

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	1 Opposed	1 Abstained	0 Recused

RE: New York State Senate Legislation S9032-B Regarding Affordability in Battery Park City for certain residents

WHEREAS: State Senator Brian Kavanaugh introduced bill S9032-B in the New York State Senate to address a number of affordability issues¹ and Assembly Members Yue-Line Niou and Deborah Glick introduced companion legislation Bill # A10414A

WHEREAS: At present residents of Battery Park City are not currently eligible for Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowner Exemption (SCHE), Disabled Homeowners Exemption (DHE); and

WHEREAS: Battery Park City owners and renters who are below 150% of Area Median Income (AMI) do not have any protections against increases in ground lease that are paid directly to the Authority or bundled together with other charges as part of rent; and

WHEREAS: The master ground lease that the Battery Park City Authority (BPCA) has with the City of New York will currently expire in 2069, which creates a negative upward limit to individual property ownership that complicates getting financing from lending institutions and reduces the attractiveness of residential units on the property market; and

WHEREAS: Bill S9032B will extend eligibility for SCRIE, DRIE, SCHE, and DHE to Battery Park Residents; and

WHEREAS: Bill S9032B will extend the BPCA's master ground lease with the City of New York to 2119, which may allow individual buildings more flexibility in negotiating their individual ground leases with the BPCA; and

¹ <https://www.nysenate.gov/legislation/bills/2021/s9032/amendment/b>

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 (CB 1) supports these bills and urges Governor Hochul to sign them into law.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	5 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	1 Abstained	0 Recused

RE: S9031A – Legislation for Battery Park City Resident Majority on Battery Park City Authority Board

WHEREAS: On December 21, 2021, Community Board 1 (CB1) passed a resolution calling for the Legislature to enact legislation to create a Battery Park City (BPC) resident majority on the Battery Park City Authority (BPCA) Board of Directors; and

WHEREAS: On May 4 2022, Senator Brian Kavanagh introduced S9031, titled “An Act to amend the public authorities law, in relation to the appointment of members of the Battery Park City Authority,” which would make the following changes in the law governing appointment of members of the BPCA Board: (1) increase the number of BPCA Board members from seven to nine; (2) require for Board member appointments after the effective date of the legislation be residents of BPC until at least five members of the Board are BPC residents, thus ensuring that BPC residents will make a majority of the Board members; and

WHEREAS: On May 11, 2022, the bill, now S9031A, was amended on the NY Senate floor to include a “primary residence” requirement for any BPC residents; and

WHEREAS: In May, 2022, Assembly Member Yuh-Line Niou, introduced similar legislation having the goal of creating a majority BPC resident representation on the BPCA Board, to wit: A10371A. This Bill was supported by Assembly Members Glick and Fall; and

WHEREAS: CB1 believes that S9031A and the Assembly Companion Bill A10371A would result in a significant improvement to the structure of the BPCA Board, including by (1) increasing the number of Directors to 9, which would allow for a greater range of subject matter expertise and public service experience amongst board members and (2) increasing resident representation, which should add on-the-ground knowledge of the conditions and expectations of the 16,000 residents who call BPC their primary home and give residents a greater say in the governance of their community; and

WHEREAS: CB1 commends Senator Kavanagh and Assembly Members Niou, Glick and Fall for their efforts to make the BPCA Board more representative of Battery Park City's residential community; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 calls on Governor Kathy Hochul to sign the legislation into law; and

BE IT
FURTHER
RESOLVED

THAT: CB1 calls upon Governor Hochul to electively create a residential majority, as defined herein, on the BPCA Board as seats become available until S9031A/A10371A is signed into law.

COMMUNITY BOARD 1 – MANHATTAN
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COMMITTEE OF ORIGIN: BATTERY PARK CITY

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

RE: Amendments to the BY-LAWS of the Battery Park City Authority

WHEREAS: The last Amendment of the BY-LAWS of the Battery Park City Authority (BPCA) was July 29, 2015; and

WHEREAS: In the summer of 2021, plans were announced, without any prior consultation with the BPC community, to convert 10 acres of a grassy play area in Rockefeller Park into a large memorial, generating large-scale community opposition; and

WHEREAS: On July 7, 2021, at a meeting of the Battery Park City Committee, then Chairperson George Tsunis acknowledged that the Rockefeller Park location had been an inappropriate choice for a memorial, and acknowledged further that BPC is already host to more memorials than is appropriate for the community; and

WHEREAS: At the same July 7, 2021 meeting, Mr. Tsunis offered to amend the BPCA governing Bylaws to introduce protections against future changes to the intended use of any publicly accessible land in BPC, including the siting of any memorial or monument, without community consultation and input; now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 requests that the BPCA follow through on Mr. Tsunis' promise to amend the Bylaws of the Authority to create a new mechanism whereby, before public lands are taken for any permanent use or such lands' current use is significantly changed, the project must be presented at a regularly scheduled public meeting of the Members of the BPCA, and put to two thirds vote at a subsequent public meeting no sooner than 90 days from that initial meeting; and

BE IT

FURTHER

RESOLVED

THAT: Such new Bylaws mechanism include a requirement that, before the vote is taken on such land use measures, BPCA present the proposed changes to CB 1 for community reaction and comment; provided that such CB1 presentation requirement shall be deemed to have been met if BPCA requests inclusion of the topic at a regularly scheduled CB1 BPC Committee meeting.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Alcohol Service Across Travel Lanes - State Laws and Open Restaurant Policy

WHEREAS: The current iteration of the Open Dining program is an amalgamation of amendments to the New York State “Alcoholic Beverage Control” Laws and the temporary program established by the City of New York, which will likely be in effect until the New York Supreme Court rules on a lawsuit that is holding up the permanent program; and

WHEREAS: A number of Manhattan community boards recently met with New York State Liquor Authority’s (SLA) Chairperson, Vincent Bradeley on August 30, 2022 in an attempt to clarify issues of process and interpretation that are common when small municipal agencies work directly with a state-level entity as the case with CB 1, among others; and

WHEREAS: The SLA and Manhattan CBs appear to be of the understanding that state law disallows alcohol service across a travel lane per A8707/S7826 passed in January 2022, and signed by Governor Hochul in March 2022, which states that:

- (b) "non-contiguous municipal public space" shall mean space that:
 - (i) is located in front of, behind, or to the side of the licensed premises;
 - (ii) is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the two nearest adjacent properties;
 - (iii) does not extend further than the midline of any public roadway;
 - (iv) is separated from the licensed premises only by a pedestrian thoroughfare; and¹

WHEREAS: A bicycle lane is defined by SECTION 102-A of the New York Vehicle & Traffic Law defines a bicycle lane: Vehicle & Traffic (VAT) CHAPTER 71, TITLE 1, ARTICLE 1

§ 102-a. Bicycle lane. A portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles; and

WHEREAS: This law precludes the licensing of establishments that build open dining installations in the floating parking lane between the first full automobile lane and the protected bicycle lane; and

WHEREAS: The SLA and NYC Department of Transportation (DOT) have not issued

¹ <https://www.nysenate.gov/legislation/bills/2021/a8707>

coordinated, clarifying guidance to community boards or restaurateurs about this matter; and

WHEREAS: Restaurant patrons, service staff, and cyclists are all at risk when open dining creates foot traffic across a lane of traffic, the bicycle lane; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 calls on the SLA and DOT to issue clarifying guidance to all relevant parties on this matter with all due speed; and

BE IT

FURTHER

RESOLVED

THAT: CB1 calls on DOT to ensure safety of the cyclists in protected bicycle lanes by not allowing roadbed dining in the public roadway where hospitality workers and diners are required to walk through the traffic lane; and

BE IT

FURTHER

RESOLVED

THAT: DOT must create alternatives for streets with protected bicycle lanes so that restaurants may provide service up to the curb and bicycle users also maintain a protected route from automobiles.

COMMUNITY BOARD 1 – MANHATTAN
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DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Adjusting Minimum Number of Bathrooms, Water Closets and Lavatories required within New York City Building Code Occupancy classification in Light of Open Dining Allowances

WHEREAS: The current temporary and planned permanent Open Dining program allows food and beverage establishments to expand the number of patrons that may be served by extending the seating of said establishment into the public rights-of-way in the form of sidewalk and roadway seating; and

WHEREAS: Current it is known that the Department of Health and Mental Hygiene (DOHMH) requires that establishments calculate the number of restrooms that must be provided to patrons through the seating capacity of indoor and outdoor spaces within the permanent structure of the building and whichever rear yards, side yards, or set back areas that are under private ownership and leased to the operation and only the occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required; and

WHEREAS: The continuum of additional seating capacity in the Open Dining Program for sidewalk and roadway seating has been allowed to operate full time (not seasonal) with unprecedented expanded capacity and moves from modest to significant depending on the amount of building frontage the establishment technically occupies, the amount of convertible curb lane available for use, and the width of the sidewalks; and

WHEREAS: It is not rare for establishments to double their seating capacity through the Open Dining program; and

WHEREAS: There is a lack of clarity in the form of official agency guidance from DOHMH and the Department of Buildings (DOB) as to whether additional patron capacity within the public rights-of-way also justifies a commensurate increase in the number of Bathrooms, Water Closets and Lavatories provided; and

WHEREAS: The requirements for the number of water closets for a total occupancy of 150 persons or fewer does not apply to bars except that there shall be at least one water closet for men and at least one water closet for women or at least two single-occupant toilet rooms and the calculations do not include the additional capacity generated from sidewalk and roadway seating; and

WHEREAS: It is well established that there are not enough publicly available, accessible restroom facilities across the Five Boroughs; and

WHEREAS: Open Dining converts publicly owned land into space that contributes to the public good, but such utility could be further enhanced with the recognition that this program is essentially a public private partnership to improve the public realm; and

WHEREAS: It may be difficult or impossible for establishments to remodel their spaces to introduce additional capacity within the restaurant given space or cost constraints; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 calls on DOHMH and DOB to apply the preexisting justifications for food and beverage establishments to provide appropriate sanitary facilities, bathrooms, water closets and lavatories to their patrons according to the number of people that can be served at a given time including all seating areas, and extend it to the new normal peak capacity with Open Dining allowances as part of the calculation; and

BE IT

FURTHER

RESOLVED

THAT: DOT should amend the Open Dining program to permit establishments to add capacity within the roadway for a bathroom allowance provided that the facilities are accessible and open to the public to truly achieve the promise of maximizing the utility of public space under private operation.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	11 In Favor	0 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Continuing Support for the Fulton Stall Market in the Historic South Street Seaport

WHEREAS: New Yorkers need and demand local, affordable, healthy food and farmers markets; and

WHEREAS: Founded in 2016 as part of the renewal of the Historic South Street Seaport, Fulton Stall Market (FSM) is a non-profit farmers public marketplace for local foods connecting farmers and producers with the growing Lower Manhattan community. FSM is unlike the once-a-week greenmarket concept known around other parts of New York City, in that FSM operates an indoor market, currently for six days a week, and an outdoor market typically once a week, among many other regular and sustained activities designed to knit together the diverse, growing population of Lower Manhattan; and

WHEREAS: Growing in mission and service since its founding in 2016, FSM provides healthy local fresh food access and supports over 100 farmers and producers through its nonprofit retail farm store, CSA Farm Share, and seasonal outdoor farmers markets, conducts nutrition education programs for families and “Meet the Farmer” workshops for school classes citywide in collaboration with the NYC Department of Education, supports start-up women and minority food entrepreneurs, and operates a satellite Youth Market in the Two Bridges neighborhood providing healthy affordable fresh local produce to families enrolled in the USDA Supplemental Nutrition Assistance Program (SNAP/EBT) in collaboration with the NYC Department of Health and Mental Hygiene (NYCDOHMH); and

WHEREAS: The community of Manhattan Community Board 1 (CB1), and surrounding neighborhoods north of the Brooklyn Bridge, have long wished to honor the history of the public seaport markets, dating back to the Fulton Market in 1822, by maintaining a regularly available, indoor/outdoor modern stall market which provides locally grown and harvested goods to the community, and accordingly, CB1 has supported FSM since its inception; and

WHEREAS: In November 2012, CB1 recommended a conditional approval of the “South Street Seaport Renovation Project ULURP” to the City Planning Commission, and among the conditions, CB1 required that “HHC agree that any development of the New Market Building and Tin Building include the siting there of a public market...”; and¹

WHEREAS: The New York City Council in 2013 enacted a Land Use Rezoning Resolution pursuant to the South Street Seaport ULURP, promising the community two food markets to be mandated under a New York City Economic Development Corporation (EDC) lease to South Street Seaport Limited Partnership (SSSLP), a subsidiary of Howard Hughes Corporation (HHC), one of which was intended to be a multi-vendor fresh food farmers market operating seven days a week; and

WHEREAS: In 2013, a master ground lease agreement between EDC and SSSLP/HHC was announced; and

WHEREAS: At that time, a requirement was added to SSSLP/HHC’s ground lease to open a seven-day-a-week market providing locally and regionally sourced food items. SSSLP/HHC historically satisfied that obligation through its support of FSM; and

WHEREAS: For example, in 2015, HHC retained the services of a public market consultant (Robert Lewis, cofounder of The Greenmarkets and retired NYS Department of Agriculture and Markets official / regional and food systems planner) to guide future development of FSM; and

WHEREAS: For further example, in 2015, HHC commissioned an architectural plan for the first two floors of the TransLux Building, located at 133 Beekman Street in the Historic South Street Seaport, as a 10,000 square foot farmers’ public market, evidently at the recommendation of HHC’s public market consultant, with multiple farmer stalls along a central corridor connecting Front and Water Streets, and a nutrition education center and demo kitchen on the second floor; and

WHEREAS: EDC leased the TransLux Building to HHC on a sole-source basis, purporting to provide FSM with merely a 3,500 square foot space at the rear of the building, notwithstanding SSSLP/HHC’s prior commitments and actions on which FSM relied; and

WHEREAS: Also in 2020, it was reported that the FSM rejected the offer to take the mere 3,500 square feet of space offered at the TransLux Building because it fell far short of the promised 10,000 square feet, which as noted by CB1 in prior resolutions, is true to the letter if not at least the “spirit of the original agreement”; and

¹ CB 1 Resolution “South Street Seaport Renovation Project C 130052 ZMM, C 130053 ZSM, C 130054 ZSM, C 130055 ZSM, C 130059 PPM, N 130080 ZRM”, 2012
<https://www1.nyc.gov/assets/manhattan/b1/downloads/pdf/resolutions/12-11-27.pdf>

WHEREAS: In July of 2020, CB1 passed a resolution detailing the history of FSM and requesting additional information from EDC for further discussion in support of the promises made to FSM and the community during the redevelopment of the Historic South Street Seaport²; and

WHEREAS: In December 2020, a Third Amendment to Amended and Restated Agreement of Lease (*i.e.*, a third amendment to the 2013 master ground lease agreement) was executed between SSSLP/HHC and New York City / EDC, which for reasons unknown to the public, seemingly reduced HHC's legal and financial responsibility to provide space to FSM moving forward; and

WHEREAS: FSM has requested that EDC provide significant additional space on the first floor of the TransLux Building for multiple farmer stalls, on the basis that the rear location and square footage being offered under the EDC/HHC 2020 third amended ground lease is poorly accessible and visible, is not economically viable for a successful multi-farmers public market as a significant destination, and lacks the second floor nutrition education and kitchen demo areas essential for the market's mission; and

WHEREAS: EDC was obligated by the NYC Council 2013 Resolution to create a Seaport lease which bound HHC to support a farmers market (like FSM) in addition to any specialty food market. Of course, HHC developed the specialty food market at the Tin Building, which HHC acknowledges to be primarily a food hall with a small grocery area offering local food, but which does not include multiple farmers/producers selling directly to the public. Indeed, according to recent news reports, HHC now owns a significant financial stake in the soon-to-be-opened food hall at the Tin Building, to be known as the Tin Building by Jean-Georges.³ But neither EDC nor HHC has honored the commitment to support a permanent and sustainable farmers market such as FSM; and

WHEREAS: The Tin Building by Jean-Georges and a farmers public market such as provided by FSM are completely different concepts and can be complementary and synergistic in together serving local residents, workers, and visitors; and

WHEREAS: But shockingly, HHC very recently informed FSM that HHC will not provide further financial support for FSM after September 30, 2022 and has terminated its contract with its public market consultant as of that date, on the basis that it has no further legal obligation to support the market once the food hall at the Tin Building by Jean-Georges opens; and

² CB1 Resolution "Fulton Stall Market", 2020
<https://www1.nyc.gov/assets/manhattan/b1/downloads/pdf/resolutions/20-07-28.pdf>

³ See, e.g., "Howard Hughes Buys Stake in Jean-Georges," *TheRealDeal*, Aug. 9, 2022, available at <https://therealdeal.com/2022/08/09/howard-hughes-buys-stake-in-jean-georges/>.

WHEREAS: At the September, 2022 Land Use, Zoning, & Economic Development meeting, FSM reported that its future appears to be in jeopardy given HHC's recent actions, stalled negotiations, and a refusal by EDC and/or SSSLP/HHC to honor their commitments to FSM and the Historic South Street Seaport community during redevelopment of the area. At the same meeting, New York City Council Member Christopher Marte reported that his office is in discussions with the FSM and EDC about the future of the market space, and the Council Member asked CB1 to support his and the market supporters' efforts to perpetuate into the future a public market as originally conceived and initialized by past agreements between FSM, SSSLP/HHC and EDC; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 supports the Fulton Stall Market leadership's stated intention to continue its operations by relocating and expanding to the TransLux Building at 133 Beekman Street; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that EDC (or SSSLP/HHC, as the case may be) honor their prior commitments to provide space in the TransLux Building as a multi-vendor farmers public market with the capacity and size to accommodate a sufficient number of market stalls for the major local farm and food product categories available at FSM to meet the healthy affordable food needs and preferences of the community and to generate the necessary rental income to cover overhead costs and ensure a sustainable market operation; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that representatives with information and authority from EDC appear at the October 2022 meeting of the Land Use, Zoning, & Economic Development Committee (or as soon thereafter as practical) to present how EDC might financially sustain FSM or creatively offset the fixed and variable costs to allow it to remain in place; and

BE IT
FURTHER
RESOLVED

THAT: CB1 also requests, if the EDC and/or SSSLP/HHC are unable to commit in a written lease or sublease agreement with FSM to a suitable space at the TransLux Building, that EDC immediately present feasible alternatives for FSM so that this important and beloved community amenity remains and grows.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	8 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	0 Abstained	0 Recused

RE: 329 Greenwich Street emergency repair to a severely structurally damaged sidewalk

WHEREAS: The applicant presented overwhelming photographic evidence that the sidewalk areas in front of the building are severely damaged, and

WHEREAS: The sidewalk work should be done immediately due to safety concerns and will be piggybacked by a proposal to replace the entire sidewalk and provide ground floor handicap access, and

WHEREAS: The design for a painted diamond plate and concrete handicap ramp at the ground floor is in a style matching other examples in the historic district, and

WHEREAS: There is evidence of glass and cast-iron vault lights underneath the raised concrete platform and granite sidewalk flags at the curb, and

WHEREAS: The use of concrete for the non-ramped areas of sidewalk is a missed opportunity to install new granite matching the original granite existing (damaged) onsite today, now

THEREFORE
BE IT
RESOLVED

THAT: CB-1 recommends the Landmarks Preservation Commission approve the ramp proposal with related sidewalk structural stability work and recommends the applicant work with staff to install whatever granite is possible in lieu of concrete sidewalk.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

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

RE: 47 Walker Street, re-painting wood doors, window frames, exterior cast iron columns and entire ground floor facade, new signage banner to be installed.

WHEREAS: The proposal to paint the entire ground floor of a highly contributing warehouse-style building on Walker Street is an inappropriate modification that lacks precedent in the Tribeca historic districts, and

WHEREAS: The existing cast-iron storefront columns and ledges are painted beige to match the upper floors. The wood storefront infill is painted blue, which is an unusual color for this, and

WHEREAS: In painting the entire ground floor below the cornice one color, the building would lose the vertical hierarchy created by the beige columns of all five floors obliterating the architectural vocabulary of the street wall, and

WHEREAS: CB-1 suggests the applicant do a paint analysis of the cast iron columns and storefront to see if there is historical evidence for a more appropriate proposal, and

THEREFORE
BE IT
RESOLVED

THAT: CB-1 recommends the Landmarks Preservation Commission reject the proposal to paint the entire ground floor under the cornice one-color.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: A proposal to modify the contemporary roof addition atop the early 20th Century Battery Maritime Building

WHEREAS: In a resolution written in January 2008, Manhattan Community Board 1 (CB1) raised a “strong objection to the bulk” of the then proposed addition urging the Landmarks Preservation Commission (LPC) “to rectify the problem”, and

WHEREAS: In 2013, LPC previously approved a one-story roof addition and bulkhead setback, and

WHEREAS: The applicant, Cipriani S.A. now proposes to modify the existing hotel addition by exposing the steel framing on the south elevation creating a loggia, and

WHEREAS: The applicant claims that the design for the fabric canopy at the new loggia should not detract from or overwhelm the views of the original building from the East River, and

WHEREAS: The modification extends the elevator to the mechanical bulkhead level to access an **additional private club floor with a new private swimming pool and terrace**, information which was curiously omitted from the applicant’s presentation to the CB1 Landmarks Committee, and

WHEREAS: LPC previously approved a temporary signage permit for “Casa Cipriani” at the private club entrance, and

WHEREAS: The approval of any permanent signage for the club entrance should only be done in coordination with other north façade maritime building signage indicating the location of the Governors Island Ferry so as to not create confusion between public and private areas of the building, and

WHEREAS: CB-1 requests that Cipriani S.A provide and fund similar scaled signage on a canopy to that provided for the private hotel and club entrance for the Governors Island Ferry entrance in coordination with EDC and the Governors Island Trust,

WHEREAS: CB1 believes the proposed modification of the bulkhead and addition to enclose a private pool and terrace should include a commensurately scaled area in the building that would allow for public access and use, now

THEREFORE
BE IT
RESOLVED
THAT:

CB-1 recommends the Landmarks Preservation Commission approve the proposal to modify the bulk of the previously approved one-story and bulkhead setback roof addition which does not seem to differ significantly from the previous approved plans. CB1 very much hopes the applicant will provide a fair public benefit in exchange for the proposed addition of private space to this formally public city ferry terminal.

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DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	27 In Favor	4 Opposed	3 Abstained	2 Recused

RE: Proposed exterior site lighting throughout the Historic District on Governors Island

WHEREAS: The Trust for Governors Island proposes a lighting plan that replaces all the existing island lighting in the historic district with new light poles and fixtures, and

WHEREAS: The proposed poles are very bland however they are a long-lasting solution that can be easily replaced or modified to take additional island infrastructure, and

WHEREAS: The proposed system of lighting parts is appropriate and versatile, and

WHEREAS: It was a request to provide funding in the citywide capital budget for historically contextual lampposts (in lieu of the wooden rural-style telephone poles), and

WHEREAS: CB-1 supports this robust and thoughtful lighting infrastructure presented by the Trust for Governors Island, now

THEREFORE

BE IT

RESOLVED

THAT: CB-1 recommends the Landmarks Preservation Commission Approve the proposal for a Governors Island lighting master plan.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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

RE: 78 Leonard Street, application for a liquor license for Smart Kitchen Tech Inc.

WHEREAS: The applicant, Smart Kitchen Tech Inc. at 78 Leonard Street, is applying for an on-premise Liquor, Wine, Beer and Cider License; and

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

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

WHEREAS: The hours of operation will be 9:00AM - 11:00PM Monday to Thursday, 9:00AM - 12:00AM Friday and Saturday, 9:00AM - 10:00PM Sunday; and

WHEREAS: The establishment is a full service restaurant with a total of 6,011 square feet, there will be a capacity of 168 people and 18 tables; and

WHEREAS: The establishment is considered a “large venue” an establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

WHEREAS: The applicant has represented that there will be live and recorded background music from 10 speakers (1ft x 4 in x 6 in) and no TVs; and

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

WHEREAS: The applicant has agreed that there will be no, dancing, events or scheduled performances; and

WHEREAS: The applicant has agreed to discuss and coordinate with nearby restaurants on, to secure the same sanitation company currently being used, and all the refuse will be picked up at the same time; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against large venue stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their on-premise liquor license for Smart Kitchen Tech Inc. at 78 Leonard Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 205 Hudson Street, application for a liquor license for Chefscape NYC LLC

WHEREAS: The applicant, Chefscape NYC LLC at 205 Hudson Street, is applying for an on-premise full Liquor License; and

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

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

WHEREAS: The hours of operation will be 12:00PM to 10:00PM Sunday, 12:00PM to 1:00AM Friday and Saturday 12:00PM - 12:00AM Monday through Thursday; and

WHEREAS: The establishment is a full service restaurant with a total of 1483 square feet, there will be a capacity of 74 people and 10 tables; and

WHEREAS: The applicant has agreed because of community concerns to post, no smoking and no loitering signs to deter these actions around the entire establishment; and

WHEREAS: The applicant has represented that there will be recorded background music from 10 wall mounted speakers with 200 amperage and no TVs; and

WHEREAS: The applicant has agreed that the number of private event full buyouts will not exceed two (2) per year, and cannot be scheduled for New Year's Eve. and that the residential community will be informed and given sufficient advance notice of any buyouts and a direct point of contact; and

WHEREAS: The applicant has agreed that this alteration request applies only for this space and the basement storage; and

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

WHEREAS: The applicant has agreed that there will be no DJ's, dancing, events or scheduled performances; and

WHEREAS: The community residents have expressed numerous concerns regarding the security, noise level and general quality of life issues that they have been experiencing from this location; and

WHEREAS: The community has also expressed concerns about the chefscape becoming an overflow space for the tribeca rooftop patrons in the same building. The community board does not support any joint venture between tribeca rooftop and chefscape for this reason; and

WHEREAS: The applicant has agreed to arrange sanitation company pickup from 8am to 9am on Saturday and Sunday, and all the refuse will be picked up at the same time, no later than 1am at night; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 takes into consideration the concerns of the residents through their participation at meetings and community at large through the above stipulations; and

BE IT

FURTHER

RESOLVED

THAT: CB1 **Strongly** opposes the granting of their on-premise liquor license for Chefscape NYC LLC at 205 Hudson Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 225-227 West Broadway, application for a liquor license for YM5LLC

WHEREAS: The applicant, YM5LLC at 225-227 West Broadway, is applying for an on-premise Wine, Beer and Cider License; and

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

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

WHEREAS: The hours of operation will be 7:00AM to 7:00PM Sunday through Saturday; and

WHEREAS: The establishment is a full service restaurant with a total of 800 square feet, there will be a capacity of 3 tables; and

WHEREAS: The applicant has represented that there will be recorded background music from two home style speakers and no TVs; and

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

WHEREAS: The applicant has agreed that there will be no DJ's, dancing, events or scheduled performances; and

WHEREAS: The applicant has agreed to discuss and coordinate with nearby restaurants on, to secure the same sanitation company currently being used, and all the refuse will be picked up at the same time; and

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of their on-premise liquor license for YM5LLC at 225-227 West Broadway unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	31 In Favor	5 Opposed	1 Abstained	0 Recused

RE: 184 Duane Street, application for a beer and wine license for LM Cafe LLC

WHEREAS: The applicant, LM Cafe LLC at 184 Duane Street, is applying for an on-premise Beer and Wine License; and

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

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

WHEREAS: The hours of operation will be 11:00AM to 9:00PM Sunday through Thursday and 11:00AM to 10:00PM Friday and Saturday; and

WHEREAS: The establishment is a full service restaurant with a total of 2000 square feet, there will be a capacity of 70 people and 20 tables; and

WHEREAS: The applicant has represented that there will be recorded and live background music from 4 ceiling speakers and 2 TVs; and

WHEREAS: The applicant states that they have hosted comedy club events in the past and wants to have monthly events in the future, however, understands that in any situation where it is hosted as a joint venture and not as a buyout, it is not supported by the community board or the community; and

WHEREAS: The number of private event full buyouts, including but not limited to comedy club events, will not exceed two (2) per year, and cannot be scheduled for New Year's Eve. The residential community must be informed and given sufficient advance notice, in addition, the establishment must provide a direct point of contact for the residents ahead of the buyout events; and

WHEREAS: The applicant currently has extended outside seating under Open Restaurants Program and CB1 does not support any application alterations/considerations for additional sidewalk cafe license for at least a year; and

WHEREAS: The applicant has agreed that there will be no DJ's, dancing, or scheduled performances; and

WHEREAS: Although the applicant has previously applied for and was granted a bathroom waiver by the licensing committee, considering the inside seating coupled with the current outside seating, whether public or not, as well as community concerns, because of additional/upgrading of license request, the community board Strongly recommends adding a second bathroom; and

WHEREAS: The applicant has agreed to allow roadbed seating to remain public and will not serve to-go alcoholic drinks in that area, in addition, sidewalk seating will not be expanded; and

WHEREAS: The applicant has agreed because of numerous community complaints to establish measures to ensure that patrons do not linger/loiter outside the establishment, blocking adjacent residential egress and sidewalk access; and

WHEREAS: The applicant has agreed because of numerous community complaints to maintain, on a daily basis, a clean environment outside of the establishment and around the public seating area, in light of community quality of life concerns surrounding cleanliness. In addition, to a regular schedule of garbage pickup with a local sanitation company at appropriate hours; and

WHEREAS: The committee has taken into account the numerous quality of life complaints from the community residents and neighbors, in the form of letters and petitions against the liquor license application and the comedy club events that the applicant has had in the recent past; and

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 **Strongly** opposes the granting of their on-premise liquor license for LM Cafe LLC at 184 Duane Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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	0 Opposed	3 Abstained	0 Recused

RE: 2-10 Desbrosses Street, application for an alteration of liquor license for Apogee Events LLC

WHEREAS: The applicant, Apogee Events LLC at 2-10 Desbrosses Street, is applying for an on-premise Liquor License alteration; and

WHEREAS: The applicant has represented that a small room with no open windows and a capacity of 150 will be added on the ground floor to be used for breakfast, dinners, conferences and speaking events; and

WHEREAS: The applicant has represented that they aim to add a cellar space for storage and kitchen use, there will be no public access to this space; and

WHEREAS: The applicant has represented that the capacity of 420 on the rooftop will remain the same, however, they will be enclosing a portion to make an interior space and relocating the bar from its current location on the roof to the west wall on the roof; and

WHEREAS: The applicant has represented that they aim to expand their current occupancy of 700 on the 12th floor by an additional 20 people; and

WHEREAS: The applicant has STATED that within approximately two (2024) to four (2026) years, the owner will be reclaiming the 11th floor space from the applicant, thereby reducing their capacity by 700; and

WHEREAS: The applicant has represented that they will give up the entire 11th floor sometime between 2024 and 2026; and

WHEREAS: This space is considered by the community committee/board a “large venue” establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

WHEREAS: This alteration is the establishments attempt to add a total capacity of 170 on top of the current combined capacity of 1820 between the rooftop, 11th and 12th floors; and

WHEREAS: The community opposes this application, through the residents writing of letters, testifying at CB1 meetings and providing video evidence with claims of quality of life issues resulting from noise, traffic and disregard for neighbor needs, loosely adhering to time and providing security; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 is rejecting the granting of liquor license for the cellar and first floors; and

BE IT

FURTHER

RESOLVED

THAT: CB1 will reevaluate the request **for the additional 150 only** capacity ground floor flex space and additions stated **WHEN** the 11th floor has been given up by the applicant; and

BE IT

FURTHER

RESOLVED

THAT: CB1 will reevaluate any further alteration and/or renewal requests against large venue stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 is **rejecting** the granting of the **ANY alteration** request to allow adding licensing anything for Apogee Events LLC at 2-10 Desbrosses Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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

RE: 11 Stone Street, application for a liquor license for The Mint at FiDi Inc.

WHEREAS: The applicant, The Mint at FiDi Inc. at 11 Stone Street, is applying for an on-premise Liquor, Wine, Beer and Cider License; and

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

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

WHEREAS: The hours of operation will be 12:00PM - 11:00PM Sunday, 12:00PM - 1:00AM Friday and Saturday and 12:00PM - 12:00AM Monday through Thursday; and

WHEREAS: The establishment is a full service restaurant with a total of 3700 square feet, there will be a capacity of 210 people and 27 tables; and

WHEREAS: The establishment is considered a “large venue” an establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

WHEREAS: The applicant has represented that there will be recorded background music from 26 JBL ceiling mounted speakers, 1 TV and subwoofers on 30th and 31st floors; and

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

WHEREAS: The applicant will be employing corporate promotions/buyouts for daytime events, meeting events, which would lead to them breakouts and early cocktail receptions on the second floor, security will be employed; and

WHEREAS: The applicant has indicated that the terrace doors on the second floor will be closed at 8PM; and

WHEREAS: The applicant has agreed that there will be no DJ's, dancing, or scheduled performances; and

WHEREAS: The applicant has agreed to coordinate with the hotel, to secure the same sanitation company currently being used, and all the refuse will be picked up at the same time; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against large venue stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their on-premise liquor license for The Mint at FiDi Inc. at 11 Stone Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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

RE: 14 Wall Street, application for a liquor license for Number One Caviar LLC.

WHEREAS: The applicant, Number One Caviar LLC at 14 Wall Street, is applying for an on-premise Wine, Beer and Cider License; and

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

WHEREAS: The applicant has represented that there are no establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The hours of operation will be 10:00AM - 12:00AM Monday through Saturday and 10:00AM - 10:00PM on Sunday; and

WHEREAS: The establishment is a full service restaurant with a total of 450 square feet, there will be a capacity of 80 people and 2 tables; and

WHEREAS: The establishment is considered a “large venue” an establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

WHEREAS: The applicant has represented that there will be no music and 2 display monitors; and

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

WHEREAS: The applicant will be building security 24/7; and

WHEREAS: The applicant has agreed that there will be no DJ’s, dancing, or scheduled performances; and

WHEREAS: The applicant has agreed to coordinate with building management, to secure the same sanitation company currently being used, and all the refuse will be picked up at the same time; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against large venue stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their on-premise liquor license for Number One Caviar LLC at 14 Wall Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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

RE: 96 South Street, application for an alteration for Fulton Seafood Market LLC & creative Culinary Management Company LLC

WHEREAS: The applicant, Fulton Seafood Market LLC & creative Culinary Management Company LLC at 96 South Street, is applying for an on-premise Liquor, Wine, Beer and Cider License; and

WHEREAS: The applicant has represented that no space will be altered or removed; and

WHEREAS: The applicant has represented that when patrons order a beverage, they are currently served from a bar at a different location in the venue; and

WHEREAS: The applicant is requesting for three of the food counters currently existing, to be allowed to serve the drinks across the counter to assist with better service; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against large venue stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their alteration for Fulton Seafood Market LLC & creative Culinary Management Company LLC at 96 South Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 27, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

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

RE: 226 Front Street, application for class change for Vicrey LLC

WHEREAS: The applicant, Vicrey LLC at 226 Front Street, is applying for a class change for a full liquor license; and

WHEREAS: The applicant has represented that there are buildings used exclusively as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

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

WHEREAS: The establishment is a full service restaurant with a total of 1100 square feet, there will be a capacity of 45 people and 14 tables; and

WHEREAS: The hours of operation will be 10:00AM - 10:00PM Sunday, 8:00AM - 10:00PM Friday and Saturday and 8:00AM - 10:00AM Monday through Thursday; and

WHEREAS: The applicant has represented that there will be recorded background music from an iPad and 2 sonos speakers, no TV; and

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

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

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of their on-premise liquor license for Vicrey LLC at 226 Front Street unless the applicant complies with the limitations and conditions set forth above.