

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



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
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COMMUNITY BOARD No. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: February 23, 2012
TIME: 6:00 P.M.
PLACE: St. Anthony of Padua (Lower Hall), 151-155 Sullivan Street

BOARD MEMBERS PRESENT: Susanna Aaron, Steve Ashkinazy, Keen Berger, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Sigrid Burton, Lisa Cannistraci, Terri Cude, Maria Passanante Derr, Doris Diether, Robert Ely, Joshua Frost, Elizabeth Gilmore, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Susan Kent, Arthur Kriemelman, Raymond Lee, Edward Ma, Jason Mansfield, Jane McCarthy, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Robin Rothstein, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Chenault Spence, Richard Stewart, Antony Wong

BOARD MEMBERS EXCUSED: Richard Caccappolo, Heather Campbell, Denise Collins, Sheelah Feinberg, Evan Lederman, Alison McGonigal-Nelson, Rocio Sanz, Elaine Young

BOARD MEMBERS ABSENT: Gideon Gil, Sean Sweeney

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

GUESTS: Katie Smith, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Tom Duane's office; Mary Cooley, Senator Daniel Squadron's office; Jessica Silver, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Katherine Baccerio, Barbara Quart, Pete Davies, Jamie Johnson, L. Rose, Romily Perry, Claudie Bernard, Virginia Stotz, Xavier H. Rivera, Ralph Gurkin, Marty Tessler, Suzanne Opton, Christine Gorman, Leon Lomm, Sarah Blakeley, Peter Crosha, Ronna Texidor, Nick Bayers, Allan Horland, Diana Alutto, Anita Isola, Robert Blakeley, Killian Hunt, Jean Maelnick, John Rokosny, Sole Haren, Priscilla Anchia, Lisa Goldberg, Martine Rubio, Maureen Remacle, Ellen Peterson Lewis, Susan Edelman, Michael Carder, John Cataldo, Gregg Levine, Claudia Ospina, Tom McKitterick, Jennifer Vitagliano, Irvin Moelis, Frank DeGregorie, Alison Sky, Adriana Clern, Barbara J. Steinberg, Vanessa Berenstein, Isabel Sole, Hellen Kelly, Happy Fahmy, Sean Moonry, Edy Selman, P. Norvell, Tom Michals, Rita Paul, Jeannine Kiely, Dorothy Nelson, Russell Blount, Sloveina Tarecq, Christa Grauer, Jeff Rowland, Antoinette M. Janecki, Lauriana Zuluaga, Rosanne Levitt, Mayer Vishner, Linda Mason, Enid Braun, Jody Berenblatt, Susan Wittenberg, Roberta Adelman, Cathy Kennedy, Barbara Ottana, Mike Creamez, Jeannie Miller, Eman Morsi, Adam Steiner, Mark Ffiedler, Stephen Kuzma, Nonny Ortega, Malina T. Yanez, Leslye Alexander, Martin Greenstein, Rachel Yarmowsky, Elaine Hudson, Jonathan Geballe, Stacey Tesseyman,

GUESTS (continued): Robert Saidenberg, Jeanne Wilcke, Michael Chandler, Ann Pettibone, Steve Charen, Lion Bradshaw, Judith Callet, Sarah Marc Brown, Laurie K. Brown, Dorothy Zullo, Deborah Truemord, Jim Fouratt, Gary Tomei, J.K. White, Penny White, Michele Campo, Michele Campo, Thierry Bonuet, Constance Christopher, Anthony Zinino, Alisa Chazani, Chyung, Molly Garfinkel, Connie Dondure, Laura Brdick, Madeline Nelson, Lora Tenenbaum, Miriam Kaplan, William Lipschitz, Paulette Mooney, Glen Milstein, Kay Powell, Andrew Amaer, Paule Ollman, Bertell Ollman, John Wm. Rommel, Michelle Jassem, Corey Jassem, Coral Jassem, Piper Jassem, Crosby Jassem, Jo Dixon, Anita Malon, Tamara Totah Picache, Rick Chavolla, Kathryn Heeley, Kim Jessor, Sarah Paraney, Christy Smith-Sloyman, Andrew DiConstanzo, Margaret Forman, Jamie Kalikow, Anne Moore, Barbara Coleman, Susan Silver, Jean Wardle, John Sampson, Sime Fanco, Dorothy Bell, Howard Negrin, Barbara Taub, Jayne Haynes, Jill Miller, Andrea Swan, Mitch Davis, Fred Schoenfeld, Elizabeth Adam, Hele Hanesian, Michael Orelf, Judith Nemethy, Kinga Novak, Amanda Weiner, Ray Hagg, Sarah McElwain, Helga Acherson, James Gibbs, Margaret Hicks, Katharine Smith, Charles L. Walker, Gary Weisner, Beverly Wallace, Judy Magida, Tami Esson, Mini Weisborn, Yaun Kotsoris, Laurie Rothenberg, David Ibrahim, William Downey, Anderea Swalec, Maneli Wilson, Tim Wilson, Kari Thorstensen, Lynne Kwalwasser, Margheruta Auletta, Catherine Hunter, Jane Cytryn, Rob Schmidt, Judi Bendewald, Frank & Ruth Herz, Terri Howell, Diana Kuve, Robert Plutzken, Eleini, Mylona, Catherine DeGraw, Alison Colby, Susan Blakeley, Joyce Gold, Dr. Eilleen Ain, Barbara Cahn, Pamela Spall Nellain, Denise Schanch, Andriette Redman, Gary Anderson, Victoria Martynoods, Svitlane Zheckrouske, Lawrence Salemm, Bryan Chandler, William Jggers Turner, Alexander Kennedy, Gio Gaynor, Jeff Katz, Annabel Beatty, Kate Hamilton, Shelly Warwick, Katharine G. Loving, Anexandr Neratoff, John Early, Barbara Backer, David Peterson, Joni Wehrli, Sylvia Racnow, Kina Chark, Sheila Ehiz, Ray Lam, Sonya Friedman, Carla Mariano, Sarah Zelaya, Ellen Reznick, Annie Pichard, John Keogh, Alan Herman, Evette Stark Katz, Colleen Simeral, James Morhead, Miriam Warwick, Virginia Hyvarinen, Elizabeth Strott, Patricia Wintermuth, Marna Lawrence, Damian Kennedy, Daniel Goode, Arnaldo Ramos, Calla Kennedy, Terry Brennan, Walter Boxer, Georgette Fleischer, Primavera Salva, Katia Bovoza, Nelly Bejarano, Madeleine Sinor, Alix F. Kucker, Charles Wethereimer, Jill R. Schapiro, Nat Rudarakanchara, Paul Edwards, Charlene Schwarzkurb, Luanne Surace, David Howell, Sue Orther, Joyce Kozloff, Timothy Rossev, Leslie McKenzie, Kiriki D. Metz, Marlene Harristein, Monica Rittensporh, Maximiliano Santinelli, Robin Siegel, Beth Gottlieb, N. Hernandez, C. Wilson, Jean Standish, Cristy Dwyer, Margaret Breed, Audrey Bernstein, Christine Harrington, Janice Zupan, Tevon Boergter, Galeano Missimiliano, Elpan B. Gelfen, Nancy J. Goldstein, Sara Jones, Merle Holbey, Connie Masullo, Beth Sopko, Bonnie Lynn, Mary Johnson, Roman Frydman, Diana Frydman, Lynn Reyser, Zelda Wirtschaftfer, Ed Eichel, Kathryn Herr, Alice Turner, Drew Herman, Steven L. Cantor, Joseph Hayes, Carmen DeLima Chearendine, Susan Taylerson, Susan Gammie, Edith Charlton, Shirley A. Wright, Joan Schenkar, Eve Stuart, Consuelo Reyes, Diana Bornstein, Barbara Devaney, Jini Watson, Ann Snitow, Clarice Kaltinick, Ann Kjellberg, John Thompson, Howard Bader, Anke Frohlich, Dustin Frances, Susan Gluck, Timothy Luncford, Andrew Berman, Stephen Rechner, Jeff Goodwin, Jean Grillo, Leonard Quart, Milton Polska, Lee Schwartz, Jesse Kasowitz, Nadia Ghattas, Gil Traub, Peter Wilhicki, Patrick Gallagher, John Kruth, Rhonna Merstel, Daniele Kohn, Mary Petretti, Jed Schwartz, Anthony Borelli, Michael Wigotsky, Veronica Ixins, Jerry Ziman, Ann Arlen, Moi Hung, Raymond Cline, Jayne Hertko, Christian Farrell, A. May, Kate McKellon, Chyung Sun, Steven Romeo, Mimmi Garth, Crosby, Martin Mehler, Thomas von Foerster, Joan Melnick, Judith Chazen Walsh, Anita Miceli, Kathryn Currie, Marie Evans, Will Morgan, Maryann Karant, Adriane Fiore, Bill Derrough

MEETING SUMMARY

Meeting Date –February 23, 2012

Board Members Present – 40

Board Members Excused– 8

Board Members Absent - 2

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II. PUBLIC SESSION

Alice Turner spoke.

Non-Agenda Items

Need for Schools in CB2

Ann Kjellberg spoke against community concessions and in favor of more schools in the district.

Overview or Negative Issues

Martin Greenstein spoke against this.

Neighborhood Sovereignty

Ddaniele Kohn spoke regarding this topic.

Smoke-Free Housing

Adam Steiner spoke in favor of smoke-free housing.

Classical Chinese Dance

Moi Hung and Nadia Ghattas spoke regarding the revival of classical Chinese dance.

Hudson Square Open Space

Anthony Borelli spoke regarding this topic.

Overcrowded Sidewalks

Jim Miller spoke against overcrowded sidewalks on 4th Street.

Bike Share Stations

Christian Farrell spoke regarding bike sharing stations.

Edgar Allan Poe Room

Lois Rakoff made an announcement regarding upcoming free events at the Poe Rom.

Land Use and Business Development Items

Zone Green Text Amendment: Department of City Planning proposal for a Citywide zoning text amendment to remove zoning impediments to the construction and retrofitting of green buildings
Howard Bader spoke against the proposed zoning text amendment.

NYU Working Group

NYU Core Project; ULURP Application #s.: 120122 ZMM, N 120123 ZRM, N 120124 ZSM, 120077 M
Tami Esson, Kate Hamilton, Glen Milstein, Tom McKitterick, Michael Chandler, Maryann Karant, Gregg Levine, Will Morgan, Frank Herz, Miriam Warwick, Vanessa Berenstein, Jayne Haynes, Drew Herman, Judith Chazen Walsh, M. Carder, Madeline Nelson, Thomas von Foerster, Gary Anderson, Michelle Jassem, Crosby, Mimmi Garth, Steven Romeo, Chyung Sun, Beth Sopko, Barbara J. Steinberg, Kate McKellon, A. May, Lora Tenenbaum, Shelly Warwick, jayne Hertko, Jeff Katz, Jeannie Miller, Mark Fiedler, Raymond Cline, Connie Dondure, Jerry Ziman, Marc Brown, Jody Berenblatt, Enid Braun, Veronica Ixins, Michael Wigotsky, Jeanne Wilcke, Alan Herman, Lisa Goldberg, Maureen Remacle, Steve Charen, Jed Schwartz, Evette Stark Katz, Barbara Quart, Molly Garfinkel, Mary Petretti, Margaret Formam, Zelda Wirtschafter, Patrick Gallagher, Peter Wilzhicki, Gil Traub, Jesse Kasowitz, Edy Selman, Elaine Hudson, Lee Schwartz, Andrea Swan, Marty Tessler, Howard Negrin, Sylvia Racnow, Eve Stuart, Leonard Quart, Ronna Texidor, Dr. Eilleen Ain, Joan Schenkar, Jean B. Grillo, Jeff Rowland, Jeff Goodwin, Stephen Rechner, Jonathan Geballe, Jamie Johnson, Deborah Truemurd, Pete Davies, Sussan Gammie, Virginia Stotz, Allan A. Horland, Ann Arlen, Jean Standish, Andrew Berman, Sara Jones, and Jim Fouratt, all spoke against the proposed NYU 2031 expansion plan.

Rhona Merstel, Robin Siegal, Mary Johnson, and Timothy Luncford spoke regarding the proposed NYU 2031 expansion plan.

Anita Isola spoke in favor of the proposed NYU expansion plan.

LaGuardia Community Gardens

Susan Blakeley spoke in favor of the community gardens and against the NYU expansion. Sarah Blakeley and Robert Blakeley spoke against the destruction of the gardens.

Destruction of the Community/Neighborhood

John Kruth and Joan Melnick spoke against the destruction of the neighborhood.

Sasaki Gardens

Milton Polska spoke regarding the saving of Sasaki Gardens.

Mercer Dog Run

Beth Gottlieb spoke against the elimination of the dog run.

SLA Licensing Items

Taras Bulba West Broadway, LLC, d/b/a Korchma Taras Bulba, 357 W. Broadway

Marie Evans, Bonnie Lynn, Kathryn Currie, Adriane Fiore, and Bill Derrough, all spoke against the proposed liquor license.

3 Howard Partners, LLC TBD, 3 Howard St.

Martin Mehler, representing the applicant, and Jennifer Vitagliano, the applicant, spoke in favor of the proposed liquor license.

Liquor License

Anita Miceli spoke in favor of a liquor license (no indication of which one it was).

Street Activity & Film Permit

Mulberry Street Mall

Marna Lawrence and Georgette Fleischer spoke against the street permit for the mall.

Waverly Block Association Waverly Place Festival, Waverly Pl. bet. Macdougall & Christopher Sts.

Tamara Totah spoke against the annual street fair.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Katie Smith, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Tom Duane's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Jessica Silver, Man. Borough President Scott Stringer's office

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

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of December minutes and distribution of January minutes.

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Presentation by Borough President on efforts to reform the NYPD's "Stop and Frisk" policy

WHEREAS, the New York City Police Department is on pace to execute 700,000 stops in 2011, more than double the number of stops that occurred in 2003; and

WHEREAS, 85% of those stopped last year were Black and Latino; and

WHEREAS, only 7% of stops result in arrest, a figure consistent across racial groups; and

WHEREAS, no gun is found in 99.8% of stops; and

WHEREAS, many of these stops are not based on reasonable suspicion that a crime has or is taking place, but instead rely on dubious grounds such as "furtive movement", which was recently banned as a basis for stops in Philadelphia; and

WHEREAS, one out of seven arrests in New York City are for low-level marijuana possession, costing the City \$75 million a year in police and court costs; and

WHEREAS, many youth are charged with these low-level offenses, which do not carry jail time, but can compromise their chances at securing financial aid, accessing public housing, obtaining gainful employment, and enlisting in the military; and

WHEREAS, in 2000, the United States Civil Rights Commission concluded that the NYPD stop and frisk program amounted to racial profiling; and

WHEREAS, the United States District Court for the Southern District of New York found, in August 2011, that serious questions remain about racial disparities in current stop and frisk practices; about the constitutionality of thousands of stops that do not result in arrest; and about the role quotas may play in driving the four-fold increase in stops over the last decade; and

WHEREAS, the current stop and frisk practice is creating a deep layer of distrust between police and the city's Black and Latino neighborhoods that makes solving crime harder, not easier.

THEREFORE BE IN RESOLVED that the NYPD must take steps to reform stop and frisk immediately—by increasing the accountability for precinct commanders through CompStat; providing new training at the Policy Academy to make stops more constitutional and less confrontational; and by exploring proven alternatives to stop and frisk, like the "call-in" approach pioneered by John Jay Professor David Kennedy, which has reduced violent crime by up to 60% in cities such as Boston, Chicago, and Los Angeles; and

BE IT FURTHER RESOLVED that the United States Department of Justice should launch an investigation into how stop and frisk is used in New York to determine whether racial profiling remains a problem and, if so, whether the Department of Justice should appoint a special monitor; and

BE IT FURTHER RESOLVED that legislation pending before the State Legislature should be passed making possessing small amounts of marijuana in “public view” a violation, rather than a misdemeanor.

Vote: Unanimous with 40 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1. LPC 11 – 278-290 Lafayette St. aka 115-127 Crosby St. & 2-6 Jersey St. – SoHo Cast Iron Historic District Extension. A Neo-Grec style factory building built in 1891-92 & designed by John R. Thomas. Application is to replace storefront infill & install a condenser unit.

Whereas, the arches above the first floor will enclose 2 glass panels and a center door, and above these panels will be three panels fitting under the arched top, and

Whereas, in one of these upper panels on one window, an air conditioning unit will be placed in front of the glass, with a tube into the window, and painted black to be as inconspicuous as possible, and

Whereas, the signage will consist of the name of the store painted on the glass window,

Therefore be it resolved CB#2, Man. recommends approval of this application for 278-290 Lafayette St.

Vote: Unanimous, with 40 Board members in favor.

2. LPC 12 – 150-154 Prince St. aka 436-422 West Broadway – SoHo Cast Iron District Extension. A Renaissance Revival style store & tenement building designed by Pasquale Sauda & built in 1906-07. Application is to install new storefront infill.

Whereas, the proposal is to replace the first floor cornice and remove the storefront below it, and

Whereas, the applicant intends to expose the cast iron columns now covered over and repair the brick column, and

Whereas, the baseboard will be 16” high made of diamond plate metal, and

Whereas, the storefront will have three signs – one sign cut into the metal sign band above the storefront and illuminated from within, one 3-1/2” round projecting sign similar to the blade signs common in SoHo, the sign attached to a mortar joint and not into the brick, and one sign painted on the store window,

Therefore be it resolved that CB#2, Man. recommends approval of this application for 150-154 Prince St.

Vote: Unanimous, with 40 Board members in favor.

3. LPC 13 – 6 Ave. & West 9 St. – Greenwich Village Historic District. The northeast corner of 6th Ave. & West 9 St. Application is to install new newsstand.

Whereas, the applicant came to our meeting without the proposed design for the new newsstand, and

Whereas, he stated that the newsstand was being relocated from the corner of 6th Ave. and Waverly Pl. and would be 10' from the corner, but

Whereas, the CB#2, Man. Sidewalks, Public Facilities & Public Access Committee previously rejected this newsstand on numerous grounds; and

Whereas, we were given almost no other information on the style of the newsstand, colors and materials, or how it would fit into this site within the Historic District,

Therefore be it resolved CB#2, Man. requests that the applicant return to the Community Bard with more of the required information, and, at this time, cannot recommend approval of this newsstand for 6th Ave. & 9th St.

Vote: Unanimous, with 40 Board members in favor.

4. LPC 14 – 64 Bank St. – Greenwich Village Historic District. A Greek Revival style rowhouse built in 1841 & altered in the late 19th Century. Application is to modify a window opening & install ironwork.

Whereas, the applicant intends to change a former door to a window to match the other windows and to install a gate on the 3rd window to match the other two windows, and

Whereas, the shutters will be replace on all the windows with new wooden shutters, but

Whereas, the ironwork for the fence is not appropriate to the age of the building,

Therefore be it resolved that CB#2, Man. recommends approval of the changes to the windows and shutters, but request that the fence be replaced with one in the style of 1831 buildings in the area.

Vote: Unanimous, with 40 Board members in favor.

5. LPC 15 – 8 Christopher St. – Greenwich Village Historic District. A brick residence built in 1839. Application is to replace storefront infill, alter the front façade, modify the window openings & install windows, a balcony, and rooftop mechanical equipment.

This was a complex application.

Whereas, the storefront will have a stone base the same size as the current one, but with taller windows and a door, and the narrow cornice above the storefront will be replaced, and

Whereas, the cornice proposed at the top of the building is not correct. It should be wooden with a drip molding and crown, and a return on the sides leading into a gutter system to drain off the water, and

Whereas, on the rear façade the long window with a balcony is inappropriate, and the new deck with French doors will need a railing if it is approved, and

Whereas, the design is not unified and consistent – the windows on the sides can be different but the rear windows should be consistent with the front, and

Whereas, the roof equipment is not overly visible, and therefore could be approved,

Therefore be it resolved CB#2, Man. recommends approval of the storefront and roof equipment, but feels the other elements of this application for 8 Christopher St. require more thought and work.

Vote: Unanimous, with 40 Board members in favor.

6. LPC 17 – 416 West 13 St. – Gansevoort Market Historic District. A neo-Classical style factory and office building designed by Trowbridge & Livingston and built in 1901-02. Application is to replace windows.

Whereas, this is the renewal of a permit formerly issued by LPC but which has expired and some work still needs to be completed on the building, and

Whereas, work on the West 13th St. side of the building has already been completed and approved, and

Whereas, the work still remaining to be done on the Little West 12th St. side consists of cleaning and painting the panels and re-installing the double hung windows per the original plans,

Therefore be it resolved that CB#2, Man. recommends approval of the application to renew the permit for 416 West 13 St.

Vote: Unanimous, with 40 Board members in favor.

7. LPC 16 – 47 West 8 St. – Greenwich Village Historic District. A Greek Revival style rowhouse built in 1845 & altered in the early 20th Century to accommodate stores at the first two floors. Application is to legalize façade alterations without LPC permits and install new storefront infill.

This application was heard and rejected by CB#2 last month. If there have been changes since that time, the applicant did not show up at our meeting to tell us about them.

Therefore be it resolved that we reaffirm our former denial of this application.

Vote: Unanimous, with 40 Board members in favor.

2ND LANDMARKS MEETING

8. 449 Broadway aka 26 Mercer St. - SoHo Cast Iron Historic District. A store building, built in 1868, & a store & loft building built in 1855. Application is to install storefront infill & signage.

Whereas, the Landmarks Preservation Commission’s publication “The Certificate of Appropriateness Public Hearing: Information for Applicants” states that “Applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing”, and

Whereas, the applicant failed to appear before the Community Board Committee, nor did he contact us for a layover,

Therefore Be It Resolved CB#2, Man. strongly recommends denial of this application for 449 Broadway, in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

9. 532 Broadway – SoHo Cast iron Historic District. A store building designed by Ralph S. Townsend & built in 1896-97. Application is to alter storefront infill.

Whereas, the proposal is to eliminate the current door into the left-hand store and extend the storefront to the column, and

Whereas, the proposal will continue to maintain the line of the panel above the storefronts, the dividing line (horizontal) below this panel, and the baseboard at the bottom of the storefront, to match those on the adjacent store, and

Whereas, the entrance to this store will be through the left-hand building entrance, with the only changes to that section of the building to replace the present door panels with glass panels but in the same shape and size as those on the right hand building entry,

Therefore Be It Resolved CB#2, Man. recommends approval of the changes to 532 Broadway.

Vote: Unanimous, with 40 Board members in favor.

10. 5 West 8th St. (Hotel Marlton) – Greenwich Village Historic District. A neo-Classical style apartment building designed by Hugo Kafka, & built in 1900-02. Application is to enlarge the bulkhead, install rooftop mechanical equipment, construct an addition, install awnings, a canopy & storefront infill.

Whereas, the application is to remove the window air conditioning units and replace them with rooftop units, and the central unit will be slightly larger than the current rooftop equipment unit, and

Whereas, the proposal also included adding a fence around three sides of the roof but not at the front where there is currently a parapet wall which will be repaired, and

Whereas, the fence, as proposed, would have been visible from the street, but the applicant has agreed to set back the fence about six feet from the front of the building to reduce its visibility, and

Whereas, when the cornice above the first floor was installed part of the decorative design above the windows was demolished, but the current proposal will retain the keystone element still remaining and repair the cornice, and

Whereas, the proposal called for larger windows on the first floor near the door, but it was suggested that the preferable solution would be to replace these two larger windows with windows with a pier between to match the other first floor windows, and the applicant stated he would consider this, and

Whereas, the proposed extension at the rear of the building with a skylight roof would not be visible since it is blocked by a lot line wall, and the additional windows on the penthouse will also be blocked from view by adjacent buildings and the parapet, and

Whereas, the addition of awnings and a canopy were not presented to us at this time but will be coming to us later,

Therefore Be It Resolved CB#2, Man. recommends approval of the proposals for 5 West 8th St. provided the roof fence is pulled back 6' from the front of the building and the first floor windows are revised to match the existing double windows at the right and left sides of the first floor.

Vote: Unanimous, with 40 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

N 120132 ZRY Zone Green Text Amendment: Department of City Planning proposal for a Citywide zoning text amendment to remove zoning impediments to the construction and retrofitting of green buildings. This proposal would give owners more choices for the investments they can make to save energy, save money, and improve environmental performance.

WHEREAS, In 2030, 85 percent of our buildings will be buildings that exist today and the Green Zone Text Amendment would remove zoning impediments to the construction and retrofitting of green buildings thus reducing New York City’s energy use and carbon emissions; and,

WHEREAS, CB#2, Man., supports the goal of this text amendment to make New York City more energy efficient; and

WHEREAS, CB#2, Man. has concerns about potential, unintended consequences of the proposal and especially that there are not sufficient provisions to “protect the character and quality of life of our neighborhoods;” and

WHEREAS, wind turbines would be allowed, on buildings taller than 100 feet, and could rise up to 55’ above the rooftop (including the pole and rotor); and,

WHEREAS, the proposed setback of 10 feet is not be enough to reduce visibility, 55 feet of additional height above the current zoning envelope is excessive, there is no limit on the number of wind turbines, and questions on noise pollution are not resolved; and,

WHEREAS, greenhouse structures would be allowed on some roofs and would not be subject to the FAR and height limitations defined in the Zoning Resolution, which opens up the possibility of undesirable uses on rooftops; and

WHEREAS, in an effort to eliminate window air conditioners, condenser units would be allowed on roofs and in rear yards, right up to property lines and there could be negative aesthetic and noise impacts on neighbors; and

WHEREAS, the amendment would permit exterior insulation (and its covering), window awnings, sun control devices, sun generators, and solar panels on roofs, all of which could compromise neighborhood character; and

WHEREAS, while the NYC Landmarks Preservation Commission would have jurisdiction over any changes to designated (and calendared) buildings, CB#2, Man. has concerns that consideration of “green” merits could take precedence over preservation of historic fabric; and

WHEREAS, CB#2, Man. is further concerned that substantial modifications could be approved with certification by the Chair of the City Planning Commission, but without a Community Board review; and

WHEREAS, CB#2, Man. believes that enforcement of the new rules could be problematic.

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of the Zone Green Text Amendment only if:

- provisions allowing wind turbines on roofs are eliminated,

- Community Board review is incorporated into the approval process for substantial projects,
- guidelines are created to ensure that the built fabric of the city is not compromised as we try to move toward energy efficiency, and
- there are sufficient mechanisms and funding for adequate enforcement by the Department of Buildings.

Vote: Passed, with 34 Board members in favor, 2 in opposition (M. Derr, D. Reck) and 4 abstentions (T. Bergman, D. Gruber, S. Secunda, A. Wong)

NYU WORKING GROUP

Re: NYU Core Project; ULURP Applications Nos.: 120122 ZMM, N 120123 ZRM, N 120124 ZSM, 120077 MMM

Dear Chair Burden:

At the recommendation of its New York University (“NYU”) Working Group, Manhattan Community Board No. 2 (“CB2”), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on February 23, 2012 by a unanimous vote in favor.

The resolution recommends **denial** of each application for the detailed reasons stated in the “Community Board 2 Response” below.

PROPOSED ACTIONS

NYU is requesting a series of public actions as part of its ULURP submission for an expansion of their Greenwich Village campus core.

As part of NYU Plan 2031, the University seeks to add 2.4 million gross square feet (“gsf”) of new development by the year 2031 for academic, faculty residential, student dormitory, athletic facilities, hotel and retail uses on two primarily residential “superblocks” bounded by West 3rd Street to the north, Houston Street to the south, Mercer Street to the east and LaGuardia Place to the west (“Proposed Development Area,” divided by Bleecker Street into a “North Block” and “South Block”), and to expand retail uses in the blocks to the east of Washington Square Park (“Commercial Overlay Area”), bounded by Washington Square East and University Place to the west, Mercer Street to the east, West 4th Street to the south and the northern boundary of the existing R7-2 zoning district near East 8th Street to the north.

This project specifically proposes:

- Two new buildings (“Mercer Building” and “LaGuardia Building”) in the North Block, with a combined total of 341,482-gsf above ground, and 770,000-gsf below ground to be built under the entirety of the block.
- Two new buildings (“Zipper Building” and “Bleecker Building”) in the South Block, with a combined total of 773,658-gsf above ground and 318,000-gsf below ground.
- Demapping two strips of land (“Park Strips”), located on the west side of Mercer Street (between West 3rd and West 4th Streets and between Houston and Bleecker Streets), currently owned by the New York City (“NYC”) Department of Transportation (“DOT”) and mapped as streets, and transferring ownership to the University.

- Demapping two additional Park Strips, also currently owned by NYC DOT, located on the west side of Mercer Street and the east side of LaGuardia Place, both between Bleecker and West 3rd Streets, and transferring ownership to the NYC Department of Parks and Recreation (“Parks Department”), but with a permanent easement to NYU to allow access over and under the land in perpetuity.
- Expanded commercial uses in both the Proposed Development Area and the Commercial Overlay Area.
- Redesign of the current open space in the Proposed Development Area with the stated goal of making it publicly accessible (this property, however, is already open to the public with nighttime restrictions).
- Constructing a 30,000-gsf temporary gym on the site of an existing children’s playground on the North Block.
- Making 78,000-gsf available to the NYC School Construction Authority (“SCA”) for a new public school in the Bleecker Building on the South Block, with NYU academic space below and student dormitory space above.

In order to facilitate this plan, a number of specific public actions are required, the most important of which for CB2 review include:

Zoning Map Amendments

- Rezone the Proposed Development Area from R7-2 and R7-2/C1-5 to a C1-7
- Rezone the Commercial Overlay Area to C1-5 to allow expanded retail development

Zoning Text Amendment to Sections 74-742 and 74-743

- Permit the Park Strip on Mercer Street, South Block, to be included in a LSGD
- Permit the Park Strips on the North Block to be treated as wide streets, not parkland

LSGD Special Permit (ZR Section 74-743)

- Allow the transfer of air rights between zoning lots on the two superblocks, to waive certain height, setback and rear yard requirements for the proposed four new buildings, and extend the duration of the permit from four to ten years

Related Mapping Application

- Requests to facilitate the disposition and transfer of public land, currently owned by NYC and mapped as streets

Elimination of NYC Department of Housing Preservation and Development (“HPD”) Deed Restrictions on Blocks 524 and 5333

- Elimination of existing urban renewal deed restrictions which were part of the original land disposition agreements and prohibit new development until expiration in 2021

BACKGROUND

NYU has had a presence in Greenwich Village since 1835 when the University building opened on Washington Square East. The University greatly expanded its presence in the local community when it sold its Bronx University Heights campus in 1973 and relocated the main campus to the current site.

NYU is one of the largest, most prestigious nonprofit institutions of higher education in the United States. CB2 appreciates the University's need to expand and upgrade its citywide facilities and infrastructure to remain competitive and recognizes the value of having a university of such caliber in its midst. NYU is an economic engine, patronizing local businesses and employing many residents. It provides support to numerous community organizations and is an important arts and cultural resource. Its faculty, administration and students are valued members of the local community. Moreover, NYU is the landlord for one of the largest stocks of affordable housing in the area.

Many "town-gown" dynamics are contentious. NYU's relationship with the local Greenwich Village community is no different, but seems to be particularly fraught perhaps because it is situated in a dense, residential neighborhood. In recent years, tensions with the local community have been further exacerbated by NYU's ambitious building campaign; the construction of a series of buildings alongside historic Washington Square Park and in residential neighborhoods that have been poorly-received by the public; and the University's perceived poor stewardship of public spaces.

One of NYU's most unique features is its location and context within historic Greenwich Village, which it markets to attract thousands of students from across the world. This irony is not lost on CB2 -- for through its 2031 Plan, NYU threatens to destroy the very essence of the local neighborhood from which it benefits handsomely. As explained below, the current proposal is far too big for a dense residential neighborhood such as Greenwich Village and would have severely damaging and long-lasting consequences to the neighborhood's essential character and resources, including its socioeconomic diversity, public open space, historic preservation and quality of life.

The proposed actions by NYU comprise the largest ULURP application ever considered by CB2. NYU announced its intention to pursue a campus expansion plan in the CB2 area approximately five years ago through a series of meetings with the community where it previewed various options and potential designs. All of the proposals had basically the same volume and bulk attached to them.

In 2006, the Manhattan Borough President joined with elected officials, community stakeholders, and NYU to create the Community Task Force on NYU Development to begin a public dialogue about NYU's campus planning and ensure that future campus development properly balanced respect for the community with the University's stated need to grow. From 2006 to 2010, the Task Force held more than fifty meetings to discuss priorities and develop guidelines for expansion.

On January 30, 2008, through the efforts of the Task Force, a set of Planning Principles were signed by NYU¹ stating that NYU, among other things, would work with the community to:

- Identify and actively pursue opportunities to decentralize facilities;
- Emphasize contextual development that would be sensitive to building heights, densities and materials;
- Prioritize reuse of existing buildings over new development; and
- Actively solicit, utilize and implement input from the community

After the initial announcement of NYU's 2031 Plan, the Task Force presented to the University a detailed set of recommendations,² formally endorsed by CB2 on March 25, 2010.³ These recommendations echoed

¹ See Appendix A for a copy of the Planning Principles.

² For a copy of the Community Task Force recommendations go to:
http://www.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

³ Community Board No. 2, Manhattan, August 2010 Resolution.

the NYU Administration's stated commitment that any development must be carefully designed with community input so as not to overwhelm the "fragile ecosystem" of historic Greenwich Village⁴ and the goal of pursuing locations for expansion outside the NYU campus core area. The Task Force recommendations identified significant community concerns about the potential impact of NYU's expansion in Greenwich Village and established the framework for CB2's review of this project.

Upon conclusion of the Task Force's work, CB2 began a series of information sessions exploring different aspects of NYU's proposed project. CB2 created the NYU Working Group, comprised of representatives of five CB2 committees utilizing their expertise to analyze different aspects of the proposal. The Working Group held a series of community input sessions during the evaluation of NYU's Draft Scope of Work for the Environmental Impact Statement. This input informed CB2's extensive response to the EIS that was delivered to the City Planning Commission at its Scoping hearing on May 24, 2011.⁵

The NYU ULURP application was certified as complete on January 3, 2012. CB2 held the required presentation and public hearing on January 9, 2012 at a joint meeting of the Working Group and Land Use and Business Development Committee. Throughout January 2012, further public hearings were held by the following CB2 committees, jointly with the Working Group: Traffic and Transportation; Parks, Recreation and Open Space; Environment and Public Health; and Social Services and Education. A second series of public hearings was held throughout the month of February by these committees.

Public interest was extremely high. Hundreds of community members attended each meeting, in some cases requiring a move to larger venues, with testimony lasting hours and supplemented by electronic submissions. The CB2 response to the NYU ULURP is based the community's testimony plus additional discussion by CB2 members.

Based on this public process, along with meetings with other stakeholders, including local block associations and community groups, elected officials, and NYU, the community came to the following conclusions:

1. A blanket rezoning of the superblocks is inappropriate. The bulk, density and height of the NYU ULURP are dramatically inappropriate for this long-standing and diverse residential community, which, except for NYU's own buildings on the superblocks, is generally low scale and, in large part, designated as an historic district. The superblocks departed from this general neighborhood pattern but provided publically accessible open spaces to compensate for the height and bulk of their buildings. The vast amount of new building called for in the NYU 2031 Plan would destroy the planning principles that justified formation and development of the superblocks at their present scale.
2. All of the City-owned public park strips on the superblocks should be mapped as New York City parkland, transferred in their entirety to the NYC Parks Department with no NYU acquisition, easements, equipment or structures on or below grade. These open spaces should not be used for construction staging or laydown.
3. Commercial uses, especially a hotel as well as eating and drinking establishments, are not appropriate for the superblocks that comprise the Proposed Development Area.

⁴ "Postings: 'This Fragile Ecosystem': NYU Head's View on Village," The New York Times, February 16, 2003.

⁵ CB2's response to the EIS is available online at:
http://www.nyc.gov/html/mancb2/html/nyu_2031/nyu_2031.shtml

4. The University should not be granted a rezoning of the Commercial Overlay Area, when NYU has stated a more modest goal of increasing retail use by only 23,000 square feet in six buildings.
5. The proposed phasing would impose decades of continuous disruption to the area.
6. The temporary gym location as planned by NYU is unacceptable. The community would lose use of playgrounds and public open space on the North Block for a lengthy period. If NYU truly needs a temporary gym, it should be located on a vacant site outside of the immediate neighborhood.
7. NYU should honor its previous commitment outside of the ULURP process to provide a new public school, including the “core and shell,” and make public its discussion on this topic with the City.
8. Existing affordable housing must be supported and maintained.
9. The deed restrictions governing NYU property on the superblocks should not be removed.
10. NYU must adhere to the Planning Principles it agreed to in 2008.

COMMUNITY BOARD 2 RESPONSE

CB2, after extensive review and discussions with stakeholders throughout the area, strongly opposes the NYU 2031 Plan. Its effects would forever change the character of this historic neighborhood, dramatically increase built-upon land at the expense of the light, air and recreation opportunities of existing open space, convert city-owned land to largely private use even if access is permitted, imperil affordable housing stock, significantly reduce residents’ quality of life, have adverse effects on local infrastructure and subject residents to decades of construction and its effects.

I. THE BULK AND DENSITY IN THE PROPOSED DEVELOPMENT AREA WOULD DESTROY THE NEIGHBORHOOD CHARACTER

CB2 rejects NYU’s request for a blanket re-zoning of the Proposed Development Area from R7-2 to C1-7, and the establishment of a Large Scale General Development Special Permit that would facilitate four new buildings because it would forever alter the character of this historic neighborhood.

The bulk and density allowed by a C1-7 (R8 equivalent) zoning may be appropriate in midtown or downtown, but not in the historic core of Greenwich Village. A blanket rezoning that would allow building on the open spaces, especially at heights that exceed the current structures and with a bulk that would more than double the density with above and below grade new construction, would destroy an iconic neighborhood. This requested upzoning creates a zoning envelope with enormous implications:

- NYU’s plan to build 1.3 million square feet of above ground development and 1.1 million square feet below-grade makes this the largest development project ever in CB2, and will more than double the zoning floor area on the superblocks (from under two million to more than four million square feet).
- This zoning would completely change the neighborhood residential character of the superblocks, because nearly all of the new building will be for non-residential uses, including hotel, dormitory, public school, athletic facility, academic and ground floor retail uses (approximately 2.2 million sq. ft.).
- The plan projects that NYU would add 1,500-2,000 new residents (students, hotel guests and faculty families), and bring 10-12,000 additional people daily into the area.

- The requested zoning would reduce by half the existing Open Space Ratio. The newly designed public spaces include walkways and pedestrian paths designed without public consultation and would replace treasured community parks, playgrounds and gardens, reducing the amount of open acreage that provides light and air to the interior of the blocks.
- The height and bulk of the new buildings will tower above the neighborhood, negatively impacting both residences and open space. The DEIS indicates that they will cast shadows as far as Washington Square Park.
 - The Mercer and LaGuardia Buildings rise to 282 ft. and 186 ft., respectively (blkh. roof), and would dwarf Washington Square Village which features two of the tallest buildings in Greenwich Village at 160 ft.
 - The mass of the Zipper Building, which is 333 ft. tall on Houston, 232 ft. tall on Bleecker and 292 ft. tall just south of Bleecker, will detract from the special character of I.M. Pei's University Village buildings and landscape, which were designed as "towers in a park," and recently designated a landmark by New York City in recognition of their historic and unique contribution to the built fabric of the city.
 - The lower-scale private loft buildings on LaGuardia Place and Mercer Street would be overwhelmed by this project, with loss of sight lines, light and air. The buildings on the west side of LaGuardia Place would be facing the 235 ft. Bleecker Building and the LaGuardia Building.
 - The residential buildings on the east side of Mercer Street would be even more severely impacted with a full block of the massive Zipper Building, built right to the lot line, and the towering Mercer Building keeping them in shadow most of the day.
 - The shadows cast by the proposed Bleecker Building would severely harm the LaGuardia Corner Gardens, a community garden for more than 30 years.

The existing R7-2 designation is already one of the largest zoning envelopes in our district. (The only higher zoned areas are wide streets and commercial thoroughfares.) R7-2 was applied here to accommodate the two residential superblocks that were created under the Title I Urban Renewal program with the intent to provide quality housing for the neighborhood. Rules were established that specified the amount of land that could be covered by buildings to ensure that there was sufficient open space to compensate for the height and density of the development. The South Block is built to the allowable FAR, and the North Block is overbuilt because it predates the 1961 ZR. Additional bulk and density is inappropriate on the superblocks.

New commercial uses would be allowed in this proposal, but CB2 believes any increase of these uses is inappropriate on the superblocks. The current zoning includes a commercial overlay that permits, for example, the Morton Williams supermarket in its current location. This site, which has housed a much-needed supermarket since at least the 1950's, is already far to the east of the wide community that is otherwise underserved by similar amenities. Moving it even further east would be a hardship to the many elderly and mobility-impaired residents who depend on it.

The plan also includes a new hotel. Hotel use should not be considered as central to the University's academic mission and is not appropriate on the superblocks. There are many hotels in the area with which NYU's hotel would compete, including locally-owned establishments, and there is evidence that they are not at capacity.

A Large-Scale General Development Special Permit is requested in order to facilitate the four oversized buildings being proposed for the superblocks. These buildings would break sky exposure planes, violate rear-yard requirements, breach height and setback regulations, and penetrate the sky exposure plane. The existing buildings on the superblocks are currently in compliance and the special permit would not otherwise be required.

Finally, Deed Restrictions were placed on the properties in order to implement the Urban Renewal Plan. They are integral parts of the Urban Renewal Plan. Because of significant amendments to the Plan, the Deed Restrictions are now set to expire in 2021. The removal of these restrictions would violate the intentions of the Urban Renewal Plan and the resulting development would violate the expectations of the residents and businesses in the area, who have made lifestyle and financial choices based on the terms of these restrictions.

II. PHASING OF PLAN WOULD CAUSE 20+ YEARS OF CONSTRUCTION

CB2 has significant concerns about the phasing of the 2031 Expansion Plan. An enormous amount of new construction is planned that would cause decades of disruption, but there is no assurance now that these structures will actually be needed in 20 or more years. CB2 is especially concerned about including a temporary gym in the first phase.

NYU says it currently faces a shortage of academic facilities, specialized teaching and performance spaces, faculty offices and student housing. Both in testimony before CB2 and in the DEIS, NYU maintains it needs to expand their facilities immediately, or risk falling out of the category of elite American universities. NYU also claims that it wants to build on its own property in the campus core in order to create an environment where different disciplines can “cross-pollinate” ideas among faculty and student peer groups.

Two facts lead CB2 to question the need for such a broad expansion:

- The University states that they are now at a virtual stopping point in growth and project an average annual increase of only .5% for the next 25 years.
- In Phase One of NYU’s plan in the years 2012-2022 only 17.5% of the square feet to be developed in this project is for academic use. The remainder of the initial expansion is devoted to nonacademic uses, including a hotel, retail, dormitories, athletic facilities, and a public school. Construction of the majority of the academic space (82.5%) does not begin for 10 years, and is not scheduled for completion until 2031.

CB2 contends that because the University’s growth has already occurred and very little is projected for the next 25 years, it is unnecessary to approve such a large expansion at this time.

NYU’s phasing plan starts activity on the north superblock with a temporary replacement for part of the current Coles Gym, and ends two decades from now (assuming no construction delays) with a building also on the North Block. Were it not for the temporary gym placement, the only activity on the North Superblock would start 10 years from now. This calls into question the legitimacy of including the north superblock in this ULURP application at all. NYU essentially is asking for a “blank check” they may or may not need in the future.

CB2 does not accept the need for a temporary gym in the Proposed Development Area. It is currently sited for the existing “Key Park” playground, which serves many families with children in the wider area. To move the temporary gym to this site, NYU proposes first moving the Key Park to the Sasaki Garden, taking that away from the community as well a decade before construction of any permanent buildings are planned.

It is unnecessary to shuffle vital and treasured amenities for neighborhood residents, resulting in the north block to be under continuous construction for 20 years. NYU should seek to accommodate their UAA sports teams elsewhere, as they currently do with many of their existing sports programs.

Possible reductions in future enrollment, potential venue changes in education delivery (e.g., online courses) and other unforeseen changes may reduce pressure on NYU's existing buildings and eliminate the need for the later-phased buildings. This opens the possibility that the structures would be built with a Community Facility FAR but might not be ultimately used for community facilities.

III. ACQUISITION OF THE CITY-OWNED PARK STRIPS IS HARMFUL AND UNJUSTIFIED

CB2 strongly objects to the proposal to transfer ownership of two of the publicly owned strips of land on the west side of Mercer Street (between West 3rd and West 4th Streets, and between Bleecker and Houston Streets) to NYU. CB2 further objects to allowing easements to NYU over and below the Park Strips along LaGuardia Place and Mercer Street on the North Block. In addition, we object to using the strip on LaGuardia Place between Bleecker and Houston Streets as construction staging, covering it or casting a permanent shadow over it.

CB2 advocates for the preservation of the public ownership of the Park Strips, and for their immediate transfer to the Parks Department, along with the additional strips on the south side of West 3rd Street and the south side of Bleecker Street between Mercer Street and LaGuardia Place.

CB2 has supported all efforts to develop public uses on these strips and has long favored mapping of these open spaces as parkland. NYU opposition has prevented this. It would be a mistake to reward the University's intransigence on this issue by turning the full or partial control over these properties to NYU, whether by transfer of fee ownership, extensive easements, allowing them to be demolished for below-grade construction or use as staging locations, or design concessions to substantially convert their use to access plazas for private buildings.

These properties are City-owned and currently dedicated to uses typical of city parks. The Doctrine of Public Trust may apply to at least some of these areas, and whether it does or not, the City should honor the past and current public uses and guarantee their protection and improvement for the future.

In each case, while there may be room for improvement in design and use, the spaces are an important part of the history of the blocks, legacies of the seminal and successful neighborhood battle against the proposed Lower Manhattan Expressway which would have done great harm to the future of downtown Manhattan and the City as a whole. The status of each area also reflects the 40 years of efforts by volunteer community groups to create and maintain public open space in a park-starved neighborhood. The boulevard feel they create on LaGuardia and Mercer are key elements of the character of the area and the feeling of openness that is retained despite the bulk of the superblock structures that exceed the norm for the neighborhood.

Mercer Street and LaGuardia Place, North Block.

The strip on the east side of the block includes the Mercer Playground, built and managed by the Parks Department after an energetic and extended initiative by the parents group "LMNOP." The playground offers a kind of hardscape open space that allows for uses that are not supported in other nearby areas, and is valued by the community. LaGuardia Park, on the west side of the block, includes many mature trees in planted areas featuring ivy ground cover. It provides a central location for the statue of Fiorello LaGuardia. Improvement of the area has been led by the efforts of Friends of LaGuardia Place, a community group that also led a successful, but not yet implemented, effort to develop a Parks Department playground on the site.

The transfer of these properties to the Parks Department, now supported by NYU, is the sound approach, but the proposed design and the placement of the large Mercer and LaGuardia Buildings take away more than the change of jurisdiction gives, and the larger use of the resource is ceded to NYU access purposes. On the east side, the proposal includes a small section of the strip as part of a larger “Tricycle Garden,” and on the west side it includes locations for the LaGuardia Statue and Adrienne’s Playground. Both of these new playgrounds would be overwhelmed by the huge adjacent buildings with doors opening directly onto parkland, and the much larger portions of the spaces are designed and designated as major entry plazas to the intensely developed academic buildings serving more than 5000 students at a time. Student movements and uses between classes would dominate these spaces. The proposed Tricycle Garden would see little sun as it wraps around the north and east sides of the large Mercer Building, and the area is included as a “filter entry” to the proposed development on the block, creating conflicting uses.

Parks serving neighborhood needs cannot coexist on these strips with the buildings as currently planned, as will be discussed further below. In addition to access easements requiring Parks to cede ultimate control of the plaza areas, easements would be needed to accommodate underground university facilities beneath the parkland, giving the university control for long periods of construction and later for structure maintenance. The underground use would require removal of the mature trees. With replacements to be planted as much as 20 years later, two generations would pass before the stands of mature trees return.

Mercer Street, South Block

The current public uses of this strip were created as part of the agreement allowing the construction of the Coles gym in 1979-1981 on land previously used as a sandlot ball field. Because NYU abdicated its commitment to maintain the strip, the condition and use of this area is poor with the exception of a popular dog run that is well maintained by a membership association. Soon after construction, the water playground and “reflecting garden” sitting area were closed because the ground subsided, and they have not been restored.

Regardless of the current deficiencies of the area, the plan to move the building footprint east to eliminate public land and create a public walk to the west would negatively impact the area’s balance of open space. The building line of the massive Zipper Building will project past the building lines on the blocks to the north, creating a crowding effect, and the special open character of Mercer Street would be largely lost, just as the projection of the Bobst Library did substantial disservice to the boulevard feel of LaGuardia Place.

Experience with off-street retail plazas such as the proposed walkway on the west side of the new building should counsel against this effort to shift pedestrians away from the street, where New York retail thrives. Use by the general public would be limited because the walkway would primarily serve as access to a university building with intense student use. There is merit to aligning the west side of the building with the buildings on the west side of Greene Street, south of Houston, but not at the expense of the openness of Mercer Street which will be all the more important if a taller building is on the site.

CB2, without reservation, rejects the proposal for a new building and retail at this site. Should the community board’s recommendations not be heeded, any new building should be built on the existing footprint or a narrower one that aligns both sides of the building with existing streets, and any new retail should be focused on the north and south facades of the building to allow transfer of the strip to Parks with improved public open space uses.

Mercer Street Cogeneration Park.

This attractive park was recently built by NYU to restore the public land used during construction of the cogeneration plant built underground per terms on a consent agreement with NYC DOT. The park was designed with extensive community input in a process developed as a result of the agreement. The agreement allows for future maintenance needs of the cogeneration plant and no persuasive argument has

been made for transfer of this public open space to private control. Even with an agreement for future public use in place, experience with publicly accessible private plazas gives reason for concern that the long-term public good would not be well served if the ownership is transferred to NYU. Instead, the land should be transferred to Parks, with continuation of the existing agreements that were crafted to serve public and private needs.

LaGuardia Place, South Block.

This property is not part of the future development, but the plan proposes to use the gardens as a construction staging area or to cover it with a construction shed; both are destructive and unnecessary propositions, and the proposed Bleecker Building would limit future plantings to shade-tolerant species. The land includes two open space areas managed by volunteer gardeners. Time Landscape is on the southern half, and supports a grove of mature trees. LaGuardia Corner Gardens, on the northern half, is a thriving community “Green Thumb” garden, created and maintained on an abandoned lot by energetic and passionate volunteers. It is lovingly planted with vegetables, flowers, perennials, and flowering trees. It is open to the public on a schedule and welcomes school groups. However the project proceeds, the property should be transferred to Parks and the space should be restored, including a sufficiently sunny area for the gardening to continue to serve the entire community in its current manner.

Bleecker Street and West 3rd Street Strips.

These narrow strips are also not part of the proposed changes to the superblocks, but they deserve mention because they enhance the quality of the streetscapes. While these areas may have little potential for recreational use, they do add to the public sphere and help to retain the urban quality of these blocks. They should not be allowed to transition to the more private character of a university campus. If portions of these strips need redesign to support any development ultimately approved for the blocks, accommodation should be made without transfer of the property. Opportunities for redesign and renovation include the interior sidewalk on Bleecker Street that could be incorporated into the plantings.

IV. THE PLANNED NEW OPEN SPACES ARE ILL-CONCEIVED AND UNACCEPTABLE

CB2 is extremely disappointed in the plans presented for newly designed public open space in the Proposed Development Area, which were designed without the input of local stakeholders, and is adamant in its assessment that there will be significant adverse impacts on the quality of life for the long-standing residential neighborhood.

NYU has based its proposals on the DEIS, but that analysis fails as a quantitative assessment because it uses strictly technical definitions that exclude substantial existing open space, including some well-used areas. If the popular open spaces were included, the assessment would show a substantial decrease in available space 10 years into the project, and only a very small increase upon its completion with a net loss of uncovered land.

Among the significant displacements would be Mercer Playground/LMNOP, LaGuardia Park/Friends of LaGuardia, LaGuardia Corner Gardens, the south block Mercer strip with the Dog Run, the “Key Park” playground and WSV Sasaki Garden. While the proposed open space plan claims to be more visible from the street, inviting, accessible, and public, it is mostly inward facing space surrounded by huge buildings whose large student populations would move through the spaces on a constant basis throughout the day. The trade-offs are not beneficial to the broader community. This proposal results in a university-focused campus approach, effectively an NYU quadrangle, with buildings opening onto open spaces that would be dominated by students during class hours and very likely unused when students are absent.

Deficiencies in the DEIS

The quantitative analysis provided in the DEIS estimates that there will be 3.80 acres of project-generated publicly accessible open space and 0.68 acres of displaced such space for a net increase of 3.11 acres. This analysis excludes certain spaces based on the guidelines provided in the CEQR Technical Manual. Appendix B lists some of these spaces, the reasons given for excluding them, and reasons why the absence of additional quantitative analysis from the assessment prevents the full picture from being shown.

- Alternate quantitative analysis: This would include a total of 3.72 additional acres. The areas marked ** totaling 0.55 acres will be not be displaced by the project, but still affect public open space ratios for the study areas. The CEQR guidelines recognize that some projects require additional analysis. By using only the strictest interpretation of the CEQR guidelines, the quantitative assessment devalues actual public uses of open space in the project area. Hundreds of residents attending CB2 hearings spoke passionately of the importance of these open spaces to their lives in exactly the terms that people traditionally defend urban open space. The effect is that the quantitative assessment is skewed in a way that should have initiated *additional analysis*, especially given the substandard ratios of open space to residents in the study areas and the large influx of new residents and daytime users the project will bring to the area. The intent of the CEQR guidelines is to measure actual impacts and it is the responsibility of the applicant and agencies to craft a process to the particularities of the site. In this DEIS open space analysis, the numbers largely distort the open space impacts.
- Indirect impacts of increased demand for active recreation: Citing CEQR guidelines, the DEIS does not study the increased demand for active recreation within the non-residential study area because “worker” populations are less likely to increase the demand for active recreation. But the daytime population of the development area would be mostly students in an age group with greater need for active recreation resources. This would cause significant strains and displacements at nearby active recreation resources including Passannante Park, West 4th Street Courts, and other nearby parks. The current abuse of Washington Square Park lawns by NYU students seeking areas to play Frisbee is already causing damage to these lawns, recently restored at great public expense for passive recreation. NYU responded inappropriately to a question from CB2 regarding this impact of the project by stating that the abuse was beyond its control since it does not have responsibility for enforcement in the park. Bringing so many students to a concentrated area requires provision of more open space for active recreation so that nearby parks are not overburdened.
- Impacts on Most Affected are Undervalued: The CEQR guidelines require study of the impact on day time populations within a quarter mile and residents within a half mile. The nature of the proposed project is to superimpose a huge new development in an area now occupied by a much smaller one, so simple application of the guidelines misses the assessment of impacts of the group most affected by the project, the people who live in or immediately adjacent to the study area. The existing open spaces are important parts of the quality of life in these areas, compensating per their design for the taller buildings, and the changes would affect these residents most directly. This creates a need for an additional assessment, not diluted by including larger populations, of impacts on the smaller area.
- Shadows: While the shadow study addresses shadow impacts of new buildings on existing open spaces, it fails to consider the impacts of shadows from new and existing buildings on new open spaces, which is especially significant for children’s playgrounds which should not be located in areas of winter shade.

- Phasing: The DEIS fails to evaluate the impact of proposed phasing decisions on open space and to evaluate alternatives. For example, by starting the project by relocating the Key Park to enable construction of a temporary gym, a large portion of the Sasaki Garden would be displaced by the temporary playground, and by building the entire north block site as a single project, the entire project area would have no real children's playground for ten years beginning in 2022 (see Appendix C). The DEIS fails to consider an alternative use of off-site spaces as an alternative to staging construction on the project's open spaces, including the green spaces to be mapped on the northern superblock. NYU's plan would render those open spaces unusable for a decade or more. As mitigation, NYU should be required to restore those spaces to public use during the intervals between the construction phases rather than leave them unusable by the public during those intervals.

Proposed New Public Spaces

- Philosophy Garden: At 2.37 acres, this area represents 62 percent of the open space planned for the entire project. It includes the entry plazas to be built on public land transferred to the Parks Department, and much of the area where the Sasaki Garden is now. The Sasaki Garden is a 1.34 acre open space that has been open to the public. As an early work of Hideo Sasaki, the garden has recognized architectural and historic significance as a modernist landscape. The garden remains a tranquil space offering a place for respite amid tall buildings. The Philosophy Garden completely displaces the Sasaki Garden, an integral part of the WSV complex that has been deemed eligible for the State and National Historic Register of Historic Places. The Philosophy Garden is planned as a more visible and accessible at-grade space. It includes space for lawns for combined passive use and informal active recreation, and wide entrance plazas built on land proposed for transfer to the Parks Department. These plazas would serve little use other than for entrances to the new buildings and the open space between them. The large open space would be surrounded on all sides by tall buildings that would keep the space mostly in shadow through the winter. It would be in-facing and strongly associated in design and use with the buildings whose entrances would open directly onto the open space areas. Large areas of hardscape would be needed to accommodate emergency fire trucks and the high volume of students who would access the classrooms in the buildings and the four underground stories. While more attractive in design than Gould Plaza on East 4th Street, the space would function in the same way in relation to NYU classroom buildings with little likelihood for casual use by the broader community. CB2 resoundingly rejects the plan for the Philosophy Garden because it essentially would create an uninviting, closed quadrangle mainly for benefit of NYU, although the plan purports otherwise. A successful plan for true public open space at this location would have designed buildings that respect the importance of the open spaces relating directly to LaGuardia Place and Mercer Street, and primary building access would be through the existing driveways under the Washington Square Village buildings instead of across public parks.
- Washington Square Village Play Garden: At only .34 acres, this proposed playground is 36 percent smaller than .53-acre Key Park, the often overcrowded playground that will be eliminated at the start of the project if a temporary gym is placed at this location. While access to the Key Park is limited by NYU to residents of a large area of CB2 living within about a 10-minute walk, its replacement, while open to all, would serve fewer people. The new playground is inappropriately sited because it would be directly adjacent to three tall buildings with its only openness facing north, so it would be in the shade most of the day for much of the year.
- Greene Street Walk: This area to the west of the proposed Zipper Building widens a rarely used walkway. It would function as access to university facilities and retail uses and is intended to double as public open space. Off street retail has not worked well in Manhattan where the street is

the marketplace, but even if this strip were to succeed and the area becomes a good place for students to congregate, the kinds of open space use provided would be unlikely to serve the broader community, especially since, like Schwartz Plaza, the area would be in shadow most of the day.

While the existing public areas to the east of Coles are poorly maintained by NYU, the openness is an important part of the Mercer streetscape and the existing strip could be improved to provide more usable open space to both the community and the university than the proposed in-facing solution.

V. THE STOCK OF AFFORDABLE HOUSING NEEDS TO BE PROTECTED

NYU is the landlord and land leaseholder for the major stock of affordable housing in Greenwich Village, including rent stabilized units in Washington Square Village and Washington Place and units in the Mitchell-Lama Program at 505 LaGuardia Place. CB2 urges NYU to provide a commitment that the units under its jurisdiction will remain affordable to the public and regulated in perpetuity.

Many low and moderate income residents, including senior citizens and those on fixed incomes, reside in housing under the jurisdiction of NYU, which includes units in Washington Square Village, Washington Place and 505 LaGuardia Place. This housing has sustained the local community's economic integration and contributed to its diversity and vibrancy.

However, NYU's treatment of this affordable housing stock is of great concern to CB2. Testimony has indicated that when a regulated apartment becomes vacant, efforts are made to effectively deregulate apartments by either allowing them to remain vacant or providing them for faculty and staff. At a time when affordable housing is so badly needed in our community, and when this Community Board has made it a priority to see new units of affordable housing created, it is simply unacceptable that NYU is further reducing the number of affordable and regulated apartments under its jurisdiction in Washington Square Village and Washington Place.

As part of the original urban renewal superblock development, since 1967, 505 LaGuardia Place, a Mitchell-Lama Cooperative, has provided an important source of affordable housing in Greenwich Village, with 174 affordable units. NYU owns the land lease for the Cooperative, which is scheduled for renegotiation in 2014. The terms of the lease will dictate whether this project remains truly affordable. Regardless of the outcome of this ULURP application, CB 2 believes that NYU should consider selling the land lease outright to the Cooperative, in order to ensure that this project remains affordable in perpetuity. CB2 also rejects any LSGD which draws lines that exclude existing "parties of interest" that could be negatively impacted by the proposed plan.

VI. COMMERCIAL OVERLAY AREA REZONING IS INAPPROPRIATE

CB2 opposes a zoning change to create a C1 commercial overlay on six blocks east of Washington Square Park.

NYU is proposing this overlay for the stated intent of "enlivening the streets," bringing existing non-conforming retail into compliance, and allowing development of ground floor retail uses. However, the street activity level is excellent, adequately serving the current mix of residential and institutional uses and the grandfathered uses are by definition compliant, and are functioning well. NYU has appropriate recourses within the zoning text at its disposal to meet limited retail needs in a few buildings. CB2 opposes this zoning change.

For the DEIS, NYU selected a Reasonable Worst-Case Development Scenario based on conversions of only six buildings for which they have current plans to develop only 23,000 gsf of retail use. However, a likely development scenario will include many more locations because the market driven values in an area adjacent to high rental Broadway retail areas will create strong incentives for many more conversions, especially if initial retail uses are successful. The young adult market is particularly strong for national chains and for the large eating and drinking establishments that have saturated nearby areas. Most of the buildings on the blocks have high ceilings and large footprints that are attractive for such high intensity retail users, with well over 200,000 square feet in 26 buildings ultimately available on first and second floors and potentially basements as well.

The area is currently well-served by the kind of retail anticipated by C1 overlays, the purpose of which are to serve the "local retail needs of the surrounding residential neighborhood." An overlay in this area is more likely to attract a combination of uses serving regional and NYU markets, with a potential to drive out existing non-conforming businesses when the expansion of stores is allowed. An area should be rezoned when there is a need that is typical of the area, not isolated to the needs of one property owner at a few locations within it, and transgressing this principal risks unanticipated and unstudied transformation of area, with possible unwanted impacts on the existing neighborhood which currently has a strong and successful character with an appropriate mix of residential and institutional uses.

The overlay would also bring retail uses close to Washington Square Park (including the eastern boundary), which is currently surrounded by blocks with very few stores, all non-conforming. The special character of a park is substantially influenced by the surrounding neighborhood, accounting in large degree for the differences between Washington Square, Union Square, and Madison Square, for example. The DEIS fails to evaluate the potential for profound negative impact on this historic and open space resource if as-of-right retail development is allowed on the adjacent blocks.

VII. A TRANSPARENT COMMITMENT FOR A PUBLIC SCHOOL IS REQUIRED

At the moment, there is no commitment from the NYC Department of Education to approve a new public school in the location proposed by NYU. Without this, there is widespread concern that should the NYU ULURP move forward the site designated by NYU could revert to NYU's own, unspecified use as a windfall. Moreover, the details of any conversations between NYU and the DOE have not been made public. Also, the terms of NYU's promise for a new school have changed, including the extent of the university's donation to such a school and whether it was predicated on the approval of the NYU ULURP.

In 2008, NYU attended a CB2 meeting on school overcrowding and announced its intention to create a new K-8 public school. It was CB2's understanding that this meant the university would provide the "core and shell" of such a building and that this offer was not contingent upon the University's ability to gain approvals for zoning changes that would enable their expansion in the Greenwich Village core. CB2 is concerned that should the City and NYU not reach terms for a new school before the completion of this ULURP, NYU would be under no obligation to build a public school and would benefit from the windfall from the proposed upzoning, which it could use for dormitory space. CB2's examination of this part of the ULURP proposal has been hampered by NYU's lack of public disclosure of the details of the discussions with the City, making the community board's review of the school proposal nearly impossible.

In addition, since the NYU ULURP was filed, the University has declared that the offer to make land available to the City for a public school is contingent upon the approval of the project. In addition, apparently contrary to earlier promises by the university, NYU states that it will not contribute to the core

and shell of the building, instead only donating the land beneath such a location, which consists of 78,000-100,000 square feet of space to be built between NYU academic space below ground and seven floors of student dormitory use above.

In the absence of this ULURP application, CB2 would be very supportive of the donation of a new K-8 public school by NYU, which is sorely needed in the Greenwich Village area due to local classroom overcrowding. However, it is problematic that NYU has apparently reduced its commitment to such a new school and is now basing it upon approval of NYU's proposed project.

Other concerns about NYU's proposed K-8 public school proposal include:

- The proposed plan calls for the only recreation to be a play area on top of a seven-story high rooftop, to substitute for an actual playground. There are concerns that an elevated playground would be unsafe and not pass FDNY inspection (it is CB2's understanding that a similar proposal at the Millennium School in Manhattan was rejected recently for being hazardous). In addition, the challenge of moving large groups of students by means of an elevator would pose serious logistical problems, which possibly would lead to less recreation time for students.
- The NYU plan for this site also proposes a building with a student dormitory on top of a public school, including dormitory windows overlooking the rooftop play area for young children. These are potentially incompatible adjacent uses between college students and young children, such as noise, smoking, etc.
- The plan for this site does not appear to have made adequate provisions for loading and unloading. Delivery trucks and parent and bus drop-offs/pick-ups would be required to park or double park on Bleecker Street or LaGuardia Place, creating dangerous congestion on these narrow and busy streets. This would create an unsafe environment for children, NYU students and local residents.

CB2 has repeatedly asked NYU to support CB2's efforts to develop new public schools outside of their ULURP application at other locations such as the underutilized New York State-owned building at 75 Morton Street, as the University is both partly responsible for enrollment increases in local public schools and an academic resource for the study and analysis of the issue of school overcrowding. CB2 believes this should be a mutual goal.

VIII. TRANSPORTATION IMPACTS

It is CB2's opinion that the DEIS grossly underestimates and does not adequately study the true effects of this project. Because of the tremendous increase in living, working and visiting populations and the accompanying activities that would be engendered, there would be severe adverse impacts on all aspects of transportation, from vehicular movements to pedestrian access to transit ridership to the availability of parking.

These negative impacts are especially egregious in view of the NYC Department of Transportation's recent efforts to create a more equitable balance of street space between pedestrians, vehicles and other transportation modes in order to improve livability for all users. By following rigid formulas that allow for things to get worse and that make use of hackneyed and often ineffectual mitigation measures, this plan both flies in the face of DOT's progressive goals and misses a timely opportunity to look for and implement improvements from the outset that can benefit businesses, residents and NYU alike.

- Vehicular traffic, which already overburdens street capacity, would increase substantially, intensifying congestion and compromising access and safety, not only on weekdays, but also on weekends and in the night, when tourists and hotel guests join residents, students and faculty in using incoming/outgoing cars, taxis and limousines to recreational and other activities.
- Added turning movements at already dangerous turning areas, increased delivery trucks and service vehicles, and the general proliferation of cars, taxis and school-related transportation, bringing added congestion and decreased safety on the streets, would be especially daunting for a population with many seniors and families with small children, besides overwhelming the general populace.
- Streets with one traffic lane, like Bleecker and Mercer, would be particularly stressed, with Mercer suffering heavy truck activity to the new Zipper Building loading docks and blockages from hotel drop-offs/pick ups by taxis, cars and limousines. Bleecker Street already experiences heavy traffic impacts from frequent truck deliveries and oversized tour buses and would suffer further delays and noise. Multi-lane streets would also be encumbered, like Houston Street, a major through thoroughfare, and LaGuardia Place.
- Intensified congestion, loading/unloading and other street blocking activities would increase emergency vehicle delays. The response given to CB2 that “emergency vehicles can maneuver around and through congested areas because they are not bound by standard traffic controls” does not alleviate our concerns.
- Potential mitigation approaches, such as small re-timings of traffic signals and added signage, would be insufficient to offset significant adverse vehicular impacts identified at several locations, and in some cases would be hazardous, e.g., adding green time at dangerous crossings like Houston Street at LaGuardia Place.
- Pedestrian trips would far exceed the 200 threshold for both the Phase I (2021) and Phase II (2031) build-out, greatly interfering with pedestrian access, safety, comfort, circulation, and orientation (which would be further harmed by the heavy vehicular traffic). Heavy platoons of pedestrians at corners and in crosswalks would both block passage and make crossing more hazardous. The vastly overcrowded sidewalks and streets, teeming with a huge expanded volume of university-related pedestrian traffic, also would interfere with the community-friendly character and neighborhood-scale dynamic that give this area its special quality and appeal.
- The suggested pedestrian mitigations would not be a cure-all. In fact, one statement claims: “crosswalks and street corners are not easily measured in terms of free pedestrian flow.”
- The significant adverse transit impacts that are expected at subway station stairways and entrances would strongly interfere with accessibility and convenience for the numerous people in the area who rely on the subway. Furthermore, it is stated that subway station mitigation measures may be infeasible, and if so, the impacts would remain unmitigated, meaning there would be no attempt at all to alleviate these crowded and untenable conditions (an unwarranted discomfort in view of the unnecessarily excessive scale of this project).
- Replacing the current 670-space below-grade parking garage in Washington Square Village, which includes public parking, with a 389-space below-grade accessory parking facility would result in a loss of roughly 110 to 135 public parking spaces. This parking shortfall might not be able to be accommodated by other public parking facilities in the area, some of which are slated to be replaced by new buildings, others fully occupied, and others an undesirable distance away.

- A sizable number of on-street parking spaces would also be eliminated, further displacing parkers. Even if automobile use lessens, there still will be drivers who need to park. A parking shortfall as anticipated would lead to increased circling and cruising for spaces, meaning less safety on the streets, added congestion, and more polluting emissions.

IX. ENVIRONMENTAL IMPACTS

CB2 finds it impossible to agree with the conclusion of the DEIS that NYU's expansion plan will have only temporary negative impacts and that the levels of potential danger fall into an acceptable range and/or can be sufficiently mitigated.

The superblocks and Commercial Overlay area would experience a range of negative effects if NYU's 2031 Plan were to proceed. Even if there was less total square footage built and less commercial space allowed, these impacts – in addition to and lasting far beyond those discussed in the Construction Impacts section – would endanger the health and well-being of those in the general area, put an added burden on infrastructure and services, and significantly reduce quality of life for thousands of people.

Environmental Impacts Of Concern Include:

- Public Health and Safety: Adding a large new population and changing the physical configuration by the proposed 2031 Plan has the potential to overburden medical infrastructure (already diminished by the closing of St. Vincent's Hospital) and local police precincts. NYU's proposal for the North Block restricts the ability of fire and emergency vehicles to reach apartments, and the removal of through-driveways between Bleeker and W. 3rd Streets will slow the ability of ambulances to reach and depart with patients.
- Noise: Late-night noise from students is already a major problem in our community. The addition of dormitories will only exacerbate this problem. Increased vehicular traffic would also increase horn honking and idling noise.
- Air Quality: Increased congestion, both traffic and pedestrian, may elevate ozone and particulate pollutants. Reduction in mature trees could contribute to a long-term rise in greenhouse gas emissions, creating health hazards and potentially increasing the asthma rate throughout the area. The proposed buildings would change air patterns, creating "wind tunnels."
- Shadows: New buildings would cast shadows on many structures, plantings and people. The DEIS also does not take the collective effect of both existing and new buildings into account, including blocking of sunlight, diminishment of property values, reduction of plant and tree growth, impact on treasured community green space (e.g., the award-winning LaGuardia Corner Garden which is currently a designated Monarch Butterfly Waystation and Backyard Wildlife Habitat), and the impact on the proposed location of the replacement children's playground in Washington Square Village. In addition, the South Block's landmarked area would suffer significant shadowing from the proposed buildings, also changing the view of the Picasso "Bust of Sylvette" sculpture.
- Water and Sewer Infrastructure: Thousands of new residents and tens of thousands of people using the area daily would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- Underground Water: The "bathtubs" created by NYU's huge underground plans would divert underground water which may affect foundations of nearby buildings, and dewatering may cause permanent changes in the surface of the area.

- Wildlife: Red-tailed hawks, recently making their homes in the neighborhood, would lose the mature trees and unbuilt spaces that they depend upon. Additional garbage flows from the new buildings would also bring vermin, and the poisons used to control these rodents also imperil these birds as well as other animals in the area.
- Solid Waste and Sanitation: The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal. Late-night trash collection is already a problem in the area, and will only increase.
- Energy: While the proposed new facilities may be connected to NYU's new co-generation facility, that system will reach capacity and then an added burden will be placed on the grid/systems. A loss of passive solar energy due to shadows would also add to energy use.

X. CONSTRUCTION IMPACTS

In a dense residential area, construction projects create noise, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses. CB2 is very concerned about the potential negative impacts of this project, many of which are acknowledged in the DEIS, especially since they will be felt for 20 years.

The ramifications of 1.1 million sq. ft. in four stories of underground construction on both superblocks over the course of 20 years is not adequately addressed in the DEIS, and would be staggering. In addition, the proposed above-ground construction in conjunction with the below-grade excavation would have a devastating effect.

Transportation

Unrelenting construction activities over the duration of this project will have heavy transportation impacts in all areas. The cumulative effect of heavy truck use generated by deliveries, movement of materials and removal of debris, extra construction worker pedestrian trips, and an expected increase in private motor vehicles (and the accompanying increased parking demand), would exacerbate congestion and create hazardous conditions on both streets and sidewalks. The adverse transit impacts predicted at subway station stairways and entrances will be more severe because of the substantial number of construction worker subway trips. The DEIS suggests that mitigation measures could be infeasible. These factors, coupled with the setting up of temporary structures, such as sheds, construction bridges and a gym (blocking access and flow), along with continuous relocations of such items, will lead to twenty years of unrelenting obstruction to safety, flow, orientation and access in every transportation mode.

Noise

The DEIS states that there will be adverse noise-related effects, but claims they will only last two or three years. This is incorrect for two reasons: first, when NYU moves their baffles to a new area, the sound will be deflected to the one they just left. Second, once someone has been exposed over a period of years, the resulting sensitivity reaches a level that makes even a lesser exposure unbearable. In addition, the expected noise will be a significant disruption to residents and visitors; an increase of even one DBA constitutes a tenfold increase. Constant monitoring of noise and suppression of any noise in violation of city codes should be part of the on-going environmental commitments.

Air Quality, Emissions, Dust and Pollutants

Contrary to the conclusions in the DEIS, CB2 believes this plan would cause significant negative impacts on air quality. It is during construction when the major assault on air quality would take place. The plan as proposed would create a 20-year tightly compressed construction zone.

Dewatering

Another issue of concern to CB2 is that dewatering a site can cause surface cracks in foundations and in pavements, uneven settlement of dry area, and possible effects on trees and other plantings. CB2 encourages the Freeze Method should be investigated, aside from dewatering.

Visual Pollution

NYU's proposed new buildings, placed directly across narrow streets like Mercer and LaGuardia Place, will flood the residential buildings across those streets with intense light during nighttime hours. This will have an adverse effect on the residents of those buildings. Thus far, there has been no discussion of design that incorporates technology that reduces lighting intensity and glare.

Construction Monitoring

Stringent monitoring and regulation of construction activities, including limitations on hours of construction related truck movements, forbidding truck idling, use of low sulfur fuels, closed truck beds, noise dampened construction equipment, commitment to no after hours or weekend work, etc. is required to keep the neighborhood safe and livable. In the event any part of the NYU plan is approved, there must be established and enforced through a restrictive declaration the mitigation measures described above including traffic controls, noise and light suppression, off-site construction staging and laydown, restoration of the public open spaces to public use between project phases, etc. NYU's compliance with these measures should be monitored and enforced through appointment of an environmental compliance monitor as has been done in the case of Columbia University. The monitor should have the authority to halt any construction activities that violate the terms of the restrictive declaration and to report on a regular basis to CB2 and the Borough President, Council Member and City Planning Commission.

CONCLUSION

The world-famous character of Greenwich Village is a major asset for New York City. The Village continues to be popular with residents and visitors of all ages drawn to its unique mix of small town charm and urban density. The superblocks, with their dramatic scale and integral open space, function as a central counterpoint to the dominant low-scale townhouse and loft structures typical of the rest of the area.

Shifting the university center south and establishing a more intense campus environment on the superblocks would forever destroy a thriving residential community and transform it into a private NYU campus, changing the character of the area forever. It would also have significant negative impacts on surrounding neighborhoods to the east, south and west such as NoHo, SoHo, and the West Village - areas where students are not a dominant presence. Sidewalks would become crowded with students, existing retail would be displaced and open space would be oriented towards classrooms, instead of the kinds of places that support the vibrant and diverse community that currently exists.

Vote: Unanimous, with 40 Board members in favor.

For the reasons outlined above, CB2 recommends denial of the NYU Core Project.

PARKS, RECREATION & OPEN SPACE

Dear Chair Burden and Ms. Jedlicka:

CB2 has recently focused on the importance of adding opportunities for new public open space in the rezoning plan for Hudson Square. Open space is a required residential resource for a mixed use neighborhood in an old industrial zone that has almost none.

We think the minimally developed mid-block area between Varick and Hudson Streets, from Dominick to King, may offer an unusual chance to encourage developers to provide public open space without FAR bonuses. As the resolution adopted at our Full Board meeting on February 23, 2012 (and copied below) states, a strong case can be made that the proposed height limit of 320 feet on wide streets is out of character for the area and unnecessary for the maximum 12 FAR, but given the narrowness of the lots on the mid-block, a height somewhat higher than 185 feet could be allowed. If the height limit were to be substantially lowered and made applicable to all areas on wide and narrow streets, opportunities for needed public open space could be created by allowing special permits for higher buildings when private land is made available to create new parks. We are requesting this be studied as an alternative that we believe would have little impact on the quantity of development.

A resolution favoring modifications to the Draft Scope for an Environmental Impact Study for the Special Hudson Square Rezoning District to encourage creation of needed open space

Whereas:

1. Trinity Real Estate has submitted an application requesting modifications of the zoning map and zoning text pertaining to 18 block of Hudson Square currently zoned M1-6 whereby a special mixed-use zone would be created for this area; and
2. CB2 has previously commented on the draft scope for an EIS, but the Department of City Planning has not yet certified the application; and
3. The application proposes a Special Hudson Square Zoning district allowing mixed use development with certain restrictions; and
4. The height limits for buildings in most of the district would be established at 320 feet on wide streets and 185 feet on narrow streets 100 feet from intersections; and
5. The draft scope anticipates an eventual increase in residential development in the area from 331,000 sf (being 3 percent of total development) to 3.13 million sf, (being 32 percent of total development), and
6. This growth of residential use is based on development in 21 sites, including five sites owned by Trinity, with 15 new buildings, one conversion, and five enlargements; and
7. The draft scope states that additional growth of residential use is possible at 16 additional sites with two new buildings, two conversions, and twelve enlargements; and
8. CB2 included the following statement in its comments to the draft scope: "Community Board #2 recommends the expansion of this study to include other possibilities for the inclusion of additional Open Space in the Hudson Square area", and
9. The application projects one scenario under which new development in the zone will include 3210 units of new housing with 5770 new residents, 200,000 sf of new retail, 703,000 sf new commercial uses, a 75,000 sf public school, and 678 accessory parking spaces; and
10. The area, as a result of its industrial past and current commercial use, already has severe shortages of school seats and has almost no public open space, and the need for these essential residential infrastructure will increase; and
11. This rezoning provides an opportunity to create the framework for the development and successful use of the area for generations to come and should take full advantage of this to improve the quality of residential and work life for these generations; and
12. This rezoning should take full advantage of the rare opportunity to improve the quality of residential and work life for these generations; and
13. With fluctuations of the demand for residential development citywide, viability of residential development in this area will depend upon the quality of life it offers including the availability of public open space; and

14. Public open space also improves the quality of a neighborhood for businesses and workers; and
15. Currently open space in the area is concentrated at the perimeter of the area; and
16. CB2, with a steadily growing population including many families with children, has among the worst ratios of residents to acres of parkland in the city; and
17. Additional residents will place a new burdens on existing parks in adjacent areas, worsening the already substandard ratio of residents to acres of parks in these areas; and
18. Commendably, the proposal includes the construction of a new public school to meet the needs of the new residential population; but
19. The new school will create additional burdens on public open space within the district and specifically on Duarte Park; and
20. The application includes no commitments for new open space or provisions or incentives for its creation; and
21. CB2 has a long history of prioritizing the importance of its parks so impacts that will worsen this ratio will make it difficult or impossible to garner support for the rezoning proposal; and
22. There is a water tunnel shaft construction site nearby that DEP has agreed to transfer to the Parks Department for open space use in the future but has not agreed to fund construction of a park; and
23. Hudson Square to Hudson River Park represents a significant potential resource for the area but there is no direct access from the area to the park and efforts of the CB2, Hudson Square Connection, Friends of Hudson River Park, and elected officials to establish a crosswalk at Spring Street have not succeeded; and
24. Hudson Square Connection has explored opportunities for creating new open space on Port Authority land but has not succeeded in obtaining commitments for such use, and has also not yet achieved approval for a proposal for access to Hudson River Park at Spring Street; and
25. The mid-block lots of four streets between Varick Street and Hudson Street are minimally developed and represent an important opportunity for new parks in the center of the area; and
26. Open space is particularly important given the dominance of Holland Tunnel traffic in the area, and the mid-block location offers a better location for parks than the busy avenues; and
27. A large number of additional trees that new open spaces could support would help clear pollution related to Holland Tunnel traffic from the air; and
28. Opportunities for development of parks in these areas should not be squandered, but CB2 does not support zoning provisions that offer only publicly accessible plaza-like sitting areas without a public feel and public involvement in development in design and use; and
29. Ideally a line of parks would be created on the entire existing development gap in the mid-blocks between Varick and Hudson Streets from Dominick Street to King Street, a concept that proponents have called “the Gapline”, but separate parks on portions of each block would also provide centrally located open space and special character; and
30. These mid-block sites are owned by four property owners, including Trinity Real Estate; and
31. The rezoning proposal establishes the same height limit for developments with FAR 9, 10, and 12, which may in some cases reduce the incentive for development of affordable housing; and
32. The 320 foot height limit proposed for developments on wide streets is more than what is needed for the proposed FARs; and
33. The 320 foot height limit is not characteristic of the area where the Trump Soho is the only building exceeding 270 feet and only two existing characteristic buildings exceed 220 feet; and
34. The 185 foot mid-block height limit will make it difficult or impossible to develop to the FAR required to achieve the affordable housing incentives, reducing the opportunities for affordable housing in the zone; and
35. The 400-foot block length reduces the viability of the midblock areas, especially because some of the blocks have existing taller buildings that extend well past 100 feet from the corners so the lower height will pertain to a narrow area; and

36. Extensive work should not be required to study an alternative that provides for open space opportunities if the changes do not substantially increase the total projected development; and
37. Establishing a range of height limits that is the same on wide and narrow streets but strictly limited to what is reasonably required to provide the project FAR would increase the incentives for affordable housing and create opportunities for new open space; and
38. The best opportunity for creation of new parks in Hudson Square may be through zoning provisions affecting mid-block properties between Hudson Street and Varick Street to allow and encourage new parks as part of their development; and
39. CB2 has no position of specific proposals to create additional open space but considers it essential that at least one alternative that will create opportunities for new open space be considered as part of an upcoming ULURP for this project.

Therefore it is resolved that CB#2, Man. encourages Trinity Real Estate to work with the owners of the other affected properties, the Department of City Planning, and CB2, to develop provisions that will accomplish the open space goals stated herein; and

It is further resolved that CB#2, Man. requests modification of the scope of work to include an alternative with a single reduced height limit and a provision for special permits in connection with creation of certain quantities and qualities of public open space in specific areas:

- a) to modify height and setback regulations on lots where public open space is provided;
- b) to modify street wall requirements to allow for public open space; and
- c) to transfer air rights to specified locations within the zone.

Vote: unanimous, with 40 Board members in favor

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

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

1. Jo-Rach Inc. d/b/a The Caffe Palermo, 148 Mulberry St. (SE corner Grand St), with 3 tables & 10 seats, DCA# 0920440

Block:237 Lot:12 Lot Frontage:51' Lot Depth:90 Year Built:1900
 Number of Buildings:1; Number of Floors:6 R Residential Units: 35; Total # of Units:38
 Zoning: C6-2G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by this applicant with no known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Jo-Rach Inc. d/b/a The Caffe Palermo, 148 Mulberry St. (SE corner Grand St), with 3 tables & 10 seats, DCA# 0920440**

VOTE: Unanimous, with 40 Board members in favor.

2. Pomodoro Restaurant & Pizzeria, 51 Spring St. (NW corner Mulberry St), with 6 tables & 18 seats, DCA# 0884882

Block:495 Lot:42 Lot Frontage:28' Lot Depth:76.25 Year Built:1910(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:15; Total # of Units:17
Zoning:C6-2

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by this applicant with no known issues, and

Whereas, the committee only had available a partial print that appeared to be somewhat different from the café seating in use, but given the age of the café the minimal print is somewhat to be expected,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Pomodoro Restaurant & Pizzeria, 51 Spring St. (NW corner Mulberry St), with 6 tables & 18 seats, DCA# 0884882**

VOTE: Unanimous, with 40 Board members in favor.

3. 247 Deli LLC, d/b/a Delicatessen, 265 Lafayette St. (SE corner Prince St), with 20 tables & 40 seats, DCA#1248648

Block:495 Lot:11 Lot Frontage:163.33' Lot Depth:81.83 Year Built:1926 (estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:93; Total # of Units:102
Zoning:C6-2

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for four years by this applicant and initial issues with noise and congestion from the café were addressed early in its existence and the café appears to continue to be a benefit to its neighbors as attested to by two residents at the meeting, and

Whereas, the committee only noted that while the majority of the café is on Spring St, the small part of the café on Lafayette should fall under the small sidewalk category and, contrary to DCA interpretation, CB2 Manhattan continues to believe this should restrict that portion of the café to two-seat tables,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **247 Deli LLC, d/b/a Delicatessen, 265 Lafayette St. (SE corner Prince St), with 20 tables & 40 seats, DCA#1248648**

VOTE: Unanimous, with 40 Board members in favor.

4. BLL Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St. (btw Bleecker St & W 3 St), with 2 tables & 5 seats, DCA# 0924708

Block :537 Lot:1 Lot Frontage:100' Lot Depth:100 Year Built:1909 Number of Buildings:3;
Number of Floors:7 Residential Units:82; Total # of Units:86 Zoning:R7-2 ;
Commercial Overlay: C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this café has been operated for many years by this applicant with no known issues, and

Whereas, the committee received one email from a neighborhood resident in support of this renewal,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **BLL Restaurant Corp. d/b/a Porto Bello Restaurant, 208 Thompson St. (btw Bleecker St & W 3 St), with 2 tables & 5 seats, DCA# 0924708**

VOTE: Unanimous, with 40 Board members in favor.

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

5. Ayza Upper West Side, Inc. d/b/a Ayza Wine & Chocolate Bar, One 7th Ave. South (NE corner Carmine St), with 18 tables & 36 seats, DCA# 14116689

Block: 582 Lot:43 Lot Frontage:58.67' Lot Depth:55.08 Year Built:2006
Number of Buildings:1; Number of Floors:6 Residential Units:4; Total # of Units:5 Zoning:C2-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and his representative, Michael Kelly, were present, and

Whereas, a similar café had been operated at this location for a short time by a previous applicant with no known issues, and

Whereas, Mr. Kelly pointed out the proposed café is smaller in both length and depth than would be allowable, but the applicant might apply to expand the café in the future if the amount of business can support it and the community is comfortable with the café operation up to that time,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Ayza Upper West Side, Inc. d/b/a Ayza Wine & Chocolate Bar, One 7th Ave. South (NE corner Carmine St), with 18 tables & 36 seats, DCA# 14116689**

VOTE: Unanimous, with 40 Board members in favor.

6. Serafina Meatpacking LLC, 7 9th Ave (SW corner Little W 12 St), with 21 tables & 48 seats, DCA# 1418637

| | | |
|------------------------|------------------------------|---|
| Block:644Lot:54 | Lot Frontage:20'Lot Depth:63 | Year Built:1900 (estimated) |
| Number of Buildings:1; | Number of Floors:4 | Residential Units:0; Total # of Units:1 |
| Zoning:M1-5 | Landmark Building:Yes | Historic District:Gansevoort Market |

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicants and their representative, Steve Wygoda, were present, and

Whereas, the committee was informed that a third door would be used for service which would allow the addition of another table and 4 seats, but this was not included on the application or print, and

Whereas, the plan was dependent on the proper use of 3 separate service doors, at least 4 different table sizes and ill-defined angles on the borders of the café to maintain clearance between the café and two fire hydrants, a street light and the corner curb, and

Whereas, the committee has found through experience with numerous other cafes that multiple service doors, table sizes and irregular café borders almost ensure non-compliance with the application in daily operation, and

Whereas, Mr. Wygoda and the applicants agreed that the café setup should be simplified for better management and compliance and committed to providing the committee with an updated plan which would utilize no more than 2 table sizes where each table size's placement is clearly delineated so it is easily understood by busy restaurant staff, and

Whereas, at the committee's request, Mr. Wygoda will look at the feasibility of restricting food service to the two more eastern entrances, and

Whereas, to reduce the possibility of service occurring from the public sidewalk, the 4-seat tables shown on the outer edge of the café will be moved against the façade with the 2-seat tables moving to the outside position,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Serafina Meatpacking LLC, 7 9th Ave (SW corner Little W 12 St), with 21 tables & 48 seats, DCA# 1418637**

UNLESS the applicant provides a print with a more workable and reproducible layout and table/seat count relative to the available space prior to the application being considered by the City Council.

VOTE: Unanimous, with 40 Board members in favor.

New App. for revocable consent to operate an Enclosed sidewalk cafe for:

7. Dinner is Ready, LLC d/b/a Eightyfour, 84 7th Ave. South (btw Bleecker St & Grove St), with 6 tables & 21 seats, DCA# 1375447

Block: 591 Lot:3 Lot Frontage:25.17' Lot Depth:50.83 Year Built:1910 (estimated)
Number of Buildings: 1; Number of Floors:3 Residential Units:1; Total # of Units:2
Zoning: C4-5 Landmark Building: Yes Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, the applicant noted that the first word of their corporate name was misspelled as “Diner” on the application and the correct spelling is “Dinner”, and

Whereas, this enclosed café has been operated for many years by previous applicants with few known issues, and

Whereas, the committee noted the applicant has placed an illegal bench and sandwich board sign on the sidewalk in front of the café and loudspeakers mounted on the front of the building façade within the café that would need to be removed, and

Whereas, the applicant stated the bench was an attempt to offset the detrimental effect of scaffolding that was installed next door that overlaps the applicant’s property, and

Whereas, while the committee stated the bench must still be removed and the sign kept flat against the café façade, it agreed that the scaffolding is a serious impediment to the applicant’s visibility and should be carefully inspected by the city to ensure it is not illegally impinging on the applicant’s property, and

Whereas, the property next door, which is currently vacant, also has several large planters on the sidewalk which further detract from the applicant’s street presence and should be removed immediately,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Enclosed sidewalk café for **Dinner is Ready, LLC d/b/a Eightyfour, 84 7th Ave. South (btw Bleecker St & Grove St), with 6 tables & 21 seats, DCA# 1375447**

PROVIDED the bench in front of and loudspeakers within the café are removed and the sandwich board sign is kept flush against the façade of the cafe

VOTE: Unanimous, with 40 Board members in favor.

SLA LICENSING

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

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the upgrade of license #1252491 to a Full On Premise license, in a mixed-use building (block 00563 / lot 1) on University Place between 11th and 12th Street for a

Burger/Pub style restaurant which has 18 tables and 60 seats and 1 bar with 10 seats, there will be no sidewalk café and no backyard garden, music will be background only and a maximum legal capacity of 74 persons; and

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 10:00 a.m. to 2:00 a.m. and Thursday through Saturday from 10:00 a.m. to 4:00 a.m.; and,

Whereas, there are already 19 Full On Premise Licenses and 2 pending licenses within 500 ft. of this location; and,

Whereas, this operator has been at this location for less than 1 year and has already proven to be an inconsiderate neighbor in this highly residential area and disregards the reasonable requests from immediate neighbors to lower music or close windows at a reasonable hour to contain the noise consistent with other licensed premises in the area; and,

Whereas, the owner and the manager stated at this meeting that they were unaware of any complaints from neighbors regarding noise and quality of life issues; and,

Whereas, the applicant has appeared on CB#2, Man.'s calendar for the last 4 months but has either withdrawn or laid over their appearance, but has not performed community outreach to the local community or local neighborhood association; and,

Whereas, this operator has participated in "Beer-A-Thons" sponsoring 26 beers at 26 bars for a price of \$65 which created a huge inconvenience of noise and crowds and once again assuming no regard for the neighbors; and,

Whereas, this operator runs the establishment similar to the ones that exist in the Meat Packing District which is an appropriate area for this type of establishment and when neighbors at this location complain they are told "neighborhoods change" despite the fact that this is a well-established neighborhood that is very residential; and,

Whereas, there were 16 people from the neighborhood who appeared at the meeting in opposition of this applicant each citing the blatant **disregard** and **disrespect** this new operator has displayed and apparently at a recent block association meeting for the East 12th St and East 13th St Block Association between 20 and 30 residents requested their position to be to request a recommendation of denial to this upgrade despite their history of working with licensed neighborhood establishments; and,

Whereas, CB#2, Man. formally request the State Liquor Authority to conduct a 500-Ft. Rule hearing for this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the upgrade to a Full OP License for **Pop Underground, LLC d/b/a Pop Burger, 41 E. 11th St., NYC 10003.**

Vote: Unanimous, with 40 Board members in favor.

2. 3 Howard Partners, LLC TBD, 3 Howard Street, NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a casual dining establishment serving modern Chinese cuisine; and

Whereas, this application is for a new On Premise license in a commercial building on Howard Street between Centre and Lafayette (Block # 208 and Lot # 13), for a 4,090 s.f. restaurant which has 17 tables and 57 seats and 1 bar with 8 seats. There will be no sidewalk café and no backyard garden, music will be background only, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m.; and,

Whereas, CB#2, Man. unanimously approved a resolution in January 2012 recommending denial of this applicant, but who returned this month (February 2012) with no material changes to their application but to further express their restaurant concept; and,

Whereas, the applicant and the lawyer representing the landlord stated that a pending lease has provisions that state that they cannot run a club, apply for a cabaret license or a public assembly permit; and,

Whereas, the applicant presented the following stipulations, which they stated they would adhere to:

1. Hours of Operation will be Sunday through Thursday from 11:00 a.m. to 12:00 a.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m. and with the understanding that the closing hours mean the restaurant is closed.
2. Food will be available until closing.
3. They will not apply for a Public Assembly Permit or a Cabaret License.

Whereas, the applicant has still not supplied sufficient evidence from the NYC Department of Buildings (DOB) that it is legal to operate a restaurant at this location because of the limitations placed on eating and drinking establishments in M1-5B zoning despite the certificate of occupancy indicating “store” use with an occupancy of 25 and despite the existence of a prior restaurant at this location which may not have been in compliance with the zoning regulations and CB#2, Man. requests that correspondence specifically from the DOB be presented by the applicant which indicates that an “eating and drinking establishment” is an approved use at this location and that all permits, waivers or variances or approvals from City Planning be in place prior to the issuance of any liquor license at the location; and,

Whereas, the applicants did extensive outreach to the community and submitted 15 letters in support and a petition with 56 signatures in support; and,

Whereas, at the original hearing there were 8 people who attended and spoke in support of this application and there was no opposition and in the second hearing there were 3 people who attended the hearing and spoke in support and again there was no community opposition; and,

Whereas, this location has an adverse history with CB2 Manhattan with the previous licensee and has been the subject of correspondence to the SLA from CB2 in regards to that licensee regarding operation outside of the method of operation, operation of an illegal pop-up cabaret called “Madame Wong’s” for a number of months and the premise has been closed by the NYPD for illegal operation while operating under the previous licensee GFS Inc., dba Jobee, serial number #1025291 (see attached correspondence/resolutions from CB2 to the SLA regarding GFS Inc., d/b/a Jobee from May and June 2011); and,

Whereas, members of the committee continue to have reservations regarding one of the principles applying for this license, Moshe Khoshkheraman, because while he was not a principle, he was part of the previous operation while they were operating outside of their method of operation and operating an illegal

cabaret/club “Madame Wong’s” at the location and he appears to have been a manager and/or responsible for organizing the events which occurred during the late evening hours after the restaurant operation had closed; and,

Whereas, even though Mr. Khoshkeraman states that he was only involved with the previous operation for a short period of time at the beginning of the “Madame Wong’s” parties and he states that he was not aware of the legality of the issue when involved, he appears to have been an integral part of the initial operation which appears to have availed itself of the previous licensee’s license and he did meet with members of CB2 in May 2011 in conjunction with principles of the previous licensee as stated in the May 2011 CB2 resolution; Mr Khoshkerman further stated that his background is in the area of real estate development and,

Whereas, the other principle stated that she felt they were being unfairly penalized for actions of the previous licensee and that Mr. Koshkeraman’s involvement was limited in the previous license and she further stated that she had no interest in operating a club, that while she had not been a principal on a liquor license that she did have experience as a small investor in another restaurant and that she had written business plans, developed concepts and been involved in opening other restaurants but that she had left those establishments after they opened; in order to address her lack of experience in operating a day to day restaurant they plan to hire a manager to learn the ropes in addition to an experienced chef; and,

Whereas, the applicant is in a heavily saturated neighborhood with 23 Full On Premise licenses within 500 ft.; and,

Whereas, the application for a Chinese Restaurant is not a unique concept in this neighborhood; and,

Whereas, CB#2, Man. formally requests the State Liquor Authority to conduct a 500-Ft. Rule hearing for this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of an On Premise liquor license for **3 Howard Partners, LLC, TBD, 3 Howard St., NYC 10013**.

Vote: Unanimous, with 40 Board members in favor.

3. Mika Food LLC, d/b/a Balaboosta, 214 Mulberry St., 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an upgrade of the existing license # 1238202 in a mixed use building on Mulberry Street between Spring and Prince Street (Block # 494 and Lot # 7502), for a 1,100 s.f. full service Mediterranean/Israeli restaurant, which has a total of 22 tables and 52 seats and 1 bar with 4 seats. There will be no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states that the hours of operation are Sunday from 11:00 a.m. to 10:00 p.m. Monday to Thursday from 11:00 a.m. to 11:00 p.m. and Friday to Sunday from 11:00 a.m. to 11:30 p.m.; and,

Whereas, in May 2011 CB#2, Man. denied this applicant request for an upgrade from a beer and wine license to a full on premise license based on over saturation and because this was yet another location that had never been licensed before and now, in less than a year they have come back to upgrade to a full OP; and

Whereas, there was little to no outreach to the community including building residents regarding this upgrade and 3 of the neighbors were opposed to the upgrade to a full OP; and,

Whereas, the applicant has agreed to reduce their hours of operation as described below to be consistent with those of a “white table cloth” restaurant; and,

Whereas, the applicants agreed to the following stipulations:

1. Hours of operation are Sunday from 11:00 a.m. to 10:00 p.m. Monday to Thursday from 11:00 a.m. to 11:00 p.m. and Friday to Sunday from 11:00 a.m. to 11:30 p.m.
2. There will never be a sidewalk café or backyard garden use.
3. Food will be provided up to the time of closing.
4. Air condition units have sound baffles to control noise in backyard.
5. That all stipulations from the Beer and Wine license are continued with this license.
6. Applicants will not operate a nightclub or apply for a Cabaret license.
7. Applicant will not use outside promoters, D.J.’s or any live music.

Whereas, there are already 22 Full On Premise licenses within 500 ft of the establishment; and,

Whereas, CB#2, Man. formally request the State Liquor Authority to conduct a 500-Ft. Rule hearing for this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the upgrade to a Full OP License for **Mika Food LLC, d/b/a Balaboosta, 214 Mulberry St., 10012 unless** all the stipulations agreed to in this resolution in the 6th Whereas clause are incorporated into the “Method of Operation”.

Vote: Unanimous, with 40 Board members in favor.

4. Alberto Benenati and Yves Jadot, 17 E. 13th St., NY, NY 10003

Whereas, the applicant appeared before the committee; and,

Whereas, this is an application for a sit-down and take out restaurant serving gourmet sandwiches; and

Whereas, this application is for a new Beer and Wine license in a commercial building on 13th Street between 5th Avenue and University Place (Block # 571 and Lot # 30), for a 900 s.f. restaurant which has 9 tables and 18 seats and no bar. There will be no sidewalk café and no backyard garden, music will be background only, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant states that the hours of operation are Sunday through Saturday from 8:00 a.m. to 12:00 a.m. (7 days a week); and,

Whereas, the applicants have agreed to the following stipulations:

- 1. Hours of Operation** are Sunday through Saturday from 8:00 a.m. to 12:00 a.m. (7 days a week)
- 2 Soundproofing:** The Operator shall use its best efforts to soundproof the Establishment to ensure that noise does not emanate from the Establishment, in any direction and meets or exceeds New York City noise code.
- 3. Exterior Equipment:** The Operator shall use its best efforts to soundproof the Exterior Equipment to ensure that all noise produced by any external equipment installed and operated by the Operator meets or exceeds New York City noise code.

4. **Front door:** The Operator shall cause the doors to remain in a closed position.
5. **Outdoor speakers:** The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
6. **Windows:** The Operator shall use its best efforts to ensure that noise does not emanate from the windows. The Operator shall not permit any doors or windows to be left open. If any windows are to be replaced they are to be replaced with non-operable windows.
7. **Security:** The Operator shall cause a communicative general manager to be present at the Establishment during all hours of operation.
8. **Music:** The Operator shall not permit DJs or live music in the Establishment. Only background music at a reasonable level shall be permitted.
9. **Promoters:** The Operator shall not use outside promoters or allow promoted third party events at the Establishment.
10. **Dancing:** The Operator shall not permit dancing in the Establishment.
11. **Sanitation:** The Operator shall not store garbage or garbage dumpsters outside of the Establishment. The Operator shall not permit refuse to sit at the curb for longer than 3 hours.
12. **Outdoor Seating:** The operator will not establish any outdoor seating or seek to obtain permission for any outdoor seating including but not limited to any unenclosed sidewalk cafe permit.
13. **Lighting:** The Operator shall not install any banner up-lighting on the exterior of the Establishment and shall replace said lighting with reduced brightness, spot-type down lighting so as to not disturb residents living above and around the Establishment.
14. **Steering:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
15. **Drink Specials:** The Operator shall not offer any discounted drinks at any time. All drinks will always be sold at full price.
16. **Kitchen:** The Operator shall cause the kitchen to stay open serving a full menu until closing.
17. **Signage:** All signage will conform to signage standards found in landmark districts.
18. **Monthly Meetings:** Upon request, the Operator shall make available the general manager to attend monthly meetings with representatives of the community.
19. **Basement:** The Establishment's basement shall not be used to seat or serve patrons.
20. **Kitchen Exhaust:** The Operator shall insure that smells emitting from the establishment do not disturb the neighbors. Upon request the Operator shall implement whatever measures necessary to abate any extant odor issues emanating from the establishment.

Whereas, the applicant agreed to these stipulations and there was no opposition from the community in light of the fact that the applicant agreed to the above stipulations;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the new Beer and Wine license for **Mile End Sandwich, LLC, 53 Bond St., NYC 10012**. **unless** all the stipulations agreed to in this resolution in the 5th Whereas clause are incorporated into the "Method of Operation".

Vote: Unanimous, with 40 Board members in favor.

5. McBren Corp., d/b/a Triona's, 237 Sullivan St., 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this is an alteration application to remedy discrepancies with the approved method of operation and interior premise floor plan currently on file with the SLA and the current method of operation; specifically, this request is to remove a full kitchen and replace it with a small food prep area adjacent to the existing bar and to modify the food menu to a simple menu that can be prepared in a microwave/convection oven; and,

Whereas, this application is for the alteration of the existing license # 1227779 in a mixed use building on Sullivan Street between Bleecker and West 3rd Street (Block # 539 and Lot # 14), for a 1,800 s.f. bar/pub which has a total of 8 tables and 32 seats and 1 bar with 15 seats. There is a sidewalk café but no back yard garden, music will be background only and a maximum legal capacity of 75 persons; and,

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

Whereas, the applicant submitted a new floor plan and pictures and explained that this alteration application was to add a small food prep area including a small sink, a microwave/convection oven and a small refrigerator, and to remove an area which was originally supposed to be a full kitchen consisting of a grill, stove, fridge, freezer, sinks and a prep table but that was never installed; and,

Whereas, the proposed menu for the alteration application is a simple menu consisting of 7 “Pies” (i.e. pork pie, sausage pie), 2 “Sarnies” (i.e. bacon sarnie and sausage sarnie) and chili con carne and macaroni and cheese; and,

Whereas, the applicant stated that they could not comply with having a full kitchen despite the existence of an operating kitchen with prior licensees at this location because the NYC Department of Buildings (DOB) venting laws could not be complied with; this could not be independently confirmed but it is noted that an application was filed with DOB to remove an existing kitchen on February 22, 2010 which was presumably legal; and,

Whereas, the applicant appeared in front of CB#2, Man. in November 2011 (Please see CB#2, Man. Resolution from November 2011 sent to the SLA on December 1, 2011) to answer community concerns regarding the renewal of this license at which time CB#2, Man. recommended to the SLA that the license not be renewed because the applicant was not adhering to their “method of operation” or their interior floor plans and at which time the applicant agreed to a set of stipulations to be added to their license irregardless of CB#2, Man.’s recommendation to address primarily issues of noise from music and patrons; and,

Whereas, the stipulations the applicant agreed to in November 2011 to address concerns at that time are as follows:

1. The applicant/license holder will install a sound limiter on their sound system and maintain it with proper calibration going forward.
2. The applicant will work with a sound engineer to address the sound issues and place speakers in the establishment in a manner to reduce and eliminate bass music that is currently audible beyond their premises
3. The applicant/license holder will share their cell phone numbers with any interested members of the community for immediate access.
4. The applicant/license holder will not have a D.J. on any nights, nor would they allow anyone to bypass the sound limiter on the sound system.

5. The applicant/license holder will place a sign in the window appropriately visible to their patrons requesting them to please be courteous to their neighbors etc.
6. The applicant/license holder will going forward close all their windows and doors at 9:00 p.m. Sunday to Thursday and at 10:00 p.m. Fridays and Saturdays.

Whereas, in November 2011 and again at this meeting a large number of local residents appeared to express issues with noise and to state that this was not the type of operation that was originally approved for this applicant in regards to it's method of operation and floor plans; and,

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

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

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

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

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

Whereas, this application failed to comply with the original application stating that it would be a restaurant/pub and in actuality has only operated as a bar and not a restaurant; and

Whereas, 7 community members attended this hearing and spoke with great opposition to this applicant and registered individual stories regarding their confrontations with the manager and principal owner over excessive noise issues; and,

Whereas, local residents and the local neighborhood association, the Bleecker Area Merchants and Resident's Association expressed concerns that only a few weeks have passed since changes have been made by the applicant to adhere to the November 2011 stipulations and that they are concerned that as the warm weather approaches the issues with noise will re-emerge even if there are marginal improvements; and,

Whereas, the applicant has agreed to all the stipulations that were attached to the original license though they did not adhere to those stipulations until they needed approval of this application; and,

Whereas, the applicant agreed at this meeting to the following additional stipulations which are:

1. Food will be available at all hours the establishment is open.
2. No dancing will be permitted at any time in the establishment
3. Rubber mats will be utilized during the loading/unloading process outside the establishment to eliminate noise from dropping kegs in front of the premise during deliveries.
4. The sidewalk café will only be operated until 8 p.m. Sunday to Thursday and until 9 p.m. Friday and Saturday.
5. In addition to limiting the hours of the sidewalk café, the applicant agrees to comply with all sidewalk café regulations.

Whereas, the applicant would not give up their right to operate a sidewalk café which was asked by some members of the committee and the local community because of the noise issues it creates; and,

Whereas, the committee was split as to the appropriate remedy of the situation created by the applicant whereby they originally presented a restaurant/bar, never operated a restaurant component and then have returned to ask for an alteration to legalize the existing condition with the most minimal food component which in CB#2, Man.'s opinion does not constitute a restaurant and the ensuing result is yet another operation that is exclusively a bar; and,

Whereas, this applicant has been operating since May 2009 in direct violation of their approved method of operation with no enforcement from the SLA highlighting the lack of resources available to the SLA and with no citations issued for noise despite numerous complaints; and,

Whereas, because of the existing over saturation of licensed establishments in this area, the quality of life issues that are pervasive, the difficulty of enforcing agreed upon stipulations, the lack of adhering to the original method of operation and the over arching issue that *CB#2, Man. would have undoubtedly recommended denial of the original application in 2009 if the current application were presented as a new application*;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the alteration to a Full OP License for **McBren Corp., d/b/a Triona's, 237 Sullivan St., 10012.**

Vote: Unanimous, with 40 Board members in favor.

6. Stefan Nafziger on Behalf of an entity to be determined, TBD, 45 Spring St., 10012

Whereas, the applicant appeared before the committee; and

Whereas, this is an application to transfer a license from previous owners and also downgrade to a Beer and Wine; and,

Whereas, this application is for the transfer and downgrade to beer and wine an existing license in a mixed use building on Spring Street on the corner of Spring and Mulberry Street (Block # 494 and Lot # 7502), for a 550 s.f. Falafel and Smoothie Bar, which has no tables or seats but has an eating counter with 15 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 30 persons; and,

Whereas, the applicant states that the hours of operation are Sunday though Saturday from 10:00 a.m. to 11:00 p.m.; and,

Whereas, the applicant owns and operates a similar business with a similar name with the same menu and style of operation in the West Village without a liquor license of any type; and,

Whereas, this applicant and/or partner is also a principal for another application this month from CB#2, Man. for Balaboosta, serial number 1238202, which is for an upgrade to a full OP from a beer and wine license within the same neighborhood within one block and is basically taking over an existing location near by that had a strong and positive relationship with the community as a local Italian restaurant and with a full OP license and turning it into a Falafel house and offering to downgrade to Beer and Wine in hopes of getting the upgrade at the other location; and,

Whereas, CB#2, Man. is in support of the second location's request to upgrade to a full OP but does not believe that a Falafel house, which is not unique in the community deserves to have a license from the SLA of any kind and while not subject to the 500ft rule, there are over 25 licensed establishments within 500 ft; and,

Whereas, CB#2, Man, is concerned that an approval for any SLA license for these kind of fast food businesses that do not offer any table service could set a bad precedent; and,

Whereas, the community spoke in opposition of this application and there were none in support;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** of the application for a Beer and Wine License for **Stefan Nafziger on Behalf of an entity to be determined, TBD, 45 Spring St., 10012.**

Vote: Unanimous, with 40 Board members in favor.

7. Avroko Resstaurant Group LLC/Public Restaurant L.P. d/b/a Public Restaurant, 210 Elizabeth St., 10012

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the alteration of an existing license # 1143335 to add one bar and 5 seats within the current restaurant in a commercial building on Elizabeth Street between Spring and Prince Street (Block # 492 and Lot # 10), for a 6,200 s.f. restaurant which has 59 tables with 130 seats and 1 bar with 14 seats that already exist and will now be adding a second bar with 5 seats. There is no sidewalk café and no back yard garden, music will be background only and a maximum legal capacity of 160 persons; and,

Whereas, the applicant states that the hours of operation is Sunday though Saturday from 10:00 a.m. to 3:00 a.m.; and,

Whereas, the applicants request to add an additional bar with 5 seats in the front of the restaurant does not appear to be a challenging request to the community on its face, but the request is really to be able to close off the majority of the restaurant when business is slow and just run a smaller full bar until 3:00 a.m. with a separate name from the current establishment called "The Monday Room" and a separate entrance instead of a large restaurant called "Public" as originally agreed; and,

Whereas, this neighborhood is well known for already being heavily saturated with liquor licenses and this alteration would essentially be adding yet another late night bar within this saturated community and would further contribute to the pedestrian and traffic concerns in the area and quality of life issues associated with late night establishments; and,

Whereas, the applicant currently advertises their hours of operation on their website for their full service restaurant “Public” as Monday to Thursday 6 pm to 11pm (bar open until 1 am), Friday and Saturday 6pm to 12am (bar open until 2am) and Sunday 6pm to 10:30pm (Bar open until 1am); and

Whereas, two (2) community members spoke in opposition to the application citing their concerns about losing a true restaurant that has been in good standing for 8 years and adding a late night bar component which will have an adverse effect on the quality of life of the neighborhood;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends the **denial** to the alteration to a Full OP License for **Avroko Restaurant Group LLC/Public Restaurant L.P. d/b/a Public Restaurant, 210 Elizabeth St., 10012**

Vote: Unanimous, with 40 Board members in favor.

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

8. Celtic Dragon, LLC, d/b/a Lucky 157 Chinese Restaurant & Rathskeller, 157 Lafayette St. 10003

Whereas, the applicant has requested a layover of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Celtic Dragon, LLC, d/b/a Lucky 157 Chinese Restaurant & Rathskeller, 157 Lafayette St. 10003** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

9. Entity to be formed by Abraham Meborah, 99 MacDougal St., 10012

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Entity to be formed by Abraham Meborah, 99 MacDougal St., 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

10. Hermant Phul on behalf of an entity TBD, 192 Bleecker St., 10012

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Hermant Phul on behalf of an entity TBD, 192 Bleecker St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

11. Michael Sinensky and Sean McGarr, 159 Bleecker St., 10012

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Michael Sinensky and Sean McGarr, 159 Bleecker St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

12. Bleecker Public House Corp. d/b/a Kenny's, 157 Bleecker St.

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Bleecker Public House Corp. d/b/a Kenny's, 157 Bleecker St. until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

13. Tobsk, LLC, 89 Macdougall St., 10012

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed liquor license for Tobsk, LLC, 89 Macdougall St., 10012 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

14. New 1234, Inc., 89 Macdougall St., 10012

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **New 1234, Inc., 89 Macdougall St., 10012 until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

15. Hersa Hospitality Trust d/b/a Hyatt, 76 E. 13th St., 10003

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Hersa Hospitality Trust d/b/a Hyatt, 76 E. 13th St., 10003 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

16. 132 4th Avenue Restaurant, LLC, TBD, 132 4th Ave., 10003

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **132 4th Avenue Restaurant, LLC, TBD, 132 4th Ave., 10003 until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

17. GMG Industries, Inc., d/b/a Tresanti, 40-42 Thompson St., 10013

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **GMG Industries, Inc., d/b/a Tresanti, 40-42 Thompson St., 10013 until the applicant has presented their application in front of the SLA Licensing Committee and requests**

that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

18. Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St., 10012

Whereas, the applicant requested a layover of the application to the next CB#2, Man. SLA Licensing Committee meeting; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Lignoranti, LLC d/b/a Oficina Latina, 24 Prince St., 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

19. VAP Union Square, LLC, 113 University Pl., 10003

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **VAP Union Square, LLC, 113 University Pl., 10003** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

20. 9Gj Bar & Restaurant, Inc., d/b/a Acme, 9 Great Jones St., 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting;

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

Vote: Unanimous, with 40 Board members in favor.

21. Dew and Dew, Inc. d/b/a University Restaurant, 101 University Pl., 10003

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **Dew and Dew, Inc. d/b/a University Restaurant, 101 University Pl., 10003** until the applicant has presented their application in front of the CB#2, Man. SLA Licensing Committee; and requests that the SLA send this applicant back to CB#2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

22. Deborah Aliotta, d/b/a Belladonna Café, 191 Prince St., 10012

Whereas, the applicant requested a layover of consideration of the application to the next CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Deborah Aliotta, d/b/a Belladonna Café, 191 Prince St., 10012** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

23. Café Mercato, Inc. d/b/a Silver Spoon, 53 E. 8th St., 10003

Whereas, the applicant's attorney requested a layover of consideration of the application to the next CB#2, Man, SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **Café Mercato, Inc. d/b/a Silver Spoon, 53 E. 8th St., 10003** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

23. The Urban Canis, Inc. 188 Lafayette St.

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed liquor license for **The Urban Canis, Inc. 188 Lafayette St.** until the applicant has presented their application in front of the SLA Licensing Committee and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

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

Whereas, the applicant has withdrawn from consideration of the application to CB#2, Man. SLA Licensing Committee meeting;

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

Vote: Unanimous, with 40 Board members in favor.

25. Swine LLC, d/b/a TBD, 531 Hudson St. (Charles and West 10th Street), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license in a mixed use building on Hudson between Charles and West 10th Streets for a 2,050 s.f. bar/restaurant offering specialty wines and beer with 57 table seats and 1 bar with 10 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Thursday from 12:00 p.m. to 2:00 a.m. and Friday through Saturday from 12:00 p.m. to 4:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is iPod/CDs at background levels only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will remove the DJ booth in its entirety
2. The applicant will operate as a full service restaurant only
3. The applicant will keep the kitchen open at all times
4. The applicant will obtain all required certificates, permits and related documents including a letter of no objection or Certificate of Occupancy covering the basement and 1st floor from the NYC Department of Buildings prior to opening the establishment.

Whereas, the applicant was made aware that the previous establishment and the landlord had received violations from the NYC Department of Buildings in regards to improper use of the basement in the form of violations noting altered use and operation of the basement without a valid certificate of occupancy; specifically ECB Violation #34816961M served on 12/17/2009 and ECB Violation 34828617L served on 1/9/2010 for which no compliance is recorded; and,

Whereas, the previous operator received a “letter of no objection” LNO 1273 on 8/7/2009 which covered the first floor only and not the basement and as such in order for this application covering the basement and 1st floor to be in compliance with the NYC Department of Buildings regulations either a new “letter of no objection” specifically covering the basement and first floor for eating and drinking use or a new certificate of occupancy indicating that use would need to be submitted to the SLA prior to the issuance of this license if it includes the basement as part of the license premise; and,

Whereas, the applicant had reached out to members of the community; and,

Whereas, the applicant had submitted a petition with over 42 signatures in support; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the transfer of an On Premise license for **Swine LLC, d/b/a TBD, 531 Hudson St.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

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

26. K&K Lounge, Inc., 21 7th Avenue South (Leroy and Morton Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for transfer of an On Premise license in a mixed use building at the corner of 21 7th Avenue South for a 3,000 s.f. 1940s retro lounge with 70 table seats and 2 bars with 28 bar seats with a maximum legal capacity of 109 persons; and,

Whereas, the applicant stated the hours of operation are Sunday and Monday from 1:00 p.m. to 2:00 a.m. and Tuesday through Saturday from 1:00 p.m. to 4:00 a.m.; there will be a sidewalk café application but no backyard garden; music format will be Live and IPod/CDs at entertainment levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 2:00 a.m. Sunday and Monday nights only
2. The applicant will staff 6 security guards from Wednesday through Saturday evenings – 2 guards will be present inside while 4 guards will be present in front of the premises
3. The applicant will not have velvet ropes or anything of its kind in front of the entrance that creates a perception of “exclusivity”
4. The applicant will not hire any outside promoters

Whereas, the applicant did not reach out to neighboring residents; and,

Whereas, the applicant could not properly communicate it’s operating plan/business model including but not limited to security, music type, target clientele and door policy; and,

Whereas, several members of the committee expressed its concerns with this application; voicing concerns with a late night lounge operating without a proper security plan; the lack of experience with the principals; the wavering of what type of music will be played as well they’re targeted clientele; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a transfer to an On Premise license for **K&K Lounge, Inc., 21 7th Avenue.**

THE ABOVE RESOLUTION WAS SENT BACK TO THE COMMITTEE BY THE FULL BOARD.

27. Taras Bulba West Broadway, LLC, d/b/a Korchma Taras Bulba, 357 W. Broadway (Broome and Grand), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise license in a mixed use building on West Broadway between Broome and Grand Streets for a 2,500 s.f. Ukrainian restaurant d/b/a Korchma Teras Bulba with 66 table seats and 1 bar with 8 bar seats with a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated the hours of operation are Sunday through Wednesday from 9:00 a.m. to 1:00 a.m. and Thursday through Saturday from 9:00 a.m. to 2:00 a.m.; there will not be a sidewalk café application and no backyard garden; music is IPod/CDs at background levels only; and,

Whereas, this establishment stems from a successful chain of restaurants from the Ukraine; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 1:00 a.m. Sunday through Wednesday and 2:00 a.m. Thursday through Saturday
2. The applicant will close its French doors and windows by 10:00 p.m. daily
3. The applicant will not have any tables, benches or any furniture outside the premises
4. The applicant will prohibit live music, DJs and the use of velvet ropes at the establishment
5. The applicant will obtain all required approvals, required certificates, permits and related documents from local agencies including Landmarks Preservations Committee prior to opening the establishment

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

Whereas, this location has an adverse history under a previous licensee operating under Serial Number 1184644 and/or Serial Number 1247823 under the d/b/a name Via Dei Mille which had their license canceled by the SLA for cause and was the subject of a very high number of community complaints for a variety of issues and was cited by the NYC Department of Consumer Affairs for operating an illegal sidewalk café;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of an On Premise license for **Taras Bulba West Broadway, LLC, d/b/a Korchma Taras Bulba, 357 W. Broadway** unless those conditions agreed to by applicant relating to the fifth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

28. Galanga, Inc. d/b/a Galanga, 149 W. 4th St. (7th Avenue South and Washington Square West), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an upgrade from a Beer and Wine license to an On Premise license in a mixed use building on West 4th Street between 7th Avenue South and Washington Square West for a 1,344 s.f. Thai restaurant with 65 table seats, 1 bar with 3 seats, and a maximum legal capacity of 74 persons; and,

Whereas, the applicant stated there are no plans to change the existing method of operation; the hours of operation for the restaurant are Sunday from 11:30 a.m. to 10:30 p.m., Monday through Wednesday from 11:30 a.m. to 11:00 p.m. and Thursday through Saturday from 11:30 a.m. – 11:30 p.m.; there is no sidewalk café and no backyard garden; music is background only; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will limit its hours of operation by closing at 10:30 p.m. Sundays, 11:00 p.m. Monday through Wednesday and 11:30 p.m. Thursday through Saturdays
2. The applicant will continue to operate as a full service restaurant and keep the kitchen open at all times
3. The applicant will only play background music

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the proposed upgrade to an On Premise license for **Galanga, Inc. d/b/a Galanga, 149 W. 4th St.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

29. JEC II LLC, d/b/a One, 2-8 Ave. aka 1 Little W. 12th St. (at Gansevoort), NYC

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

Whereas, this application is for an alteration to an existing On Premise license for a 5,220 s.f. sophisticated French restaurant located in a commercial building on the corner of Little West 12th and Gansevoort Streets with 171 table seats, 2 bars with 14 bar seats and 62 table seat in the outdoor café and a maximum legal capacity of 275 persons; **to remove 1 stand up bar from the main floor while relocating the other; and,**

Whereas, the applicant stated there are no plans to change the previously approved operation; the applicant stated the hours are seven days a week from 11:00 a.m. – 2:00 a.m.; and sidewalk hours are seven days a week from 11:00 a.m. – 12:00 a.m.; music is Live DJ and iPod/CD at entertainment levels; and,

Whereas, the applicant has agreed to the following stipulations:

1. The applicant will operate as a French restaurant without a lounge component
2. The applicant will not have amplified music in the sidewalk cafe
3. The applicant will close all doors and windows by 10:00 p.m. daily
4. The applicant will close all doors and windows anytime before 10:00 p.m. when the music is louder than the ambient noise in the area
5. The applicant will install heavy sound absorbing curtains at all doors and windows
6. The applicant will create an interior vestibule to minimize noise emanating from the establishment
7. The applicant will install sound reduction windows along the perimeter of the premise
8. The applicant will have the doorman actively police the outdoor crowd
9. The applicant will provide a contact number for 24-hours access to the Community Board
10. The applicant will attend Community Board meetings for the first 6 months of operation in the event there are issues at the establishment
11. The applicant will host a meeting with the community to demonstrate that the sound is not being emitted when the restaurant is at capacity
12. The applicant will place a Limiter on the sound system after sound test with sound engineer
13. The applicant will place signs at the entry and exits to the premise requesting the patrons to be considerate of the neighbors and control the level of conversations

Whereas, the applicant has been operating at this location under 2 separate DBAs for over 9 years; and,

Whereas, the applicant had reached out to members of community prior to the hearing; and,

Whereas, several nearby residents appeared to express their concerns with the establishment; citing issues with the establishment at another location in the area; concerns with the wild, noisy Sunday brunch parties;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the transfer of an On Premise license for **JEC II LLC, d/b/a One, 2-8 Ave. aka 1 Little W. 12th St.** unless those conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

30. Hu Holdings LLC, d/b/a Hu Kitchen & Market, 78 5th Avenue (West 13th and 14th Streets), NYC

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Beer and Wine license in a commercial building on 5th Avenue between West 13th and West 14th Streets for a 2,817 s.f. informal restaurant/café/market with 66 table seats and 1 bar with 5 bar seats with a proposed maximum legal capacity of 90 persons; and,

Whereas, the applicant stated the proposed hours of operation are Sunday from 8 a.m. to 8 p.m., Monday – Friday from 7 a.m. to 9 p.m. and Saturday 7 a.m. to 10 p.m.; there will not be a sidewalk café application and no backyard garden; music is IPod/CDs at background levels only; and,

Whereas, the applicant stated that they would like to reserve the right to operate until 12 a.m. 7 days a week if they have the business to support those hours; and,

Whereas, the applicant executed a CB#2, Man. Stipulations form stipulating that:

1. Applicant will operate the establishment no later than 12 a.m. seven days a week.
2. Applicant will not use private promoters.

Whereas, the applicant had reached out to members of the community; and,

Whereas, no one appeared in opposition from the community;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a Beer and Wine license for **Hu Holdings LLC, d/b/a Hu Kitchen & Market, 78 5th Avenue** unless the condition agreed to by applicant relating to the third and fourth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

31. CGM GH, LLC & Hotel Gansevoort Group, 18 Ninth Ave. (Gansevoort and West 13th), NYC

Whereas, the operator appeared before the committee at the request of the Committee; and,

Whereas, this application is for a renewal to an On Premise license in a commercial building on 9th Avenue between Gansevoort and West 13th Streets for a rooftop bar/lounge located inside the Gansevoort Park Hotel; and,

Whereas, this indoor/outdoor type lounge establishment d/b/a Plunge Bar has been operating for over 5 years; and,

Whereas, the establishment has created noise disturbances during Spring and Summer months in the neighborhood caused by amplified music and large crowds; and,

Whereas, several people from the community represented from each side of the Hotel appeared to express their concerns with the establishment; citing noise and overcrowding issues in the neighborhood as well as the Plunge Bar; and,

Whereas, the principal has met with members of the community to address their concerns; and,

Whereas, the applicant has agreed to implement the following measures in order to address the noise issues:

1. Redirect or relocate certain outdoor speakers
2. Increase number of outdoor speakers, which will reduce the absolute volume of any one speaker
3. Add some heavy curtains at the doors to the exterior high traffic areas
4. Make Hotel Management available at all times to address any concerns from neighboring residents
5. Continue to work with the neighbors and schedule site visits once the spring season begins
6. Consider hiring a professional Sound Engineer in the event the noise issues continue

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the proposed upgrade to an On Premise license for **CGM GH, LLC & Hotel Gansevoort Group, 18 Ninth Ave** unless those conditions agreed to by applicant relating to the seventh “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 40 Board members in favor.

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

32. Brasserie Felix, Inc. d/b/a Restaurant Felix, 340 W. Broadway, 10013

Whereas, the applicant did not appear before the committee nor request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Brasserie Felix, Inc. d/b/a Restaurant Felix, 340 W. Broadway, 10013** **and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

33. Ten Westside Corp., 160-170 Varick St.

Whereas, the applicant did not appear before the committee nor request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Ten Westside Corp., 160-170 Varick St. and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

34. AIJA, d/b/a Ino, 21 Bedford St., 10014

Whereas, the applicant did not appear before the committee nor request a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **AIJA, d/b/a Ino, 21 Bedford St., 10014 and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

35. Chelsea Morning Partners, LP, 99 Bank St, 10014

Whereas, the applicant had appeared before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Chelsea Morning Partners, LP, 99 Bank St, 10014 and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

36. W 13 Pizza, LLC, 140 W. 13th St., 10011

Whereas, the applicant had appeared before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **W 13 Pizza, LLC, 140 W. 13th St., 10011** and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

37. Sway Lounge, LLC, 305 Spring St., 10013

Whereas, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Sway Lounge, LLC, 305 Spring St., 10013** and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

38. 103 GW12, LLC, d/b/a Monument Lane, 103 Greenwich Ave., 10014

Whereas, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **103 GW12, LLC, d/b/a Monument Lane, 103 Greenwich Ave., 10014** and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

39. Brass Monkey, LLC d/b/a Brass Monkey, 55 Little W. 12th St., 10014

Whereas, the applicant had appeared before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Brass Monkey, LLC d/b/a Brass Monkey, 55 Little W. 12th St., 10014** and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 40 Board members in favor.

40. Lucky 13 Associates, d/b/a Catch, 21-27 9th Ave. 10014

Whereas, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **Lucky 13 Associates, d/b/a Catch, 21-27 9th Ave. 10014** **requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

41. 450 Hudson LLC, 450 Hudson St. 10014

Whereas, the applicant did not appear before the committee but requested a layover of consideration of the application to the next hearing; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of an On Premise liquor license **450 Hudson LLC, 450 Hudson St. 10014** **requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

42. Miller's Near & Far, LLC d/b/a Miller's Near & Far, 225 Varick St., 10014

Whereas, the applicant did not appear before the committee but withdrew their application; and,

Whereas, this application is for an On Premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends **DENIAL** of any proposed liquor license to **Miller's Near & Far, LLC d/b/a Miller's Near & Far, 225 Varick St., 10014** **until the applicant has presented their application in front of the CB2, Manhattan SLA Licensing Committee; and requests that the SLA send this applicant back to CB2, Manhattan should this application proceed directly to the SLA, in order that this important step not be avoided and the concerns of the community be fully heard.**

Vote: Unanimous, with 40 Board members in favor.

SOCIAL SERVICES AND EDUCATION

Resolution for Reforming the City Environment Quality Review (NEW VERSION)

Whereas, all residential construction results in an increased number of families in our community, and

Whereas, CB#2, Man. welcomes new families, but appreciates that an increase in the number of families requires a corresponding increase in community facilities and social services, such as: schools, parks, police, and medical care,

Whereas, good public schools add value to our community, ease the burden on employed parents, and benefit children for decades, and

Whereas, CB#2, Man. is concerned about the continuing problem of overcrowding in our local public schools, and unanimously passed a resolution in February 2008 that stressed the need to consider “school capacity and overcrowding as part of our evaluation process for each and every new residential project”, and

Whereas, the City Environmental Quality Review formulas, which are used by The Department of Education and City Planning, to calculate the impact on school seats caused by new residential development are based on long outdated assumptions that describe a time when families generally chose not to live in Manhattan, and when Greenwich Village, in particular, was known as a neighborhood primarily for singles, who moved away when they married and had children, and

Whereas, the CEQR Technical Manual, according to these assumptions, calculates new residential units in the Bronx to yield .55 K-8 public school children, but for Manhattan reduces that number to .16 children, leading to inadequate planning for school capacity in our community, and

Whereas, in accordance with the CEQR Technical Manual, the city only requires that a detailed school impact analysis be conducted on residential projects which will add at least 310 units or more, even though it is clear that all new residential construction and conversions (including those of only a few units) have the potential to add children to our schools, especially units with more than one bedroom. More than one bedroom increases the likelihood of more children, occupying an apartment, but the CEQR policy only counts the number of units and does not calculate the number of bedrooms, and

Whereas, multiple projects that individually do not trigger a detailed analysis will certainly have a collective impact on the school age population and therefore increase the demand for public school seats,

Therefore Be It Resolved that CB#2, Man. calls upon the Department of City Planning to develop new and better formulas, based upon current demographics, that more accurately represent the percentage of families with school age children that comprise our local population, and considers the number of families who can be expected to move into new residential development, and

Therefore Be It Further Resolved that CB#2, Man. calls upon the Department of City Planning to institute a policy that would require a school impact study on all new residential construction and conversion, regardless of size, and

Therefore Be It Further Resolved that CB#2, Man. urges our elected officials to develop a mechanism that would require developers of all new residential buildings to contribute to a capital fund for public schools, and/or include new school seats within their projects.

Vote: Unanimous, with 40 Board members in favor.

STREET ACTIVITY & FILM PERMITS

1. Approval of Street Fair Permit Applications

WHEREAS, the street fair permit applications listed below are renewal applications which were approved by the Committee and Community Board 2 last year; and

WHEREAS, the sponsors of the street fair permit applications listed below appeared before the Committee to answer questions, and the Committee has determined in the exercise of its sound judgment that the sponsor meets the requirements of Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges, in that each of the sponsors is a “community based, not-for-profit organization, association or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed and which demonstrates that it has the support of the community and is willing to take full responsibility for the conduct of the event”; and

WHEREAS, there is no material community opposition to such application, nor any changes in the application from previous years when it was approved by CB#2, Man.; now

THEREFORE BE IT RESOLVED that CB#2, Man. supports these street fair permit applications on the date(s) and at the location listed below:

1. **3/24/12** Saint Joseph School-Washington Place Festival, Washington Pl. bet. Grove St. & 6th Ave.

Vote: Unanimous, with 40 Board members in favor.

2. **4/1/12** Waverly Block Association Waverly Place Festival, Waverly Pl. bet. Macdougall & Christopher Sts.

Vote: Unanimous, with 40 Board members in favor.

3. **4/2/-12/31/12** South Village Farmers Market, Ave. of the Americas, bet. Carmine St. & West 3rd St.

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

4. **5/4/12** Strawberry Fest-27th Annual, LaGuardia Pl. bet. Washington Square So. & W. 3 St.

Vote: Unanimous, with 40 Board members in favor.

5. **5/19/12** Christopher Street Block & Merchant, Assoc. Street Fair, Christopher St. bet. 7th Ave. So. & Hudson St.

Vote: Unanimous, with 40 Board members in favor.

6. **5/19/12** West Village Nursery School 50th Anniversary, Horatio St. bet. Washington St. & Greenwich St.

Vote: Unanimous, with 40 Board members in favor.

7. **6/3/12** World Science Festival Street, LaGuardia Pl. bet. Washington Square So. & West 3rd St.; Washington Square So. bet. Sullivan St. & Washington Square East; West 4th St. bet. Washington Square East & Mercer St.

Vote: Unanimous, with 40 Board members in favor.

8. **6/9/12** Old St. Patrick's Cathedral-Annual Village Fair, Broadway bet. W. Houston St. & Grand St.

Vote: Unanimous, with 40 Board members in favor.

9. **8/11/12** Village Visiting Neighbors University Place Festival, University Pl. bet. Waverly Pl. & E. 14th St.

Vote: Unanimous, with 40 Board members in favor.

10. **9/2/12** Greenwich Village Chamber of Commerce Broadway Festival, Broadway bet. Waverly Pl. & E. 14th St.

Vote: Unanimous, with 40 Board members in favor.

11. **9/8/12** Our Lady of Pompei Church Bleeker, 6th Ave. bet. W. Houston St. & Waverly Pl.

Vote: Unanimous, with 40 Board members in favor.

12. **9/15/12** Village Center for Care Bleeker Street Festival, Bleeker St. bet. 7th Ave. So. and 8th Ave.

Vote: Unanimous, with 40 Board members in favor.

13. **9/22/12** C.O.R.E.-Broadway Autumn Fair, Broadway bet. Waverly Pl. & E. 14th St.

Vote: Unanimous, with 40 Board members in favor.

14. **9/22/12** Far West 10th Street Block Association Street Fair, West 10th St. bet. Bleeker St. & W. 4th St.

Vote: Unanimous, with 40 Board members in favor.

15. **10/6/12** PAL Festival, University Pl. bet. Waverly Pl. & E. 14th St.

Vote: Unanimous, with 40 Board members in favor.

16. **10/13/12** Village Independent Democrats Greenwich Avenue Festival, Greenwich Ave. bet. 6th Ave. & 7th Ave.

Vote: Passed, with 38 Board members in favor and 2 recusals (K. Berger, B. Hoylman).

17. **10/27/12** IND. Downtown Republican Club-University Place Fall Fair, University Place bet. & East 14th St.

Vote: Unanimous, with 40 Board members in favor.

18. **10/27/12** Washington Square Village Tenants Association Bleecker Street Festival, Bleecker St. bet. Lafayette St. and Mercer St.

Vote: Unanimous, with 40 Board members in favor.

19. **5/25-9/9/12 - Mulberry Street Mall, Mulberry St. bet. Canal St. and Kenmare St.; Hester St. bet. Mott St. & Baxter St.**

WHEREAS, this renewal included a modification to extend the Mall one block north – between Broome St. and Kenmare St – of its previous operation, and

WHEREAS, due to residential opposition and inadequate outreach from the sponsoring Little Italy Merchants Association (LIMA), LIMA has modified its application to remove the extension of the Mall for the additional block, and

WHEREAS, the application as amended is now a renewal of the long-standing Mall extending only to Broome St. on the north, and

WHEREAS, subsequent to the committee meeting it was determined that a document falsely representing numerous residents was presented by the applicant to CB#2, Man.;

THEREFORE BE IT RESOLVED, that because of the serious nature of possible false representations, CB#2, Man. cannot take a position on this application until this matter is investigated by the appropriate authorities.

Vote: Passed, with 37 Board members in favor, and 7 in opposition (S. Ashkinazy, B. Bray, L. Cannistraci, D. Diether, S. Greene, A. Greenberg, M. Schott).

Denial of Street Fair Permit Application Renewal

20. **6/16/12** STONEWALL Veterans' Greenwich Avenue Festival, Greenwich Ave. bet. 6th Ave. & 7th Ave.

WHEREAS, the committee continues to question the size and viability of this organization and the uses of the money raised by this fair,

THEREFORE BE IT RESOLVED, that CB#2, Man. does not support this street fair permit application for the **Stonewall Veteran's Greenwich Avenue Festival, Greenwich Ave. bet. 6th Ave. & 7th Ave. for 6/16/12.**

Vote: Unanimous, with 40 Board members in favor.

21. **7/21/12 INT. AIDS Initiative- NYC Unfolds Street Fair, Broadway bet. Grand St. & E. Houston St.**

WHEREAS, while the committee applauds and supports the work of AIDS organizations, it finds no particular 'indigenous' relationship between this organization and the immediate street or community, and

WHEREAS, upon further investigation, the committee cannot find convincing evidence that this particular group continues to function in any meaningful way,

THEREFORE BE IT RESOLVED, that CB#2, Man. does not support this street fair permit application for the **INT. AIDS Initiative- NYC Unfolds Street Fair, Broadway bet. Grand St. & E. Houston St.**

Vote: Unanimous, with 40 Board members in favor.

22. Andrew Glover Youth Program 4th Ave. Festival, 4th Ave. Bet. E. 9th St. & E. 14th St.

WHEREAS, while the committee applauds the work of this organization it finds no particular “indigenous” relationship between it and the immediate street or community,

THEREFORE BE IT RESOLVED, that CB#2, Man. does not support this street fair permit application for **Andrew Glover Youth Program 4th Ave. Festival, 4th Ave. Bet. E. 9th St. & E. 14th St.**

Vote: Unanimous, with 40 Board members in favor.

CONDITIONAL DENIAL for No Shows

23. 6/30/12 BAMRA Bleecker Street Festival, Bleecker St. bet. 6th Ave. & Broadway

24. 10/20/12 Christopher East Block Association Christopher Street Festival, Christopher St. bet. 7th Ave. & Greenwich Ave.

WHEREAS, each of the street fair permit applicants listed above failed to appear before the Committee; and

WHEREAS, Chapter 11, Section 1-03(b), of the Rules of the Street Activity Permit Office Relating to Applications, Fees and Charges requires applications to appear before the Committee as a condition to any SAPO approval of their street fair application; and

WHEREAS, it is the view of the Committee that any applicant who wishes to close down a public street must appear before the Committee and allow for community feedback and questions; now

THEREFORE BE IT RESOLVED, that CB#2, Man. denies the street fair permit applications for:

- **BAMRA Bleecker Street Festival, Bleecker St. bet. 6th Ave. & Broadway**
- **Christopher East Block Association Christopher Street Festival, Christopher St. bet. 7th Ave. & Greenwich Ave.**

UNLESS the applicant appears before the committee

Respectfully submitted,

Susan Kent,
Secretary,
Community Board #2, Manhattan