

MINUTES OF THE MONTHLY MEETING OF
MANHATTAN COMMUNITY BOARD #1
HELD
SEPTEMBER 19, 2006
JEWISH HERITAGE MUSEUM
BATTERY PARK CITY

Chairperson, Julie Menin, called the meeting to order at 6:04 PM.

I. PUBLIC SESSION

A) Elizabeth Edelstein - Jewish Heritage Museum

Welcomed, thanked and applauded the Board for its work invited everyone back to enjoy the museum which is free to guests on Wednesday evenings.

B) Deborah Lester - Assemblyman Sheldon Silver

Ms. Lester announced that after three years with Mr. Silver, she is leaving to pursue her own business.

C) Robin Forst - LMCCC

Congratulated Ms. Lester and announced a Town Hall meeting schedule for September 28, 2006 at St. John's University, 101 Murray Street. The meeting will be a presentation with questions and answers on regarding concerns with downtown construction.

D) Tim Lannan - Neighbors Against Noise

A hearing is scheduled for October 17, 2006 regarding illegal fuel storage at 60 Hudson Street. This will be a public policy implementation hearing on the risk factors thereof and Neighbors Against Noise seeks a ruling favorable to the community.

E) John Ride - NYC Comptroller's Office

Mr. Ride announced updates from the Comptroller's Office contained in the newsletter he made available at the meeting, noting a letter requesting the Port Authority disclosure how it dispenses funds to ascertain whether any have been diverted away from fare reduction programs.

F) Tom Goodkind - Tribattery Pops

Distributed latest Compact Discs to CB1 members.

II. BUSINESS SESSION

A) Adoption of Minutes

The Board unanimously adopted the July 25, 2006 minutes.

B) Chairperson's Report

J. Menin

Thanked Canal West, Tribeca Community Association and Council member Alan Gerson for facilitating the community's recent victory at the Jack Parker site.

Shelly Silver had a meeting with other elected officials and the Community Advisory Panel regarding the demolition of Fiterman Hall.

Larry Silverstein agreed to use ultra-low diesel fuel at the World Trade Center site, as did Goldman Sachs at their construction site. The Port Authority and MTA have requested to follow suit.

Formed a Street Fair Task Force with Bill Love as chair and include Victor Papa and Ralph Pepe.

Requested chairs, Catherine, Julie, Linda, Pat and Roger to meet 9.20.06 at 6 PM.

As Madam Chair was about to turn the floor over to Paul Goldstein, CB1 District Manager, Manhattan Borough President, Scott Stringer entered the room.

Mr. Stringer announced that his downtown office is working hand-in-hand with Julie Menin, PS 89, Randi Weingarten and other elected officials; BPC Block Party; September 11th Sunrise Service; North Manhattan 125th Street Concert were emotional for all of the City; Health implications clear - health crisis in Lower Manhattan and will work with Elliot Spitzer; Congratulations to CB1 with Jack Parker Rezoning Application; Comprehensive Rezoning CB member reform ---- re-energizes and want to give tools to do a good job. Graduate student interns will work with land use and zoning board. Wants feedback to Mary Cooley, CB1 liaison at 212.398.6900.

C) District Manager's Report

P. Goldstein

After 23 years of service as CB1 District Manager, announced leave to manage Sheldon Silver's downtown office. He recalled the changes that have taken place since his tenure as District Manager began.

Julie Menin thanked Mr. Goldstein for his incredible dedication to the community, stated that this move is an incredible opportunity, presented him with a plague and with the board members, passed a resolution in his honor.

III. COMMITTEE REPORTS

NOTE: IF YOU WISH TO RECEIVE A COPY OF A RESOLUTION SUMMARIZED IN THE MINUTES, PLEASE CONTACT THE CB 1 OFFICE AT 212 442-5050

A) Executive Committee

J. Menin

- 1) Appointing a Street Fair Committee– Report
- 2) Street Co-naming Policy for CB 1– Report
After 9.11, increased requests for street naming generated concern.
- 3) Handicapped Access to 49-51 Chambers Street– Resolution
The Board unanimously passed a resolution calling for the same.
- 4) Thanking Paul Goldstein for his services to CB1 - Resolution
The Board unanimously passed a resolution calling for the same.

B) WTC Redevelopment Committee

C. McVay Hughes

- 1) LMCCC - Report
LMCCC will decontaminate and demolish the Duetsche Bank building.
- 2) Fiterman Hall - Reports
Pal Environmental will decontaminate Fiterman Hall on a 4-6 month timetable, with another 4-6 months for demolition.
- 3) WTC Memorial
 - a) Cost: Estimated at 510 million dollars;
 - b) Conceptual: Consensus reached in plan
 - c) Construction: Port Authority will take over construction.

The Board Unanimously Passed the Following Resolutions with Noted Amendments

- 4) Performing Arts Center - Report and Resolution
(Report:55 million dollars in federal funding will not cover cost of building. Okay to transfer to NYC, to which agency or department is undetermined.)
- 5) Community Enhancement Funds
- 6) Ultra Low Sulphur Diesel Fuel
Amendments: There For Be It Resolved: “CB1 calls on the _Building Council to include the use of Ultra Low Sulphur Diesel Fuel for on road vehicles as a point when considering LEEDS; There For Be It Further Resolved: CB1 urgently calls on...in using vehicles at the Jack Parker site and along with advance technology...in Lower Manhattan.
- 7) Congressman Nadler’s 9.11 Comprehensive Health Benefits Bill

C) Tribeca Committee

R. Landman

1) Jack Parker Site - Report

The Committee has been meeting twice a month. Next meeting scheduled for 9.20.6 for a comprehensive study on zoning lot mergers (6C-2A contextual zoning).

2) City Charter Amendment: Environmental Impact Statement - Update

CB1 is working with Council Member Alan Gerson on the same.

3) 370 Canal Street, planned new hotel and air rights form post office issue - Resolution

The Board Passed the Resolution with Amendments: 31 In Favor; 1 Abstention

Conversation generated by this resolution focused on the following issues:

Selling air rights out adjacent building not a conflict of interest to vote.

Resolution is negative impact therefore support encouraged. Friendly amendment: States that national and local municipal arts society asserted that post office is required to submit EIS.

Amendments include:

In the third Whereas: A proposed project ... Canal Street Post Office, which is on the National Register of Historic Places, to an adjacent site is not only on the National Register but will also result in blocking views of some Tribeca's most visible landmarks, and

In the forth Whereas: Notwithstanding the commitment ... from federal buildings, now in an attempt to mitigate negative impacts upon historic resources, and

In an additional Whereas: State, national and local preservation organizations including the National Trust for Historic Preservation, the Preservation League of NY State, the Municipal Art Society, and the Historic Districts Council have all asserted that the Post Office is required to submit all actions regarding property sales, including air rights sales, to the Section 106 review process, in order to attempt to mitigate negative impacts upon Historic resources.

4) 471 Washington Street , BSA application for the construction of a new 9-story building with residential use on its upper 8 floors - Resolution

The Board Unanimously Passed this Resolution with Amendments:

Amendment to the first Whereas is as follows: "The applicant has agreed ... which will require visitation monitoring during evacuations and construction for ... an FAR of 5, and"

Mr. Landman accepted Marc Donnenfeld's further amendment to this Whereas setting base lines to quote 1088 language.

At this time, Julie Menin acknowledged Senator Martin Connor's arrival.

Senator Connor thanked Paul Goldstein for his years of service to the Community Board. He spoke of Friday's session in Albany:

Confirmed that the appointment of the new Court of Appeals judge resulted in total lack of diversity in the state's highest court and that and other statewide appointments reflect a need to

revisit state law governing the reappointment of incumbent judges.

New MTA Commissioner's appointment expires in 2012.

Timothy Law (named for the 13 year old boy who committed suicide): the new availability of mental health services compromised addiction services. New la will not drive out small business as state assistance is available.

5) 471 Greenwich Street, aka 500 Canal Street construction work and community concerns -
Resolution (M. Ameruso)

The Board Passed This Resolution with 31 In Favor; 1 Abstention

An 8-story building on a triangular lot at Greenwich, Watts and Canal Streets ties into the 10/88 policy. DOB issues and later rescinded a stop work order. The issue promoted numerous residents impacted by the project to speak out.

The Discussions Identified the Following Issues:

Vibrations from pile driving have caused household articles to shake and fall;

Vibrations from pile driving are compromising the foundation of Landmark buildings;

The developer advised that it will address damage and avoid further delay in expanding its insurance coverage;

Developer's monitoring of impact could be self-serving;

Friendly amendment to include a whereas pertaining to surrounding buildings added to insurance policy;

Noel Dennis, counsel to neighboring 474 Greenwich Street, tried contacting Wexer & Associates.

6) 24 Leonard Street - Resolution

The Board Passed This Resolution with 30 In Favor; 2 Abstentions; 1 Recusal

Tribeca manufacturing district not residential therefore, noise not a problem. Now Quality of Life issue because of night noise. Existing establishment bar/restaurant distinction unclear.

The Applicant, by His Experts and Attorney, Stated His Position Followed by Comments from the Community:

Buster's has created a new design with no outside deck, no a cabaret or a night club and bar & grille. 600 square foot kitchen, supported youth soccer and baseball team, supported by 9.11 victims and firemen, service people unable to afford more expensive establishments in community no bands, no live music, television usually muted. The company's acoustical consultant on noise emanation will construct a sound absorbent curtain in the south alleyway. Buster's is a family friendly classic American tavern.

Community Members Supporting the Applicant Asserted the Following:

Buster's has good food and patron service and has been an asset to the community;

Buster's is a fun place for New York Law School students who see it as an extension of the law

school campus;
Appreciates how difficult it is to run a business;
Buster's is a sports bar to watch games;
Buster's is a meeting place for the community
Buster's is affordable with no police, lewdness or drunkenness;
Buster's is a nice break from the usual lunch and brunch spots, and it supports FDNY and NYPD with fund-raisers;
Buster's is an asset to the community and New York City;
Buster's has a responsible management team;
Community Members Opposing the Applicant Assert the Following:
Respects Provencano family's right to conduct a business establishment, not on a residential street;
Street too narrow and congested to accommodate Buster's.
Residential street with children under 16 years of age inappropriate for establishment like Buster's;
Buster's is an outstanding establishment appropriate on West Broadway;
Smoke will well up from smoking deck causing a health hazard for residents;
Not convinced that Buster's would be a good neighbor on a narrow residential street;
Not convinced of good neighbor status because Buster's began construction before receiving DOB permits;
Buster's not only affordable eating establishment in Tribeca. Other are Puffy's, Walker's, Edwards and MaryAnn's.
Leonard is a feeder street to the Holland Tunnel during rush hours;
Rats would be attracted to the proposed smoking pit;
Buster's position disingenuous because it made a commercial decision to move when it could stay on West Broadway.

7) 143 Chambers Street, liquor license application for D&E 313 LLC – Resolution
The Board Passed This Resolution with 24 In Favor; 8 Opposed; 4 Abstentions and the
Following Amendment:

“Therefore Be I Resolved That: Community Board 1 disapproved the transfer (if not under the moratorium) based on the stated promises made by the applicant.”

The Chair noted that the applicant's website advertises the above referenced location as a sports bar, with is in opposition to CB1's position thereof. The Applicant asserted that the proposed establishment will be a family friendly classic American tavern. What was at issue is whether there ought to be another liquor license on the block.

Community Members Supporting the Applicant Asserted the Following::

Residential buyers ought to observe warning caveat emptor;
Management has reputation for making sure things don't get out of control;
Former Foxhounds employee would be an asset to the community;

Foxhounds was a family friendly establishment;

Community Members Opposing the Applicant Assert the Following:

Appropriateness of location given concentration of establishments with liquor licenses;
Whether proposed establishment is a bar or a restaurant;
Website advertises proposed establishment as a sports bar;

Whether proposed establishment would morph into a night club;
Whether SLA 500 square foot rule applies;
Over saturation of establishments with liquor license;
Caliber of patrons' establishment would attract;
Percentage of sales that alcohol would generate;
Whether proposed establishment would be another Foxhounds or George's Tavern;

The Board Passed the Following Resolution with 31 In Favor; 1 Opposed

8) 313 Church Street, liquor license application for D&E 313 LLC;
The Board Unanimously Passed the Following Resolutions

9) Street activity permit for a street festival by Tribeca Hebrews on 10.09.06. Jay Street between Greenwich and Hudson Streets;

10) Street activity permit for a street festival by DEKK Restaurant on 09.30.06 and 10.01.06, Reade Street between Greenwich and Hudson Streets;

11) Street activity permit for a special event by Mosaic Manhattan Church on 10.08.06, Greenwich Street between Duane and Chambers Streets;

12) Liquor Licenses Renewals:

- a) 10 Murray Street, 2 Rivers Bar and Restaurant;
- b) 25 North Moore Street, Brandy Library Lounge LLC, d/b/a The Brandy Library;
- c) 222 West Broadway, Franklin Street Café;
- d) 77 Warren Street, Azafran Restaurant;
- e) 107 West Broadway, Mary Ann's;;
- f) 1 Hudson Street, NFKA Corp.

D) Seaport/Civic Center

J. Fratta

- 1) Fulton Street Corridor - Report
- 2)Peck Slip open space plans are still pending;
- 3)Burling Slip New Playground Update - Report
- 4) Police Headquarters security Measures EIS - Report

The Board Unanimously Passed the Following Resolutions:

- 5) Public Market Mall at South Street Seaport
- 6) 53 Ann Street - Tyler's Restaurant Corp.
- 7) Street Activity permit application fro NYC Rescue Mission

E) Financial District

R. O'Keefe

The Board Unanimously Passed the Following Resolutions:

- 1) Weekend permits for construction work;
- 2) 164 Pear; Street, liquor license application for Kaikou Sushi Inc.;
- 3) 2 Gold Street, liquor license application for JMP Ventures;

- 5) 52 Stone Street, liquor license application for 85 Pearl Street Venture;
- 6) 115 Broadway, liquor license application for Panini;
- 7) Street activity permit applications for a street fair by Suspenders Restaurant from 1.01.06 to 10.31.06, from 11.01.06 to 11.30.06, and from 12.01.06 to 12.31.06 on Thames Street, between Broadway and Trinity Place;
- 8) 7 WTC, liquor license application for NY Academy of Science.

The Board Passed the Following Resolution with 34 In Favor; 2 Opposed

- 4) 40 Broad Street, liquor license application for 40m Broad Street Spa Corporation

F) Battery Park City

J. Galloway

- 1) Embassy Suites Hotel located at 102 north End Avenue, and surrounding Goldman Sachs property - Report

No visible changes and subject to existing landlord/tenant leases

- 2) BPC traffic issues - Report

South End Avenue: length discussion with DOT;

Idling tour buses;

Illegal stop signs will be removed after BPC, which owns the streets, turns them over to the City.

G) Landmarks

R. Byrom

The Board Unanimously Passed the Following Resolutions:

- 1) 110 Hudson Street, application for interior renovations to the 8th, 9th and 10th floors, a small rooftop addition and new windows along the 10th floor exterior;
- 2) 77 Reade Street, application for a horizontal enlargement of the existing building and partial rooftop addition;
- 3) 78 Leonard Street, application to install a new storefront infill;
- 4) 53 Warren Street, application to replace a storefront;
- 5) 66 Reade Street, application for a major building rehabilitation and a vertical addition on the top of the building.

The Board Passed the Following Resolutions with 29 In Favor; 4 Opposed; 3 Recused:

- 6) 401 Broadway, two applications: a) restoration of existing building to first class condition and modification of ground floor; b) request to LPC to issue a report to NYC CPC regarding the restoration of the building;

The Board Passed the Following Resolutions with 35 In Favor; 1 Opposed:

- 7) 300 Canal Street application to replace windows on the Canal Street facade, re-stucco and repaint facade, replace windows on Canal Street and replace a storefront on Lipsenard Street.

IV. OLD BUSINESS

V. NEW BUSINESS

VI. ADJOURNMENT

There being no old or new business, the Chair adjourned this meeting at 8:49 PM.

Respectfully submitted
Janiece Brown Spitzmueller.