

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	1 Recused
PUBLIC MEMBERS:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	33 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Expanding After-School Program Funding

WHEREAS: Mayor de Blasio has proposed to increase funding and expand after-school programs for middle school students; and

WHEREAS: Effective after-school programs provide a variety of activities that engage youth and build their self-confidence, resiliency and interpersonal skills, while reinforcing school learning as well as stimulating curiosity and imagination; and

WHEREAS: Increases in city funding for after-school programs have been rare in recent years, and instead proposals to reduce funding for these programs have forced families and communities to mobilize to keep current funding, rather than to enhance or expand services; and

WHEREAS: The Department of Youth and Community Development has not proposed to increase funding in recent years in CB1, leaving the many working parents of Lower Manhattan without services; and

WHEREAS: The proposed increase in funding by Mayor de Blasio will allow programs to enroll more children, offer more hours of service and better quality programs; and

WHEREAS: According to the report released on March 3, 2014 by the Mayor's office, the city currently serves an estimated 53,369 middle-school students. With the new proposal to provide \$190 million, another 62,791 students will receive after-school care; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 supports and applauds Mayor de Blasio's after-school expansion plan for prioritizing programs that improve attendance, school culture, and students' positive developmental and academic outcomes during the middle school years.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:       7 In Favor   0 Opposed   0 Abstained   0 Recused  
BOARD VOTE:           36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:                   305 Church Street, application for renewal of unenclosed sidewalk café license  
for Mexma LLC d/b/a Los Americanos

WHEREAS: The applicant, Mexma LLC d/b/a Los Americanos, is applying to renew the  
license for an unenclosed sidewalk café at 305 Church Street; and

WHEREAS: The license for this sidewalk cafe was previously held by Stuzzicheria, and CB1  
passed a resolution not opposing it in March, 2011; the license was assigned by  
the Department of Consumer Affairs for the remainder of its term to Mexma LLC  
which took over the space; and

WHEREAS: The sidewalk café will have no more than 9 tables and 18 chairs and will have a  
sidewalk clearance of greater than 8 feet; and

WHEREAS: The establishment is in a historic district or a landmarked building or district and  
the applicant has applied to the Landmarks Preservation Commission for approval  
to operate its café; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 does not oppose the granting of an unenclosed sidewalk café  
license for Mexma LLC d/b/a Los Americanos located at 305 Church Street  
subject to compliance by the applicant with the limitations and conditions set  
forth above.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:       7 In Favor   0 Opposed   0 Abstained   0 Recused  
BOARD VOTE:           36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:               65 West Broadway, application for alteration of operating hours for 65 West Broadway Restaurant LLC, d/b/a Saleya

WHEREAS: Community Board 1 passed a resolution opposing an application for 65 West Broadway Restaurant LLC, d/b/a Saleya, unless the applicant complied with terms and conditions including hours of operation from 8:00AM to 12:00AM on weekdays and weekends; and

WHEREAS: The establishment now seeks an alteration permitting hours of operation to extend to 1 a.m. on weekdays and 2 a.m. on weekends; and

WHEREAS: The proposed hours would comply with the “Guidelines for Tribeca Liquor License Applicants” issued by CB1; and

WHEREAS: The applicant does not seek any other changes to their current Method of Operation; and

WHEREAS: The CB1 office is not aware of any complaints about this establishment and no objections were raised at the Tribeca Committee meeting where this application was discussed; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 does not object to the extension of operating hours for 65 West Broadway Restaurant LLC, d/b/a Saleya at 65 West Broadway to 1 a.m. on weekdays and 2 a.m. on weekends.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	32 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 36 Peck Slip, application for a renewal of a sidewalk café license for Goat Fifty, LLC  
d/b/a Nelson Blue

WHEREAS: The applicant, Goat Fifty, LLC, has applied for a renewal of an unenclosed sidewalk  
café license for 12 tables and 48 chairs; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 approves the sidewalk café license for Goat Fifty, LLC at 36 Peck  
Slip.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	32 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 15 Ann Street, application for a wine and beer license for 15 Ann Street, LLC d/b/a Pita Express

WHEREAS: The applicant, 15 Ann Street, LLC, is applying for wine and beer license; and

WHEREAS: The applicant has requested the bar service hours of 11:00 a.m. to 8:30 p.m. Sunday – Thursday; and

WHEREAS: The total area of the restaurant is 1,200 square feet, including a dining area of 800 square feet with 26 tables and 52 chairs, and a kitchen area of 400 square feet; and

WHEREAS: The applicant does not intend to apply for a cabaret license, and does not intend to apply for a sidewalk café license; and

WHEREAS: The applicant has represented that there are no buildings used exclusively as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on-premises liquor licenses within 500 feet of this establishment; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 *opposes* the granting of a liquor license to 15 Ann Street, LLC at 15 Ann Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:           8 In Favor   0 Opposed   0 Abstained   0 Recused  
BOARD VOTE:             36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:                   18 Broad Street, Application to legalize an existing security shutter

WHEREAS: 18 Broad Street (aka The New York Stock Exchange) is an individually designated Landmark building designed by the architect George B. Post and constructed in 1901 - 1903 and is not only significant in its architectural design but is also an iconic feature of New York City and especially the financial district, synonymous with “Wall Street”, and

WHEREAS: The existing security shutter was installed under a temporary certificate of appropriateness and the proposal was not subjected to the scrutiny of the required public approvals process at the time, and

WHEREAS: The applicant now seeks to make the temporary certificate permanent. While it is recognized that the current security shutter is now existing and there will be cost associated with replacement, that should have been taken into consideration at the time that the “temporary” solution was installed without going through the normal and required application process, and

WHEREAS: The existing security shutter is both highly visible and completely inappropriate in its proportions, materials, detailing and depth of placement in the façade, and

WHEREAS: Federal guidelines for Design Excellence require that government buildings be designed to the highest level of safety and security but that these features are “thoughtfully integrated into the overall designs”. While the New York Stock Exchange is not a federal building, it nevertheless represents the United States to millions of people from our nation and around the world, who visit each year and return home with photographs and impressions of this important landmark, therefore similar standards should apply, now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 recommends that the LPC reject the request to make the temporary C of A permanent. We further recommend that instead, LPC should grant a 1 year extension to the temporary C of A and have them come back with a more appropriate permanent solution.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:           6 In Favor    1 Opposed    0 Abstained   1 Recused  
BOARD VOTE:             35 In Favor   1 Opposed    0 Abstained   0 Recused

RE:                    35 Lispenard Street, application for storefront alteration

WHEREAS: 35 Lispenard Street is located in the East Tribeca Historic District, which, as described in its designation report “ has a distinct and special character within the larger Tribeca area defined by its many blockfronts of ornate store and loft buildings which reflect the district's role as the center for dry goods and related businesses in New York City....The many store and loft buildings, which now define this district, were characterized by nineteenth-century critics as palatial and substantial, enabling New York "to vie with the greatest continental cities of Europe...These buildings have trabeated cast-iron storefronts, many of which retain such historic elements as paneled and glazed wood doors, wood-framed transoms, show windows, roll-down shutters, and stepped vaults. The upper facades are faced with high-quality materials, such as marble, sandstone, brick, or cast iron, and terminated by prominent cornices”, and

WHEREAS: From the Tribeca East Historic District designation report “This one-story, twenty-five-foot wide small commercial structure is located near the Church Street end of the block. An alteration executed in 1954-56 by Mac L. Reiser for Benjamin Hochman, demolished the two upper stories of a brick building previously occupied by merchants of cloaks and suits; the structure had been converted to accommodate a boarding house and later a ground-story saloon with storage and factory spaces above. The current facade, sheathed in marble, is the result of an alteration applied for in 1969 but not completed until 1991. During the 1960s, a retail store occupied the building; it was replaced by a restaurant”, and

WHEREAS: In its current state the storefront is considered non-contributing, and in fact is an eyesore and detracts from the character of an otherwise fairly intact streetscape, and

WHEREAS: The proposed design will remove marble cladding and other inappropriate infill materials and replace them with vintage wood doors set in a wood storefront that is similar in details and configuration to original historic storefronts found in the district, and this will be painted in an appropriate color palette and door hardware will be a darkened metal as depicted in the color elevations submitted, and

WHEREAS: There was discussion as to the appropriateness of a planter box incorporated into a cornice feature below the primary signage, however the majority of the committee was not opposed to it, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 recommends that Landmarks Preservation Commission approve this application.



COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 36 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 380-384 Canal Street (aka 285 West Broadway) Request for Evaluation

WHEREAS: 380-384 Canal Street is a largely intact 6 story Beaux Arts style brick and terra cotta building commissioned as a commercial retail structure in 1897 and designed by the prominent architecture firm of Brunner and Tyron, and

WHEREAS: The building lies just outside the boundary of the Tribeca East Historic District but is highly visible from many vantage points within the district and clearly contributes to the historic character of the neighborhood, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 Manhattan supports the Request for Evaluation and recommends designation of 380-384 Canal Street as an individual landmark.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:       7 In Favor   0 Opposed   0 Abstained   0 Recused  
BOARD VOTE:           36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:               67 Vestry Street, request for Evaluation

WHEREAS: 67 Vestry Street is a largely intact nine story Romanesque brick warehouse structure the easternmost property line of which lies on the border of the Tribeca North Historic District, and

WHEREAS: This warehouse was constructed in 1897 for the Atlantic and Pacific Tea Company. The original 7 story structure was designed by the architect FP Dinkelberg with an addition in 1910 designed by the architect Frank J Helme, the building not only anchors the corner of this block but is a highly visible and significant element of the streetscape viewed from West Street and the Hudson River, and

WHEREAS: The building has played an important role in the more recent history of Tribeca as home and studio to many internationally recognized artists, having been occupied for residential use since approximately the 1960's and converted legally to residential occupancy in 1977 as a Loft Law building, and

WHEREAS: This building clearly contributes to the historic context of the neighborhood, and this committee sees no plausible reason for its capricious exclusion from the North Tribeca Historic District, the boundaries of which were established in 1992, and

WHEREAS: New Building plans have been filed with the NYC Department of Buildings and the building is in imminent danger of demolition therefore, time is of the essence in consideration of this request, now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 supports the Request for Evaluation and recommends that 67 Vestry Street be designated as an individual landmark or that the boundary of the North Tribeca Historic District be redrawn to include this building.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:           6 In Favor   0 Opposed   0 Abstained   0 Recused

BOARD VOTE:             36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:                   84 Walker Street, Request for Evaluation

WHEREAS: 84 Walker Street is a federal period building constructed by the prominent Jay family, was occupied by the Steinway Piano Company and is the last remaining of several buildings on Walker Street that constituted a piano factory row, and

WHEREAS: The building was important to the more recent history of Tribeca as studio of the artist Frank Stella, and

WHEREAS: The building lies just outside the boundary of the Tribeca East Historic District and is currently in a state of severe neglect, now

THEREFORE

BE IT

RESOLVED

THAT:               Community Board 1 supports the Request for Evaluation.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 36 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Governor's Island, King Road and Colonels Row, application for restaurant beer and wine license for Salmon East Seven Corp, d/b/a Little Eva's

WHEREAS: The applicant, Salmon East Seven Corp, is applying for a liquor license for Little Eva's; and

WHEREAS: The proposed hours of operation of this establishment are 8 a.m. to 8 p.m. seven days a week; and

WHEREAS: There will be background music; and

WHEREAS: The applicant has stated that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 opposes the granting of a liquor license for Governor's Island, King Road and Colonels Row, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 36 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 8 Liberty Place, application for restaurant beer and wine license for 8 Liberty Place NY Inc., d/b/a Asia Saigon

WHEREAS: The applicant, 8 Liberty Place NY Inc., is applying for a liquor license for Asia Saigon; and

WHEREAS: The proposed hours of operation of this establishment are 10 a.m. to 10 p.m. seven days a week; and

WHEREAS: The square footage of the establishment is 500 square feet; and

WHEREAS: There will be background music; and

WHEREAS: The applicant does not intend to apply for a sidewalk café license; and

WHEREAS: The applicant does not intend to apply for a cabaret license; and

WHEREAS: The applicant has stated that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has stated that there are three or more establishments with on premises liquor licenses within 500' of this establishment; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 *opposes* the granting of a liquor license for 8 Liberty Place NY Inc., *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE:           9 In Favor   0 Opposed   0 Abstained   0 Recused  
BOARD VOTE:               36 In Favor   0 Opposed   0 Abstained   0 Recused

RE:                   Stone Street Community Association - Oysterfest

WHEREAS: Stone Street Community Association has applied for a street activity permit on Stone Street between Hanover Square and Broad Street; Mill Lane between South William Street and Stone Street; Hanover Square between Pearl Street and William Street for Saturday September 20, 2014 8 AM to 10 PM, now

THEREFORE  
BE IT  
RESOLVED

THAT:               Community Board #1 does not oppose the application submitted by the Stone Street Community Association for a street activity permit on Saturday, September 20, 2014 subject to the following conditions:

- 1) The NYC DOT reviews the application and determines that it is compatible with nearby construction activity that is expected to be simultaneously underway, and
- 2) Traffic control agents are deployed as needed to ensure that there is no significant adverse impact from the event on traffic flow, and
- 3) Clean-up will be coordinated with the appropriate City Agencies, and
- 4) Bands and persons with megaphones are not situated along the route such that they disturb residents, and
- 5) Pedestrian and vehicular traffic in and out of all garages downtown remain open at all times.
- 6) Traffic is controlled by the Queen Elizabeth II September 11th Garden
- 7) A contact person with a cell phone is available.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 36 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 911 Memorial Family Day Street Activity Permit Application

WHEREAS: The 9/11 Memorial has applied for a street activity permit for Sunday, April 27, 2014, on Greenwich Street between Cortlandt Street and Liberty Street, 9:00 am to 7:00 p.m.; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 does not oppose the application submitted for the 9/11 Memorial Family Day for a street activity permit for Sunday, April 27, 2014 subject to the following conditions:

1. The program with amplified sound is concluded by 5 p.m. as agreed to by the event organizers at the Financial District Committee meeting on March 5, 2014, and
2. The NYC DOT reviews the application and determines that it is compatible with nearby construction activity that is expected to be simultaneously underway, and
3. Traffic control agents are deployed as needed to ensure that there is no significant adverse impact from the event on traffic flow, and
4. Clean-up will be coordinated with the appropriate City Agencies, and
5. Bands and persons with megaphones are not situated along the route such that they disturb residents, and
6. Pedestrian and vehicular traffic in and out of all garages downtown remain open at all times.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEES OF ORIGIN: FINANCIAL DISTRICT AND YOUTH & EDUCATION

COMMITTEE VOTE:

<i>Financial District</i>	9 In Favor	0 Opposed	0 Abstained	0 Recused
<i>Youth and Education</i>	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	0 Recused

RE: PS276 School Bus and Pedestrian Safety

WHEREAS: In February 2014 Mayor de Blasio released 'Vision Zero' action plan, launching citywide efforts to prevent traffic fatalities; and

WHEREAS: Parents in the Financial District zoned for PS276 are requesting that their children be allowed to ride the almost empty school bus so that their children can travel to and from school in safest manner possible; and

WHEREAS: The current walking route for these Financial District pupils requires parents and children to walk over dangerous intersections that are unmarked and crowded with tunnel and West Side Highway traffic; and

WHEREAS: According to the parents, the PS276 commute from the Financial District is one of the most dangerous walks in Lower Manhattan. There are no crossing guards by the school or at the West Side Highway and West Thames intersection; and

WHEREAS: These families filled out Hazard Variances with the Office of Pupil Transportation (OPT) citing the following hazards on their route to school: West Thames, Joseph Ward Street, West Side Highway, Trinity Place, Church Street; and

WHEREAS: Approximately 29 Hazard Variances were submitted several times. The OPT denied the variances stating that no hazards were found. An alternative route was provided directing students to follow a longer route walking south on Broadway around Water Street and Battery Place. This alternative route still has pupils walking through tunnel traffic and an unmarked intersection; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 urges the OPT to allow pupils of all ages who live east of Broadway and more than half a mile away from PS276 to ride the school bus until the hazardous walking conditions are eliminated. In addition, CB1 urges all responsible agencies to work together and place crossing guards in front of the school and at the West Side Highway and West Thames Street intersection.



COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 36 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Manhattan Borough Board resolution in support of Introduction Number 1183/LS 4544, a local law to amend the administrative code of the City of New York in relation to after-hours work authorization

WHEREAS: The Manhattan Borough President's Office has referred to Community Board 1 (CB1) for consideration a resolution (“the Resolution”) in support of Introduction Number 1183/LS 4544, a local law to amend the administrative code of the City of New York in relation to after-hours work authorization; and

WHEREAS: A vote on the Resolution will be taken at an upcoming meeting of the Manhattan Borough Board; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 supports the Resolution.

Whereas, The City of New York needs to reform the current after-hours variance (AHV) authorization process which has no level of effective transparency or any means to effect meaningful community consultation and/or review; and

Whereas, Extensive constituent complaints suggests that the use of AHV's has been increasing across the City, with numerous ***non-emergency*** projects being granted permission to work until 10:00 PM and/or 12:00 Midnight—on weeknights and all day long on the weekends—in addition to all legally permitted hours; and

Whereas, In the case of ***non-emergency*** projects, the practice of granting AHVs has become rampant and has severely impacted on the quality of life in the communities that surround construction sites; and

Whereas, Excessive use of AHV's in ***non-emergency*** situations has created and exacerbated noise, health and habitability issues; and

Whereas, A more transparent system is needed that eliminates the overbroad category of “undue hardship’ and puts in place notification, review and consultation provisions; and

Whereas, Int. 17-2014 introduced by Councilmembers Mendez and Garodnick mandates:

- (1) Repealing the overbroad category of “undue hardship” which currently provides discretion that is too broad and requirements that are not precise enough;
- (2) That applicants seeking an AHV under the categories of “emergency work,” “public safety” and “city construction projects” must submit a detailed explanation of the conditions that warrant it, the DOB must make a written decision that spells out the rationale for approval/disapproval and all documents must be posted online;
- (3) For projects that seek AHV's under the category of “construction projects with minimal noise impact” the DOB must make the applicant's detailed explanation of the material conditions that warrant it available for five days and allow members of the public to submit comments on it (online or via regular mail). The DOB must take these comments into account (and whether or not other AHV's have been permitted in a five block radius of the underlying site) when issuing their decision and such decision must spell out the rationale for approval/disapproval and all related documents must be posted online;
- (4) The DOB must implement an e-mail subscription system/database to allow interested individuals to sign up for notifications of AHV applications in their geographical area;
- (5) Any AHV's granted for work under the category of “construction projects with minimal noise impact” must be limited to the following conditions: no work whatsoever after 8:00 PM on weekdays; work on Saturdays only between the hours of 11:00 AM and 4:00 PM; and no work whatsoever on Sundays;
- (6) All fines for violations of the underlying AHV section are increased by a factor of 2.3 times (the maximum increase currently allowable); and
- (7) The applicant's noise mitigation plan, a required component of any permissible AHV approval must be posted onsite and visible to the public.

Now, Therefore, Be it known that the Manhattan Borough Board supports and calls for the passage of Int. 17-2014.

**Memorandum In Support**

**Introduction Number:** 1183/LS 4544

**Submitted by:** Council Members Mendez and Garodnick

**Title:** A Local Law to amend the administrative code of the City of New York, in relation to after-hours work authorization.

**Reason for Support:** NYC needs to reform the current after-hours variance (AHV) authorization process which has no level of effective transparency or any means to effect meaningful community consultation and/or review. The key provisions of this legislation include: (1) Repealing the overbroad category of “undue hardship” which currently provides discretion that is too broad and requirements that are not precise enough; (2) For projects that seek AHV’s under the categories of—“emergency work,” “public safety” and “city construction projects”—the applicant for a variance must submit a detailed explanation of the conditions that warrant it, the DOB must make a written decision that spells out the rationale for approval/disapproval and all documents must be posted online; (3) For projects that seek AHV’s under the category of “construction projects with minimal noise impact” the DOB must make the applicant’s detailed explanation of the material conditions that warrant it available for five days and allow members of the public to submit comments on it (online or via regular mail). The DOB must take these comments into account (and whether or not other AHV’s have been permitted in a five block radius of the underlying site) when issuing their decision and such decision must spell out the rationale for approval/disapproval and all related documents must be posted online; (4) The DOB must implement an e-mail subscription system/database to allow interested individuals to sign up for notifications of AHV applications in their geographical area; (5) Any AHV’s granted for work under the category of “construction projects with minimal noise impact” must be limited to the following conditions: no work whatsoever after 8:00 PM on weekdays; work on Saturdays only between the hours of 11:00 AM and 4:00 PM; and no work whatsoever on Sundays; (6) All fines for violations of the underlying AHV section are increased by a factor of 2.3 times (the maximum increase currently allowable); and (7) The applicant’s noise mitigation plan, a required component of any permissible AHV approval must be posted onsite and visible to the public.

Extensive constituent complaints suggests that the use of AHV’s has been increasing across the City, with numerous **non-emergency** projects being granted permission to work until 10:00 PM and/or 12:00 Midnight—on weeknights and all day long on the weekends—in addition to all legally permitted hours. This practice, in the case of **non-emergency** projects has become rampant and has severely impacted on the quality of life in the communities that surround construction sites. The excessive use of AHV’s in **non-emergency** situations has created and exacerbated noise, health and habitability issues. A more transparent system is needed that eliminates the overbroad category of “undue hardship’ and puts in place notification, review and consultation provisions.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	33 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Battery Park City Committee Report

WHEREAS: The Battery Park City Committee (“the Committee”) of Community Board 1 (CB1) has prepared a report (“the Report”) to the Battery Park City Authority (BPCA) and finalized it at its March 2014 meeting; and

WHEREAS: The Committee is encouraged by early signs from the new BPCA administration and looks forward to working with the BPCA under its new leadership; and

WHEREAS: The Report is a living document that was created over a three month period at public meetings of the Committee; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 accepts the Report prepared by the Committee as ready for submission to the BPCA; and

BE IT

FURTHER

RESOLVED

THAT: CB1 requests that the BPCA respond to the Report at the meeting of the Committee that is scheduled to take place on May 6, 2014.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	28 In Favor	5 Opposed	0 Abstained	0 Recused

RE: 22 Battery Place, application for a catering/banquet hall liquor license for Battery Park Associates LLC

WHEREAS: The applicant, Pier A Battery Park Associates LLC, is applying for a catering/banquet hall liquor license; and

WHEREAS: The hours of bar service for this establishment will be 7:00 a.m. to 4 a.m. seven days a week; and

WHEREAS: The Committee has agreed to the hours of 7:00 a.m. to 4:00 a.m. at this special and unique location for a 6 month trial period after which the applicant may revisit the Committee and request these hours on a permanent basis if there are no unresolved complaints from neighbors; and

WHEREAS: The total area of the restaurant is 32,000 square feet with a public assembly capacity of 1,175 people; and

WHEREAS: The applicant intends to apply for a cabaret license; and

WHEREAS: The applicant does not intend to apply for a sidewalk café license; and

WHEREAS: The applicant has represented that there are no buildings used exclusively as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are not three or more establishments with on-premises liquor licenses within 500 feet of this establishment, although there are several vessels with liquor licenses that dock close by; and

WHEREAS: The applicant intends to return to the Battery Park City Committee of Community Board 1 with a proposal for water-borne uses that will be associated with this establishment; and

WHEREAS: The Ritz-Carlton New York, Battery Park, located at 2 West Street, includes residential units and is located across Battery Place from Pier A, and other residential buildings are nearby; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 opposes the granting of a liquor license to Pier A Battery Park Associates LLC for 22 Battery Place unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Downtown Little League 2014 Opening Day Block Party

WHEREAS: Downtown Little League has applied for a street activity permit for Saturday, April 5, 2014, on Warren Street between North End Avenue and West Wide Highway 7:00 am to 12:00 p.m.; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board #1 does not oppose the application submitted for Downtown Little League street activity permit for Saturday, April 5 subject to the following conditions:

1. The Lower Manhattan Construction Command Center (LMCCC) or the agency that will assume LMCCC's responsibilities reviews the application and determines that it is compatible with nearby construction activity that is expected to be simultaneously underway, and
2. Traffic control agents are deployed as needed to ensure that there is no significant adverse impact from the event on traffic flow, and
3. Clean-up will be coordinated with the appropriate City Agencies, and
4. Bands and persons with megaphones are not situated along the route such that they disturb residents, and
5. Pedestrian and vehicular traffic in and out of all garages downtown remain open at all times.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 25, 2014

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	0 Recused

RE: The Muscular Dystrophy Association Walk

WHEREAS: The Muscular Dystrophy Association has applied for a street activity permit for Sunday, July 13, 2014, on Warren Street between North End Avenue and West Wide Highway 8:00 am to 3:00 p.m.; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board #1 does not oppose the application submitted for Muscular Dystrophy Association street activity permit for Sunday, July 13 subject to the following conditions:

1. The Department of Transportation and other relevant city agencies review the application and determines that it is compatible with nearby construction activity that is expected to be simultaneously underway, and
2. Traffic control agents are deployed as needed to ensure that there is no significant adverse impact from the event on traffic flow, and
3. Clean-up will be coordinated with the appropriate City Agencies, and
4. Bands and persons with megaphones are not situated along the route such that they disturb residents, and
5. Pedestrian and vehicular traffic in and out of all garages downtown remain open at all times.