COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE:	9	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	29	In Favor	0	Opposed	0	Abstained	0	Recused

RE: Restoration of Temporary Bike Path in Battery Park

WHEREAS: Hayes Lord, a representative of the NYC Department of Transportation (DOT) presented a plan for a temporary Department of Parks and Recreation (DPR) bicycle path in Battery Park at the Community Board 1 (CB#1) Financial District Committee meeting on November 2, 2011; and

WHEREAS: The installation of the DPR's temporary route is occurring in advance of DPR's perimeter bike path construction project, scheduled to begin in 2012, in order to establish the temporary route early before the cycling season begins; and

WHEREAS: DPR's temporary route through Battery Park is intended to maintain an important link between the Hudson River Greenway and the East River Bikeway; and

WHEREAS: DOT has agreed to implement DPR's temporary route through Battery Park with the use of signs and bike stamps; and

WHEREAS: Pat Kirshner, the Director of Operations and Planning at the Battery Conservancy, attended the presentation and stated that the Battery Conservancy fully supports the proposed temporary bike route; now

THEREFORE
BE IT
RESOLVED
THAT: Community Board #1 supports the proposed temporary bike route in Battery Park; and

BE IT
FURTHER
RESOLVED
THAT: CB#1 supports the goal of a continuous bicycle path along the Lower Manhattan waterfront and appreciates the opportunity to review the proposed route

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: LANDMARKS

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

RE: 312-322 Canal Street, application for new storefront infill and second floor windows and cornices

WHEREAS: The application is to replace all six existing storefronts from this 1825 building that was demolished in the 1960s and replaced with non-contributing structures, and

WHEREAS: The roll down external shutters will be removed, and

WHEREAS: The new store fronts will be single pane clear glass, aluminum frames with different store front set backs to provide some visual diversity and interest, and

WHEREAS: The design is simple, plain, relates to the humble nature of the two storey non-contributing building, and

WHEREAS: New black or red awnings were proposed as part of a Master Plan for all six store fronts with LPC approved awnings consisting of 8” drops and 6” lettering, and

WHEREAS: There would be no window signage but internal roll down shutters set back 2’, and

WHEREAS: The coping stones would be repaired on the second floor windows, constructed from pre-cast concrete, and

WHEREAS: A new coping stone cornice lintel would frame the building, and

WHEREAS: The applicant also requested legalization of the rebuilt new brick building façade, the 2-over-2 wooden windows, the blanked window recesses and an interior opening joist violations that LPC have served on the building, and

WHEREAS: The Committee felt the design was a great improvement on the original condition, was appropriate, but cautioned the applicant from using red or black awnings in favor of a more neutral color, and that the violations should be legalized, now

THEREFORE
BE IT
RESOLVED
THAT: CB#1 recommends the Landmarks Preservation Commission approve the application and legalize the violations

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	33 In Favor	1 Opposed	1 Abstained	0 Recused

RE: 1 White Street, application for rooftop addition

WHEREAS: The application is to expand on the previously CB#1 and LPC approval for the storefront and façade restoration in August 2011(? please check and attach), and

WHEREAS: The addition will be 22’ 4” by 9’ 4” in replacement of the existing 12’ by 3’ bulkhead, and

WHEREAS: The structure will consist of adding a painted clapboard sided frame with clear glass aluminum windows, with a white PVC cornice and siding trim, and

WHEREAS: The railing would be 36” high, simple metal painted black, and

WHEREAS: The set back is 15’ but visible because of the low height of the four-storey corner building, and

WHEREAS: The site line work was not complete and a mock up had not been built at the time of the meeting, and

WHEREAS: The structure is adding only 150’ to the building with an FAR of 6 and from the presentation seemed to be minimally visible– because of the low height of the building, and

WHEREAS: The Committee felt the design was appropriate but needed to make a site visit and view the mock up once it had been installed, now

THEREFORE BE IT RESOLVED THAT: CB#1 recommends the Landmarks Preservation Commission approve the application, subject to the Committee’s site visit viewing of the mock-up.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MAY 24, 2011

COMMITTEE OF ORIGIN: LANDMARKS

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

RE: 1 White Street, application for storefront renovation and new windows and doors and re-pointing brick

WHEREAS: The application is to convert the first and second floors into a restaurant, and

WHEREAS: The two doors would be replaced with new matching wooden painted doors and door cases with a modest brass handrail on one, and

WHEREAS: The storefront would be made uniform on both the White Street and West Broadway facades, with an appropriate painted wooden base and clear glass, and

WHEREAS: There would be an unifying painted 6” wood cornice across the storefront, and

WHEREAS: There would be a deep brown colored awning above the windows and door case which comply with LPC awning regulations, and

WHEREAS: The only signage would be the name of the restaurant “1” and would be painted on the door and drop of the awnings and a 9” wide by 15” hanging sign at the corner of White Street and West Broadway, and

WHEREAS: There would be seven appropriate light fittings, and

WHEREAS: The lintels of the apartment building will be painted to match the storefront, and

WHEREAS: The Committee felt the design was tasteful and appropriate for this important corner location, now

THEREFORE
BE IT
RESOLVED
THAT: CB#1 recommends the Landmark Preservation Commission approve the application.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: LANDMARKS

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

RE: 169 Hudson Street, application for rooftop extension

WHEREAS: The application is an alteration to the previously CB#1 and LPC approved bulkhead modification from July 2009 (attached), and

WHEREAS: The new application is now for an 800' roof addition making use of new FAR gained from removing other bulkheads on this large building, and

WHERAS: The roof addition is not visible from any street elevation, but the existing chimney stacks have to be raised to accommodate the addition and are minimally visible from Laight and Varick Streets, and

WHEREAS: The design incorporates a stainless steel mesh around the 14' elongated chimney stacks with the intention of making the design read well with the roof line of the addition, and

WHEREAS: The Committee felt the design was appropriate but needed to make a site visit and view the mock up, now

THEREFORE
BE IT
RESOLVED
THAT: CB#1 recommends the Landmarks Preservation Commission approve the application, subject to the Committee's site visit viewing of the mock-up.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 28, 2009

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:	4 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBER VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	27 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 169 Hudson Street, LPC application for small bulkhead modification and 8th floor addition to north-west corner penthouse

WHEREAS: The application is to add 300 square feet (as-of-right 420 square feet) of roof-top addition and bulkhead to an existing roof top addition, and

WHEREAS: The addition would be visible from Vestry and Laight Streets if the present buildings under construction (Vestry Street: 100', Laight Street: 97.5') were not to be completed, and

WHEREAS: There is minimal visibility from the Holland Tunnel Rotary, and

WHEREAS: The materials: zinc cladding, limestone trim and clear glass windows were of high quality, and

WHEREAS: The Committee noted the addition was not visible from the important main Hudson Street façade, and

WHEREAS: The Committee commended the applicant for the quality of presentation, now

THEREFORE
BE IT
RESOLVED
THAT: CB#1 recommends that the Landmarks Preservation Commission approve this application.

COMMUNITY BOARD # 1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: PLANNING AND COMMUNITY INFRASTRUCTURE

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

RE: Hydrofracking– Comments on the revised draft supplemental generic environmental impact statement on the oil, gas and solution mining regulatory program

WHEREAS: On September 7, 2011, the New York State Department of Environmental Conservation (NYSDEC) released the Revised Draft Supplemental Generic Environmental Impact Statement On The Oil, Gas And Solution Mining Regulatory Program ("RDSGEIS," http://www.dec.ny.gov/energy/47554.html), calling for comments to be made by December 12, 2011; and

WHEREAS: The RDSGEIS reflects NYSDEC's attempt to address comments on a prior draft supplement to the 1992 Generic Environmental Impact Statement On The Oil, Gas And Solution Regulatory Program ("GEIS"); and

WHEREAS: The New York State Department of Environmental Conservation (DEC) Commissioner Pete Grannis announced on April 23, 2010 that due to the unique issues related to the protection of New York City drinking water supply, the watersheds will be excluded from the Supplemental Generic Environmental Impact Statement (SGEIS) "review process for natural gas drilling using high-volume horizontal drilling in the Marcellus shale formation. Instead, applications to drill in these watersheds will require a case-by-case environmental review process to establish whether appropriate measures to mitigate potential impacts can be developed." (http://www.dec.ny.gov/press/64699.html); and

WHEREAS: NYC uses unfiltered drinking water from surface-water sources, and its watershed is subject to Filtration Avoidance Determinations (FADs) because NYC was able to demonstrate that it complied with an array of strict water quality criteria and it effectively implements a comprehensive watershed management plan; and

WHEREAS: The Catskill watershed supplies drinking water to 8.2 million people in New York City and about a million in Westchester; and

WHEREAS: On August 5, 2010, Governor Cuomo released a new energy policy book "Power NY" that says regarding Marcellus Shale Horizontal Drilling and Hydraulic Fracturing: "**Any Drilling in the Marcellus Shale must be Environmentally Sensitive and Safe**: We need to explore how drilling can be done in a way that is consistent with environmental concerns. The State's Department of Environmental Conservation, as well as the federal Environmental Protection Agency, are currently studying the effects of drilling in the Marcellus Shale region. Through that assessment, New York State must ensure that, if and when the Shale's natural gas is obtained, it does not come at the expense of human health or have adverse environmental impacts. In particular, it is critical that no drilling be conducted that might negatively affect any existing watershed and that best practices in drilling are adopted and enforced by the State." (http://www.andrewcuomo.com/system/storage/6/89/e/798/andrew_cuomo_power_ny.pdf, page 124); and

WHEREAS: Although hydraulic fracturing will be prohibited in the New York City (and Syracuse) watersheds, primary aquifers and state lands, there are still many concerns about protecting New York City's drinking water, including, but not limited to:

1. Contaminated hydraulic fracturing wastewater,
2. Wastewater treatment plants currently designed for sanitary waste,
3. Limited DEC staff resources (including funding and inspectors) and regulatory enforcement,
4. Specific funding for corrective action,
5. Identification of source of water to be used during the hydraulic fracturing process,
6. Vulnerability to earthquakes due to hydraulic fracturing,
7. Inadequacy of prohibiting surface drilling within 2,000 feet of public drinking water supplies and 500 feet of primary aquifers,
8. Cumulative impacts, including air quality,
9. Same liability for both domestic and international companies, and
10. Reliability of shale reserve estimates; and

WHEREAS: Attorney General Eric Schneiderman sued the federal government for failure to study hydraulic fracturing in the Delaware River Basin when drilling would affect New York City watershed (May 31, 2011); and

WHEREAS: Auburn wastewater facility, one of two in NY State that currently accept gas drilling waste water, will no longer treat gas drilling water (CNY Central, by Chris Shepherd, July 7, 2011); and

WHEREAS: A report financed by U.K. energy company Cuadrilla Resources Ltd. pointed to "strong evidence" that two small earthquakes earlier this year and 49 weaker seismic events resulted from Cuadrilla's pumping drilling fluids used in hydraulic fracturing ("Study Ties Fracking to Quakes in England," Wall Street Journal, November 3, 2011); and

WHEREAS: Gas and oil leases already impact residential lending: gas/oil leases are generally not accepted by lenders such as Wells, First Place Bank, Provident Funding, GMAC, First National Credit Bank, Fidelity, FHA, First Liberty or Bank of America, and secondary market requirements such as Freddie Mac may not be possible with gas/oil leases in place, according to Tompkins Trust Company Residential Mortgage Lending March 24, 2011 document (http://www.toxicstargeting.com/sites/default/files/pdfs/TTC-Gas-Res-Lend-HL.pdf); now

THEREFORE BE IT RESOLVED THAT: CB#1 makes the following comments on the RDSGEIS:

1. CB#1 urges NYSDEC to select the "no action alternative" described in Section 9.1. As noted in Section 9.1, selection of this alternative would avoid all of the potential significant adverse impacts identified in the RDSGEIS. CB#1 does not believe that the benefits outlined in Chapters 2 (Description of Proposed Action) and 6 (Potential Environmental Impacts) of the RDSGEIS outweigh those negative impacts, nor does CB#1 believe that the mitigation measures identified in Chapter 7 appropriately mitigate all of the identified significant adverse impacts. While CB#1 is mindful that gas produced from NYS wells could produce relatively clean-burning fuel, the EPA has estimated that natural gas leaks have the warming power of more than half the coal plants in the U.S[i]. With increased gas production, it will be important to monitor the gas well developments and pipelines. We note that all fossil fuels contribute to greenhouse gases and other pollutants, and that therefore fossil fuels should be viewed as transitional energy sources.

2. In the event that NYSDEC does not select the "no action alternative," CB#1 requests that the RDSGEIS be withdrawn and revised to address the following points:

a. Since many of the most significant mitigation measures described in the RDSGEIS involve safety, quality and procedure standards to be required of drillers and operators of wells, it is imperative that a mechanism be put in place to assure compliance with these mitigation measures, including that the standards be implemented in a comprehensive and clearly defined manner and that enforcement and inspection responsibilities be clearly defined and adequately staffed and funded.

b. Funding for the enforcement and inspection mechanism of drilling wells and transporting natural gas and fracking fluid should not come from general tax revenues, but should be funded by the drillers and operators of wells, gas aggregators and gas companies, by, for example, pricing permits to include funding for such costs, or imposing production-based fees or taxes. Regulatory and enforcement costs should be part of the economic equation that motivates the gas well developers. Any such costs that are born by taxpayers would amount to an improper subsidy of the gas industry and would improperly distort the economics driving selection of energy sources.

c. The RDSGEIS recognizes that inherent risks of hydrofracking drilling and gas well operation and associated activities, including such ancillary activities as building and operating pipelines, new roads, and widening or paving existing roads, present substantial and unacceptable risks to the NYC Watershed, even in the absence of spills or accidents. (See Section 6.1.5.) In context of the risks to be avoided, the prohibition of hydrofracking activities within the NYC Watershed and within a 4,000 foot (a little less than a mile) buffer zone surrounding the Watershed (see Section 7.1.5) should be expanded to at least 8 miles of the watershed boundaries clarified to specify that all hydrofracking-related activities are prohibited in such areas, including, but not limited to drilling, hydrofracking, road building, paving or expanision, pipeline construction, waste-water and hydrofracking solution storage and disposal, and that this prohibition extend to the subsurface areas as well as the surface areas.

d. The RDSGEIS relies in significant part on the 1992 GEIS and its findings, yet in the 17 years since the GEIS was written, conditions in the NYS locations where hydrofracking gas drilling is contemplated have changed significantly. As an example, Section 7.4 of the RDSGEIS, which addresses mitigation of potential harmful impacts on ecosystems and wildlife, does not even purport to address any impacts that were addressed in the 1992 GEIS. As a result, the EPA has characterized this section as “incomplete.” In addition, there are now 17 years of actual experience to draw from

in determining whether the findings made in 1992 have been borne out over the years. Moreover, the volume of gas drilling contemplated at the time of the 1992 GEIS is but a small fraction of the volume of gas drilling anticipated if hydrofracking is permitted. Thus, the findings of the 1992 GEIS should be reexamined in light of both changed environmental circumstances and learning, as well as in light of the greater potential for negative cumulative impacts from gas drilling based on the vastly increased volumes of projected drilling activities.

e. The RDSGEIS recognizes that the activities associated with hydrofracking and gas production involve the inherent risk of environmental harm, including potentially catastrophic environmental harm. The public health and safety component much be seriously considered. As such, a clean-up escrow fund should be established, financed by fees or taxes paid by the gas drillers and developers, aggregators, and transporters to assure that, when the inevitable environmental accident occurs, funds other than taxpayer funds are available to pay for the cleanup and remediation of any such accident. For example, natural gas may enter the water supply if the cement casing leaks around a natural gas well.

f. An emergency notification system should be designed and put into place to address the inevitable environmental accidents. Such a notification system should not only provide immediate notification to appropriate regulatory authorities, but also to members of the public and to first responders who must also be trained to respond to it.

g. Hydrofracking waste-water treatment and disposal is inadequately addressed in the RDSGEIS – in addition to the impact of the many volatile organic compounds that are vaporized from the contaminated water and their impact to ground-level ozone or smog production. For example, the practice of spreading gas drilling brine on land for dust control, roadbed stabilization and melting ice and snow should be banned. Similarly, Publicly Owned Treatment Works (POTWs) are not designed, constructed or maintained to remove or break down the high levels of total dissolved solids, radio-nucleotides, and toxic petroleum constituents known to be present in hydrofracking waste-water. Processing such waste-water through POTWs should be banned unless such treatment works are upgraded to handle hydrofracking waste-water.

h. Hydrofracking chemical manufacturers continue to insist on maintaining the secrecy of the constituents of the hydrofracking

chemicals. No hydrofracking operations should be permitted unless the chemical composition of the chemicals being used are published on a publicly accessible website, identifying the chemicals used on a per-operation basis, including the identification of the specific location where such chemicals are being used and the relative concentration as well as absolute amount of such chemicals being used.

i. Gas leasing should not be permitted without full disclosure of the likely negative impact of such leasing on the ability of the lessor to mortgage or sell the property subject to the lease.

j. Section 6.8 of the RDSGEIS, which addresses socioeconomic issues, does not address worker safety, even though hydrofracking gas well development involves hazardous working conditions. The potential for worker injury and disease, along with mitigation measures, should be addressed.

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[i] Rom, William N., Environmental Policy and Public Health: Air Pollution, Global Climate Change, and Wilderness, 2012, John Wiley & Sons, Inc.,p. 217.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: QUALITY OF LIFE

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

RE: Calling upon the United States Congress to oppose H.R.822 and other efforts to expand national concealed carry reciprocity, and let states decide for themselves who should carry concealed, loaded handguns within their borders.

WHEREAS: New York City has robust handgun concealed carry laws that require higher standards for carrying concealed, loaded handguns in New York City than required by federal law or by the laws of a number of other states, including prohibiting carrying by individuals convicted of misdemeanor offenses such as endangering the welfare of a child and stalking, who are under the age of 21, or who do not have good character or good cause to carry; and

WHEREAS: New York City has made the decision that the public safety of its citizens is best protected by requiring individuals who carry concealed, loaded guns in New York City to obtain a New York City permit; and

WHEREAS: Each state and New York City should determine for itself who can carry concealed, loaded handguns within its borders; and

WHEREAS: Rep. Cliff Stearns has introduced H.R.822, the National Right-to-Carry Reciprocity Act of 2011, which would force states to recognize every other state's permit to carry concealed guns; and

WHEREAS: H.R.822 would create serious and potentially life threatening situations for law enforcement officers, especially when stopping cars, by making it more difficult to verify the validity of permits and distinguish legal from illegal handgun possession; and

WHEREAS: H.R.822 would undermine states' rights; and

WHEREAS: Criminals are already exploiting concealed carry reciprocity, with deadly consequences; and

WHEREAS: H.R.822 would override New York's decisions and allow concealed, loaded handgun carrying by people with permits from 47 states that issue such permits – many of which issue permits to people with violent misdemeanor criminal

convictions, who are under the age of 21, or who do not have good character or a good cause to carry, or which do not grant any discretion to law enforcement to approve or deny carry permits; and

WHEREAS: More than 130 New York mayors oppose H.R.822; and

WHEREAS: Local law enforcement, including the New York State District Attorney's Association, the New York State Association of Chiefs of Police; the International Association of Chiefs of Police, the Police Foundation, and the Major Cities Chiefs Association, which includes the Police Chiefs of Buffalo and Nassau County, oppose H.R.822; and

WHEREAS: The New York State Coalition against Domestic Violence opposes H.R.822; now

THEREFORE
BE IT
RESOLVED:
THAT: Community Board 1, Manhattan calls upon the United States Congress to oppose H.R.822 and all other efforts to enact national concealed carry reciprocity.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	10	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	35	In Favor	0	Opposed	0	Abstained	0	Recused

RE: CB1 supports the South Street Seaport Museum's ("SSSM") request that the New York City Economic Development Corporation accept changes in their lease agreement so that SSSM may monetize their assets

WHEREAS: On October 5, 2011, the Museum of the City of New York ("MCNY") signed an agreement with New York City Economic Development Corporation ("EDC") and the Department of Cultural Affairs ("DCA") that provided initial funding in the amount of $1,950,000 for MCNY to assume management responsibility for the South Street Seaport Museum ("SSSM") for a period of one year, with a possible extension to 18 months, to test the long-term feasibility of MCNY's continued role at the Seaport; and

WHEREAS: During this time, MCNY has asked Manhattan Community Board One ("CB1") for assistance in resolving a number of issues presented in both the body of the agreement and in the Statement of Principles, which will make it possible for MCNY to create a vital community and city-wide resource as the city's only link with its seafaring past; and

WHEREAS: SSSM's relationship with EDC is governed by a lease agreement signed in 1981in conformance with the 1968 urban renewal plan in which SSSM was the entity serving as the lessor to the Marketplace tenant (now the Howard Hughes Corporation "HHC") as the lessee in accordance with the original public plan laid out by the City Planning Commission; and

WHEREAS: This early public sector blueprint presented a novel form of funding for the preservation of the historic ships and buildings at SSSM and provided that proceeds from the Marketplace tenant and the buildings within Seaport District were to flow to SSSM; and

WHEREAS: Earned income, as demonstrated by all successful museums worldwide, is a key component of revenue; and

WHEREAS: There was a massive public sector intervention in this district as evidenced by monies to buy Schermerhorn Row and in adopted public plans by the City and the State of New York that was designed to ensure SSSM's financial wherewithal, so that it could be a great museum and serve as an anchor destination for the community; and

WHEREAS: SSSM no longer retains its former positions as the lessor to the Marketplace tenant and other tenants in the district (this was effected in 1995) or as the

licensee of Pier 15 (this was terminated in 2007), and its survival depends on reorganization of its current fleet of ships, on creating mission-appropriate programming that is exciting to the public, and on forging a sustainable future through earned and contributed income and cost management; now

THEREFORE BE IT RESOLVED THAT:

If MCNY is to succeed in its mission, CB1 asks that EDC reconsider a number of provisions contained in SSSM's 30 year old (amended) lease, as summarized below:

1. In *Article 3, Sections 3.01-3.02*, the lease stipulates base rental payments of 20% of gross receipts and 20% of gross space lease income as well as all items of additional rent as identified in *Section 3.03* and *Article 4*. CB1 supports MCNY's proposal that jurisdiction of the lease be transferred to DCA if a long term agreement is negotiated; and that SSSM obtain at that time MCNY's status as a member of the Cultural Institutions Group, through which SSSM can receive relief from base rent, additional rent, and utilities.

2a. The lease, in *Section 23.02*, enables SSSM to use its spaces only for museum and other cultural uses, and it is proposed that these restrictions be removed. This would pertain to buildings on Schermerhorn Row, on Water Street, and on Pier 16. CB1 notes that in 1981, when SSSM had control of more real estate assets, EDC (then Ports & Terminals) was motivated to mute competition that might jeopardize the success of the Marketplace lessee. Now, HHC controls over 300,000 square feet of space, with SSSM in control of 36,000 square feet on Fulton Street as well as two ground floor spaces on Water Street amounting to 2,500 square feet including Bowne & Co. The lease in *Section 10.01* stipulates a burdensome process for obtaining EDC consent to sub-letting. A reasonable standard with a prescribed timeframe should be crafted.

2b. Further, in keeping with SSSM's need to monetize its scant assets; the five-story building at 213-215 Water Street now housing the SSSM's archives and library is not code compliant and needs a gut renovation. CB1 agrees that SSSM needs the ability to redevelop this building for a variety of uses to help fund its operations.

2c. In *Section 23.02*, the lease limits commercial uses on Pier 16 to no more than 300 square feet. CB1 believes that this restriction should be lifted, and it is proposed that SSSM have full authority for mission-related and income-producing uses on Pier 16. Expanding on the foregoing, a restaurant was installed on Pier 16 as a result of a "swap" done through a 1996 letter from EDC moving the model shop to its current location on the apron at the edge of Pier 15. The space occupied by the restaurant is now considered part of the HHC lease. CB1 proposes that the rent from this restaurant should accrue to SSSM, as should the proceeds from any and all special events that utilize the Pier 16 apron.

2d. Further, HHC believes that its lease includes the right to the water rights on the north side of Pier 16, where the Ambrose is now docked. CB1 believes that having sufficient space for the historic ships and control of the entire Pier 16 are

essential to SSSM's future as an interpreter of the Seaport's history and to SSSM's financial stability. CB1 asks that the entire water perimeter of this pier be included in the SSSM lease.

3. In section 23.03 iii, a lease requirement requires at least one "tall-masted ship" at Pier 15 and this is reflected in the current rfp as a permanent berthing on the northern portion of the pier. CB1 asks that at the sole discretion of the SSSM that the Wavertree or similar museum ship be acknowledged as fulfilling this requirement and that any further effort by EDC to relocate a compliant SSSM vessel from Pier 15 in order that the berthing be leased to commercial interests be discontinued, and

BE IT FURTHER RESOLVED THAT: CB1 calls for the creation of an area-wide working committee composed of the key stakeholders: EDC, DCA, HHC, SSSM, Community Board 1, as well as others who may wish to become involved, such as the Downtown Alliance and the New Amsterdam Market to assist SSSM in its long term planning; and

BE IT FURTHER RESOLVED THAT: CB1 calls on the Mayor's Office to intervene to ensure that utility companies and private developers with projects underway in the vicinity of the Project cooperate with LMCCC, DDC and CB1 in the effort to attain the goals stated in this resolution.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	10	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	35	In Favor	0	Opposed	0	Abstained	0	Recused

RE: Coordination of the Fulton Street Reconstruction Project

WHEREAS: The Fulton Street Reconstruction Project (the Project) has been underway in Community Board 1 (CB#1) for several years and has caused significant disruptions to residents and local businesses in the area; and

WHEREAS: Residents and business owners from the area around Nassau Street appeared at the CB#1 Seaport Committee meeting on November 15, 2011 to express concerns about the length of the Project and its impacts and delays and those from other nearby construction work; and

WHEREAS: The Lower Manhattan Construction Command Center (LMCCC) was established to ensure that construction projects in Lower Manhattan are coordinated in order to help minimize the impacts to the community; and

WHEREAS: The LMCCC appears at the CB#1 Quality of Life Committee on a monthly basis and hosts a biweekly meeting attended by CB#1 representatives to report on and work out issues associated with construction projects and has held stakeholder meetings for the Project and other major construction projects in Lower Manhattan and has worked with CB#1 and other stakeholders to manage impacts from construction projects in the district; now

THEREFORE BE IT RESOLVED THAT: CB#1 urges the Department of Design and Construction (DDC), the lead agency on the Project, do everything possible to expedite the work without causing additional adverse impacts to the nearby community; and

BE IT FURTHER RESOLVED THAT: CB #1 appreciates all of the important work done by the LMCCC to coordinate and reduce impacts from the Project and other major construction work in CB#1 and requests that given the length and complexity of the Project, the LMCCC put special priority on working with DDC to ensure that agencies and contractors involved with the Project and other nearby construction projects are communicating and coordinating their work as closely as possible so that work can be expedited and impacts to local residents and businesses kept to a minimum; and

BE IT FURTHER RESOLVED THAT: CB #1 urges the Department of Design and Construction to ensure that the regular updates it issues about the Project to local stakeholders include clear information about delays and timelines so that DDC and contractors involved may be held accountable by CB#1 and other stakeholders; and

BE IT FURTHER RESOLVED THAT: CB#1 invites the LMCCC to attend the next meeting of the CB#1 Seaport Committee to discuss ways LMCCC can work with all stakeholders to achieve the goals of this resolution; and

BE IT FURTHER RESOLVED THAT: CB#1 urges the Mayor's office to ensure that work done by utility companies and other private development in the vicinity of the Project is coordinated with the Project in a way that will best ensure that the goals of this resolution are met and the impact to the community is kept as minimal as possible.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	10	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	35	In Favor	0	Opposed	0	Abstained	0	Recused

RE: 142-144 Beekman Street, application for renewal of unenclosed sidewalk café license for Rose Restaurant Group Inc. d/b/a Salud! Restaurant & Bar

WHEREAS: The applicant has applied for a renewal of the sidewalk café license for 10 tables and 20 seats; now

THEREFORE BE IT RESOLVED THAT: CB #1 approves the renewal of the sidewalk café license for Rose Restaurant Group Inc. d/b/a Salud! Restaurant & Bar located at 142-144 Beekman Street.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	10	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	35	In Favor	0	Opposed	0	Abstained	0	Recused

RE: 89 South Street – Pier 17, application for a transfer on-premise restaurant liquor license for BMG Foods LLC

WHEREAS: BMG Foods LLC is applying for an on-premise restaurant liquor license; and

WHEREAS: The hours of operation to which the applicant has agreed are 11:00 AM to 1:00 AM seven days a week; and

WHEREAS: The total area of the establishment is 2,134 square feet, including a 900 square foot dining area with 18 tables and 58 seats and a 1,034 square foot bar area with 23 seats; and

WHEREAS: There will be live music; and

WHEREAS: The applicant will not engage outside promoters or independent DJs, and the landlord provides security personnel; and

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

WHEREAS: The applicant has stated that there are not buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of the establishment; and

WHEREAS: The applicant has stated that there are not three establishments with on-premises liquor licenses within 500 feet of the establishment; now

THEREFORE
BE IT
RESOLVED
THAT: Community Board #1 ***opposes*** the granting of an on-premise restaurant liquor license to BMG Foods LLC located at 89 South Street – Pier 17 ***unless*** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE:	10	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	35	In Favor	0	Opposed	0	Abstained	0	Recused

RE: 261-263 Water Street, application for a transfer on-premise restaurant liquor license for T Bone Inc. d/b/a Mark Joseph Steakhouse

WHEREAS: T Bone Inc. is applying for an on-premise restaurant liquor license; and

WHEREAS: The hours of operation to which the applicant has agreed are 11:30 AM to 12:00 AM seven days a week; and

WHEREAS: The total area of the establishment is 3,000 square feet, including a 900 square foot dining area with 30 tables and 50 seats and a 450 square foot bar area with 3 tables and 19 seats; and

WHEREAS: There will be recorded and background music only; and

WHEREAS: The applicant will not engage outside promoters, independent DJs, or security personnel; and

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

WHEREAS: The applicant has stated that there are not buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of the establishment; and

WHEREAS: The applicant has stated that there are not three establishments with on-premises liquor licenses within 500 feet of the establishment; now

THEREFORE BE IT RESOLVED THAT: Community Board #1 ***opposes*** the granting of an on-premise restaurant liquor license to T Bone Inc. d/b/a Mark Joseph Steakhouse located at 261-263 Water Street ***unless*** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	8	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	2	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	37	In Favor	0	Opposed	0	Abstained	0	Recused

RE: 43 Murray Street, application for a tavern liquor license for Woodrows Management LLC, d/b/a pending

WHEREAS: Woodrows Management LLC, d/b/a pending is applying for an on-premise restaurant liquor license; and

WHEREAS: Residents of adjacent building expressed concerns with the hours of operation and the applicant agreed to limit the hours to 8:00 AM to 1:00 AM Sunday through Thursday, and 8:00 AM to 2:00AM Friday and Saturday; and

WHEREAS: The total area of the establishment is 2500 square feet with a public assembly capacity of 220, including a 982 square foot dining area with 14 tables and 52 seats and a 968 square foot bar area with 3 tables and 36 seats available; and

WHEREAS: There will be background music only; and

WHEREAS: The applicant will not engage outside promoters, security personnel, or independent DJs; and

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

WHEREAS: The applicant has stated that there are not buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of the establishment; and

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

THEREFORE
BE IT
RESOLVED
THAT: Community Board #1 *opposes* the granting of an on-premise restaurant beer license to Woodrows Management LLC d/b/a pending located at 43 Murray Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	8	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBERS:	2	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	29	In Favor	3	Opposed	1	Abstained	0	Recused

RE: ULURP # N 110155ECM
DCA #: 1377538
109 West Broadway
Enclosed Sidewalk Café

WHEREAS: The applicant has applied for an enclosed sidewalk café at 109 West Broadway for 14 tables and 42 seats; and

WHEREAS: The applicant appeared at the November 9th 2011 meeting of the Tribeca Committee to help ameliorate concerns of residents; and

WHEREAS: Neighbors expressed concerns with potential noise emanating from music through open windows and the applicant agreed to close the windows on Reade Street at 10:00 PM seven days a week and on West Broadway at 11:00 PM on weekdays and 12:00 AM on weekends; now

WHEREAS: The applicant stated at the November 9th 2011 how he has worked with us when there were concerns about his other establishments and that he is willing to work with the Community Board in the future; and

WHEREAS: The applicant has agreed to play background music only and has promised that the music will not generate significant noise; and

THEREFORE
BE IT
RESOLVED
THAT: CB #1 recommends approval of the application for an enclosed sidewalk café for 109 West Broadway Food & Wine LLC d/b/a Super Linda Restaurant.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: TRIBECA

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

RE: 136 West Broadway, sidewalk café renewal application for 136 West Broadway, Inc. d/b/a Edward's

WHEREAS: The applicant has applied for a renewal of the sidewalk café license for 6 tables and 12 seats; now

THEREFORE
BE IT
RESOLVED
THAT: CB #1 approves the renewal of the sidewalk café license for 136 West Broadway, Inc. d/b/a Edward's located at 136 West Broadway.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: YOUTH AND EDUCATION

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

RE: Support for Speaker Silver's extension of the "Millionaire's Tax," Assembly Bill A.7802: Relates to the modification and extension of a tax rate on income in excess of one million dollars

WHEREAS: On March 22, 2011 CB1 passed a resolution Supporting the extension of the personal income surcharge on individuals making over $200,000 a year and households making over $300,000 a year; and

WHEREAS: In May 2011 CB1 passed a resolution strongly opposing Governor Cuomo's deep cuts to a wide range of health and human services and the NYS Department of Health changes to intervention services for infants and toddlers with disabilities; and

WHEREAS: New Yorkers and citizens across the US are speaking out against an inequitable economic system tilted in favor of this country's top 1 % of wage earners; and

WHEREAS: New Yorkers and citizens across the US are peacefully protesting the issues, including, the lack of equity, fairness and affordability in education; and

WHEREAS: Many schools and districts have reduced time for the arts, history, science, foreign languages, physical education, civics, geography, and literature; and

WHEREAS: 700 school support staff — including school aides, parent coordinators, lunchroom workers, crossing guards and others were laid off in New York City on October 7, 2011; and

WHEREAS: School Construction Authority (SCA) President Lorraine Grillo commented at the November 7th Youth and Education Committee meeting that budgetary constraints prevent the SCA from building needed schools and gymnasiums; and

WHEREAS: Educators at almost 350 public schools were let go by the city in the largest layoff at a single city agency since Mayor Michael Bloomberg took office in 2002; and

WHEREAS: Most of the layoffs were to be from the city's neediest school districts; and

WHEREAS: Two-thirds of the more than 850 UFT chapter leaders who responded to the union survey reported that their schools do not have enough instructional supplies or textbooks for students;

WHEREAS: 62 percent said their class sizes were significantly higher; more than half have had to cut after-school programs; and

WHEREAS: More than one third of the chapter leaders who responded reported cuts to academic intervention services; and

WHEREAS: The teaching staff has shrunk in the last three years as educators have left or retired and not been replaced; and

WHEREAS: Research and data prove that early intervention therapy works to improve cognitive and physical functioning of children; and

WHEREAS: On 4/1/2010, early intervention providers in New York State received at least a 10% reduction in their reimbursement rate. Those providers who contract from agencies received greater than 10% and up to 20% of a decrease to their rate reimbursement.

WHEREAS: On 5/1/2011, Early intervention providers in New York State received at least a 5% additional reduction in their reimbursement rate; and

WHEREAS: These cuts will make it even more difficult for early intervention therapists to fulfill their mission of providing the highest quality services anywhere for children with special needs and their families; now

WHEREAS: Letting the personal income surcharge lapse will cost New York $1 billion this year and almost $4 billion next year; and

WHEREAS: Children, our most vulnerable citizens, should not be suffering while the wealthiest and most protected citizens reap huge benefits; and

WHEREAS: Extending the tax increase would raise about $1 billion in extra revenue this quarter and $4 billion next year; and

WHEREAS: The money could be used to offset the $10 billion in cuts and savings that the governor is seeking in areas like school funding; and

WHEREAS: Some 5,000 teachers plus 700 other educators have left and not been replaced in the past two years, representing nearly 6% of the school workforce; and

WHEREAS: United Federation of Teachers (UFT) members have already made sacrifices, modifying educator pensions a year and a half ago in order to save $100 million each year; and

WHEREAS: The top one percent of city households average $3.7 million per year, or an income of $10,137 a day — what the bottom ten percent lives on for a year; and

WHEREAS: New York's highest earners have emerged out of the current economic recovery with record income growth and profits and 1% of the city's residents now earn almost 45% of the total wealth in the city; now

THEREFORE BE IT RESOLVED THAT: Community Board 1 supports Speaker Silver's extension of the "Millionaire's Tax" and would support a requirement that the revenue raised by such an extension be used to fund shortfalls in funding for public schools.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: YOUTH AND EDUCATION

COMMITTEE VOTE:	9	In Favor	0	Opposed	0	Abstained	0 Recused
PUBLIC MEMBERS:	0	In Favor	0	Opposed	0	Abstained	0 Recused
BOARD VOTE:	37	In Favor	0	Opposed	0	Abstained	0 Recused

RE: Request for additional incubation classrooms for the Peck Slip School

WHEREAS: The Department of Education (DOE) has committed to building a school at the Peck Slip location; and

WHEREAS: The DOE has committed to enlarging the capacity of the Peck Slip School by 180 seats; and

WHEREAS: The increase in capacity at the Peck Slip School will allow for four classroom sections per grade; and

WHEREAS: The DOE committed to incubating the Peck Slip kindergarten classes in September 2012 at Tweed Courthouse, as was P.S. 396 and P.S. 297; and

WHEREAS: The DOE has indicated that they only have the capacity to incubate two classes for a three year period; and

WHEREAS: The DOE has multiple floors of vacant hearing rooms at 49 Chambers Street, across from the Tweed Courthouse; now

THEREFORE
BE IT
RESOLVED
THAT: Community Board 1 requests that the DOE incubate ***three*** kindergarten classes for the first year in September 2012, and three Kindergarten and three First Grade classes for the second year in September 2013, and then identify additional classroom space in the Tweed Courthouse for the three Second Grade classes during the final year of incubation, even if it is necessary to move staff across the street to the DOE's vacant rooms at 49 Chambers Street.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 22, 2011

COMMITTEE OF ORIGIN: YOUTH AND EDUCATION

COMMITTEE VOTE:	6	In Favor	0	Opposed	0	Abstained	0 Recused
BOARD VOTE:	36	In Favor	1	Opposed	0	Abstained	0 Recused

RE: Department of Education's (DOE) revised rezoning proposal

WHEREAS: Rezoning our children to overcrowded schools in neighboring districts is not a solution to overcrowding; and

WHEREAS: The only reasonable answer to the overcrowding and the deluge overcrowding due in the next two years is to build and incubate new schools now; and

WHEREAS: CB#1, The Community Education Council (CEC), and Speaker Silver's Overcrowding Task Force asked that the P.S. 234 zone be unchanged; and

WHEREAS: The revised plan not only ignores this request, but splits the P.S. 234 zone Northeast and South; and

WHEREAS: The Principal of P.S. 1 is on record opposing the DOE's proposal to increase their capacity, as it will force the elimination of the science, art and CTT classrooms and cause unnecessary revamping of their entire curriculum; and

WHEREAS: The DOE continues to claim that 6th Grade will open at P.S. 397 in 2015; and

WHEREAS: Southbridge families with children already attending P.S. 397 are grandfathered into the school; and

WHEREAS: The DOE made accommodations so that residents zoned for P.S. 89 or P.S. 276 could opt for either school providing there was capacity; and

WHEREAS: The revised plan adds south Tribeca, previously P.S. 234 zone, to P.S. 397, and without this addition there would be room to keep Southbridge in the PS 397 zone; and

WHEREAS: The CEC has been vested with the responsibility to review and amend DOE zoning proposals; and

WHEREAS: The CEC is the only venue for community and parental input in the zoning process; and

WHEREAS: The CEC has unanimously rejected the revised plan; now

THEREFORE BE IT RESOLVED THAT: Community Board 1 requests that the DOE respect and implement all amendments submitted by the CEC to zoning proposals; and

BE IT FURTHER RESOLVED THAT: Community Board 1 requests that the revised plan be revised to keep the P.S. 234 zone as it is today; and

BE IT FURTHER RESOLVED THAT: Community Board 1 requests that Southbridge Towers residents be granted the option to apply for seats in either Peck Slip School or PS 397 as capacity allows; and

BE IT FURTHER RESOLVED THAT: Community Board 1 requests that the DOE site and build a new school immediately to incubate in September 2012.