

FULL BOARD MINUTES

DATE: April 20, 2006
TIME: 6:30 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th St.
Cronin Auditorium

BOARD MEMBERS PRESENT: Tobi Bergman, Carter Booth, Lisa Cannistracci, Leonard Cecere, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Harriet Fields, Sheelah Feinberg, Edward Gold, Lawrence Goldberg, Jo Hamilton, Arthur Harris, Garth Harvey, Anne Hearn, Susan Kent, Raymond Lee, Elizabeth Loeb, Don MacPherson, Dr. John Maggio, Jason Mansfield, Rosemary McGrath, Philip Mouquinho, Patrick Munson, Rick Panson, Judy Paul, Annie Vanreenterghem-Raven, David Reck, Robert Riccobono, Rocio Sanz, Arthur Z. Schwartz, Shirley H. Smith, James Solomon, Richard Stewart, Sean Sweeney, Wilbur Weder, Betty Williams, Michael Xu, Carol Yankay, Elaine Young

BOARD MEMBERS EXCUSED: Steve Ashkinazy, Keen Berger, Helene Burgess, Elizabeth Gilmore, Brad Hoylman, Don Lee, Edward Ma, Robert Rinaolo, Shirley Secunda

BOARD MEMBERS ABSENT: Christine Lindemann

BOARD STAFF PRESENT: Florence Arenas, Julio Mora

GUESTS: Arturo Garcia-Costas, Congressman Jerrold Nadler's office; Jon Prosnit, Senator Tom Duane's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Lee Grodin, Council Speaker Christine Quinn's office; Gregory Brender; Assembly Member Deborah Glick's office; Manhattan Boro President Scott Stringer, Shaan Khan, Manhattan Boro President Scott Stringer's office; Council Member Alan Gerson, Cindy Voorspuy, Council Member Alan Gerson's office; John Fout, Council Member Rosie Mendez's office; John Ricker, Comptroller's office; Christian Miller, Marlene Bloom, Honi Klein, Kim Moore-Ward, Anne Bove, David Lehmann, Kandel Marathe, C. Shakespeare, Susan Goren, Ian Dutton, Edy Selman, Mary Johnson, Frank Petitto, Lauren Weiss, Jennifer Craft, Savanna Steven, Granville Leo Stevens, Jack Faxon, Ann Arlen, Alyse Walsh, George Yee, Robert Ferrari, Alicia Hurley.

MEETING SUMMARY

Meeting Date April 20, 2006
Board Members Present – 40
Board Members Excused–9
Board Members Absent - 1

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PUBLIC SESSION

Non-Agenda Items

YMCA

Christian Miller, YMCA, gave a general update of all the programs and services offered at the Y.

Comptroller

John Ricker, Comptroller's office, gave a general update.

Thank You

Florence Arenas, Community Associate at CB2, thanked the Chair, Maria Derr, for her assistance to the Board office since the unfortunate passing of Arthur Strickler.

HHC Contract

Anne Bove, NYSNA, spoke regarding the Health and Hospitals Corp. nursing contract.

Health Care

Will Weder spoke against health care vetoes.

NYU

Alicia Hurley, NYU, gave a general update regarding the upcoming commencement ceremony.

Parks

Edy Selman and Mary Johnson both spoke regarding parks.

Business Items

B&C Hospitality, 525 Broome St.

Jack Faxon spoke in favor of a commercial space at this location. Robert Ferrari, representing the applicant, spoke in favor of the proposed liquor license.

Youth Items

Protection of Children and Youth in Research Studies

Granville Stevens and Savanna Stevens spoke in favor of the resolution, calling for enhanced protection.

ADOPTION OF AGENDA

ELECTED OFFICIALS PRESENT AND REPORTING

Arturo Garcia-Costas, Congressman Jerrold Nadler's office

Jon Prosnit, Senator Tom Duane's office, announced his departure from the senator's office to go seminary school.

Deborah Lester, of Assembly Speaker Sheldon Silver's office

Gregory Brender, of Assembly Member Deborah Glick's office

Lee Grodin, of Council Speaker Christine Quinn's office

Cindy Voorspuy, Council Member Alan Gerson's office.

John Fout, Council Member Rosie Mendez's office, introduced himself to the Board.

ADOPTION OF MINUTES

Adoption of February minutes and distribution of March minutes.

II. EXECUTIVE SESSION

1. **Chair's Report** Maria Passannante Derr reported
2. **District Manager's Report** None

3. NOMINATING COMMITTEE

Election of Nominating Committee

The following Board members were elected to the Nominating Committee:

Wilbur Weder, as Chair; Lisa Cannistracci, Doris Diether, Gary Harvey, Raymond Lee, Phillip Mouquinho, Shirley Smith, and Tobi Bergman, as an alternate.

STANDING COMMITTEE REPORTS

BUSINESS

1. B and C Hospitality LLC, 525 Broome Street, NYC 10013

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for a 3,400 s.f. restaurant, at one time known as Veruka, located on the main and cellar floors in a mixed use building between Thompson Street and 6th Avenue, with 90 table seats and 1 bar with 8 seats; and

WHEREAS, the applicant stated that the hours of operation for the first floor are 4:00 p.m. – 12:00 a.m. Sunday through Thursday, 4:00 p.m. – 1:00 a.m. Friday and Saturday; hours of operation for the cellar level are 4:00 p.m. – 2:00 a.m. Sunday through Thursday, 4:00 p.m. – 3:00 a.m. Friday and Saturday; these hours represent a reduced latest operating hour from 4:00 a.m. to 3:00 a.m., music is background only; the services of a sound engineer have been secured to insulate the premises; and

WHEREAS, there are no plans for an outdoor café, nor a backyard garden; the applicant provided a certified professional engineer's report unequivocally showing that the entrance to the operation is more than 200' from the entrance to the nearest school; and

WHEREAS, the applicant has entered a signed stipulation, to be part of its SLA application and any resulting license, to: (1) maintain the operating hours as listed in the application, (2) provide CB2 with the general manager's telephone number to discuss any quality of life issues as they arise, (3) use a host station near the front door to maintain orderly entrance and egress of patrons, (4) keep music at background levels and no higher, (5) comply with and implement the sound engineer's (Acoustilog, Inc.) recommendations (submitted with the application) for soundproofing the premises, and (6) should the glass wall in the front of the structure limit soundproofing, either replace the glass with acoustic glass, or rebuild the wall as necessary; 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 approval of an On Premise license to **B and C Hospitality LLC, 525 Broome Street, NYC 10013**.

Vote: Passed, with 39 Board members in favor, and 1 in opposition.

2. Fig & Olive 13th Street LLC, 416 West 13th Street, NYC 10011

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license in a 5,000 s.f. restaurant, located in a commercial building between Washington Street and 9th Avenue, with 189 table seats, 1 bar with 19 seats, and a capacity of 298; the operation will be substantially similar to that of the Fig & Olive on Lexington Avenue, also owned by principals of the applicant; Community Board 8 sent a letter on applicant's behalf, stating that the Lexington Avenue Fig & Olive does not have any complaints against it; and

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 11 p.m. weekdays, 11:00 a.m. – 2:00 a.m. weekends; music will be background only; approximately 15% of the operation will be retail space for the sale of specialty olive oil products; and

WHEREAS, the applicant stated there are no plans to include an outdoor café nor a backyard garden; 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 approval of an On Premise license to **Fig & Olive 13th Street LLC, 416 West 13th Street, NYC 10011.**

Vote: Unanimous, with 40 Board members in favor.

3. 189 Spring Street Rest. Corp., 189 Spring Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for an On Premise license for a 2900 s.f. restaurant between Thompson and Sullivan Streets, in a mixed use building, with 100 table seats and 1 bar with 15 seats; applicant also operates Riposo and Chelsea Grill with no complaints, and intends this operation to fuse the cuisine of both; and

WHEREAS, the applicant stated that the hours of operation will be 11:30 a.m. – 4:00 a.m.; music will be background only; and

WHEREAS, the applicant stated there are no plans for an outdoor café, but a backyard garden is planned; applicant agreed to reduce operating hours of the backyard garden by one hour, to no later than 10:00 p.m. 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 approval of an On Premise license to **189 Spring Street Rest. Corp., 189 Spring Street, NYC 10012.**

Vote: Passed, with 38 Board members in favor, and 2 in opposition.

4. Shipwrecked Bar & Grill, Inc., 149 Bleecker Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this is an application for transfer of an on Premise license in a 2500 s.f. restaurant/bar, pursuant to purchase of the business, operating as Asylum for approximately thirty years, located between LaGuardia Place and Thompson Street, in a mixed use building, with 58 table seats and 1 bar with 14 seats; and

WHEREAS, the applicant stated that the hours of operation are 4:00 p.m. – 2:00 a.m. Sunday through Wednesday, and 4:00 p.m. – 3:30 a.m. Thursday through Saturday; music is background and occasionally live; there will be no sidewalk café nor a backyard garden; no changes to the operation, other than moderate cosmetic freshening of the premises, are planned; and

WHEREAS, no one from the community appeared in opposition to this application; the principals of the applicant live directly across the street from the operation, and the local community group and 6th Precinct council spoke in favor of the applicant; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to **Shipwrecked Bar & Grill, Inc., 149 Bleecker Street, NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

5. SVH Corp., 161 Lafayette Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for transfer of an On Premise license, pursuant to purchase of a 235 s.f. bar/dim sum shop, trade name d’Lafayette, located in a mixed use building between Hester and Grand Streets, with 14 table seats and 1 bar with 5 seats; and

WHEREAS, the applicant stated that the hours of operation will be 12:00 p.m. – 12:00 a.m. weekdays, and 12:00 p.m. – 2:00 a.m. weekends; and

WHEREAS, the applicant stated there are no plans to include an outdoor café, nor a backyard garden; and

WHEREAS, no one from the community appeared in opposition to this application and there are no complaints regarding this location; and

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to **SVH Corp., 161 Lafayette Street, NYC 10012.**

Vote: Unanimous, with 40 Board members in favor.

6. LaGuardia Tavern Corp., d/b/a Newgate Bar, 535 LaGuardia Place, NYC 10012

WHEREAS, Robert Agnew, General Manager and part owner of the applicant, appeared before the committee; and,

WHEREAS, this application is for renewal of an existing On Premise license for an 1,800 s.f. bar/restaurant, located in a commercial building between Bleecker and 4th Streets, consisting of 55 table seats, one bar with 10 seats, and an outdoor deck facing the windows of a large residential apartment building complex; and,

WHEREAS, the applicant stated that the hours of operation are 12:00 p.m. - 12 a.m., Monday through Thursday, and 12:00 p.m. – 4:00 a.m. weekends; the music is background only; there is no sidewalk café; and,

WHEREAS, there have been numerous significant complaints regarding this applicant, primarily regarding noise from the outdoor deck and from ventilation fans, as well as patrons being disruptive in front of the operation; the ventilation noise problems appear to have been significantly reduced by changes in equipment and operation; and,

WHEREAS, there are still significant complaints regarding the disruptions in front of the operation by patrons and the noise from the outdoor deck; the applicant stated that the deck is now only usable by hostess seating, as opposed to the prior procedure which allowed any patron to enter the deck area, and the deck will be closed at 11:00 p.m. on all nights; the applicant further stated that two security personnel will be assigned at all times to preventing and reducing disruptions in front of the operation; and,

WHEREAS, the applicant has been informed it is the policy of CB2, Manhattan to hear applications for renewal of On Premise licenses where there are significant signs of failure of the licensee to consider and minimize the impact of its operation on neighbors; and

WHEREAS, the applicant has further been informed that, should it fail to take significant steps to minimize the impact of its operation on its neighbors, CB2, Manhattan will seek revocation of applicant's On Premise license through all available channels; and

THEREFORE BE IT RESOLVED that, in light of the statements of the applicant regarding its intentions to minimize the impact of its operations on its neighbors, CB2, Manhattan currently has no objection to the approval of renewal of the existing On Premise license of **LaGuardia Tavern Corp., d/b/a Newgate Bar, 535 LaGuardia Place, NYC 10012.**

The above resolution was tabled and will be revisited at the May Business Committee.

Vote to table: Passed, with 36 Board members in favor, and 4 in opposition.

7. L'Atre Enterprises, Inc., d/b/a L'aile ou la Cuisse, 314 Bleecker Street, NYC 10014

WHEREAS, the applicant failed to appear before the committee; and

WHEREAS, this application is for alteration of an existing On Premise license for the addition of another bar; and

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly objects to the approval of an alteration to the On Premise license of **L'Atre Enterprises, Inc., d/b/a L'aile ou la Cuisse, 314 Bleecker Street, NYC 10014**; should the applicant pursue this alteration, applicant must first be sent back to CB#2, Man., that the issue may be examined before the community.

Vote: Unanimous, with 40 Board members in favor.

8. Music is Love, 40 West 8th Street, NYC 10012

WHEREAS, the applicant appeared before the committee; and

WHEREAS, the application is for renewal of an On Premise license in a nightclub, located off MacDougal Street, in a mixed use building; and

WHEREAS, the committee has received numerous complaints that Music is Love: (1) operates an entrance on MacDougal Street as opposed to its authorized entrance on 8th Street; this entrance appears to be in contravention of the New York State Alcoholic Beverage Control Law due to its obvious proximity of less than 200' to the entrance of the Christian Science Church on MacDougal Street, (2) is consistently in violation of the sound code, having been issued violations for same, (3) has been cited for employing a felon in the club, in violation of the NYC Cabaret Law, (4) has been cited for employing uncertified security guards in contravention of New York State law, and (5) allegedly consistently operates one or more hours past 4:00 a.m., with continuing loud music, and

WHEREAS, the committee requested the applicant provide soundproofing information and documentation as to the disposition of all violations and allegations, which request the applicant said would be honored; and

WHEREAS, not one piece of information or clarification of the allegations or citations has been forthcoming from the applicant; and

WHEREAS, applicant is quite apparently counting on the SLA to rubber stamp renewal of the On Premise license without examining the significant existing community issues; and

THEREFORE, BE IT RESOLVED that CB#2 Man. strongly objects to the renewal of an On Premise license to **Music is Love, 40 West 8th Street, NYC 10012**, and calls on the SLA to support the community by removing the licensed status from an operator clearly uninterested in working with the community to resolve the issues created by the operation.

Vote: Unanimous, with 40 Board members in favor.

9. Proposal to Extend the Village Alliance BID north on 6th Avenue, University Place, and Broadway

WHEREAS, at the Full Board meeting on March 24, 2005, Community Board #2, Manhattan unanimously adopted a resolution supporting the proposed extension of the Village Alliance BID area: (1) on 6th Avenue from 8th Street to 13th Street, (2) on University Place from 9th Street to 13th Street, and (3) on Broadway from 8th Street to 10th Street; and,

WHEREAS, the BID certifying authority requested a more timely examination of the proposal, as too much time has passed since the original resolution was passed by CB2, Manhattan; and,

WHEREAS, the Village Alliance BID has provided a variety of essential services to constituents within its current boundaries including, but not limited to, sweeping the sidewalks, emptying litter cans, removing graffiti, hiring of special safety officers, improving street furniture and carrying out other capital improvements, and providing support services for Village Alliance merchants on an as needed basis with the Landmarks Preservation Commission, the Department of Transportation, the Department of Environmental Protection and all other city agencies; and

WHEREAS, property owners and tenants in the proposed extension area on 6th Avenue from 8th Street to 13th Street, University Place from 9th Street to 13th Street and Broadway from 8th Street to 10th Street, have requested that similar services be provided to them by the Village Alliance BID;

WHEREAS, the Village Alliance BID further serves and supports the business community with a free website, free consumer advertising, free walking tours for the public, coupon books for shoppers, holiday decorations and the distribution of a destination brochure to visitor sites all around the City; and,

WHEREAS, constituents in the current Village Alliance BID area have expressed great satisfaction with the BID's services, and the Village Alliance has been consistently rated as one of the highest performing BIDs in the City; and

THEREFORE, BE IT RESOLVED that CB#2, Man., supports the proposed extension of the Village Alliance BID area: (1) on 6th Avenue from 8th Street to 13th Street, (2) on University Place from 9th Street to 13th Street, and (3) on Broadway from 8th Street to 10th Street.

Vote: Unanimous, with 40 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

Item 10 – 35 Mercer St. – SoHo Cast Iron Historic District. An Italianate style store & loft building built in 1867. Application is to legalize construction of a rooftop bulkhead without Landmarks Preservation Commission permits.

WHEREAS, the building is Joint Living Work Quarters for Artists, and recreation space is required on the roof, and

WHEREAS, the new elevator is to give access to the rooftop for the building’s residents, and

WHEREAS, the proposed bulkhead will be 6’ higher than the existing one, and made from chocolate colored corrugated metal, and

WHEREAS, the proposed bulkhead is set so that it is minimally visible from any of the surrounding streets,

THEREFORE, BE IT RESOLVED CB#2, Man. has no objection to the new bulkhead at 35 Mercer St.

Vote: Unanimous, with 40 Board members in favor.

Item 11 – 134-136 Mercer St. – Letter from applicant – Withdrawn & being revised.

Item 12 – 230 Mercer St. – Laid over at the request of the applicant.

Item 13 – 74 Bank St. – Greenwich Village Historic District. A Greek Revival rowhouse designed by Baldwin & Mills & built in 1842. Application is to construct a rooftop addition, alter the rear façade, and excavate the rear yard.

WHEREAS, the applicant plans to make repairs to the façade including replacing the former metal shutters & installing a new copper roof, and

WHEREAS, on the rear façade the applicant plans to replace the current brick wall with windows on the first & second floors with a glass wall while retaining the brick third floor, and

WHEREAS, the applicant also plans to raise the parapet over the top floor windows, and

WHEREAS, the applicant also plans to construct a small rooftop addition which will be hidden behind the raised parapet over the top floor windows, and

WHEREAS, the applicant also intends to excavate under the whole building 10’ further down than the 6’ current cellar to create a higher cellar & subcellar, and

WHEREAS, the applicant also intends to excavate the whole rear yard to the same depth to create storage & mechanical space, with the yard then to be landscaped above the cellar,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the front façade changes proposed for 74 Bank St., but

BE IT FURTHER RESOLVED CB#2, Man. has grave concerns about the excavation planned and its possible danger not only to 74 Bank St. but also to its neighboring buildings; and

Vote: Unanimous, with 40 Board members in favor.

BE IT FURTHER RESOLVED CB#2, Man. feels that the two-story glass façade at the rear of the building is totally inappropriate and recommends denial of this part of the application.

Vote: Unanimous, with 40 Board members in favor.

Item 14 – 309 Bleecker St. – Greenwich Village Historic District. Two buildings built in 1933 & combined & altered in 1958. application is to alter façade, install a new storefront, & signage.

WHEREAS, the building, 3 lots wide & 1 story high, was the former Strawberry Fields store, and the new use will be a clothes store, and

WHEREAS, the proposal is to extend the cement panel above the store which will be a designed panel, not a sign, 3’ higher than at present to line up with the windows of the adjacent buildings, and

WHEREAS, the signage will be a blade sign 1’8” by 3’ high placed 10’ above the sidewalk,

WHEREAS, the glass panels at the storefront are separated by narrow steel mullions to break up the plate glass frontage, with the doors to the store and the emergency exit darker glass with steel handles, and

WHEREAS, the storefront is set back 2’ inside the remaining brick walls which creates a 2’ overhang, but there will be no lights in the overhang, and

WHEREAS, there will be two mechanical units on the roof, hidden by the cement panel,

THEREFORE, BE IT RESOLVED CB#2, Man. does not oppose this application for a 309 Bleecker St. although there was some feeling that the cement panel was too high.

Vote: Unanimous, with 40 Board members in favor.

Item 15 – 171-173 MacDougal St. – Greenwich Village Historic District.

A building originally built in 1890-91 & designed by Renwick, Aspinwall & Russell, & redesigned in 1966 by Victor Child-Janer & Associates. Application is to alter the front & rear facades & install rooftop mechanical equipment & bulkheads. (Christian Science church.)

WHEREAS, research on this building uncovered the original Romanesque exterior design with arched windows & detailing on the façade & a strong cornice, and

WHEREAS, the architects found evidence of the façade details still existing & intend to try to recreate the general look of the original façade, and

WHEREAS, the proposal is to convert the upper floors 3 through 6 and half of floor 2 to residential condos & continue the church use & reading room on the first floor & part of the second floor, and

WHEREAS, the arched windows will be slanted out from either side & will have small panes of glass & window frames of dark grey steel on the front of the building, and

WHEREAS, on the rear of the building the current window openings will be reopened for one over one useable windows with aluminum frames, and

WHEREAS, the church will occupy the first floor rear, two stories high, will tall windows looking out to the rear yard, and the reading room will be in front of it, visible from the street, and one story high, and

WHEREAS, the original cornice could not be replicated but the top floor windows will be reduced somewhat in height and a glass & metal trim will be installed jutting out from the façade to give some definition to the top of the building, and

WHEREAS, a new metal canopy will be installed along the front of the building above the doors with the name of the church etched along the outer edge, and

WHEREAS, metal letters will spell out the name of the church on the sides of the main church entrance, and

WHEREAS, the new air conditioning units on the roof will be barely visible,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of the proposal for 171-173 MacDougal St., but suggests that the metal canopy over the entrance extend less over the sidewalk.

Vote: Unanimous, with 40 Board members in favor.

444 West 14 St. – Gansevoort Historic District. A building built in 1852 & altered as a utilitarian style market building in 1923 by James S, Maher. Application is to install new windows & storefront infill, alter the canopy & install rooftop mechanical equipment.

WHEREAS, the proposal is to remodel the former Rath Packing Co. into the DvF THEATRE and

WHEREAS, the theater is to become part of the existing building at 440-442 West 14 St., already in the ownership of Diane von Furstenberg & currently being remodeled, and

WHEREAS, to accomplish this conversion, the plan is to remove the second floor of this building at 444 West 14 St. & cut a number of openings in the walls of the two buildings on the first and third floors to connect them, and

WHEREAS, the façade of 444 West 14 St. is to replicate the existing in that the current arrangement of three windows and one window on each of the upper floors is to be continued except that the glass will be single panes, with the three panes in steel frames divided by steel strips, and

WHEREAS, the former sign band at the top of the building will contain the new signage, and

WHEREAS, the proposal calls for a metal & glass canopy matching the one currently planned for 440-442 West 14 St., and

WHEREAS, the first floor will have a door and a garage-type roll-up window of frosted glass, the storefront to match that at 440-442 West 14 St., and

WHEREAS, there were two speakers in favor of the proposal – Florent Morellet from Florent’s Restaurant & Joshua David from Friends of the High Line, and applicant had 8 letters in favor,

THEREFORE, BE IT RESOLVED CB#2, Man. has no objection to the proposed design for 444 West 14 St., except that it was felt the canopy should be different in color or style to distinguish it as a separate building, but

BE IT FURTHER RESOLVED CB#2, Man. had serious questions about the safety of the plan to remove the entire second floor from this 1852 building and breaching the exterior wall with openings to the adjacent building, and believes that the Commission should do everything possible to ensure the structural integrity of 444 West 14 St.

Vote: Unanimous, with 40 Board members in favor.

50 Howard St. – scheduled for 4/25 hearing. Change of use & renovation of entire building with new storefronts on both Howard & Mercer Sts. and exterior handicapped ramp.

WHEREAS, this building is being converted to Joint Living-Work Quarters for Artists with retail on the first floor, and

WHEREAS, this 4 story building with cast iron on the first floor is being restored,

WHEREAS, a small penthouse, 30% of the current roof area, is being added but the only part visible from the streets will be part of the required railing around the roof, and

WHEREAS, the retail space on the ground floor will continue the 18” baseboard and will reuse cast iron and replace the former diamond plate at the sidewalk, and

WHEREAS, on the Howard St. side of the building a handicapped ramp will be installed about 3 steps high at the portion of the building where the height will be the lowest because of the slant of the sidewalk, the ramp being 4’ wide on a 12’ sidewalk, and

WHEREAS, the proposal is to remove the two elevator bulkheads now visible on the roof and replace them with smaller ones, and

WHEREAS, the steel shutters formerly on the building (hinges still show) will be replaced, and

WHEREAS, the windows will replicate the originals being 2 over 2 with rounded tops,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of this application for 50 Howard St.

Vote: Unanimous, with 40 Board members in favor.

50 Howard St. – Application to LPC for letter to CPC approving design for Section 74-7ll application for use change on first floor.

WHEREAS, substantial work is being done to restore this building at 50 Howard St. to its former state,

THEREFORE, BE IT RESOLVED CB#2, Man. has no objection to the Landmarks Preservation Commission sending a letter of approval to the City Planning Commission on the 74-7ll application.

Vote: Unanimous, with 40 Board members in favor.

2ND LANDMARKS MEETING

Item 8 – 73 Eighth Ave. – Greenwich Village Historic District. A brick residence built in 1834. Application is to install new storefront infill.

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 failed to appear before the Community Board Committee, nor did he contact us for a layover,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends denial of this application for 73 Eighth Ave., in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

110 Greene St, - SoHo Cast Iron Historic District. (No date set & no number.) Application is to convert some commercial units to Joint Living Work Quarters for Artists, & request a City Planning Commission authorization for the change of use pursuant to Section 42-142 of the Zoning Resolution.

This application was discussed by the Committee, but not enough information was available to make concrete recommendations on the Landmarks aspects of this application. However, based on the information we did receive, we ascertained that the application for a request for City Planning Commission authorization seemed acceptable.

Applicant will return later to give us the additional information we requested about the actual Landmarks changes.

WHEREAS, the application is to convert floors 9 to 12 in the Greene St. building and floors 6 to 13 in the Mercer St. building from mixed commercial and artists use to JLWQA, and

WHEREAS, these floors, because of the height of the buildings above the adjacent buildings & also because the buildings have secured restrictive declarations, can guarantee that the existing lot line windows on these floors will not be blocked at some future date, and

WHEREAS, it appears that substantial work will be done on the facades of the buildings to maintain their Landmarks status, and

WHEREAS, the buildings will file the required annual inspection papers with the Landmarks Commission to assure that the buildings will be properly maintained,

THEREFORE, BE IT RESOLVED CB#2, Man. does not oppose the application for the Landmarks Commission to send the required letter to the City Planning Commission to permit the change of use on the above cited floors to Joint Living Work Quarters for Artists at 110 Greene St. & 123-125 Mercer St.

Vote: Unanimous, with 40 Board members in favor.

PARKS, RECREATION, OPEN SPACE & WATERFRONT

1. AIDS Memorial

WHEREAS: CB#2, Man. has recommended, and the Hudson River Park Trust ("HRPT") has agreed, to placement of an AIDS memorial at Hudson River Park at Bank Street; and

WHEREAS the AIDS Monument Committee has designed a simple, dignified memorial along the semicircular granite pat cut into the lawn at Bank Street; and

WHEREAS the Memorial Committee must raise \$175,000 in order to complete the project, of which only \$20,000 has been raised;

BE IT HEREBY RESOLVED:

- 1. That CB2 applauds the design of the proposed AIDS Memorial;
- 2. That CB2 calls upon our elected officials, on the City, State, and Federal level, to allocate money towards the memorial, and calls on the public to contribute money towards the memorial that would not otherwise be contributed to AIDS research or to the care or treatment of those with AIDS;
- 3. That CB2 calls upon the HRPT to dedicate the money paid by Heritage of for use of Pier 43 for the 2006 Gay Pride Dance to the AIDS Memorial.

Vote: Unanimous, with 40 Board members in favor

2. Sun Works Barge

WHEREAS the Center for Sustainable Engineering, a/k/a NYC Sun Works, seeks to dock its Sustainable Design Center barge, with a Hydroponics Energy Farm, at the northwest corner of Pier 40 during a portion of each summer; and

WHEREAS CB2 has encouraged, in principle, the creation of such a Design Center; and

WHEREAS Sun Works will not only use the Center to explore sustainable energy technology, but to give the public and develop educational programs with local schools; and

WHEREAS The Hudson River Park Trust ("HRPT") has indicated that space at the northwest corner of Pier 40 is available to dock the barge;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends that the HRPT give NYC Sun Works a permit to dock its barge at the northwest corner of Pier 40 as early as Spring 2007.

Vote: Unanimous, with 40 Board members in favor.

3. Permit Requests - Washington Square Park

WHEREAS:

- 1. The following permit requests have been made by various organizations to utilize portions of Washington Square Park:
 - a. The First Baptist Church, for a ABroKenground Performance,@ consisting of 130 students singing and hip-hop dancing, with a full band, at the Teen Plaza, from 6:00 to 8:00 p.m. on June 12, 2006.
 - b. Union Endicott High School, for a Free Jazz Ensemble concert at the Bandstand, from 1:00 to 3:00 p.m. on June 4, 2006.
 - c. The Village Alliance Business Improvement District, for its free Taste of the Village event, from 6:00 to 8:00 p.m. on June 8, 2006.
- 2. Such events are appropriate to Washington Square Park, are of limited duration, and are free to the public.

IT IS HEREBY RESOLVED that CB#2, Man, recommends that the Parks Department approve the permit requests for use of Washington Square Park by the First Baptist Church for June 12, 2006 (on condition that the amplification be kept at legal levels), Union Endicott High School for June 4, 2006, and the Village Alliance Business Improvement District for June 8, 2006; and

BE IT FURTHER RESOLVED that CB#2, Man. appreciates being asked for a recommendation about these permits.

Vote: Unanimous, with 40 Board members in favor.

4. Hare Krishna Event B Washington Square Park

WHEREAS:

1. The International Society for Hare Krishna has requested the issuance of a permit for a religious and cultural event, including food and dance, free to the public, on June 10, 2006 from noon until 7:00 p.m., with setup beginning at midnight and cleanup ending at 9:00 p.m.;
2. The Hare Krishna event, which has been in place for many years, has historically taken up a large segment of the park for a significant portion of the day;
3. The Parks Department has in place, under ' 2-10 of its Rules and Regulations, a schedule of fees to be paid by entities given permits for special events, which schedule would appear to be applicable to the Hare Krishna event as a General Event in a Level C Park;

IT IS HEREBY RESOLVED:

1. That CB#2, Man. recommends the approval of the permit application by the International Society for Hare Krishna for a June 10, 2006 event in Washington Square Park.
2. That CB#2, Man. recommends that the Parks Department charge the applicant the full amount to be paid under ' 2-10 of its regulations for a General Event being held in Washington Square Park for 21 hours, and that said money be earmarked for future use in Washington Square Park maintenance or improvements.

Vote: Passed, with 35 Board members in favor, and 5 in opposition.

5. NYU Graduation Permit Application for Washington Square Park

WHEREAS:

1. NYU has applied to the NYC Parks Department for a permit to hold its graduation in Washington Square Park on May 11, 2006 from 10:00 a.m. to noon, with setup beginning on May 8 at 7:00 a.m. and cleanup ending at 11:00 p.m. on May 11;
2. The graduation is a private event, with 10,000 people participating or attending by invitation only;
3. The graduation denies the public use of a significant portion of the park for several days;
4. The Parks Department Regulation 2-10 sets forth a schedule of fees to be paid by entities given permits for scheduled events, which schedule would appear to be applicable to NYU;
5. NYU, until it learned that Washington Square Park renovation would be delayed, had planned to pay for the rental of Shea Stadium to hold its graduation;

IT IS HEREBY RESOLVED:

1. That CB#2, Man. recommends the approval of NYU=s application to hold its commencement in Washington Square Park.
2. That CB#2, Man. recommends that the Parks Department charge the applicant the full amount to be paid under ' 2-10 of its regulations for an event scheduled to span 88 hours, and that said money be earmarked for future use in maintaining or improving Washington Square Park.
3. That this recommendation not be taken as a recommendation or approval of any events outside of the Park.
4. That CB#2, Man. calls upon NYU to take all appropriate actions to minimize the impact of this monumental event on the residents of the community around Washington Square Park.

Vote: Passed, with 38 Board members in favor, 1 in opposition, and 1 abstention.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Iridium Restaurant, Corp., D/B/A Bread, 20 Spring Street St., New York, N.Y. 10012 with 4 tables and 8 seats. DCA 1221130.

WHEREAS, the owner and the architect appeared before the committee; and

WHEREAS, the restaurant has been in operation for over 3years; and

WHEREAS, there was community opposition by a resident who claimed there was congestion on the narrow street; and

WHEREAS, the owner and his representative agreed to reduce the application to 2 tables and 4 chairs; and

WHEREAS, the tables will all be against the building line; and

WHEREAS, the owner Luigi Commandatore agreed to keep the vault doors closed; and

WHEREAS, the owner stated he will repave the sidewalk; and

WHEREAS, the owner proposed to fill the tree pit with gapped pavers; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed sidewalk café to Iridium Restaurant, Corp., D/B/A Bread, 20 Spring Street St., New York, N.Y. 10012 with 2 tables and 4 seats. DCA 1221130.

Vote: Unanimous, with 40 Board members in favor.

2. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for Maracas Greenwich Partners LLC a/k/a Maracas, with 23 tables and 50 seats. DCA 1221127.

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

WHEREAS, there was no community opposition; and

WHEREAS, there was a previous side walk café there named Banditos with the same number of tables and chairs; and

WHEREAS, the coop association of the building is in agreement with this application; and

WHEREAS, this restaurant is located on Greenwich Ave. between 6th Ave. and 7th Ave., which has several other side walk cafes; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Maracas Greenwich Partners LLC, a/k/a Maracas, with 23 tables and 50 seats. DCA 1221127.

Vote: Unanimous, with 40 Board members in favor.

3. NEW application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Pepe’s Rest. Group LLC, d/b/a Las Ramblas 170 West 4th Street, New York, N.Y. 10014, with 2 tables and 4 seats. DCA # 1221449.

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

WHEREAS, there was no community opposition; and

WHEREAS, the owner has another restaurant with an impeccable reputation adjacent to the current proposed sidewalk cafe; and

WHEREAS, this location was formerly called the Bagel; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Pepe’s Rest. Group LLC, d/b/a Las Ramblas 170 West 4th Street, New York, N.Y. 10014, with 2 tables and 4 seats. DCA # 1221449.

Vote: Passed, with 39 Board members in favor, and 1 recusal (R. Sanz).

4. NEW application for NSCF NY INC. d/b/a Café Del Arte, 143 Mulberry Street, New York, N.Y. 10013, for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 4 tables and 8 seats. DCA # 1222186.

WHEREAS, the owner's representative appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to NSCF NY INC. d/b/a Café Del Arte, 143 Mulberry Street, New York, N.Y. 10013, with 4 tables and 8 seats. DCA # 1222186.

Vote: Unanimous, with 40 Board members in favor.

1. MODIFICATION application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Four Green Fields LLC., d/b/a Agave 140 7th Avenue South, New York, N.Y. 10014, with 24 tables and 48 seats. DCA # 1133739.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, the modification consists of the current owners expanding the current sidewalk café to occupy the front of their newly acquired store front which is adjacent to the existing restaurant; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a Modification for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Four Green Fields LLC., d/b/a Agave 140 7th Avenue South, New York, N.Y. 10014, with 24 tables and 48 seats. DCA # 1133739.

Vote: Unanimous, with 40 Board members in favor.

2. MODIFICATION application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Spice Market LLC. 29-35 Ninth Avenue, New York, N.Y. 10014 with 13 tables and 26 seats. DCA # 1187891.

WHEREAS, Charles Smith the architect appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, the only modification will be to place a removable railing around the perimeter of the sidewalk cafe; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL for a Modification to Spice Market LLC. 29-35 Ninth Avenue, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 13 tables and 26 seats. DCA # 1187891.

Vote: Unanimous, with 40 Board members in favor.

1. RENEWAL APPLICATION for Zestful Management Corp., d/b/a Bar 6, 502 Avenue of the Americas, New York, N.Y. 10011 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 4 tables and 12 seats. DCA # 0919619.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, there are no changes in the configuration of the café since its last application; and

WHEREAS, this restaurant is located on 6th Ave. between 13th Street and 12th Street; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL to Zestful Management Corp., d/b/a Bar 6, 502 Avenue of the Americas, New York, N.Y. 10011 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 4 tables and 12 seats. DCA # 0919619.

2. RENEWAL application for 637 Hudson Cafe Inc., D/B/A Café Bivio, 637 Hudson Street, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 8 tables and 16 seats. DCA # 1158471.

WHEREAS, the owners FAILED TO APPEAR before the committee; and

THEREFORE, BE IT RESOLVED, that **CB#2, Man.** recommends DENIAL to 637 Hudson Cafe Inc., D/B/A Café Bivio, 637 Hudson Street, New York, N.Y. 10014 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 8 tables and 16 seats. DCA # 1158471.

Vote: Unanimous, with 40 Board members in favor.

3. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Maneken Corp., d/b/a Petite Abeille 466 Hudson Street, New York, N.Y. 10014, with 6 tables and 11 seats. DCA # 0979768.

WHEREAS, the owner appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, the owner agreed to limit the size of the umbrellas over the tables to stay within the perimeter of the sidewalk café; and

WHEREAS, the owner agreed to keep the height of the umbrellas from the ground to a safe distance so as to provide a protection for occupants eyes; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Maneken Corp., d/b/a Petite Abeille 466 Hudson Street, New York, N.Y. 10014, with 6 tables and 11 seats. DCA # 0979768

Vote: Unanimous, with 40 Board members in favor.

4. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Cosi Inc., d/b/a Xandu Cosi, 841 Broadway New York, N.Y. 10003, with 14 tables and 36 seats. DCA # 1027305.

WHEREAS, the owner failed to appeared before the committee; and

WHEREAS, a resident complained that this establishment stays open beyond the legal hours; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Cosi Inc., d/b/a Xandu Cosi, 841 Broadway New York, N.Y. 10003, with 14 tables and 36 seats. DCA # 1027305.

Vote: Unanimous, with 40 Board members in favor.

5. RENEWAL application for Carmine Restaurant Inc., d/b/a Il Cortile, 125 Mulberry Street, New York, N.Y. 10013 for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café with 9 tables and 18 seats. DCA # 1161434.

WHEREAS, the owner’s representative appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Carmine Restaurant Inc., d/b/a Il Cortile, 125 Mulberry Street, New York, N.Y. 10013 with 9 tables and 16 seats. DCA # 1161434.

Vote: Unanimous, with 40 Board members in favor.

6. RENEWAL application for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk for Café Biassanot Corp., d/b/a Da Andrea 557 Hudson St., New York, N.Y. 10014, with 5 tables and 12 seats. DCA # 1096547.

WHEREAS, the owner, Jean Pietro Branchi appeared before the committee; and

WHEREAS, there are no violations against this restaurant at this time; and

WHEREAS, there was no community opposition; and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this restaurant is located on Hudson between Perry Street and W.11th Street; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unclosed sidewalk café to Café Biassanot Corp., d/b/a Da Andrea 557 Hudson St., New York, N.Y. 10014, with 5 tables and 12 seats. DCA # 1096547

Vote: Unanimous, with 40 Board members in favor.

SOCIAL SERVICES, HOMELESS AND SENIOR SERVICES

Nurses Contract

WHEREAS the lack of a contract with the nursing staff of the Health and Hospitals Corporation (HHC) has caused a negative impact on patient care; retention of nursing staff and the ability to fill vacancies at Bellevue Hospital Center; and

WHEREAS the lack of a contract has resulted in an increased turnover rate at Bellevue Hospital Center; and

WHEREAS the nursing shortage puts added stress on the current nursing staff creating a faster and higher burnout rate; and

WHEREAS there is a need to recruit more nurses but there are no monetary incentives to attract new nurses, and

WHEREAS the average age of the nursing staff is going up not down due to the fact that student nurses do not look to public hospitals when they begin their nursing careers; and

THEREFORE, BE IT RESOLVED that Community Board #2, Manhattan strongly urges the City of New York, Mayor Bloomberg and the New York State Nurses Association reach a contact agreement as soon as possible.

Vote: Unanimous, with 40 Board members in favor.

JOINT SOCIAL SERVICES AND YOUTH

Support of Christopher Street Pier Hours and Services for Youth

WHEREAS: the Parks Committee passed a resolution to monitor the closing of the Christopher Street Pier for 3 Months; and

WHEREAS: the Youth, Social Service & LGBT Committees' want to be a part of the evaluation process of this "trial period": and

WHEREAS: the Committees' support a coordination of services of all organizations now participating independently; and

THEREFORE BE IT RESOLVED: CB2 Manhattan supports services for youth and the establishment of kiosks offering these services in the vicinity of the Pier; and

THEREFORE BE IT FURTHER RESOLVED: the Youth, Social Service and LGBT Committees' be a part of any Task Force monitoring of the Pier and Christopher Street; and

THEREFORE BE IT FURTHER RESOLVED: CB#2, Man. strongly urges the resources of the Mayor and the City Council through its various agencies support the efforts of making Christopher Street a safe environment for young people.

Vote: Passed, with 39 Board members in favor and 1 Recusal (Lawrence Goldberg).

TRAFFIC AND TRANSPORTATION

1. Need for Additional Bus Service in the Far West Village

WHEREAS, the number of residents in the Far West Village have increased significantly in recent years; and

WHEREAS, these residents are without bus service along Washington Street; and

WHEREAS, the widespread availability of mass transit is a goal for which this community board has long advocated.

THEREFORE, BE IT RESOLVED, that CB#2, Man., urges the New York City Transit to consider adding an additional bus route(s) to serve the residents of the Far West Village, particularly along Washington Street.

Vote: Passed, with 39 Board members in favor and 1 in opposition.

2. Traffic Regulations in and around Carmine, Bedford and Downing Streets and Father Demo Square (*held over from previous meeting*)

WHEREAS, the current parking regulations for the area around Carmine, Bedford and Downing Streets and Father Demo Square are inconsistent and confusing to motorists and pedestrians alike; and

WHEREAS, traffic issues along these streets include alternate side parking, the timing of traffic lights and pedestrian safety;

THEREFORE BE IT RESOLVED, that CB#2, Man., requests that the NYC Department of Transportation examine the parking regulations and traffic light timing issues in and around Carmine, Bedford and Downing Streets and offer the community board suggestions how to conform these regulations to adjacent streets and make general safety improvements.

Vote: Unanimous, with 40 Board members in favor

YOUTH

Enhancing the Protection of Children and Youth in Research Studies

WHEREAS, there has been a national and local emphasis, and proliferation of research on, human subjects, including the diverse and the often vulnerable populations of poor, immigrant, Gay, Lesbian, Bisexual, Transgender, and Questioning Community, colored and other children captive in public schools, hospitals, agencies and other institutions in the City of New York (the "Children"); and

WHEREAS, members of the public, including a psychiatrist, parents of students and others have expressed and presented concerns regarding the harmful impact of certain types of elective psychological and educational, and other non-mandated research on the Children, including diagnostic screenings; and **WHEREAS**, CB#2, Man. has found that the administration of certain research to which the Children have been subjected includes invasive and upsetting research survey instruments, intake applications for after school programs, hospital referrals to researchers, diagnostic screens; and that, among other deficiencies, independent monitoring, subject follow-up, parent or legal guardian complaint handling procedures and rights education have been lacking or non-existent, including the lack of supportive intervention when necessary; and certain such research has caused the use and disruption of the school day, engagement of students prior to parental notice and consent, coercion or undue influence in the form of payments and invasion of privacy; and

WHEREAS, CB#2, Man. is further concerned regarding, among other things, the lack of independent City oversight, responsibility, and accountability; conflicts of interests; paucity of readily available information regarding specific research projects on Children; and the lack of parent/public engagement in and education regarding the research process, in general including information relating to the responsibilities of the mandated Institutional Review Boards or Committees (the IRB or IRC), at the Health and Hospitals Corporation (HHC), and at the Department of Education, Department of Assessment and Accountability or DAA; incomprehensible and insufficient or defective informed consents; the disproportionate research interest in and disparate negative impact of research on so-called racial or ethnic minorities; and

WHEREAS, the research in question appears to be largely sponsored and conducted by or on behalf of institutions of higher learning, after school programs, including NYU within this Community, Columbia University, Harvard University, City University Graduate Center, Fordham University, and individual doctoral and other degree candidates, graduate students, and others; and

WHEREAS, each public or private institution conducting research with human subjects is required to maintain an IRB or IRC for the protection of such subjects, including school systems, universities and hospitals; and the DAA IRB reviews and approves approximately 250 research proposals each year, rejects a number, and is aware of, and may have taken action against, some proposals that have not been submitted, reviewed or approved and serious questions have arisen regarding the sufficiency of the staff and resources devoted to compliance and safety of the Children; and

WHEREAS, CB#2, Man. is painfully aware of the historical ethical and legal abuses of vulnerable and captive human subjects in research and experimentation that resulted in the creation of the Nuremberg Code, Belmont Report and the extensive set of Federal Regulations promulgated based thereon, as well as research abuses committed in the Federal government, s infamous Tuskegee Syphilis Experiment, abuses of the mentally challenged and incarcerated citizens, and most recently, babies with HIV/AIDS in foster care that were in clinical trials conducted by a major university/hospital in the City, and the research interest in Gay, Lesbian, Bisexual, Trans-Gender and Questioning Youth; and

WHEREAS, research involving human subjects is regulated by an extensive body of Federal regulations promulgated by several agencies including the United States Department of Health and Human Services and the National Science Foundation, for the protection of human research subjects; and, in the case of the public school system, by the Research Proposal Guidelines of the DoE which are administered by its DAA; and

WHEREAS, CB#2, Man. finds that research involving human subjects and compliance with Federal regulations have been conducted without sufficient transparency and public engagement to ensure the appropriate education of the public and to safeguard the rights of the public and the safety of the Children as research subjects.

NOW, THEREFORE, BE IT RESOLVED, that CB#2, Man. demands that the rights, health and well-being of the Children makes it imperative that Department of Education, Health and Hospitals Corporation, and any other City Agency pertinent to this matter, immediately develop plans then implement steps to create sufficient transparency, public engagement and education of the public with respect to all research involving Children as human research subjects and DoE or HHC oversight, either during the course, or at the conclusion, of any such research of Children; and it is

FURTHER RESOLVED, that the City conduct immediate independent reviews of all research conducted by or on its behalf to:

(i) ascertain compliance with all laws, regulations and guidelines designed for non-biased research and the protection of the Children as human research subjects, including, without limiting the generality of the foregoing, signed certification of compliance by the respective IRB chairs as well as a statement to the effect that the benefits to be derived to the Children being subjected to any such research or cohorts, outweigh the risks to the such Children research subjects as confirmed by the duly constituted IRB, the names and

affiliations of the members of which shall be listed, with their respective roles and areas of expertise and if they are „unaffiliated;

(ii) ascertain whether each City IRB has sufficient staff and budget to adequately review, approve, monitor, and conduct post study analyses of such research;

(iii) assure that the results of all such research are conveyed to the constituencies the research was intended to benefit in hard copy and, with each City IRB, analyses and reports, maintain and update its files on a regular basis to include posting on the relevant City or respective agency or department web site;

(iv) forthwith adopt and implement sufficient procedures to adequately address complaints of parents and legal guardians in a timely fashion;

(v) assess the respective relationships, roles and responsibilities of all City agencies or departmental personnel involved with research, including department and agency heads and executives with respect to the IRB, Principal Investigators, Executives and Board Members at the institutions sponsoring research, as well as at government and private funding sources for such research, to ascertain the existence of any conflicts of interest; and

BE IT FURTHER RESOLVED, that CB#2, Man. will continue in its leadership role in this important area and proceed with further fact-finding and, in that regard, will contact and cooperate and share information with, the Office of the Manhattan Borough President, Community Education Councils of Districts 2 and 3, of Regions 9 and 10, respectively, PTAs and other parent groups, as well as research institutions and government agencies, as it may deem appropriate or necessary; and

BE IT FURTHER RESOLVED, that CB#2, Man. hereby further requests the Department of Investigations, Conflict of Interest Board, City Comptroller and/or State Controller, investigate the financial relationships between and among the individuals at the City agencies and departments involved in research and at the research sponsors; and

BE IT FURTHER RESOLVED, that CB#2, Man. states its opinion and policy that the topic of research on human subjects must be re-visited and re-calibrated in view of the massive human and financial resources dedicated to it, against the human and legal rights of vulnerable populations, which must be vigilantly safeguarded, and that such can be accomplished without unduly impeding bona fide scientific research or sacrificing the benefits to be derived by society from advancing the state of knowledge.

Vote: Unanimous, with 40 Board members in favor.

ZONING AND HOUSING

180 Lafayette St., Jasmine Spa, BSA Cal. No. 37-06-BZ Board of Standards and Appeals special permit application to allow a physical culture establishment in an existing seven-story mixed-use building in an M1-5B zoning district for a term of up to ten (10) years.

WHEREAS; The area was posted and there was no opposition to 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 applicant has agreed to amend the plan to clarify the entry to this establishment;

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

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

Vote: Unanimous, with 40 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Raymond Lee
Community Board #2, Manhattan