

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: EXECUTIVE

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

RE: Revision of current by-laws to streamline non-district manager staff raises

WHEREAS: The Office of Management and Budget (OMB) paused their consideration of citywide community board merit-based salary increases for an undefined amount of time while they generated new “guidance” for all of the boards; and

WHEREAS: OMB reviewed the current bylaws of CB 1 and determined that their new guidance did not allow the Board Chair to authorize merit-based staff increases as was previously the case; and

WHEREAS: OMB provided the CB 1 office with sample language for the bylaws that would reinstate the power of the Board Chair to make such determination; and

WHEREAS: The sample OMB language was further revised by the General Counsel of the Office of the Manhattan Borough President; and

WHEREAS: The resulting language was then brought before the Personnel Committee, which recommended augmenting the language to include a requirement that the Board Chair consult with the Chair of the Personnel Committee before authorizing a salary modification to be sent to OMB; and

WHEREAS: The Executive Committee reviewed the resulting language for inclusion in the CB 1 Bylaws under “Duties of the Chair” Section III.B.a: “After consultation with the Chair of the Personnel Committee, the Board Chair shall have the authority to act on behalf of the full Board insofar as setting or adjusting staff salaries, other than that of the District Manager based on performance reviews, among other factors”;
now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 adopted the proposed revised by-laws as described in this resolution.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

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

RE: Board of Standards and Appeals application 2019-181-BZ for a special permit to legalize a physical culture establishment at 57 Leonard Street

WHEREAS: An application (2019-181-BZ) has been filed with the Board of Standards and Appeals (BSA) to legalize a physical culture establishment at 57 Leonard Street; and

WHEREAS: The site at 57 Leonard Street contains a 5-story mixed-use building. There is one residential apartment on the 5th floor and the remaining portions of the building are occupied with non-residential uses (including the physical culture establishment (PCE) on the ground floor, an art studio on the second floor, storage on the third floor, and a storage/studio on the fourth floor); and

WHEREAS: It is proposed to legalize an existing yoga studio on the ground floor, operated as Y7 Studio, that opened in February 2018. The subject PCE is located entirely on the first floor of the existing building, with the ground floor space containing a reception area, locker and changing area, and a single studio, accommodating a maximum of 20 people, at the rear of the building. Total zoning and gross floor area for the PCE is 1872 sq. ft; and

WHEREAS: No noise issues or known complaints have occurred from the yoga studio use. Acoustic measures have been installed at the studio space, including acoustic walls, ceilings and hung speakers; and

WHEREAS: Patrons visit the subject PCE on a class by class basis. Classes are generally offered daily, with weekday classes from 7 AM to 9:30 PM and weekend classes from 9:00 AM to 7:00 PM, with six to seven classes offered per day; and

WHEREAS: Total staff is estimated at 15. It is anticipated that the majority of patrons will be residents of the neighborhood that will walk to the facility; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 does not object to BSA application 2019-181-BZ for a special permit to legalize a PCE at 57 Leonard Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	33 In Favor	1 Opposed	0 Abstained	0 Rescued

RE: 105 Duane Street, application for City Planning Commission Special Permit and Certification to legalize and modify the existing design of the southern plaza

WHEREAS: An application has been submitted to the Department of City Planning (DCP) by Tribeca Equity Partners, L.P. (the Applicant) for a special permit and for a City Planning Commission (CPC) certification for design changes within an existing Privately-Owned Public Space (POPS); and

WHEREAS: The special permit and certification (the Application) will facilitate the legalization, in part, and modification of an existing approximately 9,405 square-foot plaza (the Southern Plaza) located at 105 Duane Street. The Southern Plaza is located on the southwest corner of the site, nearest the intersection of Duane Street and Trimble Place. This application does not include the North Plaza (Thomas Street Plaza); and

WHEREAS: The building at 105 Duane Street was constructed in 1992 and is commonly known as “Tribeca Tower”. The building is mixed-use with ground floor retail (FedEx) and 451 residential units on upper floors (including 88 affordable units); and

WHEREAS: In 2013, the Applicant made modifications to the Southern Plaza that included, among others, installation of new air intake and flue pipe; replacement of certain benches; installation of new planters and modifications to existing planters near the entranceway to the building; installation of new canopy piers framing the entranceway to the building; and replacement of certain trash receptacles. The goal of most of these changes was to modernize the canopied entranceway area with the intent of making it more aesthetically attractive and inviting to both the public and building residents. Other changes- such as installation of the air intakes and flue pipe- were made to modernize building systems relating to the below-grade parking facility and existing building, while locating these structures subject to the site development constraints caused by the configuration of the existing building and plaza. These changes took place without a CPC Chairperson certification; and

WHEREAS: The Applicant now makes the Application to legalize several of these 2013 design modifications, as well as to make other design modifications to the Southern Plaza; and

WHEREAS: The application for a Special Permit would facilitate/legalize the following design plaza changes: planters beneath the canopy piers at building entranceway; metallic mesh screening around canopy piers at building entryway; location and metallic mesh screening of flue pipe and air intake vents in certain planters; and replacement of existing illuminated parking sign with new accessory LED illuminated parking sign; and

WHEREAS: The application for CPC Chairperson certification would facilitate the following plaza design changes: replace backless benches with backed benches and add one new backed bench; add 5 movable tables and 20 movable chairs; replace existing planter wall caps with new bluestone wall caps; replace existing ground pavers with new, darker-colored ground pavers; replace plantings near center-rear of plaza with new groundcover plantings; add new trees for screening between plaza and Flea Theater site; fix lighting in planters and add new electrical outlets; relocate bicycle racks to sidewalks; replace existing and add new trash receptacles; relocate water fountain; and replace existing POPS signage with new zoning-compliant public space, hours of access, and prohibition signage; and

WHEREAS: Community Board 1 (CB1) has received noise complaints about loud noise emitting from the air vents in the plaza. The applicant has presented that in addition to aesthetic metallic mesh screening, acoustical dampening screens will be placed around these vents which should mitigate the excessive noise; and

WHEREAS: CB1 members have expressed concern over relocating the bike rack onto the sidewalk, which is already congested and space is limited; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 does not oppose the application submitted to DCP by Tribeca Equity Partners, L.P. (the Applicant) for a special permit and for a CPC certification for design changes within an existing POPS, conditional that:

- 1) The applicant assures that acoustical dampening around air vents will mitigate the excessive noise, and
- 2) The bike rack is moved to another location besides the sidewalk.

COMMUNITY BOARD 1 – MANHATTAN
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COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	33 In Favor	0 Opposed	0 Abstained	1 Rescued

RE: Pier 17 Rooftop Access

WHEREAS: Constituents of the Manhattan Community District 1 have reported that they have experienced difficulty in accessing public spaces on and around Pier 17; and

WHEREAS: In particular, constituents have reported that they have been unable to access the public open space on the roof of Pier 17 during private events; and

WHEREAS: Among other areas of public space throughout the pier, the 2013 City Planning Commission report for the Pier 17 ULURP (C 130055 ZSM) specifically stipulates that 3,629 square feet in the northeast corner of the building on the ground floor, covered by the building overhang, be open 24 hours; and that 10,112 square feet of rooftop open space on the western side of the rooftop be accessible to the public by escalators and elevators and subject to building hours; and

WHEREAS: As there are various open spaces throughout and on top of Pier 17 designated for public use at different hours, this has generated confusion and the general public cannot distinguish which spaces are private, which are open during building hours, which are open 24/7 and which are open even during a public event; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 urges Howard Hughes Corporation to install conspicuous signage indicating the location of each of the various public spaces (including the rooftop) and the hours those public spaces are open and accessible. The signage should clarify governing rules and emphasize that there is public access to the roof during private events, as well as how to access it. This information should also be duplicated on the Howard Hughes Corporation website and social media pages; and

FURTHER

BE IT

RESOLVED

THAT: Howard Hughes Corporation has confirmed that they have and will continue to make available a public phone number through which constituents can reach a human representative to address issues in real time including but not limited to: access, noise and community concerns.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	1 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 244 Front Street, a proposal for the creation of interior court balconies by altering the side façade of the third, fourth and fifth floors

WHEREAS: The wall proposed to be altered is an original exterior masonry wall comprised of several masonry repair campaigns over the past one hundred years; and

WHEREAS: The existing wall's window pattern is irregular, and no original windows remain; and

WHEREAS: The outermost balcony/ lot line wall will be made of salvaged brick from the dissembling of the existing brick wall; and

WHEREAS: The balconies' inner building wall exterior finish is proposed to be tan stucco and each floor's balcony will have two windows and one door; and

WHEREAS: An additional matching metal window will be installed at each balcony on the adjacent west wall; and

WHEREAS: The interior wall to be altered is not visible from the street; now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 recommends the Landmarks Preservation Commission approve the alterations to 244 Front Street exterior lot line wall.

COMMUNITY BOARD #1 – MANHATTAN
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DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Recused

RE: LPC request for evaluation of Manhattan Criminal Court Building at 100 Centre Street

WHEREAS: Lower Manhattan is the birthplace of New York City. Respecting and preserving the community's landmarks are critical to preserving the area's social history, architectural character and urban design

WHEREAS: In 2016, Manhattan Community Board 1 District Needs Statement urged the NYC Landmarks Preservation Commission (LPC) to "defend Lower Manhattan's architectural heritage" and asked that the Mayor and LPC find funding for adequate enforcement for landmark districts with consideration given "to expanding the footprint of historic districts and designating additional architecturally distinguished buildings that are threatened with redevelopment and merit protection"; and

WHEREAS: The City's recent proposals to replace the existing Manhattan Detention Complex at 124/125 White Street has brought to light the surprising and unfortunate fact that many of the Civic Center's important historic buildings lie outside the existing neighboring historic districts and are not yet landmarked including 80 Centre Street, 137 Centre Street, 139 Centre Street, and the Manhattan Criminal Court Building at 100 Centre Street; and

WHEREAS: The Manhattan Criminal Court Building at 100 Centre Street has been determined eligible for listing in the National Register for architectural significance by the NY State Historic Preservation Office; and

WHEREAS: The Manhattan Criminal Court building (which shares the same underlying City lot with the south tower of the Manhattan Detention Complex) was erected in 1938-41 and is a significant example of the work of Harvey Wiley Corbett (1873-1954), and Charles B. Meyers (1875-1958), architects highly influential in skyscraper design in NYC. The building is an excellent example of NY's art deco style, also called "art moderne", with its successful employment of sculptural massing, vertical emphasis and elegant minimalist detailing. In 1941, at the time of the building's completion, Geoffrey Baker, architectural critic of NY times wrote: "It is the romance of a Hugh Ferriss rendering, a vast depression dream city

cast in stone and steel”; and

WHEREAS: Harvey Wiley Corbett of the firm Helmle, Corbett & Harrison and Charles B. Meyers designed numerous NYC Landmarks including 1 Fifth Ave, the Master Building at 310 Riverside Drive, Bush Tower at 130 West 42nd street, 10 Park Avenue and with Wallace K. Harrison designed Rockefeller Center Charles B. Meyers also designed numerous NYC Landmarks, including the Family Courthouse at 135-43 East 22nd Street, the main building of Yeshiva University and former Municipal Health Building at 125 Worth Street; and

WHEREAS: Given the rapid rate of development in Lower Manhattan, there is enormous risk that without a prompt landmark designation, the Criminal Court building could likely be sold, demolished and replaced with a large-scale tower, as of right; and

WHEREAS: The Manhattan Criminal Court building clearly contributes to the historic context of the neighborhood and is a critical to Lower Manhattan’s social history, architectural character and urban design; and

THEREFORE

BE IT

RESOLVED

THAT: CB 1 urges the Landmarks Preservation Commission to act promptly in reviewing and seeking to preserve the Manhattan Criminal Court Building at 100 Centre Street.

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BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Preservation of Little Syria by the Washington Street Advisory Group

WHEREAS: The destruction of historic neighborhoods in Community Board 1 remains a problem over fifty years after the legislation that created the New York City Landmarks Law; and

WHEREAS: The destruction of historic neighborhoods in Manhattan to make way for quarter, half, and full-block towers has become an epidemic in Community Board 1 over the past twenty years; and

WHEREAS: New York City’s urban character is defined by the street grid and between the grid lines lie a variety of buildings in the blocks that create mini-districts with their own unique sense of place; and

WHEREAS: During the twentieth century, skyscraper development in Lower Manhattan led to the demolition of all the low and medium-rise buildings in a city block to make way for a single tower; and

WHEREAS: Around 2003, after extensive research begun after 2001, an approximately ten block area (bounded by West Street, the Battery, Trinity Place and Liberty Street) was recognized by a coalition of local and national preservation organizations called the Lower Manhattan Emergency Preservation Fund as a neighborhood still intact enough to establish a LPC-designated historic district; and

WHEREAS: This proposed historic district also known as the “Greenwich Street Corridor” or “Little Syria” was comprised of a variety of high-quality 18th, 19th, and early 20th-century buildings that when combined created a unique sense of place in an area sometimes called the “Lower West Side”; and

WHEREAS: The Landmarks Preservation Commission reviewed the proposal by the Lower Manhattan Emergency Preservation Fund with Ken Lustbader as consultant to create a historic district from approximately 48 sites and 40 contributing buildings, and determined the contributing buildings lacked the architectural and cultural importance to be evaluated as a historic district; and

WHEREAS: Four buildings (part of the historic structures study area), including 67 Greenwich Street, 94 Greenwich Street, 103 Washington Street, and 123-133 Greenwich Street have been made individual landmarks since 2001; and

WHEREAS: Ten contributing buildings within the 2003 study area have now been demolished, and several high-quality late-eighteenth century buildings on Greenwich Street have been dramatically altered, apparently preventing their designation; and

WHEREAS: Four more contributing buildings in the study area are slated for immediate demolition; and

WHEREAS: Combinations of buildings in the area have been demolished for planned tall building developments where the properties are uncertain or in foreclosure – specifically the admired Western Electric Factory at 125 Greenwich Street; and

WHEREAS: The status quo makes it conceivable that all nonprotected, low-rise buildings in this significant and relatively old section of the city could eventually be demolished; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 requests that the new leadership at the Landmarks Preservation Commission meet with Community Board 1 members to discuss the future of our district's contributing but not designated blocks, corridors, and individual buildings, the remnants of the historic district proposed in 2003 bounded by West Street, the Battery, Trinity Place, and Liberty Street. Fulfilling pledges made by the Lower Manhattan Development Commission and the City in 2002, Community Board 1 requests that the Landmarks Preservation Commission undertake an intentional survey of what prospective sites remain after this significant wave of demolitions.

COMMUNITY BOARD 1 – MANHATTAN
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DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: Department of Consumer Affairs proposing unenclosed sidewalk café permit holders not to remove tables and chairs after closing hours

WHEREAS: The Department of Consumer Affairs is proposing to codify the previous guidance to unenclosed sidewalk café permit holders not to have to remove tables and chairs from the public right-of-way after closing hours; and

WHEREAS: The “Sidewalk Café and Regulations Guide” states that, “tables and chairs must be quietly taken in for the night”; and

WHEREAS: In an email to CB 2 the DCA Sidewalk Café Unit stated, “However we are in the process of updating it so that it does not state that. The business may leave their table/chairs out during spring and summer season, but it’s recommended to keep them locked up during the fall and winter seasons”; and

WHEREAS: This will result in public sidewalks to be blocked and filled with sidewalk café furniture 24 hours a day, 7 days a week for a large duration of the year; and

WHEREAS: There are also numerous safety and quality of life concerns if the tables and chairs are not taken in after an establishment closes, even if the sidewalk cafe furniture is chained; now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 is extremely concerned this regulation change will have negative effect on safety and quality of life; and

BE IT
FURTHER
RESOLVED

THAT: CB 1 invites DCA to the Licensing and Permits Committee as soon as possible to discuss the proposed regulation change that unenclosed sidewalk café permit holders not have to remove tables and chairs after closing hours so CB1 can contribute input before any final decision is made and implemented by DCA, and

BE IT
FURTHER
RESOLVED

THAT: CB 1 opposes the implementation of this change to DCA “Sidewalk Café and Regulations Guide”.

COMMUNITY BOARD 1 – MANHATTAN
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COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: Department of Small Business Services (SBS) proposing to eliminate the DCA public hearing requirement Sidewalk Café licensing process

WHEREAS: The Department of Small Business Services (SBS) is reviewing a proposal related to streamlining the Sidewalk Café licensing process; and

WHEREAS: Currently, the New York City Administrative Code requires that both the Department of Consumer Affairs (DCA) and Community Board each conduct a public hearing; and

WHEREAS: As per SBS, “SBS is looking to eliminate the DCA public hearing requirement to streamline this process for business owners, while still allowing for community input during the process through the Community Board hearing”, and that, “This evaluation is a part of the continuing work of Small Business First, a mayoral initiative to improve the regulatory environment for small businesses”, as well as, “As Community Boards are a partner in this process, we are interested in eliciting your feedback and surfacing any potential impacts”; and

WHEREAS: The work of Small Business First involves reforming regulatory processes, increasing accessibility of information, eliminating outdated or unnecessary regulations, and conducting educational outreach; and

WHEREAS: CB1 has always been in favor with helping small businesses; and

WHEREAS: However, eliminating the DCA public hearing requirement is not “streamlining” the process, but eliminating an important step in a long-standing public review process; and

WHEREAS: Public review is not a concept that is “outdated” or “unnecessary regulation”; now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 is extremely concerned this regulation change will have a negative effect by eliminating an important step in the community board and general public comment and review process; and

BE IT
FURTHER
RESOLVED
THAT:

CB 1 invites DCA and SBS to the Quality of Life Committee as soon as possible to discuss the proposed regulation change to eliminate the DCA public hearing requirement for the Sidewalk Café licensing process so CB1 can contribute input before any final decision is made and implemented by DCA and SBS, and

BE IT
FURTHER
RESOLVED
THAT:

CB1 opposes the implementation of DCA and SBA eliminating the requirement for a public review process for sidewalk cafes.

COMMUNITY BOARD 1 – MANHATTAN
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COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 62 Thomas Street, application for liquor license for Elmwood Ventures LLC d/b/a Buddha Bar/Assunta Rome

WHEREAS: The applicant, Elmwood Ventures LLC, is applying for one on-premise liquor license for two restaurants at the space at 62 Thomas Street; and

WHEREAS: One establishment is a bar/restaurant/lounge and the other is an Italian Restaurant; and

WHEREAS: In its 2017 application the Buddha Bar was to occupy the entire space, and received SLA approval against strong CB1 and public opposition, but with stringent stipulations imposed by the SLA; and

WHEREAS: In 2018 the Buddha Bar applied with a different set-up, being two restaurants in the space, and received CB1 approval; and

WHEREAS: Now having waited too long to apply to the SLA the Buddha Bar has appeared before CB1 again with the same plan and method of operation as in 2018, but this time with significant public opposition; and

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

WHEREAS: The establishment has a public assembly capacity of 291, and a 3,800 square foot dining area with 70 tables and 218 seats, and a 1,500 square foot bar area with 0 tables and 14 bar stools, and a 2,000 square foot kitchen area with 1 approximately 25' rectangular stand-up customer bar at the restaurant mezzanine and one 9' service bar and one sushi food counter with 16 seats; and

WHEREAS: The hours of liquor service will be 11:30 AM to 11:30AM Sunday through Thursday and 10 AM to 12AM Friday through Saturday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be recorded background music, DJs for occasional private events, no live music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

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

WHEREAS: The applicant has agreed to follow not only the stipulations sheet from CB 1, but also those specific stipulations mandated by the SLA; and

WHEREAS: The applicant will not have velvet ropes or private parties, and will also employ six security guards to control traffic and crowds; and

WHEREAS: A substantial number of neighbors had expressed concern in 2017 when the application was for 1 large establishment but has not appeared at the 2018 meeting when the application divided into two restaurants, did appear at this meeting in opposition to the same two-restaurant proposal; and

WHEREAS: The residents had experienced enormous disruptions from at least two previous establishments at this large space; and

WHEREAS: The residents appeared to be unaware of the SLA stipulations from 2017, which were read out to them, but even so expressed great concern whether all the stipulations could be enforced; and

WHEREAS: The residents were informed to contact CB1, law enforcement, 311 and the SLA with any complaints, and to keep records and inform CB1 of all complaints; and

WHEREAS: The applicant has agreed to follow not only the stipulations sheet from CB1, but also those specific stipulations mandated by the SLA in 2017 for the original Buddha Bar application which was for one large restaurant/club; such as that “the premises will be completely soundproofed, including the air ducts; for purpose of clarity, soundproofing shall be defined as sound that cannot be heard outside by neighbors”; and

WHEREAS: The applicant will not have velvet ropes or private parties; and

WHEREAS: The applicant will also enforce traffic and crowd control management practices by providing 6 security guards and ensuring that patrons will wait indoors for transportation in a dedicated waiting area, as well as have employees oversee crowd control outside intended to mitigate residents’ concerns regarding street noise and traffic on this quiet one-lane street; and

WHEREAS: The applicant has signed and notarized a stipulations sheet from CB1 and has also signed and notarized the sheet of stipulations imposed by the SLA in September 2017; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Elmwood Ventures LLC d/b/a Buddha Bar/ Assunta Rome at 62 Thomas Street *unless* the applicant complies with the limitations and conditions set forth above including both the CB1 stipulations sheet and those imposed by the SLA in 2017.

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PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 96 Lafayette Street, application for liquor license for AVS International Retail, Inc. d/b/a The Backyard Game Lodge

WHEREAS: The applicant, AVS International Retail, Inc., is applying for an on-premise liquor license; and

WHEREAS: The establishment is a game lounge and bar occupying both the first floor and basement; and

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

WHEREAS: The establishment is a 8,000 square foot game lounge and bar with a public assembly capacity of 150, and a 750 square foot dining area with 17 tables and 140 seats, and a 297 square foot bar area with 0 tables and 140 seats, and a 300 square foot kitchen area with 140 seats, and 2 stand-up bars: one rectangular 13 foot bar at the ground floor and one L-shaped 14 foot bar in the basement; and

WHEREAS: The applicant was approved by CB1 in April 2019 at a different address (401 Broadway) for an establishment with the same concept, but there were problems with the building; and

WHEREAS: The establishment is a new concept for our neighborhood which would entail ax-throwing in cages on both floors, as well as additional variety of recreational games, and mini-shuffleboard courts; and

WHEREAS: No walk-ins will be allowed off the street and reservations will be required for entry; and

WHEREAS: The hours of liquor service will be 10AM to 12:30 AM Sunday through Thursday and 10AM to 1:30AM Friday through Saturday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be recorded background music, no DJs for occasional private events, no live music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to AVS International Retail, Inc., at 96 Lafayette Street unless the applicant complies with the limitations and conditions set forth above.

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COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
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BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 30 Hudson Street, application for liquor license for 30 Hudson Street, LLC d/b/a TBD

WHEREAS: The applicant, 30 Hudson Street LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a full-service restaurant; and

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

WHEREAS: The establishment is approximately 6000 square foot tavern and cafe with a public assembly capacity of 74, and a 2000 square foot dining area with 30 tables and 68 seats, and a 1000 square foot kitchen area with 1 stand-up bar and no food counters; and

WHEREAS: The hours of liquor service will be 12PM to 1AM Friday and Saturday and 12PM to 12AM Sunday through Thursday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be recorded background music, no DJs for occasional private events, live acoustic music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 12 PM to 3 PM; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to 30 Hudson Street, LLC, at 30 Hudson Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 225 West Broadway, application for unenclosed sidewalk cafe license for 225 West Broadway Corp d/b/a Attraversa

WHEREAS: The applicant, 225 West Broadway Corp, is applying for an unenclosed sidewalk cafe license for 6 seats and 3 tables that will extend 7 feet from the building lot line, and will not extend past the neighboring stairs; and

WHEREAS: The hours of operation are from 11AM to 11PM Sunday through Thursday and 11Am to 12AM Friday and Saturday; and

WHEREAS: The Committee usually asks applicants to operate for a full year before applying for a sidewalk cafe; and

WHEREAS: The residents of the surrounding neighborhood were notified in accordance with Department of Consumer Affairs guidelines and no residents registered objections with the permit application; and

WHEREAS: This small 3 table cafe protrudes no further into the public space than the neighboring staircase; and

WHEREAS: The New York City Landmarks and Preservation Commission has reviewed the new application and finds that the work will have no effect on significant protected features of the building; and

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of a liquor license to West Broadway Corp d/b/a Attraversa at 225 West Broadway unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 279 Church Street, application for liquor license for T. Mikolasko on behalf of entity to be determined d/b/a TBD

WHEREAS: The applicant, T. Mikolasko on behalf of entity to be determined, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a casual French diner; and

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

WHEREAS: The establishment is an approximately 3750 square foot restaurant with a public assembly capacity of less than 75, and a 1875 square foot dining area with 22 tables and 64 seats, and a 1875 square foot kitchen area with 1 U-shaped stand-up bar located at the center of the premises; and

WHEREAS: The hours of liquor service will be 10AM to 12AM Sunday, 8AM to 1AM Friday and Saturday, and 8AM to 12AM Monday through Thursday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be no recorded background music, no DJs for occasional private events, no live music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 7AM and 7PM; and

WHEREAS: The applicant will install soundproofing in the ceiling; and

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

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of a liquor license to T. Mikolasko on behalf of entity to be determined d/b/a TBD, at 279 Church Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 52 Walker Street, application for renewal of liquor license for KNH Enterprises LLC, d/b/a M1-5

WHEREAS: The applicant, KNH Enterprises LLC, is applying for renewal of an on-premises liquor license; and

WHEREAS: The applicant did not appear at the Board's July 2019 committee meeting; and

WHEREAS: The applicant's attorney said he will come back in September 2019 with a comprehensive plan; and

WHEREAS: A member of the public distributed evidence to the Board showing the establishment was advertising dancing; and

WHEREAS: The Licensing & Permits Committee has concerned that M1-5 may be operating as a dance club and lounge in violation of its New York State SLA OP license; and

WHEREAS: Members of the public testified that the establishment had DJ's that operated as a night club, loud music until 3AM and 4AM on Friday and Saturday nights with the bass penetrating to the third floor at least, and the sound from the establishment reached 100 decibels inside and peaked at 108 decibels; and

WHEREAS: Concerned residents spoke to the manager, Solomon, about lowering the music, and they allege that he replied "this is a nightclub, we need to play loud music"; and

WHEREAS: Concerned residents say the establishment draws clientele that engage in anti-social behavior, such as shouting, drinking, smoking, public urination, public consumption of controlled substances, and fighting; and

WHEREAS: Residents do not feel safe coming home at night because of such anti-social behavior; and

WHEREAS: Constituents presented credible evidence to the Board proving allegations that the stipulations the applicant and the Board agreed to have been violated; and

WHEREAS: CB1 has been hearing complaints about this establishment for many years, the earliest resolution in opposition to a renewal being in July 2007; and

WHEREAS: Disturbances and violations of their stipulations seem to diminish for a while each time CB1 calls them in, but it never lasts; and

WHEREAS: In response to CB1's June 2015 resolution, the Commissioners of the SLA took the establishment to task for violating their initial stipulations and method of operation at their December 2015 meeting, and sent them back to CB1 to try to resolve the inconsistencies; and

WHEREAS: In February 2016 CB1 issued a resolution expressing dismay at "the continued lack of progress by the establishment" in controlling the crowds, and repeated our request to the SLA that the closing hours be reduced from 4AM to 2AM; and

WHEREAS: M1-5's website still advertises Friday and Saturday nights to 4AM; and

WHEREAS: The applicant is in continuous violation of the terms of their liquor license by operating the establishment as a nightclub and day club with DJ, dancing and extremely loud music while the license only allows recorded music and no dancing; and

WHEREAS: There have been new complaints from residents in regard to issues concerning quality of life as a result of the ongoing misuse of the establishment's license; and

WHEREAS: The owner in fact brought no plan in response to neighborhood concerns, as promised in July by his attorney, and denied he had dancing or that it was a dance club; and

WHEREAS: The committee feels that the SLA should investigate whether M1-5 is legally operating within the parameters of its OP license; and

WHEREAS: The committee also feels that the 2-year renewal of M1-5 should be suspended during the SLA's investigation and while the owners and residents' meetings are taking place; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 *opposes* the granting of a renewal of liquor license to KNH Enterprises LLC at 52 Walker Street *until* the applicant fully solves these long-time continuing outstanding issues to the board's and residents' satisfaction; and

BE IT

FURTHER

RESOLVED

THAT: The SLA investigate whether M1-5 is legally operating within the parameters of its OP license as an eating and drinking establishment and to their agreed to stipulations; and

BE IT

FURTHER

RESOLVED

THAT: Due to the long-time ongoing quality of disruptions and other violations documented above, in many previous CB1 resolutions to the SLA, and by the residents, CB1 requests that the 2-year renewal of M1-5 should be suspended during the SLA's investigation as MI-5 no longer operates in the public interest.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	11 In Favor	3 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	33 In Favor	1 Opposed	0 Abstained	0 Rescued

RE: 40 Wall Street, application for liquor license for F&B 40 Wall LLC d/b/a The Vaults

WHEREAS: The applicant, F&B 40 Wall LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a tavern and cafe; and

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

WHEREAS: The establishment is an approximately 6000 square foot tavern and cafe located in the basement mezzanine with a public assembly capacity of 74, and a 2000 square foot dining area with 30 tables and 68 seats, and a 1000 square foot kitchen area with 1 stand-up bar and no food counters; and

WHEREAS: The hours of liquor service will be 12PM to 1AM Friday and Saturday and 12PM to 12AM Sunday through Thursday, although the establishment will open at 7AM; and

WHEREAS: The applicant has represented that there will be recorded background music, occasional live acoustic music also at background level, occasional private events, no DJs, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 12 PM to 3 PM; and

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

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of a liquor license to F&B 40 Wall LLC, at 40 Wall Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	1 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 28 Liberty Street, application for liquor license for Legends Hospitality LLC d/b/a TBD

WHEREAS: The applicant, Legends Hospitality LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a food hall bar and restaurant on the floor below ground level that is both an amenity for the building and can hold private events; and

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

WHEREAS: The establishment is a 37,047 square foot food hall with a public assembly capacity of 1,500-2,000 and a 21,269.82 square foot area that encompasses both the dining area with 58 tables and 389 seats and a bar area with 26 tables and 132 seats, and a 10,476 square foot kitchen area with 521 seats: 264 seats at 6 tops, 160 seats at 4 tops, tops meaning the total number of people for a specific sized table/countertop and 97 seats at counters; and

WHEREAS: The establishment will have 2 stand-up bars: one half-moon shaped cocktail bar with 16 bar seats around a stage area for live music, and one heptagon shaped beer bar with 35 seats in the center of the space, and seven food counters that multiple concepts will operate out of; and

WHEREAS: The hours of liquor service will be 11AM to 12AM Sunday through Thursday and 11AM to 1AM Friday and Saturday; and

WHEREAS: The applicant has represented that there will be recorded background music, DJs for occasional private events, live music, no dancing, promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services at 6AM, but only at the loading dock 3 stories below ground which has direct and immediate access from the street; and

WHEREAS: The applicant will have no advertising, and by lease no more than 10 buy-outs per year allowed; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Legends Hospitality LLC d/b/a TBD, at 28 Liberty Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	1 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 111 John Street, application for liquor license for The Drop Coffee Company LLC d/b/a The Drop; Kissaki

WHEREAS: The applicant, The Drop Coffee Company LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a restaurant and coffee shop; and

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

WHEREAS: The establishment is approximately 1800 square foot restaurant and coffee shop with a public assembly capacity of 48, and a 800 square foot sushi bar dining area with 0 tables and 16 seats, and a 800 square foot coffee/pastry pickup counter bar with 9 tables and 8-person window counter seating, and a 200 square foot kitchen area; and

WHEREAS: The hours of liquor service will be 12PM to 1AM Friday and Saturday, 12PM to 12AM on Sundays, and 12PM to 12AM Monday through Thursday; and

WHEREAS: The applicant has represented that there will be recorded background music, no DJs for occasional private events, no live music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 7AM to 10AM; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to The Drop Coffee Company LLC, at 111 John Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

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

RE: 213-221 Pearl Street, application for liquor license for Lam Pearl Street Hotel, LLC d/b/a Lam Pearl Street Hotel, LLC

WHEREAS: The applicant, Lam Pearl Street Hotel, LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a restaurant and hotel with rooms that have mini-bars; and

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

WHEREAS: The establishment is approximately 4500 square foot hotel with a public assembly capacity of 204, and a 2800 square foot dining area with 17 tables and 12 seats, and a 700 square foot bar area with 1 table and 12 seats, and a 1000 square foot kitchen area, and 1 2-' x 3' stand-up bar off the side of the dining area, near the kitchen and 1 food counter that's a community table with 14 seats; and

WHEREAS: The hours of liquor service will be 8AM to 2AM Monday through Saturday and 10AM to 2AM Sunday with the mini bars not included; and

WHEREAS: The applicant has agreed there will be no liquor service or consumption on the 5th floor terrace; and

WHEREAS: The applicant has represented that there will be no recorded background music, no DJs for occasional private events, live acoustic music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services starting the hours of 7AM; and

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

WHEREAS: The applicant will have no liquor, beer or wine outdoors on the 5th floor, the 2nd floor which has an on-premise license will be open to the public, and the min-bars are in the hotel rooms; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Lam Pearl Street Hotel LLC, at 213-221 Pearl Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	31 In Favor	0 Opposed	3 Abstained	0 Rescued

RE: Applications for 225 Liberty Street, Street and Lobby Level, and 225 Liberty Street, Lobby Level, applications for liquor license for 225 Liberty Location LLC d/b/a Convene

WHEREAS: The applicant, 225 Liberty Location LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a Corporate Meetings and Events Venue; and

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

WHEREAS: The establishment is approximately a 73,000 square foot venue, and the first floor, Level 1, holding the Banquet with 466 seats, and the Theatre holding 521 seats with no tables, and the second floor, Level 2, with several layouts: The Forum holding the Banquet of 360 seats, and the Theatre of 432 seats with no tables, the North Hub with 68 seats, the West Hub with 72 seats, the Central Hub with 73 seats, and the East Hub with 73 seats; and

WHEREAS: The hours of liquor service for the catering/event space will be from 8AM to 10PM Monday through Thursday, 8AM to 11PM Friday and Saturday, 10 AM to 10PM on Sunday; and

WHEREAS: For the cafe the hours of liquor service would be Monday through Friday 7AM to 7PM, and Saturday 9AM to 4 PM; and

WHEREAS: The applicant agreed to liquor license for the catering/event space 10 PM on weekdays, and 11 PM on Friday and Saturday for the first 12 months and the community asked for 9 PM Sunday through Thursday and 11 PM Friday and Saturday; and

WHEREAS: The applicant has represented that for the event space there will be recorded background music, DJs for occasional private events, live music, dancing; and

- WHEREAS: Brookfield presented on behalf of Convene to the Battery Park City Committee of CB1 in May 2019, but had no traffic and security plan at that time and instead presented a study that did not include 2018 approved NYC DOT or NYS DOT changes for traffic control and traffic calming measures on Liberty Street; and
- WHEREAS: Due to serious community concerns about the impact on local traffic and street/sidewalk congestion of such a large event space (initially presented as for 300 but most recently for 1249 people) directly across from a building with 3400 residents, the applicant was asked to provide a traffic and security plan security plan for future meetings with the BPC Committee and the Licensing Committee; and
- WHEREAS: Convene appeared two months later at the July Licensing Committee, with a questionnaire stating, "See attached", for information about security and crowd control, but in fact there was no such attachment, and were told they were still working on it; and
- WHEREAS: Convene did not provide one later that month in July when they appeared at another BPC committee meeting; and
- WHEREAS: The BPC committee and neighbors also had other issues about earlier closing times, number and capacity of events, signage and so forth that they felt could be easily negotiated to everyone's benefit once the traffic and security plans were presented; and
- WHEREAS: When in late August Convene informed CB1 they had still not located or studied the new DOT traffic control and calming changes that the BPC committee had brought to their attention, CB1 sent to them the resolutions passed in support of those measures; and
- WHEREAS: Convene attended a further BPC committee meeting on September 4, now with a separate application for the cafe, and still without a traffic/security plan, and was reminded again that one was needed for the Licensing committee on Sept. 18; and
- WHEREAS: Convene presented a document at that September BPC committee meeting that "agreed" to two contradictory definitions of event attendee limits, one being "no more than 10 events per year over 1,000 people" without permission from BPC CB1 Committee, and the other being "Maximum number of attendees not to exceed 1000 for the first 12 months"; and
- WHEREAS: Convene also agreed to stagger concurrent events with Brookfield that have 750-1000 attendees each; and
- WHEREAS: Convene also agreed at that BPC committee meeting to limit their license to 10PM on weekdays and 11PM on Friday and Saturday, but the community asked for 9PM Sunday through Thursday and 11PM Friday and Saturday; and
- WHEREAS: CB1 Licensing Committee guidelines ask applicants provide all information 7 days in advance or agree to postpone to the next month, so that committee members have enough time to study the materials prior to the meeting, but in fact Convene told us the plan was not ready and the materials they brought to the committee meeting were insufficient; and

WHEREAS: After some debate among committee members as to whether Convene should be asked to return the next month with both applications, with many adamant that in our years of experience of proper traffic plans, convene was asked to begin presenting; and

WHEREAS: So many questions, moving parts and possible objections arose during only ten minutes of a general boiler-plate presentation that the committee realized indeed much more time was needed to study the material, and asked the applicant to return in October; and

WHEREAS: Convene then explained their decision to not submit the study beforehand was because they thought the study “wouldn’t be digestible if we just gave you a copy”; and

WHEREAS: CB1 has still not been given the public assembly capacity for the space; and

WHEREAS: We understand that Convene applied to the State Liquor Authority after our July Licensing committee despite our request to return with the promised traffic and security plan for proper review and vetting; and

WHEREAS: They now say they are not allowed by the SLA to ask for a postponement, only a withdrawal, which would delay them even further; and

WHEREAS: The applicant has not signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: Because CB1 was not given proper time to review and discuss a crucial traffic and security plan, despite months of requests for such, we ask the SLA to send the applicant back to CB1 or delay if possible any hearing on both of these applications until after the CB1 October Board meeting, in the expectation that we will have received and examined a proper plan and any further submissions the applicant deems appropriate; and

BE IT

FURTHER

RESOLVED

THAT: Failing any postponement, withdrawal or chance for CB1 to opine on this new information, CB1 must for now reject both applications as we did previously for the one application submitted in July.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	1 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	32 In Favor	0 Opposed	1 Abstained	1 Rescued

RE: 89 South Street, Building A 101/102, application for liquor license for Pier 17 GR Restaurant LLC & Seaport F&B LLC d/b/a TBD

WHEREAS: The applicant, Pier 17 GR Restaurant LLC & Seaport F&B LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a tavern and cafe; and

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

WHEREAS: The establishment is approximately 6000 square foot tavern and cafe with a public assembly capacity of 74, and a 2000 square foot dining area with 30 tables and 68 seats, and a 1000 square foot kitchen area with 1 stand-up bar and no food counters; and

WHEREAS: The hours of liquor service will be 12PM to 1AM Friday and Saturday and 12PM to 12AM Sunday through Thursday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be live acoustic music, no recorded background music, no DJs for occasional private events, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 12 PM to 3 PM; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Pier 17 GR Restaurant LLC & Seaport F&B LLC, at 89 South Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 27 Cliff Street, application for liquor license for Lil Chef Mama LLC d/b/a Lil Chef Mama

WHEREAS: The applicant, Lil Chef Mama LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment is a Thai restaurant; and

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

WHEREAS: The establishment is approximately 3000 square foot restaurant with a public assembly capacity of 74, and a 2000 square foot dining area with 30 tables and 68 seats, and a 1000 square foot kitchen area with 1 stand-up bar and no food counters; and

WHEREAS: The hours of liquor service will be 12PM to 1AM Friday and Saturday and 12PM to 12AM Sunday through Thursday; and

WHEREAS: The applicant has represented that there will be no recorded background music, no DJs for occasional private events, live acoustic music, no dancing, no promoted events, no cover fee events, no scheduled performances; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of 12 PM to 3 PM; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Lil Chef Mama LLC, at 27 Cliff Street unless the applicant complies with the limitations and conditions set forth

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

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

RE: 32 Cliff Street, application for liquor license for Omarie Georges on behalf of an entity to be formed

WHEREAS: The applicant, Omarie Georges, is applying for an on-premise liquor license; and

WHEREAS: The applicant has represented that there is a Mosque within 200 feet of this establishment, but that the site at 32 Cliff is grandfathered so as to be not subject to the 200' rule, and there also being some question as to whether the entire building is being primarily used as a place of worship, and so the SLA shall decide if the 200' rule applies; and

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

WHEREAS: The establishment is a Bar/Tavern seeking a license for the first floor, and will use the basement for storage; and

WHEREAS: The establishment is a 3700 square foot building with a public assembly capacity of 63, and a 200 square foot dining area with 8 tables and 32 seats, and a 306 square foot bar area with 0 tables and 16 seats and one 32 feet U-shaped stand-up bar located on the ground floor and no service bars, and a 240 square foot kitchen area with no food counters; and

WHEREAS: The hours of liquor service will be 11AM to 1AM Sunday through Wednesday and 11AM to 2AM Thursday through Saturday; and

WHEREAS: The applicant will not have French doors or windows; and

WHEREAS: The applicant has represented that there will be recorded background music, DJs for occasional private events, live music, promoted events, cover fee events, scheduled performances, and no dancing; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound from events, performances or music will be heard outside the premises or by neighbors; and

WHEREAS: The applicant agreed that DJ's will only be used on Mondays and Tuesdays for DJ's, and

WHEREAS: The applicant agreed there will be one night a week of live music; and

WHEREAS: The applicant will have security managing the front door 7 days week and police outside customers; and

WHEREAS: The applicant agreed there will be no patron queuing at the front door; and

WHEREAS: The applicant agreed to use security personnel for crowd management; and

WHEREAS: The applicant stated there will be two sets of front-entry doors with a vestibule for the purpose of keeping sound at background music levels; and

WHEREAS: The mosque next door experienced many problems from the previous establishment, particularly with people drinking and hanging out on the steps of the mosque, and with garbage, vomit and other human leavings strewn on those steps; and

WHEREAS: The applicant has promised to monitor its patrons' behavior and not permit them to use or intrude on those steps or the space in front of the mosque; and

WHEREAS: The applicant has also promised to assure the steps of the Mosque are clean at the end of the night; and

WHEREAS: As by report the previous bar was also known to be a place for underage drinking by nearby Pace students and others, the applicant agreed to carefully monitor its patrons; and

WHEREAS: The applicant agreed there will be no deliveries from 10PM to 8AM; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Omarie Georges, at 32 Cliff Street unless the applicant complies with the limitations and conditions set forth above, and

BE IT

FURTHER

RESOLVED

THAT: CB1 asks the State Liquor Authority to verify that this site is grandfathered and/or that the 200' rule does not apply.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: PERSONNEL

COMMITTEE VOTE: 5 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 33 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Discretionary Actions Consultant

WHEREAS: In order for Community Board 1 to better receive, process, and respond to opportunities for discretionary action, a micro purchase contract was negotiated between the Board and BetaNYC; and

WHEREAS: The consultant would report to our District Manager and be responsible for providing technical assistance and support on initiatives involving administration and approval functions; and

WHEREAS: One consultant will provide principal support to CB 1's Licensing & Permits Committee by earmarking 30 hours of the 37-hour weekly allotment of hours. The balance of the time can be used by the second consultant to coordinate work for all other tasks that fall within this contract. Some flexibility with the share of these hours is allowed, when necessary and must be approved by the District Manager or their designee.; and

WHEREAS: The CB 1 office will consult with the Committee to prepare a Request for Proposals (RFP) open solicitation for the next six-month contract per the guidelines prepared by the New York City Comptroller; and

WHEREAS: The CB1 District Manager will work with the administrative staff at the Manhattan Borough President's Office to process the consultant contract; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 hereby ratifies the decision of the Committee to award the position of Consultant to BetaNYC pursuant to a written contractual agreement and authorizes the District Manager to execute such contract on behalf of CB1 pursuant to the terms of the solicitation, and

BE IT
FURTHER
RESOLVED

THAT: The term of this contract will be for six (6) months, from September 3, 2019 to March 2, 2020; and

BE IT
FURTHER
RESOLVED

THAT: The maximum compensation to be paid to the consultant for the six-month period, including all fees and costs, shall be \$19,980.00.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: QUALITY OF LIFE & DELIVERY SERVICES

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Rescued
PUBLIC VOTE: 3 In Favor 0 Opposed 0 Abstained 0 Rescued
BOARD VOTE: 34 In Favor 0 Opposed 0 Abstained 0 Rescued

RE: Reconstruction and Rehabilitation of Combined Sewers in West Broadway
(SEN002178)

WHEREAS: The 30 day review and comment period is not enough time for any community board to properly engage with DDC and the community at large to produce substantive comment; and

WHEREAS: The New York City Department of Design and Construction (DDC) is in the preliminary design phase of a project to replace and restore combined sewers in West Broadway within Community District 1; and

WHEREAS: The sewers are largely below the western sidewalk along West Broadway between Thomas and Leonard streets; and

WHEREAS: The project is scheduled for bids in fiscal year 2020, with construction targeted to commence in the Fall of 2020; and

WHEREAS: There will be some impact on vehicular and pedestrian travel patterns along the corridor with the closure of sidewalk and some, but not all the roadway; and

WHEREAS: While some noise and inconvenience are inevitable, the bulk of those impacts must be avoided when DDC and utilities, such as Consolidated Edison (Con Ed), work with CB 1 to create mitigation plans as well as providing contact information for real time complaints and inquiries; and

WHEREAS: The DDC is open to working with CB 1 to engage with local organizations and individuals to proactively reach out to businesses and property owners that will be impacted by the construction; now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 requires that the final project is designed to avoid the use of after-hours variances for night or weekend work; and

BE IT

FURTHER

RESOLVED

THAT: DDC is encouraged to establish a map portal that shows the location of current and projected projects along with their estimated start and end dates; and

BE IT

FURTHER

RESOLVED

THAT: CB 1 requires that DDC return to provide additional presentations as the designs are finalized along with a reasonable estimate of the projected duration of the work.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	32 In Favor	1 Opposed	1 Abstained	0 Rescued

RE: Street Co-Naming Guidelines

WHEREAS: The Manhattan Community Board 1 (CB1) Transportation Committee has proposed an update to the Street Co-Naming Guidelines in order to correct an oversight; and

WHEREAS: The guidelines currently read: “Streets located within the boundaries of Manhattan Community Board #1 will be considered for co-naming in honor of individuals or organizations subject to the following criteria...”; and

WHEREAS: The Transportation Committee has proposed the following change: “Streets located within the boundaries of Manhattan Community Board 1 will be considered for co-naming in honor of individuals, organizations, or **historic events/places** subject to the following criteria...”; and

WHEREAS: Additionally, the following language will be added as criteria for historic events/places: “The historic event/place must (1) be recognized as significant by a historical society or other appropriate group; (2) been mentioned in a major film, book, or international news story; and (3) be identified on a widely available map at or near the proposed co naming location”; and

WHEREAS: Many residents and visitors look for locations in Community District 1 that are related to the historic events and/or places that they have learned about from films, books and news stories; and

WHEREAS: The Street Co-Naming Working Group overlooked, rather than dismissed, this reason for co-naming; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 supports this update to the Street Co-Naming Guidelines.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: WATERFRONT, PARKS AND CULTURAL

COMMITTEE VOTE:	8 In Favor	1 Opposed	1 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: Adding the South Street Seaport Museum to the Cultural Institutions Group

WHEREAS: The Department of Cultural Affairs has established a Cultural Institutions Group consisting of 34 cultural institutions throughout NYC which are located on City-owned property and receive significant annual capital and operating support from the City; and

WHEREAS: The South Street Seaport Museum, established in 1967, has long played a most significant role in serving as a steward to the South Street Seaport Historic District and waterfront, an area that helped to make New York the preeminent City and port in the United States; and

WHEREAS: The East River waterfront of lower Manhattan played an important part in the early history of New York City and became, over a two hundred year period from 1797 until the middle of the 19th century, the leading port in the nation; and

WHEREAS: In the late 1960s, visionary preservationists set aside a collection of entire city blocks and piers in the South Street Seaport district as an area worthy of care and attention and it was subsequently designated lower Manhattan's first historic district in 1977; and

WHEREAS: The South Street Seaport Museum has been highly instrumental in revitalizing this area including the historic Schermerhorn Row. Its mission statement says it "preserves and interprets the origins and growth of New York City as a world port, a place where goods, labor and cultures are exchanged through work, commerce, and the interaction of diverse communities"; and

WHEREAS: Today the South Street Seaport Museum is home to a fleet of five historic vessels including its flagship 133-year-old Wavertree docked at Pier 16; and

WHEREAS: The South Street Seaport Museum has had its share of financial difficulties over the years as projected revenues that it was supposed to receive from the City's commercial development aimed at creating a "festival marketplace" that began in the early 1980s has never generated the income hoped for and the Museum also suffered great damage when the area was hit by Superstorm Sandy in 2012; and

WHEREAS: The Seaport Museum, under the leadership of Captain Jonathan Boulware, has accomplished a great deal. Several historic vessels, including the Wavertree, have been restored, the Museum's attendance has doubled in the past year and it has achieved its first balanced budget in some time; and

WHEREAS: Much work still needs to be done in the years ahead and additional revenues are needed to accomplish re-opening the Schermerhorn Row galleries, increasing their exhibitions and education programs, and building a new Museum building on John Street; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 strongly urges the City of New York and Department of Cultural Affairs to add the most important and deserving South Street Seaport Museum to its Cultural Institutions Group; and

BE IT
FURTHER
RESOLVED

THAT: By doing so, the City will provide the Museum with urgently needed additional funding to reinforce the Museum's status as a major cultural anchor for the East Side of lower Manhattan and enable it to carry out its vital duties as an essential steward to this very special historic district.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: YOUTH AND EDUCATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	TABLED			

RE: Trinity Place Traffic Study

WHEREAS: The Board is advocating for the creation of a student plaza as a safe outdoor space at the Trinity Place school; and

WHEREAS: The extra space is necessary to safely accommodate around 900 people, which includes students, parents, and siblings in strollers during peak foot traffic times, such as student pick-ups and drop offs and school evacuations, because the school is surrounded by narrow sidewalks and has no large ground-floor gathering space; and

WHEREAS: CB1 passed a resolution in April 2017 asking Department of Transportation (DOT) to close the northern westbound lane on Edgar Street between Greenwich Street and Trinity Place, adjacent to the school at 42 Trinity Place, to traffic and paved to create an outdoor area for school children and their caregivers to safely gather next to the school and that either the DOT or the School Construction Authority (SCA) conduct the appropriate study to enable the closure of the westbound lane of Edgar Street to enable the creation of a student plaza; and

WHEREAS: A traffic study is required in order to close the west lane of Edgar Street and the bus ramp at the Brooklyn Battery Tunnel according to the DOT Manhattan Borough Commissioner; and

WHEREAS: The Trinity Place Traffic Study is being conducted in September 2019; and

WHEREAS: The Board is excited that construction of the student plaza is imminent, signaled by the ground breaking at Elizabeth Berger Park in September 2019; and

WHEREAS: While the Board commends the construction of the student plaza, the DOT still plans to re-route traffic up Greenwich Street; and

WHEREAS: The Board requests DOT route traffic up West Street instead of the current proposal, which brings the exit lane of the Brooklyn Battery Tunnel up Greenwich Street and makes a hard right on Edgar Street and a hard left on Trinity Place; and

WHEREAS: Children and caretakers will be safer by diverting the fast-moving traffic from the small Edgar and Greenwich streets; and

WHEREAS: There is an entrance to the Battery Park Garage on West Street that would resolve potential traffic issues; and

WHEREAS: The Board requests the traffic study to consider where school buses will drop children off; and

WHEREAS: The Board wants to reposition that school bus stop to Greenwich Street, which would be possible with the closing of the Brooklyn Battery Tunnel spur; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 firmly requests that the Trinity Place Traffic Plan closes the northern westbound lane on Edgar Street between Greenwich Street and Trinity Place, reroutes traffic up West Street, and repositions the current bus stop to Greenwich Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: YOUTH AND EDUCATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	2 Opposed	1 Abstained	0 Recused

RE: Dyslexia screening pilot initiative

WHEREAS: CB1 supports the attached CB2’s resolution “Resolution in Support of Implementation of Early Screening, Curriculum Development, Teacher Training, Programs and Schools to Support and Teach Children with Dyslexia in NYC Public Schools: A Critical Equity Issue for NYC Students”; and

WHEREAS: CB2’s resolution states “The NYC Department of Education has failed to develop early screening, curriculum, teacher training, programs and schools to support and teach children with Dyslexia, creating a deeply inequitable system that is out of reach for the vast majority of New York City families”; and

WHEREAS: CB2’s resolution states “Dyslexia is a learning disability, characterized by difficulties with specific language skills, particularly reading, but also spelling, writing and pronouncing words...”; and

WHEREAS: CB2’s resolution states “Dyslexia increases the risk of anxiety, depression, low self-esteem, peer rejection and absenteeism which can lead to dropping out of school, higher rates of unemployment, and become involved with the criminal justice system”; and

WHEREAS: CB2’s resolution states “the achievement gap between typical and dyslexic readers impacts students as early as the first grade and persists and often worsens over time”; and

WHEREAS: CB2’s resolution states “the DOE has few and inconsistent systems to address the needs of students with Dyslexia...”; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 supports CB2’s resolution urging the NYC DOE to implement universal dyslexia screening for all students, develop curriculum and programs to support and teach children with Dyslexia, both within schools and to develop and maintain stand-alone schools and programs to best serve Dyslexic students, fund and implement teacher training to recognize early signs of Dyslexia, conduct trainings and actively engage with school psychologists, special education teachers and related staff, and to fund the Bleecker school in its five year capital plan and explore creating a DOE public school program for dyslexic students.

Resolution In Support of Implementation of Early Screening, Curriculum Development, Teacher Training, Programs and Schools To Support and Teach Children with Dyslexia in NYC Public Schools

A Critical Equity Issue for NYC Students

Whereas:

1. ***The NYC Department of Education has failed to develop early screening, curriculum, teacher training, programs and schools to support and teach children with dyslexia, creating a deeply inequitable system that is out of reach for the vast majority of New York City families;***
2. Dyslexia affects as many as 5-20% of the population, regardless of primary language or background, and represents 80 to 90% of all those with learning disabilities¹;
3. Dyslexia is a learning disability, characterized by difficulties with specific language skills, particularly reading, but also spelling, writing and pronouncing words and is often unexpected in relation to other cognitive abilities;
4. Left untreated, dyslexia increases the risk of anxiety, depression, low self-esteem, peer rejection,² and absenteeism,³ and as a result, children with undiagnosed dyslexia are more likely to drop out of school and as adults have higher rates of unemployment, anxiety and depression⁴ and become involved with the criminal justice system⁵;
5. The achievement gap between typical and dyslexic readers impacts students as early as first grade and persists and often worsens over time making addressing the needs of dyslexic students a critical education and equity issue;
 - a. NYC DOE observes that students who are not reading at grade level by the end of third grade are likely to have very poor reading outcomes after, and while academic recovery can still occur at any grade or age, the chances are lowered if grade-level reading has not occurred at this point⁶;
 - b. In NYC, only 19% and 18% of NYC Students with Disabilities⁷ (SWD) passed 4th grade state math and ELA exams, respectively, one of the lowest performing

¹ <https://dyslexiaida.org/dyslexia-basics/> and <http://dyslexia.yale.edu/dyslexia/what-is-dyslexia/>.

² Haft, S. L., Myers, C. A., & Hoefft, F., (2016). ***Preventing bullying through science, policy, and practice***. Washington, DC: The National Academies Press. doi: 10.17226/23482 and Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/dyslexia/symptoms-causes/syc-20353552>.

³ U.S. Department of Education (2016, October 27). ***Chronic absenteeism in the nation's schools: An unprecedented look at a hidden educational crisis***.

⁴ Al-Lamki L. (2012). ***Dyslexia: Its impact on the Individual, Parents and Society***. Sultan Qaboos University medical journal, 12(3), 269–272.

⁵ A 2016 study indicates that more than a third or more of incarcerated youth have learning disabilities and a 2000 study of Texas prisoners found that nearly half were dyslexic. See Mizrahi, J. L., Jeffers, J., Ellis, E. B., & Pauli, P. (2016). ***Disability and criminal justice reform: Keys to Success***. Rockville, MD: RespectAbility and Moody KC, Holzer CE 3rd, Roman MJ, Paulsen KA, Freeman DH, Haynes M, James TN. (2000). ***Prevalence of Dyslexia Among Texas Prison Inmates***. Tex Med.

⁶ Friedman, Ester Klein, Ph.D., Executive Director, Literacy and AIS Division of Teaching and Learning. (2014.) ***Indicators for Successful Reading Acquisition***. NYC Department of Education.

⁷ Students with Disabilities (SWD) are 20% of the NYC public school population and are defined as those students who have an Individualized Education Plan (IEP).

demographic groups, dropping to 10% and 12%, respectively, by 7th grade, based on publicly available DOE data for 2018⁸;

6. Currently, the DOE has few and inconsistent systems to address the needs of students with dyslexia and other language-based learning disabilities, including:
 - a. Screening in grades K-2⁹ allowing dyslexic children to be identified sooner and receive interventions and accommodations needed to succeed in school;
 - b. Curricula based on the Orton-Gillingham (OG) Approach to teaching literacy that is multisensory, structured, sequential, cumulative, cognitive and flexible¹⁰, examples of OG programs for reading include Preventing Academic Failure, Barton, Landamood Bell, Recipe for Reading, Alphabetic Phonics, Wilson Foundations and Wilson Reading, SPIRE for reading and for writing include Judith Hochman's Teaching Basic Writing Skills, The Writing Revolution and Self Regulated Strategy Development;
 - c. Teacher training to recognize early signs for dyslexia, screen students and effectively teach OG-based curricula; and,
 - d. Programs designed for dyslexic students that combine OG-trained staff and curricula with low student-teacher ratios;
7. The Individuals with Disabilities Education Act (IDEA) is a federal law that gives students with disabilities the right to receive a Free and Appropriate Education (FAPE) as outlined in a student's Individualized Education Plan (IEP);
8. However, it remains difficult for parents to include the terms dyslexia, dyscalculia, and dysgraphia in their child's IEP in NYC public schools even though New York State amended Section 305 of the Education Law in 2017 and the Commissioner of Education issued guidance in 2018 to clarify that school districts may use these terms in "evaluations, eligibility determinations, or in developing an individualized education program (IEP)"¹¹, because:
 - a. The DOE conducts a psychoeducational evaluation not a neuropsychological evaluation¹²; and,
 - b. Dyslexia, dyscalculia and dysgraphia are not a classifications in the DOE's IEP process and instead fall under the umbrella term "Learning Disability"¹³;
9. Families of students with dyslexia and other language-based learning disabilities face a steep and costly learning curve and only those families with significant time and/or financial resources are able to navigate the complex system to fund:

⁸ ELA and Math results for 4th grade students in NYC, in aggregate and by race, sex, disability, economic status and English language learner status, are available at infohub.nyced.org/reports-and-policies/citywide-information-and-data/test-results.

⁹ Low cost screening tests include the [Shaywitz Dyslexia Screen](#), developed by Dr. Sally Shaywitz with the Yale Center for Dyslexia & Creativity, the [Colorado Learning Disabilities Questionnaire-Reading Subscale School Age Screener](#) and [others](#).

¹⁰ <https://en.wikipedia.org/wiki/Orton-Gillingham> and <https://www.understood.org/en/school-learning/partnering-with-childrens-school/instructional-strategies/orton-gillingham-what-you-need-to-know>.

¹¹ See [paragraph 56 of Section 305 of NY State Education Law](#) and a summary of the New York State Education Department guidance related to students with dyslexia, dysgraphia, and dyscalculia at <https://www.jdsupra.com/legalnews/new-york-state-education-department-98330/>.

¹² <https://www.schools.nyc.gov/special-education/the-iep-process/evaluation>.

¹³ <https://www.schools.nyc.gov/special-education/the-iep-process/the-iep>.

- a. Private neuropsychological evaluations to secure a dyslexia diagnosis;
 - b. Private tutoring;
 - c. Tuition for private special education, in excess of \$60,000 annually¹⁴; and,
 - d. Annual retainers for special education lawyers to sue the DOE to recover the cost of tuition;
10. Private and charter schools that serve dyslexic students continue to expand and provide models for the DOE, such as The Windward School that opened a Manhattan campus in Fall 2015 for 100 students in grades 3-6 and now serves 350 students in grades 1-8¹⁵ and Bridge Preparatory Charter School that opened in Staten Island in Fall 2019 and serves 90 students in grades 1-2 with plans to expand through grade 5¹⁶; and,
11. Currently the NYC DOE and School Construction Authority (SCA) do not fund or build new schools or classroom space based on learning type or system-wide criteria¹⁷.

Therefore, be it resolved that Community Board 2:

1. Urges the NYC DOE to:
 - a. Implement universal dyslexia screening for all students;
 - b. Develop curriculum and programs to support and teach children with dyslexia *within* current schools and develop and maintain stand-alone schools and or programs as necessary to best serve dyslexic students within the public school system;
 - c. Fund and implement teacher training to recognize the early signs of dyslexia, screen students and effectively teach curriculum and programs for dyslexic students; and,
 - d. Conduct training and actively engage with school psychologists, special education teachers and related staff who implement the psychoeducational evaluations to ensure that they are aware of Section 305 of the Education Law regarding the use of dyslexia classifications in IEPs;
2. Urges the NYC DOE and SCA to fund the Bleecker School in its Five-Year Capital Plan and explore the possibility of creating a DOE public school program for dyslexic students, based on the population size of identified students.

Unanimously Passed: 7-0

¹⁴ City spending on private school tuition for learning disabled children has sky-rocketed upwards from \$103.6 million in 2009-2010 to \$244.1 million in 2017-2018, <https://reason.com/video/voucher-special-needs-reimbursement-nyc/>.

¹⁵ <https://www.thewindwardschool.org/about>.

¹⁶ <https://bridgeprepcharter.org/our-students/> and <https://chalkbeat.org/posts/ny/2019/09/04/a-reading-crisis-why-some-new-york-city-parents-created-a-school-for-dyslexic-students/>.

¹⁷ The NYC DOE and SCA's Five-Year Capital Plan prioritizes new capacity based on overcrowding by school district. See the [DOE and SCA's Proposed FY 2020 - 2024 Five-Year Capital Plan](#), February 2019, page 8 for a list of priorities and page 19 for the funded projects by District and Sub-District. Within District 2, the only programmatic needs the DOE identifies are for Pre-Kindergarten seats, see the [DOE's 2019-2020 District 2 Planning Presentation](#), October 9, 2018, page 28.