

FULL BOARD MINUTES

DATE: July 20, 2006
TIME: 6:30 P.M.
PLACE: LGBT Community Services Center, 208 W. 13th St.
Lerner Auditorium Room 301

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Helene Burgess, Leonard Cecere, Maria Passannante Derr, Chair, Community Board #2, Manhattan (CB#2, Man.) John Diaz, Doris Diether, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Susan Kent, Raymond Lee, Elizabeth Loeb, Edward Ma, Jason Mansfield, Rosemary McGrath, Philip Mouquinho, Patrick Munson, Rick Panson, Annie Vanrenterghem-Raven, David Reck, Arthur Z. Schwartz, Shirley Secunda, James Solomon, Shirley H. Smith, Sean Sweeney, Betty Williams, Carol Yankay, Elaine Young.

BOARD MEMBERS EXCUSED: Lisa Cannistracci, Harriet Fields, Don Lee, Dr. John Maggio, Judy Paul, Robert Riccobono, Robert Rinaolo, Rocio Sanz, Richard Stewart, Wilbur Weder, Michael Xu

BOARD MEMBERS ABSENT: Lawrence Goldberg, Garth Harvey, Christine Lindemann, Don MacPherson,

BOARD STAFF PRESENT: Florence Arenas, Julio Mora

GUESTS: Arturo Garcia-Costas, Congressman Jerrold Nadler's office; Senator Martin Connor, Matt Viggiano, Senator Martin Connor's office, Adam Riff, Senator Tom Duane, Senator Tom Duane's office; Lee Grodin, Council Speaker Christine Quinn's office; Gregory Brender, Assembly Member Deborah Glick's office; Cindy Voorspuy, Council Member Alan Gerson's office; John Fout, Council Member Rosie Mendez's office; John Ricker, NYC Comptroller's office; Robert Gormley, Leif Arntzen, Barbara Lidsky, Peg Helmholz, Peter Greenough, Ann Arlen, Andy Neale, Carlos A. Suarez, Sheryl Kasak, Rosemary C. Bella, Susan Goren, Edy Selman, Livvie Mann, David Chan, Harriet Stella, Ian Dutton, Andrew Berman, Eric Goldsmith, Mary Johnson, Sandy Guzik, Stephanie Ross, Neal Scott, Mark Singer, Diane Brereton, Christine Shakespeare, Christine Bates, Sharon Woolums, Steve Wygoda, Knox Martin.

MEETING SUMMARY

Meeting Date – July 20, 2006
Board Members Present – 35
Board Members Excused–11
Board Members Absent - 4

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PUBLIC SESSION

Non-Agenda Items

NYC Roadrunners Club

Stephanie Ross reported on the upcoming NYC marathon and encouraged community involvement and volunteer service.

Committee Assignments

Susan Goren and Edy Selman spoke regarding the scheduling of committees.

Washington Square Park Renovations

Sharon Woolums spoke against the proposed renovations.

New York University

Christine Shakespeare made several announcements regarding the university.

Business Items

200 Water Group, LLC, 80 Carmine Street

David Chan, Livvie Mann, Sheryl Kasak, and Andy Neale spoke against the proposed liquor license.

Parks, Recreation, Open Space & Waterfront

Renaming Bleecker Park in Honor of Jane Jacobs

Andrew Berman, GVSHP, spoke in favor of the proposed park renaming.

Sidewalks, Public Facilities & Access Items

P12, Inc, d/b/a Piola, 48 East 12th Street

Mark Singer and Neal Scott, spoke against the proposed sidewalk café.

Steve Wygoda, architect for the applicant, spoke in favor of the sidewalk café proposal.

Proposal for “Saving the Whales” mural on the outside wall at 250 W. Houston St.

Knox Martin, artist, spoke in favor of the whale painting.

Zoning and Housing Items

Trump Condo-Hotel, 246 Spring Street

Andrew Berman, GVSHP, spoke in favor of the resolution recommending an investigation by the NYC Dept. of Buildings and the City Planning Commission.

122 Greenwich Ave. BSA application for a 7-story & 11-story mixed-use building.

Andrew Berman, GVSHP, spoke in favor of the resolution recommending denial.

ADOPTION OF AGENDA

ELECTED OFFICIALS PRESENT AND REPORTING

Arturo Garcia-Costas, Congressman Jerrold Nadler’s office

Senator Martin Connor

Senator Tom Duane

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,

ADOPTION OF MINUTES

Adoption of May minutes and distribution of June minutes.

II. EXECUTIVE SESSION

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

STANDING COMMITTEE REPORTS

BUSINESS

1. LLC to be formed, 24 East 12th Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a location previously licensed as Yujin, located between 5th Avenue and University Place, encompassing a 4,000 s.f. (including basement area) gourmet hamburger restaurant in a commercial building, consisting of 62 table seats and 1 bar with 4 seats; and

WHEREAS, the applicant stated that the hours of operation will be 11:30 a.m. – 1 a.m., Sunday-Wednesday and 11:30 a.m. – 2 a.m., Thursday-Saturday; the music will be background only; there will not be a sidewalk 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 granting of an On Premise license to LLC to be formed, 24 East 12th Street, NYC, in the space formerly licensed as Yujin.

Vote: Unanimous, with 35 Board members in favor.

2. 8th Street Wine Cellar Corp., 28 West 8th Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a wine bar located between 5th and 6th Avenues, encompassing 1,800 s.f. in a mixed use building, consisting of 26 table seats and 1 bar with 10 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 12:00 p.m. – 2 a.m.; the music will be background only; there will not be a sidewalk 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 granting of an On Premise license to 8th Street Wine Cellar Corp., 28 West 8th Street, NYC..

Vote: Unanimous, with 35 Board members in favor.

3. Fratelli Restaurant Inc., 115 Mulberry Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, the application is for upgrade of a beer & wine license to an On Premise license for an 18 year incumbent Italian restaurant encompassing 2,000 s.f., located in a mixed use building between Canal and Hester Streets, consisting of 44 table seats and 1 bar with 0 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 12:00 a.m.; the music is background only; there will not be a sidewalk café nor a backyard garden; and,

WHEREAS, this operation is less than 200' from the emergency exit of, and entrance to the rectory of, Most Precious Blood Church; it is not on the same street of any main entrance to the church; and,

WHEREAS, having no opposition from the pastor of Most Precious Blood or the community, if the SLA finds the applicant not to be in violation of the 200' house of worship proscription against On Premise licenses, then CB#2, Man. does not object to this application under these very specific and relatively unique facts, including: a long standing restaurant operation which is a benefit to the community; no main entrance

or exit of the church in question is on the same street as the applicant; there is no opposition from the community, and; there is no opposition from church leaders; and,
THEREFORE, BE IT RESOLVED, subject to the caveats above, CB#2, Man. has no objection to the approval of an On Premise license to Fratelli Restaurant Inc., 115 Mulberry Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

4. Argod LLC, 637 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer of an On Premise license for an 1,800 s.f. restaurant, operating as Bivio, located in a residential building off Horatio Street, consisting of 65 table seats and 1 bar with 8 seats; there is a sidewalk café but not a backyard garden; and

WHEREAS, the applicant stated that the hours of operation will be 12:00 p.m. – 1:00 a.m., music will be background only; the lease prohibits the opening of windows or panels fronting Horatio Street during operation of the business; 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 Premises license to Argod LLC, 637 Hudson Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

5. 14 Bar LLC, 63 Gansevoort Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for an experienced operator to replicate his prior operation, The Double Seven, in the location which formerly housed Rhone; the 3,200 s.f. lounge/bar is located in a commercial building between 9th Avenue and Washington Streets, with 108 table seats with 1 bar with 8 seats; and,

WHEREAS, the applicant stated that the hours of operation are 5 p.m. – 4 a.m.; there will be a sidewalk café but no backyard garden; music will be provided by D.J. at the volume of background music only; the applicant agreed to close façade openings to the street at 10:00 p.m. each night; and,

WHEREAS, the applicant is one of the few operators well regarded by the community in the Gansevoort area, and shows every likelihood to continue to be so regarded; and,

WHEREAS, there was an expression of community concern regarding traffic, as well as expression of support for the applicant as a positive influence on the area; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to 14 Bar LLC, 63 Gansevoort Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

6A. Rambla LLC, 45 Bond Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for a new On Premise license in a 2,000 s.f. restaurant located between Bowery and Lafayette Street, in a commercial building, with 104 table seats and 2 bars with 15 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 1:00 a.m.; music will be background only; there will not be a sidewalk café nor a backyard garden; and,

WHEREAS, no one from the community appeared in opposition to this application, but significant opposition has been voiced via correspondence, primarily focusing on potential noise issues in the rear of the operation and on the number of licensed premises in the area; and,

WHEREAS, the committee is satisfied that the potential noise issues raised by the community appear to be taken into account by the proposed layout and soundproofing of the kitchen/dishwashing area which is closest to neighboring buildings; and,

WHEREAS, CB#2, Man. does not oppose the application so long as the SLA conducts a 500' hearing and actually weighs the benefits and detriments of adding this applicant to an area already heavily populated with as many as 20 On Premise licensed establishments within 500' of applicant, which establishments are reported to be detrimentally affecting local residents; and,

WHEREAS, CB#2, Man.'s approval of this application is conditional on the SLA promulgating well reasoned and logical conclusions supporting the decision that this applicant receiving an On Premise license will be in the best interest of the community; the historically standard boiler-plate answers from the SLA, holding that the applicant will provide jobs and tax base to the community, will not be considered sufficient evidence that granting this application is in the best interests of the community; and,

THEREFORE, BE IT RESOLVED that, subject to the conditions above, CB#2, Man. has no objection to the approval of an On Premise license to **Rambla LLC, 45 Bond Street, NYC**

Vote: Failed, with 12 Board members in favor, and 18 in opposition.

SEE SUBSTITUTE RESOLUTION BELOW.

6B. Rambla LLC, 45 Bond Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for a new On Premise license in a 2,000 s.f. restaurant located between Bowery and Lafayette Street, in a commercial building, with 104 table seats and 2 bars with 15 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 11:00 a.m. – 1:00 a.m.; music will be background only; there will not be a sidewalk café nor a backyard garden; and,

WHEREAS, no one from the community appeared in opposition to this application, but significant opposition has been voiced via correspondence, primarily focusing on potential noise issues in the rear of the operation and on the number of licensed premises in the area; and,

WHEREAS, the committee is satisfied that the potential noise issues raised by the community appear to be taken into account by the proposed layout and soundproofing of the kitchen/dishwashing area which is closest to neighboring buildings; and,

WHEREAS, CB#2, Man. opposes the application unless the SLA conducts a 500' hearing and actually weighs the benefits and detriments of adding this applicant to an area already heavily populated with as many as 20 On Premise licensed establishments within 500' of applicant, which establishments are reported to be detrimentally affecting local residents; and,

WHEREAS, CB#2, Man. denies this application unless the SLA promulgates well-reasoned and logical conclusions supporting a decision that this applicant receiving an On Premise license will be in the best interest of the community; the historically standard boiler-plate answers from the SLA, holding that the applicant will provide jobs and tax base to the community, will not be considered sufficient evidence that granting this application is in the best interests of the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license to Rambla LLC, 45 Bond Street, NYC, unless the SLA provides overriding reasons that granting the license furthers the public interest.

Vote: Passed, with 18 Board members in favor, and 12 in opposition.

7. T&K Hospitality, LLC 118 Christopher Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for a new On Premise license in a 700 s.f. Thai restaurant to be named Pinto, between Bleecker and Hudson Streets, with 28 table seats and 1 bar with 6 seats; and,

WHEREAS, the applicant stated that the hours of operation are 11 a.m. – 12 a.m., Sunday-Thursday, and 11 a.m. – 1 a.m. Friday and Saturday; music is background only and there will not be a sidewalk café nor a backyard garden; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to T&K Hospitality, LLC 118 Christopher Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

8. 205 Thompson Street LLC, 205 Thompson Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an On Premise license in an 1,800 s.f. restaurant, with principals who are formerly management of Rosa Mexicana, located between Bleecker and West 3rd Streets in a commercial building, with 60 table seats and 2 bars with 11 seats; and,

WHEREAS, the applicant stated that the hours of operation are 12 p.m. – 12 a.m. weekdays and 12 p.m. – 1 a.m. weekends; music will be background only and there will not be a sidewalk café nor a backyard garden; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to 205 Thompson Street LLC, 205 Thompson Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

9. Aurora SoHo, Inc., 510 Broome Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an On Premise license for a 1,700 s.f. Italian restaurant, to be called Aurora, located between West Broadway and Thompson Street, in a mixed use building, with 62 table seats and 1 bar with 10 seats; music will be background only and there will not be a sidewalk café nor a backyard garden; and,

WHEREAS, the applicant stated that the hours of operation will be 11 a.m.-11 p.m., Sunday-Thursday and 11 a.m.-12 a.m., Friday and Saturday; and,

WHEREAS, the applicant discussed the proposed operation with the community group the SoHo Alliance, resulting in a letter from the SoHo Alliance supporting the applicant on the grounds an On Premise license in this operation, at this location, could do no harm to the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to Aurora SoHo, Inc., 510 Broome Street, NYC.

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

10. Lounge A, LLC, 45 West 8th Street, 2nd Floor, NYC

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Lounge A, LLC, 45 West 8th Street, 2nd Floor, NYC, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step is not avoided and that the concerns of the community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

11. J.C. Seventh Avenue Corp., 113 7th Avenue South, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this is an application for an On Premise license in a 1,000 vs. Brazilian restaurant/bar, to be called Tejo, located between Christopher and West 10th Streets, in a commercial building formerly licensed as Club Gianni, with 68 table seats and 1 bar with 6 seats; and,

WHEREAS, the applicant stated that the hours of operation will be 3 p.m.-3 a.m.; music will be background only and there will be a sidewalk café but no 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 J.C. Seventh Avenue Corp., 113 7th Avenue South, NYC.

Vote: Unanimous, with 35 Board members in favor.

12. West Village Oasis, Inc., 140 Charles Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a new On Premise license for a 3,500 s.f. Egyptian restaurant located in a condominium building between Washington and Greenwich Streets, consisting of 110 table seats and 1 bar with 10 seats; music will be background only and there will not be a sidewalk café nor a backyard garden; applicant will be purchasing the condominium unit it occupies; and,

WHEREAS, the applicant stated the hours of operation will be 5 p.m. to 1:00 a.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 West Village Oasis, Inc., 140 Charles Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

13. Angelo Sosa or Corp. to be formed, 54 Carmine Street, NYC

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

WHEREAS, this application is for an On Premise liquor license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of an On Premise liquor license to Angelo Sosa or Corp. to be formed, 54 Carmine Street, NYC, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step is not avoided and that the concerns of the community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

14. 247 Deli LLC, 276 Lafayette Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a 1,500 s.f. restaurant, currently Buffas Coffee Shop, a staple of the community operated by the Buffa family since 1928, which is to be converted into a Mac and Cheese comfort food restaurant, located in a mixed use building on the corner of Prince and Lafayette Streets, consisting of 86 table seats and 1 bar with 10 seats; music will be background only and there will be a sidewalk café but not a backyard garden; and,

WHEREAS, the applicant stated John Buffa will remain a principal of the new operation, in partnership with Mark Amadel of Cafeteria, which is providing the basis of the new operating theme; the applicant agreed to reduce the operating hours to 8 a.m.-2 a.m., Sunday-Thursday, and 8 a.m.-4 a.m. Friday and Saturday; the façade of the restaurant will be closed at 11 p.m. Sunday-Thursday, and at 12 a.m. Friday and Saturday; Cafeteria has a history of trouble free late operating hours; and,

WHEREAS, one person from the community appeared in opposition to this application, objecting to any On Premise license at this location, regardless of business model; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to 247 Deli LLC, 276 Lafayette Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

15. 200 Water Group, LLC, 80 Carmine Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for a large 7,000+ s.f. restaurant/bar between Bedford and Varick Streets, in what was previously a supermarket; the design presented included 60 outdoor seats within the property line, not subject to a sidewalk café permit, bringing total capacity over 200 persons; and,

WHEREAS, there is significant opposition to this application, with at least 12 persons in attendance opposed, as well as numerous statements of opposition via e-mail, fax and U.S. Mail, as well as opposition by two local neighborhood associations; and,

WHEREAS, the applicant also operates Buster's Garage and Diablo's, in a much less residential area than Carmine Street, where their raucous nature is not as dramatic in impact as a large, partially outdoor operation would be on Carmine street; and,

WHEREAS, an operation of this size and unavoidable impact on the residents of the neighborhood, many of whom are raising children, is not suited to the area and should in no way be granted an On Premise license; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly objects to the issuance of an On Premise license to 200 Water Group, LLC, 80 Carmine Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

16. Paesano Restaurant Corp., 136 Mulberry Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for transfer, pursuant to a change in ownership, of an On Premise license for a 850 s.f. restaurant located in a commercial building, between Hester and Grand Streets, consisting of 66 table seats, 1 bar with 0 seats; music is background only; there is a sidewalk café but no backyard garden; and,

WHEREAS, the applicant stated the operating hours 11:30 a.m. to 12:30 a.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 transfer of an On Premise license to Paesano Restaurant Corp., 136 Mulberry Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

17. Stone Group, LLC, 91 Christopher Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license pursuant to purchase of Andavi, a 1,500 s.f. restaurant, located in a mixed use building off Bleecker Street, with 60 table seats and 1 bar with 6 seats; there is no sidewalk café; there is a seasonally used backyard garden with 8 tables, which closes at 10:00 p.m.; and,

WHEREAS, the applicant stated that the hours of operation are 11:00 a.m.- 12 a.m., Sunday-Thursday and 11:00 a.m.-2:00 a.m. Friday and Saturday; music is background only and no changes are being made to the current operations of Andavi; 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 Stone Group, LLC, 91 Christopher Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

18. SoHo House New York, Inc., 29-35 9th Avenue, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is an alteration to transfer a portion of the SoHo House 34 room hotel operation, specifically the library on the 5th floor and the “white room” on the 4th floor, from its hotel liquor license to the SoHo House New York not-for-profit private club license; no capacity is being added; and,

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

THEREFORE, BE IT RESOLVED that, subject to all previously existing stipulations in the licenses in question, CB#2, Man. has no objection to the approval of the alteration of the existing private club license of SoHo House New York, Inc., 29-35 9th Avenue, NYC.

Vote: Passed, with Board 33 members in favor, and 2 recusals (J. Hamilton, S. Sweeney).

19. La Meridiana, Inc., 26 Carmine Street, NYC

WHEREAS, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of the application of La Meridiana, Inc., 26 Carmine Street, NYC, and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step is not avoided and that the concerns of the community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

20. 675 Hudson Vault, LLC, d/b/a Vento, 675 Hudson Street, NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for alteration of a restaurant On Premise license to return 800 s.f. of cellar vault space to control of the landlord; and

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

THEREFORE, BE IT RESOLVED that, CB2 Manhattan has no objection to the proposed alteration of the On Premise license of 675 Hudson Vault, LLC, d/b/a Vento, 675 Hudson Street, NYC.

Vote: Unanimous, with 35 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

Item 5 – 307-309 West Broadway – SoHo Cast Iron Historic District.
Laid over at request of the applicant.

Item 6 – 52-54 Wooster St. – SoHo Cast Iron Historic District. A parking lot. Application is to construct a new six-story building. Zoned M1-5.

WHEREAS, this vacant lot is 25’ long on Broome St. and 100’ deep on Wooster St., and

WHEREAS, the proposal is to construct a new 6 story building on this lot, with 1st floor retail and residential above, and

WHEREAS, the building will be 85’ high, with a 10’ bulkhead extending approximately 6’ above the 4’ parapet wall, and

WHEREAS, a corner yard will be created above the first floor, leaving about 2,000 sq. ft. for each of the floors above, and

WHEREAS, the Broome St. side will contain the residential entrance, with an awning over the entrance, and the retail shops will have entrance(s) on Wooster St., and

WHEREAS, the new building will have a granite façade on the Broome St. side and part of the Wooster St. side, with the balance of the Wooster St. side red brick with beige trim, and

WHEREAS, to add interest to the building, there will be undulating casement windows, and other trim on the façade will match the style of the surrounding buildings,

THEREFORE, BE IT RESOLVED CB#2, Man. feels the plans for the proposed building at 52-54 Wooster St. are appropriate for the district, but has reservations about the awning over the residential entrance since this is not common in the SoHo area, and also is concerned about the shiny finish material used for part of the façade.

Vote: Unanimous, with 35 Board members in favor.

Item 7 – 495 Broome St. a/k/a 359 West Broadway–SoHo Cast Iron Historic District. A loft building designed by G.F. Pelham & built in 1895-96. Application is to legalize the removal of shutters & the installation of storefront infill, signage & lighting without LPC permits, and to modify alterations to the side façade without LPC permits.

WHEREAS, this application was calendared by CB#2 in June, and

WHEREAS, it appears there are two applicants for this building, one the building owner and one the Cupping Room tenants, and

WHEREAS, the building owner came to the June meeting & presented his case, and the Community Board passed a resolution on these changes (See June resolution) stating there was no objection to the changes for 495 Broome St. a/k/a 359 West Broadway, made by the building owner, but

WHEREAS, the Cupping Room applicant's proposal for French doors was not approved (See June resolution), and the applicant was to return to the Community Board with solid information on the proposed signage and lighting, and

WHEREAS, the Cupping Room applicant did not return for the July meeting,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends denial of the application for the Cupping Room at 495 Broome St. a/k/a 359 West Broadway for the changes made to the French doors installed in place of single pane clear glass windows on both facades, and also to the signage and lighting installed without LPC permits.

Vote: Unanimous, with 35 Board members in favor.

Items 8 & 9 – 110 Greene St. – SoHo Cast Iron Historic District.

Although these two items were calendared for this meeting, the applicant informed us that there had been no changes since he appeared in May, and therefore there is no new resolution on these items.

Item 10 – 623 Broadway a/k/a 190 Mercer St. – NoHo Historic District. This item was heard by CB#2 in June, but more details were requested for our Board to make a determination on this application. Applicant did not return for this meeting even though it was calendared, so therefore CB#2 continues its former resolution.

Item 11 – 129 Macdougall St. – Individual landmark. A Federal style house built in 1828-29. Application is to legalize the construction of a rear yard addition without LPC permits.

WHEREAS, the side walls were already existing, one stone and the other a wooden fence, and

WHEREAS, the applicant installed a steel frame from wall to wall above the rear yard which is used as an outdoor eating area, and

WHEREAS, the steel frame is 10' high, but 13' from the garden floor, and the yard contains landscaping plus the seating area with tables and chairs, and

WHEREAS, the steel frame is grooved and, in cold weather, glass panels will sit within these grooves, and the structure is slanted so that water runs off and flows into gutters in the yard, and

WHEREAS, during warmer weather the glass panels will be removed, and, in the rain, an awning attached to the center of the steel frame can be lowered to cover the table area, and

WHEREAS, the yard will be open from 10 AM to 4 AM which is why a sound barrier is needed to muffle the noise, and

WHEREAS, the enclosure, open on the sides, will be heated in the winter with forced air from the interior, and

WHEREAS, CB#2 felt that this was a well thought out proposal and would not impact the adjoining buildings,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of this proposal for 129 Macdougall St.

Vote: Unanimous, with 35 Board members in favor.

Item 12 – 104 Christopher St. – Greenwich Village Historic District. A brick apartment house designed by Charles B> Meyers & built in 1912. Application is to install 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 104 Christopher St. in the absence of this important step in the review process.

Vote: Unanimous, with 35 Board members in favor.

Item 13 – 510 Hudson St. – Greenwich Village Historic District. A Federal style rowhouse built in 1827. Application is to construct a rear yard addition.

WHEREAS, this is another rear yard used for outdoor dining, and

WHEREAS, the applicant has installed a double layer plexiglass corrugated glass roof, open at the sides, over the yard, and

WHEREAS, there are apparently canvas awnings which can be used to close the sides in colder weather, and

WHEREAS, the owner stated that part of the reason for the enclosure is the complaints from the surrounding buildings about noise from this yard, and he has also changed the hours of operation in the rear yard to a closing time of 11 PM, and

WHEREAS, the information was hard to understand since there were no photos and the explanation was somewhat sketchy, and

WHEREAS, a delay in this matter will not hold up the applicant since the structure is already built,

THEREFORE, BE IT RESOLVED CB#2, Man. cannot recommend approval of this application at this time and requests that the applicant return to the Committee with more information and photos which will clarify the application.

Vote: Unanimous, with 35 Board members in favor.

Item 14 – 414, 416 & 418 West 14 St. – Gansevoort Market Historic District. An Italianate style warehouse designed by Joseph M. Dunn and built in 1887, and a vernacular style factory building designed by S.W. Johnson, built in 1874 and altered in 1917. Application is to construct a rooftop addition and install storefronts.

WHEREAS, these two abutting buildings are proposed to be combined, and

WHEREAS, it is proposed to remove the stucco from 416-418 and expose the false front fifth floor which has arched window openings without windows, and a front wall almost the same height as the adjoining 414 with an actual 5th floor, and

WHEREAS, it is proposed to remove part of the 5th floor at 414, and construct a new penthouse on the roof of both buildings set back 10' from the front wall, which will extend about 9' above the current cornice on the two buildings, and

WHEREAS, the addition will be a glass front with mullions and minimally visible from street sightlines and through the window openings on 416-418, and

WHEREAS, other work on this building will include new wood casement windows, a wood cornice, removing the stucco and restoring the buildings to brick, and creating a rear yard setback above the first floor, and

WHEREAS, the first floor will be redone with metal frame and glass infill storefronts, and the building will be for commercial use,

THEREFORE, BE IT RESOLVED CB#2, Man. has no objection to the proposed changes for 414, 416 and 418 West 14 St.

Vote: Unanimous, with 35 Board members in favor.

Item 16 – 13-15 Little West 12 St. – Gansevoort Market Historic District. Two market buildings designed by Martin Smith, built in 1933, and altered in 1959 and 1961 by Abraham L. Seiden. Application is to demolish the existing building & construct a new five-story building.

WHEREAS, this applicant was previously before us for his building on West 13 St. which backs up to this building, and

WHEREAS, he intends to enlarge his present events and parties use building by adding a new structure on Little West 12 St, and

WHEREAS, the proposal is to construct a new structure similar to the current West 13 St. building, so that they will look like one building, and

WHEREAS, some changes have been made in the original approval, enlarging the lot line windows (which had been suggested by LPC) and installing sprinklers behind the windows, moving the roof fence further back to reduce its visibility, changing the color of the building, and creating a single marquee on the 13 St. side, and

WHEREAS, on the Little West 12 St. side, the proposed work involves removing and storing the original canopy, and reinstalling it when the work on the new structure is completed, and creating a 20' rear yard above the first floor between the two sections of the building, and

WHEREAS, the new storefront will be glass panels and glass doors under the restored canopy,

THEREFORE, BE IT RESOLVED CB#2, Man. recommends approval of this application for 13-15 Little West 12 St. as being in a style appropriate for the district, and applauds the idea of restoring the original canopy on this building after it is reconstructed.

Vote: Unanimous, with 35 Board members in favor.

Extension of the SoHo Cast Iron Historic District

The Metropolitan Chapter of The Victorian Society of America came to our meeting and made a presentation of a proposal to extend the lines of the current SoHo Cast Iron Historic District by adding 72 buildings to the district. They have been conferring with Margot Gayle, one of the earliest advocates of this district, and presented the committee with an illustrated and documented brochure of their proposal. The committee was very receptive to the proposal, but naturally, felt that there should be an even larger area designated. Specific additions were discussed, but members of the committee had just received the brochures so could not respond in great detail to the proposal. The presenting group stated they would be amenable to meeting with the committee and looking at additions.

WHEREAS, the proposal put forth by The Victorian Society was well documented, and

WHEREAS, the Society has indicated its willingness to work with the Landmarks Committee in discussing possible additions to their proposal,

THEREFORE, BE IT RESOLVED CB#2, Man. supports this proposal by The Victorian Society for expansion of the SoHo Cast Iron Historic District.

Vote: Unanimous, with 35 Board members in favor.

2ND LANDMARKS MEETING

SEE ATTACHED REPORT MARKED EXHIBIT I.

Vote: All resolutions passed, unanimously, with 35 Board members in favor.

PARKS, RECREATION, OPEN SPACE & WATERFRONT

1. Van Allen Exhibition

WHEREAS the Hudson River Park Trust has proposed to have a display sponsored by the Van Alien Institute, of design involving parks, recreation spaces and cultural spaces on the Pier 40 finger pier from September 8 to September 30, 2006, it is hereby

RESOLVED that CB#2, Man.

1. Finds the use of the Pier 40 finger pier for an architectural display concerning parks, recreation and cultural space to be an appropriate use.
2. Approves the use of the Pier 40 finger pier by the Van Alien Institute from September 8, 2006 to September 30, 2006, on condition that the exhibit is generally free and open to the public.

Vote: Unanimous, with 35 Board members in favor

2. Renaming Bleecker Park

WHEREAS:

1. The late Jane Jacobs was a legendary Villager who played a key role in maintaining the character of our community and whose legacy has inspired urban planners throughout the world;
2. Jane Jacobs lived on Hudson Street just south of 11th Street;
3. Jane Jacobs played a role in the creation of Bleecker Playground, a sitting area and a passageway from Bleecker Street to Hudson Street in what was upon its creation was called New Abingdon Square Park;
4. Naming that park after Jane Jacobs would be a fitting memorial to Jane Jacobs;
5. The sitting area and passageway are in serious need of repair and restoration;

It is hereby RESOLVED that CB#2, Man.:

1. Calls upon the Parks Department and the City Council to act to name or rename the park bordered by Bleecker, Hudson and West 11th Streets as Jane Jacobs Park, leaving the name of the playground Bleecker Playground.
2. Calls upon the Parks Department and the City Council to also name the passageway between Bleecker and Hudson Streets Jane Jacobs Lane.
3. Calls upon the Parks Department and City Council Speaker Quinn to utilize unallocated or excess capital funds in the FY 2006-2007 budget to repair and restore the area of the park outside of Bleecker Playground, or to allocate capital money for such a project in the FY 2007-2008 budget, and do it in such a way that the Linden trees and their roots be protected.

4. Authorizes the creation of a community advisory group to work with the Parks Committee and the Parks Department to review and give advice on any plan to restore the park.

Vote: Unanimous, with 35 Board members in favor

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

NEW APPLICATIONS FOR SIDEWALK CAFES:

1. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Le Gans Restaurant Inc., d/b/a Le Gans, 46 Gansevoort Street, New York, New York 10014, with 10 tables and 19 seats. DCA# 1034274.

WHEREAS, the owner appeared before the committee; and

WHEREAS, he explained that since the birth of his son in 1999, he has had a Management Company operating this restaurant; and

WHEREAS, Mr. Alain Bennouna is the owner and has had a sidewalk café previously but through a question of ownership due to the Management Company's name appearing on the application in 2004 it was denied at the City Council level; and

WHEREAS, this applicant has now come before the Board as a new application it is actually a renewal; 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 Le Gans Restaurant Inc., d/b/a Le Gans, 46 Gansevoort Street, New York, New York 10014, with 10 tables and 19 seats, DCA # 1034274.

Vote: Unanimous, with 35 Board members in favor.

2. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for P12, Inc, d/b/a Piola, 48 East 12th Street, New York, N.Y. 10003, with 5 tables and 14 seats. DCA #1228726.

WHEREAS, two residents appeared before the committee in opposition; and

WHEREAS, a resident asked the committee to investigate the site for suitability and

WHEREAS, there is sufficient passage for pedestrian safety; and

WHEREAS, this restaurant has been in operation for 2 years; and

WHEREAS, there are no current violations on record against this establishment; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **APPROVAL** of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to P12, Inc, d/b/a Piola, 48 East 12th Street, New York, N.Y. 10003, with 5 tables and 14 seats. DCA #1228726.

Vote: Passed, with 20 Board members in favor, 8 in opposition, and 3 abstention.

3. NEW APPLICATION for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Tiger Ale, LLC. d/b/a Blind Tiger Ale House 281 Bleecker Street, New York, N.Y. 10014, with 6 tables and 12 seats. DCA # 1226851.

WHEREAS, this application was opposed by the Central Village Block Association; and

WHEREAS, there was opposition by residents in the neighboring buildings; and

WHEREAS, it is the belief of this committee that this will be more of a bar than a restaurant; and

WHEREAS, this particular sidewalk is very congested especially on weekends; and

WHEREAS, there was the case made that in addition to an already congested small sidewalk there would now be a large number of smokers occupying said space; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **DENIAL** of a TWO-YEAR revocable consent to operate an Unenclosed Sidewalk Café to Tiger Ale, LLC. d/b/a Blind Tiger Ale House 281 Bleecker Street, New York, N.Y. 10014, with 6 tables and 12 seats. DCA # 1226851.

Vote: Passed, with 34 Board members in favor, and 1 recusal (M.P.Derr).

4. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Cafe for 643 Hudson LLC, d/b/a Fatty Crab 643 Hudson Street, New York, N.Y. 10014 with 6 tables and 12 seats. DCA #1230448.

WHEREAS, the owners representative appeared before the committee; and

WHEREAS, this establishment has no outstanding violations; and

WHEREAS, there was no community opposition; and

WHEREAS, there is a 21 foot sidewalk; and

WHEREAS, there is sufficient passage for pedestrian passage; and

WHEREAS, this site was formerly a dry cleaner; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **APPROVAL** of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café, to 643 Hudson LLC, d/b/a Fatty Crab 643 Hudson Street, New York, N.Y. 10014 with 6 tables and 12 seats. DCA #1230448.

Vote: Passed, with 25 Board members in favor, and 6 in opposition.

5A. NEW APPLICATION for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Sparky’s American Food, LLC, d/b/a Sparky’s American Food, 333 Lafayette Street, New York, N.Y. 10012, with 9 tables and 18 seats. DCA # 1231333.

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

WHEREAS, the table arrangement will stay away from the subway grating; and

WHEREAS, the restaurant is located between Houston and Bleecker Streets; and

WHEREAS, the owner has a beer and wine license only; 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 Sparky’s American Food, LLC d/b/a Sparky’s American Food, 333 Lafayette Street, New York, N.Y. 10012, with 9 tables and 18 seats. DCA # 1231333.

Vote: Failed, with 12 Board members in favor, 9 in opposition, and 6 abstentions.

SEE SUBSTITUTE RESOLUTION BELOW.

5B. NEW APPLICATION for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café for Sparky’s American Food, LLC, d/b/a Sparky’s American Food, 333 Lafayette Street, New York, N.Y. 10012, with 9 tables and 18 seats. DCA # 1231333.

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

WHEREAS, the table arrangement will stay away from the subway grating; and

WHEREAS, the restaurant is located between Houston and Bleecker Streets; and

WHEREAS, the owner has a beer and wine license only; 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, CB#2, Man. lacked clarity at the time of the vote as to whether this café is allowed under exemptions for small sidewalk cafes in M1-5B zones;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **DENIAL** of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to Sparky's American Food, LLC d/b/a Sparky's American Food, 333 Lafayette Street, New York, N.Y. 10012, with 9 tables and 18 seats. DCA # 1231333, unless it can be shown that small sidewalk cafes are allowed on Lafayette St., north of Houston St.

Vote: Passed, with 23 Board members in favor, and 4 in abstention.

6. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for G.D.P. Enterprises, Inc. d/b/a/ Agozar, 324 Bowery, New York, N.Y. 10012 with 4 tables and 9 seats. DCA #1225841.

WHEREAS, the owners appeared along with their architect before the committee; and

WHEREAS, this is a family run restaurant; and

WHEREAS, this applicant eliminated all seating on the Bleecker Street side of the restaurant to satisfy concerns of residents of the community; and

WHEREAS, this applicant further reduced the number of tables and chairs on the Bowery side of the restaurant from 7 tables and 17 seats to 4 tables and 9 seats in order to appease the concerns for insufficient space from the community; and

WHEREAS, this sidewalk café will be adjacent to a boutique which occupies the southern end of the block; and

WHEREAS, the local residents agreed not to oppose this sidewalk café of 4 tables and 9 seats provided that: The sidewalk café closes at 11:00 P.M. Sunday to Thursday and at midnight Friday and Saturday. Agozar agrees that smokers will not be directed to their Bleecker Street exit for smoking. That the restaurant leaves the door closed on the Bleecker St. side at all times to keep the music noise from disturbing the Bleecker St. Residents; and

WHEREAS, the NoHo Neighborhood Assn. approved the agreement; and

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **APPROVAL** of a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café to G.D.P. Enterprises, Inc. d/b/a/ Agozar, 324 Bowery, New York, N.Y. 10012 with 4 tables and 9 seats. DCA #1225841

Vote: Unanimous, with 35 Board members in favor.

7. NEW APPLICATION for revocable consent to operate an Unenclosed Sidewalk Café for Christopher Street LLC, d/b/a/ 5 Ninth 5 9th Ave., New York, N.Y. 10014 with 10 tables and 20 seats. DCA #1225304

WHEREAS, the owner and their lawyer appeared before the committee; and

WHEREAS, plans submitted by their neighbor to the building dept discovered the Landmarks violation; and

WHEREAS, the owner agreed to remove the violation; and

WHEREAS, the owner further agreed to comply with lights, color and materials agreeable to the Landmarks Preservation Commission; and

WHEREAS, members of the committee felt it necessary that the owners produce proof that Landmarks compliance be assured with proof of escrow held pending compliance; and

WHEREAS, the owner agreed to produce such proof at the full board meeting; and

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of a TWO-YEAR revocable consent to operate an Unenclosed Sidewalk Café to Christopher Street LLC. d/b/a/ 5 Ninth, 5 9th Ave., New York, N.Y. 10014 with 10 tables and 20 seats. DCA # 1225304, provided that the applicant shows proof of an escrow account pending compliance with the Landmarks Preservation Commission requests, and that this documentation be provided to the appropriate CB#2, Man. committee within 10 days.

Vote: Unanimous, with 35 Board members in favor.

RENEWAL APPLICATION FOR SIDEWALK CAFÉ

1. RENEWAL application for Paesano of Mulberry Street Corp., d/b/a Paesano of Mulberry Street, New York, N.Y. 10013, for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café, with 3 tables and 6 seats. DCA # 1168141.

WHEREAS, the manager appeared before the committee; and

WHEREAS, this restaurant has been at this location for 26 years; and

WHEREAS, there was no community opposition; and

WHEREAS, there will be no change in the method of operation or of the hours of operation; 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 for Paesano of Mulberry Street Corp., d/b/a Paesano of Mulberry Street, New York, N.Y. 10013, for a TWO YEAR revocable consent to operate an Unenclosed Sidewalk Café, with 3 tables and 6 seats. DCA # 1168141.

Vote: Unanimous, with 35 Board members in favor.

2. RENEWAL application for Starbucks Corporation, d/b/a Starbucks Coffee Company #825, 454 Lafayette Street A/K/A 13-25 Astor Place, New York, N.Y. 10003, for a TWO YEAR revocable consent to operate an ENCLOSED Sidewalk Café, with 25 tables and 77 seats. DCA # 0924582.

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

THEREFORE, BE IT RESOLVED, that CB#2, Man., recommends **DENIAL** of a TWO YEAR revocable consent to operate an ENCLOSED Sidewalk Café to Starbucks Corporation, d/b/a Starbucks Coffee Company # 825, 454 Lafayette Street A/K/A 13-25 Astor Place, New York, N.Y. 10003, with 25 tables and 77 seats. DCA # 0924582.

Vote: Unanimous, with 35 Board members in favor.

3. RENEWAL application for Starbucks Corporation, d/b/a Starbucks Coffee Company #825, 454 Lafayette Street A/K/A 13-25 Astor Place, New York, N.Y. 10003, for a TWO YEAR revocable consent to operate an ENCLOSED Sidewalk Café, with 25 tables and 77 seats. DCA # 0924582.

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

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends **DENIAL** of a TWO YEAR revocable consent to operate an ENCLOSED Sidewalk Café to Starbucks Corporation, d/b/a Starbucks Coffee Company # 825, 454 Lafayette Street A/K/A 13-25 Astor Place, New York, N.Y. 10003, with 25 tables and 77 seats. DCA # 0924582.

Vote: Unanimous, with 35 Board members in favor.

Proposal for a Mural called “Saving the Whales”, to be painted on the outside western wall of the Manhattan Occupational Training Center (250 West Houston Street) facing Houston Street, by the New York painter Knox Martin.

WHEREAS, the committee members had specific questions with regard to the mural; and

WHEREAS, there was no representative to explain the work; and

WHEREAS, photos have been e mailed to those committee members that would answer such questions; and

WHEREAS, this mural would be a definite improvement to the side of this building which is 80% blank wall overlooking a construction sight which is ringed by a 10 foot concrete wall; and

THEREFORE, BE IT RESOLVED that this committee recommends approval of the painting of this mural.

Vote: Tabled, with be returned to August Sidewalks Committee.

TRAFFIC AND TRANSPORTATION

1. Resolution to the NYPD on Houston Street Pedestrian and Cyclist Safety Concerns

WHEREAS, on June 26, 2006, a cyclist was tragically killed at West Houston Street and LaGuardia Place; and

WHEREAS, pedestrian and cyclist safety is an ongoing, serious concern of this Community Board, particularly in connection with the reconstruction of Houston Street; and

WHEREAS, for over a month Council member Alan Gerson has petitioned the New York City Police Department to improve pedestrian and cyclist safety on Houston Street by placing traffic enforcement agents (TEAs) at the construction site; and

WHEREAS, at its July 11 meeting, the Community Board's Traffic and Transportation Committee heard testimony from an official from the Department of Design and Construction (DDC), the City agency overseeing the reconstruction of Houston Street, that DDC had requested in June that NYPD provide six (6) TEAs on the construction site and NYPD complied with such request only as of July 5, 2006, apparently due to a lack of available TEAs.

THEREFORE BE IT RESOLVED, that CB#2, Man. urges the NYPD to make pedestrian and cyclist safety a top priority on Houston Street and fully and expeditiously comply with the requests of Council member Gerson and DDC to provide six (6) TEAs on Houston Street at all times during construction.

Vote: Unanimous, with 35 Board members in favor.

2. DOT Proposal to install Paid Muni-Meters on the North and South sides of Canal Street from Bowery to West Broadway.

WHEREAS, the New York City Department of Transportation (DOT) has informed the community board that it is planning to install Muni-Meters on the north and south sides of Canal Street from Bowery to West Broadway. Under this program, there will be no change to the current regulations. According to the DOT, the hours and days listed on all current parking regulations will remain unchanged, except commercial vehicles will now be required to pay for parking. Paid parking for others (i.e., residents and visitors) will be available from 7 PM – 12 AM, six days a week and free parking will be available between 12 AM and 7 AM; and

WHEREAS, according to DOT, similar regulations at various locations in Midtown Manhattan, including the Theater District, have demonstrated success by improving management of the curb space and reducing illegally parked vehicles; and

WHEREAS, this program has received the support from Community Board No. 3, the Fifth Precinct and businesses in the area.

THEREFORE BE IT RESOLVED, that CB#2, Man., supports the DOT program to install Muni-Meters on the north and south sides of Canal Street from Bowery to West Broadway, but requests that in six (6) months DOT return to this community board with an assessment of the program's effectiveness.

Vote: Unanimous, with 35 Board members in favor.

YOUTH

WHEREAS, the School Yard at P.S. 41 is a valuable community resource, which is under-utilized, And

WHEREAS, the School Yard at P.S. 41 is closed at 3:30 on Weekends and ALL SUMMER, and

WHEREAS, Greenwich Village is ranked 47th out of 51 community districts in NYC, for open park space to population ratio, and

WHEREAS, Greenwich Village has a mere 0.26 park acres per 1000 persons, compared to the citywide average of 3.05 park acres, and

WHEREAS, according to The Department of Planning, the commonly accepted standard of open space is 2.5 acres per 1000 persons, and

WHEREAS, Greenwich Village Youth are especially deprived of open space where they can enjoy “Active” recreation, and

WHEREAS, active sports such as bicycle riding and ball playing are discouraged in Washington Square Park, as well as the tot lots around the Village, and

WHEREAS, there is a national epidemic of teenage obesity, due to young people spending more time with Nintendo-type “in-active” recreation, and

WHEREAS, New York City’s child obesity rate is more than double the national average, and

WHEREAS, there has been a new Baby Boom in Manhattan, with a 24% increase in babies born annually since 2004, as compared to pre 1999, and

WHEREAS, some of our local parks are “committed” to adult and team recreation (eg. the parks at Houston Street and 6th Ave, and at West 4th Street and 6th Ave.), and therefore unavailable for youth recreation, and

WHEREAS, throughout the city, The Parks Department operates 257 schoolyards, which remain open until dusk, when school is not in session, for community recreational use, and

WHEREAS, the use and availability of a school yard is a matter that is completely up to the discretion of the school principal, and

WHEREAS, Department of Education Spokesperson Margie Feinberg has stated that this policy puts an unfair burden on the principal, and that there should be a city wide policy to keep all school yards open, and

WHEREAS, Councilperson Gale Brewer has introduced a resolution that would require The Department of Education to keep schoolyards open on weekends and after school hours, and

WHEREAS, more than 100 local parents have signed a petition supporting the idea of making the P.S. 41 school yard available for neighborhood use,

THEREFORE, BE IT RESOLVED that CB#2, Man. supports the Concept of making the school yard at P.S. 41 more available for community recreational use, and

BE IT FURTHER RESOLVED that CB#2, Man. urges the principal of P.S. 41 to meet with local parents to discuss the ways in which this school yard can, safely and practically, be made available for community recreational use, and

BE IT FURTHER RESOLVED that CB#2, Man. urges our elected officials to support this matter and to help find whatever necessary funds may be required to make it happen.

Vote: Unanimous, with 35 Board members in favor.

ZONING AND HOUSING

1. 145-147 Mulberry St. – ULURP #050466 - City Planning Commission Special Permit application for modification of Section 15-021(e) pursuant to Section 72-782 to permit the conversion of floors two through six in an existing building to residential use in a C6-2G district within the Special Little Italy District.

WHEREAS, the applicant wishes to convert the existing building at 145-147 Mulberry St. to residential use on the upper 5 floors while retaining the restaurant use on the first floor, and

WHEREAS, the former garment manufacturing building is located in a C6-2G district in the Little Italy Special District, which area, like the MI-5A and B districts in SoHo and NoHo, specify that industrial uses are permitted (conforming) uses, and

WHEREAS, to convert industrial space to residential use, a special permit must be obtained from the City Planning Commission, and

WHEREAS, there are certain conditions which must be fulfilled before the City Planning Commission can issue such Special Permit, among which are:

- Making a good faith effort to rent such space to a mandated use at fair market rentals, for a minimum of one year immediately preceding the application,
- Confirming that there is sufficient alternative space to meet the needs of commercial and manufacturing uses in the area,
- Proving that the applicant did not force the commercial or manufacturing tenants to vacate the space, and
- Notifying various city agencies (Office of Economic Development, Industrial Loft Advisory Council) of the vacancy, and

WHEREAS, the applicant seems to have followed most of the guidelines for notification, but

WHEREAS, according to the ads submitted by the applicant, from 8/11/03 to 12/13/03 the ads appearing in the Village Voice and N.Y. Times listed uses as “Manufacturing/Comm’l Use Only” at \$25/sq. ft., after that date the ads read “Office/Commercial Use Only,” again at \$25/SF, and

WHEREAS, other advertising attempts also used the terms “Office Use and a wide array of Commercial Uses (C6),” “Class C Office” for Building Type, and the agent offering the space stated it “specializes in leasing commercial office and retail space,” rather than manufacturing space, and

WHEREAS, despite this lack of efforts to attract manufacturing tenants to the site, Community Board #2 concedes that this space at this location may be difficult to lease for manufacturing use,

THEREFORE, BE IT RESOLVED CB#2, Man. has no strong objection to the change of use to residential at 145-147 Mulberry St. provided the City Planning Commission is willing to accept the advertising as being adequate to satisfy the findings required for the Special Permit.

Vote: Unanimous, with 35 Board members in favor.

2. 122 Greenwich Ave. – Board of Standards & Appeals variance application pursuant to Section 72-21 for floor area, height & other bulk controls to allow a seven story and eleven story mixed-use building with approximately 36 residential units and up to four ground floor retail spaces in C1-6 and C6-2A zoning districts. (This glass front building was approved by the Landmarks Commission a short time ago.)

WHEREAS, this is a proposal for a 7-story and 11-story residential building on the site of a present parking lot across from Jackson Square Park, and

WHEREAS, this application under Section 72-21 of the Zoning Resolution requests a series of 8 different variances for this building, and

WHEREAS, the owner’s claims for “hardship” are based on its location directly over the 8th Avenue subway line, the shallow depth and eccentric shape of the zoning lot which has six corners but only two right angles, and its division by a zoning district boundary, and

WHEREAS, because of these conditions, the applicant claims there is no way to earn a reasonable return with an as-of-right development, and

WHEREAS, for a variance under Section 72-21, the applicant must satisfy five “findings” - unique physical conditions of the site, because of these conditions no possibility of developing the site profitably, will not alter the character of the neighborhood, not self created, and minimum necessary to secure relief, and

WHEREAS, the variances requested are: Floor Area in the C1-6 District and overall on the zoning lot (even though the applicant is taking advantage of the Community Facility bonus because of two small medical or dental offices on the first floor), and exceeding the permitted lot coverage on the corner lot and interior lot in the C1-6 zone, and

WHEREAS, variances are also requested because there is no 30' rear yard, and no minimum dimension of 30' for the inner court, and

WHEREAS, other variances being requested include exceeding the maximum building height in both zoning districts, no rear setbacks on interior lot portion at maximum base height, and the enclosure of the elevator bulkhead which exceeds the permitted 30' width and aggregate height of the structure, and

WHEREAS, a further variance requested is because the undulating front of the building on the first floor exceeds the recesses permitted over 30% of the base and within 30' of the corner, and

WHEREAS, the building is slated to contain up to four ground floor commercial spaces, 2 community facility spaces totaling 230 sq. ft., and 36 dwelling units, and

WHEREAS, there are also questions about separation of uses – between the tenant spaces in the cellar and the storage spaces for the retail tenants, and between the community facility spaces on the first floor and the stairs and elevators used by the residential tenants, and

WHEREAS, although the separation of uses is primarily a Dept. of Buildings concern, if they cannot be resolved the Community Facility bonus may no longer be applicable, and the cellar space redesign might involve other changes in the application, and

WHEREAS, some of the arguments made by the applicant seem questionable, for instance, in comparing costs of the complying and proposed building, the development costs for financing and other charges are higher for the complying building than for the proposed building which is larger, and

WHEREAS, on the comparables, on Schedule C nothing is on or near a commercial street, Schedule D was obviously in error since none of the buildings except #1 appear on the back-up sheets, and Schedule E gives no comparison between units in the proposed building and those on this schedule, and

WHEREAS, members of the committee familiar with construction found that, using the applicant's own numbers, there was no hardship requiring additional bulk and height, and

WHEREAS, one of the variances requested dealt with the recesses in the street wall, and since this was part of the design by the architects and not connected to the uniqueness of the lot, this would be a self-created hardship, and the fact that the design was approved by the Landmarks Commission does not give the applicant the right to exceed what is allowed by law,

THEREFORE, BE IT RESOLVED CB#2, Man. does not feel the applicant has made his case for the variances requested for 122 Greenwich Avenue under the findings required for Section 72-21 variances, and therefore the application should be rejected.

Vote: Unanimous, with 35 Board members in favor.

3. 246 Spring St. (9 Dominick St.) (Varick St.) – Trump Condo-Hotel

WHEREAS, according to the newspaper stories, this is a proposal for a “condo-hotel” and

WHEREAS, there is no such use listed in the Zoning Resolution, and

WHEREAS, it appears that this use would be either a residential building or a residential hotel, neither of which is a legal use in a Manufacturing District, which this site is, and

WHEREAS, there is no way to control use of individually owned units, and if some individual condo units on a floor (Use Group 2) were rented out for transient use (Use Group 5), there would be no way of maintaining separation of uses (entrances, stairs, elevators) as required by zoning, and

WHEREAS, the proposed building, according to the report and statements at the meeting, will occupy only a small portion of the lot, with a plaza surrounding it, this permitting the unused floor area at ground level to be used to create a taller building, and

WHEREAS, there are few if any buildings in the area anywhere this tall, and

WHEREAS, the large turnout of residents at the meeting protested both the use and height of the proposed building, and

WHEREAS, this structure would damage the integrity of the neighborhood, both by its size and use, and

WHEREAS, it appears this use is not legal or an as-of-right use in this area or elsewhere in the city,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly insists the Dept. of Buildings investigate the legality of this proposed building in an MI District and whether such a combining of Use Group 2 and Use Group 5 on the same floor without separation of uses is permitted in any zoning district in the city, and

BE IT FURTHER RESOLVED that CB#2, Man. requests the Dept. of Buildings and the City Planning Commission immediately investigate this proposal for 246 Spring St. (9 Dominick St.) and notify us of their action in relation to this matter, and also make us aware of any plans filed for this site so that they can be checked.

Vote: Unanimous, with 35 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Jo Hamilton, Secretary
Community Board #2, Manhattan