

FULL BOARD MINUTES

DATE: January 20, 2005
TIME: 6:30 P.M.
PLACE: Metro New York DDSO, 75 Morton St.,
Activity Center, 1st Floor

BOARD MEMBERS PRESENT: Steve Ashkinazy, Tobi Bergman, Maria P. Derr, John Diaz, Doris Diether, Elizabeth Gilmore, Lawrence Goldberg, Jo Hamilton, Arthur Harris, Anne Hearn, Brad Hoylman, Aubrey Lees, Edward Ma, Don MacPherson, Dr. John Maggio, Chad Marlow, Philip Mouquinho, T. Marc Newell, Ronald Pasquale, David Reck, Robert Riccobono, Mark Rosenwasser, Rocio Sanz, Shirley Secunda, Melissa Sklarz, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Richard Stewart, Sean Sweeney, Martin Tessler, Betty Williams, Carol Yankay.

BOARD MEMBERS EXCUSED: Helene Burgess, Keith Crandell, Don Lee, Rosemary McGrath, Judy Paul, Robert Rinaolo, Shirley H. Smith, Wilbur Weder.

BOARD MEMBERS ABSENT: Galal Chater, Harriet Fields, Edward Gold, Rick Panson, Arthur Z. Schwartz, Ruth Sherlip, Michael Xu.

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Congressman Jerrold Nadler's office; Jon Prosnit, Senator Tom Duane's office; Deborah Lester, Assembly Speaker Sheldon Silver's office; Gregory Brender; Assembly Member Deborah Glick's office; Dirk McCall, Council Member Alan Gerson's office; Council Member Margarita Lopez' office; Kate Seeley-Kirk, Council Member Christine Quinn's office; Ian Dutton, Gabrielle Strasun, Chara Ann Tappin, Peter Mullan, Ivy Brown, Michael Bloomberg, Susan Goren, Sharon Sullivan, Keen Berger, Mary Johnson, Chieh Tsai, Ray Lee, S. Yeung, N. Yeung, Leif Arntzen, Nicole Desmond, Gerald Villano, Annique Fung, Chuck Faillace, Anne Rowland, Ellen Peterson Lewis, Thomas Capotosta, Lois Rakoff, Adrienne Bernard, M. Grace, R. Dreyer, Susan MacDonnell, E. Pepin, Armida Cook, Barbara Quart.

MEETING SUMMARY

Meeting Date – January 20, 2005

Board Members Present – 31

Board Members Excused– 8

Board Members Absent - 7

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	1
SUMMARY AND INDEX	1
PUBLIC SESSION	2
ADOPTION OF AGENDA	2
ELECTED OFFICIALS' REPORTS	2
ADOPTION OF MINUTES	2
EXECUTIVE SESSION	2
STANDING COMMITTEE REPORTS	2
BUSINESS	2
LANDMARKS AND PUBLIC AESTHETICS	5
PARKS, RECREATION AND OPEN SPACE	6
PUBLIC SAFETY AND HEALTH	7
SIDEWALKS, PUBLIC FACILITIES AND ACCESS	7
TRAFFIC AND TRANSPORTATION	10
ZONING AND HOUSING	12
NEW BUSINESS	14
ROLL CALL	15

II. PUBLIC SESSION

Non-Agenda Items

Noise

Mary Johnson spoke against street noise.

Bars

Ivy Brown and Michael Bloomberg both spoke regarding large bars and traffic in the Far West Village-Gansevoort Meat Market area.

Sidewalk

Lois Rakoff spoke regarding a sinking sidewalk.

Business Items

Sphinx Night Club, Inc. 186 W. 4th St., NYC

Leif Arntzen and Sharon Sullivan spoke against the proposed liquor license application.

Institutions Items

NYU's Proposed New Life Sciences Building at 12-14-16 Waverly Pl.

Susan MacDonnell, E. Pepin, Armida Cook, Gabrielle Strasun, Barbara Quart, spoke against the proposed genome center. Chuck Faillace spoke regarding the building.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Congressman Jerrold Nadler's office

Jon Prosnit, Senator Tom Duane's office

Deborah Lester, of Assembly Speaker Sheldon Silver's office

Gregory Brender, of Assembly Member Deborah Glick's office

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

Council Member Margarita Lopez' office.

Kate Seeley-Kirk, of Council Member Christine Quinn's office

V. ADOPTION OF MINUTES

Adoption of November minutes and distribution of December minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.

STANDING COMMITTEE REPORTS

BUSINESS

1. DEACON BRODY MANAGEMENT, INC., d/b/a JEKYLL & HYDE, 91-7th Avenue South, NYC 10014

WHEREAS, the applicant and his attorney appeared before the committee; and

WHEREAS, this application is for a new On Premise license at this 4,000 s.f. (ground and second floor) establishment between Barrow and Grove Streets; and

WHEREAS, this is a new lease, new corporation with the same principal who has been operating this restaurant for 15 years, with no change in the operation; and

WHEREAS, the applicant stated that the hours of operation will continue to be Sunday to Thursday from Noon to 1 a.m. and Friday/Saturday from Noon to 4 a.m.; and

WHEREAS, the music is background only; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man., has no objection to the issuance of an On Premise license to **DEACON BRODY MANAGEMENT, INC., d/b/a JEKYLL & HYDE, 91-7th Avenue South, NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

2. MOM'S COOKING CORP., d/b/a LEAKY CAULDRON, 234 West 14th St., NYC 10011

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a new On Premise license located in the basement of a five story residential building located between 7th and 8th Avenues, consisting of 1,100 s.f., that was formerly a Mexican restaurant; and

WHEREAS, the applicant previously owned Pita Cuisine (on Spring and Lafayette) and the Soup Kiosk (on Broome and Mercer) and currently owns the Newsbar Café (on University Place) and the News Café (on LaGuardia); and

WHEREAS, the applicant stated that this restaurant will feature stews and soups, delivery and "take-out" with 60 tables seats and 8 bar seat, in a wood cabin atmosphere and the hours of operation will be 7:30 a.m. to 10 p.m. seven days a week; and

WHEREAS, the applicant stated that this establishment will not use the backyard; and,

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

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to **MOM'S COOKING CORP., d/b/a LEAKY CAULDRON, 234 West 14th St., NYC 10011.**

Vote: Unanimous, with 31 Board members in favor.

3. SARAH DOHERTY or entity to be formed, 181 West 10th St., NYC 10014

WHEREAS, the applicants appeared before the committee; and

WHEREAS, this application is for a new On Premise license for a 2,300 s.f. restaurant located on the west side of 7th Avenue South and 10th Street, (formerly Psychic Café) consisting of 90 table seats and 8-10 bar seats; and

WHEREAS, the applicants are currently employed at the Tirnanog Bar & Grill at 8th Avenue and 33rd Street; and

WHEREAS, the applicant stated that the hours of operation will be 11:30 to 3:30 p.m.; 4:30 to 11:30 p.m. and "until close" at the bar and that music would consist of a two piece live band; and

WHEREAS, the applicant stated that they would apply for use of the backyard but agreed that there would be no music and they would close this area at 10 p.m.; and

WHEREAS, the applicants agreed to be available to the community for any issues that may arise out of their operation of this establishment; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the approval of an On Premise license to **SARAH DOHERTY or entity to be formed, 181 West 10th St., NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

4. SHANGHAI CLUB REST d/b/a YUMCHA, 29 Bedford Street, NYC 10014

WHEREAS, the applicant appeared before the committee; and

WHEREAS, this application is for a new On Premise license in the ground floor commercial unit of a residential co-op building located at the corner of Bedford and Downing Streets consisting of 1,400 s.f. that was formerly Bar D'O; and

WHEREAS, the applicant stated that this will be very "high end" Chinese restaurant with 57 tables seats and 12 bar (dining/drinking) seats opposite an "open" kitchen, and the hours of operation will be Monday to Friday from 6 p.m. to 2 a.m. and Saturday/Sunday from Noon to 2 a.m.; and

WHEREAS, the applicant has met with the community, was interviewed by the landlord and has agreed, in writing, to install fixed, double pane, tempered glass exterior windows as well as a double insulated ceiling with no speakers attached; and

WHEREAS, the applicant stated that music will be "zen" theme, background; and

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

THEREFORE, BE IT RESOLVED that CB#2, Man. has no objection to the issuance of an On Premise license to **SHANGHAI CLUB REST d/b/a YUMCHA, 29 Bedford Street, NYC 10014.**

Vote: Unanimous, with 31 Board members in favor.

5. SPHINX NIGHT CLUB, INC., 184 West 4th Street, NYC 10014

WHEREAS, the applicants appeared before the committee; and,

WHEREAS, this application is for a new On-Premise license in the location formerly know as Bianchi and Marguerita and Polly Esters, between Barrow and Jones Streets, a 3,600 s.f. establishment, consisting of a 128 seat lounge with a bar, dance floor and dj booth in the basement and a 205 table seat, middle eastern restaurant with a second bar, on the ground floor; and

WHEREAS, one of the applicants stated that he was a retired police officer (who was assigned to the 6th precinct for 20 years) and is aware of the negative history of this operation; and

WHEREAS, the applicant stated that that entrees would be priced from \$5-15.00 and drinks would be priced at about \$14.00; that the operation sought a crowd from 25-40 years old; that they will apply for a cabaret license and they were looking for promoters; and

WHEREAS, the applicants responded to the issues of crowd control and noise by stating that 1) they would reduce the size of the bar in order to expand the interior waiting area to accommodate 50 patrons and 2) they consulted a sound engineer; and

WHEREAS, the applicants stated that they would **not** give up the cabaret license; and

WHEREAS, 11 members of the community, including representatives of the Central Village Block Association, appeared in opposition (and submitted a position paper) contending, among other things, that introducing 300-600 patrons, on any given night, on this very narrow residential street, would generate overwhelming sidewalk crowding with the attendant "quality of life" problems of noise, yelling, fighting and garbage accumulation that would (as it has in the past) extend into Jones and Cornelia Streets; and

WHEREAS, the configuration of this establishment and business model is that of a dance club/cabaret and is improper at this location and detrimental to the community; and

WHEREAS, the 500 foot rule hearing was scheduled and heard on January 11, 2005, the same day that the applicants appeared before the business committee and the community was not afforded an opportunity to appear;

THEREFORE, BE IT RESOLVED that CB#2, Man. does not find the granting of this license to be in the public interest and strongly objects to the issuance of an On Premise license to **SPHINX NIGHT CLUB, INC., 184 West 4th Street, NYC 10014**; and

BE IT FURTHER RESOLVED, that should a license be granted to this applicant, CB#2 Manhattan calls upon the State Liquor Authority to clearly state the reasons as to how the public interest is served by the issuance of this license.

Vote: Unanimous, with 31 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

Item 3 - 150 7th Avenue South (Perry St.) - Greenwich Village Historic District

A Classical Revival style apartment building designed by George F. Pelham and built in 1903. Application is to install a bracket sign.

WHEREAS, although bracket signs are not common in the Greenwich Village Historic District, this sign is of modest size, is in scale with the building, has a color scheme compatible with the façade, and its installation will not destroy any historic material; now

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 31 Board members in favor.

2ND LANDMARKS MEETING

Item 3 - 643 Broadway (s.w. corner Bleecker) - NoHo Historic District

A neo-Grec style store and loft building, designed by Stephen D. Hatch, and built in 1878. Application is to legalize the installation of awnings in non-compliance with Certificate of Appropriateness 04-6512.

WHEREAS, although the applicant claims that the awning is for protection from the sun and rain, in fact the awning is currently open all the time – even on dull and dry days – belying its *raison d’etre*, and, further;

WHEREAS, the applicant stated the awning now serves as an identifying element of the business establishment, thereby implying that the shade draws undue attention to itself, which would distract from the building, but;

WHEREAS, on the storefront there is currently an ugly grandfathered housing for a roll-down gate; and;

WHEREAS, if the awning were moved up, it could cover this unattractive element; now;

THEREFORE, BE IT RESOLVED, that Community Board #2, Manhattan, in principle prefers not to have the awning at all, but, would recommend that in a compromise the applicant move the awning upwards to cover the unattractive security-gate housing.

Vote: Unanimous, with 31 Board members in favor.

Item 4 - 732 Broadway (Waverley) (T-Mobile store) - NoHo Historic District

A Renaissance Revival style house built pre-1854 and altered in 1885 by H.J. Hardenburgh and in 1900 by Bruno W. Berger. Application is to install a bracket sign, lighting and a new storefront.

WHEREAS, the proposed lighting and signage, the removal of the roll-down gate and housing, the exposing of parts of now-covered pilaster, and the restoration of the cornice will add to the building and the historic district, now;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval of this application; and,

BE IT FURTHER RESOLVED, that CB#2, Man. recommends that if, during the restoration of the cornice, the original cornice is exposed, it should be restored to its original condition.

Vote: Unanimous, with 31 Board members in favor.

Item 5 - 357 West Broadway (Broome/Grand) - SoHo-Cast Iron Historic District A Federal Style brick dwelling built c.1825. Application is to legalize modifications to a storefront installed in non-compliance with Certificate of Appropriateness 98-5607.

WHEREAS the oxidized copper storefront is entirely inappropriate for a building of 1825 vintage, and distracts from the building and the historic district, and;

WHEREAS, the proposed floodlights draw undue attention to the building and more compatible lighting should be employed, now;

THEREFORE, BE IT RESOLVED that CB#2, Man. strongly recommends denial of this application to legalize this non-compliant storefront of oxidized copper.

Vote: Unanimous, with 31 Board members in favor.

Item 6 - 96-98 Prince Street (s.w. corner Mercer)- SoHo-Cast Iron H.D.

A Renaissance Revival style store with neo-Grec style elements designed by Henry Fernbach and built in 1881-82. Application is to construct a rooftop addition, install a rooftop railing and to create new lot line window openings. Zoned M1-5A

WHEREAS, the green fence and rooftop addition are barely visible; but

WHEREAS, the proposed casement windows are far too wide, and no permits or evidence were provided to indicate that the existing windows are indeed permitted or grandfathered, now;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends approval of the green fence and rooftop addition; and,

BE IT FURTHER RESOLVED, that CB#2, Man. recommends denial of the proposed windows, or, at least, something more in style with the front of this handsome building.

Vote: Unanimous, with 31 Board members in favor.

PARKS, RECREATION AND OPEN SPACE

1. Design Proposal for Duarte Square Park:

WHEREAS, passed a resolution regarding Duarte Park in October, 2002 that was critical of a proposed design for the park; and

WHEREAS, the Parks Department presented a new proposal to the Parks Committee that responds to every objection raised in that resolution; and

WHEREAS, members of the committee and the public requested the park designer and the Parks Department give additional consideration to the need for an irrigation system, the possible desirability of providing more benches along the walkway that runs approximately along the old Sullivan St. roadbed, the possible desirability of leaving the park more open to the wide expanse of open space to the southwest, and the need for an adequate maintenance budget to be funded by Trinity Real Estate; and

WHEREAS, the de-mapping, purchase by and transfer to Trinity Church of Sullivan Street between Canal and Grand Streets was predicated on creating an open space easement to expand Duarte Square into a larger park, yet the old street bed 's outline is still prominent, and real public park space has been extended very little; and

WHEREAS, a great many people use Duarte Square for access to and from a major subway complex;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends, in addition to installing benches along the eastern edge of the former Sullivan Street roadbed, consideration should be given to installing planters there (since utilities preclude regular trees and plantings) and to make provision for temporary or permanent public art; and

BE IT FURTHER RESOLVED that CB#2, Man. also suggests moving the middle three trees abutting the former roadbed's eastern side to directly north to create an open area for everyone, that could accommodate tables and chairs and/or other park-type uses spilling into part of the roadbed, to extend the public park feel and encourage more free movement, while still not orienting to the office building; and

BE IT FURTHER RESOLVED that CB#2, Man. also suggests including orientation/informational signage; and

BE IT FURTHER RESOLVED that CB#2, Man. expresses its appreciation for the responsiveness of this new design to our previous resolution, requests the above be taken into consideration, and supports construction of the park based on the new design.

Vote: Unanimous, with 31 Board members in favor.

2. NYU Permit Application to Use Washington Square Park for 2005 Commencement

WHEREAS, representatives from NYU appeared before the Parks Committee to request approval to have its commencement in Washington Square Park on May 12th, 2005 and;

WHEREAS, NYU has had its commencement in Washington Square Park for many years and has attempted to mitigate any community concerns that have arisen as a result of said commencement and;

WHEREAS, the Parks Committee and CB#2, Man. have always in the past approved NYU's Permit Application to Use Washington Square Park for its Commencement:

THEREFORE, BE IT RESOLVED that CB#2, Man. Parks Committee approves NYU's Permit Application to Use Washington Square Park for '05 Commencement.

VOTE: Passed, with 22 in favor, 9 in opposition and 1 abstention.

PUBLIC SAFETY AND HEALTH

Supporting the Programs of the Manhattan District Attorney Office

WHEREAS, since 1991, the Manhattan District's Office and the New York City Police Department have collaborated in an initiative to assist landlords in fighting trespassing in the public areas of their buildings through the **Trespass Affidavit Program**; and

WHEREAS, in June of 1998 the New York County District Attorney's Office developed the **Narcotics Eviction Program** to solve drug problems in residential and commercial locations; and

WHEREAS, in November 2004 the New York County District Attorney's Office announce the formation of an **Identity Theft Unit** to coordinate ongoing office-wide prosecution efforts to combat the fast-growing crime of identity theft;

THEREFORE, BE IT RESOLVED, that CB#2, Man. fully supports the efforts of the New York County District Attorney's Office in their ongoing efforts to protect the citizens of this County.

Vote: Unanimous, with 31 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. RENEWAL application to NYCDCA for revocable consent to operate an unenclosed café for The Nut Club, Ltd. d/b/a Garage Café & Restaurant, 99-7th Avenue South, New York, N. Y. 10014 with 27 Tables and 54 Seats, DCA#1001144.

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

WHEREAS, there has been a sidewalk café at the location for at least 8 years; and

WHEREAS, there is no change in the configuration of this sidewalk café; and

WHEREAS, there is sufficient passageway for pedestrian safety; and

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO-YEAR revocable consent to The Nut Club, Ltd., d/b/a Garage Café & Restaurant, 99-7th Avenue South, New York, N.Y. 10014, with 27 tables and 54 seats.

Vote: Unanimous, with 31 Board members in favor.

2. NEW Application to NYCDCA to operate an enclosed sidewalk café to Chriswill Ventures, d/b/a Cru, 24 Fifth Avenue, New York, N.Y. 10011, with 8 tables and 26 seats, DCA#1168780.

WHEREAS, the area was posted and applicant’s managing partner, attorney and architect appeared; and

WHEREAS, this restaurant is located on Fifth Avenue between 9th and 10th Streets in the southerly part of the ground floor of the building; and

WHEREAS, there has been an enclosed sidewalk café at this location for more than ten years; and

WHEREAS, the applicant represents that the communal table (for solo dining) on the architect’s plans is moveable and as required by the sidewalk café regulations; and

WHEREAS, the latest reservation is accepted at 10:30 and service ends at 11 p.m.; and

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an enclosed sidewalk café to Chriswill Ventures, d/b/a Cru, 24 Fifth Avenue, New York, N.Y. 10011 with 8 tables and 26 seats, DCA#1168780.

Vote: Unanimous, with 31 Board members in favor.

3. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Gadberry Pizza, Inc. d/b/a Bleecker Street Pizza, 69-71 Seventh Avenue South, New York, N.Y. 10014, with 4 tables and 8 seats DCA#1183527.

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

WHEREAS, this pizzeria is located at the northeast corner of Bleecker Street, where three streets (Bleecker, Barrow and Seventh Avenue South) intersect; and

WHEREAS, the traffic passes so quickly, at this intersection, that this corner qualifies for a remedial traffic flow device; and

WHEREAS, there exists highly congested pedestrian traffic at this corner, particularly, at lunch-time, during the week, and on weekends during the spring, summer and fall months; and

WHEREAS, there is a history of car accidents, i.e. vehicles “jumping” the curve, at this intersection; and

WHEREAS, there is one letter from the community opposing this application because of the pedestrian congestion and debris generated by an operation such as this;

THEREFORE, BE IT RESOLVED that, CB#2, Man. recommends DENIAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Gadberry Piazza, Inc. d/b/a Bleecker Street Piazza, 69-71 Seventh Avenue South, New York, N.Y. 10014 with 4 tables and 8 seats.

Vote: Unanimous, with 31 Board members in favor.

4. NEW Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café by Kareem Caffe, Inc. d/b/a Caffé Rafaella, 134-7th Avenue South, New York, N.Y. 10014, with 24 tables and 55 seats DCA#1186705.

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

WHEREAS, this restaurant is located in a one story building, surrounded by other one story buildings between 10th and Perry Streets; and

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

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED, that CB#2, Man. recommends APPROVAL of a revocable consent to operate and unenclosed sidewalk café to Kareem Caffè, Inc. d/b/a Caffè Rafaella, 134-7th Avenue South, New York, N.Y. 10014 with 24 tables and 55 seats.

Vote: Unanimous, with 31 Board members in favor.

5. NEW Application to NYCDCA for revocable consent to operate a small unenclosed café by 218 Lafayette St. Rest., 218 Lafayette St., with 3 tables and 12 seats, DCA#1186392.

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

WHEREAS, this restaurant is located on Lafayette between Spring and Kenmare Streets; and

WHEREAS, the committee concluded that the third table in front of the residential portion of the building should be eliminated from the plan; and

WHEREAS, there is sufficient passageway for pedestrian safety and access; and

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate a small unenclosed sidewalk café to 218 Lafayette St. Rest., 218 Lafayette St., with 2 (not 3) tables and 8 (not 12) seats, DCA#1186392.

Vote: Unanimous, with 31 Board members in favor.

6. NEW Application to NYCDCA for revocable consent to operate a small unenclosed café by Caswell/Pearson Enterprises, Ltd., d/b/d Primitivo, 202 West 14th Street, New York, N.Y. 10011 with 3 tables and 12 seats, DCA#1186385.

WHEREAS, the applicant's expeditor appeared before the committee; and

WHEREAS, this restaurant is located on 14th Street between 7th and 8th Avenues; and

WHEREAS, there is sufficient passageway for pedestrian safety and access; and

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a TWO YEAR revocable consent to operate an unenclosed sidewalk café to Caswell/Pearson Enterprises, Ltd. d/b/a Primitivo, 202 West 14th Street, New York, N.Y. 10011 with 3 tables and 12 seats, DCA#1186385.

Vote: Passed, with 30 Board members in favor, and 1 abstention.

7. MODIFICATION Application to NYCDCA for revocable consent to operate an unenclosed sidewalk café, with increased seating, for Smithfield Associates, LLC d/b/a Pastis, 9-19 9th Avenue with 42 tables and 104 seats, DCA#1186742.

WHEREAS, the applicant's expeditor appeared before the committee; and

WHEREAS, this restaurant is located in a two story building at the corner of Little West 12th Street and 13th Street; and

WHEREAS, the additional seating will be located on Little West 12th Street; and

WHEREAS, there is sufficient passageway for pedestrian access; and

WHEREAS, there is no opposition from the community;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends APPROVAL of a MODIFICATION to increase seating to Smithfield Associates, LLC d/b/a Pastis, 9-19 9th Avenue, New York, N.Y. with 42 tables and 104 seats DCA#1186742.

Vote: Passed, with 28 Board members in favor, and 4 in opposition.

TRAFFIC AND TRANSPORTATION

1. Proposed Co-Naming of West Houston St. between Varick St. & Sixth Ave. to “Gilda Radner Way.”

WHEREAS, Gilda’s Club is located at 195 West Houston Street, provides free support for people with cancer, their families and friends, and recently announced its 100,000th visit; and

WHEREAS, Gilda Radner, for whom Gilda’s Club is named, made her mark in New York City as a cast member on “Saturday Night Live” in the role of memorable characters such as Roseanne Roseannadanna, Baba Wawa, Emily Litella and Lisa Loopner; and

WHEREAS, Gilda’s Club was opened with the help of New York City luminaries including Gilda’s husband, Gene Wilder, Joel Siegel and Robert Klein, and has been a staple of the community and a good citizen for nearly a decade; and

WHEREAS, the support for co-naming this part of Houston Street after Gilda Radner includes the Public Advocate for the City of New York, Betsy Gotbaum, and the West Houston Street Block Association.

THEREFORE BE IT RESOLVED that CB#2, Man. supports co-naming West Houston Street between Varick Street and Sixth Avenue to “Gilda Radner Way.”

Vote: Passed, with 29 Board members in favor and 2 in opposition.

2. Modifications to the Mid-block Crosswalk on West 3rd St., between LaGuardia Pl. & Mercer St.

WHEREAS, West 3rd Street between Mercer Street and LaGuardia Place is an exceptionally broad and long side street and a great number of pedestrians cross this street, while few motor vehicles make use of this street; and

WHEREAS, the wideness and infrequent vehicular use of the street facilitates speeding, in part due to West 3rd Street’s unusual length and shape, which is narrow between Broadway and Mercer Street and broadens into a wider expanse between Mercer and LaGuardia; and

WHEREAS, CB#2, Man. has received numerous expressions of concern over time regarding the danger of crossing this street from community members, including New York University; and

WHEREAS, DOT has recently installed a mid-block crosswalk on West 3rd Street between LaGuardia Place and Mercer Street; and

WHEREAS, motorists have reported that it is difficult to see the crosswalk from a distance or the crossing signs, while pedestrians complain they difficulty seeing oncoming motor vehicles at the crosswalk.

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that DOT add modifications to the crosswalk to increase its visibility both day and night as well as consider introducing other street and sidewalk modifications that will help make street crossing safer for pedestrians, such as the following:

- In the short term, add highly visible markings along the crosswalk’s borders (e.g., large arrows or a checkerboard pattern) use reflective crosswalk striping, consider striping the crosswalk in a highly visible color or tinting the crosswalk pavement, and seek alternative placements of the pedestrian crossing signs for greater visibility; and
- In the longer-term, install lights that can be activated by pedestrians when they cross the street and explore adjusting the timing of the traffic lights at Mercer Street and LaGuardia Place, so that Mercer has a green light at the same time LaGuardia has a red one, which will help discourage speeding in a westerly direction by motorists attempting to catch up with the LaGuardia light.

Vote: Tabled for February Committee.

2. Proposed Bicycle Rack Sites

WHEREAS, the New York City Department of Transportation (DOT) has proposed bicycle rack sites at the specific locations indicated on the attached exhibit and asked the community board to the review the locations; and

WHEREAS, the provision of providing convenient, secure bicycle parking is a key component of the City's overall goal of increasing the viability of bicycle transportation for travel in New York City, a goal that this community board strongly supports.

THEREFORE BE IT RESOLVED that CB#2, Man. supports the installation of bicycle racks at 226 West Houston, 200 Varick, 320 W. 13th, 110 Leroy St., 95 Greene St., 117 Perry St., 375 Hudson St., 234 Mulberry St., and 331 W. Broadway.

Vote: Unanimous, with 31 Board member in favor.

4. Memorandum of Understanding between CB#2, Man. and the New York City Department of Environmental Protection Re: Third City Water Tunnel at Gansevoort and Hudson.

WHEREAS, the New York City Department of Environmental Protection (DEP) plans to construct an access shaft for the Third City Water Tunnel on the South side of Gansevoort just East of Hudson Street; and

WHEREAS, this community board has expressed concern about the effects of such a construction project on the immediate neighborhood and has formed a task force on this issue which for the previous eight months has convened a series of meetings with local residents, business owners and DEP to discuss the community's concerns; and

WHEREAS, during the course of such meetings representatives from DEP said that the agency would consider entering into a written memorandum of understanding (MOU) with the community board to provide written assurances that the interests of the community would be safeguarded during the construction project.

THEREFORE BE IT RESOLVED that CB#2, Man. approves entering into the following MOU with DEP substantially as follows:

1. Specificity of 3WTAS Design Plan and Logistical Plan.

DEP's Third City Water Tunnel Access Shaft ("3WTAS") Design Plan and a Logistical Plan for its installation on Gansevoort Street are attached as Exhibit 1 and Exhibit 2 respectively, representing DEP's intentions for the construction of the 3WTAS as of [the date of this MOU]. DEP understands that the Logistical Plan detailing the location and duration of construction-related activities is as important as the physical location of the 3WTAS. CB2 understands that inherent in the nature of public works projects is that both plans may need to be adjusted from time to time. Accordingly, the parties agree that DEP will take certain steps, and will require the Project Contractor to also take certain steps as may be agreed upon to assure that the surrounding community is provided timely advance notification of modifications to either the Design Plan or the Logistical Plan. The parties agree that CB#2, Man. will form a task force (the "3TWAS Task Force") which will meet on a monthly basis for the purposes of providing such notification. "DEP agrees to notify the 3WTAS task force on a timely basis before taking any actions that deviate from the Design Plan or the Logistical Plan." The 3WTWAS Task Force is further defined in Section 5 of this MOU.

2. Structural Integrity of Surrounding Buildings

Maintaining the structural integrity of the buildings adjacent to the 3WTAS Construction Site is of great concern to CB#2, Man.. DEP agrees that it will provide CB2 in advance of the commencement of construction with an engineering analysis which indicates that its methods of construction, including but not limited to freezing the ground, will not cause vibrations that could influence the structural integrity of the buildings within a 300 ft radius of the construction site, which shall also include all of the buildings on both sides of Hudson between Horatio and Gansevoort Streets. Specifically with regard to 652 Hudson, as the building immediately adjacent to the construction site, DEP agrees to the following specific measures. If upon professional review of DEP's analysis, the Board of Directors of 652 Hudson believes that either underpinning or ongoing seismic monitoring of the building is indicated, DEP will provide either or both. In the case of underpinning, it is assumed that the underpinning will be a cost of the Project and that the Project Contractor will coordinate the underpinning. DEP agrees that it will take all necessary steps to assure that the Project Contractor will cooperate with 652 Hudson in providing sufficient advance details and drawings for review by its own professional engineer. In the event that seismic monitoring is required, the Board of Directors will retain the services of a professional company with expertise in seismic monitoring who is acceptable to DEP to develop and execute a protection program.

DEP will promptly reimburse the Board of 652 Hudson for this expenditure, but only to the extent DEP's reimbursement is reasonable and customary for the service provided.

3. Protection of Surrounding Uses

A. Commercial Uses

CB2 recognizes, and DEP acknowledges, that after a long hiatus, appropriate commercial activity desirable to the residents of the area is now emerging on the streets to be affected by the Construction Project. The residents of the community have expressed justifiable concern that the physical equipment and materials set forth in the Logistical Plan will create an environment that will undermine the health of existing businesses and retard the economic development of the area. In addition, the daily construction activity, if not actively supervised with regard to site cleanliness, noise and safety, will further undermine ability of the existing businesses to conduct their business. The parties therefore agree that one of the main goals of the 3WTAS Task Force will be to foster communication among all interested parties and municipal agencies to assure the continuity of the existing businesses adjacent to the site and to minimize activities which disrupt their business activities. DEP agrees to develop construction documents that impose appropriate standards on the Project Contractor for noise, cleanliness and adoption of practices which assure minimum disruption of adjoining businesses. DEP agrees to use its best efforts to gain the cooperation of other City agencies, including its uniform services, in assisting the existing businesses surrounding the Construction Site against construction-related disruption.

B. Residential and Community Facility Uses

DEP and CB#2, Man. recognize that the Logistical Plan for the 3WTAS will disrupt the quality of life of the residents adjoining the Construction Site. It will also affect the operations and performance of the many educational institutions nearby the site that CB2 has identified and brought to the attention of DEP. The parties agree that every effort should be made to minimize the disruptions and nuisances associated with capital construction projects such as this. Accordingly, the parties agree that the 3WTAS Task Force will address both quality of life issues for the residents and operational issues for the schools neighboring the Construction Site. DEP acknowledges that continued access to Seravalli Park will be of utmost concern to both residents and the schools. DEP also acknowledges that plans for Seravalli Park will be considered by the Parks Committee of CB#2, Man. and subject to a public hearing as is customary. DEP agrees to develop construction documents that impose appropriate standards on the Project Contractor for noise, cleanliness and adoption of practices which maintain the existing quality of life for the residents and neighboring schools. DEP agrees to use its best efforts to gain the cooperation of other City agencies, including its uniform services, in enforcing the terms of this MOU.

4. The 3WTAS Task Force

The parties agree that a task force shall be formed under the aegis of CB#2, Man. to hold monthly meetings for the purposes of providing construction updates, disclosures of modifications to the Design Plan and Logistical Plan, discuss and resolve complaints brought to the Task Force's attention, and to further plans for post-construction renovations of the Construction Site and Seravalli Playground. The membership of the Task Force shall be the invitation of CB2, but shall include as a minimum representatives of the locally elected officials, DEP, DOT, DP&R, the Project Contractor and representatives of nearby residential buildings, nearby community facilities, a representative of the friends and users of Seravalli Park and a member of the business community. The meetings will not be public hearings, but members of the public who are not designated members may attend in a non-participatory role. The Task Force shall hold an organizational meeting within one month from the date of this MOU.

Vote: Unanimous, with 31 Board members in favor

ZONING AND HOUSING

1. Site Selection and Acquisition for the High Line and its Associated Easements Within CB#2, Man.

WHEREAS; CB#2, Man. has previously supported the use of the High Line as a Public open space, And,

WHEREAS; the High Line will provide much needed park space in this area, And,

WHEREAS; Significant funding for this project has already been identified, And,

WHEREAS; There will be a major access point within CB#2, Man. ,

THEREFORE BE IT RESOLVED, that CB#2, Man. strongly supports the Site selection and acquisition for the High Line and its associated easements within CB#2 for use as a Public open space.

Vote: Unanimous, with 31 Board members in favor.

2. 32-40 Bond Street (Block 530, Lot 48) BSA Cal. No. 69-03-BZ Application to amend Board of Standards and Appeals Variance Application No.69-03-BZ approved on April 27, 2004. Application to replace the approved first floor retail use with residential ‘townhouse’ use and the cellar level with accessory residential uses and to modify rear yard, a minor re-allocation of residential square footage at the rooftop level and minor modifications to the previously approved mechanical system located at such level.

WHEREAS; CB#2, Man. previously reviewed the original application and made many recommendations that were incorporated in the approved variance, And,

WHEREAS; the area was posted and there was no opposition and some support for this amendment, And,

WHEREAS; there is little demand for retail space in the middle of the block at this location, And,

WHEREAS; CB#2, Man. recognizes that this amendment is minor in nature.

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. supports this application to amend Board of Standards and Appeals Variance Application No.69-03-BZ approved on April 27, 2004 to replace the approved first floor retail use with residential ‘townhouse’ use and the cellar level with accessory residential uses and to modify rear yard, a minor re-allocation of residential square footage at the rooftop level and minor modifications to the previously approved mechanical system located at such level.

Vote: Unanimous, with 31 Board members in favor.

3. 106 Mott Street, (Block 204, Lot 10) N040403ZAM, Application for a City Planning Commission authorization to request changes to the previously approved authorization pursuant to Section 109-514 of the Zoning Resolution to modify the 75-foot maximum height limitation of Section 109-124 in order to incorporate some additional building volume between 75 and 85 feet located within a C6-2G District, in Area A and Area A-1 of the Special Little Italy District. (N030469 ZAM previously approved September 10, 2003)

WHEREAS; The area was posted and there was no opposition and some support for this amendment, And,

WHEREAS; This application resulted from a previous miscalculation of comer lot area that should have been included in the original application, And,

WHEREAS; The total height of the building would remain at 85', as previously approved, And,

WHEREAS; CB#2, Man. recognizes that this amendment is minor in nature.

THEREFORE BE IT RESOLVED, That CB#2, Man. supports this application for a City Planning Commission authorization to request changes to the previously approved authorization pursuant to Section 109-514 of the Zoning Resolution to modify the 75-foot maximum height limitation of Section 109-124 in order to incorporate some additional building volume between 75 and 85 feet located within a C6-2G District, in Area A and Area A-1 of the Special Little Italy District; and

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant make reasonable efforts to minimize the noise from the relocated mechanical space.

Vote: Passed, with 30 Board members in favor, and 1 in opposition.

137 Wooster Street a.k.a. 455 Broadway (Block 515, Lots 3 & 34) ULURP: 040454 ZSM CEQR: 04DCP064M Application for a special permit pursuant to Section 74-712 of the Zoning Resolution to permit construction of a new eight-story residential building with ground-floor retail use (Use Group 6) and accessory residential and commercial uses in the cellar on a vacant site in an M1-5A zoning district.

WHEREAS; CB#2, Man. and the community worked hard on the Amendment of the text of Section 74-712 of the Zoning Resolution to allow, by City Planning Commission special permit, modification of use regulations for vacant or substantially vacant sites within M.1-5A and M1-5B zoning districts located in historic districts designated by the Landmarks Preservation Commission that applies to this site, And;

WHEREAS; This applicant is in complete compliance with the requirements of this special permit that were requested by Community Board #2 Manhattan and the community, And,

WHEREAS; There will be no eating and drinking establishments of any kind and any use group in this building;

THEREFORE BE IT RESOLVED, That CB#2, Man. supports this application for a special permit pursuant to Section 74-712 of the Zoning Resolution to permit construction of a new eight-story residential building with ground-floor retail use (Use Group 6) and accessory residential and commercial uses in the cellar on a vacant site in an M1-5A zoning district, And,

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant plant street trees along both Wooster Street and West Broadway in front of this building, And,

BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And,

BE IT FURTHER RESOLVED, That CB#2, Man. requests that that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

Vote: Unanimous, with 31 Board members in favor.

NEW BUSINESS

Respectfully submitted,

Mark Rosenwasser, Assistant Secretary
Community Board #2, Manhattan