

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY 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:	41 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Access & Safety for Pedestrian Ramp Users

WHEREAS: The New York City (NYC) Department of Transportation (DOT) website states that “Pedestrian ramps (curb cuts) are a critical component in providing for safe and accessible means of travel throughout NYC”;¹ and

WHEREAS: The Manhattan Borough President’s Office report on sidewalk ramps states that “When a ramp is missing, blocked, in disrepair, or improperly constructed residents with disabilities cannot fully participate in many activities and opportunities for enrichment that other New Yorkers take for granted”;² and

WHEREAS: On July 23, 2019 a judge in the Southern District of New York approved the settlement of a class-action lawsuit filed against the City of New York over pedestrian ramps, which disability rights groups said were often unusable or unsafe for wheelchair users and the visually impaired;³ and

WHEREAS: All pedestrians with wheeled devices (e.g., wheelchair, stroller, delivery cart), not just those with disabilities, need curb cuts to get out of traffic and onto a sidewalk, as well as to be able to get off a sidewalk to cross a street; and

WHEREAS: The NYC Traffic rules allow parking at some "T" intersections—those without traffic signals, all-way stop signs or crosswalk markings—even if there is a curb cut at that location;⁴ and

WHEREAS: Painted crosswalks are not typically placed at curb cuts located at T-intersections, which means that drivers are not alerted that a pedestrian crossing is present even though a child or wheelchair user at the bottom of a curb cut is too short to see or to be seen by drivers due to parked vehicles that block sightlines; and

¹<https://www.nycpedramps.info/about-program>

²<https://www.manhattanbp.nyc.gov/wp-content/uploads/2020/07/ADA-30-Pedestrian-Ramp-Report-072620.pdf>

³<https://dralegal.org/press/judge-gives-final-approval-to-settlement-that-dramatically-improves-new-york-citys-sidewalks/>

⁴<https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>

WHEREAS: A representative of the DOT confirmed on February 2, 2021, at a meeting of the Manhattan Community Board 1 Transportation & Street Activity Permit Committee that NYC DOT does not provide painted crosswalks at locations without a traffic signal or signage; and

WHEREAS: The NYC Administrative Code (see § 19-162.3) specifies that it is not permissible to use a city-issued parking permit (e.g., placard) to park in front of a driveway or in a car share parking space.⁵ However, curb cuts are not specified as a location where parking with a placard is not permitted; and

WHEREAS: The NYC Administrative Code specifies that “no vehicle operated on behalf of the city shall obstruct a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk, or fire hydrant, except as otherwise permitted by law.”⁶ Since curb cut obstruction is not prohibited in § 19-162.5 and since curb cuts at T-intersections typically lack a crosswalk, city vehicles can legally block many curb cuts; and

WHEREAS: Any blockage of a curb cut hinders or excludes pedestrians with a wheeled device (wheelchair, stroller, delivery cart) and creates a safety hazard for people with a visual impairment; and

WHEREAS: Changes to laws and regulations to make it illegal to block any portion of a sidewalk ramp (curb cut) and to mandate painted crosswalks at all curb cuts would be low-cost ways to further Vision Zero, to honor NYC’s 2019 legal settlement and to protect pedestrians; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 demands the New York City (NYC) Department of Transportation (DOT) change NYC traffic rules and parking regulations so that blocking any portion of a curb cut (pedestrian ramp) is illegal, including with a city-issued placard or by a city owned vehicle; and

BE IT
FURTHER
RESOLVED

THAT: Manhattan Community Board 1 demands the NYC DOT to paint crosswalks at every curb cut.

⁵<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-114368> See § 19-162.3

⁶<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-114368>. See § 19-162.5

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	1 Opposed	0 Abstained	0 Recused

RE: 42 Walker Street, application (C200251ZSM) by AMK Holdings LLC for a special permit to modify the maximum building height, the minimum rear yard requirements; and the minimum distance between legally required windows and a rear lot line to allow a one-story enlargement

WHEREAS: An application has been submitted to the New York City Planning Commission (CPC) by AMK Holdings, LLC for a special permit to modify zoning requirements for minimum rear yard, height limitations for narrow buildings or enlargements, and minimum distance between legally required windows and walls or lot lines to facilitate a one-story enlargement of the existing five-story building at 42 Walker Street; and

WHEREAS: This modification will allow a 24'-4" rear yard at the new sixth floor where a 30'-0" rear yard is required; a height of 75'-0" where the maximum permitted height is 65'-0"; and a distance of 24'-4" between the rear wall of the new sixth floor and the lot line where a minimum distance 30'-0" is required; and

WHEREAS: The proposed development includes certain restorative work approved by the Landmark Preservation Commission (LPC) which will help return the building closer to its original appearance, aid in the long term preservation of the building and bring the building up to a sound, first class condition. The LPC has approved the necessary restorative work and has issued a Certificate of No Effect ("CNE") for such work on February 7, 2019; and

WHEREAS: Manhattan Community Board 1 (CB1) adopted a resolution in support of the LPC application in October 2018; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 has no objections to application C200251ZSM by AMK Holdings LLC for a special permit to modify the maximum building height, the minimum rear yard requirements, and the minimum distance between legally required windows and a rear lot line to allow a one-story enlargement at 42 Walker Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	1 Opposed	0 Abstained	1 Recused

RE: Response to the Mayoral Executive Order and City Council Int. 2127-2020

WHEREAS: Due to the conditions placed on restaurants and bars, CB1 supports the attached CB2's resolution "[Resolution in response to the Mayoral Executive Order No. 1531 and City Council Int 2127-2020](#)", and CB1 has outlined its concerns below; and

WHEREAS: In conjunction with CB2, CB1 supports, "...temporary measures to allow its restaurants to generate income, and has withstood the haphazard array of construction, operation, and enforcement in the face of a national crisis, making permanent this emergency arrangement without a comprehensive citywide plan undermines zoning regulations and municipal policies that have been longstanding"; and

WHEREAS: In addition, "This experimental program has revealed many flaws over the last five months, including lack of enforcement by DOT; lack of coordination between NYC DOT and NYS SLA; contradictory guidelines that result from a lack of coordination between city agencies; the disadvantage of law-abiding operators in the face of operators who flout existing guidelines; a rigid self-certification system that fails to accommodate the needs of all operators and leads to inequity among operators; public nuisances; safety concerns regarding safe passage on city sidewalks and streets" and quality of life problems; and

WHEREAS: "Propane heaters were previously illegal and were made permanently legal by the Mayor's Executive Order No. 153"; and

WHEREAS: CB1 is concerned about the use of these heaters and without clear regulations developed in conjunction with the NYC Fire Department, should not be installed, and according to various articles that have been written the use of these propane heaters in these enclosed spaces is extremely hazardous; and

WHEREAS: CB1 residents have voiced their concerns regarding the lack of enforcement for the hours agreed upon of operation of these establishments, lack of physical distancing, amplified music, noise disturbances from intoxicated patrons, the overall increase in trash and pedestrian traffic outside these spaces blocking sidewalks, and violation of public health regulations; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 supports CB2's resolution in developing a permanent outdoor dining program only if the following criteria are met: a re-evaluation of the existing temporary outdoor dining program with residents and operators, followed by a plan for a formalized community review process of outdoor dining towards an enforcement plan with clear delineation of each agency's responsibility of monitoring the program; and

BE IT

FURTHER

RESOLVED

THAT: CB1 strongly requests the development of an effective governance process for outdoor dining similar to the liquor licensing process used by the SLA for initial liquor licenses and renewals (every two years) in order to formalize an approval and vetting process where the Community Board continues to work with residents and business owners and whatever enforcement agency the city appoints to ensure that the community's quality of life and economic vitality are upheld; and

BE IT

FURTHER

RESOLVED

THAT: In essence, CB1 does not recommend that the executive order on expanded outdoor street dining should be anything but temporary, when it has not been part of businesses' initial liquor license applications prior to March 2020 and essentially expands the Public Assembly of an establishment without any community review.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	0 In Favor	41 Opposed	0 Abstained	0 Recused

RE: 181 Duane Street, application for liquor license for Vasil Stefhanidhi d/b/a Paping Corporation

WHEREAS: The applicant, Vasil Stefhanidhi, is applying for an on-premise liquor license for Paping Corporation; and

WHEREAS: The establishment is a Mexican-style restaurant that will use the same menu as the one used by the previous business; and

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

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

WHEREAS: The establishment is an approximately 850 square foot restaurant and a public assembly capacity of 65 persons, and a 600 square foot dining area with 20 tables and 40 seats, and a 20 square foot bar area with 6 tables and 6 seats, and a 230 square foot kitchen area, and one 20-foot rectangular stand-up bar located in the middle of the dining room and no food counters; and

WHEREAS: The establishment will be located on the ground floor and basement of the 4-story building premises, with the ground floor used as the restaurant and the basement used as the kitchen area; and

WHEREAS: The applicant intends to use a loading dock within the boundaries of the building's property line; and

WHEREAS: The hours of operation will be from 9AM opening to 12AM closing all days of the week, and hours for food service and bar service will be the same as the hours of operation; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no music playing outside of the restaurant, no DJs, no non-musical entertainment, no dancing and a TV monitor; and

WHEREAS: There are a number of residences neighboring the premises and three residential units within the property above the establishment, and the applicant does not intend to have speakers installed on the ceilings or walls within the space; and

WHEREAS: As of last year the location has been a red flag to the Committee after receiving complaints from residents regarding a number of issues affecting the quality of life of the community, including lack of social distancing rules with 15-20 people standing and drinking alcoholic beverages, and the former owner being in violation of selling alcoholic beverages without a liquor license; and

WHEREAS: It is unclear who is the current owner that is operating the restaurant d/b/a Serenata Restaurant, and if they have a business relationship with the former principals of two other different establishments with liquor licenses that have been suspended by the SLA for violations; and

WHEREAS: The applicant has represented that he is the sole owner of this new company under the name Paping Corporation and has no business relationship with the previous owner(s) of the establishment d/b/a Serenata Restaurant; and

WHEREAS: The applicant who appeared at the committee meeting provided us neither any documentation of showing ownership of any prior or existing restaurants nor any names of other entities as part of the ownership of Paping Corporation; and

WHEREAS: The Committee requested that after the meeting, the applicant provide proof of a Certificate of Occupancy as part of obtaining a liquor license and has since then been able to provide a copy; however, no individual principals have been identified as part of the ownership; and

WHEREAS: Delivery of supplies, goods and services will be during the daytime before 12pm; and

WHEREAS: There will be private garbage pickup service done all days of the week; and

WHEREAS: The applicant will employ neither bicycle delivery personnel nor security personnel; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Vasil Stephanidhi d/b/a Paping Corporation at 181 Duane Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	5 Abstained	0 Recused

RE: Tin Building, application for relocation of originally proposed John Street snack bar and concession

WHEREAS: This application calls for the installation of a snack bar serving food and alcohol under the F.D.R. drive, on South Street between Beekman and Fulton Streets; and

WHEREAS: The pavilion, or blockhouse, would align with the southern end of the Tin Building and would be immediately to the west of it; and

WHEREAS: The project would be built by South Street Limited Partnership, a subsidiary of the Howard Hughes Corporation; and

WHEREAS: It would be operated on a 10-year lease with the New York City Parks Department; and

WHEREAS: While the City is proposing that licensing fees from HHC resulting from this concession go to the Parks Department and the CB recognizes their need for funds, we do feel that a much more urgent need at this time is operating revenue for the South Street Seaport Museum so that this vital cultural institution at the Seaport can remain in existence and operation; and

WHEREAS: For many years, this concession had been proposed in one form or another for the eastern end of John Street, and the Community Board has strenuously objected, since it would have blocked the beautiful view corridor out to the East River and the historic tall ships moored there; and

WHEREAS: The current proposal responds to that issue, for which the Parks Department and HHC are to be congratulated; and

WHEREAS: Now the only view partially blocked will be part of the Tin Building itself, and the pavilion would fill part of the void under the FDR Drive; and

WHEREAS: While it would be better if the view to the newly renovated Tin Building looking east were itself not blocked, the current proposal's location is much better than previously proposed; and

WHEREAS: The new design is also an improvement from those proposed in the past; and

WHEREAS: The pavilion would be 11 feet tall, with a total exterior width of 76.5 feet (by comparison, the Tin Building is 217 feet wide); and

WHEREAS: The proposed structure is actually 1,000 square feet smaller than the John Street proposal; and

WHEREAS: The bar would be enclosed with removable panels in the winter, and open-air in the summer; and

WHEREAS: The pavilion would be composed of handsome oak framing posts, flooring, and ceiling, topped with a dark green cornice; and

WHEREAS: Fixtures such as lights, tables and planters would be of metal and in keeping with the rest of the design; and

WHEREAS: Open patios would extend past the north and south ends of the pavilions; and

WHEREAS: In the space between the Tin Building and the pavilion are steps, at the bottom of which is an awkward 15-inch-wide trough abutting the blockhouse, which the architects agreed to change; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1, Manhattan recommends that the Landmarks Preservation Commission approve this application and

BE IT

FURTHER

RESOLVED

THAT: Community Board #1, Manhattan recommends that the revenue received by the City from HHC from this concession be given to the South Street Seaport Museum for their operational needs.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	9 In Favor	0 Opposed	1 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Budget Cuts for Community Boards FY 2022

WHEREAS: The City of New York uses the Program to Eliminate the Gap (PEG) to quickly adjust the budgets of municipal agencies in emergencies and other circumstances of dire need; and

WHEREAS: During the aftermath of the 2008 Financial Crisis and Great Recession, the City used PEGs to significantly reduce the budget of the 59 community boards; and

WHEREAS: In addition to discussing and passing resolutions to bring greater awareness to area needs, community boards are also instrumental as the first place constituents go to seek help with accessing city, state, or federal assistance, as well as reporting on issues involving critical infrastructure; and

WHEREAS: Community Boards have up to fifty unpaid public servants, who provide incalculable hours to focus issues for the city and prevent critical issues by bringing them to the City's attention early; and

WHEREAS: The staff of the community boards support this effort as well as providing professional constituent support and concentrating key issues of existing conditions so that other agencies may correct them with fewer resources; and

WHEREAS: OMB notified community boards that in addition to the FY 2020 PEG and the FY 2021 PEGs, we are to expect further budget impacts in FY 2022; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 calls upon our Borough President, Councilmember, and the members of the City Council Committee on Government Operations to respond to the Mayor's preliminary budget with a fight to restore funding to the 59 community boards and prevent the degradation of community participation and reporting of critical issues

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	2 Abstained	0 Recused

RE: COVID-19 Memorial Design Competition

WHEREAS: The City of New York and The State of New York have memorialized great tragedies that have befallen New Yorkers throughout history; and

WHEREAS: The people of the United States first truly became aware of the horror that is the COVID-19 Pandemic when it became clear that community spread was active in New York City before any level of government was prepared for what was to come; and

WHEREAS: At the approval of this resolution, almost 29,000 New Yorkers and nearly 500,000 Americans lost their lives from this pandemic; and

WHEREAS: The greatest moments in New York are the product of design competitions that ask for visionaries around the world to create a place for a visceral connection for a city and a nation that seeks to grieve, look for understanding, and remember the worst pandemic in a century; and

WHEREAS: While we are receptive and thankful for the suggestion that battery park city should host a memorial to the victims of the pandemic, there are so many other NYC communities that were more deeply affected and impacted and we believe that should be reflected in the selection of a site for any memorial; and

WHEREAS: The siting of the monument should be as carefully considered as the monument itself, respecting and honoring the communities that bore the brunt of this cruel virus; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 calls upon the State of New York and the City of New York to put their differences aside and come together on a design competition to allow New Yorkers and the world have a place to honor the loss and sacrifice of too many people; and

BE IT
FURTHER
RESOLVED

THAT: The location of such a memorial should be carefully selected to honor those communities that unjustly bore the brunt of this pandemic.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Continuation of Independent Environmental Community Consultant Services for 250 Water Street Brownfield Cleanup Program

WHEREAS: Since the beginning of the Brownfield Cleanup Program at 250 Water Street, the Howard Hughes Corporation has been funding an independent environmental community consultant, coordinated through the Manhattan Borough President's Office with Manhattan Community Board 1 (CB1); and

WHEREAS: The environmental consultant providing these services thus far has been Lawra Dodge of Excel Environmental Resources, a professional geologist with over 36 years of experience in environmental consultation; and

WHEREAS: Lawra Dodge's current contract term ends with her Remedial Investigation Report which has just been published; and

WHEREAS: There is a strong desire for Lawra to continue her work with the community, which will be more important than ever as the Remedial Action Work Plan is expected to be submitted to the New York State Department of Environmental Conservation in the next several weeks; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 requests that funding for Lawra Dodge as the community's independent environmental consultant on the 250 Water Street Brownfield Cleanup Program be renewed until the completion of the program, to perform functions including but not limited to:

- Reviewing the Draft Remedial Action Work Plan and providing formal commentary on behalf of the community during the 45-day comment period
- Review and provide comments on the Final Remedial Action Work Plan
- Attend monthly CB1 Environmental Protection Committee meetings through the end of the Brownfield Cleanup Program
- Provide oversight during site remediation
- Virtual Meetings, conference calls, technical consultation and project management related to these tasks

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 23, 2021

COMMITTEE OF ORIGIN: QUALITY OF LIFE & SERVICE DELIVERY

COMMITTEE VOTE:	9 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	2 Abstained	0 Recused

RE: Emergency State-Facilitated Hotel and Office Conversions

WHEREAS: The Governor of New York State, Andrew Cuomo, included a provision in his Executive Budget called “Repurposing Underutilized Commercial Space for Housing” in Article VII, Part L, to create a low-threshold mechanism for hotel to residential conversions and some form of affordable housing; and

WHEREAS: This legislations would allow owners of Class B multiple-dwellings of fewer than 150 rooms that were previously converted to hotel use to reconvert back to residential through a permission granting process through the New York State Division of Housing and Community Revitalization (DHCR); and

WHEREAS: The legislations would also allow owners of Class B & C office buildings to residential through a permission granting process through the New York State Division of Housing and Community Revitalization (DHCR); and

WHEREAS: Additional residential units in a community are beneficial if there is sufficient infrastructure (e.g., schools, green space, emergency services, retail, libraries, community centers, transportation, etc.) either in place or in process that can accommodate additional residential population; and

WHEREAS: The proposed boundaries for hotel conversion within the Borough of Manhattan is generally the area between the rivers to the east and west, north of Chambers Street, and South of 110th Street; and

WHEREAS: The proposed boundaries for office conversion within the Borough of Manhattan is generally the area between the rivers to the east and west, north of 14th Street, and South of 60th Street; and

WHEREAS: The narrow hotel language clearly only seeks to capture former Single Room Occupancy (SRO) buildings and other buildings of similar layouts even though the market may support the conversion of purpose-built hotels, which are prevalent in Lower Manhattan and will likely be underutilized for years to come; and

WHEREAS: The proposed boundaries currently exclude the majority of Manhattan Community District 1; and

WHEREAS: As currently written, the affordable housing provisions would allow building owners to pay into an affordable housing development fund as an alternative to providing affordable units on-site, which would help CB 1 achieve its stated goal of creating a mixed-income district; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 does NOT support Part L of Article VII of the Executive Budget as it is currently written; and

BE IT

FURTHER

RESOLVED

THAT: Manhattan Community Board 1 calls upon our governor and elected officials in the state legislature to amend the language of the proposed budget to create an expedited pathway to residential conversion for purpose-built hotels and office building conversions in Community District 1 and make sure that these projects develop affordable housing on-site.