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COMMUNITY BOARD No. 2, MANHATTAN

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Greenwich Village • Little Italy • SoHo • NoHo • Hudson Square • Chinatown • Gansevoort Market

FULL BOARD MINUTES

DATE: December 18, 2008
TIME: 6:00 P.M.
PLACE: St. Vincent's Hospital, 170 W. 12th Street, Cronin Auditorium

BOARD MEMBERS PRESENT: Steve Ashkinazy, Keen Berger, Tobi Bergman, Makrand Bhoot, Carter Booth, Sigrid Burton, Lisa Cannistracci, Maria Passannante Derr, Doris Diether, Ian Dutton, Sheelah Feinberg, Elizabeth Gilmore, Edward Gold, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Mary Johnson, Zella Jones, Renee Kaufman, Susan Kent, Arthur Kriemelman, Evan Lederman, Raymond Lee, Ke-Wei Ma, Jason Mansfield, Jane McCarthy, Lois Rakoff, David Reck, Robert Riccobono, Erin Roeder, Rocio Sanz, Shirley Secunda, Shirley H. Smith, James Solomon, Richard Stewart, Carol Yankay, Elaine Young

BOARD MEMBERS EXCUSED: Harriet Fields, Amanda Kahn Fried, David Gruber, Rosemary McGrath, Judy Paul, Wendy Schlazer, Sean Sweeney, Annie Washburn

BOARD MEMBERS ABSENT: Edward Ma, Arthur Z. Schwartz, Jin Ren Zhang

BOARD STAFF PRESENT: Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

GUESTS: Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; Sen. Elect Daniel Squadron, Mary Cooley, Alex Delisi, Sen. Elect Daniel Squadron's office; Angelica Crane, Man. Borough President Scott Stringer's office; Matt Borden, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Grey Elam, Council Speaker Christine Quinn's office; Paul Nagle, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; Becky Ferguson, Dept. of Parks; Chenault Spence, Brian Baldor, John Rappaport, Barbara Brown, Jamie Hammel, Karen Tortorice, Judith Chazen Walsh, Barbara Backer Alison Greenberg, Ruth Rennert, Elizabeth Adam, Jerry Chan, Paul Underhill, Matt Weinreich, Gary Parker

MEETING SUMMARY

Meeting Date – December 18, 2008

Board Members Present – 37

Board Members Excused– 8

Board Members Absent - 3

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II. PUBLIC SESSION

Non-Agenda Items

McBurney YMCA

John Rappaport updated everyone on the YMCA's new activities and events.

Adult Day Health Care

Karen Tortorice, of Village Care of NY, spoke regarding their adult day health care program.

Jackson Square Alliance

Matt Weinrich updated everyone on their activities.

New York University

Gary Parker updated everyone on NYU's activities and initiatives.

Community Emergency Response Team

Barbara Brown spoke regarding the CERT program and their progress.

Traffic & Transportation and Environment, Public Safety & Health Items

Support for strict enforcement of Local Law 41 (requiring tour bus retrofits to reduce pollutant emissions)

Judith Chazen Walsh spoke regarding the tour buses.

Ruth Rennert spoke against tour buses.

Support for passage of Int. 836 (regulating tour bus routes) and support for passage of Int. 742 (regulating tour bus sound systems) by the NYC Council.

Barbara Backer spoke regarding the resolutions for Intro 742, 836 and Local Law 41

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Erin Drinkwater, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

Alex Delisi, Sen. Elect Daniel Squadron

Mary Cooley, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Angelica Crane, Man. Borough President Scott Stringer's office

Matt Borden, Assembly Member Deborah Glick's office

Grey Elam, of Council Speaker Christine Quinn's office

Paul Nagle, Council Member Alan Gerson's office.

Kate Mikuliak, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of October minutes and distribution of November minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Brad Hoylman reported

2. **District Manager's Report** Bob Gormley reported.

STANDING COMMITTEE REPORTS

CHINATOWN & NEIGHBORS

CB2 Resolution in Support of Chinatown Working Group

Whereas, The Chinatown Working Group is a community-based planning initiative on the future of Chinatown whose goal is to support the community's residents, businesses and visitors, and

Whereas, The Chinatown Working Group members include Chinatown's stakeholders, representatives of community groups, Community Boards #1, 2 & 3, which contain portions of Chinatown within their boundaries, and interested parties whose focus is on issues of shared concern throughout Chinatown including but not limited to affordability, preservation, revitalization and the social and economic well being of families, youths and seniors, and

Whereas, The Chinatown Working Group objective is to articulate common goals for Chinatown's future and work with City agencies to formulate and implement a community-based plan, now

Therefore, be it resolved CB#2, Man., supports the Chinatown Working Group and its community-based initiative, which is as inclusionary as possible, as a participating member with CB #s 1 and 3, and community stakeholders.

Vote: Unanimous, with 37 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

Item 1 - 15 Greene Street - SoHo-Cast Iron Historic District A warehouse designed by Samuel A. Warner and built in 1895. Application is to install a painted wall sign. Zoned M1-5B

Whereas, the proposed sign is off center from the window above it; so moving it a bit to the east would align it better, as well as moving it nearer to the edge of the side wall, as many historic signs were; and

Whereas, the sign is in scale with the side of the building which is a mish-mosh of brick, stucco and graffiti; but

Whereas, the sign will be an advertising sign, not a commercial sign advertising a business within the building, which was a common practice. Advertising signs, a distinct breed, were not; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, unless the applicant observe the following:

- 1- It shall be a commercial sign only - for a business inside the building
- 2- It be moved slightly to the east
- 3- Considering the revenue this sign will generate, a nice payback to the building and to the historic district, would be - if it were agreed that only a commercial sign be installed - agreeing to enter into an agreement to paint the stucco portion the same color as the brick, and, further, to enter into a permanent program that, as long as the sign is installed, the building must keep the wall free of graffiti and it should not be removed if there is any graffiti.

Vote: Unanimous, with 37 Board members in favor.

Item – 2 591-593 Broadway - SoHo-Cast Iron Historic District A store building built in 1859-60 and altered in 1900, and a neo-Classical style store building built in 1860. Application is to install new storefront infill.

Whereas, the proposed awnings obscure the important architecture of the building, e.g. the cast-iron columns, and are not needed for shade, since the tall buildings across Broadway provide that function. In fact, the awnings are mere commercial signage on a building with more than its share of commercial banners; and

Whereas, the renovation imbues a style and symmetry that does not detract from the building or the district; now

Therefore, be it resolved that CB#2, Man. recommends denial of the unnecessary and non-contributing advertising awnings; and

Further, be it resolved that CB#2, Man. recommends approval of the remainder of this application.

Vote: Unanimous, with 37 Board members in favor.

Item – 3 535 Hudson Street - Greenwich Village Historic District An apartment building designed by Samuel Roth and built in 1951-1953. Application is to modify ground floor openings and install storefronts, signage and doors.

Whereas, this renovation imparts a clean, simpler façade than present currently, and the elements and materials contribute to the building; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 37 Board members in favor.

THE 2ND LANDMARKS COMMITTEE MEETING WAS CANCELLED DUE TO LAYOVER OF ITEMS.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

New App. for revocable consent to operate an Unenclosed sidewalk café for:

1. Scuderia Gallo, LLC, d/b/a Scuderia, 10 Downing St., a/k/a 257-263 6th Ave., Block: 527, Lot: 27, Police Precinct: 6, with 18 tables & 36 seats, DCA# 13017 –(cont'd from November).

Whereas, the area was posted, community groups notified by e-mail, there was community correspondence and attendance and owners, Michael Doyle and Leyla Marchetto and the attorney, Robert Bookman, were present, and,

Whereas, this lot area is 23250 sq. feet with frontage of 157.6 feet and depth of 284.8 feet, with 1 building of seven stories, with 127 residential units of a total 137 units in a Multi-Family Residential building in an R7-2 Zone (Map #:12A) with ground floor commercial overlay, and,

Whereas, there is significant community concern regarding this second sidewalk café attached to this building with possibly a third to be added in the near future, and

Whereas, as a result of community concern, conditions were placed on the method of operation attached to the applicants liquor license in May 2008, which state the following:

- The applicant agrees to eliminate use of the courtyard and backyard garden
- The applicant agrees to close French Doors facing the sidewalk by 10:00 p.m., Sunday through Thursday and by 11:00 pm Friday and Saturday; and

Whereas, the applicant agrees to reduce sidewalk café hours to 11:00 p.m. Sunday through Thursday and Midnight on Friday and Saturday, and

Whereas, the applicant agrees to making every effort to have garbage carted away during daytime hours, and will store all garbage in vermin-proof containers until it is carted away, and

Whereas, the applicant agrees to not blocking the side courtyard at any time, and,

Whereas, the community requested and the applicant agreed to provide sound engineer services to monitor noise from this establishment and its sidewalk café in second story apartments, the locations of which would be arranged by the Tenants Association, during the first month of operation, in order to establish an acceptable base line for sound emanating from the restaurant and sidewalk café, and,

Whereas, the tenants and neighbors of 10 Downing Street have assigned Mary Mulry Lofstedt for Ten Downing South as ongoing liaison with Robert Bookman, Esq and Owner Leyla Marchetto, for any remaining issues associated with the sidewalk café,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a new application revocable consent to operate an Unenclosed sidewalk café for Scuderia Gallo, LLC, d/b/a Scuderia, 10 Downing St., a/k/a 257-263 6th Ave., with 18 tables & 36 seats, DCA# 13017, CONDITIONAL UPON the following provisions which will be duly signed and submitted in a Change Order attached to this application:

- the applicant agrees to reduce sidewalk café hours to 11:00 p.m. Sunday through Thursday and Midnight on Friday and Saturday
- the applicant agrees to making every effort to have garbage carted away during daytime hours, and will store all garbage in vermin-proof containers until it is carted away
- the applicant agrees to not blocking the side courtyard at any time
- the applicant agrees to provide sound engineer services to monitor noise from this establishment and its sidewalk café in second story apartments, the locations of which would be arranged by the Tenants Association, during the first month of operation, in order to establish an acceptable base line for sound emanating from the restaurant and sidewalk café to the residential units
- Robert Bookman, Esq. and Owner Leyla Marchetto will maintain regular contact with tenants of 10 Downing Street through Mary Mulry Lofstedt for Ten Downing South for any remaining issues associated with the sidewalk café

Vote: Unanimous, with 37 Board members in favor.

2. Groove Enterprises Inc., d/b/a Groove, 125 MacDougal St.,10012, Block: 543, Lot: 60, Police Precinct: 6 with 5 tables & 10 seats, DCA# 1305277.

Whereas, the area was posted, community groups notified by e-mail and the owners representative, Robert Callahan, was present, and,

Whereas, this lot area is 1315 sq. feet with frontage of **20** feet and depth of 65.75 feet, with 1 building estimated to be built in 1900, of four stories, with four residential units of a total five units in a Mixed Residential and Commercial building in an R7-2 Zone (Map #:12A) owned by 119 W. 3RD ST. REALTY, and,

Whereas, the original plans for this sidewalk café along the West 3rd St side of this lot have been amended to allow proper clearances from street furniture on the eastern corner, and

Whereas, the applicant agrees to move the news boxes and bike rack currently present in the sidewalk café area, to the east, and

Whereas, the applicant agrees to level the tree pit, and

Whereas, the applicant agrees to reduce the size of the eastern most tables to 18” each

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a new application revocable consent to operate an Unenclosed sidewalk café for Groove Enterprises Inc., d/b/a Groove, 125 MacDougal St., 10012, Block: 543, Lot: 60, Police Precinct: 6 with 5 tables & 10 seats, DCA# 1305277, CONDITIONAL UPON the following provisions which will be duly signed and submitted in a Change Order attached to this application:

- The applicant agrees to move the news boxes and bike rack currently present in the sidewalk café area, to the east, and
- The applicant agrees to level the tree pit, and
- The applicant agrees to reduce the size of the eastern most tables to 18” each

Vote: Unanimous, with 37 Board members in favor

Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:

3. Spring Leopard, LLC, d/b/a/ Giorgone, 307 Spring St., betw Hudson & Greenwich, Block: 597, Lot: 33, Police Precinct: 1 with 5 tables & 10 seats, DCA# 1175526

Whereas, the area was posted, community groups notified by e-mail and the owners representative, Robert Callahan, was present, and,

Whereas, this lot area is 2500 sq. feet with frontage of 25 feet and depth of 100 feet, with 1 building estimated to be built in 1900, of five stories, with eight residential units of a total nine units in an M1-6: Manufacturing Zone (Map #:12A) owned by, D & D REALTY COMPANY and,

Whereas, there are no changes in plan or operation and no community opposition or complaints,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for Spring Leopard, LLC, d/b/a/ Giorgone, 307 Spring St., betw Hudson & Greenwich, Block: 597, Lot: 33, Police Precinct: 1 with 5 tables & 10 seats, DCA# 1175526.

Vote: Unanimous, with 37 Board members in favor

4. 172 Bleecker Street Rest., Inc., d/b/a Café Español, 172 Bleecker St., @ Sullivan St., City Address 170 Bleecker, Block: 526, Lot: 64, Police Precinct: 6, with 3 tables & 6 seats, DCA# 0920629

Whereas, the area was posted, community groups notified by e-mail and the owners representative was present, and,

Whereas, this lot area is 4581 sq. feet with frontage of 46.75 feet and depth of 98 feet, with 2 buildings estimated to be built in 1900, of six stories, with 19 residential units of a total 21 units in a Mixed Residential and Commercial Buildings in a R7-2 Zone (Map #:12A) owned by, Joseph Iseman, and,

Whereas, there are no changes in plans submitted in 1995 or operation and no community opposition or complaints,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for 172 Bleecker Street Rest., Inc., d/b/a Café Español, 172 Bleecker St., @ Sullivan St., City Address 170 Bleecker, Block: 526, Lot: 64, Police Precinct: 6, with 3 tables & 6 seats, DCA# 0920629

Vote: Unanimous, with 37 Board members in favor.

5. 172 Bleecker Street Restaurant Inc., d/b/a Café Español, @ Sullivan St., City Address 170 Bleecker, Block: 526, Lot: 64, Police Precinct: 6, Sidewalk Café # 2, located at 190 Sullivan St., with 4 tables & 8 seats, DCA# 1080119

Whereas, the area was posted, community groups notified by e-mail and the owners representative was present, and,

Whereas, this lot area is 4581 sq. feet with frontage of **46.75** feet and depth of 98 feet, with 2 buildings estimated to be built in 1900, of six stories, with 19 residential units of a total 21 units in a Mixed Residential and Commercial Buildings in a R7-2 Zone (Map #:12A) owned by, Joseph Iseman, and,

Whereas, there are no changes in plans or operation and no community opposition or complaints, and

Whereas, CB#2, Man. has no record of the plans for this second sidewalk café at this address for this applicant, but all other records are present,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for 172 Bleecker Street Restaurant Inc., d/b/a Café Español, @ Sullivan St., City Address 170 Bleecker, Block: 526, Lot: 64, Police Precinct: 6, **Sidewalk Café # 2**, located at 190 Sullivan St., with 4 tables & 8 seats, DCA# 1080119, **BUT** requests a duly authorized copy of the sidewalk plan be delivered to CB#2 upon renewal.

Vote: Unanimous, with 37 Board members.

6. 675 Hudson Vault, LLC, d/b/a Vento Trattoria, 675 Hudson St. , City Address 669 Hudson St., Block: 629, Lot: 1, Police Precinct: 6, with 48 tables & 135 seats, DCA# 1159248.

Whereas, the area was posted, community groups notified by e-mail and the owners representative, Laurel Cudden, was present, and,

Whereas, this lot area is 5860 sq. feet with frontage of **167.83** feet and depth of 70 feet, with 1 building estimated to be built in 1910, of five stories, with five residential units of a total 10 units in an Industrial and Manufacturing M1-5 Zone, Zone (Map #: **08B**) owned by, David Ellis Real Estate, and,

Whereas, there are no changes in plans submitted in 2006 or operation and no community opposition or complaints,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for 675 Hudson Vault, LLC, d/b/a Vento Trattoria, 675 Hudson St. , City Address 669 Hudson St., Block: 629, Lot: 1, Police Precinct: 6, with 48 tables & 135 seats, DCA# 1159248.

Vote: Unanimous, with 37 Board members in favor

7. A.C.A. 110 Mulberry Inc., d/b/a/ La Bella Ferrara Coffee Shop, 110 Mulberry St. betw. Hester & Canal Sts, Block: 205, Lot: 6, Police Precinct: 5, with 6 tables & 12 seats, DCA# 0787968.

Whereas, the area was posted, community groups notified by e-mail and the owners representative, Robert Callahan, was present, and,

Whereas, this lot area is 2500 sq. feet with frontage of **24.92** feet and depth of 100.33 feet, with 1 building estimated to be built in 1910, of five stories, with 16 residential units of a total 17 units in a Mixed Residential and Commercial Building. In a C6-2G Zone, Zone (Map #: **12C**) owned by, Alberta Properties Inc., and,

Whereas, there is no change in operation and there are no community objections, and

Whereas, there are currently 9 tables and 16 seats when there should be 6 tables and 12 seats,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal application for revocable consent to operate an Unenclosed sidewalk cafe for A.C.A. 110 Mulberry Inc., d/b/a/ La Bella Ferrara Coffee Shop, 110 Mulberry St. betw. Hester & Canal Sts, Block: 205, Lot: 6, Police Precinct: 5, with 6 tables & 12 seats, DCA# 0787968, **CONDITINAL UPON the removal of 3 tables and 6 seats to comply with this license.**

Vote: Unanimous, with 37 Board members in favor.

SLA LICENSING

1. 1 Perry Street Restaurant, Inc. d/b/a Toloache, 34 Greenwich Ave., NYC (Greenwich & Perry Sts.)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a Latin inspired restaurant located in a 1,000 s.f. premise in a mixed use building located on the corner of Perry Street and Greenwich Avenue with 40 table seats, 1 bar with 8 seats and a maximum legal capacity of 50 persons; and,

Whereas, the applicant stated the hours of operation are 11:00 a.m. – 12:00 a.m. Sunday – Thursday and 11:00 a.m. – 1:00 a.m. Friday and Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of an On Premise license for **1 Perry Street Restaurant, Inc. d/b/a Toloache, 34 Greenwich Ave.**

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

2. Sam Talbott or entity to be formed, 7 Ninth Ave., NYC (at Little West 12th St.)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an On Premise license, pursuant to purchase in a commercial use building at the corner of Ninth Avenue and Little West 12th Street for a 3,000 s.f. upscale restaurant with 58 table seats, 2 bars with 14 seats, and a maximum legal capacity of 125 persons; and,

Whereas, the applicant stated the hours of operation for the restaurant are 12:00 p.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 3:00 a.m. seven days a week); and,

Whereas, the applicant has agreed to prohibit the use of the roof at all times; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the proposed transfer of an On Premise license for **Sam Talbott or entity to be formed, 7 Ninth Ave.**, unless those conditions agreed to by applicant relating to the fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

THE ABOVE RESOLUTION WAS REFERRED BACK TO COMMITTEE FOR JANUARY.

3. Mary Conway or Corp to be formed, 133 7th Avenue South, NYC (West 10th and Charles Street)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a commercial use building on 7th Avenue South between West 10th and Charles Streets for a 3,400 s.f. American fare casual restaurant with 128 table seats, 2 bars with 31 seats, and a maximum legal capacity of 161 persons pending the issuance of a new Public Assembly Permit, which will not exceed said capacity; and,

Whereas, the applicant stated the hours of operation for the restaurant are 12:00 p.m. – 3:00 a.m. Sunday – Wednesday and 12:00 p.m. – 4:00 a.m. Thursday – Saturday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the application is for the interior space only; the applicant will re-appear in front of the Sidewalks Committee and SLA Licensing Committee for the enclosed sidewalk café; and,

Whereas, the applicant has agreed to have a menu and food items available at all times up until one hour before closing; (menu and food items available until 2:00 a.m. Sunday – Wednesday and 3:00 a.m. Thursday - Saturday); and,

Whereas, the applicant has agreed to prohibit the public use of the 2nd mezzanine at all times; and,

Whereas, the applicant has agreed to properly soundproof the establishment prior to the use of the On Premise license; and,

Whereas, the applicant has agreed to operate as a full service restaurant only and prohibit the use of any sub woofers or DJs or any other aspects of a Nightclub; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

Whereas, two members of the community appeared to express their concerns; citing quality of life concerns with the previous two licensed establishments; and citing noise and overcrowding issues; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **Mary Conway or Corp to be formed, 133 7th Avenue South**, unless those conditions agreed to by applicant relating to the fourth, fifth, sixth, seventh, eighth and ninth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

4. Phillip Avalos or entity to be formed, 170 Elizabeth St., NYC (Spring and Kenmare Streets)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a residential building on Elizabeth Street between Spring and Kenmare Streets for a 1,600 s.f. Japanese tapas restaurant with 38 table seats, 1 bar with 10 seats, and a maximum legal capacity of 50 persons, pending the issuance of a Certificate of Occupancy, which will not exceed said capacity; and,

Whereas, the applicant stated the hours of operation for the restaurant are 12:00 p.m. – 12:00 a.m. Sunday – Wednesday and 12:00 p.m. – 2:00 a.m. Thursday – Saturday; there will not be a sidewalk café application nor a backyard garden; music will be background only; and,

Whereas, several members of the community appeared in opposition of the proposed establishment; citing quality life concerns on a residential block; noise emanating from the window facing a residential courtyard; and the proposed establishment located in close proximity of a place of worship; and

Whereas, the applicant has agreed to the following set of stipulations to address community concerns

1. Capacity will never exceed 50 persons
2. Close and soundproof the rear window facing the residential courtyard
3. Control the garbage to prevent sidewalk interference for nearby pedestrians
4. Baffling the ventilation hood
5. Prohibit the public use of the downstairs space

Whereas, this Committee recognizes the good faith efforts made by the applicant but have strong concerns with the weekend hours on a quiet residential block and adding another licensed establishment in a highly saturated area; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **Phillip Avalos or entity to be formed, 170 Elizabeth St.**

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

5. Crosby Street Hotel, LLC, 79 Crosby St., NYC (Spring and Prince Streets)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a hotel and ground floor restaurant located in 4,700 s.f. premise (2,800 s.f. interior and 1,900 s.f. exterior) on Crosby Street between Prince and Spring streets, with 90 interior table seats and 40 exterior table seats, 2 bars and 1 service bar with 12 seats and a maximum legal capacity of 142 persons; and,

Whereas, the applicant stated the restaurant hours of operation to be 6:00 a.m. – 1:00 a.m. seven days a week and hotel hours are 24 hours a day; there will not be a sidewalk café application but will include a backyard garden; music will be background only; and,

Whereas, the applicant has reached out to local residents and associations, including but not limited to members of the Soho Alliance; and,

Whereas, the applicant has agreed to not exceed 40 exterior table seats and close the restaurant’s exterior space by 11:00 p.m. daily with no Lafayette Street access pass closing hours and no music; and this Method of Operation shall be reviewed following its first anniversary by the NY State Liquor Authority with community input in order to determine if the operation remains in the Public Interest; and

Whereas, the applicant has agreed to not exceed 90 interior table seats and 12 bar seats for the restaurant’s interior space and the final order will be taken at 12:00 a.m. with doors closing by 1:00 a.m.

Whereas, the applicant has agreed to prohibit restaurant use and smoking within the hotel’s interior courtyard and shall close by 11:00 p.m. daily; and,

Whereas, the applicant has agreed to prohibit live music within the establishment; and,

Whereas, the applicant has agreed to prohibit the use of the hotel rooftop for eating and drinking; and,

Whereas, the applicant has agreed to prohibit private events within the restaurant’s exterior space; and,

Whereas, a member of the Soho Alliance appeared in support of the applicant; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **Crosby Street Hotel, LLC, 79 Crosby St.**, unless those conditions agreed to by applicant relating to the fifth, sixth, seventh, eighth, ninth and tenth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

6. PDOU Redux Corp., d/b/a Le Pescadue, 90 Thompson St., NYC (Prince and Spring)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a French bistro restaurant located in a 1,000 s.f. premise in a residential building located on the corner of Thompson and Spring Streets with 50 table seats, 1 bar with 8 seats and a maximum legal capacity of 58 persons; and,

Whereas, the applicant stated the hours of operation are 12:00 p.m. – 2:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to close all French doors by 12:00 a.m. daily; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **PDOU Redux Corp., d/b/a Le Pescadue, 90 Thompson St.**, unless the conditions agreed to by applicant relating to the fourth “whereas” clause are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

7. PMB, LLC d/b/a Pera Mediterranean, 54 Thompson St., NYC (at Broome Street)

Whereas, the applicant re-appeared before the committee; and,

Whereas, this application is for an On Premise license for a Mediterranean restaurant located in a 4,700 s.f. premise (3,500 interior and 1,200 exterior) in a mixed use building located on the corner of Thompson and Broome Streets with 172 table seats (112 interior and 60 exterior), 1 bar with 16 seats, and a maximum legal capacity of 200 persons pending the issuance of a revised Certificate of Occupancy, which will not exceed said capacity; and,

Whereas, the applicant stated the hours of operation for the restaurant are 11:30 a.m. – 11:00 p.m. Sunday – Thursday and 11:30 a.m. – 12:30 a.m. Friday and Saturday; there will not be a sidewalk café application but will include a backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following set of stipulations to address community concerns

1. Install some level of soundproofing for the unenclosed exterior space
2. No sound system in the exterior space
3. Agreed to confirm with the New York City codes and requirements if heated lamps are used in the exterior space
4. Will make umbrellas available in the exterior space to minimize the noise

Whereas, the applicant has reached out the several members of the community to discuss the intended use of the unenclosed garden and has submitted two letters of support; and,

Whereas, this Committee recognizes the good faith efforts made by the applicant but have strong concerns with the large unenclosed garden space on a quiet residential block; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for **PMB, LLC d/b/a Pera Mediterranean, 54 Thompson St.**

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

8. Pasta Bistro Grill, 93 MacDougal St., NYC (Bleecker and West 3rd Street)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a transfer of an existing On Premise license, pursuant to purchase for a restaurant d/b/a Pasta Bistro Grill located in a 3,400 s.f. premise (2,000 ground floor and 1,400 basement) in a commercial building on MacDougal Street between Bleecker and West 3rd Streets with 64 table seats and 1 bar with 8 seats; and a maximum legal capacity of 72 persons; and,

Whereas, the applicant stated there are no plans to change the existing method of operation; the applicant stated the hours are 10:00 a.m. – 12:00 a.m. Sunday – Thursday and 10:00 a.m. – 1:00 a.m. Friday and Saturday; there is a sidewalk café with 5 tables and 10 seats but no backyard garden; music is background only; and,

Whereas, no one appeared in opposition from the community; and,

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval to the proposed transfer of an On Premise license for Pasta Bistro Grill, 93 MacDougal St

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

9. God Save the King, LLC 18 9th Avenue, NYC (Gansevoort and West 13th)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an alteration to a previously approved On Premise license in a commercial building/hotel on 9th Avenue between Gansevoort and West 13th streets for a 6,000 s.f. upscale lounge with 251 table seats, 2 bars with 41 seats, and a maximum legal capacity of 342 persons, pending the issuance of a new Certificate of Occupancy and a Public Assembly Permit, which will not exceed said capacity; and,

Whereas, the applicant stated there are no plans to change the previously approved method of operation; the applicant stated the hours of operation are 8:00 p.m. – 4:00 a.m. Monday – Saturday and will be closed on Sundays; there will not be a sidewalk café application; music will be D.J. and background only; and,

Whereas, the applicant has reached out to local residents with revised floor plans prior to submitting the application to the SLA Licensing Committee; and,

Whereas, the applicant has agreed to the original list of conditions set forth in October 2008:

1. The applicant has agreed to install a double door entrance to reduce volume and noise levels.
2. The applicant has agreed to not install or place a dedicated dance floor in the establishment.
3. The applicant has agreed to implement proper crowd control and security measures that are distinctly separate from the current licensed establishment's entry station.
4. The applicant has agreed to community outreach, including but not limited to six monthly meetings with neighboring residents following its opening.
5. The applicant has agreed to fully enclose and properly sound proof the entire licensed establishment prior to the use of the On Premise license; the current operation will cease during this period.
6. The applicant has agreed to keep the ceiling closed at all times unless authorized by CB#2, Man.

7. The applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy and Public Assembly Permit; all certificates, permits and related documents will be provided to CB#2, Man. prior to the use of the On Premise license; and,

Whereas, the applicant has agreed to not have a dedicated DJ booth in the enclosed garden area; and,

Whereas, the applicant has agreed to never seek a cabaret license in the enclosed garden area; and,

Whereas, the applicant has agreed to keep volume levels at a minimum in the enclosed garden area; and,

Whereas, the applicant has agreed to not install a dedicated dance floor in the entire establishment; and,

Whereas, a member of the community appeared in opposition; citing noise and overcrowding issues and raising concerns with a new operator; and,

THEREFORE, BE IT RESOLVED that **CB#2, Man.** recommends denial to the proposed On Premise license for **God Save the King, LLC 18 9th Avenue**, unless those conditions agreed to by applicant relating to the fifth through ninth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

SOCIAL SERVICES AND EDUCATION

1. Resolution on School Overcrowding and New York University

Whereas, On January 17, 2008 CB#2, Man. conducted a Public Hearing on the subject of school overcrowding, which concluded that the problem of our overcrowded classrooms had already reached an untenable level in our community, and that based upon reports of recent and upcoming projects for new residential development in our neighborhood, is poised on the brink of becoming a crisis, and

Whereas, On May, 2008 CB2 conducted a follow-up Public Hearing, focusing on Solutions to this problem, which had by then captured the attention of many community groups and elected officials city wide, and

Whereas, At this 2nd meeting, several direct calls to action did emerge, becoming the source of great optimism, these announcements including:

- A representative from The Pier 40 Partnership reported that all parties involved at the partnership
- Would favor a school or schools on Pier 40, and that an SCA architect had already reviewed the site, finding a school feasible.
- A representative for the Rudin Family announced plans to build a new elementary school at 560 6th Avenue (at 17th Street) on the site of the Foundling Hospital, and that this school would provide 563 seats for Pre-K through 5th grade.
- A representative from NYU announced that the University would integrate a new public school into its 25-Year campus planning and expansion efforts. and

Whereas, CB#2, Man. is very appreciative to all of these groups for the public spiritedness shown in their willingness to commit their own efforts and resources to helping our community alleviate school overcrowding; and

Whereas, much hope was raised about creating a new Middle School at 75 Morton Street, and

Whereas, a growing awareness of the many hurdles and challenges that realistically face each of these school sites, means that they will not be completed and operable for many years. These problems include:

- Despite good intentions, the politics surrounding Pier 40 will probably prevent the final approval of a plan, which includes a school, for this site, for a long time to come.
- Further enumeration of the plans regarding the Foundling Hospital school, indicate that it will not open for at least five years, after the current kindergarten class at P.S. has graduated on to middle school. It has also become evident that current plans for this school include class sizes that are already well above recommended guidelines.
- NYU's announcement of its plan to develop a school is still only a statement of intention. No timeline, site, or plan has been determined. and

Whereas, The NYS Economic Development Corp (EDC) has withdrawn its RFP for 75 Morton Street, indicating that it is not interested in selling the building for a less than market value deal,

Therefore Be It Resolved that CB#2, Man. appreciates that New York University has offered to help us alleviate local school overcrowding by granting top priority to its goal of providing space for a public school as part of its long term planning, and stresses the urgency of working with the School Construction Authority to devise a plan that could be accomplished quickly, including considering short term solutions, such as leasing or other stop-gap measures.

Vote: Unanimous, with 37 Board members in favor.

2. Resolution on Capital Plan, Proposed by the NYC Department of Education

Whereas, the New York City Department of Education has proposed a new five-year capital plan that contains only 25,000 new seats, 40% fewer than are in the current capital plan, despite the ongoing crisis of overcrowding and excessive class sizes in our schools; and

Whereas, according to DOE's own data, 40% of NYC students attend overcrowded schools; and

Whereas, 60-80% of our students are in classes that exceed the levels in the city's state-mandated class size reduction plan; and

Whereas, a coalition of elected officials, parents, advocates and the United Federation of Teachers have produced an analysis showing that based on DOE data in the "Blue Book," at least 166,000 new seats are needed citywide in order to eliminate overcrowding and reduce class sizes to the levels in the city's state-mandated class size reduction plan; and

Whereas, the proposed capital plan has 3,046 new seats planned for District 2, which according to the analysis cited above found that 2,900 seats are needed just to alleviate existing overcrowding and reduce class size in the district's elementary and middle schools, based on 2006-7 figures; and

Whereas, according to city housing start data, nearly 40,000 housing units are planned for the District 2 area over the next eight years, which will generate the need for approximately 5,600 more elementary school seats; and 1,200 more middle school seats; and

Whereas, there is not a single new high school planned for all of Manhattan, even though the same analysis found that there was a need for at least 12,276 new high school seats in the borough; and

Whereas, in a recent survey, 86% of NYC principals said that they were unable to provide a quality education for their students because of overly large classes, 50% of principals said that overcrowding made it unsafe for students or staff, and many reported giving special services in hallways or closets; and

Whereas, excessive class sizes throughout the city drive more children into special education, children whose needs might be better addressed in a regular classroom if class sizes were smaller; and

Whereas, according to state law, the city is required to align its capital plan with its state-mandated class size reduction plan, which calls for the city to lower class sizes over the next four years to 20 students per class in grades K-3 and 23 students in all other grades; and

Whereas, the proposed capital plan is not aligned with the city's class size reduction plan, and in fact, is based on capacity figures that assume class sizes of 28 students in 4-8 grades, and 34 students per class in high school; and

Whereas, the city has both a moral and a legal obligation to provide the smaller classes that the State's highest court said would be necessary for our children to be provided with their constitutional right to a sound basic education; and

Whereas, given the current economic downturn, building more schools would provide a critical stimulus to the city's economy – especially given the fact that 50% of the funds for school construction are reimbursed by the state and financed by bonds, repaid over thirty years; and

Whereas, the federal recovery package is likely to contain funding for school construction as well; and

Whereas, the percent of city capital funding invested in our schools is at a long-term low; and

Whereas, eliminating overcrowding and reducing class size should be regarded as a important economic strategy to improve the educational outcomes and future job success of NYC students; and

Whereas, improving our schools will also ensure a more stable middle class tax base; and

Whereas, the funds for creating the 166,000 seats necessary to eliminate overcrowding and reduce class size could be obtained by reallocating priorities within the city's capital plan and redirecting half of the increase in projected payments to charter schools over the next three years;

Therefore, be it resolved that CB#2, Man. strongly objects to the proposed five-year capital plan, and urges Chancellor Klein, the Mayor, and the City Council to expand the number of new seats in the plan to a minimum of 166,000. This is the minimum growth needed to meet the challenge of the increasing student population, and provide adequate space in which students can learn.

Vote: Unanimous, with 37 Board members in favor.

3. Resolution Urging Withdrawal of MTA Proposal for Access-A-Ride Fare Hike

Whereas the MTA is proposing to double the Access-A-Ride fare, placing an unfair burden on some of New York City's most vulnerable riders, who rely on Access-A-Ride for transportation access, and have no other alternative; and

Whereas New Yorkers with disabilities are more likely to be living on low or fixed incomes than other transit users - 85% of Access-A-Ride users are unemployed; 64% have a total household income of less than \$35,000 - and therefore fully rely on Access-A-Ride to participate in their communities; and

Whereas when barriers to transportation are created for people with disabilities, it sets the stage for their isolation rather than integration; and

Whereas doubling the Access-A-Ride fare will produce a trivial amount of revenue while burdening, if not stranding, thousands of New Yorkers; and

Whereas all New Yorkers have an equal right to public transportation;

Therefore be it resolved that CB#2, Man. strongly urges the MTA to withdraw its proposal to double the Access-A-Ride fare and consider a wide range of solutions to close the budget deficit rather than placing this financial burden on Access-A-Ride users.

Vote: Passed with 33 Board members in favor and 4 in opposition.

STREET ACTIVITY & FILM PERMITS

1. Support of Various Street Fair Permit Applications (Renewals).

WHEREAS, each of the street fair permit applications listed below were approved by CB#2, Man. last year and are up for renewal this year; and

WHEREAS, each of the street fair permit applications listed below appear to not have changed in any manner from last year; and

WHEREAS, each of the street fair permit applications listed below include a setup and breakdown time between 7:00 a.m. and 7:00 p.m.; and

WHEREAS, the sponsors of the street fair permit applications listed below appear to meet the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each such sponsor is a "community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event"; and

WHEREAS, there is no community opposition to such applications from the public; now

THEREFORE, BE IT RESOLVED, that CB#2, Man. supports the street fair permit applications on the dates and at the locations listed below:

- 1. 3/21/09 - Friends of Jackson Square Park (multi-block), Greenwich Ave. bet. 6th & 7th Aves.**

2. 3/22/09 - Bailey House/AIDS Resource Center (**multi-block**), Christopher St. bet. Greenwich & 7th Aves.
3. 3/28/09 - Saint Joseph School, Washington Pl. bet. Grove St. & 6th Ave.
4. 3/29/09 - Waverly Block Association (**multi-block**), Waverly Pl. bet. Christopher & MacDougal Sts.
5. 4/11/09 - 9th Precinct Community Council, Astor Pl. bet. Broadway & Lafayette St.
6. 4/18/09 – Delta Phi Fraternity (**multi-block**), West 4th St. bet. Lafayette St. & Washington Square East
7. 4/25/09 - Police Athletic League (**multi-block**), University Pl. bet. Waverly Pl. & 13th Sts.
8. 5/03/09 - Old St. Patrick’s Cathedral (**multi-block**), Broadway bet. Houston & Grand Sts.
9. 5/09/09 - Village Committee for the Jefferson Market Area (**multi-block**), Greenwich Ave. bet. 6th & 7th Aves.
10. 5/16/09 - Village Crosstown Trolley, Astor Pl. bet. Broadway & Lafayette St.
11. 5/16/09 - Bedford Barrow Commerce, Block Assn. (**multi-block**), Bedford, Barrow, Commerce bet. 7th Ave. So. & Hudson St.
12. 5/20-5/31 – Society of St. Anthony of Giovinazzo (**multi day**), Mulberry St. bet. Broome & Spring Sts.
13. 5/30/09 - Caring Community, Waverly Pl. bet. 5th Ave. & University Pl.
14. 5/23-25, 5/30 & 5/31 – Washington Square Outdoor Art Exhibit (**multi day, multi-block**), University Pl. from 12th St. to West 3rd St.; Washington Pl. to Greene St.
15. 6/06/09 - 6th Precinct Community Council (**multi-block**), Bleecker bet. 7th Ave. & 8th Ave.
16. 6/13/09 - Our Lady Of Pompeii (**multi-block**), Bleecker St. (Carmin St.) bet. 6th Ave. & 7th Ave. (Varick St.)
17. 6/20/09 - Village Reform Democratic Club (**multi-block**), Waverly Pl. bet. Broadway & 5th Ave.
18. 6/21/09 - Christopher East Block Association (**multi-block**), Christopher St. bet. 7th & Greenwich Aves.
19. 6/27/09 - Bleecker Area Merchants & Residents Assoc. (**multi-block**) Bleecker St. bet. 6th Ave. & Broadway
20. 7/11/09 - Our Lady Of Pompeii (**multi-block**), Bleecker St. (Carmin St.) bet. 6th & 7th Aves. (Varick St.)
21. 7/18/09 - Saint Bernard Church, 14th Street bet. 7th & 8th Aves.
22. 7/19/09 - International AIDS Initiative (**multi-block**), Broadway bet. Houston & Howard Sts.
23. 7/25/09 - Federation to Preserve the Greenwich Village Waterfront & Great Port (**multi-block**), Greenwich Ave. bet. 6th & 7th Aves.
24. 7/25/09 - Children’s Aid Society (**multi-block**), Bleecker St. bet. Broadway & Sixth Ave.
25. 8/08/09 - Greenwich Village Festival (**multi-block**), Greenwich Ave. bet. 6th & 7th Aves.
26. 8/22/09 - Our Lady Of Pompeii (**multi-block**), Bleecker St. (Carmin St.) bet. 6th & 7th Aves. (Varick St.)
27. 9/5-7, 9/12 & 13 - Washington Square Outdoor Art Exhibit (**multi-day, multi-block**), University Pl. from 12th St. to West 3rd St.; Washington Pl. to Greene St.
28. 9/26/09 - Congress of Racial Equality (**multi-block**), Broadway bet. Waverly Pl. & 14th St.
29. 10/17/09 - TR Group Republican Club (**multi-block**), Waverly Pl. bet. Broadway & MacDougal St.

Vote: Passed, with 28 Board members in favor, and 8 recusals (K. Berger, M.P. Derr, A. Hearn, B. Hoylman, S. Kent, L. Rakoff, R. Sanz, and C. Yankay.

2. Support of Friends of the High Line Summer Street Fair, Washington, W. 13th, Little W. 12th, Gansevoort Sts., bet. 9th Ave. & Washington St.

Date: 6/14/09

Set up: 8am

Breakdown: 5pm

WHEREAS, Friends of the High Line is a not-for-profit organization dedicated to the preservation and reuse of the High Line - a 1.5 mile, elevated railway that runs along the West Side of Manhattan; and

WHEREAS, Friends of the High Line wishes to celebrate the opening of the first section of the High Line Park with a street fair for the community; and

WHEREAS, the first section of the High Line Park to open is located within CB#2, Man.; and

WHEREAS, the street fair will be open to the public and feature free food and drink from local businesses such as the Chelsea Market; and

WHEREAS, the street fair will include games and craft stations for children of the community; and

WHEREAS, the street fair will feature tables showcasing various projects related to the High Line Park; and

WHEREAS, there is no community opposition to this application from the public; now

THEREFORE BE IT RESOLVED, that CB#2, Man. supports the street fair permit application for Friends of the High Line Summer Street Fair.

Vote: Passed, with 34 Board members in favor, and 2 recusals (E. Gilmore and E. Lederman).

3. Denial of The Sierra Club Earth Awareness Day Street Fair Permit Application, Broadway bet. Houston & Grand Sts.

Date: 4/18/09

Set up: 8am

Breakdown: 7pm

WHEREAS, The Sierra Club seeks a renewal of its street fair application permit, which was approved last year by CB#2, Man.; and

WHEREAS, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, states that a street fair sponsor should be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event”; and

WHEREAS, The Sierra Club is a an important and significant national environmental organization, but does not have an office or indigenous presence within CB#2, Man.; and

WHEREAS, members of the Sierra Club have generally not been involved or attended meetings or hearings regarding environmental issues facing CB#2, Man.; and

WHEREAS, there are already a large number of street fairs that take place annually within CB#2, Man. and therefore CB#2, Man. believes that only those street fair permit applications sponsored by a not-for-profit organization with a close nexus to CB#2, Man. or that is located within CB#2, Man. should be approved; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit application of the Sierra Club.

Vote: Passed, with 35 Board members in favor, and 1 recusal (R. Kaufman).

4. Denial of the Independent Downtown Republican Club Street Fair Permit Application, University Pl. bet Waverly Pl. & 14th St.

Date: 11/07/09

Set up: 8am

Breakdown: 7pm

WHEREAS, The Independent Downtown Republican Club seeks a renewal of its street fair application permit, which was DENIED last year by CB#2, Man.; and

WHEREAS, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, states that a street fair sponsor should be a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full advantage for the conduct of the event”; and

WHEREAS, there is no evidence that the Independent Downtown Republican Club has an indigenous relationship to the specific street or the community as required by the above Rules; and

WHEREAS, the representative of the Independent Downtown Republican Club who appeared in support of the application was not a member of the board of the Independent Downtown Republication Club, nor could she provide any concrete details about the membership of the club, the purpose or mission of the club or details about the application or street fair itself; and

WHEREAS, the representatives of the local community, including residents and the local business improvement district, have stated in the past that this street fair has a detrimental impact on local merchants and quality of life; and

WHEREAS, there are already a large number of street fairs that take place annually within CB#2, Man. and therefore CB#2, Man. believes that only those street fair permit applications sponsored by a not-for-profit organization with a close nexus to CB#2, Man. or that is located within CB#2, Man. should be approved; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit application of the Independent Downtown Republication Club.

Vote: Unanimous, with 36 Board members in favor.

5. Denial of Friends of the High Line Summer Benefit Fundraiser Street Activity Permit, Washington St. bet. 14th & Gansevoort Sts.

Date: 6/15/09 (Monday)

Set up: 12pm

Breakdown: 8:30pm

WHEREAS, Friends of the High Line is a not-for-profit organization dedicated to the preservation and reuse of the High Line - a 1.5 mile, elevated railway that runs along the West Side of Manhattan; and

WHEREAS, Friends of the High Line wishes to close the above listed streets to erect a tent in front of the Standard Hotel to host a private fundraiser for their organization; and

WHEREAS, the fundraiser is a private event only open to donors of Friends of the High Line who paid to attend the event; and

WHEREAS, CB#2, Man. supports the work and mission of Friends of the High Line, but does not wish to set a precedent of supporting a street closure during a weekday for a fundraiser that is closed to the public; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street activity permit application of Friends of the High Line for its Summer Benefit Fundraiser.

Vote: Passed, with 33 Board members in favor, 1 in opposition, and 2 recusals (E. Gilmore, E. Lederman.)

TRAFFIC & TRANSPORTATION AND ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

1. Resolution requesting enforcement of law banning parking on sidewalks by motorcycles and other 2-wheeled motorized vehicles.

Whereas, motorcycles, motor scooters and other 2-wheeled motorized vehicles are parking continuously, often for months at a time, on the sidewalks throughout District 2, with particular proliferation in the West Village, obstructing pedestrian passage, compromising pedestrian safety, and hindering sidewalk cleaning and sanitation; and

Whereas, 2-wheeled motorized vehicles are regarded as bonafide motor vehicles under New York State law and, as such, are subject to the same legal rules and regulations as cars and other 4-wheeled motor vehicles with license plates on them; and

Whereas, any motor vehicle on the sidewalk (2-wheeled included) is considered to be illegally parked and subject to both a ticket and towing; and

Whereas, any motor vehicle on the sidewalk (2-wheeled included) without a license plate is considered by law to be trash or abandoned, and subject to removal by the NYC Department of Sanitation (DOS); and

Whereas, many owners of 2-wheeled motorized vehicles remove their license plates when parking on the sidewalk, thereby avoiding as well as complicating ticketing and/or towing; and

Whereas, when a car or other 4-wheeled motor vehicle doesn't have a license plate, a ticket can be issued based on the vehicle's registration displayed in its front window, but there is no similar provision for any 2-wheeled motorized vehicle, which should similarly be ticketed based on its Vehicle Identification Number (VIN); and

Whereas, some cities, like Paris, Miami, San Francisco, London, Rome and Berlin among others set aside parking areas in the street for 2-wheeled motorized vehicles, a provision absent in New York City;

Therefore Be It Resolved that CB#2, Man. strongly urges the NYC Police Department (NYPD) to vigorously enforce the existing law prohibiting parking on sidewalks by motorcycles and other 2-wheeled motorized vehicles by sustained inspection and identification of such violations by these vehicles and by steadily issuing tickets to offenders with license plates, towing them away if necessary; and

Be It Further Resolved that CB#2, Man. strongly urges DOS to vigorously enforce the existing law by sustained inspection and identification of motorcycles and other 2-wheeled motorized vehicles without license plates that are abandoned on sidewalks and by removing them after issuing 24-hour advance warnings with large yellow stickers similar to the kind now issued to 4-wheeled motor vehicles not in compliance; and

Be It Further Resolved that CB#2, Man. urges NYPD to issue tickets as per existing laws to 2-wheeled motorized vehicles without licenses that are parked on sidewalks, based on these vehicles' VIN numbers; and

Be It Finally Resolved that CB#2, Man. supports efforts by the city and others to examine ways to create designated on street parking for motorcycles and 2-wheeled motorized vehicles, create designated off street parking for motorcycles and 2-wheeled motorized vehicles, allow motorcycle and 2-wheeled motorcycles to park in municipal parking garages and urge private parking garages to allow parking for motorcycles and 2-wheeled motorized vehicles.

Vote: Unanimous, with 37 Board members in favor.

2. Resolution supporting passage of Int. 871 (Bicycle Access Bill) by the NYC Council

Whereas, Intro 871, a bill before the NYC Council, ensures bicycle access in existing commercial buildings (dominant occupancy office or retail space) large enough to accommodate bicycle storage, and mandates provision of bicycle storage space (number of spaces based on square footage) in all new commercial (dominant occupancy office or retail space) and all new residential buildings, which will enable many thousands of New Yorkers to securely park their bicycles indoors and support the many thousands of those bicyclists who commute to work; and

Whereas, some 70,000 bicycles are stolen every year and less than 2% are recovered, and the absence of secure bicycle storage is the number-one reason why New Yorkers who want to bicycle to work do not; and

Whereas, the use of bicycles as alternative non-polluting transportation is supported by the sustainability goals of PlaNYC 2030 US Buildings USGBC LEED standards; and

Whereas, bicycle access to such storage can be provided predominately only by elevator, and bicycles are often banned from elevator access;

Therefore Be It Resolved that CB#2, Man. wholeheartedly supports Intro 871 and urges its swift passage.

Be It Further Resolved that CB#2, Man. requests that a friendly amendment be added to Intro 871 that provides for elevator access 24/7 to bicyclists accessing bicycle storage.

Vote: Passed, with 36 in favor and 1 against.

3. Resolution supporting passage of Int. 780 (bicycle parking in garage and parking lots) by the NYC Council

Whereas, Intro 780, a bill before the NYC Council, amends New York City's administrative code to mandate that operators of garages and parking lots, based on their motor vehicle capacities, provide parking spaces for bicycles with securely anchored bicycle racks or other devices that enable bikes to be locked and supported without damage and are located in visible, well-lighted, accessible areas that are protected from damage by motor vehicles; and

Whereas, Intro 780 also provides that a schedule of rates showing prices for parking and storage of bicycles be filed with the City by garage and parking lot proprietors and posted at their facilities along with hours of operation and minimum bicycle parking capacity; and

Whereas, Intro 780's requirements will provide bicycle users with the opportunity for a secure alternative to parking in the street and allow for more freed-up street space; and

Whereas, the use of bicycles as alternative non-polluting transportation is supported by the sustainability goals of PlaNYC 2030 and USGBC Leed Standards;

Therefore Be It Resolved that CB#2, Man. wholeheartedly supports Intro 780 and urges its swift passage.

Vote: Unanimous, with 37 Board members in favor.

4. Resolution supporting passage of Int. 742 (regulating tour bus sound systems) by the NYC Council.

Whereas, NYC Council Intro 742 calls for abatement of sound amplification in tour buses by requiring that licenses be issued only to sight-seeing buses using headphone-limited sound reproduction devices, with exemptions from this requirement granted only to buses that enclose an upper deck or keep lower level windows shut, to prevent sound from disturbing residents along the bus route; and

Whereas, an overwhelming number of tour buses using loudspeakers pass down our streets, emitting heavily amplified noise that disturbs people's peaceful enjoyment of their homes and public spaces, threatens their health and well-being, and severely reduces their quality of life; and

Whereas, individual headsets that make the voices of guides on such sight-seeing buses audible only to riders are used successfully throughout Europe without reduction in tour bus use and with no elimination of tour guide jobs; and

Whereas, CB#2, Man. recognizes the importance of tourism, especially in the current economy, but believes that Intro 742 provides a reasonable and balanced approach to containing tour bus noise that preserves tourism within the framework of community livability; and

Whereas, it is important to put these noise abatement requirements into action in advance of the warm weather season when tour bus activity becomes even more intense than usual;

Therefore Be It Resolved that CB#2, Man. wholeheartedly supports Intro 742 and strongly urges that it be calendared to be heard by the NYC Council as soon as possible and swiftly passed into law.

Vote: Unanimous, with 37 Board members in favor.

5. Resolution supporting passage of Int. 836 (regulating tour bus routes) by the NYC Council

Whereas, NYC Council Intro 836 requires that all applicants for sight-seeing bus licenses submit operating plans with proposed routes and days of operation for these buses which then must be forwarded for review and comment within five days to the community board(s) and council member(s) in the district(s) traversed, evaluated for number of tour buses and any potential adverse impact on traffic and public safety, and amended with alternate routes and times if adverse impacts are identified, with accompanying fines for lack of compliance; and

Whereas, huge, diesel-powered sight-seeing (tour) buses travel down our narrow streets, spewing fumes that pollute the air, adding to congestion, hindering deliveries, backing up traffic, making unwieldy and hazardous turns, jumping the sidewalks, destroying trees, emitting loud noise from heavily amplified sound systems and hydraulic brakes, and creating vibrations that structurally impact our small-scale buildings and street beds, altogether compromising the health, safety and access of residents and all users of these streets; and

Whereas, Intro 836 provides for access for such tour buses in a balanced and equitable manner that avoids negatively impacting such vulnerable streets; and

Whereas, out-of-town tour buses often park in spaces set aside for hopping on/hopping off local tour buses, forcing the local tour buses to double- and triple-park, further exacerbating congestion; and

Whereas, it has been recommended that New York City engage an expert bus planner to do a business management (master) plan for tour buses that is presented to community boards; and

Whereas, CB#2, Man. welcomes tourism and the economic benefits it brings to our community, but recognizes that tour bus activity (which CB#2, Man. does not oppose) needs to be channeled and organized so as not to disturb people's peaceful enjoyment of their homes and public spaces and their health, safety and welfare; and

Whereas, it is important to put these tour bus operating plan requirements into action in advance of the warm weather season when tour bus activity becomes even more intense than usual;

Therefore Be It Resolved that CB#2, Man. wholeheartedly supports Intro 836 and strongly urges that it be calendared to be heard by the NYC Council as soon as possible and swiftly passed into law; and

Be It Further Resolved that CB#2, Man. requests that Intro 836 be adjusted so that the 5 day period for comment by affected community boards and council members be extended to 30 days; and

Be It Further Resolved that CB#2, Man. requests that a friendly amendment be added to Intro 836 that provides for an expert bus planner to do a business management (master) plan for tour buses to follow; and

Be It Finally Resolved that CB#2, Man. requests that another friendly amendment be added to Intro 836 that provides for enforcement that ensures that local hop on/hop off tour buses have exclusive use of the spaces set aside for them.

Vote: Unanimous, with 37 Board members in favor.

6. Resolution supporting strict enforcement of Local Law 41 (requiring tour bus retrofits to reduce pollutant emissions)

Whereas, Local Law 41 (LL41), effective May 9, 2005, requires that beginning January 1, 2007, any sightseeing bus that is licensed by the Department of Consumer Affairs (DCA) and equipped with an engine that is over 3 years old shall utilize BART (Best Available Retrofit Technology) for reducing emission of pollutants, and also requires the Commissioner of the Department of Environmental Protection (DEP) to report annually to the Comptroller and Speaker of the Council on compliance; and

Whereas, DEP issued its first annual report for the required period of July 1, 2006 through June 30, 2007 on August 22, 2008, indicating that at that time only 61 (out of 206) buses had completed installation and directing DCA to deny non-compliant operators renewal licenses; and

Whereas, in October 2008, City Comptroller William Thompson submitted a letter to DEP expressing his concern about the “disturbing lack of progress and widespread noncompliance with the law” (LL41), especially in view of the tour bus companies being given a year and a half to comply, and Manhattan Borough President Scott Stringer also wrote DEP with several questions concerning how compliance is being enforced, neither of which has been answered to date; and

Whereas, in answer to queries by Council Member Alan J. Gerson, DEP currently indicates that it is working with non-compliant companies to have them comply with LL41 and estimates that at this point, approximately 50% have complied, while DCA says it is stymied until DEP makes a finding that bus companies have to comply; and

Whereas, non-compliant double-decker tour buses emit up to 6 times the diesel pollution of New York City buses, and some emit as much as 25 times more diesel particles, seriously polluting our air and threatening our health; and

Whereas, a thriving tourist industry is important to our city’s economy, but cleaner tourist buses are essential for improving our air quality and sustaining the health of New Yorkers and New York City visitors;

Therefore Be It Resolved that CB#2, Man. strongly urges DEP to be more vigilant in ensuring that DCA fulfills its obligation to enforce LL41; and

Be It Further Resolved that CB#2, Man. strongly urges DCA to carry out its mandate to enforce LL41, stepping up to its responsibility by denying licenses to non-compliant operators; and

Be It Finally Resolved that CB#2, Man. strongly urges DEP to issue its new LL41 report by the January 1, 2009 deadline, to ensure timely enforcement of the law.

Vote: Unanimous, with 37 Board members in favor.

7. Resolution Urging Withdrawal of MTA Proposal for Access-A-Ride Fare Hike

Whereas, the MTA is proposing to double the Access-A-Ride fare, placing an unfair burden on some of New York City's most vulnerable riders, who rely on Access-A-Ride for transportation access, and have no other alternative; and

Whereas, New Yorkers with disabilities are more likely to be living on low or fixed incomes than other transit users - 85% of Access-A-Ride users are unemployed; 64% have a total household income of less than \$35,000 - and therefore fully rely on Access-A-Ride to participate in their communities; and

Whereas, when barriers to transportation are created for people with disabilities, it sets the stage for their isolation rather than integration; and

Whereas, doubling the Access-A-Ride fare will produce a trivial amount of revenue while burdening, if not stranding, thousands of New Yorkers; and

Whereas, all New Yorkers have an equal right to public transportation;

Therefore be it resolved that CB#2, Man. strongly urges the MTA to withdraw its proposal to double the Access-A-Ride fare and consider a wide range of solutions to close the budget deficit rather than placing this financial burden on Access-A-Ride users.

Vote: Passed, with 33 Board members in favor and 4 in opposition.

ZONING AND HOUSING

1. Department of City Planning proposal for a text amendment to require indoor, secure, long-term bicycle parking in new multi-family residential, community facility, and commercial buildings.

WHEREAS; Community Board #2 has strongly supported bicycling as viable and environmentally sound alternative form of transportation, And,

WHEREAS; the proposed text amendment is flexible enough to accommodate a wide variety of situations with out placing undue burden on property owners, And,

WHEREAS; providing bicycle parking will substantially increase rider-ship,

THEREFORE BE IT RESOLVED, that CB#2, Man. supports this Department of City Planning proposal for a text amendment to require indoor, secure, long-term bicycle parking in new multi-family residential, community facility, and commercial buildings.

Vote: Unanimous, with 37 Board members in favor.

2. Sale of City-owned Property Pursuant to Section 384(b)(4) of the New York City Charter for the new Whitney Museum and the new Hi-Line Maintenance and Operations Facility

WHEREAS, CB#2, Man. and the community has strongly supported the new Whitney Museum and the new Hi-Line Maintenance and Operations Facility, And,

WHEREAS, The final agreements on the property easements are consistent with the original proposal that was supported by CB#2, Man., And.

WHEREAS, The Whitney Museum and the NYC Economic Development Corporation have been working with the existing meat market businesses to minimize the impacts of this project, And,

WHEREAS, The new Hi-Line Maintenance and Operations Facility is a much needed and well located facility, And,

WHEREAS, almost any new use on the rest of the block would come before the Community Board for public review, And,

WHEREAS, The Whitney Museum will have the Right of first offer should the rest of the block come up for sale,

THEREFORE BE IT RESOLVED, that CB#2, Man. continues to strongly support and welcome the new Whitney Museum and the new Hi-Line Maintenance and Operations Facility, And,

BE IT FURTHER RESOLVED, that CB#2, Man. supports Sale of City-owned Property Pursuant to Section 384(b)(4) of the New York City Charter for the new Whitney Museum and the new Hi-Line Maintenance and Operations Facility.

Vote: Unanimous, with 36 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan