtown Restaurant Group, LLC., 50 Gansevoort Street, NYC 10014

Vote: Unanimous, with 34 Board members in favor.

3. 30 Thompson Street Restaurant Management Corp., d/b/a Vileo, 30 Thompson Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a new On Premise license in what is now a vacant garage space; and

WHEREAS, the applicant stated that this is to become a 185 seat jazz venue with live jazz entertainment nightly; and

WHEREAS, the applicant stated that the hours of operation would be from 11 AM to 2 AM seven days; and

WHEREAS, 11 members of the public appeared in opposition to this application citing noise and other chaos that occurs nightly on the block caused by existing establishments; and

WHEREAS, a retired police officer also testified as to the conditions on the block and recalled responding on numerous occasions to complaints on this block; and

WHEREAS, the applicant stated that his only restaurant or bar experience was in Israel and that he did not have any New York experience for the committee to reference;

THEREFORE, BE IT RESOLVED that CB2 strongly recommends denial of an On Premise license for **30 Thompson Street Restaurant Management Corp., d/b/a Vileo, 30 Thompson Street, NYC 10012**

Vote: Unanimous, with 34 Board members in favor.

4. Mirchi South Inc., d/b/a Mirchi, 29 Seventh Avenue South, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a transfer of the On Premise license at this location; and

WHEREAS, the applicant stated that there will be no changes to the method of operation, menu or music policy; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to **Mirchi South, Inc., d/b/a Mirchi, 29 Seventh Avenue South, NYC 10014**

Vote: Unanimous, with 34 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

PUBLIC HEARING: LANDMARKS PRESERVATION COMMISSION, December 17, 2002

LPC Item 5 - 783 Washington Street (Jane St.) - Greenwich Village Historic District A vernacular residence built in 1849. Application is to alter the ground floor.

WHEREAS, overall the project is appropriate and the garage door is sympathetic with others in the neighborhood; now

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

Vote: Unanimous, with 34 Board members in favor.

LPC Item: 7 - 583-587 Broadway (Houston/Prince) - SoHo-Cast Iron Historic District A neo-Classical style store and loft building built in 1897, designed by Cleverdon and Putzel. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for an amendment to a special permit pursuant to Section 74-711 of the Zoning Resolution and an authorization under Section 42-142 of the Zoning Resolution. Zoned M 1-5B

WHEREAS, the applicant is maintaining an ongoing preservation program and we wish to see it continued; but

WHEREAS, we remind the applicant that approval of this application does not necessarily indicate approval of the zoning change; and

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

Vote: Unanimous, with 34 Board members in favor.

LPC Item: 10 - 54 Mercer Street, a/k/a 481 Broadway (Grand) - SoHo-Cast Iron Historic District A store building built in 1868 designed by William T. Beer. Application is to install storefront infill.

WHEREAS, we prefer to see the existing residential door changed be more consistent with the proposed restoration; but

WHEREAS, the treatment and materials are appropriate to the historic district, and placing the security gate inside the store is appreciated; now

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

Vote: Unanimous, with 34 Board members in favor.

LPC Item: 9 - 440 Broadway (Howard/Grand) - SoHo-Cast Iron Historic District A Moderne style commercial building built in 1938. Application is to install storefront infill.

WHEREAS, one of the proposed new doors is recessed within the storefront infill and the other isn't, giving an incongruous treatment; and

WHEREAS, the existing doors are symmetrically placed at either end of the infill, yet the proposal calls for two asymmetrically positioned doors; but

WHEREAS, we appreciate the new bulkhead's height of two feet; and

WHEREAS, most importantly, the first floor is being restored to a style consistent with the existing second story; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of application overall despite some of the reservations noted above.

Vote: Passed, with 33 Board members in favor, and 1 in opposition.

TRAFFIC AND TRANSPORTATION

Request For New Street Cleaning Regulations (SCR) On Both Sides Of Broadway From E 8th To Canal Sts.

WHEREAS The Department of Sanitation Cleaning Planning Unit has requested new street cleaning regulations (SCR) on both sides of Broadway from E 8th St to Canal St., and;

WHEREAS Several years ago CB#2, Man. held public hearings and established new parking regulations for Broadway between Houston St. and East 8th street, and;

WHEREAS the street cleaning regulations suggested by The Department of Sanitation's Cleaning Planning Unit would affectively eliminate night parking for residents of the area.

THEREFORE BE IT RESOLVED that CB#2, Man. requests that parking regulations for Broadway between Houston St. and East 8th street not be changed, and;

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests that new street cleaning regulations be enacted on Broadway between Houston St. and Canal St. that allow street sweeping from 7:00 am to 8:30 am on alternate days.

Vote: Unanimous, with 34 Board members in favor.

WATERFRONT

1. Big Box Retail at Pier 40

WHEREAS, four pier-wide proposals are being considered by the Hudson River Park Trust for development on Pier 40; and

WHEREAS, each of these proposals has commercial elements and provisions for long-term parking, and one of these proposals includes a plan to place one or more retail stores of over 100,000 square feet on Pier 40; and

WHEREAS, retail stores of such size, individually or cumulatively, are not park-compatible, are alien to the scale and character of our community, and will have traffic and development consequences which the Community Board 2 community cannot tolerate,

THEREFORE, BE IT RESOLVED, that CB#2, Man. rejects any proposal to place big box stores or any other large-scale retail proposals on Pier 40, such as a mall, which would have the consequence of significantly increasing the traffic in the park and in the West Village, and adjacent areas which would be out of context with the residential character of the West Village and adjacent areas and calls on Hudson River Park Trust to cease consideration of any such proposal.

Vote: Unanimous, with 34 Board members in favor.

2. Clearwater

WHEREAS, Clearwater, utilizing its sloop, runs outstanding educational programs about the Hudson River, and

WHEREAS, is looking for a new home and has asked to dock at Pier 40, at the western end of the north side; and

WHEREAS, Hudson River Park Trust and C & K Properties (current Pier 40 lease holder) approve of the plan; and

WHEREAS, the Clearwater would be a welcome educational presence in the community; and

WHEREAS, the Clearwater agrees to move to another location if the proposed docking space is needed for other purposes;

THEREFORE BE IT RESOLVED THAT:

1. CB#2, Man. approves the Clearwater's proposal to dock at the western end of the north side of Pier 40 on an interim basis for the purpose of running educational programs; and

2. CB#2, Man. calls on the Hudson River Park Trust to make its best efforts to bring about the continued presence of the sloop Clearwater as part of Hudson River Park.

Vote: Unanimous, with 34 Board members in favor.

ZONING AND HOUSING

1. 106 Spring Street A/K/A 93 Mercer Street Special Permit application to permit retail use on the ground floor. Application # 020675ZSM

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

WHEREAS, the coop is the applicant and the board president lives above one of the two retail spaces; and

WHEREAS, it is likely that the coop will select tenants for the two spaces who do not have potentially loud or noxious uses, therefore we will not ask that the special permit be restricted as regards eating and drinking establishments;

THEREFORE BE IT RESOLVED that CB#2, Man. approves the granting of a Special Permit for 106 Spring Street / 93 Mercer Street to allow two (2) retail spaces on the ground floor.

Vote: Passed, with 33 Board members in favor, and 1 in opposition.

2. 69-71 Macdougall St. - BSA #292-01-BZ

WHEREAS, CB#2, Man. opposed this application at its January 24, 2002 Full Board meeting, and

WHEREAS, a representative of CB#2, Man. appeared at both the October 1st and November 19th hearings of the Board of Standards & Appeals to present the Board's position, and

WHEREAS, at the November 19th hearing, the applicant was given a continued hearing date of December 17th, with all materials to be submitted by December 10th, and

WHEREAS, CB#2, Man. received no submission from the applicant prior to the December 17th hearing, or at that hearing, and

WHEREAS, the Board of Standards and Appeals set the date for decision January 14th, and the applicant to submit the additional information within one week, with the case closed but the record to remain open until December 26th, and

WHEREAS, If this timetable is followed, the applicant would submit on December 24th, Christmas Eve, and all comments would have to be submitted by December 26th, the day after Christmas and the applicant, when questioned, would not even concede that he would send the required information to the Community Board, and

WHEREAS, at the December 17th hearing, Commissioner Caliendo stated that the required information to be submitted dealt with CB#2, Man. comments,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly protests the timetable set up for this case, and requests that the Board of Standards & Appeals instruct the applicant to supply the information he will be submitting also to the Community Board and that the Community Board be given ample time to respond to this last submission.

Vote: Unanimous, with 34 Board members in favor.

3. 783 Washington St. Conversion of non-residential building to residential use in C8-4 Zoning District and Greenwich Village Historic District Application # 323-02-BZ (Board of Standards and Appeals)

WHEREAS, there was no opposition to the conversion to residential use; and

WHEREAS, the floor plate of the building is small (1,000 sq. ft.) and problematic for its allowed uses; and

WHEREAS, the building was once a residential building in the early 1800's; and

WHEREAS, conversion to residential has the least impact of other scenarios (a six-story new building, amassing of lots around the building, etc.); and

WHEREAS, the applicant supplied the committee with several corrected pages of the financial reports; and

WHEREAS, we had several questions on the plans and several of the schematics have changed, therefore we request an updated set of plans;

THEREFORE BE IT RESOLVED that CB#2, Man. approves the conversion of 783 Washington St. to residential use.

Vote: Unanimous, with 34 Board members in favor.

4. Recent Proposals for Pier 40

WHEREAS, we are currently reviewing the proposal by City Planning to rezone Hudson Square; and

WHEREAS, we are long on record as being opposed to large commercial development on the waterfront; and

WHEREAS, we are alarmed that ideas such as big-box stores are now being considered; and

WHEREAS, the traffic and environment impacts are huge and major zoning changes for big box retail would contravene the Hudson River Park Trust's promise to adhere to NYC zoning, which restricts retail users to a maximum of 20,000 square feet; and

WHEREAS, we just finished reviewing the scope of the Hudson Square rezoning proposal, and the possibility of large commercial use on Pier 40 alters the entire study area and City Planning needs to address this significant change;

THEREFORE BE IT RESOLVED that we are strongly against proposals for large-scale commercial projects on the waterfront; and

BE IT FURTHER RESOLVED that the proposed rezoning for Hudson Square must consider the new proposals for Pier 40; and

BE IT FURTHER RESOLVED that that we insist that zoning proposals for Pier 40 be given full public review and process.

Vote: Unanimous, with Board members in favor.

NEW BUSINESS

Respectfully submitted,

Robert Rinaolo, Secretary
Community Board #2, Manhattan