

FULL BOARD MINUTES

DATE: January 22, 2004

TIME: 6:30 P.M.

PLACE: NYU Kimmel Building, 60 Washington Sq. South
Room 914

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Marie P. Derr, Doris Diether, Elizabeth Gilmore, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Barbara Jeter, Honi Klein, Lisa La Frieda, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Chad Marlow, Rosemary McGrath, T. Marc Newell, Rick Panson, Judy Paul, David Reck, Robert Riccobono, Robert Rinaolo, Mark Rosenwasser, Shirley Secunda, Melissa Sklarz, Cynthia Smith, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Shirley H. Smith, Sean Sweeney, Martin Tessler, Betty Williams.

BOARD MEMBERS EXCUSED: Edward Gold, Lawrence Goldberg, Don Lee, Rocio Sanz, Ruth Sherlip, Carol Yankay.

BOARD MEMBERS ABSENT: Helene Burgess, Keith Crandell, Harriet Fields, Doris Nash, Ann Robinson, Arthur Z. Schwartz, Wilbur Weder.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Daryl Cochrane, Congressman Jerrold Nadler's office; Danielle Cabaldi-Micca, Senator Tom Duane's office; Matt Viggiano, Senator Martin Conon's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Council Member Margarita Lopez' office; Carin Mirowitz, Council Member Christine Quinn's office; Hoi-Ming So, Gregory Brender, Theo Spencer, Rouer Welch, Jim Bond, James Tillson, Catherine Caterisano, Carol Lewis, Valerie Johnson, Mary Remini, John Dilworth, Gary Lecce, Christian Miller, Jose Caraballo, May Wu, Karen Eckhoff, Suzanne Williamson, Droan Snitzer, Carter Booth, Alice Garrard, Susan Goren, Juan Alurrarde Jean & Herb Krrampner, Christian Uttl, Jeffrey Anshlowar, John W. Averitt, Olivia Stinson, Stuart Waldman, Joselinne Minaya, Zella Jones.

MEETING SUMMARY

Meeting Date – January 22, 2004

Board Members Present – 33

Board Members Excused– 7

Board Members Absent - 7

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II. PUBLIC SESSION

Non-Agenda Items

YMCA

Christian Miller gave an update.

Friends of the High Line

Olivia Stinson spoke regarding a legal ruling.

Hamilton Fish Meeting

Matt Viggiano, Sen. Martin Connor's office, spoke regarding the meeting.

Presidential Candidates

Melissa Sklarz spoke regarding John Kerry.

Summer Internship Program

Joselinne Minaya, of the NY County D.A.'s office, spoke regarding their summer internship program.

Business Items

A.D. LLC d/b/a Plate, 264 Elizabeth St.

Carol Lewis, Gary Lecce, Rouer Welch, and James Tillson, spoke against the upgrade from beer and wine to a full liquor license.

Landmarks & Public Aesthetics Items

769 Greenwich St. Application to rebuild previously altered rear extension, and to install a new recessed entrance on Greenwich St.

Christian Uttl spoke against the proposed landmarks application. Jeffrey Anshlowar and John W. Averitt spoke in favor of the application.

Waterfront Items

Pier 40 Interim Plan

Stuart Waldman spoke in favor and against the proposed plan.

Zoning and Housing Items

25 Bond St. BSA Application for a variance to request a 10-story mixed-use building

Theo Spencer and Zella Jones spoke against the proposed application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Daryl Cochrane, of Congressman Jerrold Nadler's office

Danielle Cabaldi-Micca, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Assembly Member Deborah Glick's office

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

Council Member Margarita Lopez' office,

Carin Mirowitz, of Council Member Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption of November minutes and distribution of December minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jim Smith reported

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

3. Calling On Retailers to Enforce the Ratings System for the Sale of Violent Video Games

WHEREAS, In 2002, holiday sales represented 22.7 percent of total annual sales for retailers, according to the National Retail Federation, and a December 3, 2003 *Reuters* article noted that the video game industry consistently reports its highest sales figures during the holiday season; and

WHEREAS, The Entertainment Software Ratings Board has developed a system of ratings for video games based on their content and the appropriate age of the user; and

WHEREAS, The Entertainment Software Ratings Board has created an M rating for games considered too violent for use by minors; and

WHEREAS, A September 11, 2000 report entitled "Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries," found that the video game manufacturers and retailers consistently market M-rated games to minors, quoting FTC Chairman Robert Pitofsky as saying, "Companies in the entertainment industry routinely undercut their own rating restrictions by target marketing violent films, records, and video games to young audiences", and

WHEREAS, A June, 2002 Federal Trade Commission (FTC) report entitled "Marketing Violent Entertainment to Children: a 21-Month Follow-Up Review of Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries," found that 69% of children under the age of 17 have been able to purchase games rated M, and

WHEREAS, A New York City Council investigation called "Parents Beware: Retail Stores Ignore Video Game Ratings," released on December 7, 2003, sent youths under the age of 17 to attempt to purchase M-rated video games at 15 stores in New York City and found that:

- a) Only 9% of all stores targeted in the study asked minors to show proof of age when attempting to purchase M-rated video games; and
- b) A minor was able to purchase M-rated games 97% of the time, nearly 30% more frequently than reported by the FTC; and

WHEREAS, Many parents and anti-violence groups argue that the continued use of these video games increases aggression and propensity for violence in minors;

THEREFORE, BE IT RESOLVED, that CB#2, Man. calls on retailers to enforce the ratings system for the sale of violent video games.

Vote: Passed, with 28 Board members in favor, and 5 in opposition.

4. Proposal by the Department of City Planning for an Amendment to the zoning text to allow Small Sidewalk Cafés in certain areas of Community Board #2 Manhattan.

WHEREAS; the City Planning Commission presented this application to CB#2, Man. before it was certified and the application was amended to incorporate all of the recommendations of Community Board #2, and;

WHEREAS; the City Planning Commission returned to the Board and presented the certified version of this application, and;

WHEREAS; a representative of the Department of Consumer Affairs appeared before the Board and reviewed enforcement procedures and presented a new plan for insuring compliance to the existing sidewalk café regulations, And,

WHEREAS; CB#2, Man. has reviewed the proposed locations for small sidewalk cafés (as amended) and has no objection, and;

WHEREAS, a small sidewalk café would be more compatible for some areas in CB#2, Man.;

THEREFORE BE IT RESOLVED, that CB#2, Man. thanks the City Planning Commission for giving serious consideration to the implications of this proposed zoning text change and incorporating the recommendations of Community Board #2 in this application, And,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports adding the additional category of a small sidewalk café to the zoning text and approves the proposed locations for small sidewalk cafés (as amended).

Vote: Unanimous, with 31 Board members in favor, and 2 in opposition.

STANDING COMMITTEE REPORTS

BUSINESS

1. 186 W. 4th St. Management Co., Inc., d/b/a Olivers 186 W. 4th St., NYC, 10014 (more correctly identified as 190 W. 4th St. a/k/a 9 Barrow St., NYC 10014).

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

WHEREAS, this application is for an On Premise license for the ground floor at the location formerly known as “Jimmy Days” and presently known as “Boxers”; and

WHEREAS, the applicant’s attorney stated that the applicant intends to continue the operation, as currently exists, to wit: 40 tables, 98 seats; one bar with a seating capacity of 17 in a 2000 sq. ft. (without basement) premises; and

WHEREAS, the applicant’s attorney stated that the hours of operation will continue to be 11:30 a.m. to 3:30 a.m., seven days a week; and

WHEREAS, the applicant’s attorney stated that music would be background only; and,

WHEREAS, there was no community opposition to the issuance of an On Premise license at the site, 190 W. 4th St. a/k/a 9 Barrow St., NYC; however, because of the confusion as to the inaccurate address the application, the community did appear and express concerns that this application was for the premises at the site more accurately designated at 186 W.4th St., NYC.

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to **186 W. 4th St. Management Co., Inc., d/b/a Olivers, 186 W. 4th St., NYC**, more correctly designated as 190 W. 4th St., a/k/a 9 Barrow St., NYC 10014.

Vote: Unanimous, with 33 Board members in favor.

2. BYO Co. (USA) Ltd., d/b/a EN, 435 Hudson St. a/k/a 72-76 Morton St., NYC 10014.

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

WHEREAS, this is an application for an On-Premise license for a 5,500 sq.ft. premises; and

WHEREAS, the applicants stated that they intend to operate a 200 seat restaurant, with 30 – 40 tables; one bar with 6-8 seats, 11 a.m. to 2 a.m., 7 days week, similar to the restaurants that they operate in Japan; and

WHEREAS, in support of their statements, applicants presented a detailed 3 dimensional model of the proposed licensed premises and a portfolio of articles about their restaurant operations in Japan; and

WHEREAS, three members of community block associations, expressed their concern that such a large space would generate crowds and noise; and

WHEREAS, a member of the community appeared in favor of the application, stating that he was personally familiar and impressed with the applicant’s restaurants in Japan;

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for the **BYO Co. (USA) Ltd., d/b/a EN, 435 Hudson St., a/k/a 72-76 Morton St., NYC 10014.**

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

3. Leaning Pint, Inc. 266 Thompson St., NYC 10014

WHEREAS, the applicant failed to appear before the committee; nor, did the applicant request an adjournment;

THEREFORE, BE IT RESOLVED that CB#2, Man. opposes the issuance of an On Premise license for **Leaning Pint, Inc., 266 Thompson St., NYC 10014** and calls upon the SLA to return this applicant to the community should an application be filed in order that the concerns of the community can be fully aired.

Vote: Unanimous, with 33 Board members in favor.

4. A.D. LLC, d/b/a Plate, 264 Elizabeth St., NYC 10012

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

WHEREAS, this application is for an upgrade from Beer and Wine license to a full On Premise license at this 85 person capacity (inside) 16 capacity (outside), 2000 sq. ft. location, between Houston and Prince Streets, formerly known, for eight years, as the M & R Bar; and

WHEREAS, there are no SLA violation against the premises; and

WHEREAS, there is one building department violation, of record, to wit: “interior work on store within a landmarked building”, which was not adjudicated on the merits; and,

WHEREAS, the applicant stated that he intends to operate a restaurant, known as “Plates”, Sunday through Tuesday, 12:00 p.m. – 1:30 a.m.; Wednesday – Saturday, 12:00 p.m. – 2:30 a.m. (inside) and will operate the rear yard until 11 p.m. weekdays and 12 a.m. on weekends; and

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

WHEREAS, a member of the community appeared, with 6 letters and a petition with 48 names in opposition to this application; and

WHEREAS, the applicant committed himself to the installation of a \$15,000.00 sound baffling awning in the backyard as well as to curing the building department violation;

THEREFORE, BE IT RESOLVED that CB2 has no objection to the issuance of an On Premise license to **A.D. LLC, d/b/a Plate, 264 Elizabeth St., NYC 10012**

Vote: Tabled.

5. Music Is Love, Inc., d/b/a Love, 40 W. 8th St., NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is the transfer of the On Premise license as well as for a Cabaret license; and,

WHEREAS, the premises has been licensed with an On Premises license and Cabaret license for more than 40 years and formerly known as the “Bon Soir”; and,

WHEREAS, the applicant stated that the hours of operation will be from 10 p.m. until 4 AM seven days a week; and

WHEREAS, two members of the community who live in an apartment across the street stated that they were not opposed to the operation with a new owner but they has two specific complaints about the current owner to wit: 1) that security was not effective in controlling the crowd on the sidewalk and 2) that noise emanates from the premises during the cleanup after hours; and

WHEREAS, the applicant agreed to correct these two problems immediately and to meet with the community to discuss any other complaints that may arise;

THEREFORE, BE IT RESOLVED that has no objection to the issuance of an On Premise and Cabaret license for **Music Is Love, Inc., D/B/A Love, 40 W. 8th St., NYC.**

Vote: Unanimous, with 33 Board members in favor.

6. Curry Pundit, Inc., d/b/a Indian Taj, 181 Bleecker St., NYC 10012

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

WHEREAS, this application is for the transfer of an On Premises license that has been in existence for over 25 years, formerly known as “Taste of India”;

WHEREAS, the applicant stated that there will be no change to the existing method of operation;

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 for **Curry Pundit, Inc., d/b/a Indian Taj, 181 Bleecker St., NYC 10012.**

Vote: Unanimous, with 33 Board members in favor.

7. 389 Broome St., Inc. 389 Broome St., NYC

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

WHEREAS, this application is for an On Premise license for a 70 seat 2000 square foot Italian Restaurant with background music only; and

WHEREAS, the applicant stated that the hours of operation will be 11 AM until 2 AM weekdays and until 4 AM weekends; 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 **389 Broome St., Inc., 389 Broome St., NYC.**

Vote: Unanimous, with 33 Board members in favor.

8. Dough Boy Bistro, Inc., 169 Sullivan St., NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for this 600 sq. ft. restaurant, with 62 person capacity; and

WHEREAS, the applicant stated that the hours of operation will be from Noon to midnight, seven days a week; 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. has no objection to the issuance of an On Premise license for **Dough Boy Bistro, Inc., 169 Sullivan St., NYC.**

Vote: Unanimous, with 33 Board members in favor.

9. Rooftop Management LLC d/b/a Nolita House Restaurant, 47 East Houston Street, NYC.

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license at this 50 seat, 1500 sq. ft. premises formerly known as Risa; and

WHEREAS, the applicant stated that the hours of operation would be from 11 a.m. – midnight, seven days a week; and,

WHEREAS, the applicant stated that the music would be background only;

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license for **Rooftop Management LLC d/b/a Nolita House Restaurant, 47 East Houston Street, NYC.**

Vote: Unanimous, with 33 Board members in favor.

10. Let's Eat LLC, 259 W. 4th St., NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for a 60 seat, 1600 sq. ft. restaurant at this premises formerly known as Titou for 8 years; and

WHEREAS, the applicant stated that the hours of operation will be from 9 AM until 4 AM 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 issuance of an On Premise license for **Let's Eat LLC, 259 W. 4th St., NYC.**

Vote: Unanimous, with 33 Board members in favor.

11. DRM Seventh Ent., Inc. d/b/a Redwood Grill, 130, 132 & 132A Seventh Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this is an application for an On Premise license at a 900 sq. ft., 60 person capacity, California, comfort food restaurant; and,

WHEREAS, the applicant stated that he house of operation would be 8 a.m. to 1a.m., seven days with background music only; and,

WHEREAS, no on 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 Premises license for **DRM Seventh Ent., Inc. d/b/a Redwood Grill, 130, 132 & 132A Seventh Avenue South, NYC.**

Vote: Unanimous, with 33 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

LANDMARKS MEETING #1.

LPC Item: 2 - **65 Greene Street -WITHDRAWN**

LPC Item 3 - **442 Broadway** - SoHo-Cast Iron Historic District. A store building designed by W. P. Anderson and built in 1876-1876. Application is to modify alterations to storefront infill and to legalize the installation of an exterior security gate without Landmarks Preservation Commission permits and to install an awning.

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 33 Board members in favor.

LPC Item 4 - **82 Horatio Street** (Greenwich St) - Greenwich Village Historic District An apartment building designed by John H. Selzam and built in 1878. Application is to install a garbage can enclosure.

WHEREAS, the applicant commendably spent great time, effort and care in preparing the thoughtful presentation; and

WHEREAS, we understand the dilemma many of these old buildings have finding suitable storage areas for garbage; but

WHEREAS, there is no historical precedence for these type of enclosures, and members of the public requested that this building conform with other properties on the block that have not build an enclosure; and

WHEREAS, other applicants have appeared before us over the years with similar requests and sometimes a solution cannot be found; but in this case a solution can be done, namely in the rear yard or basement, despite the aggravation and burden to individual tenants; and

WHEREAS, if one applicant were granted permission to build these enclosures, it could lead to a cascade of similar requests, which would inexorably be detrimental to the overall streetscape in the historic district; now

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

Vote: Unanimous, with 33 Board members in favor.

LPC Item 5 - **84 Horatio Street** (Greenwich St) - Greenwich Village Historic District. An apartment building designed by John H. Selzam and built in 1878. Application is to install garbage can enclosures.

WHEREAS, the applicant commendably spent great time, effort and care in preparing the thoughtful presentation; and

WHEREAS, we understand the dilemma many of these old buildings have finding suitable storage areas for garbage; but

WHEREAS, there is no historical precedence for these type of enclosures, and members of the public requested that this building conform with other properties on the block that have not build an enclosure; and

WHEREAS, other applicants have appeared before us over the years with similar requests and sometimes a solution cannot be found; but in this case a solution can be done, namely in the rear yard or basement, despite the aggravation and burden to individual tenants; and

WHEREAS, if one applicant were granted permission to build these enclosures, it could lead to a cascade of similar requests, which would inexorably be detrimental to the overall streetscape in the historic district; now

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

Vote: Unanimous, with 33 Board members in favor.

LPC Item 6 - **86 Horatio Street** (Greenwich St) - Greenwich Village Historic District An apartment building designed by John H. Selzam and built in 1878. Application is to install garbage can enclosures.

WHEREAS, the applicant commendably spent great time, effort and care in preparing the thoughtful presentation; and

WHEREAS, we understand the dilemma many of these old buildings have finding suitable storage areas for garbage; but

WHEREAS, there is no historical precedence for these type of enclosures, and members of the public requested that this building conform with other properties on the block that have not build an enclosure; and

WHEREAS, other applicants have appeared before us over the years with similar requests and sometimes a solution cannot be found; but in this case a solution can be done, namely in the rear yard or basement, despite the aggravation and burden to individual tenants; and

WHEREAS, if one applicant were granted permission to build these enclosures, it could lead to a cascade of similar requests, which would inexorably be detrimental to the overall streetscape in the historic district; now

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

Vote: Unanimous, with 33 Board members in favor.

Item 7 - 88 Horatio Street (Greenwich St) - Greenwich Village Historic District. An apartment building designed by John H. Selzam and built in 1878. Application is to install garbage can enclosures.

WHEREAS, the applicant commendably spent great time, effort and care in preparing the thoughtful presentation; and

WHEREAS, we understand the dilemma many of these old buildings have finding suitable storage areas for garbage; but

WHEREAS, there is no historical precedence for these type of enclosures, and members of the public requested that this building conform with other properties on the block that have not build an enclosure; and

WHEREAS, other applicants have appeared before us over the years with similar requests and sometimes a solution cannot be found; but in this case a solution can be done, namely in the rear yard or basement, despite the aggravation and burden to individual tenants; and

WHEREAS, if one applicant were granted permission to build these enclosures, it could lead to a cascade of similar requests, which would inexorably be detrimental to the overall streetscape in the historic district; now

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

Vote: Unanimous, with 33 Board members in favor.

Item 8 - 60 Bank Street WITHDRAWN

Item 9 -296 Bleecker Street a/k/a 30-32 Barrow Street - Greenwich Village H.D. A rowhouse built in 1829 and altered in the mid-20th century. Application is to install signage, awnings, lights and a barrier-free access ramp.

WHEREAS, the proposed band-lighting for the signage is preferable to the existing goosenecks; and

WHEREAS, the designation report describes this 1829 late Federal building as “severely simple in design” but “out of scale with its neighbors”, “originally four stories in height, reduced to one, due to defective walls”; and

WHEREAS, maintaining awnings on the second floor windows distracts from the building, however altered it may be; and

WHEREAS, we realize the requirement for the handicap-access ramp, but would like to see more decorative features, keeping with the Federal style of the building, instead of the proposed generic ramp; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application for the lighting and ramp; but

BE IT FURTHER RESOLVED that CB#2, Man. recommends denial for the awnings on the second floor.

Vote: Unanimous, with 33 Board members in favor.

LANDMARKS MEETING #2.

LPC Item: 1 - 625 Broadway HELD OVER.

LPC Item: 2 - 454 Broome Street (Greene)- SoHo Cast Iron Historic District. A building designed by B.W. Warner and built in 1887. Application is to install new storefront infill at the Mercer Street facade.

WHEREAS, the materials, palette, symmetry, proportion and scale of the proposed infill is in context with the building and follows the precedents of the Cast-Iron District; now

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

Vote: Unanimous, with 33 Board members in favor.

LPC Item: 3 - 453 Broome Street (Mercer)- SoHo-Cast Iron Historic District. A store building designed by Griffith Thomas and built in 1872-73. Application is to legalize the installation of flagpoles and bracket signs without Landmark Preservation Commission permits.

WHEREAS, we are aware of the difficulties a retailer may have in marketing from a second floor loft and want to work with the applicant to find an acceptable solution; but

WHEREAS, the business is mainly “by appointment only” and not linked to the vagaries of foot traffic that a ground-floor retailer may face, so has less of a need to advertise so publicly; and

WHEREAS, the two blade signs at the entrance on each façade are appropriate and one of them is redundant since it is located on Mercer St., at an exit near the freight elevator of the building. There also two plaques at the main entrance and a prominent sign on the wall by the intercom; but

WHEREAS, the two banners attract undue attention, especially from people who are not looking for the business; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of the blade signs, but denial of the banners; and,

BE IT FURTHER RESOLVED that CB#2, Man. urges the applicant to work with the Commission to find a more suitable solution for announcing a corner business with two facades, for example, a subdued plaque, panel or wire mesh sign, like the one used for the Guggenheim Museum on Broadway.

Vote: Unanimous, with 33 Board members in favor.

LPC Item 4 - 769 Greenwich Street (Bank)- Greenwich Village Historic District. A Greek Revival style rowhouse built in 1839. Application is to rebuild the previously altered rear extension, and to install a new recessed entrance on Greenwich Street. Zoned C1-6

WHEREAS, we applaud the applicant for a well-conceived, thoughtful, detailed and sensitive restoration of a heavily altered building; and

WHEREAS, the correction of the structural problems, the new stoop, windows, brickwork, and other details are commendable; and, in scale and placement, they restore the primacy of the original structure; but

WHEREAS, as a threshold matter, the Community Board respectfully requests that the Commission address the possibility that the rear "addition" is actually part of the 1839 building based on the following:

- 1) the pre-designation photographs submitted by the applicant clearly show Flemish bond brickwork throughout the first 2 & 1/2 stories of the Greenwich Street facade, including the "addition"
- 2) Flemish bond brickwork was rarely used after 1840, and
- 3) the current appearance of running bond on the upper portion of the "addition" resulted from reparging in 2001, which alteration was witnessed by neighbors; but

WHEREAS, if it is determined that the “addition” is in fact a later extension of the original building, we certainly approve of the modern treatment of that bedroom addition and garden wall fence, which is a fine transition to its modern neighbor, the Jakoby House; and

WHEREAS, the outdoor garden space and rear walls are attractive; but

WHEREAS, the elevator bulkhead is overly prominent for a corner house and it is a bad precedent to have such a visible structure on a Greek-Revival townhouse, even in a district zoned C1-6 district; now

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

BE IT FURTHER RESOLVED that CB#2, Man. recommends that the bulkhead be lowered so as not to be so prominent.

Vote: Unanimous, with 33 Board members in favor.

LPC Item: 5 - 98 Christopher Street

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 33 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW application for revocable consent to operate an unenclosed sidewalk café by Babu Food a/k/a Hudson Dinner, 468 Hudson Street, NYC with 19 tables and 37 seats, DCA#1157473.

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

WHEREAS, there was no opposition from the community and;

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

WHEREAS, the applicant agreed to put in removal railings and;

WHEREAS, this establishment has been in business at this location for more than 20 years and;

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

WHEREAS, we asked the applicant to remove one table and one seat, which he agreed to do;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of a ONE YEAR revocable consent to operate an unenclosed sidewalk café by Babu Food AKA Hudson Dinner, 468 Hudson Street, NYC with 18 tables and 36 seats.

Vote: Unanimous, with 33 Board members in favor.

2. NEW application for revocable consent to operate an unenclosed sidewalk café by Sushi Mambo Restaurant, 255 Bleecker Street, NYC, with 17 tables and 34 seats, DCA# 1156721.

WHEREAS, the applicant appeared before the committee and;

WHEREAS, the area was posted; there was opposition from the residents living all around this restaurant and;

WHEREAS, complaints came in by letters, telephone calls and at the committee meeting; and

WHEREAS, the residents complained of noise and smell of fish and;

WHEREAS, the owner of this establishment said he will server from the inside of the restaurant to the out door café, that is not possible waiters would have to reach over the heads of other customers to server and;

WHEREAS, there is NOT sufficient passageway for pedestrian safety and public access and;

WHEREAS, this area of New York is truly congested with pedestrian traffic making it impossible for any sidewalk café to be on this block and;

WHEREAS, the side street of this restaurant is a residential block which does have two sidewalk cafes that are grandfather in, but no longer are any sidewalk cafés allowed on a residential block and;

WHEREAS, this restaurant is also surround by three trees making is even more congested.

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends DENIAL of a revocable consent to operate an unenclosed sidewalk café to Sushi Mambo Restaurant, 255 Bleecker Street, NYC with 17 tables and 34 seats.

Vote: Unanimous, with 33 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Update for the Planned Reconstruction of Houston Street

WHEREAS, on October 14, 2003 and January 13, 2004, the NYC Department of Design and Construction (DDC) and the NYC Department of Transportation (DOT) presented an update of the status of the current plan for the reconstruction of East-West Houston Street between the Bowery and West Street (the “Plan”); and

WHEREAS, Community Board No. 2, Manhattan (the “Board”) has reviewed the Plan over the last several years and stated its concern in prior resolutions that the Plan does not present a coherent pattern of pedestrian accommodation; and

WHEREAS, in the most recent plans presented to the Board, the Board continues to be concerned that several aspects of the Plan will increase the flow of traffic on Houston Street at the expense of the safety of pedestrians, an opinion that was expressed widely by the community and the pedestrian advocacy group Transportation Alternatives at a public hearing concerning the Plan on January 13, 2004 at which nearly 100 members of the community attended; and

WHEREAS, this concern is heightened by the fact that more pedestrians are crossing Houston Street as the surrounding neighborhood becomes increasingly residential, with three new residential buildings due to open soon in the area; and

WHEREAS, no traffic and pedestrian-flow counts and accident rates were submitted to the Board to support the Plan nor has an analysis been conducted of the affect of traffic in the event tolls are modified on the Verrazano-Narrows Bridge; and

WHEREAS, there are concerns about the design of the proposed median wall and several aspects of its design require further clarification; namely, additional details about the median wall to be constructed on Houston Street, and the community would benefit from viewing a scale drawing or model and receiving information about the materials to be used and landscaping details within the planters; and

WHEREAS, DDC and DOT have made assurances that the Plan will not proceed to construction until the Board and members of the community have further opportunities to discuss their concerns and DDC and DOT have promised modifications to the Plan based on these concerns; and

WHEREAS, that the Board currently objects to the following aspects of the Plan’s proposals to:

- create turning bays from Houston Street onto Bowery, Lafayette Street, Broadway, Mercer Street and West Broadway because of the potential for accidents resulting from turning conflicts at these heavily trafficked intersections, the increased vehicular speed that the bays will facilitate, and the lack of pedestrian refuge due to the narrow medians constructed to accommodate these bays;
- close Crosby Street by a continuous median because it would cause a “dead” street between Houston and Bleecker Streets and cut-off pedestrian traffic to the Broadway/Lafayette subway stop and therefore inconvenience straphangers;
- cut-off the median tips from the crosswalks at Bowery, Elizabeth Street, Mott Street, Mulberry Street, Greene Street Wooster Street, West Broadway, Thompson Street, Sullivan Street, MacDougal Street, Lafayette Street and Broadway because the median tips should extend over crosswalks on both the east and west sides of every intersection to slow traffic for the benefit of pedestrians crossing Houston Street and provide refuge, especially for seniors, people with disabilities and parents with young children;
- widen the sidewalk between 6th Avenue and West Broadway and eliminate a lane of traffic because of the potential to create greater traffic congestion.

THEREFORE BE IT RESOLVED that CB#2, Man. is appreciative of the opportunity for the Board and members of the community to continue to provide suggestions to improve the Plan and looks forward to engaging in further discussions with DOT and DDC on the specific points raised in this resolution and other ways to make the Plan and Houston Street safer for pedestrians and motorists alike.

Vote: Unanimous, with 33 Board members in favor.

2. Joint Resolution of the Traffic & Transportation Committee and the Landmarks Committee Concerning the Placement of LED Screens at Subway Entrances

WHEREAS, the MTA has an arrangement with Clear Channel to place 80 new light emitting diode (LED) screens throughout the city above local subway entrances; and

WHEREAS, LED screens have been placed above several subway entrances in CB#2, Man., including the subway entrance at Bleecker and Lafayette in the NoHo Historic District; and

WHEREAS, the Municipal Art Society has speculated that if the initial contract between the MTA and Clear Channel is successful, the MTA will proceed to place more LED screens above subway entrances throughout the city; and

WHEREAS, these bright, moving billboards are inappropriate for mixed use or residential neighborhoods or historic districts.

THEREFORE, BE IT RESOLVED, CB#2, Man. urges the MTA to remove LED screens from our public sidewalks and respect the integrity of the community’s historic districts by seeking approval from the Landmarks Preservation Commission before placing any LED screens above subway entrances in historic districts or where they are otherwise illegal.

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

3. Support of Co-Name Grand Street between Mott Street and Mulberry Street “The Order Sons of Italy Way”

WHEREAS, the Order of Sons of Italy is the largest and longest-established national organization for men and women of Italian heritage in the United States; and

WHEREAS, the Order of Sons of Italy was established in 1905 as a mutual aid society for the early Italian immigrants and today has more than 600,000 members and supporters and a network of more than 700 chapters across the United States, making it the leading service and advocacy organization for the nation's estimated 26 million people of Italian descent; and

WHEREAS, the missions of the Order of Sons of Italy include encouraging the study of Italian language and culture in American schools and universities; preserving Italian American traditions, culture, history and heritage; and promoting closer cultural relations between the United States and Italy; and

WHEREAS, the Order of Sons of Italy was founded on Grand Street between Mott Street and Mulberry Street and will be celebrate its 100th anniversary next year.

THEREFORE, BE IT RESOLVED that CB#2, Man. supports co-naming Grand Street between Mott Street and Mulberry Street “The Order of Sons of Italy Way” in recognition of its 100th anniversary in 2005 and the historic and cultural connection between this important service organization and the neighborhood of Little Italy and New York City.

Vote: Unanimous, with 33 Board members in favor.

WATERFRONT

1. Pier 40

WHEREAS, Pier 40 represents a unique opportunity to provide large area outdoor recreational space in a park-starved and fully built-up neighborhood; and

WHEREAS, the Hudson River Park Trust did not accept any of the proposals for permanent development of Pier 40 submitted in response to the Request for Expressions of Interest; and

WHEREAS, the Hudson River Park Trust presented a proposal for interim development of recreational open space at Pier 40 at a public hearing held on January 21, 2004; and

WHEREAS, this public hearing initiated a 60-day public comment period as required by the Hudson River Park Act; and

WHEREAS, the plan substantially meets the requirement in the Hudson River Park Act for 50 percent active and passive open space and will provide outstanding recreational amenities improving the quality of life in our community; and

WHEREAS, the plan retains the car parking that serves many neighborhood residents and provides income for the Trust; and

WHEREAS, the plan responds to the long-expressed community need for athletic fields for youth; and

WHEREAS, several hundred neighborhood residents attended a public hearing to express their support for the athletic fields; and

WHEREAS, the plan also includes areas for quiet enjoyment of the river which is commonly referred to as “passive” space, comments from people who spoke at the public hearing stressed the need to improve upon the design and enlarge these areas as long as it is not at the expense of the playing fields;

THEREFORE, BE IT RESOLVED that the Trust deserves our appreciation for working with CB#2, Man. and all other concerned groups and individuals in developing an interim plan for Pier 40 that will satisfy the requirements of the Act and meets important community needs until permanent development of the pier can proceed in the future; and

BE IT FURTHER RESOLVED that CB#2, Man. hereby approves this plan with the requirement that it will be further refined during the 60-day period in response to public concerns, in particular the desire for better open space and unprogrammed recreation; and

BE IT FURTHER RESOLVED that, notwithstanding the need for improvements in the plan, CB#2, Man. hereby requests that the Hudson River Park Trust expedite implementation of this plan and complete the work by the end of Summer, 2004, as proposed.

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

2. Tennis Courts

WHEREAS, CB#2, Man. has reviewed plans for three new tennis courts to be constructed at the western end of Canal Street on the Hudson River Park as part of a Lower Manhattan Development Corporation grant and;

WHEREAS, it was not feasible to construct these courts in a location further south encompassing the Community Board #1 catchment area where courts were displaced by the events of 9/11; and

WHEREAS, the communities involved will be benefited by the improvements to our area and specifically for tennis players, sports enthusiasts and children who have been deprived of adequate park and recreation space in lower Manhattan;

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the placement of the three proposed tennis courts in a configuration present by the Hudson River Park Trust, with the two double and one single court plan, to be operated and maintained by the HRPT for the benefit of the community and anticipated to be completed by the summer of 2004.

Vote: Passed, with 25 in favor, 7 in opposition and 1 abstention.

3. Lower Manhattan Development Corporation (LMDC)

WHEREAS, CB#2, Man. and CB#1, Man. together are the areas most adversely affected by the events of 9/11 and,

WHEREAS, the Lower Manhattan Development Corporation is an entity which was created for the specific purpose of fostering the redevelopment and regeneration of downtown neighborhoods and economy and;

WHEREAS, the communities that are to benefit from these funds have suffered the most from severe financial hardship, ongoing health issues and the loss of loved ones as a result of the terrorist attacks and

WHEREAS, the Hudson River Park Trust as experienced financial difficulties while trying to complete the important job of regenerating the waterfront in our communities for the benefit of those most affected by the events of the past two years;

THEREFORE, BE IT RESOLVED that CB#2, Man. emphasizes the importance of the request from the LMDC by the Hudson River Park Trust for \$70 million to complete Segment 3 of the Park design and also supports the efforts of Community Board #1, so that these financially, physically and emotionally devastated neighborhoods can be revived and regenerated and be given new hope in the coming years by being given a new park for rest and recreation on our waterfront.

Vote: Unanimous, with 33 Board members in favor.

YOUTH

CUNY Tuition Increase

WHEREAS, Governor Pataki has recently introduced a proposal to raise the tuition for students at CUNY; and

WHEREAS, there was already an annual tuition increase this past fall of \$300 for Community Colleges and \$800 for Senior Colleges, and

WHEREAS, CUNY students already carry 75% more of the financial burden of University costs than they did 10 years ago, and

WHEREAS, from 1990 to 2000, while tuition increased by 97%, State funding for higher education declined by 22%; and

WHEREAS, New York State is ranked the 3rd worst of the 50 States in regard to proportion of tax dollars spent on higher education; and

WHEREAS, New York State has the 14th most expensive four-year public colleges of any state in the nation; and

WHEREAS, in 1995 a tuition increase of \$750 resulted in a drop in student enrollment of 29,000 students; and

WHEREAS, the New York City Council has recently passed a resolution (#585) urging the City and the State to continue funding CUNY at its current levels; and

WHEREAS, the mission of CUNY had always been to provide a tuition free education, since it was first established in 1847 (as The Free Academy), until the policy was changed in 1976, under pressure from President Gerald Ford; and

WHEREAS, public hearings conducted this fall by the Education Committee of New York's City Council have indicated that a roll back to a tuition free policy at CUNY is a feasible idea.

THEREFORE, BE IT RESOLVED that CB#2, Man. urges the Governor of New York State and the Mayor of New York City and the New York State Legislature to increase financial support for higher education, hold the line on tuition increases, and ensure the future of the CUNY senior and community college system that is so vital to our city; and

BE IT FURTHER RESOLVED that CB#2, Man. urges the Governor of New York State, the Mayor of New York City, and the State Legislature to conduct their own feasibility studies to determine ways to return the CUNY system to a tuition free public university.

Vote: Unanimous, with 33 Board members in favor.

ZONING AND HOUSING

444 Broadway, 2nd Floor, BSA Cal. No. 388-03-BZ, Board of Standards & Appeals application for a special permit pursuant to Zoning Resolution § 73-36 for a physical culture establishment (health club).

WHEREAS; The area was posted and community members appeared in support of this application, and;

WHEREAS, The proposed usage is consistent and compatible with the other legal uses in this building and in the surrounding buildings, And,

WHEREAS; The health club will be accessed from the main Broadway entrance which is the appropriate entry for this usage;

THEREFORE BE IT RESOLVED, that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit, and,

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application for a Board of Standards and Appeals special permit for a Physical Culture or Health Establishment at this location for a term not to exceed ten years.

Vote: Unanimous, with 33 Board members in favor.

25 Bond Street Block 529, Lot 21 BSA # 377-03-BZ Board of Standards and Appeals Application for a variance to request a 10-story mixed-use building.

WHEREAS, This building and another even larger building on this same block are both seeking variances that would allow a higher bulk and Floor Area Ratio than what is allowed under the M1-5B zoning and these significantly larger buildings would greatly impact the essential fabric of the lower rise NoHo neighborhood, And;

WHEREAS, The application lists hard construction costs of \$291.00 per Sq. Ft. and a blended rate sellout price of \$648.00 per Sq. Ft. and data from other projects in the area indicate hard construction costs of \$265.00 per Sq. Ft. and a blended rate sellout price of \$750.00 per Sq. Ft., And;

WHEREAS, The existing type of residential use in SoHo and NoHo is restricted to Joint Live Work units for artists with a minimum size of 1,200 Sq. Ft. and the wrong type of new residential units would overwhelm these low-rise, low-density neighborhoods and a larger unit size would be harmonious to what currently exists, And,

WHEREAS, SoHo and NoHo were founded as arts orientated communities and there is no provision in this project for an arts-related project. Not having this provision will further diminish SoHo's and NoHo's reputation as world-famous arts neighborhoods, And,

WHEREAS, The community has requested that an arts-related project be incorporated to support and preserve SoHo's status as an arts orientated community, And,

WHEREAS, The Courts have already confirmed that SoHo is over saturated with licensed eating and drinking establishments, And;

WHEREAS, Most of the buildings currently under construction in CB#2, Man. are being built on former parking lots and the Board is greatly concerned about the loss of so many parking spaces in our community, And,

THEREFORE BE IT RESOLVED, CB#2, Man. is strongly opposed to the granting of this variance at a higher Floor Area Ratio than what is allowed under the M1-5B zoning (FAR 5) and is not consistent with the essential fabric of the lower rise NoHo neighborhood And;

THEREFORE BE IT FURTHER RESOLVED, CB#2, Man. is not convinced that the data submitted for hard construction costs and a blended rate sellout price is accurate and CB#2, Man. does not find justification for granting a higher Floor Area Ratio than what is allowed under the M1-5B zoning, And,

THEREFORE BE IT FURTHER RESOLVED, CB#2, Man. requests that there will be no eating and drinking establishments of any kind and any use group in this building, And;

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. supports the following provisions this application

- That the building will have only residential units with use group 6 retail on the ground floor.
- The minimum size of all residential units will be 1,200 sq ft.
- The proposed building would contain a 51 car public parking garage in the cellar; And

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

THEREFORE BE IT FURTHER RESOLVED, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

Vote: Unanimous, with 33 Board members in favor.

NEW BUSINESS

Hudson Square B.I.D.

Lisa La Frieda proposed a resolution to return the Hudson Square B.I.D. issue to the Institutions Committee for reconsideration.

This was not voted on.

Brad Hoylman proposed a substitute resolution to have the parties involved present each other with their proofs before we send the issue back to committee.

Vote: Passed, with 25 Board members in favor, and 8 in opposition.

Respectfully submitted,

Robert Rinaolo, Secretary
Community Board #2, Manhattan