

Brad Hoylman, *Chair*
Bo Riccobono, *First Vice Chair*
Alison Greenberg, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

FULL BOARD MINUTES

DATE: November 17, 2011
TIME: 6:00 P.M.
PLACE: P.S. 3, 490 Hudson Street, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Terri Cude, Maria Passanante Derr, Doris Diether, Roberty Ely, Sheelah Feinberg, Joshua Frost, Gideon Gil, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Arthur Kriemelman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Alison McGonigle-Nelson, Alexander Meadows, Florent Morellet, Lois Rakoff, David Reck, Erin Roeder, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Elaine Young

BOARD MEMBERS EXCUSED: Denise Collins, Evan Lederman, Judy Paul, Robert Riccobono, Richard Stewart, Sean Sweeney, Antony Wong,

BOARD MEMBERS ABSENT: Richard Caccappolo, Heather Campbell, Lisa Cannistraci,

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Sandy Myers, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Jonathan Slaff, Emily Tepper, Maureen Remacle, Elizabeth Zechella, Nina Buesina, Davide Gentile, Michael Epstein, Matt MacMorrow, Bari Kang, Michael Seltzer, Robin Mendelwager, Sean Conway, John Flood, Judith Callet, Bruce Anderson, Ken Lustbader, Jon Nalley, Paul Dierkes, Andrew Gordon, Frederic Tchong, Michael Galbe, Michael Mastasar, Detta Ahl, Arlene Peraltaa, Evette Stark Katz, Charles King, Edgar Carpenter, Lance Geshind, Michael Brennan, Triona McCluskey, Robert Woodworth, Tom Keyes, Will Rogers, Jim Fouratt, Justin Hoy, Lesley Doyel, Parker Wentz, Jean Tucker, Ken Winslow, John McGuim, Catherine Hansens, Dr. Gil Horowitz

MEETING SUMMARY

Meeting Date –November 19, 2011
Board Members Present – 40
Board Members Excused–7
Board Members Absent - 3

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	3
ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH	3
LANDMARKS AND PUBLIC AESTHETICS	5
PARKS & OPEN SPACE	9
PERSONNEL	15
SLA LICENSING	15
SOCIAL SERVICES, & EDUCATION	36
TRAFFIC AND TRANSPORTATION	38

II. PUBLIC SESSION

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Sandy Myers, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of September minutes and distribution of October minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

1. Resolution regarding the overwhelming need for clarity, including bringing all applicable regulations into conformance throughout the multiple agencies with oversight more and consistent enforcement of regulations that pertain to food trucks and food carts. This might also include limiting the numbers of permits and or/ numbers of permitted vehicles and carts at specific locations.

Whereas, the joint meeting of CB2, Man.'s Environment, Public Safety & Public Health Committee and Traffic & Transportation Committee regarding enforcement, licensing and applicable rules concerning food trucks and food carts, held on November 14, 2011, revealed a disturbingly dysfunctional situation—one in which regulating agencies have conflicting and Byzantine regulations which are, at times, indefinable and/or incomprehensible, these need to be addressed holistically, brought into conformance, clarified, and disseminated and

Whereas, food trucks and food carts have proliferated in CB#2, Man. and often disrupt both residential and business communities, and

Whereas, As testified by a large community turnout at the meeting, along with other vending as many as from 30-60 or more vendors occupy single blocks; in addition, food trucks and carts park even where explicitly prohibited, impede both pedestrian and vehicular traffic, and are often in violation of regulations requiring a 20 foot radius from entry doors, and

Whereas, specific problems also include use of flammable propane tanks and petroleum fuels, continuous polluting emissions from the trucks, failure to provide required refuse containers on site, or clean up garbage, noise, and offensive odors permeating the street environment as well as inside dwellings, and

Whereas, Many food vendors are observed to remain in the same spot, with vendors sleeping in or under their vehicles, 24 hours, 7 days a week, in explicit violation of regulations which require monitored and certified removal and cleaning of carts and trucks every day at specific locations under specific disposal regulations, and

Whereas, there are more than \$1,000,000 in unpaid food vendor fines over the last year alone, which represents 10% of all uncollected fines in the city food vendors are allowed to renew their licenses even when they have numerous infractions, and serial offenders are known to apply for licenses under different names to avoid any fines or consequences for scofflaw behavior, and

Whereas, there are widespread and numerous conflicts and discrepancies between the rules and regulations of the different responsible NYC agencies (e.g., DOHMH, DCA and DOT) regarding food trucks and food carts. Conflicting regulations include simple formulas, for instance, DOT clearly states that vending in vehicles is prohibited 25 feet from the crosswalk while the DOH states the distance is 10 feet, and also a morass of tangled, ill-defined, overlapping and/or complicated rules and regulations for each agency resulting in confusion and lack of clarity from representatives of enforcement, and

Whereas, every NYPD precinct and NYPD Traffic division has a special Unit that, in theory, addresses food vending issues; however, these Units are also charged with other responsibilities, which may take precedence or divert from focusing on food vending, and

Whereas, testimony was heard from the business community about the adverse impact on brick and mortar businesses from the proliferation of food carts and trucks,

THEREFORE BE IT RESOLVED, there is an urgent need for comprehensive intra-agency coordination and reform of oversight regarding food truck and cart vending. There is an equally urgent need for a comprehensive revision of legislation to provide consistency in this matter. The Mayor's Office and City Council must bring all relevant rules and regulations into conformance, and with the product of these efforts, a report should be published that will give direction and clarity to this confusing issue, and

THEREFORE BE IT FURTHER RESOLVED, it is vital that all agencies with jurisdiction increase their enforcement efforts exponentially, it is imperative NYPD Traffic Officers, NYPD, FDNY, and DOHMH enforcement officers are trained on the rules governing this issue and specific or special units are assigned to focus on enforcement of food truck and cart vending violations, and

THEREFORE BE IT FURTHER RESOLVED, we applaud the DOHMH for agreeing to stage an inter-agency initiative in the coming months to try to clean up problem areas which include, especially, the Broadway corridor between Houston and Canal, The Meat Market, Astor Place, BAMRA and SOHO and we look forward to assisting the relevant agencies in this effort, and

THEREFORE BE IT FURTHER RESOLVED, the City take into consideration the impact of food carts and trucks on residents and brick and mortar businesses and evaluate and limit not only the numbers of permits issued but apply restrictions within districts the numbers allowed in given locations and their hours of operation, which are currently unregulated, and

THEREFORE BE IT FURTHER RESOLVED, the City should determine a better, more effective method for collecting unpaid fines including but not limited to the impounding of vehicles and the withholding of permits for serial offenders similar to tactics employed by the Department of Motor Vehicles.

Vote: Passed, with 39 Board members in favor and 1 in opposition (A. Meadows).

2. Resolution calling on the U.S. Army to conduct an investigation into the cause of Private Chen's death

Whereas, Army Private Danny Chen, 19 grew up on Elizabeth Street in the Chinatown area of Manhattan and attended P.S. 130 in the CB#2, Man. district, and high school on the Lower East Side at Pace High School; his parents currently live on Ave. D, and

Whereas, Private Chen died on October 3, 2011 in Kandahar Province from a gunshot wound to the head, and

Whereas, Private Chen's body was found in a guard tower, not a sleeping facility, and,

Whereas, Private Chen had been subjected to harassment and physical abuse by fellow soldiers, such as being dragged out of bed and beaten, and

Whereas, NBC reported that six of Private Chen's superior officers beat him for forgetting to turn off a hot water heater, and

Whereas, The U.S. Army's criminal investigations unit investigates all non-combat-related deaths of soldiers that occur at U.S. military bases, and

Whereas, Councilmember Chin, The Organization of Chinese in America’s New York, and the Chinese American Benevolent Society have all called for a swift and comprehensive investigation into the circumstances surrounding Private Chen’s death, so

THEREFORE BE IT RESOLVED that, CB#2, Man. joins the many elected officials and community organizations in urging the U.S. Army’s criminal investigations unit to determine both the actual cause of Private Chen’s death and the circumstances leading up to his death.

Vote: Unanimous, with 40 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item: 14 – 148 Mercer St. aka 577 Broadway – SoHo Cast Iron Historic District

A store building built in 1860. Application is to install signage, a canopy, and new sidewalk vault lights at the Mercer St. storefront.

Whereas, there was no proof submitted showing that there had been a canopy previously, and it seems quite unlikely, and

Whereas, canopies are rare in SoHo and this canopy is not of the period of the building, and

Whereas, the canopy obscures the style of the building, and

Whereas, the signage is only on one side of the entry on the cast iron, and it should not be on the cast iron at all, and

Whereas, the “vault lights” are not like real vault lights, and these are not appropriate, and

Whereas, no proof was given of what the existing material is under the diamond plate,

THEREFORE BE IT RESOLVED, CB#2, Man. recommends denial of this application for 148 Mercer St.

Vote: Unanimous, with 40 Board members in favor.

2. LPC #15 – 92 Prince St. – SoHo Cast Iron District. A contemporary building designed by Herbert Mandel and built in 1999. Application is to install signage and marquees.

Whereas, marquees are rare in SoHo and this marquee 8’6” wide in steel and glass is not in the style of SoHo buildings, but more in the style of the Meat Market District, and

Whereas, the signage consists of one sign on the second floor of both the Mercer St. and Prince St. facades, with one smaller sign on the Prince St. side and three smaller signs on the Mercer St. side above the first floor,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial of the marquee but finds the signage appropriate.

Vote: Unanimous, with 40 Board members in favor.

3. **LPC #16 – 622 Broadway aka 156-158 Crosby St. – NoHo Historic District.** A neo-Grec style store and loft building built in 1880-1882. Application is to replace entrance doors and install a marquee.

Whereas, the “marquee” is over the secondary entrance to the building whereas the main entrance has no such marquee, so it makes the secondary entrance more imposing than the main entrance, and

Whereas, the proposed marquee is not in the style of the building, and violates the symmetry of the building, and

Whereas, the marquee also has flaps or aprons extending down from the marquee, partly glass and partly opaque with the building number,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial of this application for 622 Broadway.

Vote: Unanimous, with 40 Board members in favor.

4. **720 Greenwich St. (720-724 Greenwich St., 726-736 Greenwich St., 125-127 Charles St., 124-130 Perry St.) – Greenwich Village Historic District Extension.** A Romanesque Revival style warehouse building designed by Gilbert A. Schellenger and built in 1897-98 and a neo-Classical warehouse building designed by James B. Baker and built in 1901-02, combined and converted to residential use in 1974-76. Application is to replace windows.

Whereas, over the years, various types of windows were installed in these two joined buildings, and

Whereas, the proposal is for a Master Plan to convert the windows in this residential building to matching 4 by 4 aluminum casement windows, and

Whereas, in order to accommodate air-conditioning units, the bottom panel on one side of the windows will be removable to allow for the air-conditioning units, with the recessed windows allowing the air-conditioning units not to protrude beyond the outer wall of the building, and

Whereas, all the air-conditioning units will be painted a uniform black color, and

Whereas, the blocked out window over the garage will be replaced to match the other similar-shaped first floor windows, and

Whereas, the Master Plan will control all new window applications for these buildings, and

Whereas, several tenants from the building were at the hearing and supported this Master Plan,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of this Master Plan for 720 Greenwich St.

Vote: Unanimous, with 40 Board members in favor.

2ND LANDMARKS MEETING

5. LPC #13 – 427-429 West Broadway – SoHo Cast Iron District. Two Italianate style store & storehouse buildings designed by Robert Mook & built in 1872. Application is to install bracket signs.

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 427-429 West Broadway in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

6. LPC #14 – 448-452 Broome St. aka 52 Mercer St. – SoHo Cast Iron Historic District. A Renaissance style warehouse designed by John T. Williams & built in 1894-95; and a store & loft building with French Renaissance style details designed by Vaux & Withers Co. & built in 1871-72. Application is to replace sidewalk vault lights.

Whereas, the proposal is to replace the existing vault lights with solid cast iron bullet plates, and

Whereas, once the present vault lights are removed, they cannot be restored at a later date, and

Whereas, other vault lights in the area have been restored, and

Whereas, these vault lights are a historic asset of the building, and

Whereas, although we acknowledge that it may be difficult to restore these vault lights, it should still be possible,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial of this application for 448-452 Broome St.

Vote: Unanimous, with 40 Board members in favor.

7. LPC #15 & 16 – 111 Mercer St. – SoHo Cast Iron Historic District. A store & loft building designed by Henry Fernbach & built in 1878-79. Application is to construct a rooftop addition. Application is to request that the LPC issue a report to City Planning relating to an application for Modification of Use & Bulk pursuant to Section 74-711 of the Zoning Resolution.

Whereas, the proposed rooftop addition is set back 20’ from the front of the building and 30’ from the rear and is only 10’ tall, so it is not visible from the street, and

Whereas, the glass and wood storefront reflects the original front of the building, and

Whereas, the restoration of the façade includes replicating the missing ends of the vertical columns, replacing the stucco and replacing the lintels above the windows, and

Whereas, the windows will be replaced with 2 over 2 wood windows, and the diamond plate sidewalk will be restored,

THEREFORE BE IT RESOLVED CB#2, Man. recommends approval of these applications for 111 Mercer St.

Vote: Unanimous, with 40 Board members in favor.

8. LPC #17 – 722 Broadway – NoHo Historic District. A Renaissance Revival style store & loft building designed by Francis A. Minuth & built in 1895-96. Application is to install illuminated signage.

Whereas, the Landmarks Preservation Commission’s “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 722 Broadway in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

9. LPC #18 & 19 – 22 Little West 12 St. – Gansevoort Market District. A neo-Georgian style stables building designed by John M. Baker & built in 1908-09. Application is to construct a rooftop addition, modify the rear façade, install new storefront infill and a painted wall sign. Application is to establish a master plan governing the installation of painted wall signs.

Whereas, the plans shown indicate two wall signs, one 20’ x 25’ and the other 16’8” x 24’9”, and both these signs would be within the size limitations set by the Landmarks commission, but, at present, no text or design for the signs has been proposed, and

Whereas, we find acceptable the overall concept of a rooftop addition, new entrance storefront and canopy, but not the execution, and

Whereas, the rooftop addition, as presented, is visible from several vantage points and especially from the High Line. The roof form is prominent and was presented by the architect as his design statement. He intended the roof design to be different from the context. The roof line was odd with an irregular pitched volume. It should be more compatible with the building and the District, and

Whereas, there were several letters questioning the rooftop addition and the proposal for a rooftop restaurant, and

Whereas, the canopy was designed with a flat “s” curve, a cantilevered form typically found in the city above several 1950’s apartment building entrances, and not characteristic in this neighborhood, and

Whereas, the proposed storefront design would be improved with the addition of metal framing and a bulkhead at the base, as is prevalent in this district and would be architecturally compatible with the style of the building, and

Whereas, the entrance at 63 Gansevoort St. clashes with the rest of this building and should incorporate more metal to the glass store-front,

THEREFORE BE IT RESOLVED CB#2, Man. recommends denial unless the applicant makes the modifications and improvements to the design of the rooftop addition, canopy, and storefront to stylistically respond to the industrial character of the historic district as recommended herein.

Vote: Unanimous, with 40 Board members in favor.

PARKS, RECREATION & OPEN SPACE

A Resolution regarding the design and use of public open space to be created in connection with ULURP Application #120029ASM, #120030ZSM, and #120031ZSM for the St. Vincent’s Hospital Campus Redevelopment.

Whereas

1. Community Board No. 2, Manhattan (“CB2”) is appreciative of the extraordinary and unusual opportunity to participate in the creation of a new public park in our park-starved and built-up community.
2. CB2 has engaged in three months of public consideration of issues pertaining to the development of the new park; and
3. CB2 intends to give full consideration to proposals which seek to blend a significant commemorative and educational aspect within this park and which aspire to use the underground space in their projects; and
4. The CB2 position regarding this park is informed by the following statements regarding 1. Park Design; 2. Commemoration Opportunities; 3. Use of Underground Space; and 4. Legal Framework for Park Development and Operations:

1. Park Design

1. These comments add to and support the comments included in the CB2 resolution of October 20, 2011, which continue to apply.
2. The proposal presented is generally responsive to that resolution and received many positive comments.
3. The plan shows alternative versions: one is based on removal of the gas storage facility at the west end of the triangle, an important CB2 priority for this site. The other inappropriately shows the gas tank site unchanged, although the gas requirements for the new medical facility should be much reduced. If the use of this site for tanks is still considered, the structure needs to be redesigned to be as small as possible, compatible with this important park entrance, and the loading areas should be incorporated into the park space.
4. Widths of entrances and paths are appropriate.
5. The use of a water feature is desirable. The appearance and sound of moving water enhances the park experience and it works well to combine this with a play aspect as an attraction for children.
6. Perimeter Fence
 - a. The fence design is appropriate.
 - b. The fence including curb should have a maximum height of 42” from the perimeter sidewalk to the top of the fence, including any curbs or walls.
 - c. The iron archway over the southeast entrance is an attractive feature that echoes nearby park entrances including Jackson Square and Christopher Park. It contributes to a desirable sense of place and emphasizes the importance of the transition from street to park.
 - d. The simple unadorned gates for the other two entrances are appropriate.
7. Pavements
 - a) The use of traditional paving types including asphalt hex blocks is appropriate. The two gray shades proposed are attractive and will hide stains.
 - b. The avoidance of stone pavers and other nonstandard pavers that are difficult to maintain is appropriate.
 - c. The use of granite curbs, steps, and low walls is appropriate.

8. Lawn

- a. The central lawn area is a desired feature and is an appropriate size.
- b. The undulating shape can provide an attractive illusion of greater size and provides opportunities for social seating.
- c. The rise of the lawn will reduce active use, provide interest, and offer a desirable attraction for small children.
- d. If lawn entrances directly opposite park entrances lead to pedestrian traffic across the lawn causing desire line wear the location of planting areas can be adjusted.
- e. Trees placed on the lawn should be chosen to assure sufficient sun on all areas of the lawn and should be planted to avoid disruption of the lawn by shallow root systems.

9. Perimeter

- a. Replacement of all perimeter sidewalks with a uniform tinted concrete sidewalk is appropriate
- b. Benches placed along the straight perimeter wall outside the park on 7th Avenue are desirable, but need to be well lit.
- c. Replanting of all tree pits and the addition of six new trees on 12th Street and three on 7th Avenue will create an attractive perimeter environment. The development project should include a full evaluation to maximize tree locations on *both sides* of the perimeter streets as well as all surrounding streets.

10. Trees and plantings

- a. The ratio of green space to paved area is appropriate and in any case the amount of paved area should not be increased.
- b. The plan includes an appropriate variety of perennials and ornamental grasses, as well as locations for densely planted colorful annuals.
- c. The plan alternative without the gas tanks shows types and locations for 26 shade trees and eleven ornamental trees to be planted at a desirable 5.5" caliper or 22-foot height for multi-stem trees.
- d. A requested plan showing the intended shade-sun concept, referring to the shade studies done for the new development, is still needed so a mix of shaded and sunny areas is available throughout the day.

11. Seating

- a. The proposed benches are attractive and suggestive of historic NYC arks benches. The addition of 2 permanent tables is welcomed but more should be considered.
- b. Requested information on the appearance of moveable furniture was not provided.. The number of moveable tables and chairs provided is appropriate and should not be increased.

12. Accessibility

- a. Accessibility is provided to all areas in the park.
- b. At least one curb cut to allow wheelchair access to the lawn is required.
- c. Use of a retaining wall to raise a planting bed should be considered to allow a closer connection for people in wheel chairs.

13. Lighting

- a. The use of the standard "B" pole. Metal halide or LED lamping is essential. The use of Central Park luminaires adds desirable variety and interest.
- b. Locating light poles in lawn areas creates maintenance difficulties and often causes bare spots. Paved areas or planted areas should be used.

14. Entrances

- a. The location for park signs at all entrances should be considered in advance to avoid unattractive random placement to the detriment of attractive park features.
- b. The stairs at the southeast point are attractive and along with the proposed decorative gateway provide an important sense of place for the park. The steps should be designed to discourage use by skateboarders.
The large area outside the park is a good place for a combination commemoration and/or object to encourage its use as a meeting area.
- c. Consideration should be given to reconfiguring the fence at the west entrance to slightly increase the size of the walk-through area outside the gate and so the gate is not recessed.

15. Attractions for Children

- a. The proposed design offers desirable features that will attract families with children to visit the park, but will not interfere with use by others. They provide opportunities for play in an environment that is not a playground.
- b. The terrain of the lawn should be specifically contoured to be fun for very young children.
- c. The water element including water jets is an important feature of the park and work well with the “amphitheater” steps. However, portions of the steps need to be designed for access to the lawn from the west, but larger portions should provide better opportunities for seating facing the “plaza”.
- d. The proposed sculpture suitable for climbing should be a unique piece such as the Alice in Wonderland sculpture in Central Park, adding something special to the park even when not used for play. A proposed design for this piece was not provided. The piece will be an important central feature of the park and needs to be developed with presentations to the community at all phases of an open public process.

2. Commemoration Opportunities

A strong case has been made to include on the site, a memorial to the history of the AIDS Crisis. As stated in our resolution of October, 2011, we welcome the idea. Another commemoration concept has been proposed to acknowledge the long history of St. Vincent’s Hospital in Greenwich Village, which would necessarily incorporate their role in the AIDS Crisis. Both histories have special importance in the local community, and for both the specific location of the park is uniquely appropriate. *We endorse an AIDS memorial and a tribute to St. Vincent’s Hospital subject to the parameters discussed below.*

Meaningful memorials can only be developed when there is sufficient time to discuss and understand all of the issues, to create a design that adequately represents the core ideas, and to bring the community together around the commemoration. At this time, we have not been presented with specific ideas, and have not had the opportunity to thoroughly vet the initial concepts. Given the time constraints of the current review, CB2 does not want to rush to any conclusions. We would prefer, and think it is more appropriate, to work with all of the interested parties to create a process, outside of ULURP, that would allow us to adequately evaluate all options, and consider modifications at a later date.

Ours is a park-starved community. Land is of very high value so opportunities for new parks are exceedingly rare. The community strongly rejected an initial concept for the park because as an open public plaza, it did not provide “a community park”. It did not serve the community’s need for a place of respite with a distinct neighborhood character providing public and open opportunities for social interchange.

Therefore, the ULURP should define important parameters for a design and development process for memorials:

1. Designs should contribute to the neighborhood character of the park and be seamlessly integrated into it.
2. The design should not create a ‘destination’ site, it should celebrate and accommodate the local community.
3. Any elements of commemoration should not be monumental in style or obstructive of the view plane.
4. A design competition may be part of the process, but design oversight by the Parks Department, and other affected city agencies is essential.
5. Participation in all phases should involve CB2 and neighborhood groups, and final approval from Landmarks and the Design Commissions will be required.
6. Proposing entities should seek funding for the process, and for any modifications required.

3. Underground Space

CB#2, Man. has had many difficult deliberations about the retention of 10,000 square feet of space currently available under the Triangle site. The issues fall into two categories. First, how the retention of this space will impact the above ground park, and second, what would be the official mechanisms necessary to build out the space and maintain it, and how would it affect the completion of the park in time to meet the applicant's obligation to complete the project within 30 months.

In our October, 2011, resolution, we stated that the underground space could not dictate the design of a community park. We further stated that "its retention ... cannot delay or interfere in any way with the opening of the park," and that "reuse of the underground space also raises administrative and funding issues and potential environmental impacts [that] were not studied as part of the scope of the EIS."

Among our specific concerns are:

1. Our district has many interior privately controlled spaces that are not accessible to the public. CB#2, Man. insists that everything associated with this site be fully in the public realm.
2. We have strong reservations if retention means that there is a reduction in the size of the above ground park, or if the design of the park is compromised. We are specifically concerned about any effect on the size of trees that could be planted, maintaining sight lines through the park so there are no pockets for hidden activity, and general accessibility.
3. The underground space should not be retained if its development is likely to cause substantial delay to the opening of the park, or if its development creates risk or uncertainty for the process to getting the park designed and built.
4. The question of whether to retain the underground space must be made independently of the proposed use. The selection of a user for the space must be a fair one, with proposals presented in response to criteria serving public needs. Potential users will have to prove their ability to fund the building out of the space including access and mechanical services, and cover all operating and maintenance costs.
5. Building out the underground space in such a way as to meet all New York City Building Codes, may impact the construction, maintenance, or estimated lifespan of the above ground park.
6. Use of the basement may affect the applicability of the project Draft Environmental Impact Statement or establish a need for an additional EIS or ULURP.
7. A roof membrane beneath the park may reduce the life expectancy of the park and park reconstruction including tree removals may be required for membrane repair or replacement.

In addition to these concerns, the property owner has clearly stated that they are not willing or able, in the confines of this ULURP application, to deliver the space to the public.

Recognizing the challenge of providing a plan for such a use, CB2 notes that no clear concept has been articulated, no preliminary analysis of funding and visitation has been provided, and no design presentation has been prepared to elaborate the appearance of a park built on the roof.

We have heard in our public hearings that there is interest and support for an AIDS Learning Center to be located in the underground space. We support this use, but because of the concerns outlined above and the position of the applicant, this may not be the appropriate location for such a facility or for other community use. We advocate working with the proponents, the community, and elected officials to find an appropriate space in the vicinity of the Triangle site.

The parameters for the potential use of the underground space set a high bar for any proposal. Unless all of these concerns can be answered satisfactorily, then CB2 does not see how this space can be retained.

4. Legal Framework

CB#2, Man. requests that the agreements included in ULURP be designed to achieve the following goals:

1. The park should be protected parkland in perpetuity under the public trust doctrine. While it may be unnecessary and complicated to map the land as parkland, this goal can be achieved by transfer of all land rights to the Parks Department except such rights required by zoning provisions to provide open space for the proposed Large Scale General Development project.
2. The park should look and feel like other Greenwich Village parks. This applies not only to initial design, but to all aspects of the park experience. The park should be a public park, not a publicly accessible private space: hours of operation and permitted uses should conform to rules in other parks; calls for services should be to 311 and 911; signs should have Parks Department logos and should be posted only upon its consent; future renovations and
3. alternations should be approved by the Parks Department upon completion of the same process as at other city parks.
4. Funding from Property Owners within the LSGD should be applied in a manner to efficiently deliver a high level of maintenance per written standards. Whatever entity may become directly responsible for maintaining the park should do so under terms of a revocable contract with the Parks Department. A suitable guarantee, such as annual posting of a bond equal to the project cost of maintenance for the year, should be in place to assure continuity of maintenance in the event of any disruption of funding. In addition to regular maintenance, a method should be in place to provide for periodic major repairs, deferred maintenance, and capital reconstruction.
5. Beyond responsibility for maintenance costs, the Property Owners should not have rights or responsibilities that will create an incentive to seek a special relationship of any kind with respect to influencing policies, operations, and uses of the park. Peace officers of the City of New York should have the same rights and responsibilities of patrol and law enforcement as they have in any other public park and there should be no private security presence in the park. To avoid any perceived need on the part of the Property Owners to influence the design, policies, maintenance, use, and operations of the park, the City should assume full responsibility for legal claims for damages or injury within or resulting from the park property. Property Owners should pay to the City an annual amount in lieu of a requirement to provide insurance.

The following provisions are suggested to achieve these goals. CB2 requests, to the extent other provisions are substituted, that the result be substantially the same.

1. Subject to the compliance with the provisions of Section 93-78 of the Zoning Resolution and conditions herein, the Declarant shall construct the Public Access Area (Triangle Park).
2. Upon certification by the Chair, in consultation with the Parks Commissioner, pursuant to Section 93-78(d) of the Zoning Resolution that construction of the Triangle Park is substantially complete, the City shall enjoy, wield, and have the right to and the benefit of and be granted, conveyed and transferred an exclusive easement in perpetuity for the benefit of the general public, unobstructed from the ground to the sky and including all underground uses and rights, for the purpose of passive and active recreational use by the general public after which the Declarant shall retain all rights associated with the property as pertain to the use of the property to meet open space requirements of the LSGD, and only such rights.
3. Rules for the park are established by the Parks Department and enforced solely by peace officers of the City of New York (PEP and Police).
4. Minor alterations to the design of the park approved during ULURP shall be only as overseen by the Parks Department.

5. Construction of the park to be completed by the Project Developer within 30 months of agreement with financial penalties for failure to complete on time. The developer shall commit \$10 million to the design and construction of the park. Any funds remaining after completion the construction of the park may be used to fund up to approved commemorative elements within the park and/or shall be made available through an appropriate account for maintenance of nearby parks.
6. No part of the new residential development shall be occupied prior to opening of the park.
7. Applicant to be released of liability upon acceptance of the completed park by the Parks Department.
8. The developer and its assignees are responsible for the cost of maintaining the park for the life of the development, with payments to be made at the start of each year to a Trust and Agency Account, or to a non-profit organization under contract with the Parks Department to manage the park, or another appropriate vehicle approved by the Parks Department.
9. The Parks Department may establish a contract with a suitable non-profit group to manage the park, but such group shall not be under substantial control by the developer or its assignees or agents or the condo association of the project.

Development of any commemorations within the park, however conceived and funded, would proceed under the auspices of the Parks Department, and the design for any commemorations will be reviewed by CB#2, Man. prior to submission to the Landmarks Preservation Commission and the Design Commission.

Therefore it is resolved that

1. CB#2, Man. appreciates the cooperation of the development team and the Department of City Planning to enable a park design that is responsive to the public open space needs of our community.
2. CB#2, Man. substantially supports the park plan in the form presented on November 16th, 2011, with exceptions and considerations as discussed above.
3. CB#2, Man. reiterates the priority of removing the gas tanks from the site, and if they must remain at the site, re-design of the structure, and reduction of size of the facility and its incorporation into the park design to create an attractive park entrance at this location, with the re-designed storage facility included as an alternative park design.
4. This site should become a public park on publicly held land and all rights associated with the land should be transferred to the City except such rights as are required to support the open space requirements of the Large Scale General Development project.
5. CB#2, Man. anticipates that the development of the park will be the responsibility of the project developer at an estimated cost of \$10 million, and if the cost of the park is less, the difference will be made available for public open space improvement within CB2.
6. CB#2, Man. anticipates that appropriate requirements will be established to assure that the park is open to the public within 30 months after the acceptance of the agreements under ULURP.
7. CB#2, Man. anticipates that the developer and/or condominium association, and/or other eventual property owners at the development site will be fully responsible for the cost of providing a specific standard of maintenance of the park in perpetuity, and that appropriate means will be established to guarantee the excellent and efficient maintenance of the park.
8. CB#2, Man. considers the park design including light fixtures, fences, benches, and pavings to be appropriate for the Greenwich Village Historic District but designs for commemorations and sculpture to be added later will require separate consideration.
9. CB#2, Man. favors commemorations of the history of St. Vincent's Hospital and the AIDS Crisis at this site and the specifics of these will be taken up in a separate process.

10. CB#2, Man. request that no efforts be taken that would destroy the underground space and make it unusable throughout the period that this Community Board continues to vet additional uses of the park, even though this process may go beyond the ULURP process, unless and until such time as CB2 has voted against the re-use of the underground space.

Vote: Passed, with 39 Board members in favor, with 1 against-(D. Diether)

PERSONNEL

A resolution supporting a promotion and a pay raise for Julio Mora

Whereas, during the past two years, Julio Mora, who currently has the title of “Community Assistant), has taken on an additional workload, including becoming the “webmaster” of the CB#2, Man. website and is the lead staff member for the CB#2, Man. Financial Management System, all while essentially maintaining his previous workload;

THEREFORE BE IT RESOLVED that CB#2, Man, supports the promotion of Julio Mora to the title of “Community Associate” and supports a \$2,500 annual increase to his current annual salary.

Vote: Unanimous, with 40 Board members in favor.

SLA LICENSING

1. Strip House NY Restaurant, TBD 11 East 12th St., NYC 10003

Whereas, the applicant appeared again before the committee; and,

Whereas, this application is for a new Full On Premise Bar/Tavern license, in a mixed-use building (block 570 / lot 40) on 12th Street between Fifth Avenue and University Place for a 1,060 s.f. bar/tavern which has 16 tables and 36 seats and 1 bar with 14 seats, there will be no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Saturday from 11:00 a.m. to 2:00 a.m.; and,

Whereas, the applicants acquired this space because it was included in the lease through the purchase of the adjacent restaurant, The Strip House, located at 13 East 12th Street (License Serial Number 1256887); and,

Whereas, the applicant explained that among other reasons, this space was not going to be included under the license for 13 East 12th Street through an expansion of that licensed premise even though the locations are already connected through a pass thru doorway connected to the kitchen, because they cannot reasonably join the adjacent spaces because of significant elevation differences and joining the spaces would necessitate the creation of a large ADA accessible ramp for accessibility between the two spaces for patrons; and,

Whereas, according to the applicant, this location could be operated as a separate entity from the location at 13 East 12th Street next door because it is a separate independent license and owned under a separate entity and potentially in the future could transfer ownership independent of the 13 East 12th Street location; and,

Whereas, this application was presented as an “annex” establishment of The Strip House next door at 13 East 12th Street, which has been in business for over 10 years; this location would not have a kitchen in the premise, but would utilize the kitchen of the adjacent restaurant at 13 East 12th Street and access to the kitchen would be through an existing interior door that would be utilized only by staff; and,

Whereas, this location, while not applying for a license as a restaurant because the location has no kitchen, was presented with a consistent method of operation as the adjoining location, as an establishment serving a full menu, prepared in a full service kitchen supervised by a chef, serving the full/comparable menu available at the adjacent restaurant, The Strip House at 13 East 12th street, but would also include signature dishes for this location that would be available at a lower price point; and,

Whereas, this applicant currently holds 19 Liquor Licenses in New York City, 6 of which are within the confines of CB#2, Man. and has been a principal in the hospitality industry for over 25 years, and according to the applicant none have ever received an SLA violation; and,

Whereas, this applicant submitted letters by both the New York Police Department’s 6th Precinct and Speaker Christine Quinn of the Council of the City of New York offices; and,

Whereas, the applicant stated for the record that he did not request that anyone come and speak in favor of his application and no one appeared in favor of the application as originally presented; and,

Whereas, there was much opposition from the community with 24 letters or emails submitted, a petition with 243 signatures against and 13 people who attended the hearing and spoke against this application; and,

Whereas, the opposition was focused primarily on (1) the issues of hours of operation until 4:00 am, which was presented originally by the applicant, (2) in regards to a new location that has never been licensed before by the SLA, (3) the large number of existing licenses in the area, a list was presented indicating 29 licensed premises within 500 ft, (4) the largely disproportionate burden that this community has to bear for licensed establishments, this zip code 10003 has the most SLA licenses in all of Manhattan with a current total of 474 licenses, (5) the existing vehicular traffic is already very heavy and congested at many times due to the number of establishments on this block, double parking and the impending use by North Shore LIJ Ambulances crossing from the west side from the new stand alone Emergency Care Facility that will be opened in a portion of the old St. Vincent’s Campus is of great concern, (6) that adding to existing pedestrian traffic in the area at late hours is simply not acceptable in this largely residential community, (7) that despite the existence of a commercial overlay on the ground floors of this block, this is a side street, not a commercial thoroughfare or avenue and is largely residential, and (8) the hours of operation until 4:00 am for a Bar/Tavern License are simply unacceptable in this location for the aforementioned reasons; and,

Whereas, members of the community who spoke in opposition very clearly stated that their opposition was not to the operator, who was identified as a “good operator”, “law abiding” and “one of the best operators NY has to offer,” but to the proposed method of operation, specifically hours that extend beyond 2:00 am and the concern that the location because of this type of license, a bar/tavern license, could potentially operate without the presented food component; and because the applicant was not willing to relinquish this license if the adjacent business, Strip House at 13 East 12th Street were sold (because there would then be no Kitchen), or if this business were to be sold and no longer operate in conjunction with the kitchen at 13 East 12th Street (it would be a bar only); and,

Whereas, the applicant said he would most likely appear in the future to request an extension of hours beyond 2:00 am for this location, but regardless of the potential request which CB#2, Man. will hear as it hears all requests, CB#2, Man. concurs with the local community that it cannot see a change in the foreseeable future that would warrant support at any level for an extension of hours beyond 2:00 am for the reasons indicated; and,

Whereas, the applicant presented and agreed to the following stipulations:

- 1. Hours of operation:** Sunday through Saturday from 11: a.m. to 2:00 a.m.
- 2. Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
- 3. Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.
- 4. Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be purposely left open. If any windows are to be replaced they are to be replaced with non-operable windows.
- 5. Security:** The Operator shall cause a communicative manager to be present at the Establishment during all hours of operation.
- 6. Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
- 7. Promoters:** The Operator shall not use outside “promoters” or allow third “promoter” party events at the Establishment.
- 8. Dancing:** The Operator shall not permit dancing in the Establishment.
- 9. Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. Operator shall use same garbage collector and same procedures as Strip House restaurant at 13 E. 12th Street.
- 10. Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment.
- 11. Steering:** The Operator shall not attempt to “steer” the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
- 12. Signage:** The Operator shall not install anything above the first story. The Operator will make every reasonable attempt to install signage, which would conform to landmarks district standards and/or be similar to existing Strip House signage.
- 13. Quarterly Meetings:** Upon request, the Operator shall make available the general manager to attend quarterly meetings with representatives of the community.
- 14. Basement:** The Establishment's basement shall not be used to seat or serve patrons.

Whereas, CB#2, Man. respectfully request a 500 ft. rule hearing on this application; and,

Whereas, CB#2, Man. supports high-quality operators such as **BR Guest**, which already has 6 locations within CB#2, Man. that are open until 4:00 am in good standing, but has great concerns allowing 4:00 a.m. closings on any residential side street and even more so in locations that have not been previously licensed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** of the Full OP License for **Strip House NY Restaurant, TBD 11 East 12th St., NYC 10003** unless all the stipulations agreed to in this resolution in the 15th Whereas clause are incorporated into the “Method of Operation”; and,

THEREFORE BE IT FURTHERE RESOLVED that though CB#2, Man. supports this high quality operator in most endeavors, we do not support any increase in closing hours beyond 2:00 am in the foreseeable future at this location and would like this location to remain under one corporation and not be allowed to separate from the Strip House located next door at 13 East 12th Street.

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

2. Drinking With Good Dough, LLC, 85 Washington Plc., NYC 10011

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Full On Premise license for a , in a mixed use building on Washington Place between 6th Avenue and McDougal Street (Block # 552 and Lot # 71), for a 1,700 s.f. Tavern which has 11 tables and 22 seats and 1 bar with 23 seats and 1 side counter with 4 stools, there will be no sidewalk café and no back yard garden, music will be background only with a juke box and a maximum legal capacity of less than 75 persons; and,

Whereas, the applicant states that the hours of operation are Sunday from 12:00 p.m. to 2:00 a.m. and Monday through Thursday from 4:00 p.m. to 2:00 a.m. and Friday and Saturday from 4:00 p.m. to 4:00 a.m.; and,

Whereas, the applicant submitted a menu that the applicant stated closely resembles the food that will be served for this “bar with a full kitchen and table service” which includes appetizers, soups, salads, burgers, sandwiches and entrees as well as a separate selection of side orders; and,

Whereas, this applicant agreed to the following stipulations:

1. The Hours of Operation are Sunday from 12:00 p.m. to 2:00 a.m. and Monday through Thursday from 4:00 p.m. to 2:00 a.m. and Friday and Saturday from 4:00 p.m. to 4:00 a.m.
2. The Applicant will never exercise the option of applying for a Cabaret License with the NYC DCA that is currently an allowable use at this location on the DOB Certificate of Occupancy via “use group 12”
3. The Applicant will have the maximum occupancy on the Certificate of Occupancy reduced to less than 75 persons.
4. The Applicant will change the use group for the basement location to use group 6.

Whereas, CB#2, Man. respectfully requests a 500 ft. rule hearing on this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new On Premise license for **Drinking With Good Dough, LLC, 85 Washington Plc., NYC 10011** unless all the stipulations agreed to in this resolution in the 5th Whereas clause is incorporated into the “Method of Operation”.

Vote: Unanimous, with 40 Board members in favor.

3. Barindervir Kang or Entity to be formed, 53 Grand St. aka 331 W. Broadway, NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Full OP license, in a mixed use building on Grand Street on the corner of Grand St. and West Broadway (Block # 228 and Lot # 22), for a 1,340 s.f. café / restaurant which has a total of 19 tables and 48 seats and 1 bar with 6 seats, there will be no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Thursday from 7:00 a.m. to 1:00 a.m. and Friday and Saturday from 7:00 a.m. to 3:00 a.m.; and,

Whereas, CB2 would like to make reference to the fact that the SLA application refers to the Chef being on the premises from 11:00 a.m. to 12:00 p.m., but CB2 would like to point out that on our application the hours of operation are clearly from 11:00 a.m. to 10:00 p.m.; and,

Whereas, the applicant presented 8 letters in support (one of which is from the SoHo Alliance) and a petition with over 120 signatures in support of this application; and

Whereas, the applicant has agreed to the following stipulations:

1. Hours of Operation will be Sunday through Thursday from 7:00 a.m. to 1:00 a.m. and Friday and Saturday from 7:00 a.m. to 3:00 a.m.
2. Franchise must follow the corporate model and not become a lounge only.
3. The applicant must keep the Grand Street door closed and not be used as a main entrance.
4. There will be no live bands or D.J.'s or D.J. events, all music will be background only.
5. All doors and windows will be closed by 10:00 p.m.

Whereas, CB#2, Man. respectfully requests a 500 ft. rule hearing on this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Full OP license for **Barindervir Kang or Entity to be formed, 53 Grand St. aka 331 W. Broadway, NYC 10013 unless** all the stipulations agreed to in this resolution in the 6th Whereas clause is incorporated into the “Method of Operation”.

THE ABOVE RESOLUTION WAS TABLED AND THE APPLICANT SENT BACK TO THE SLA LICENSING COMMITTEE.

4. High Heat Bleecker LLC, d/b/a High Heat Oven Grill Tap, 154 Bleecker St./184 Thompson St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license, in a mixed use building on Bleecker Street between Thompson St and LaGuardia Place (Block # 525 and Lot # 1601), for a 1,600 s.f. restaurant which has 10 tables and 30 seats and 1 bar with 4 seats, there will be no sidewalk café and no back yard garden, music will be background only, and a maximum legal capacity of 68 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Thursday from 11:00 a.m. to 11:00 p.m. and Friday and Saturday from 11:00 a.m. to 12:00 a.m.; and,

Whereas, this location has never been licensed before but the Bleecker Area Merchants' & Residents' Association (BAMRA) has established an agreed set of stipulations; and,

Whereas, CB#2, Man. supports the following stipulations:

1. The restaurant will close by 12:00 midnight on Friday and Saturday nights and by 11:00 p.m. all other nights.
2. Exterior doors and windows will be closed by 10:00 p.m.
3. No music will be played while any exterior windows or doors are open.
4. No promoters will be used.
5. Signage will be appropriate, not neon or animated.
6. No Pizza will be sold "by the slice"

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Full OP license for **High Heat Bleecker LLC, d/b/a High Heat Oven Grill Tap, 154 Bleecker St./184 Thompson St., NYC 10012** unless all the stipulations agreed to in this resolution in the 5th Whereas clause is incorporated into the "Method of Operation".

Vote: Unanimous, with 40 Board members in favor.

5. Meta Company, LLC d/b/a Hung Ry America, 55 Bond St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade from a Beer and Wine license to a Full OP, in a mixed use building on Bond Street between Lafayette and Bowery (Block # 529 and Lot # 35,36), for a 1,680 s.f. restaurant which has 12 tables and 39 seats and 1 bar with 8 seats, there is no sidewalk café and no back yard garden, music will be background only, and a maximum legal capacity of 75 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Saturday from 12:00 p.m. to 11:00 p.m.; and,

Whereas, CB#2, Man. originally recommended denial of the original Beer and Wine application for this location for reasons including that it was a location that was never licensed before for any type of license having formerly been operated as a lumber and hardware store and was concerned that it would become another full OP in an overly saturated neighborhood; and,

Whereas, there continue to be a high density of existing licenses (35 licenses) within 500 ft of this location; and,

Whereas, the community, consisting of residents, property owners, businesses and developers continues to object to additional licenses in the area of NoHo and members appeared in June 2010 when the original beer and wine license was presented to CB#2, Man., citing quality of life concerns such as noise and traffic that already exist in this neighborhood; and,

Whereas, NoHo Manhattan met with the applicant when they originally presented their beer and wine license in June 2010 to discuss their method of operation and consider other available options within the neighborhood; and,

Whereas, the applicant after speaking with NoHo Manhattan in June 2010 still went forward and signed a lease at 55 Bond Street and continued to pursue a beer and wine license which was ultimately issued by the SLA; and

Whereas, there is still overwhelming community opposition from the Noho neighborhood with a petition presented with 125 signatures from 77 households in the immediate area and there were 5 community members who attended in opposition of the applicant; and,

Whereas, the Noho Neighborhood Association continues to oppose any more licenses including upgrades for addresses that have not previously been licensed; and,

Whereas, the applicant has filed chapter 11 which also creates concern for CB#2, Man. and feels that it would not be prudent to support the upgrade request when the corporation seems to have some distress; and,

Whereas, CB#2, Man. is concerned with the growing request for upgrades from beer and wine license to full on premise licenses and the impact this is creating on the surrounding businesses, community and the overall character of the area; and,

Whereas, CB#2, Man. respectfully request a 500 ft. rule hearing on this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** of the upgrade of a Beer and Wine to a Full OP license for **Meta Company, LLC d/b/a Hung Ry America, 55 Bond St., NYC 10012**".

Vote: Unanimous, with 40 Board members in favor.

6. Jomelo, LLC, TBD, 284 Mulberry St. South Store NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine License, in a mixed use building on Mulberry Street between Jersey and East Houston (Block # 509 and Lot # 16), for a 300 s.f. dessert bar which has 5 tables and 16 seats and no bar, there is no sidewalk café and no back yard garden, music is background only, and a maximum legal capacity of 24 persons; and,

Whereas, the applicant states that the hours of operation will be Sunday through Wednesday from 8:00 a.m. to 12:00 a.m. and Thursday through Saturday from 8:00 a.m. to 1:00 a.m.; and,

Whereas, the principal currently owns and operates the space next door at the same address which has a current restaurant wine license, Serial Number 1242687 but will not be connected to this location; and,

Whereas, this location will operate as a "small family dessert bar that will focus primarily on freshly baked churros and other small delectable Spanish desserts" in which desserts would be the primary focus; and,

Whereas, the applicant agreed to the following stipulations:

1. The hours of operation will be Sunday through Wednesday from 8:00 a.m. to 12:00 a.m. and Thursday through Saturday from 8:00 a.m. to 1:00 a.m.
2. All doors and windows will be closed by 10:00 p.m. nightly.

Whereas, this location is within 200 ft. of a Church and will never be able to upgrade to a full OP license;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Full OP license for **Jomelo, LLC, TBD, 284 Mulberry St. South Store NYC 10012** unless all the stipulations agreed to in this resolution in the 6th Whereas clause is incorporated into the “Method of Operation”.

Vote: Unanimous, with 40 Board members in favor.

7. The Best Chocolate Cake in NY, Inc., or entity to be determined, 55 Spring St., NYC 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license, in a mixed use building on Sprint Street between Lafayette/Cleveland and Mulberry Street (Block # 495 and Lot # 44), for an existing boutique dessert café which has a total of 4 tables and 10 seats and no bar, there will be no sidewalk café and no back yard garden, music will be background only and a proposed maximum legal capacity of 20 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Thursday from 9:00 a.m. to 12:00 a.m. and Friday and Saturday from 9:00 a.m. to 1:00 a.m.; and,

Whereas, this location has never been licensed before and even though this is a beer and wine request, there are still over 24 liquor licenses with 500 ft; and,

Whereas, an additional license in this specific location, particularly on this specific block, even a beer and wine license, will add to a streetscape that has deteriorated in direct relation to the number and particularly the character of the existing licensed premises and would add more burden to this very residential neighborhood;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Beer and Wine license for **The Best Chocolate Cake in NY, Inc., or entity to be determined, 55 Spring St., NYC 10012**.

Vote: Unanimous, with 40 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:

8. Scott Conant Management LLC, d/b/a SCM Culinary Suite, 598 Broadway – 9th Flr., NYC 10012

Whereas, the applicant requested to withdraw from consideration of the application to the CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license **Scott Conant Management LLC, d/b/a SCM Culinary Suite, 598 Broadway – 9th Flr., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

9. Solita SoHo Hotel, LLC, 159 Grand St. aka 157 Lafayette St., NYC 10013

Whereas, the applicant has requested a layover of the application to CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **denial** of any proposed liquor license to **Solita SoHo Hotel, LLC, 159 Grand St. aka 157 Lafayette St., NYC 10013** and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

10. Bowery Ale House, d/b/a TBD, 168 Bowery, NYC 10013

Whereas, the applicant has withdrawn from consideration of the application to CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license **Bowery Ale House, d/b/a TBD, 168 Bowery, NYC 10013** the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

11. The Bowery Kitchen, LLC, 220 Bowery, NYC 10012

Whereas, the applicant requested a layover of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license **The Bowery Kitchen, LLC, 220 Bowery, NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

12. 181 Thompson Restaurant, LLC, 181 Thompson St., NYC 10012

Whereas, the applicant requested a layover of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license **181 Thompson Restaurant, LLC, 181 Thompson St., NYC 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

13. Pop Underground, LLC d/b/a Pop Burger, 41 E.11th St., NYC 10003

Whereas, the applicant requested a layover of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license Pop Underground, LLC d/b/a Pop Burger, 41 E.11th St., NYC 10003 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

14. ALN Restaurant Inc., d/b/a Giovanna's, 128 Mulberry St., NYC (sidewalk café)

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license ALN Restaurant Inc., d/b/a Giovanna's, 128 Mulberry St., NYC (sidewalk café) the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

15. 153 Elizabeth Hotel, LLC & Blue Bell Restaurant Manager, 153 Elizabeth St. aka 40 Kenmare St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license 153 Elizabeth Hotel, LLC & Blue Bell Restaurant Manager, 153 Elizabeth St. aka 40 Kenmare St., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

16. MacDougal G Corp., 116 MacDougal St., NYC 10012

Whereas, the applicant requested to withdraw from consideration of the application for a corporate change to this CB#2, Man. SLA Licensing Committee meeting; and,

Whereas, this applicant recently appeared before CB2, Manhattan regarding a renewal application in which there were community complaints; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license MacDougal G Corp., 116 MacDougal St., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

17. B B Ho, Inc, d/b/a Tokyo Ramen, 90-92 University Pl., NYC 10003

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license B B Ho, Inc, d/b/a Tokyo Ramen, 90-92 University Pl., NYC 10003 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

18. 9 GJ Bar & Restaurant, Inc., d/b/a Acme, 9 Great Jones ST., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license 9 GJ Bar & Restaurant, Inc., d/b/a Acme, 9 Great Jones ST., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

19. EB2 Gourmet, Inc. d/b/a Turkiss 104 MacDougal St., NYC

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license EB2 Gourmet, Inc. d/b/a Turkiss 104 MacDougal St., NYC the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

20. Mile End Sandwich, LLC, 53 Bond St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license Mile End Sandwich, LLC, 53 Bond St., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

21. Café Angelique, Inc., d/b/a Café Angelique, 317 Bleecker St., NYC 10014

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license Café Angelique, Inc., d/b/a Café Angelique, 317 Bleecker St., NYC 10014 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

22. McNally Robinson Book Seller's LLC, d/b/a McNally Jackson Books, 52 Prince St., NYC 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB2 SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license McNally Robinson Book Seller's LLC, d/b/a McNally Jackson Books, 52 Prince St., NYC 10012 the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

23. Kio Restaurant LLC, d/b/a Kio, 45 Mercer St. NYC 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on Mercer St. between Grand St. and Broome St. for a one (1) story 1800 sq. ft. high-end full service Loation neighborhood restaurant focusing on local and sustainable cuisine with 33 tables and 66 seats and 1 bar with 6 seats for a total of 72 seats with a maximum legal capacity of 72 persons; and,

Whereas, this location is currently license for on premise liquor under Serial # 1235107, Spain Taste New York Corp., dba Lizarran which expires on 2/28/12; and,

Whereas, the applicant stated the hours are Sunday to Wednesday 10:00 am to 11:00 pm and Thursday to Saturday from 10:00 am to 12:00 am; there will not be a sidewalk café application and no backyard garden; music will be background only; and,

Whereas, no one appeared in opposition from the community and the local neighborhood association, the Soho Alliance, provided a letter with community input and were not in opposition and the applicant presented a petition in support with 37 signatures (the petition did not include a description of the method of operation, hours, printed names or addresses of signers); and,

Whereas, the applicant has agreed to the following stipulations, which they agree will be incorporated into their method of operation on their liquor license:

1. The applicant will limit its hours of operation by closing at 11:00 pm Sunday to Wednesday and 12:00 am Thursday to Saturday.
2. The applicant will remove the stage that the prior licensee had erected in the premise.
3. The applicant has agreed specifically that all music will be “quiet ambient music” at all times.
4. The applicant will keep the front doors and windows closed at all times, meaning the doors will never be propped open at any time.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an On Premise liquor license for **Kio Restaurant LLC, d/b/a Kio, 45 Mercer St. NYC 10013** **unless** those conditions and stipulations agreed to by the applicant relating to the 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

24. Mccbren Corp. d/b/a Triona’s, 237 Sullivan St., NYC

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant was requested to appear before the committee in regards to the renewal of the their existing on premise license, Serial # 1227779, in response to concerns raised by members of the community; and,

Whereas, the original application was heard by CB#2, Man. in May 2009 and which time the applicant requested a transfer of an existing On Premise license in a mixed use building on the corner of Sullivan and West 3rd Streets for a 1,200 s.f. bar/restaurant with 30 table seats, 1 bar with 12 seats, and a maximum legal capacity of 70 persons; and,

Whereas, in May 2009, the applicant stated there were no plans to change the previously approved operation; the applicant stated the current hours of operation are 11:00 a.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music is background only; and,

Whereas, in May 2009 the applicant submitted a floor plan which specifically included an area on the ground floor in the rear of the establishment that was designated as a kitchen, which included on the diagram individually marked a grill, stove, fridge, freezer, sinks and a prep table, and on a separate floor plan for the basement a walk in cooler; and,

Whereas, in May 2009, the applicant included along with their application a detailed food menu which was for the previous establishment Pinch Bar & Grill that they were “transferring” the license from that they stated they would not change, which included 2 Soups, 5 Appetizers, 3 Salads, 4 Burgers and Sandwiches and 3 entrees; and,

Whereas, in May 2009 CB#2 Man. recommended approval of the proposed transfer as described above, and,

Whereas, at CB2's SLA Committee meeting held on November 10th, 2011 Five (5) members of the community spoke against the renewal of the license and two (2) letters were submitted in opposition, and one (1) person spoke in support of the applicant; and,

Whereas, a letter from the Bleecker Area Merchant's and Residents' Association (BAMRA), the local community group, was submitted that describes persistent problems with the establishment from loud music the bar plays at night and noise from patrons watching sports at other hours, from employees outside smoking "in the middle of the night and having loud conversations," and from the behavior of patrons in the outdoor café area which is operated solely as a drinking area with no food served primarily during happy hour from 4:00 pm to 7:00 pm/8:00 pm despite members of the community having met with the applicant directly and obtaining their phone numbers and directly contacting the owners with requests to turn the music down on a frequent basis; and,

Whereas, a letter was submitted from a neighbor describing an ongoing situation that began when the applicant took over the existing location, in which he states that he has repeatedly requested directly to Michael Brennan and Triona McCloskey, the principals, to lower the bass volume of the their music in person, via text message and by telephone calls, he describes the applicants as "easy to deal with and personable, however the music always seems to end back up at an inescapable volume within a few weeks." The letter writer is a teacher and works on Saturday mornings and describes having to regularly sleep on Friday nights by closing his windows, turning a fan on to high for white noise, and putting earplugs in and even doing the aforementioned does not stop his ability from hearing the "upbeat, thudding" bass from the bar; and,

Whereas, five members of the community, including representatives from BAMRA, appeared not in favor of renewing the license and specifically noted in addition to the issues outlined in the written correspondence that: the applicant when they applied for the license at this location in May 2009 said they would have a restaurant component, but they have never served food, that their sidewalk café is in fact a sidewalk bar because of the lack of food service, that there was a constant noise problem from the establishment whether it be from open windows at their sidewalk café, loud patrons standing outside, loud music being played inside the establishment which is audible inside people's homes across the street and in the building despite the applicants claim that their music is "background only", that the door to the establishment is regularly held open at late hours by staff members and patrons allowing even more loud music to spill out of the establishment, mentioned that their seems to be a disconnect between what the owners of the establishment view as "background" music and what the community feels is background music and what is played by the DJ's in the establishment and the volume at which it is played and that despite numerous 311 complaints made in 2010, most residents had given up with 311 complaints because of a lack of enforcement or resolution of the ongoing issues; and,

Whereas, one (1) member of the community, a resident who lived in an adjacent building who was also the building's superintendent, appeared and stated that the applicants were extremely respectful, had always done what's asked for, that their were no recent complaints and a few issues in the past were resolved immediately; and,

Whereas, the applicants acknowledged an ongoing dialogue regarding the above issues including meeting with neighbors at the 6th Precinct Community Council Meetings and were aware of most of the issues with the exception of the service of food, which they stated was complicated as their was no longer a kitchen, but they did serve chili four days a week; and,

Whereas, the applicant was advised that CB#2, Man. would not recommend renewing their license due to the reasons outlined above, specifically for (1) operating with music that is at entertainment level and not “background” music contrary to what was stated in their original application, (2) for operating contrary to what was stated in their original application by operating without a food component, (3) for operating without a kitchen as described in their original floor plans, (4) for having nothing at all reflecting the original food menu with the exception of Chili prepared off-premises and served Thursday to Sunday (5) for not adequately handling the outdoor noise situation occurring in the sidewalk café area because the sidewalk café is exclusively used for alcohol consumption and not for food service as described; and,

Whereas, the applicant agreed to stipulate with CB#2, Man. and to incorporate into their method of operation on their liquor license with the SLA (despite CB2’s recommendation to not recommend approval for the renewal of their license) that:

1. The applicant/license holder will install a sound limiter on their sound system and maintain it with proper calibration going forward.
2. The applicant will work with a sound engineer to address the sound issues and place speakers in the establishment in a manner to reduce and eliminate bass music that is currently audible beyond their premises
3. The applicant/license holder will share their cell phone numbers with any interested members of the community for immediate access.
4. The applicant/license holder will not have a D.J. on any nights, nor would they allow anyone to bypass the sound limiter on the sound system.
5. The applicant/license holder will place a sign in the window appropriately visible to their patrons requesting them to please be courteous to their neighbors etc.
6. The applicant/license holder will going forward close all their windows and doors at 9:00 p.m. Sunday to Thursday and at 10:00 p.m. Fridays and Saturdays.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the renewal of **Mccbren Corp. d/b/a Triona’s, 237 Sullivan St., NYC** existing liquor license Serial Number 1227779 ; and,

THEREFORE BE IT FURTHER RESOLVED that with the consent and at the request of the principals of Mccbren Corp. d/b/a Triona’s, 237 Sullivan St., NYC that the stipulations outlined in the last whereas clause be incorporated into the existing method of operation with the SLA (regardless of CB#2, Man.’s recommendation); and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests that the SLA address with the applicant and find an appropriate remedy for the discrepancies noted above in the current operation specifically regarding the food component and what was submitted to both CB#2, Man. and to the SLA at the inception of license serial number 1227779 and furthermore ascertain whether the applicant has properly incorporated the outdoor café into the licensed premise on file with the SLA as this was never presented before CB#2, Man.

Vote: Unanimous, with 44 Board members in favor.

25. Highlands Restaurant NYC, LP d/b/a Highlands, 150 W. 10th St., NYC

Whereas, the applicant appeared before the committee; and,

Whereas, the applicant was requested to appear before the committee in regards to the renewal of the their existing on premise license, Serial # 1229603, in response to concerns raised by members of the community; and,

Whereas, no members of the community appeared to explain why they had requested the applicant to appear; and,

Whereas, the applicant and their attorney explained that the licensee had been in negotiations with the local block association, the Mid-West 10th St. Block Association, to formulate a list of stipulations that the licensee/applicant was willing to incorporate into their method of operation and have attached to their existing on premise license; and,

Whereas, an executed copy of the agreement with the local block association, the Mid-West 10th St. Block Association, was presented to CB#2, Man. prior to CB2's full board hearing and the applicant/licensee submitted a copy to CB#2, Man. and will forward a copy to the SLA; and,

Whereas, the applicant has agreed to the following stipulations with the Mid-West 10th St. Block Association, which they agree will be incorporated into the "method of operation" of their liquor license:

1. Hours of Operation will be Sun-Mon 5:30pm–12:00am, Tue-Thurs 5:30pm-2:00am, Fri-Sat 5:00pm-2:30am. The Operator of the Establishment agrees that every patron must be out of the Establishment within thirty minutes of the closing. Security personnel will be in place until such time as all customers have left in a quiet and orderly fashion.
2. The Operator has obtained all required certificates, permits and related documents including a revised Certificate of Occupancy.
3. During all hours of operation of the Establishment, the Operator will ensure that there will be one staff manager on duty, a floor manager, the kitchen manager/chef, and a general manager of the restaurant. There will be 10 staff members on duty on Thursdays, Fridays and Saturdays, and at least 7 staff members on duty on the remaining evenings.
4. The Operator shall have a general manager and/or a manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. The Operator shall have security personnel at the entrance to the Establishment on at least Wednesday, Thursday, Friday and Saturday evenings until the premises has been entirely vacated of customers in a quiet and orderly manner. The Operator shall be notified in writing or by email by the aforementioned community should security personnel be needed on other days of operation of the Establishment and the Operator agrees, upon request by the Block Association, that security personnel will be added immediately.
5. The Operator will hire a certified acoustical consultant within thirty (30) days to make recommendations such that HIGHLANDS will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use its best efforts to soundproof the Establishment according to said recommendations to ensure that noise does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test" to ensure that such measures are installed correctly. The Operator shall provide proof of a successful "Commissioning Test" to the Community Board and the State Liquor Authority as soon as a report is available.
6. Should the Operator of the Establishment need to install any additional commercial equipment (such as HVAC equipment, air handlers, compressors and fans, etc.) the Operator will shall also hire a certified acoustical consultant to perform a "Commissioning Test" to ensure that such equipment is installed correctly and meets or exceeds New York City noise code. The Operator shall provide proof of a successful "Commissioning Test" of any additional equipment to the Community Board and the State Liquor Authority.

7. At all times, the operator will keep the music playing at a level that can not be heard by neighbors in surrounding buildings. All staff and especially nightly management will be aware of this level and held responsible if it is not adhered to.
8. The Operator shall not permit any doors or windows of the Establishment to be open prior to the opening of the Establishment as specified in “Hours of Operation” and after 8:00PM on each day of operation. Doors and windows will be of double paned glass so as to ensure the mitigation of noise from within the Establishment.
9. The Operator shall not permit DJs, live music (including bag pipers), or outside promoters in the Establishment except by permit and with prior notification to the Block Association. Notwithstanding the foregoing, the Operator shall be permitted to have a bagpiper to play one (1) time per year, for Burns night, which music shall be limited to dinner seatings at 7 p.m. and at 9 p.m. only. Piper must play indoors and there must not be any doors or windows open.
10. The Operator shall not post signage on discounted drink promotions of any kind by the windows or doors of the Establishment or on the exterior of the Establishment or attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street. The Operator will not put A Framed sign boards, or signs of any kind on the sidewalk in front of the Establishment or on the doorstep of the Establishment. The Operator shall not install signage on or within the Establishment that will be lit by neon lighting so as to not disturb residents living across from the Establishment and residents adjacent to and across the street. The Operator agrees not to apply for a sidewalk café permit.
11. The Operator of the Establishment will work with the community and local FDNY Squad 18 firehouse to determine and address traffic congestion and noise issues that are identified.
12. With regard to deliveries, the Operator will take use best efforts to control when and how deliveries to Highlands are made. Suppliers are not permitted to park on the north side of the street, which is a ‘no parking’ and ‘no standing’ zone. Furthermore, suppliers are not permitted to park their trucks and leave refrigerators turned on as the noise is a source of frustration for the residents. The Operator will also ask delivery company to turn off engine when making a delivery.
13. The Operator shall not host third party private events. Should the Operator have private events at the Establishment, additional security personnel shall be provided at the Establishment in order to mitigate any noise and ensure crowd control.
14. The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not place refuse at the curb. The Operator shall arrange trash pick up with a nearby merchant to try to limit the noise from trucks that collect trash on the block. The operator will request that the garbage be picked up as close to 7am as possible so as not to wake the neighbors in the early hours.
15. The Operator of the Establishment and the General Manager of the Establishment will hold monthly meetings with representatives of the community during each of the next six months and quarterly thereafter to address any issues raised by the community.
16. The Operator shall notify the Community Board in the event of a change of ownership.
17. The above mentioned agreement is to be added to Brian McGrory’s SLA renewal application for an on-premise liquor license for Highlands Restaurant NYC, LP d/b/a Highlands at 150 West 10th Street.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of **Highlands Restaurant NYC, LP d/b/a Highlands, 150 W. 10th St., NYC’s** existing on premise liquor license, serial # 1229603, **unless** the stipulations outlined in the 6th “Whereas” clause above are incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

26. Café Wha, 115 MacDougal St.

Whereas, a representative for the applicant appeared before the committee; and,

Whereas, the applicant was requested to appear before the committee in regards to the renewal of the their existing on premise license, Serial # 1170873, in response to concerns raised by members of the community; and,

Whereas, a representative of the local community association, the Bleecker Area Merchants and Residents' Association, and a member of the public appeared to express concerns with the applicant/licensee's current operation; and,

Whereas, the concerns expressed were that the applicant was lining patrons up on Minetta lane, which borders this corner location, as far as 100 feet from the entrance for comedy shows six days a week, that the applicant was not supervising the exiting of patrons through the egress located on Minetta Lane after evening performances on the weekends and that the patrons were very loud and lingered in the area, and that the garbage carting service utilized by the applicant was backing up onto Minetta Lane from MacDougal St and regularly backed up over the curb and over the tree pits damaging the sidewalk and tree pits and trees and was leaving garbage slicks in the street from improper handling of refuse; and,

Whereas, the applicant's representative responded to the concerns outlined above stating that the line of patrons was from a different establishment, a local comedy club, that they were not aware of the problem caused by patrons using the egress on Minetta lane, and that they were not aware of the problems caused by their carting service; and,

Whereas, the applicant agreed to sign stipulations to be incorporated into their on premise liquor license agreeing that:

1. The applicant will place a staff member/security guard at the top the stairs of the egress to Minetta Lane to encourage patrons to be respectful of the neighbors when exiting and to encourage them to not linger on Minetta lane whenever that egress is used by patrons exiting the performance space.
2. The applicant will use their "best efforts" on an ongoing basis to address the concerns outlined above regarding damage caused by their carting service and the improper handling of the garbage by working with their carting company to resolve the above issues.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of **Café Wha, 115 MacDougal St.**'s existing on premise liquor license, serial # 1170873, **unless** the stipulations outlined in the 6th "Whereas" clause above are incorporated into the existing "Method of Operation" on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

27. Raro, Inc., 29 7th Avenue South, NYC 10014

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license for a 1,400 s.f. "full service, fine contemporary and authentic Italian cuisine with Neapolitan and other regional influences" restaurant located in a mixed use building on 7th Avenue between Bedford and Morton streets with 17 tables, 46 table seats, 1 bar with 15 seats and 8 seats at a wood-burning pizza oven for a total of 69 seats and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation for the establishment are Sunday through Wednesday from 11:00 a.m. to 1:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.; there will be a sidewalk café application that applicant will apply to be included in the licensed premise at a future date after it has been approved by the NYC DCA; there will be no backyard garden; music will be background only; and,

Whereas, the applicant has agreed to the following set of stipulations to be incorporated into their on premise liquor license:

1. The applicant has agreed to obtain all required certificates, permits and related documents, including but not limited to a new Certificate of Occupancy, if required.
2. The applicant has agreed to not permit DJs or live music.
3. The applicant has agreed to keep the kitchen open and serve food at all times.
4. The applicant has agreed to limit their hours of operation by closing at 1:00 a.m. from Sunday through Wednesday and 2:00 a.m. from Thursday through Saturday.
5. The applicant has agreed to notify the Community Board in the event of a change of ownership.
6. The applicant has agreed to operate a Family oriented restaurant.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an On Premise liquor license for **Raro, Inc., 29 7th Avenue South, NYC 10014** **unless** those conditions and stipulations agreed to by the applicant relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:

28. Franco American Restaurant Investment Group Inc. d/b/a The Tea Set, 235 W. 12th St. NYC

Whereas, at this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting and did not present a complete application package of the materials required by CB2; and,

Whereas, this application is for an alteration and upgrade to an existing beer and wine license to a full on-premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for Franco American Restaurant Investment Group Inc. d/b/a The Tea Set, 235 W. 12th St. NYC **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

29. Victor Nezu d/b/a Son Peace, Inc., 94 Greenwich Ave., NYC 10011

Whereas, prior to this months Committee meeting, the applicant *requested to withdraw* their application for consideration from CB2’s SLA Licensing Committee for the above referenced location; and,

Whereas, this application is for a new on-premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Victor Nezu d/b/a Son Peace, Inc., 94 Greenwich Ave., NYC 10011 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

30. 632 Below, LLC, 632 Hudson St. NYC 10014

Whereas, prior to this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for a new license at this location; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for 632 Below, LLC, 632 Hudson St. NYC 10014 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

31. Sbafo NYC LLC, 581 Hudson St. South Store, NYC 10014

Whereas, prior to this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for an upgrade from an existing beer and wine license to a full on premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Sbafo NYC LLC, 581 Hudson St. South Store, NYC 10014 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

32. Danny Bensusan, 22 West Little West 12th St. NYC

Whereas, the applicant *failed to appear* at this month's CB2 SLA Licensing Committee meeting after having requested to be placed on the agenda for the above referenced location and failed to request a layover of consideration of this application or request to withdraw this application from consideration prior to the meeting; and,

Whereas, this is for a new on premise liquor license in a multi floor location with rooftop dining in a previously unlicensed location; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Danny Bensusan, 22 West Little West 12th St. NYC **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

33. JEC II LLC, d/b/a One, 2-8 9th Ave. aka 1 Little W. 12th St. NYC 10014

Whereas, prior to this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for an alteration to an existing on premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for JEC II LLC, d/b/a One, 2-8 9th Ave. aka 1 Little W. 12th St. NYC 10014 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

34. Cereli, Inc. d/b/a Mole, 57 Jane St. NYC 10014

Whereas, prior to this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for an alteration to an existing on-premise liquor license to include the existing sidewalk café, which is not currently part of the licensed premise,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Cereli Inc. d/b/a Mole, 57 Jane St. NYC 10014 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

35. ITM Garden, Inc. d/b/a Revel Garden, 10-12 Little W. 12th St. NYC

Whereas, the applicant *failed to appear* at this month's CB2 SLA Licensing Committee meeting after having requested to be placed on the agenda for the above referenced location and failed to request a layover of consideration of this application or request to withdraw this application from consideration prior to the meeting; and,

Whereas, this application is for an alteration for an existing on premise license to enlarge the bar area and other interior changes; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for ITM Garden, Inc. d/b/a Revel Garden, 10-12 Little W. 12th St. NYC **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

36. Bleecker & Grove Café Inc. d/b/a Café Angelique, 317 Bleecker St. NYC 10014

Whereas, prior to this months Committee meeting, the applicant *requested a layover* of consideration of their application for the above referenced location to a future CB2 SLA Licensing Committee meeting; and,

Whereas, this application is for a beer and wine license for a previously unlicensed location; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Bleecker & Grove Café Inc. d/b/a Café Angelique, 317 Bleecker St. NYC 10014 **until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

SOCIAL SERVICES AND EDUCATION

1. Resolution calling upon the DOE to add LGBT History & Individuals to NYC Curriculum Supporting Councilmember Dromm's Resolution 758

Whereas California Governor Jerry Brown recently signed into law SB 48, which requires the inclusion of lesbian, gay, bisexual, and transgender historical figures in the history and social studies curricula taught in public schools,

Whereas New York City Councilmember Daniel Dromm has recently introduced Resolution 758 into the City Council, which would call upon the New York City Department of Education to implement a curriculum that accurately portrays the contributions of LGBT individuals to our country, and to acquire textbooks and trade books that include key moments in LGBT history, and

Whereas Resolution 758 is already co-sponsored by several other Councilmembers, including: Brewer, Dickens, James, Koppell, Koslowitz, Lander, Mendez, Palma, Van Bramer, Williams, Mark-Viverito, and Chin, and

Whereas according to the 2009 National School Climate Survey, conducted by the Gay, Lesbian, and Straight Education Network (GLSEN), 84.6% of students were verbally harassed at school, last year, because of their sexual orientation, while 40.1% of students experienced physical harassment (pushing, shoving) because of their sexual orientation, and 27.2% because of their gender expression, and

Whereas 52.9% of LGBT students reported being cyber-bullied, harassed or threatened by their peers via electronic mediums such as text-messaging, emails, instant messaging, or postings on internet sites, and

Whereas, of the respondents to the survey who were harassed or assaulted, 62.4% did not report the incident to school staff, because they believed that no action would be taken or that it would be made worse, and

Whereas 33.8% of students who did report an incident claimed that the staff did nothing in response, and

Whereas Studies have shown that teaching LGBT history in the classroom leads to fewer instances of harassment at school and can lead to a greater feeling of safety among all students, regardless of sexual orientation or gender expression, and

Whereas Public Schools have a responsibility to enlighten students about the important contributions made to our country and our culture by members of all minority groups, including LGBT Americans, and

Whereas major current events that appear in the headlines, such as: Don't Ask Don't Tell, Gay Marriage, the HIV/AIDS crisis, and Gay Liberation require that LGBT history and issues be discussed in the classroom in order to be understood, and

Whereas the development of age appropriate curriculum guidelines is an essential tool to assist teachers in how to talk about LGBT issues, history and people with their students, and

Whereas CB2 Manhattan has always been a neighborhood that has prided itself on its diversity and has thus served as a positive model of how the benefits of openness and inclusiveness can lead to a more vibrant community which can nurture more creative, progressive and socially well-adjusted children, and

THEREFORE BE IT RESOLVED that CB#2, Man. supports City Council Resolution 758, and urges our elected officials to support it and to pass it into law, and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. calls upon the Department of Education and those members who will be responsible for developing this curriculum to pay special attention to the importance of keeping the curriculum age appropriate for each of the grades served.

Vote: Unanimous, with 40 Board members in favor.

2. Resolution on Amending the Civil Rights Act

Whereas Testimony was recently presented at a public hearing of CB#2, Man., by the group Connecting Rainbows, which is a Civil Rights Organization working to secure rights for members of the Lesbian, Gay, Bisexual and Transgender (LGBT) Community, and

Whereas this testimony indicated that there is a growing social movement working toward the enactment of Federal Legislation to outlaw discrimination based on sexual orientation and gender identity, and

Whereas The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution states that, "No State shall deny to any person within its jurisdiction the equal protection of the laws", and

Whereas Lesbian, Gay, Bisexual and Transgender Americans are not treated equally as other Americans, based on their sexual orientation and gender identity, and

Whereas some experiences of inequality take the form of *de facto* discrimination, such as occurs when some groups decline the provision of accommodations, facilities, goods or services to LGBT Americans, and

Whereas other experiences of inequality take the form of *de jure* discrimination, such as occurs when Municipalities or States enact laws that allow discrimination against LGBT Americans in: the unequal application of Marriage Licenses, and Workplace Protections, among other instances, and

Whereas The Federal Government has previously enacted laws, such as The Civil Rights Act of 1964, which together with its amendments, outlaws major forms of discrimination based on categories such as Race and Sex, and

Whereas amending The Civil Rights Act, to include sexual orientation and gender identity, is a logical and effective legislative remedy for the enactment of laws that will serve to end those practices that lead to the unequal application of the law toward LGBT Americans, and

Whereas CB#2, Man., the home of Greenwich Village, has enjoyed an international reputation as a welcoming place for LGBT people, for more than a century, and

Whereas CB#2, Man. includes the site of the Stonewall Rebellion, which was the birthplace of the Gay Liberation Movement; and

Whereas CB#2, Man. takes special pride in becoming an early supporter of this movement, which is on the correct side of history, and which will certainly meet eventual success,

THEREFOR BE IT RESOLVED that CB#2, Man. urges each of our U.S. elected officials, including: U.S. Congressman Jerrold Nadler, U.S. Senator Charles Schumer, and U.S. Senator Kirsten Gillibrand to undertake steps to introduce and support an amendment to The Civil Rights Act that would extend its protections to include the categories of sexual orientation and gender identity, and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. also calls upon our local elected officials to add their voices in the support of this Federal Legislation.

Vote: Unanimous, with 40 Board members in favor

TRAFFIC AND TRANSPORTATION

1. Resolution urging the installation of stop signs and crosswalks on Bleecker St. at Mott and Elizabeth Sts. and crosswalk refurbishment at Mott, Elizabeth, and Mulberry Sts.

Whereas vehicular traffic heading east on Bleecker St. from Lafayette St. toward the Bowery travels at unusually high speeds, enabled on a street without traffic control devices; and

Whereas a significant amount of this eastbound traffic makes exceedingly fast and surging right turns onto Mott St. southbound; and

Whereas these excessive speeds and turning movements seriously endanger crossing pedestrians; and

Whereas the pedestrian population and pedestrian traffic in this area have increased dramatically, as a result of numerous new residential and commercial uses; and

Whereas Planned Parenthood is on the southwest corner of Mott and Bleecker Sts., the location where these nonstop, fast-moving southbound turns occur, endangering an additional walking and very vulnerable population; and

Whereas the original crosswalks on Mott, Elizabeth and Mulberry Sts. just south of Bleecker St. are so worn down, they are barely visible, presenting a further hazard to crossing pedestrians;

THEREFORE BE IT RESOLVED that CB#2, Man. urges that two stop signs be installed on Bleecker St., one right before Mott St. and one right before Elizabeth Street, and that crosswalks be installed on Bleecker St. at Mott and Elizabeth Sts.; and

BE IT FURTHER RESOLVED that CB#2, Man. urges that the crosswalks on Mott, Elizabeth and Mulberry Sts. just south of Bleecker St. be refurbished as soon as possible.

Vote: Unanimous with 40 Board members in favor.

2. Resolution in support of upgrading the existing Hudson St. bike lane to a parking-protected bike path, from Canal St. northbound to Bank St. and W. 14th St. southbound to the Hudson St. connection with Bleecker St.

Whereas an illustrated presentation was made to the Traffic and Transportation Committee of CB#2, Man. by community members requesting an upgrade of the existing buffered bike lane on Hudson St. to a parking-protected bike path; and

Whereas this request is for the section of Hudson St. running northbound from Canal St. to the beginning of the existing protected bike path at Bank St. (i.e., where the 8th Ave. protected lane begins) and the section of Hudson St. running southbound from W. 14th St. (i.e., from the 9th Ave. protected lane) to its connection with Bleecker St.; and

Whereas numerous attendees commented on the degraded state of the current roadway markings and on significant trouble with vehicles parked illegally in the existing buffered lane, forcing riders to swerve into the path of moving traffic; and

Whereas the proposal contained the following elements:

- A curbside bike lane insulated from the moving traffic lanes by a “floating” parking lane, created by swapping the existing bike lane and buffer zone with the curbside parking lane, leaving the two existing travel lanes unchanged.
- “Mixing zones,” which are common on more-recent protected lane installations, that reduce waiting time for drivers and cyclists and require less infrastructure, at each of the 10 intersections where Hudson St. traffic making turns onto cross streets would also cross the bike lane (i.e., left turns from Hudson St.).
- Pedestrian refuge islands in crosswalks, effectively shortening crossing distances for pedestrians and enhancing their safety while offering opportunities for greening through tree plantings and neighborhood gardening projects.
- Channelization of southbound traffic into a single lane on the straightaway above W. 12th St., replacing the current situation where vehicles aggressively jockey for position in the S-turn from Hudson St. onto Bleecker St. in a pedestrian-dense environment alongside a playground; and

Whereas statistics were cited indicating significant safety benefits of similar street transformations, such as 8th and 9th Avenues, where injury reports dropped by double-digit percentages for car-car, car-pedestrian and car-cyclist crashes while overall the number of cyclists tripled; and

Whereas this project would create northbound and southbound connecting protected bike lane corridors on 8th and 9th Aves., reaching from Greenwich Village to 59th St. once NYC Department of Transportation (DOT) projects are completed in 2012; and

Whereas an overwhelming majority of comments from the community regarding this proposal were supportive, citing the safer cycling environment, particularly for families and casual cyclists, the advantages to seniors and mobility-impaired pedestrians in crossing streets, and general traffic-calming safety benefits; and

Whereas high occupancy rates of metered parking zones were noted, as well as the need for commercial delivery and livery vehicles to conduct their business without inappropriately blocking travel lanes; and

Whereas the small volume of vehicles turning onto Jane St. at the intersection of the existing protected bike path on 8th Ave. (extending north from Hudson St.) makes a mixing zone treatment more appropriate than the current fully-signalized intersection, but DOT had not yet explored using a mixing zone when they installed the lane, one of the city's first-ever parking-protected bike lanes; and

Whereas there are two elementary schools on Hudson St. between Barrow and Christopher Streets that are attended by approximately 1400 children; and

Whereas those schools pose potential concerns for pedestrian safety during the time of arrival and dismissal;

THEREFORE BE IT RESOLVED that CB#2, Man. fully supports upgrading the existing Hudson St. bike lane to a parking-protected bike path, from Canal St. northbound to Bank St. and from W. 14th St. southbound to where Hudson St. connects with Bleecker St. and requests that DOT study this upgrade, including the design features listed above in the fourth "whereas" statement and return to CB#2, Man. to present the results of this study; and

BE IT FURTHER RESOLVED that CB#2, Man. requests that DOT consider changes to the existing parking rules (e.g., instituting morning-hours parking restrictions to accommodate deliveries) or the implementation of programs such as ParkSmart and commercial muni-meters to ensure that to the extent possible, curb space is available to serve the needs of this commercial corridor; and

BE IT FURTHER RESOLVED consideration regarding traffic and pedestrian patterns around the two elementary schools be carefully studied prior to the installation of this new bike lane; and

BE IT FURTHER RESOLVED that CB#2, Man. further requests that DOT study converting the existing fully-signalized intersection at Jane St. and 8th Ave. (extending north from Hudson St.) to a more-suitable mixing zone treatment, reducing waiting times for drivers, cyclists and pedestrians and report on its findings to CB2.

Vote: Unanimous, with 40 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan