

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Protecting birds from Window Collisions in Community District 1

WHEREAS: In addition to climate change and habitat loss, window collisions are a serious issue threatening bird populations; and

WHEREAS: According to New York City Audubon, in the United States alone, 100 million to 1 billion birds are killed due to window collisions every year; and

WHEREAS: On September 14, 2021 a Project Safe Light volunteer collected 226 birds at the World Trade Center campus who had been killed by window collisions; and

WHEREAS: Due to migration patterns, millions of birds fly over and through New York City every year, mostly at night; and

WHEREAS: In NYC there are two main direct threats to migrating birds; light and glass; and

WHEREAS: Light both attracts and disorients migratory birds. This includes both individual bright lights, and the general urban glow from a densely populated area. Light causes disorientation and possibly exhaustion in birds, it may increase collisions at some lit windows (particularly atriums), and it draws birds into urban areas where other threats exist.; and

WHEREAS: However, the majority of collisions in NYC are daytime collisions caused by glass. Birds cannot distinguish architectural cues on and around glass to differentiate between an open space and solid glass. Glass can kill birds if it reflects vegetation, if there is vegetation behind glass, and if there are glass walkways. This can be mitigated with visual indicators that are close together (ideally 2” X 2” apart) to signal to birds there is a solid barrier. These mitigations can include tempera paint murals on glass, or ceramic frit glass. Javits Center renovated using ceramic frit glass to make the building less dangerous to birds, and in Liberty Park, the Port Authority installed dot patterns on glass barriers along walkways which has significantly reduced collisions at that location; and

WHEREAS: There are myths and misconceptions related to bird window collisions. These include that bird-window collisions is exclusively a skyscraper issue (most collisions occur on the lower 200 ft. of buildings), that birds who fly away after colliding will survive (many die later and there are unknown long-term effects), and that collisions only happen at night (most collisions happen during the day, when birds are resting and refueling); and

WHEREAS: The Wild Bird Fund is a state and federally licensed 501(c)(3) nonprofit that rehabilitates sick, injured, and orphaned wildlife and releases them back to the wilds of New York City, including birds that are injured or stunned from collisions. The Wild Bird Fund has reported that since January 2020, they have admitted 2,142 window-strike victims from all over the city, with more arriving every day as fall migration continues. Of that total, 34% (731 patients) came from the Community District 1 area, primarily the World Trade Center area. Of those 731 birds found in Community District 1:

- 40% (302 patients) collided with windows at Brookfield Place
- 36% (266 patients) collided with windows on the World Trade Center campus
- The patients came from 54 species, all migrants
- Most are small songbirds, especially warblers, vireos, thrushes, kinglets, and sparrows
- They also include shorebirds, woodpeckers, and a red-tailed hawk
- Common yellowthroats (138), Northern parulas (83) and black-and-white warblers (83) were particularly hard hit
- 4 bats also collided with WTC windows: and

WHEREAS: There are various collision prevention strategies available. This can include fixing the glass and applying markers in a 2" X 2" pattern on the outside of glass (hawk silhouettes or noise deterrents do not work and are discouraged). Mitigation measures can also be employed to reduce lighting by turning off exterior flood lights, turning off lights on unoccupied floors and in unused spaces, opting for shielded lighting that directs light downward, and installing automatic motion sensors; and

WHEREAS: Local Law 15-2020 is NYC's Bird-Friendly Building Law that went into effect in January 2021 and requires new buildings to be bird friendly to the first 75 feet, and in renovations where the majority of glass is replaced. Local Law 15 also requires bird-friendly materials to be used adjacent to any green roofs to protect birds attracted to green spaces; and

WHEREAS: There are three bills in the City Council right now that have been there since 2018 referred to as "Lights Out Legislation". These include:

- Int. 274-2018 - Non-essential outdoor lighting shall be turned off between the hours of 11PM and 6AM during peak avian migratory periods in order to reduce or eliminate avian mortality during such periods.
- Int. 265-2018 - Local law prohibits nighttime illumination of the exterior or interior of any building whose main use or dominant occupancy is classified in group B or M pursuant to the NYC building code
- Int. 271-2018 - Motion-sensor lights in city buildings (energy focus); now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 calls upon the City Council to move forward on the stagnated Lights Out Legislation, and adopt Int. 274-2018, Int. 265-2018, and Int. 271-2018: and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 calls upon Community District 1 building and property owners to take action in mitigating buildings to reduce bird window collisions by utilizing recommended bird collision strategies; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 calls upon the Downtown Alliance to work towards educating building and property owners on the dangers of light and window collisions in lower Manhattan, and towards retrofitting older buildings that are not captured by Local Law 15.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	14 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Modernization of New York State Notification Requirements

WHEREAS: On October 1, 2021, Empire State Development sent via traditional mail, the “Notice for Early Public Review of Proposal in the 100- and 500-Year Floodplains for Proposed Modifications to World Trade Center Memorial and Cultural Program General Project Plan and World Trade Center Memorial and Redevelopment Plan,” which Manhattan Community Board 1 received in the mail on October 4th; and

WHEREAS: The notice was not disseminated by ESD through modern channels such as social media or email and it was not directly sent to the members of its own Community Advisory Council (CAC); and

WHEREAS: Deadline for comment as stated in the letter was October 18, 2021, or 14 days, which does not allow a community board to respond as part of its normal business cycle unless the timing is almost perfect in relation to the committee that is best suited to discuss and potentially vote on the matter; and

WHEREAS: Despite the limited nature of this outreach the sum of their original communications was within compliance of all current Federal and State rules and statutes governing public notice; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 calls upon the Governor and the elected officials that represent our district in Albany to reform the statutes governing noticing requirements for all state agencies and public benefit corporations to drastically improve issuing notice to stakeholders, regardless of whether the underlying mandate is Federal and carries minimal requirements for the scope of outreach and the amount of time available to receive responses; and

BE IT  
FURTHER  
RESOLVED

THAT: Not only should such outreach go to a list of individuals who have contacted such agency or public benefit corporation showing interest in a particular project, but also to any members of a CAC or other kind of board, panel, working group, or taskforce that has been established by the entity giving notice; and

BE IT  
FURTHER  
RESOLVED

THAT: Notice should be provided using modern methods such as email and social media in addition to traditional physical mailings; and

BE IT  
FURTHER  
RESOLVED

THAT: The response window should be however long it is necessary for an affected community board to reasonably conduct one monthly cycle of business to properly respond to such notice while taking holidays and NYC Charter-derived board recess into account.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	1 Abstained	1 Recused

RE: The Arts Center at Governors Island, application for alteration of exterior cafe signage using aluminum panel and attached letterform illuminated lamps

WHEREAS: The illuminated signage is located at the upper half of the building's corner; and

WHEREAS: There is no precedent for illuminated signage on Governors Island; and

WHEREAS: The proposed signage metal substructure is attached to the stucco building using removable and patchable mechanical connections; and

WHEREAS: The proposed signage fonts are not historical; and

WHEREAS: The proposed signage provide increased nighttime building identification as the Island welcomes year-round visitors; and

WHEREAS: The benefits of increasing the visibility of the building from the landing outweighs the lack of connection the signage has with original Governor's Island signage; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1, Manhattan recommends that the Landmarks Preservation Commission approve the proposed signage for The Arts Center at Governors Island.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	1 Abstained	2 Recused

RE: Nolan Park, application for the replacement of windows at thirteen wood-framed buildings of similar type and construction with new aluminum/aluminum-clad replacement units that replicate the historic 6/6 configuration

WHEREAS: This application is for the replacement of windows at thirteen wood-framed buildings with new aluminum/aluminum-clad units that replicate the historic 6/6 configuration; and

WHEREAS: This master plan allows for the use of simulated divided light replacement windows; and

WHEREAS: CB-1 would prefer that true divided light replacement windows be used; and

WHEREAS: A historically appropriate window master plan must include true divided light painted wood windows; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1, Manhattan recommends that the Landmarks Preservation Commission not approve the current proposal, and that the thirteen Nolan Park historic district buildings be kept in very fine original condition, commanding a window master plan that is in keeping with the original and surviving windows' details and site lines.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	1 Abstained	0 Recused

RE: 109 West Broadway, application for new entry portal design inspired by the maritime history of downtown Manhattan

WHEREAS: This application is for the replacement of non-original aluminum and glass ground floor entry door (matching adjacent non-original storefront windows); and

WHEREAS: The proposed replacement door makes no reference to any historical doors in the historic district; and

WHEREAS: The first floor West Broadway and Reade Street storefronts are a mixture of 20<sup>th</sup> and 21<sup>st</sup> century infill with a proportion and style that no longer resembles the original cast-iron and glass commercial storefront; and

WHEREAS: The proposed door is acceptable because of what it is replacing and how it is being installed; and

WHEREAS: Should it be found, no original storefront can be removed to facilitate this renovation; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB 1 recommends that the Landmarks Preservation Commission approve the proposed Reade Street doorway infill.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	1 Abstained	0 Recused

RE: 157 Hudson Street, application for addition of penthouse to top-floor residential unit

WHEREAS: The original 19<sup>th</sup> Century building is a 4-story masonry building and a contributing building to the Tribeca Historic District; and

WHEREAS: This application was previously approved by LPC in 2014; and

WHEREAS: In 2009, 2 non-visible stories were added to the original 4-story building; and

WHEREAS: As presented, the proposed additional penthouse is not visible from the street; now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 recommends that the Landmarks Preservation Commission approve an additional penthouse level as long as it is not visible from the street.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 250 Vesey Street, application for method of operation change of liquor license to add DJ, recorded and live music, patron dancing, and games for Tartinery Liberty LLC d/b/a TBD

WHEREAS: The applicant, Tartinery Liberty LLC, submitted a 30-day notice to our office in April 2021 for a method of operation change; however, was neither approved nor rejected at the Licensing & Permits Committee meeting that month; and

WHEREAS: The Board asked the applicant and counsel to attend this month's committee meeting to discuss the proposed changes before any kind of approval can be motioned and filed with the SLA; and

WHEREAS: The establishment's current operating hours are 11AM until 9PM all days of the week; and

WHEREAS: A Board member who is also a member of the Gateway Plaza Tenant Association expressed concerns on behalf of the residents regarding repeated complaints with the live music coming from Brookfield and a restaurant d/b/a The Liberty Bistro, both areas becoming a nuisance to the children and elderly, and suggested that live music and DJ not be allowed; and

WHEREAS: The Committee proposed to the resident if hours stipulated for live music would offer a potential solution; and

WHEREAS: After further discussion surrounding the establishment's bungalow intersecting with The Liberty Bistro's open space, and the high possibility for further noise disturbance if live music and a DJ was granted would not be in the public interest including parties and music from both restaurants playing at the same time, the Committee decided that live music and a DJ should not be granted; and

WHEREAS: The Committee instead proposed that recorded background music be allowed and stop playing at 8PM all days of the week; and

WHEREAS: Games including ping pong, bocce and board games is approved, and the initial proposal to include patron dancing was withdrawn by the applicant; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a method of operation change of liquor license to add DJ, recorded and live music, patron dancing, and games for Tartinery Liberty LLC d/b/a TBD at 250 Vesey Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	27 In Favor	2 Opposed	8 Abstained	0 Recused

RE: 77 Warren Street, application for on-premise liquor license for Tribeca FB Project LLC  
d/b/a TBD

WHEREAS: The applicant, Tribeca FB Project LLC, is applying for an on-premise liquor license; and

WHEREAS: The applicant initially appeared at the September 2021 Licensing & Permits Committee meeting; however, due to resident concerns regarding the previous tenant of the premises and the questionable use of the property, the Committee asked that the applicant postpone their application to the following month to obtain records confirming if and what violations there are on the property and to gather support from residents for their application; and

WHEREAS: The deadline to submit the requested application materials in October was not met and the applicant was asked to postpone again to November; and

WHEREAS: The applicant has represented that the establishment will be an Italian 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: There are 4 residential units within the property, with approximately 6 residential buildings neighboring or across the street from the premises; and

WHEREAS: The establishment is a 1,650 square foot establishment with a public assembly capacity of 74 persons, and a 600 square foot dining area with 10 tables and 40 seats, and a 450 square foot bar area with 1 bar and 10 stools, and a 280 square foot kitchen area, and one L-shaped stand-up bar, and a food counter with 3 tables and 12 seats; and

WHEREAS: The establishment will be located on the ground floor and basement of a 5-story mixed use building, and the first floor will be used for dining and kitchen, and the basement will be used for storage and office space; and

WHEREAS: Their initial proposed hours for operation, food service and service were 12PM until 2AM all days of the week; and

WHEREAS: The Committee felt that the proposed hours would infringe the quality of life of the residents who have experienced issues with the previous tenant of what was formerly a sports bar, and in response decided that the hours of operation should be shortened, at least during their first year of operations; and

WHEREAS: The applicant responded that they will not be operating in the same style or model of the previous establishment, and sympathize with the residents while understanding the Committee's response, and assured that while it is unfortunate that the previous tenant was not a good neighbor, they will maintain orderly business for their new restaurant and ensure that they develop a positive relationship with the neighbors; and

WHEREAS: The Committee proposed for hours for the following to which the applicant agreed: 12PM until 12AM Monday through Thursday, 12PM until 1AM Fridays and Saturdays, and 12PM until 10PM on Sundays; and

WHEREAS: In addition to community concerns, the Committee had questions about the applicant's track record, given that they own several restaurants in Albania but does not currently own any within the City or in Tribeca, and requested that the applicant provide a letter of support from the building coop or condominium; and

WHEREAS: The applicant provided the required documentation prior to the meeting and the Board confirmed with the president of The Board of Managers of the 77 Warren Street Condominium that the applicant is in good standing with the residents of the building; and

WHEREAS: The counsel has represented that there will be recorded background music, no live music, no DJ, no non-musical entertainment, no dancing, and one TV monitor; and

WHEREAS: Delivery of supplies, goods and services will be made from morning time until 12PM; and

WHEREAS: Windows will be closed; and

WHEREAS: The applicant does not intend to have bicycle delivery personnel; and

WHEREAS: The counsel intends to employ private garbage pick-up service and will ensure that garbage collection will be done daily during hours that will not obstruct residents' quality of life; and

WHEREAS: The applicant does not intend to utilize outdoor space or apply for roadbed/sidewalk use during the first year of operations; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for Tribeca FB Project LLC d/b/a TBD at 77 Warren Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 200 Church, application for method of operation change of liquor license to incorporate DJ and live music for special or private events, and to extend closing hours to 1 AM on Fridays and Saturday for 200 Tribeca Restaurant LLC d/b/a Tribeca's Kitchen

WHEREAS: The applicant, 200 Tribeca Restaurant LLC, is applying for a method of operation change which will apply to the ground floor and basement portion of the licensed space; and

WHEREAS: The applicant intends to hold special or private events, indoors only, on an occasional basis on Saturdays and Sundays, up to four times a month, and may return to the Committee after six months from the date their new operations begin if they wish to hold events on a more frequent basis; and

WHEREAS: The establishment's current operating hours are until 12AM and last round seating is at 10PM; and

WHEREAS: The Committee requested that the applicant reach out to the building's condominium board and obtain a letter of support to provide in advance of the November 23, 2021 monthly board meeting; and

WHEREAS: The applicant represented that the Public Assembly permit is 140 persons, and after downsizing seating during the renovation there are now 120 seats; and

WHEREAS: The applicant will employ security to ensure orderly operations; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a method of operation change of liquor license to incorporate DJ and live music for special or private events, and to extend closing hours to 1 AM on Fridays and Saturday for 200 Tribeca Restaurant LLC d/b/a Tribeca's Kitchen at 200 Church Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	3 Opposed	4 Abstained	0 Recused

RE: 456 Greenwich Street, application for liquor license for CBCS Washington Street LP, 456 F&B LLC, and Hotel Barriere Management USA Company LLC d/b/a TBD

WHEREAS: The applicant, CBCS Washington Street LP, 456 F&B LLC, and Hotel Barriere Management USA Company LLC, is applying for an on-premise liquor license; and

WHEREAS: The establishment will be a five-star luxury hotel 97-room boutique hotel with Michelin-rated food and beverage offerings. The cellar position of the proposed licensed space will include a spa. The event spaces are multifunctional and multipurpose, consisting of a private screening room with adjoining meeting rooms which can serve up to 140 guests: and

WHEREAS: While the applicant initially appeared at the February 2021 Licensing & Permits Committee meeting, the presentation required a thorough deliberation including the consideration of comments and concerns from numerous residents in the community regarding the proposed hours of operation and bar service, the number of existing restaurants and businesses within the area with a liquor license and late night operations, and the history of problems residents have experienced from nearby hotels that have produced a number of quality of life problems; and

WHEREAS: The Committee decided that the application would require an extensive review and asked that the applicant postpone their application in order to conduct further outreach to the community and assemble a proposal that would be more amenable to neighbors. A secondary meeting external to the committee meeting was recommended as a way for the applicant to meet with the residents and address concerns with the goal of coming to a consensus on certain conditions including the proposed hours; and

WHEREAS: The applicant agreed to return to the Board with the requested materials and a more prepared community outreach component; and

WHEREAS: In preparation for their second appearance, the applicant requested that a working group be established with the goal of determining a baseline of conditions that would be agreed upon between the applicant and the residents. The Working Group would work under the purview of the Licensing Committee and establish parameters concerning but not limited to future street open restaurant permits, late-night drinking on rooftops, late operating hours, potential noise disturbances, etc. The Board accepted this idea and agreed to help streamline these public facilitations; and

WHEREAS: In the two months prior to the November 2021 committee meeting, the Board and the applicant sent out emails announcing the establishment of the working group with an invitation to the first meeting which was an in-person property tour of the premises to members of the public who attended the February 2021 meeting concerning the application, as well as individuals who submitted testimonial and/or comment; and

WHEREAS: The two hour in-person tour was joined by approximately 15 attendees that included staff from the community board, local residents, business owners, and elected officials. The tour consisted of a full walk-through of the rooftop space, the first-floor restaurant, café, and hotel bar as well as an event space located in the basement. During the tour, local residents focused their questions on the method of operation for the licensed spaces, noise and traffic mitigation, parking, and how to address potential scenarios of overcrowding; and

WHEREAS: Questions that were asked during the tour were documented in the form of a Google Doc with answers that were a focus point for discussion for the following working group meetings; and

WHEREAS: The next three working group sessions continued the conversation, where the applicant received feedback and answered questions surrounding the potential hours of operation for the different spaces within the hotel (that includes the ground floor, interior courtyard, roof deck) as well as the related issues such as background music playing in the open-air spaces, and potential impacts from lighting and noise issues. Residents of nearby buildings to the north of the establishment participated in the meeting and helped focus the discussion around many of these important issues; and

WHEREAS: Residents were very concerned and opposed to the original proposed hours of operation of 8AM until 2AM all days of the week as well as the proposed rooftop space for food and bar service with hours of 8AM until 12AM. The current Manhattan Community Board 1 Licensing & Permits Committee Liquor License Application Guidelines require that any applicant must wait a year after commencing operations before returning to the Board for a rooftop liquor license; and

WHEREAS: With the goal of reaching a consensus on the hours of operation, as well as the interior courtyard and the roof deck, and as a result of the conversations and discussions from these working group meetings, the applicant modified their proposed operating hours to 12AM on weekdays and 1AM on weekends for the restaurant, bar and courtyard cafe, with hours for the interior courtyard space, which would include a proposed roll cover that would enclose the interior courtyard. The residents and the Committee felt that the courtyard must be treated as an open window condition; and

WHEREAS: Additionally, the applicant proposed new hours for the rooftop space to better align with the open window condition hours outlined in the Guidelines, where the use of chalet spaces will be until 8PM on weekdays and 9PM on weekends; and

WHEREAS: There are 0 residential units within the property, with approximately 14 residential buildings neighboring or across the street from the hotel premises; and

WHEREAS: The establishment is a 97,435 square foot hotel with a public assembly capacity of approximately 1,015 persons, with 578 persons limited to food and beverage areas, rendering it a large venue establishment per CB1 guidelines on what is considered a large venue (please see attached May 2021 resolution). The dining area is 4,800 square feet with 10 tables and 40 seats, and the bar area includes the entire outdoor area, with shipping containers, a food prep area, and a point of sale for food and beverages along with game courts and seating. There will be a 10'x8' square-shaped customer bar located in the middle of the premises, which will also serve a food counter; and

WHEREAS: The applicant represented that the hours of operation, food service and bar service are as follows (please see attached application rider for additional reference): the cellar space is 2,878 square feet with a maximum 18 tables and 140 seats, and will be used for private dining as well as a screening room, with a service bar. The roof will be soundproofed, and live music in the form of acoustic and jazz as well as DJ would play in private events only, and background music will not be heard from outside. On the 1st Floor, there will be a restaurant d/b/a Fouquets, a bar/lobby lounge d/b/a Marta and a courtyard cafe d/b/a Parici. Fouquets is 2,218 square feet with a maximum of 23 tables and 87 seats, with a 16'10" customer bar with 10 seats, and only background music will be played. Marta is 1,732 square feet with 14 tables and 40 seats, with a 16'7" customer bar with 8 seats, and only background music will be played. Parici is 1,929 square feet with 20 tables and 62 seats, with a 23'3" customer bar with 10 seats, and only background music will be played. On the 8th Floor, the applicant proposed for a rooftop space that is 1,682 square feet, with 11 tables and 65 seats, with enclosed chateaus that will operate on a seasonal basis and will include a service bar with an outdoor dining amenity. There are no speakers affixed to the roof - speakers are in the small chateaus instead and background music will be played inside the enclosures; and

WHEREAS: It is important note that the applicant proposed to implement an operable roller cover for the Parici courtyard cafe that would be open during the day and enclosed at night, where the acoustical consultant who attended the meeting represented that in their sound report, found and recommended that when the roller cover is open, music should not be played, and the base has to be reduced so that it is within the roller cover to ensure the mass loaded vinyl soundproofing capabilities, to which the counsel confirmed will be followed. Subwoofers will not be used in order to mitigate sound and noise as much as possible; and

WHEREAS: The hours of operation, food service and bar service for the following proposed licensed spaces are as follows: cellar space will operate 8AM until 2AM all days of the week, and Fouquets will operate 8AM until 12AM on the weekdays, and until 1AM on the weekends. Marta and Parici will operate under the same hours as Fouquets', and Parici will be enclosed with the roller cover at 8PM on the weekdays and at 9PM on the weekends. Their proposed rooftop space would operate from 8AM until 8PM on the weekdays, and 8AM until 9PM on the weekends, and when the seasonal chalets are in use, guests would be seated in these spaces which would be enclosed at all times; and

WHEREAS: A sound report, traffic report is included in their proposal, along with a community outreach supplement consisting 29 letters of support from Tribeca residents and signatures, and a petition of 300 signatures collected around the neighborhood; and

WHEREAS: One of the first and major concerns the Committee had was with regards to the proposed roller cover and asked the counsel if there are any examples of a roller cover being used by other establishments that would evidently show its effectiveness. A representative of the application responded that this roller cover concept is currently being utilized by The Gansevoort Meatpacking NYC hotel and the Moxy NYC Downtown hotel. The roller cover is a sound attenuating measure that would prevent noise from going up into the echo chamber of the proposed Parici courtyard cafe. The material consists of mass loaded vinyl; and

WHEREAS: Three residents from the neighborhood as well as the president of the Hotel Association of New York City who attended the meeting voiced their support for the application, followed by a number of other residents who expressed their concerns and opposition to the proposal, with reasons that are similar or the same from the February 2021 meeting. One resident commented that this application is an introduction of a full-scale entertainment venue in the middle of a quiet residential neighborhood, as music and noise emanate from existing restaurants and businesses and impact the nearby residential buildings. They also mentioned a business that currently uses a rooftop space and noise from that rooftop reverberates within apartment units, and children suffer from being unable to sleep due to music playing from these establishments late into the night; and

WHEREAS: The same resident stated that they witnessed hotel representatives asking random individuals on the street for petition signatures. Another resident who representing themselves and their neighbors from 135 Watts Street voiced dissent to the revised proposal, requesting that the applicant abide by CB1's liquor license guidelines of applying for a rooftop space after a year of operations, and that the courtyard cafe with the roller cover be treated as any other space that merits an open window condition, and should be given specific stipulations on hours per our existing guidelines for open window conditions, especially considering that this roller cover is conceptually new for the Committee and for the neighborhood and its potential adverse effects is unknown until it is actually used; and

WHEREAS: Another resident who was present on behalf of residents from 145 Watts Street, who live directly across from the Parici courtyard cafe, voiced concern to the applicant's representation due to a number of experiences over the last few years that have caused a negative relationship with the community. The resident stated that the hotel construction project used pile driving down an estimated 80 feet, which caused irreparable damage to the 145 Watts Street building, which is not only a landmarked property but is also listed on the National Register of Historic Places. The southwest corner of the building suffered serious damage as a result of the construction, including cracks on the interior and exterior in a number of lofts, and in particular with this resident, a change of their windows that no longer can be open or closed. These residents were given the assurance from the hotel developers that no damage would be done to their buildings, yet pile driving continued despite physical movement of these neighboring properties. As a result, these residents are wary of the representatives and their proposal, and strongly oppose immediately granting a licensed rooftop space; and

WHEREAS: The Committee decided to forego including the rooftop space in the liquor license application for a period of 6 months; and

WHEREAS: A resident from 416 Greenwich Street was somewhat ambivalent about the application, affirming that the residents have not had a good relationship with the hotel developers over the course of the construction process, and expressed concern with noise impact, traffic congestion, security measures and overall safety of the neighborhood given that this proposal, once approved and operating, will drastically change the future of this calm and family-friendly neighborhood; and

WHEREAS: After hearing the comments from all residents who participated, the Committee agreed that the Board's guidelines must be adhered to. The counsel in response stated that while the community board's guidelines are important and serve a baseline for applicants to strive for, the SLA will not consider these guidelines as "hard and fast rules"; and

WHEREAS: The Committee in response stated that the community board guidelines are there to provide a base reference to ensure that the public interest is adhered to, since CBI has received an increasing number of new liquor license applications proposing exceedingly late bar service and closing hours, in addition to the noticeable rise of nightlife and clubs operating within the Tribeca district. While the Committee Chair thanked the counsel and the representatives for their initiative to create a working group for the community and for taking the step of amending their original proposed hours to better conform with CBI's guidelines, it is also crucial to consider and weigh in on the community's input, noting that there has been a troubling track record between the principals of this hotel that has not yet opened and the residents who will be directly impacted by its day-to-day operations. Some participants felt there wasn't enough community outreach; and

WHEREAS: The Committee also raised to the counsel the proposed balconies connected to the private room suites, questioning if patrons would be allowed to take their alcoholic beverages with them to these outdoor portions, and the counsel confirmed that it is possible since the balconies would be included in the hotel's liquor license. The Committee does not favor this option as it allows patrons to gather at these spaces for however long they may wish, which can easily become an added nuisance to residents who live directly adjacent or in front of these balconies. The Committee *strongly* is not in favor of the option to allow patrons to gather in these spaces for however long they may wish, which can add a nuisance to the residents who live directly adjacent or in front of these balconies; and

WHEREAS: At the November 23 monthly board meeting, the Full Board agreed that the hotel management announce a notice of attention for the public, explicitly stating that patrons be mindful of producing excessive noise on the balconies, and that appropriate actions will be taken as necessary to prevent noise disturbances during the late night hours of operation; and

WHEREAS: The Committee agreed with the residents' concerns about the roller cover concept, and in response proposed that the counsel reduce their hours for the Parici courtyard cafe. The counsel accepted the request and agreed to the newly revised hours as follows: the cafe will be enclosed with the roller cover at 8PM on the weekdays, and 9PM on the weekends, with operating hours of 8AM until 10PM on the weekdays, and 8AM until 11PM on the weekends. They may return to the Committee after six months to extend the hours if they have evidently maintained a positive record with the neighbors, there are no issues with the roller cover and no complaints have come in for this space; and

WHEREAS: As part of their security plan, the applicant intends to supervise their hotel staff of 200 employees and security with alcohol awareness training throughout the hotel, and staff will check identifications and refuse service to anyone that cannot provide or produce appropriate identification. Staff is not permitted to serve any guest that is intoxicated and if needed, intoxicated individuals will be asked to leave and escorted from the premises. Hotel staff will also be trained to not allow guests to take alcoholic beverages to unpermitted areas; and

WHEREAS: In the traffic study provided, it was determined that in the times where there'd be high traffic volume, an estimated 20 taxis (including Ubers, Lyfts, and other for-hire-vehicle services) would be coming and going to drop off within a 60-minute timeframe as parking is not available, to which the Committee pointed out that the number could be higher than 20 and this is overload for this neighborhood. The main entrance of the hotel is located on Greenwich Street at the corner of Desbrosses. The nearest subway station is located at the corner of Canal and Varick Streets; and

WHEREAS: The applicant represented that they are in the process of finalizing an agreement with a local garage located at 92 Laight Street for valet parking of approximately 10 spaces. If a guest shows up in a private vehicle, they can drop it off at the entrance to the hotel and their vehicle will be parked off-street at the local garage; and

WHEREAS: In response to resident's concerns about patrons at the restaurant/bar/hotel hanging out at the loading dock across the street which is private property, security will inform guests and patrons to be respectful of neighbors and not loiter at nearby spaces. In addition, management will also do external patrols and work with neighboring buildings should the need arise to address these issues. The applicant does not anticipate crowds or patrons queuing, but if that does occur, will look to accommodate any guests/patrons in other areas of the hotel; and

WHEREAS: The representative stated that internal storage of organic waste will be conducted along with an internal recycling and glass-crushing system, and garbage will be collected between 8AM to 2PM four days a week; and

WHEREAS: Delivery of supplies, goods and services will be made according to the Committee's permissible hours of 7AM until 2PM all days of the week, and loading and unloading will take place on Washington Street; and

WHEREAS: The applicant does not intend to have bicycle delivery personnel; and

WHEREAS: The applicant originally applied for a sidewalk cafe; however, the counsel represented that the applicant is withdrawing this part of their proposal and is no longer intending to request a roadbed license or sidewalk use. It is important to note however on the Questionnaire form provided at the meeting it states that, "once the new rules have been promulgated by the city, the applicant would like to return to the board to apply for a presence on the street in accordance with the new rules"; and

WHEREAS: The Committee does not agree and rejects the use of roadbed space or a sidewalk cafe for this hotel; and

WHEREAS: The counsel agreed to continue the working group process as a forum for holding conversations moving forward and channel any complaints coming in, and confirmed with the Committee that the working group would not be the only means to address issues and residents would be able to directly contact the establishment and issue complaints in real-time; and

WHEREAS: The applicant intends to open the hotel in Fall 2022; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an application for an on-premise liquor license for CBCS Washington Street LP, 456 F&B LLC, and Hotel Barriere Management USA Company LLC d/b/a TBD at 456 Greenwich Street unless the applicant complies with the limitations and conditions set forth above:

- The hours of operation, food service and bar service for the following proposed licensed spaces are as follows: the cellar space will operate 8AM until 2AM all days of the week, and Fouquets will operate 8AM until 12AM on the weekdays, and until 1AM on the weekends. Marta and Parici will operate under the same hours as Fouquets', and Parici will be enclosed with the roller cover at 8PM on the weekdays and at 9PM on the weekends.
- The Parici courtyard cafe will have operating hours of 8AM until 10PM on the weekdays, and 8AM until 11PM on the weekends.
  1. They may return to the Committee after six months to extend the hours upon demonstrating an evidently positive track record with the neighbors for this space.
- Garbage will be collected between 8AM to 2PM four days a week.
- Delivery of supplies, goods and services will be made according to the Committee's permissible hours of 7AM until 2PM all days of the week, and loading and unloading will take place on Washington Street.
- There will be no usage or activity permitted in the rooftop space for a period of 6 months from the date of commencing operations.
- Hotel management will post a notice for the public announcing that patrons be mindful of producing excessive noise on the balconies, and that appropriate actions will be taken as necessary to prevent noise disturbances during the late night hours of operation.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 33 Vesey Street, application for liquor license for Legends Hospitality LLC d/b/a TBD

WHEREAS: The applicant, Legends Hospitality LLC, is applying for a class change of their current summer tavern wine license to a summer on-premise liquor license; and

WHEREAS: The applicant represented that no other changes are being made to their application besides the proposed class change, and no other element to their method of operations will be changed; and

WHEREAS: The current hours for operation, food service and bar service are 11AM until 11 PM all days of the week; and

WHEREAS: The hours of delivery for goods and services are 9AM to 11AM; and

WHEREAS: Security is currently deployed at the entrance and egress points of the restaurant; and

WHEREAS: The Committee does not have any issue with this establishment; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of their current summer tavern wine license to a summer on-premise liquor license for Legends Hospitality LLC d/b/a TBD at 33 Vesey Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: NOVEMBER 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 333 C King Avenue, Governors Island, application for liquor license for SFL Recreation LLC d/b/a Carreau Club

WHEREAS: The applicant, SFL Recreation LLC, is applying for an on-premise seasonal summer liquor license; and

WHEREAS: The establishment will be a summer seasonal outdoor cafe with boules courts for the game Petanque; 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 not three or more establishments with on-premises liquor licenses within 500 feet of this establishment; and

WHEREAS: There are 0 residential units within the property as the cafe is entirely outdoors, with approximately no residential buildings neighboring or across the street from the premises; and

WHEREAS: The establishment is a 4,800 square foot establishment with a public assembly capacity of 74 persons. The dining area is 4,800 square feet with 10 tables and 40 seats, and the bar area includes the entire outdoor area, with shipping containers, a food prep area, and a point of sale for food and beverages along with game courts and seating. There will be a 10'x8' square-shaped customer bar located in the middle of the premises, which will also serve a food counter; and

WHEREAS: The hours of operation, food service and bar service are 11AM until 12AM all days of the week; and

WHEREAS: The counsel has represented that there will be recorded background music, no live music, no DJ, no non-musical entertainment, no dancing, no TV monitors, and non-musical entertainment in the form of boules courts; and

WHEREAS: Delivery of supplies, goods and services will be received before 12PM on Fridays for alcohol and before 3PM on Thursdays and Fridays for food; and

WHEREAS: The applicant intends to employ security personnel provided by Governors Island and does not anticipate crowds; and

WHEREAS: The applicant does not intend to have bicycle delivery personnel; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an on-premise seasonal summer liquor license for SFL Recreation LLC d/b/a Carreau Club at 333 C King Avenue, Governors Island unless the applicant complies with the limitations and conditions set forth above.