

COMMUNITY BOARD #1 MANHATTAN
RESOLUTION

JUNE 11, 1991

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE:	4 In Favor	0 Opposed	0 Abstained
BOARD VOTE:	32 In Favor	0 Opposed	0 Abstained

RE: **60 Wall St., Application #M 850321 (E) ZSM**

WHEREAS: Morgan Guaranty Trust is requesting modification of a previously approved special permit and restrictive declaration to allow the covered pedestrian space at 60 Wall St. to be closed to the public twelve (12) times a year: six (6) times for private events and six (6) times for events sponsored by community or other not-for-profit organizations, and

WHEREAS: Because the application establishes a precedent which will allow owners of other buildings with "covered pedestrian space" to make similar applications, and

WHEREAS: The current application is novel and, therefore, untested in terms of its import, impact and implementation, now

THEREFORE
BE IT
RESOLVED
THAT:

CB #1 recommends that the City Planning Commission approve the application if and only if:

1. preference is given to community or other not-for-profit organizations located within CB #1, three (3) out of six (6) times the space is dedicated to the use of not-for-profit organizations;
2. the use of the covered pedestrian space by community or other not-for-profit organizations is at no cost to them, including but not limited to: rental, utilities (electricity), maintenance, security and liability insurance;
3. the City Planning Commission's preliminary approval of the application is for a period of two (2) years; and that any subsequent application is subject to review by CB #1, with such review to include an evaluation of the applicant's performance during the approval period granted for the first two years.

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COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	5 In Favor	0 Opposed	0 Abstained
BOARD VOTE:	32 In Favor	0 Opposed	0 Abstained

RE: **Recycling Program**

WHEREAS: The City Council adopted Local Law 19 (the Recycling Law) requiring that the City institute recycling programs to achieve 25% recycling by the year 1994, and

WHEREAS: Recycling saves scarce landfill capacity, reduces energy consumption, and can help generate jobs and local revenue through the processing and marketing of secondary materials, and

WHEREAS: The future costs to the City and its taxpayers of exporting wastes once the City's landfill is full could prove exorbitant, and

WHEREAS: Incinerating our waste is a less desirable method for managing our trash and could have potentially significant health, environmental and fiscal impacts, and

WHEREAS: The cost of the recycling program could be covered in part through the implementation of efficiencies and improvements including the extension of routes to ensure 100% utilization of trash truck capacity, and through the diversion of funds from FY '92 expenditures on existing incinerators, and

WHEREAS: The City now recycles over 1200 tons/day (approximately 7%) of its residential and institutional wastes through its recycling programs, and the capacity exists in the private and voluntary sector to process and market more material, and

WHEREAS: The program has achieved initial goals without significantly exceeding its initial budgets, and

WHEREAS: The Mayor's proposed executive Budget for Fiscal Year 1992 would eliminate this valuable and necessary program, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 urges the Mayor and the City Council to restore the recycling program to the Fiscal Year 1992 budget, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 urges the Mayor and the City Council to obtain agreement on the implementation of program improvements and efficiencies, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 urges the Mayor and the City Council to redirect FY '92 funding for incineration operation expenses and capital projects to the recycling program, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 urges the Mayor and the City Council to facilitate expansion of the recycling program by utilizing private sector processing capacity and community-based recycling centers.

NOTE: Resolution as proposed by the Manhattan Solid Waste Board

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COMMITTEE OF ORIGIN: EXECUTIVE

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

RE: **Electrical Substations (Reso. 691)**

Resolution calling upon the appropriate committee of the NYC Council to hold hearings on the possible environmental and health hazards of electrical substations and the role government agencies should play in regulating such facilities.

By Council Members Greitzer, Albanese, Dryfoos and Eldridge

WHEREAS: There are many electrical substations being constructed and expanded all over the city, and

WHEREAS: Theses electrical substations and the underground feeder cables and high-voltage power lines that lead into them emit electromagnetic radiation, and

WHEREAS: There is a growing body of scientific literature that suggests a link between exposure to electromagnetic radiation and some cancers, and

WHEREAS: Articles by Paul Brodeur featured in The New Yorker, as well as recent articles in Science magazine, pinpoint the dangers and possible negative effects of electromagnetic radiation, and

WHEREAS: A report just released by the United States Environmental Protection Agency similarly suggests a statistical link between exposure to electromagnetic radiation produced by these power lines and incidents of miscarriages, birth defects and various forms of cancer such as leukemia and brain tumors, and

WHEREAS: The construction and expansion of some of these facilities predated these recent scientific findings, and

WHEREAS: The construction and expansion of certain electrical substations may not currently require any environmental review, and

WHEREAS: These locations may impinge upon or have negative effects on the health or safety of children and all New Yorkers, and

WHEREAS: The Council is concerned about the health and safety of all residents of and visitors to NYC, now

THEREFORE

BE IT

RESOLVED

THAT:

That the appropriate committee of the Council of the City of New York hold hearings on the possible environmental and health hazards of electric substations, and the role government agencies should play in regulating such facilities.

COMMUNITY BOARD #1 MANHATTAN
RESOLUTION

JUNE 11, 1991

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	9 In Favor	0 Opposed	1 Abstained
BOARD VOTE:	31 In Favor	0 Opposed	1 Abstained

RE: **CEQR Process**

WHEREAS: In the process of combining agencies as a result of the new City Charter, there is a danger of losing important oversight capacities designed to protect environmental and community concerns, now

THEREFORE
BE IT
RESOLVED
THAT:

CB #1 supports the following positions of the Neighborhood Coalition on CEQR (the Environmental Quality Review process) on proposed new CEQR rules:

1. The new Office of Environmental Coordination (OEC) should report to the full City Planning Commission (CPC), not to Deputy Mayors. If the OEC is independent of the Deputy Mayors, it should be mandated to provide oversight on all environmental reviews.
2. The CPC should be designated as lead agency for all City actions except City Council-sponsored actions, and those few actions which unquestionably fall outside of CPC's jurisdiction. The city agencies proposing projects should not be lead agencies for their own projects-----
"the fox guarding the chicken coop."
3. If City agencies other than CPC are designated as lead agencies (despite the recommendation above), then only regular Charter-prescribed mayoral agencies should be so designated---not less accountable entities such as the Public Development Corporation (PDC) or its proposed more powerful replacement, the Economic Development Corporation (EDC).
4. Lead agencies' proposals to issue "negative declarations---determinations that no Environmental Impact Statement (EIS) should be prepared---
should be subject to public
5. Maximum opportunity should be afforded for full and effective public participation in the scoping process, in which input is received on what

environmental impacts and which alternatives should be included in and EIS (when the lead agency decides that and EIS is required).

6. The proposed new CEQR rules should not be approved or promulgated before all related rule making and other proposals are reviewed, with full public participation (including review of written documents). Crucial upcoming rules, proposals and decisions include reorganization of PDC/EDC, coordination of CEQR with the City's Uniform Land Use Review Process (ULURP), and other changes in CEQR rules besides the current proposal, preparation of an Environmental Assessment Form and Technical Manual, and new OEC post-action audit procedures. These interrelated actions should be segmented, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 urges that the comment period be extended until more clear, understandable information has been provided to the public in writing on the nature of the proposed changes, the problem(s) the changes are intended to solve, and options (i.e., alternatives) in organizing the CEQR process, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 urges that this information be presented in an environmental impact statement (EIS), on which a public hearing would be held before the City Planning Commission makes final decisions on these rules, and prefaced by a presentation of the following briefing materials:

- a step-by-step, side-by-side comparison of the CEQR process now and how the new rules would change it;
- a full, understandable explanation of what the proposed rules say---for example, by explaining references to Executive Order 91 and various Charter provisions, etc.;
- alternative options for assigning lead agency status, deciding whom the new OEC should report to, etc., with pros and cons of each alternative (including those mentioned at the public hearing);
- a briefing memo on what exactly is going wrong with the CEQR process now.

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COMMITTEE OF ORIGIN: ARTS & CULTURAL AFFAIRS

COMMITTEE VOTE:	5 In Favor	0 Opposed	0 Abstained
BOARD VOTE:	26 In Favor	0 Opposed	0 Abstained

RE: **Proposed Temporary Installation by James Garvey at Hudson St. and Franklin St.**

BE IT
RESOLVED
THAT:

CB #1 approves the temporary installation of four trash baskets by Tribeca artist James Garvey, and complements him on his innovative resolution to the existing trash problem within his neighborhood of Hudson and Franklin St., where the baskets will be place. Furthermore, CB #1 appreciates that the installation of the baskets is a six month pilot program with the NYC Department of Sanitation, and

BE IT
FURTHER
RESOLVED
THAT:

Should Mr. Garvey request an extension for an additional six months or longer, we request that he make a presentation to the Landmarks Committee for their approval along with returning to the Arts and Cultural Affairs Committee.

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COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:	4 In Favor	0 Opposed	1 Abstained
BOARD VOTE:	25 In Favor	0 Opposed	2 Abstained

RE: Landmarks Preservation Commission - Proposed Fees

WHEREAS: The Mayor's current budget proposal has projected \$300,000-400,000 in LPC revenue to be generated by the adoption of new application and processing fees, and

WHEREAS: These fees would be paid by the building owners when seeking permits for alterations of historic properties, and

WHEREAS: The notion of imposing fees for permit applications first appeared in Mayor Koch's "initiatives" of May, 1988, and

WHEREAS: The proposed fees were characterized by preservationists as "paying for the privilege of regulation", and were widely opposed by preservation organizations across the city, and

WHEREAS: These fees have reappeared under the guise of the budget crisis, and

WHEREAS: These fees would, in effect, constitute a new tax, whose burden would fall disproportionately on owners of smaller properties, and

WHEREAS: Since these fees are not based on a sliding scale, a new financial burden will fall disproportionately upon small property owners, and

WHEREAS: Implementation of permit fees would have a chilling effect on Landmark designation, both of individual properties and of historic districts, with the greatest impact being felt in the less affluent parts of the city, exactly those areas that are the current focus of the Commission's attention, and

WHEREAS: The existence of such fees would deter permit applications and would encourage non-compliance, and

WHEREAS: The actual cost to the Commission and to other agencies of enforcing and processing the fees is now unknown, and

WHEREAS: It is questionable that these fees will improve the financial health of the

Commission, as the processing and enforcing of fees will obviously require a budget of its own, and, the question of whether revenue gained from the fees will be greater than the cost of imposing such fees is unclear, and

WHEREAS: In a city where the climate is often critical of preservation, the effect of such fees would surely be to increase public hostility towards the Commission and its efforts to preserve our heritage, and

WHEREAS: The implicit threat to the Commission is a severe reduction of staff if fees are not imposed, even though staff reductions are already scheduled for the Commission, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 is strongly opposed to application and permit processing fees for regulations as proposed for the Landmarks Commission as we believe that these fees will induce further public criticism of preservation in NYC in communities under consideration for historic designation, and

BE IT
FURTHER
RESOLVED

THAT: CB #1 feels that the proposed fees would deter permit applications leading to widespread non-compliance, and

BE IT
FURTHER
RESOLVED

THAT: Even though the failure to impose fees may lead to further staff cuts, the long term common good of the City of New York would be better served by accepting a temporarily smaller staff at the LPC than by the creation of an onerous fee structure which would no doubt become permanent.

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COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	7 In Favor	2 Opposed	2 Abstained
BOARD VOTE:	20 In Favor	7 Opposed	6 Abstained

RE: **Pier A, Declaration of Non-Navigability**

WHEREAS: The developer of Pier A is seeking a Congressional declaration of non-navigability for the pier structures in order to gain financing approval for the planned renovation, and

WHEREAS: The legislation is written so that all Federal statutes and regulations continue to apply as if the structure or area were still navigable, and

WHEREAS: No open water will be declared non-navigable, and

WHEREAS: CB #1 is concerned that the declaration of non-navigability not be the precursor to an effort to landfill the Pier A area nor to limit public access to the pier, and

WHEREAS: CB #1 supports the efforts of the US Army Corps of Engineers to eliminate unnecessary time limits on their review of any applications for this project as embodied in the proposed legislation, and

WHEREAS: CB #1 has received letters from the City and the developer insuring that there will be:

1. Full and total public access to all public areas in the leasehold whenever either Pier A or Battery Park is open
2. No landfill associated with this project
3. No permanent marina facility at Pier A, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 has no objection to declaring the Pier A structure non-navigable, and

BE IT
FURTHER
RESOLVED

THAT: The Community Board strongly urges that the developer provide a public pumping station for boats which visit and dock at the pier.

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COMMITTEE OF ORIGIN: WASHINGTON MARKET

COMMITTEE VOTE: 4 In Favor 0 Opposed 0 Abstained

RE: **"Spot Light", 68 Reade St., previously the "Sinta Club"**

WHEREAS: The "Spot Light", 68 Reade St., previously the "Sinta Club", has applied for a cabaret license, and

WHEREAS: A half-dozen members of the community testified at the hearing that the predecessor business had long been a major neighborhood problem, reporting on excess noise inside the club and on the street outside; clashes between rival groups; intimidation of residents by customers; drug dealings on the street and in the parking lot across the street; and four murders allegedly linked to hostilities between customer gangs, and

WHEREAS: The new owners are a former employee of the previous "Sinta Club" and the club's new attorney; and since they took over as owners in April, 1991, the club has operated as a cabaret without a license, and has been cited for illegal operation by the Department of Consumer Affairs after numerous complaints to this community board, and

WHEREAS: The owners were present at the hearing, and insisted that they seek a very different clientele from that of the "Sinta Club"; that they are willing to guarantee noise abatement within the club, particularly through the large front windows through which much sound currently travels; they will assume responsibility for maintaining order on the street in front of the club; and they will attempt to arrange for lighting in the parking lot across the street in an effort to discourage the lot's use by drug dealers, and

WHEREAS: The owners, one of whom is an attorney, stated they are willing to stipulate to these responsibilities as conditions for the granting of the cabaret license, now

THEREFORE
BE IT
RESOLVED
THAT:

CB #1 strongly opposes the granting of a cabaret license, as the situation now stands, and

BE IT
FURTHER
RESOLVED
THAT:

CB #1 could only support a cabaret license for the premises under the following circumstances:

1. That all necessary noise abatement structures be in place, properly tested, and that sounds within the club are demonstrated to create no disturbance to the nearby residential community;
2. That security inside and outside the premises be in place and working prior to issuance of a license; and that same shall be maintained as an on-going part of the operation;
3. That the owners will make an effort to reach agreement with the licensee of the parking lot to provide lighting and security so long as a need exists;
4. That the owners stipulate to these conditions as part of the license approval process.