

## FULL BOARD MINUTES

**DATE:** February 20, 2003  
**TIME:** 6:30 P.M.  
**PLACE:** Manhattan Developmental Center  
75 Morton St., 1<sup>st</sup> Floor

**BOARD MEMBERS PRESENT:** Ann Arlen, Steve Ashkinazy, Tobi Bergman, Helene Burgess, Keith Crandell, Doris Diether, Harriet Fields, Elizabeth Gilmore, Edward Gold, Lawrence Goldberg, Arnold L. Goren, Jo Hamilton, Anne Hearn, Brad Hoylman, Lisa La Frieda, Aubrey Lees, Chair, Community Board #2, Manhattan (CB#2, Man.) Edward Ma, Don MacPherson, Rosemary McGrath, T. Marc Newell, Judy Paul, David Reck, Carol Reichman, Mark Rosenwasser, Rocio Sanz, Arthur Z. Schwartz, Shirley Secunda, Melissa Sklarz, James Smith, Shirley H. Smith, Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Kazel (Wilcke), Betty Williams, Carol Yankay.

**BOARD MEMBERS EXCUSED:** Anthony Dapolito, Honi Klein, Don Lee, Robert Rinaolo, Ruth Sherlip, Stephanie Thayer

**BOARD MEMBERS ABSENT:** Noam Dworman, Hyun Lee, Doris Nash, Ann Robinson,

**BOARD STAFF PRESENT:** Arthur Strickler, District Manager

**GUESTS:** Daryl Cochrane, Congressman Jerrold Nadler's office; Bronley Luhrs, Senator Tom Duane's office; Yvonne Morrow, Assembly Speaker Sheldon Silver's office; Gary Parker, Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Andree Tenemas, Council Member Margarita Lopez' office; Carin Mirowtiz, Council Member Christne Quinn's office; Tom Richardson, Jessica Berk, Jose Caraballo, Lawrence Kapture, Ellen Peterson-Lewis, Andrew Berman, Louise Symonds, Faye Armon, Elliot Fox, Cynthia E. Smith, Bob Barkan, Luis E. Reyes, Gary Tarnoff, Susan Goren, P.O. Hoi Ming So, P.O. James Rudolph, Edwin Simon, Carla Jackson, Karen Kramer, Michael Haberman, Zella Jones, Jonathan Geballe.

### MEETING SUMMARY

Meeting Date – February 20, 2003

Board Members Present – 37

Board Members Excused– 6

Board Members Absent - 4

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Bellevue Hospital Health Fair

Wilbur Weder and Keith Crandell informed everyone about the upcoming event.

#### NYPD Transit District 2

Police Officers James Rudolph and Hoi Ming So, of NYPD Transit District 2, introduced themselves, and stated their boundaries: 34<sup>th</sup> St. to South Ferry, Broadway to Hudson St.

#### Campaign Finance Program

Tom Richardson, of the NYC Campaign Finance Board spoke.

#### War on Iraq

Edwin Simon spoke against the upcoming war.

#### YMCA

Carla Jacki gave an update.

#### NoHo Landmarking

Zella Jones spoke regarding this topic.

#### Various Items

Andrew Berman, of GVSP, spoke re: Gansevoort Market, community facilities, etc.

### **Arts Items**

#### Ballad of Greenwich Village

Karen Kramer spoke regarding a film documentary she is working on.

### **Institutions, Parks & Traffic Items**

#### NYU Commencement

Mike Haberman, Director Community Relations for NYU, spoke re: the town hall and the commencement ceremony.

### **Parks, Recreation and Open Space**

#### Dog Run in Washington Square Park

Louise Symonds spoke in favor of the proposed dog run.

#### Bedford Triangle

Jonathan Geballe spoke in favor of the proposal.

### **Traffic and Transportation Items**

#### Cherry Lane St. Renaming

Elliot Fox and Faye Armon, of the Cherry Lane Theatre, spoke in favor of the street renaming.

### **Waterfront Items**

#### Pier 40

Gary Parker, of Assembly Member Deborah Glick's office, spoke in favor of Pier 40.

### **Zoning and Housing Items**

#### 610 Broadway

Gary Tarnoff, representing the applicant, spoke in favor of the proposal.

Daryl Cochrane, of Congressman Jerrold Nadler's office spoke.

## **III. Adoption of Agenda**

#### **IV. Elected Officials Present and Reporting**

Daryl Cochrane, of Congressman Jerrold Nadler's office

Bronley Luhrs, Senator Tom Duane's office

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office

Gary Parker, of Assembly Member Deborah Glick's office

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

Andree Tenemas, Council Member Margarita Lopez' office,

Carin Mirowitz, of Council Member Christine Quinn's office

#### **V. ADOPTION OF MINUTES**

Adoption and Distribution of January minutes.

#### **VI. EXECUTIVE SESSION**

1. **Chair's Report** Aubrey Lees reported

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

#### **3. Revision of River Green Proposal for Pier 40**

**WHEREAS** the Pier 40 Working Group is a group representing local elected officials, Community Boards 1 and 2, the Hudson River Park Trust Advisory Council, the Friends of Hudson River Park, and the Federation to Preserve the Hudson River Waterfront, and also includes a representative from groups favoring use of Pier 40 for youth sports fields; and

**WHEREAS**, the Working Group has been engaged in a continuing process evaluating the responses to the RFEI for Pier 40; and

**WHEREAS**, the River Green proposal for Pier 40 has been revised due to the loss of Fed Ex as a potential tenant and in response to requests from the community to include more ball fields; and

**WHEREAS** the River Green proposal provides a good mix of active and passive park uses that will be of great benefit to the community; and

**WHEREAS** the River Green proposal is viable and at the same time is not characterized by over development that will cause congestion in the park and on neighboring streets; and

**WHEREAS** the River Green proposal may include one, but no more than one, retail user of 120,000 square feet; and

**WHEREAS** CB#2, Man. has opposed "big box" retail use at Pier 40 but this was in response to a proposal for three box stores totaling 450,000 square feet; and

**WHEREAS** CB#2, Man. still prefers no box stores but believes that one large scale retail facility designed and developed with sensitivity to park and community needs and in consultation with the community, along with a combination of other uses that are less intensive and is a reasonable trade off for a park plan that offers important amenities to the whole community and the whole Hudson River Park; and

**WHEREAS** the River Green development team has demonstrated sensitivity to the needs and issues important to our community and to advocates for the Hudson River Park and a willingness to work closely with individuals and groups in the community; and

**WHEREAS** the River Green development team has indicated that it is researching alternatives to large scale retail uses and designs; and

**WHEREAS** the Working Group's endorsement stipulates (a) that the square footage allocated to retail, restaurant, attractions, and amusements uses in River Green's current proposal should be the maximum square footage allotted for such uses in the River Green development, and (b) that the terms of any lease agreement between the Trust and the River Green explicitly include such a limitation on the size and scope of these uses; and

**WHEREAS** the Pier 40 Working Group has unanimously endorsed the C&K Properties/Durst Organization and its River Green proposal for Pier 40; and

**WHEREAS**, River Green is the only proposal capable of winning broad based community support,

**THEREFORE IT IS RESOLVED** that CB#2, Man. supports the Working Group endorsement of C&K Properties/Durst Organization and its River Green proposal and does not oppose a plan that could include one and only one large scale retail, the nature and configuration of which can be further shaped and refined working closely with the community.

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon the Hudson River Park Trust to choose C & K Properties/Durst Organization as the developer of Pier 40.

Vote: Passed to be tabled. Sent back to Committee.

#### **4. Proposal for Oceanarium at Pier 40**

**WHEREAS**, an aquarium is the feature element of the Oceanarium proposal submitted in response to the Request for Expressions of Interest (RFEI) relating to Pier 40; and

**WHEREAS**, this proposal includes a 200,000 square foot for-profit aquarium that would draw as many as 3 million (or more) people to Pier 40 each year; and

**WHEREAS**, this proposal also includes an additional 272,000 square feet of retail but does not specify the nature of this retail and relegates this important area to "future study"; and

**WHEREAS**, this proposal also includes 148,000 square feet of office space which is not a legal use under the Hudson River Park Act (the Act) or applicable zoning laws; and

**WHEREAS**, this proposal also includes two large theaters (replacing a previous proposal for a 14-cinema entertainment complex.), but there has been no study to determine whether there is demand for a new large theater space in this area; and

**WHEREAS**, the proposal includes automated parking for up to 2,800 cars, but only 1000 spaces to be reserved for long term parking thereby displacing half the residents who park there currently and violating the Act which requires that parking at Pier 40 be "predominantly" long term parking; and

**WHEREAS**, the small sizes of the proposed spaces for both passive and active park uses do not meet the recreational needs of the community; and

**WHEREAS**, the sports facilities proposed would be a for-profit commercial use; and

**WHEREAS**, the small sized proposed fields do not meet the priority needs identified by community sports leagues and nearby schools; and

**WHEREAS**, the project identifies the courtyard space as public open space for recreation, it is configured in such a way as to render it more a component of the commercial spaces surrounding it; and

**WHEREAS**, if the proposed fields and courtyard space are not counted as public open space because of their commercial character, the project does not meet the Act's requirement that 50 percent of the footprint of Pier 40 be park.

**WHEREAS**, the heavy vehicle traffic implications of these combined uses are far greater than those anticipated in the Hudson River Park EIS and are likely to exceed the capacity of the Houston Street intersection which is already congested and dangerous; and

**WHEREAS**, the vehicle and pedestrian traffic implications are especially onerous because periods for the aquarium and the retail uses would coincide with and interfere with Peak uses of the park; and

**WHEREAS**, the nearest subway station is a small local stop located more than a 1/4-mile from the site and in general Pier 40 is not adequately served by public transportation for major attractions such as the aquarium and two large theaters; and

**WHEREAS**, the Wildlife Conservation Society, the New York Aquarium, the Brooklyn Borough President and the Brooklyn delegation of the City Council oppose placing the Oceanarium on Pier 40 because it would almost certainly harm and possibly doom the New York Aquarium, an important and struggling public institution which is an important component of the revitalization of Coney Island; and

**WHEREAS**, the proposal would require major variances of the zoning that applies to the site for proposed uses and proposed structures; and

**WHEREAS**, this proposal violates the spirit, if not the letter, of the Hudson River Park Act because the scale of the development makes it incompatible with the park;

**THEREFORE BE IT RESOLVED** that CB#2, Man. opposes the Oceanarium proposal for Pier 40 as unsuitable for the site, counter to the needs and best interests of our community and the waterfront park, and not in keeping with the Hudson River Park Act.

Vote: Passed, with 34 Board members in favor, and 4 in abstention.

## **5. Opposition to Preemptive Strike against Iraq**

**WHEREAS**, cities and communities large and small all over America have passed resolutions supporting peace and opposing the Bush Administration's proposal for a preemptive strike against Iraq; and

**WHEREAS**, these communities include such diverse communities as Chicago (by a council vote of 46-1), Topanga CA; Nederland CO; Philadelphia, Multnomas County (Portland), OR; San Luis Obispo, CA; Blaine County, ID; Madison WI; Berkeley, CA; Detroit; Cleveland; Woodstock, NY; and many more; and

**WHEREAS**, CB#2, Man. believes that it is high time that City Council members of America's largest city joined with the councils of communities across the nation in opposition to the Bush Administration's plans for preemptive strike on Iraq; and

**WHEREAS**, tens of thousands of our citizens from all boroughs, all economic groups, all faiths, all ethnic and racial groups joined together in a massive march and demonstration on February 15 in support of peaceful resolution of the Iraq issue;

**THEREFORE BE IT RESOLVED** that CB#2, Man. urges the City Council of the City follow the lead of our sisters communities small in opposing the preemptive war plans of our Federal Government.

Vote: Passed, with 31 Board members in favor, 6 in opposition and 1 abstention.

## **6. Request by CB#17, Bklyn. For Amendment to Intro. No.317-A**

**SEE EXHIBIT I.**

Vote: Tabled, with 19 Board members in favor of tabling.

## **7. Freedom to March**

**WHEREAS**, marching is historically an important way people in this country have demonstrated their strongly held positions on important issues and is a constitutionally protected expression and

**WHEREAS**, a peaceful march against war in Iraq was planned for February 15, 2003; and

**WHEREAS**, many thousands of New Yorkers sought to march; and

**WHEREAS**, many thousands more traveled hundreds of miles to come to New York to march; and

**WHEREAS**, the groups organizing this march made due efforts to obtain permits for this march; and

**WHEREAS**, the NYPD refused to grant a permit to march but allowed a permit only for a rally at Dag Hammarshjold Plaza with overflow areas in 3pens-2 along Third Avenue; and

**WHEREAS**, in so doing NYPD influenced not only the place and time of the demonstration but also its form and content; and

**WHEREAS**, the NYPD sought unconvincingly to justify this action because of terrorist threats coinciding with the period of the march;

**THEREFORE BE IT RESOLVED** that CB#2, Man. does not agree with the decision to deny this permit and urges the NYPD to reevaluate its policies so that its operational priorities do not in the future deny people the right to speak.

Vote: Unanimous, with 38 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **BUSINESS**

#### **1. M & R Mediterranean Corp., d/b/a La Fibule, 222 Thompson St., NYC 10012**

**WHEREAS**, the applicant's representative appeared before the committee; and

**WHEREAS**, this application is for an On Premise license for a 75 seat restaurant and lounge at this location; and

**WHEREAS**, the applicant stated that this would be a Moroccan restaurant with hours of operation being 5 PM to Midnight seven days; and

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

**WHEREAS**, the applicant stated that he intends to operate a lounge in the basement of this location and the committee calls on the SLA to investigate the legality of this type of occupancy; and

**WHEREAS**, the previous tenant had some problems legalizing the use of a the portion of the interior premises that extends into the rear yard and the committee is uncertain as to the outcome of this issue; and

**WHEREAS**, no one from the public spoke in opposition to this application;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to M & R Mediterranean Corp., d/b/a La Fibule, 222 Thompson Street, NYC 10012 provided that the issues raised in **WHEREAS**, numbers 5 & 6 have been resolved.

Vote: Unanimous, with 38 Board members in favor.

#### **2. 24 Minetta Group, Inc., 24 Minetta Lane, NYC 10012**

**WHEREAS**, the applicant appeared before the committee; and

**WHEREAS**, this application is for a new On Premise license in the space formerly occupied by La Boheme; and

**WHEREAS**, the applicant stated that the hours of operation would be from 5PM to 11 or 12 PM seven days; and

**WHEREAS**, the restaurant will be operated in a similar manner to the former tenant, La Boheme; and

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

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for 24 Minetta Group, Inc., 24 Minetta Lane, NYC

Vote: Unanimous, with 38 Board members in favor.

#### **3. Bridge No Tunnel, Inc., d/b/a 46 Grand, 46 Grand Street, NYC 10012**

**WHEREAS**, the applicant appeared before the committee; and

**WHEREAS**, this application is for a transfer of the On Premise license at this location, currently 46 Grand and formerly Denial; and

**WHEREAS**, the applicant stated that this will be a 74 seat bar/lounge without food; and

**WHEREAS**, the hours of operation will be from 5 PM to 3 AM weekdays and 4 AM weekends; and

**WHEREAS**, the applicant stated that music would be background sometimes and DJ on weekends; and

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

**WHEREAS**, the applicant is aware of the outrageous noise and the disorderliness that the prior usage ("Denial") visited upon the neighborhood and he is committed to avoiding the carelessness and mistakes of his predecessor and to conducting his business with the quality of life of his neighbors as a priority, in particular their right to live without assaultive noise from his establishment;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license to Bridge No Tunnel, Inc., d/b/a 46 Grand, 46 Grand Street, NYC 10012

**4. Zola Inc., d/b/a Zola, 50 Carmine Street, NYC 10014**

**WHEREAS**, the applicant's attorney appeared before the committee; and

**WHEREAS**, this application is for an upscale Italian restaurant with 50 seats in the space formerly occupied by Cent' Anni; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to Midnight; and

**WHEREAS**, there are fifteen apartments directly above this location and the applicant agreed to withdraw the rear yard portion of the application as a compromise; and

**WHEREAS**, the applicant operates two similar locations uptown; and

**WHEREAS**, no one from the public spoke against this application;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for Zola Inc., d/b/a Zola, 50 Carmine Street, NYC 10014

Vote: Unanimous, with 38 Board members in favor.

**5. Rama LLC, d/b/a Rama, 57 Great Jones Street, NYC 10012**

**WHEREAS**, the applicants appeared before the committee; and

**WHEREAS**, this application is a new On Premise license for a location that has never been licensed before; and

**WHEREAS**, the applicants stated that this will be a 130 person capacity New Asian restaurant; and

**WHEREAS**, the applicants presented the committee with an impressive business plan that demonstrated the serious food background of the partners; and

**WHEREAS**, the applicant stated that the hours of operation will be from Noon to 2 AM weekdays and until 4 AM weekends; and

**WHEREAS**, the applicants stated that music will be background only; and

**WHEREAS**, no one from the public spoke against this application;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. has no objection to the issuance of an On Premise license for Rama LLC, d/b/a Rama, 57 Great Jones Street, NYC 10012

Vote: Unanimous, with 38 Board members in favor.

## ENVIRONMENT

### **1. Missing Waste Baskets**

**WHEREAS**, the Environment Committee has heard from members of the public and its members that public waste baskets are missing on numerous street corners in CB#2, Man., resulting in trash being strewn on the ground and posing obvious public health risks and resulting in a diminished quality of life for residents; and

**WHEREAS**, the need for public waste baskets is acute in Community Board 2 as trash is generated by new businesses flourishing in neighborhoods that were once exclusively residential or industrial (e.g., the Gansevoort Market area, SoHo, the South Village, and along Houston Street); and

**WHEREAS**, CB#2, Man. is extremely concerned with the report of a community affairs liaison for the New York City Department of Sanitation ("DOS"), who stated at a recent meeting of the Environment Committee that due to budget restraints and personnel decisions at DOS, the problem of missing public waste baskets may grow worse.

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly urges DOS to recognize the growth of high-traffic areas in Community Board 2 and replace missing public waste baskets without delay and on a continual basis.

Vote: Unanimous, with 38 Board members in favor

### **2. The Practical Effects of 'Operation Dumpster'**

**WHEREAS**, the Environment Committee of Community Board 2 Manhattan (the "Environment Committee") has examined the practical effects of the new rules promulgated by the New York City Department of Sanitation ("DOS") that require merchants to place their garbage at the curb an hour before closing or within two hours of a scheduled daytime pickup and prohibit dumpsters on sidewalks in which to store such garbage (i.e., "Operation Dumpster"); and

**WHEREAS**, the Environment Committee has heard from restaurant owners in CB#2, Man. who find Operation Dumpster onerous and inequitable because (a) they do not have the space in their buildings in which to store solid waste, (b) even if they had such space, the restaurant owners would likely be in violation of New York City's health code, creating an unfair "catch-22" situation, and (c) the restaurant owners have received costly summons as a result of their non-compliance with Operation Dumpster; and

**WHEREAS**, such restaurant owners also complain that Operation Dumpster appears to be enforced unevenly by the DOS; and

**WHEREAS**, such restaurant owners have sought, but not yet received advice from DOS on how to comply with Operation Dumpster.

**THEREFORE, BE IT RESOLVED** that CB#2, Man. strongly endorses the aim of keeping city sidewalks clean and safe for pedestrians, but recognizes (a) the importance of the restaurant industry to the local economy and (b) that a "one-size-fits-all" approach towards the disposal of solid waste from restaurants is impractical; and

**BE IT FURTHER RESOLVED** that CB#2, Man. (a) urges DOS to work with the above-referenced restaurant owners to find ways in which they can comply with Operation Dumpster and (b) recommends the creation of a special working group consisting of local residents, restaurant owners and DOS officials in which to achieve this important goal.

Vote: Passed, with 32 Board members in favor and 6 in opposition.

## INSTUTIONS

### **Community Facility Reform**

**WHEREAS** as early as December 2000 Community Board 2 Manhattan first raised the issue of the need for revision and reform of the community facility provisions of the NYC Zoning Resolution in a letter to then City Planning Commission Chair Joseph Rose, and

**WHEREAS** this letter originally outlined the geographic area of concern as being (but not necessarily limited to) Washington Square Park and its environs and focused on the liberal 225% premium in community facility floor area bonus allowed under these provisions that were being exploited by NYU in its building projects on the southerly side of the Park, notably the Kimmel Student Center already under construction and NYU's new Law School building next to the landmarked Judson Memorial Church, and

**WHEREAS** it was pointed out how the exploitation of this increased floor area and bulk resulting from the community facility provisions overwhelm the scale of neighborhoods throughout the City, and

**WHEREAS** CB#2, Man. realizes that every other Community Board in the City faces their own specific development problems involving community facility zoning provisions, and

**WHEREAS** the Greenwich Village Society for Historic Preservation (GVSHP) has initiated a program calling for community facility zoning reform on a city-wide basis by inviting groups from the 5 Boroughs to present community facility zoning abuses in their respective areas,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that each New York City Community Board evaluate its own Community Facility zoning issues and calls upon each Board to support this proposed city-wide reform, and

**BE IT FURTHER RESOLVED** that CB#2, Man. strongly endorses the GVSHP in its multi-faceted, multi-task platform in urging our elected representatives to City Council to support such reform and further calls upon these officials to authorize the Council's land use staff to meet with members of this city-wide coalition to consider remedial changes in the Zoning Resolution, and

**BE IT FURTHER RESOLVED** that CB#2, Man. calls upon the Chair of the City Planning Commission to designate Planning Department staff to participate in this vetting and review process with a view toward enacting these needed zoning reforms.

Vote: Unanimous, with 38 Board members in favor.

#### **JOINT INSTITUTIONS, PARKS, AND TRAFFIC & TRANSPORTATION**

##### **New York University-Grad Alley**

**WHEREAS** this tri-committee meeting was being held to assess the impact of NYU's commencement activities on the surrounding community, and

**WHEREAS** there was a general consensus among the public that the annual commencement ceremony in Washington Square Park was welcomed by the community but that the expanding yearly "GRAD ALLEY" was of concern, namely, the noise level of amplified sound/music, parking and vehicular access to residents of the affected streets and the prep and takedown activity particularly during the early and late hours that coincide with people's sleeping routines, and

**WHEREAS** two meetings on this "GRAD ALLEY" matter were held in 2002 between residents of Washington Place (who are most affected) and representatives of NYU and CB#2, Man. to address alleviation of the problems, and

**WHEREAS** a set of ground rules were agreed to by all parties- a copy of which is herewith attached

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends to the City Parks Department approval of the granting of a permit to NYU to hold its May 2003 commencement in Washington Square Park and

**BE IT FURTHER RESOLVED**, that CB#2, Man. will monitor the "GRAD ALLEY" festivities to assure that the agreed upon ground rules are being followed.

Vote: Passed, with 34 Board members in favor, 3 in opposition and 1 Recusal Carol Reichman

#### **LANDMARKS AND PUBLIC AESTHETICS**

Meeting was canceled due to snowstorm. Therefore, no minutes or resolutions were done.

**PARKS, RECREATION AND OPEN SPACE**

**1. Resolution Supporting A Proposal by the Parks Department for A Dog Run In Washington Square.**

**WHEREAS** a group of community residents has worked for over a year to find a small area for a dog run for small dogs; and

**WHEREAS** CB#2, Man. passed a resolution favoring of a run for small dogs in Washington Square Park; and

**WHEREAS** the Parks Department has identified an area which it considers preferable for this dog run; and

**WHEREAS** the Parks Department would include construction of this dog run as part of a project that would also remove the asphalt mounds and reopen this area of the park to the public; and

**WHEREAS** a group of owners of small dogs has agreed to raise funds for construction of a new dog run and to organize the management of the run; and

**WHEREAS** the mounds are no longer safe and have been enclosed by fences for over two years;

**THEREFORE BE IT RESOLVED** that CB#2, Man. approves this proposal, congratulates the group of dog owners who have worked hard to achieve this positive result, and expresses its appreciation to the Parks Department for its responsiveness to this group.

Vote: Unanimous, with 38 Board members in favor.

**2. Resolution supporting a plan for Bedford Triangle**

**WHEREAS** the Reconstruction of West Houston Street includes construction of a new small park at Bedford Street; and

**WHEREAS** a plan presented at the Traffic and Transportation Committee was for a viewing garden with no public access and no sitting area and

**WHEREAS** numerous community residents at that meeting and a subsequent Parks Committee meeting expressed a preference for a garden park with gated path access and benches as well as realignment of the crosswalk; and

**WHEREAS** CB#2, Man. passed a resolution requesting a new design;

**WHEREAS** a new design was presented to the Parks Committee and was well received by community residents; and

**WHEREAS** this new design is for an attractive small park with planted areas and trees, a four foot decorative gated fence, and historic light poles; and

**WHEREAS** the crosswalk has been realigned in the plan to improve pedestrian safety; and

**WHEREAS** attractive lighting will be important for the success of this park; and

**WHEREAS** community residents have expressed a commitment to volunteering to help maintain the planting areas in this new park;

**THEREFORE IT IS RESOLVED** that CB#2, Man. approves this proposal, congratulates the group of residents who took interest in this project and worked to improve it, and expresses its appreciation to the Parks Department and the Department of Design and Construction for its responsiveness to this group; and

**BE IT FURTHER RESOLVED** that CB#2, Man. requests the use of Central Park type luminaries with metal halide lamps and the inclusion of easily accessible water taps in this park.

Vote: Unanimous, with 38 Board members in favor.

## SIDEWALKS, PUBLIC FACILITIES AND ACCESS

### **1. NEW application to NYCDOT for revocable consent to construct a staircase and fenced in area at 354 Bowery, New York City, by Mirin Corp.**

**WHEREAS**, the area was posted, the architect appeared before the committee and;

**WHEREAS**, this staircase is to give safely access to the basement of this building and;

**WHEREAS**, there was no opposition from the community and;

**WHEREAS**, the chair of this committee advises the architect to level the sidewalk in front of the building before constructing a new staircase and;

**WHEREAS**, presently on this property there is a fence;

**THEREFORE BE IT RESOLVED**, that CB#2, Man. recommends APPROVAL to construct a staircase and fence by Mirin Corp., 356 Bowery, NYC.

Vote: Unanimous, with 38 Board members in favor.

### **2. RENEWAL application for revocable consent to operate an unenclosed sidewalk café by Artepasta Restaurant, 81 Greenwich Avenue, NYC, (between Bank and Eleventh Streets) with 10 tables and 20 seats. DCA# 895648.**

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

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

**WHEREAS**, there was no opposition from the community and;

**WHEREAS**, the applicant will install removal railings around the unenclosed sidewalk cafe and;

**WHEREAS**, this has been a sidewalk café since 1992 and;

**WHEREAS**, there are no complains on file at the board office.

**THEREFORE BE IT RESOLVED** that Community Board #2 Manhattan Recommends approval of a THREE YEAR revocable consent to operate an unenclosed sidewalk café by Artepasta Restaurant, 81 Greenwich Avenue, NYC, with 10 tables and 20 seats.

Vote: Unanimous, with 38 Board members in favor.

## TRAFFIC AND TRANSPORTATION

### **1. Resolution To Move The Bus Stop At The Southeast Corner Of Broadway & East Houston And To Construct A New Bus Shelter At The New Location.**

**WHEREAS**; NYC DOT has requested that CB#2, Man. review a proposed bus shelter at the south east corner of Broadway and East Houston, and;

**WHEREAS**; CB#2, Man. agrees that a bus shelter for this stop is desirable, and;

**WHEREAS**; this particular corner is heavily congested with pedestrian traffic and a new bus shelter would only add to the congestion, and;

**WHEREAS**; moving the bus stop a short distance down this block would relieve some of the congestion and would be a more appropriate location for the bus stop and shelter;

**THEREFORE BE IT RESOLVED** that CB#2, Man. requests that this bus stop be moved to the eastern end of this block at the south west corner of Crosby St. and E. Houston St. and that the new bus shelter be constructed at this new location.

Vote: Unanimous, with 38 Board members in favor.

**2. Resolution: To Add A New Additional Honorary Street Name in Honor of Cherry Lane on Commerce St. Between 7<sup>th</sup> Ave. & Barrow St. (Note That The Existing Street Signs Remain)**

**WHEREAS;** the original historic name for Commerce St. was Cherry Lane so named because of it's many cherry trees, and;

**WHEREAS;** the Cherry Lane Theatre has reached out to the community and received support for this request, and;

**WHEREAS;** The Committee was presented with a petition and letters from local community associations in support of this request.

**THEREFORE BE IT RESOLVED,** that CB#2, Man. requests a new additional honorary street name in honor of Cherry Lane on Commerce St. between 7<sup>th</sup> Ave. and Barrow St. Signage to read "Cherry Lane" (Note that the existing street signs remain)

Vote: Unanimous, with 38 Board members in favor.

**3. Request for new street cleaning regulations (SCR) on both sides of Broadway from E 8th St to Canal St.**

**WHEREAS;** CB#2, Man. has reviewed several suggestions by The Department of Sanitation Cleaning Planning Unit for new street cleaning regulations (SCR) on both sides of Broadway from E 8th St to Canal St., and;

**WHEREAS;** the current request by The Department of Sanitation Cleaning Planning Unit is very close to what CB#2, Man. has previously requested,

**THEREFORE BE IT RESOLVED;** that CB#2, Man. continues to request that parking regulations for Broadway between Houston St. and East 8<sup>th</sup> street not be changed, and;

**THEREFORE BE IT FURTHER RESOLVED;** that CB#2, Man. agrees to this proposal of The Department of Sanitation Cleaning Planning Unit and requests that new street cleaning regulations be enacted on Broadway between Houston St. and Canal St. that allow street sweeping from 7:00 am to 8:00 am except Sundays

Vote: Passed, with 37 Board members in favor and 1 abstention.

**ZONING AND HOUSING**

**1. 785 WASHINGTON ST Conversion of non-residential building to residential use in C8-4 Zoning District and Greenwich Village Historic District Application # 369-02-BZ (Board of Standards and Appeals)**

**WHEREAS,** there was no opposition to the conversion to residential use; and

**WHEREAS,** the floor plate of the building is small and problematic for its allowed uses; and

**WHEREAS,** conversion to residential has the least impact compared to other C-8 District uses;

**THEREFORE BE IT RESOLVED** that CB#2, Man. approves the conversion of 785 Washington St. to residential use.

**2. 26 ASTOR PLACE - Special Permit Application to the Board of Standard and Appeals to extend the C6-2 use regulations, which allows residential, 25 feet into the adjacent M1-5B zone, which does not allow residential, and apply the bulk regulation of the C6-2 zoning.**

**WHEREAS,** this application is controversial because Cooper Union recently received approval over our objections of a Large Scale Development Plan; and

**WHEREAS,** we asked again and again that this separate lot, which was not part of the Large Scale Development Plan but owned by Cooper Union, be included in the analysis; and

**WHEREAS,** it was not included, yet only a few months after the approval of the Large Scale Plan this application for a 22-story building is introduced; and

**WHEREAS**, Cooper Union's representatives stated only months ago that 26 Astor Place would be built as-of-right - and this application is not for as-of-right uses, and we are dismayed by the breaking of this promise; and

**WHEREAS**, the applicant applied to the Buildings Department for this use last July when the Large Scale Plan was in full throttle; and

**WHEREAS**, this information was not disclosed to the community by Cooper Union in all of the many meetings the community had with Cooper and this is an outrage and the community feels betrayed; and

**WHEREAS**, we understand that this application made to the BSA is very narrow in scope and the findings that have to be made are very slim and there is little rigor to what the applicant has to prove, which puts the community at a disadvantage; and

**WHEREAS**, the applicant, under Section 73-52, seeks to relocate the zoning line 25' from the C6-2 District into the M1-5B District in order to gain additional floor area; and

**WHEREAS**, Section 73-53 states "any portion of the zoning lot beyond such distance shall be subject to all the regulations of the district in which it is located..."; and

**WHEREAS**, the "left over" portion of this property is to be used for a ramp to the building; and

**WHEREAS**, the ramp is accessory to the residential parking garage in the residential building which is not a permitted use in the M1-5B district, therefore it does not conform to the building; and

**WHEREAS**, the proposed building has many commendable attributes, but it clearly does not fit into the surrounding landscape but is more appropriate in Midtown on 6th Avenue; and

**WHEREAS**, when NoHo was landmarked, the Landmarks Commissioner assured the community that although this lot was out of the historic district, Cooper Union promised that they would have the Landmarks Commission review the design, yet this has not occurred; and

**WHEREAS**, a building of this size and impact could well cause impairment to the essential character or future use or development of the surrounding M1-5B area; and

**WHEREAS**, the applicant is requesting a bonus for building a plaza; and

**WHEREAS**, although this is a Board of Standard and Appeals application and the plaza bonus is a later and separate application to City Planning, we find that the plaza is integral to this application and weighs upon the required finding about the impairment to the essential character to the neighborhood; and

**WHEREAS**, if the applicant cannot use the M1-5B area for an accessory ramp to the residential garage and had to locate the ramp within the C6 District, the plaza would be smaller, the plaza bonus would be smaller and the building would be smaller; and

**WHEREAS**, a requirement of the plaza is that it be a public amenity and unanimously the public commented that no one can see what the public amenity is because the plaza will be in shadow most of the time and has a sitting area that is between the garage ramp and the back door of the building which we assume is a service entrance; and

**WHEREAS**, the zoning requires that not less than 60% of the plaza be a "primary plaza"; and

**WHEREAS**, the grassy area 18 inches above ground with trees looks nice, and we support planting of trees wherever possible, but the area is not a "primary plaza" but more of a way to use space between the garage ramp and the building; and

**WHEREAS**, on the plans, the line between "primary plaza" and the "residual plaza" divides this grassy area although the actual layout does not conform to this arbitrary dividing line between primary and residual plazas; and

**WHEREAS**, one item we do appreciate is that the applicant has promised, if at all possible, to use the retail space on 4th Avenue for art-related uses, such as a gallery, and we commend the focus on art-related uses in our area;

**THEREFORE, BE IT RESOLVED** that CB#2, Man. does not approve the application for 26 Astor Place for a Special Permit to extend the C6-2 zoning 25 feet into the M1-5B zone; and

**BE IT FURTHER RESOLVED** that the garage ramp as an accessory use does not adhere with the zoning regulation on accessory uses; and

**BE IT FURTHER RESOLVED** that plaza bonuses over the last years have been scrutinized because many plazas have not achieved their purpose of being a public amenity, and we find here that the public amenity is slim and not adequate to meet the regulations; and

**BE IT FURTHER RESOLVED** that the building itself would absolutely impair the essential character of the surrounding area because the design either does not complement or work as a counterpoint to such an important location, across from Cooper Union's Foundation Building, next to the NoHo Historic District, or near to such other landmarks as the Joseph Papp Theater or the Wanamaker building; and

**BE IT FURTHER RESOLVED** that we are dismayed that the Landmarks Commissioner was not consulted on the design, as promised; and

**BE IT FINALLY RESOLVED** that we are outraged by Cooper Union's lack of honesty in denying that this application was being filed while they were in the middle of their large-scale Development Plan, turning turn deaf ears to the communities pleas to consider this site in the large-scale Development Plan, and for not developing the site as-of-right as they had promised.

Vote: Passed, with 37 Board members in favor, and 1 in opposition.

**610 Broadway Special Permit Applications to allow retail use on the first floor and the development of a large retail establishment with no limitation on floor area on the ground floor, second floor and the cellar of a proposed 7-story building. City Planning Application # C 030134 ZSM and C 030133 ZSM.**

**WHEREAS**, the current use of the site is a gas station, car wash, parking garage and the site of at least 7 billboards; and

**WHEREAS**, these billboards have been a blight - being at the edge of an historic district and this particular site was often used as an example of why the billboard legislation needed to be changed; and

**WHEREAS**, this corner has extremely heavy vehicle and pedestrian traffic and is very dangerous, and this can not be emphasized enough; and

**WHEREAS**, the proposed building is as of right for commercial uses, and these applications are only for 1st floor retail use and the large-scale retail use; and

**WHEREAS**, the community was united against the possibility of billboards on the building, particularly as this is the gateway to SoHo, is at the end of the NoHo Historic District, and is near the Special Little Italy district; and

**WHEREAS**, we are also concerned about other advertising technologies being employed, such as video screens; and

**WHEREAS**, in landmark districts the Landmarks Commission only allows signs of up to 6 sq. ft. in surface area, as opposed to the 750 sq. ft. that the applicant could erect; and

**WHEREAS**, we ask the applicant to work with the Landmarks Commission, in good faith, to only erect accessory signs for tenants that are appropriate for such a significant location and not advertising signs for third parties; and

**WHEREAS**, the design of the building is light and airy, but reflects a modern take on the elements of design in the surrounding loft buildings, which most found commendable; and

**WHEREAS**, now the pedestrian traffic dissipates throughout the gas station and we are concerned about funneling all this traffic on to the corner of Broadway and Houston; and

**WHEREAS**, we have traffic concerns because we understand the Department of Transportation is considering traffic changes in the area, particularly the closure of the median at Crosby and the City Planning Commission should consider the effects; and

**WHEREAS**, the applicant will consider art-related uses in the building, whether exhibition space or art-related tenants; and

**WHEREAS**, the unfortunate situation exists that the loft tenants in the adjoining building will lose a significant amount of lot line windows; and

**WHEREAS**, the applicant has promised to have the cooling equipment, which can be extremely noisy, placed towards the Broadway frontage and away from the adjoining building; and

**WHEREAS**, we ask the applicant to communicate with the adjoining building during the building phase and on an ongoing basis in order to mitigate problems, particularly environmental; and

**THEREFORE, BE IT RESOLVED** that CB#2, Man. only approves the Special Permits to allow 1st floor retail use and large-scale retail use at 610 Broadway if the applicant does not erect billboards of any kind or technology and will only have accessory signage for their tenants, particularly because of this prominent location between two historic districts; and

**BE IT FURTHER RESOLVED** that we are concerned that the Houston and Broadway corner sidewalk space is not large enough to accommodate the pedestrian traffic on one of the busiest corners and most dangerous corners in New York, and we ask that City Planning review carefully the pedestrian traffic flows at this site, as currently the pedestrian traffic is dispersed over the whole site and in the future it will be concentrated at this corner; and

**BE IT FURTHER RESOLVED** that we request that the applicant work with the adjoining building to mitigate problems, both during the construction phase and after; and

**BE IT FURTHER RESOLVED** that we have serious concerns about the environmental issues during the construction phase, and we request containment and suppression of fine dust particles and shrouding and wetting down among the methods to be employed, and ongoing testing of groundwater contaminants, with appropriate containment and diversion where contamination is found; and

**BE IT FURTHER RESOLVED** that we requested and the applicant has promised to consider art-related uses in the building.

Vote: Passed, with 34 Board members in favor, and 4 in opposition.

**NEW BUSINESS**

Respectfully submitted,

Martin Tessler  
Assistant Secretary  
Community Board #2, Manhattan