

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Optimal Siting of Flood Gates in Southern Battery Park City

WHEREAS: On behalf of the Battery Park City Authority, AECOM conducted a 2050 Drainage Simulation indicating a serious level of flood risk in southern Battery Park City; and

WHEREAS: Proposed AECOM drainage mitigation strategies include northern and southern gates and control houses to meet FEMA Certification requirements; and

WHEREAS: The control house portion of the Southern Battery Park Resiliency Project was first introduced to the CB1 Environmental Committee on June 15, 2020; and

WHEREAS: As per the AECOM report, the equipment control houses are a vital component of the resiliency measures being put in place as they will power the equipment to protect against an underground surge of water among other things; and

WHEREAS: The control houses must be above ground to protect the equipment; and

WHEREAS: The proposed control houses will have to be approximately 13'2" high and 70' long, depending upon where they are eventually placed; and

WHEREAS: Two or three locations have been proposed by ACOM, the contractors hired by the BPCA for the Southern BPC Resiliency Project, to wit: 1 in the Northern Section of BPC and 1 or 2 in the Southern Section of BPC; and

WHEREAS: This Resolution is focused solely on the possible locations for the Southern Section of BPC Control House(s); and

WHEREAS: On June 15, 2020, AECOM proposed two suggested locations for the Southern Section of BPC control house - West of the West Side Highway along the Promenade, south of First Place and if necessary, in the grassy area south of West Thames Playground; and

WHEREAS: Condominium owners and other residents have all come forward to object to these proposed locations. BOTH locations as proposed by AECOM for the Southern Section of BPC are unacceptable; and

WHEREAS: Furthermore, the control houses and gate drainage mitigations were discussed at Battery Park City Committee and Environmental Protection Committee meetings between June 2020 and January 2021. At those meetings, residents and businesses also raised concerns with the locations proposed by AECOM and, alternatives were proposed; and

WHEREAS: In late December 2020, members of the Battery Park City Committee surveyed the proposed locations and identified alternatives; and

WHEREAS: Some alternate locations identified include:

- In the median adjacent to the West Thames Bridge where there is construction equipment and construction debris
- In the West Street median south of the West Thames Bridge
- Corner of West and Morris Streets
- West Street median north of pedestrian crossing
- West Street median south of pedestrian crossing
- West Street median south of Battery Place, now

THEREFORE

BE IT

RESOLVED

THAT: The Battery Park City Committee of CB-1 respectfully requests that alternative locations for the control houses be explored by AECOM and the Battery Park City Authority to accommodate the needs and concerns of the Downtown Community.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

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

RE: 240 Greenwich Street, private application for a "minor modification" to a Special Permit (C 800477 ZSM) to remove designated ground floor public space. Application includes proposed improvements to and introduction of amenities within zoning lot and sidewalk

WHEREAS: The Bank of New York Mellon ("BNY Mellon" or the "applicant") has filed a private application for minor modification of a Special Permit (C 800477 ZSM) from the New York City Planning Commission (CPC) to remove designated ground floor public space and to propose improvements and amenities within the zoning lot and sidewalk at 240 Greenwich Street (Manhattan Block 128, Lot 2 (the "Project Area" or "Site")); and

WHEREAS: The application couples two actions the applicant claims are necessary to facilitate the proposed project, *i.e.*, a "minor modification" of the Special Permit in order to replace a Special Permit drawing to reflect the: (a) elimination of the reference to the "Public Lobby"; and (b) proposed modifications to the outdoor open areas on the project site, consisting of the creation of a 23,800 sf Public Access Area (PAA) that would include new seating, plantings, and other amenities; and

**Part One: Elimination of the Reference to the "Public Lobby":**

WHEREAS: In 1961 the site was designated "Site 6" on the Washington Street Urban Renewal Area Plan (WSURA). In 1980, CPC (1) amended the WSURA in contemplation of the development of the site, (2) approved the City's lease of the site, and (3) granted a Special Permit (C 800477 ZSM) that permitted modification of the height and setback regulations, in furtherance of the development of a 23-story commercial office building on the site. The modifications of the height and setback regulations were required because the building penetrated the "sky exposure plane" along Barclay, Greenwich and Murray Streets; and

WHEREAS: CPC's approvals in 1980 anticipated the creation of a second-level public walkway across Barclay Street to 7 World Trade Center. The WSURA contemplated that the developer of "Parcel 6" would construct and maintain the elevated public walkway, *i.e.*, an elevated, north-south pedestrian walkway that would connect Murray and Barclay Streets. The developer was also required to provide for the extension of the elevated public walkway across Barclay Street to 7 World Trade Center. The elevated public walkway was to be accessed from within the lobby of the building *via* escalators running to the second level. The construction of the elevated public walkway was contingent on the owner of 7

World Trade Center also constructing, maintaining and insuring for the benefit of the City, a pedestrian passageway from the Vesey Street Bridge to the westerly portion of the north edge of the 7 World Trade Center site. According to the applicant, when the owner of 7 World Trade Center site designed its building it failed to accommodate the link to the elevated public walkway; in turn, the need for 240 Greenwich to provide the elevated public walkway was eliminated; and

WHEREAS: In June 1990, a modification of the Special Permit (M 800477 (B) ZSM) removed an approved second-level drawing, prepared by Skidmore, Owings & Merrill, Architects, dated November 1979 and replaced it with a new drawing dated March 17, 1989 to reflect the elimination of the Elevated Public Walkway (the "1990 Minor Modification"); and

WHEREAS: The 1990 Minor Modification did not address a reference in the original ground floor drawing to a "public lobby" on a portion of the ground floor. The applicant claims the purpose of this portion of the lobby was to provide access to stairs/escalator that would allow members of the public to travel to and from the second level public walkway, and, consequently, that when the second level public walkway was eliminated pursuant to the 1990 Minor Modification, a "public lobby" area was no longer needed to provide connection to this walkway; and

WHEREAS: The applicant has represented that the Building did not receive any floor area bonus or specific bulk waiver related to the provision of the "public lobby." However, the original benefit to the building's developer was debated at the January 21, 2021 meeting of Community Board 1's ("CB1") Land Use, Zoning & Economic Development Committee (the "Committee"). Insofar as the applicant acknowledges that modifications of the height and setback regulations were required because the building penetrated the applicable "sky exposure plane," members of the Committee have asserted that those modification of the height and setback regulations equate to a bonus to the building in connection with the original plan which included provision of the public lobby, thereby establishing a connection between this bonus and the public lobby; and

WHEREAS: In 1989, when an amendment to the WSURA eliminated the pedestrian easement across Murray and Barclay Streets, CB1 made clear that the elimination of second-floor public access was a loss for which the public required compensation. The CPC report on the WSURA amendment (C890510) states: "CB 1 opposed the proposed ULURP items regarding the pedestrian easement relocation for 7 WTC and urges that an amount of money equal to that which would have been allocated by 7 WTC to fulfill the remainder of its easement requirements be placed into a general fund to be used for the greening of Greenwich Street project. CB1 approves and supports the concept of eliminating the 2nd floor pedestrian connection at 101 Barclay St. only if a sum of money equal to the sum of the cost of building the 2nd floor easement and amount of franchise taxes which would have been paid for such a bridge be placed into an interest bearing generally account ..."

WHEREAS: The Committee firmly believes the record shows that the original developer of 101 Barclay / 240 Greenwich: (1) received height and setback waivers from

which the developer derived a benefit; (2) never provided all the originally mandated pedestrian improvements including the second-floor walkways and bridges; (3) never incurred any corresponding costs associated with the agreed-to but undelivered improvements, and; (4) never provided funding or other compensating amenity to the public in exchange for the elimination of second-floor public access as expressed by CB1 in 1989, and

WHEREAS: The applicant also contends that neither the Special Permit (or any associated drawings, correspondence or related documents), nor the 1990 Minor Modification, provide for or prescribe any hours of operation, design or dimension, public amenities or other features of a "public lobby" and the reference to a "public lobby" therefore has none of the attributes of a Privately-Owned Public Space (POPS). However, Section 8.08 of the 1980 lease agreement stated, in relevant part, "During [all working days from 8:00 a.m. to 6:00 p.m.], Tenant shall afford the public exit from and entrance to the Building through the main ground level entrance at or near Barclay Street..." This discussion of hours within the property's lease appears to contradict the applicant's contention that this space did not have any attributes of a POPS, and the lease provision is a further indication that the "public lobby" was intended to and eventually did serve as a publicly accessible space. Indeed, Board members who worked in the area recalled that they were able to regularly access the building's lobby as a public space at least until 9/11; and

WHEREAS: The New York City Department of City Planning's (DCP) own website database of POPS, which contains an "interactive map of all of New York City's POPS," plainly lists 101 Barclay (aka 240 Greenwich) as a POPS (*see*, <https://capitalplanning.nyc.gov/pops/M010002#13.61/40.7091/-74.0209>). Among the "Space Details," DCP's POPS website identifies the "Space Type" as including a "Public Lobby" and under "Hours of Operation" states "Public Lobby: 24 Hours."

WHEREAS: As constructed, the building contains an approximately 7,600 sq. ft. interior, L-shaped "public lobby" that has been so designated without challenge, legal or administrative, in the 30-plus years since its construction. But controversy over access to the "public lobby" is not new, and according to accounts from members of the public over the years, the owners of 101 Barclay Street / 240 Greenwich have continually denied public access to the "public lobby" with impunity.

WHEREAS: In April 2017, Comptroller Scott Stringer released a report, entitled [Audit Report on the City's Oversight over Privately Owned Public Spaces](#), which addresses 240 Greenwich (identified as 101 Barclay Street in the report) and states, "the POPS location at 101 Barclay Street in Manhattan is one example of a POPS location where no signage or amenities are required but where public access has been denied ... " The report includes a photograph showing the POPS location as closed to the public, and states that "the property owner has not received either DCP or DOB approval for this closure." Further, Comptroller Stringer's report advised that "auditors who attempted to inspect the site were stopped, an attempt was made to prevent photographs, the auditors were escorted to the security office and questioned, and were informed that they were prohibited from further entry

into the building's lobby, notwithstanding the fact that it is a POPS location and so a public space;" and

WHEREAS: Consistent with the experiences documented in Comptroller Stringer's 2017 POPS audit report, community members have reported similar experiences of being denied access to the interior "public lobby" at 101 Barclay / 240 Greenwich, sometimes accompanied by hostility among building staff, including as recently as January 2021; and

WHEREAS: The applicant now proposes that the Special Permit drawings should be modified to remove the reference to a "public lobby" on the ground floor. There are no physical renovations or modifications proposed for the interior "public lobby." It is the applicant's position that this portion of the lobby was to provide access to the stairs/escalator that would allow members of the public to travel to and from the second-level public walkway, and that with the elimination of the second-level public walkway under the 1990 Minor Modification, the "public lobby" no longer performed its intended function. The applicant thereby concludes that the reference to a "public lobby" in the original ground floor drawing "is vestigial" and "the failure to remove it as part of the 1990 Minor Modification was inadvertent error"; and

WHEREAS: The Committee believes that assertion amounts to a legal conclusion, however, based upon the applicant's view of the facts, and insofar as the facts are in dispute, the Committee believes the issue should not be adjudicated by agency or administrative action, but instead, by a more appropriate forum (*i.e.*, the courts). It is the Committee's position that the City of New York, through the CPC, should not simply waive the designation through a purported "minor modification" to the Special Permit. Rather, the Committee believes the City has an obligation not to waive the "public lobby" designation and an affirmative obligation to assert and pursue all available legal defenses to the designation, including but not limited to any defenses of laches, waiver or estoppel; and

WHEREAS: The Committee further questions the applicant's motivation for seeking to remove the "public lobby" designation at this time—particularly as it is coupled with that separate portion of the application that seeks to make improvements to the exterior of this commercial bank building. The Committee believes the owner of 240 Greenwich / 101 Barclay, BNY Mellon, improperly seeks to take its laudable business decision to improve the exterior of its property and bootstrap it to an unacceptable annexation of the interior "public lobby" space for private use; and

**Part Two: Renovations / Modifications to the Outdoor Public Areas on the Project Site:**

WHEREAS: As noted, separately from the proposal by the applicant to remove designation of the interior space as a "public lobby," the applicant also proposes exterior renovations and improvements to the property, particularly to the sidewalks and public spaces surrounding the property. The proposed project would enhance the outdoor public space through the provision of new landscaping, seating and other amenities in the Public Access Area (PAA). The proposed action does not include any physical changes to the interior or exterior of the building itself. The design

of the PAA was guided by the standards in the Zoning Resolution governing Public Plazas. According to the application, the proposed project specifically would include the following:

- 23,800 sf of PAA that would provide a variety of opportunities and spaces for passive recreation while continuing to provide paths for circulation between West, Murray, Greenwich and Barclay Streets;
- 523.24. linear feet ("lf") of seating within the PAA, including:
  - 419.24 lf of fixed seating;
  - Fifty-two (52) moveable chairs (104 lf);
  - Fifteen (15) moveable tables;
- 4,932.76 sf of new planting area within the PAA, including forty-eight (48) new trees; and
- One (1) drinking fountain, three (3) DOT Standard City Racks and four (4) bicycle racks; and

WHEREAS: The majority of the PAA would be located in a plaza-like area located at the northwest portion of the project area, which the applicant proposes to name "Alexander Hamilton Place." This area would be accessible from West and Murray Streets and would include seating, landscaping, and other elements in a configuration that would facilitate pedestrian movement through and across this area, including via a pathway connecting West and Murray Streets; and

WHEREAS: Plans for the northwest portion of the project area also involve removal of the Citibike station that currently is used heavily; and

WHEREAS: The PAA's signage will be governed by DCP rules applicable to POPS signage, identifying the PAA and making it clear to pedestrians, area residents, workers and visitors that the space is for public use during the designated hours of operation. These changes are intended to draw the public to the open space, activate the space and create an environment that is usable for a wide variety of purposes and by a large number of individuals. Additionally, there is a single curb cut on Murray Street that provides access to driveways on both Lot 26 (via the easement) and the site. As part of the proposed project, the applicant intends to divide this curb cut into two (2) compliant curb cuts that will maintain unobstructed vehicular access to both driveways. A planter will be added on the site to separate and protect each driveway. Security gates will also be added on the site to protect the applicant's driveway located to the west of the building and loading docks; and

WHEREAS: The Downtown Alliance has submitted a statement in support of the exterior plans while also stating, "even the best designed public spaces are only amenities to the community if they are easily and safely accessible. In the past, as documented in an audit by Comptroller Stringer, there have been issues with access to the existing public space in the lobby of the building. This has given rise to concern in the community regarding existing and future access. We urge BNY to work with the Community Board to address these concerns and to ensure that the public will have appropriate and safe access to all public spaces at 240 Greenwich Street in accordance with all applicable rules and regulations;" now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 first objects to the coupling of two distinct actions into one application. If the applicant believes the designation of the "public lobby" should be removed, it should be reviewed as an independent application on its own merits; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 *opposes and urges CPC to reject* the portion of the application that seeks "Minor modification of the Special Permit to replace a Special Permit drawing to reflect the ... (b) elimination of the reference to the "Public Lobby"; and

BE IT  
FURTHER  
RESOLVED

\THAT: CB1 *supports and approves* that portion of the application that seeks "Minor modification of the Special Permit in order to replace a Special Permit drawing to reflect the: (a) proposed modifications to the outdoor open areas on the Project Site, consisting of the creation of a 23,800 sf PAA that would include new seating, plantings, and other amenities ..." *on the conditions that:*

1. The applicant incorporates into its designs a relationship between the "public lobby" space to create a design "dialogue" between the interior and exterior public spaces; and
2. The applicant revises its plans to retain and incorporate the Citibike station, currently existing and in use near the West and Murray Street portion of the property, into plans for the "Alexander Hamilton Place" or nearby on the northwest corner of the site; and
3. The design plans for the northwest plaza should also incorporate some kind of buffer to the wind and noise from West Street in the form of vegetation or landscaping; and
4. CB1 strongly opposes the addition of numerous bollards planned for the periphery of the site located in the public right of way. CB1 urges the applicant to work with the relevant government agencies to design security measures that can be achieved through plantings and other landscape elements to create a secure area within their property line.
5. District Council 37 (DC37), New York City's Largest Public Employee Union, as a major community entity, local stakeholder and immediate neighbor to the proposed project area, must be closely consulted and engaged regarding the project.



COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 17 Battery Place, application for renovation of existing entry and storefront including replacement of entrance infill and new louvers

WHEREAS: This building is a very important individual New York City landmark at the southern tip of Manhattan, and highly visible; and

WHEREAS: The structure, known historically as the Whitehall Building, faces a plaza at Battery Place; and

WHEREAS: The actual lobby doors are set back from the façade behind an arcade that was created in the 1960s; and

WHEREAS: The application would replace the two eastern entrance bay entrances; and

WHEREAS: The proposed new entry infill is rather simple, and much better than the cheap-looking hodge-podge replacement from the 1960s; and

WHEREAS: The infill consists of glass panels with anodized brown framing; and

WHEREAS: The prominent arched windows above the entry portals would be replaced with fenestration true to the spirit of the original design; and

WHEREAS: Thought should be given to altering the proportions of some of the new framing in the center bay, making the volumes a little more sophisticated; and

WHEREAS: The westernmost bay, now a residential entrance, is not being renovated currently, and will look incongruous after the proposed work in this application is complete, but we assume it will be integrated in the future; and

WHEREAS: The Community Board would like the applicant representative to return with a master plan within the next few months, to which the representative agreed; now

THEREFORE  
BE IT  
RESOLVED

THAT: Manhattan Community Board 1 recommends that the Landmarks Preservation Commission approve the façade modifications, with consideration given to the center bay framing proportions.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LANDMARKS

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

RE: 95 Marginal Street/96 South Street, Tin Building, application for installation of exterior signage

WHEREAS: This application is an amendment to the approved LPC application for the Tin Building previously including exterior lighting with the reconstruction of the Tin Building; and

WHEREAS: The proposal is to install non-original exterior signage as presented including painted surface, raised, sculptural (clock), simple blade, medallion, extruded, illuminated and neon signs in a hierarchy of sizes on all building elevations; and

WHEREAS: Originally and for the duration of the Tin Building's most historically significant period, the building signage was modest. All original signage was west facing pedestrian-level canopy signage naming in short painted lettering the fish purveyor's company name; and

WHEREAS: Despite being a very robust signage package, the proposed sign types and sizes are typical of the historic district, are not overbearing on the building and work together to create a general sense of historical appropriateness; and

WHEREAS: The street-level hand painted signs and graphics are the only reference to the building's original signage. The hierarchy of the painted signage (from display window to building identification) helps tie the entire signage package blend in with all of the sign types; and

WHEREAS: Illuminated signage is necessary and appears to be rendered the right level of brightness and spread; and

WHEREAS: The suspended and side mounted blades signs are in proportion with the length of the building canopy, number of storefront bays and scale of each building elevation; and

WHEREAS: Neon signs are abundant in the proposal and are the least appropriate part; and

WHEREAS: The extruded signage and seals at the east and west facades are scaled properly and work in harmony with the other sign elements on their respective facades;  
now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 recommends that the Landmarks Preservation Commission approve the proposed signage package while ensuring that all the details (attachment, scale, coverage and intensity) of what signage is built match the details as presented.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 111 Worth Street, application for liquor license for Elim Eatery Corp. d/b/a TBD

WHEREAS: The applicant, Elim Eatery Corp., is applying for an on-premise beer and wine license for TBD; and

WHEREAS: The establishment is a deli store that will serve alcoholic beverages; and

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

WHEREAS: The applicant has represented that there are not three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 2,500 square deli store with a public assembly capacity of 50 persons, and an 1,800 square foot dining area with 5 tables and 14 seats, and a 700 square foot kitchen area, and a deli counter; and

WHEREAS: The establishment is located on the ground floor and cellar of the premises, where the ground floor will be used for the bakery and lounge, and the cellar will be used for a full-service kitchen and storage area; and

WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building, and the basement will not be used for storage of alcoholic beverages; and

WHEREAS: The hours of operation will be from 5AM to 5PM Monday through Friday, and 5 AM to 2PM on Saturdays, and closed on Sundays, and food service hours will be from 5AM to 4:30PM Monday through Friday, and 5AM to 1:30PM on Saturdays, and bar service hours are not available; and

WHEREAS: The applicant has represented that there will be recorded background music such as radio and Ipod music, no live music, no DJs, no non-musical entertainment, no dancing and no TV monitors; and

WHEREAS: The applicant will have delivery of supplies, goods and services after 7AM; and

WHEREAS: The applicant does not intend to employ bicycle delivery 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 Elim Eatery Corp. d/b/a TBD at 111 Worth Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	2 Opposed	0 Abstained	0 Recused
BOARD VOTE:	33 In Favor	4 Opposed	2 Abstained	0 Recused

RE: 316 Greenwich Street, application for liquor license for Cocoon Club 1 LLC d/b/a Cocoon

WHEREAS: The applicant, Cocoon Club 1 LLC, is applying for an on-premise beer and wine license for Cocoon; and

WHEREAS: The establishment is a membership-based family-centered community space that offers programming tailored for expecting and new parents as well as toddlers and has been operating since November 2020; and

WHEREAS: The founders of the establishment stated that their operation is a mission-driven concept of providing support for parents and peer-to-peer connection while creating a sense of community. A range of courses, workshops and resources are offered including preschool prep, music classes, a play space; and

WHEREAS: The establishment allows non-members to purchase membership-per-diem to partake in the offerings, including prenatal and after-birth classes. Membership requires a 1-year commitment with dues that cost \$550 per month. The applicant did state that the prenatal and after-birth classes could be offered on a pay-as-you-can basis for non-member families; 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 must confirm with the Committee if there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 18,000 square foot establishment with a public assembly capacity of 250, and an approximately 1,800 square foot dining area with 4 tables and 24 seats, and the kitchen area is included in the dining area, and a food counter with 13 seats by the front window; and

- WHEREAS: The establishment is located on the ground floor and basement of the premises, where both floors will have multi-purpose use; and
- WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building, and the basement will be used for storage of alcoholic beverages; and
- WHEREAS: The hours of operation will be from 9AM to 7PM Sunday through Thursday, and 9AM to 10PM Fridays and Saturdays, and hours of food service and bar service will be the same as the hours of operation; and
- WHEREAS: CDC COVID-19 guidelines are enforced and there has been 0 reported cases to date since the beginning of operation, where as part of the establishment's safety protocols staff members do daily count checks of every person who is in the premises and monitor capacity at all times for proper social distancing; and
- WHEREAS: The applicant has represented that in the next few weeks, all members and anyone else upon entry of the premises are required to carry a lanyard that is scanned on a machine for quick identification; and
- WHEREAS: Staff members are also trained to identify a customer who may be under the influence, and in the event where the parent appears to be unable to continue the care of the child, may use their contact information to inform a family member. "Kindness contracts" are upheld to ensure that the customer is respectful of the space and those around them, and if a situation may escalate, the customer may be put on notice of their membership being cancelled; and
- WHEREAS: Any person who wishes to consume beer or wine must first go to the front desk to order. The purchase will then be billed to their membership account. Staff members are appointed to monitor the number of beverages a customer would consume and reserve the right to not serve a customer any more in the case that the customer may start to drink excessively; and
- WHEREAS: The applicant has represented that there will be recorded background music, live music, no DJs, non-musical entertainment in the form of readings, no dancing, and the use of TV monitors to be determined; and
- WHEREAS: The space directly outside of the premises is currently being used as a parking area for strollers, and may also be used for outdoor seating within the building line to hold outdoor classes or for parents to eat and consume beer or wine on weather-permitting days; and
- WHEREAS: The applicant will have delivery of supplies, goods and services after 7:30AM Monday through Friday; and
- WHEREAS: The applicant does not intend to employ bicycle delivery 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; and

WHEREAS: This space in the middle of a large residential complex has never had an on-premise license for a bar or restaurant, only a beer license for a supermarket; and

WHEREAS: Several residents from Independence Plaza were particularly concerned if the establishment were to become more of a bar, with people drinking and causing disturbances in the attached outdoor areas, and particularly if it failed and a new operator came in with a different business plan; and

WHEREAS: In response to committee concerns that this could turn into a bar where anyone could walk in and get drinks, the applicants stated that only members would be allowed to enter and to buy drinks; and

WHEREAS: Yet the SLA, as we understand, requires ALL on-premises liquor licenses to be open to the public, other than non-profit private clubs, which this is not; and

WHEREAS: The Committee questions how this business can operate as a for-profit “membership club” and yet prevent public access; and

WHEREAS: Although the applicant was not able to clarify a number of questions posed by members of the Committee regarding their concept as a community center for young children; and

WHEREAS: The Committee was generally approving of the concept for this business which could be a benefit to families in the neighborhood, but with reservations as to its plans to limit public access; now

THEREFORE  
BE IT  
RESOLVED

THAT: The Committee wants to go on record that they are approving the granting of a beer and wine license only for this specific "mission-driven business", and only if the SLA can ensure that it is not open to the public; and

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 opposes the granting of a liquor license to Cocoon Club 1 LLC d/b/a Cocoon at 316 Greenwich Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 111-112-114 Andes Road, Governors Island, application for liquor license for QC Terme NY LLC d/b/a TBD

WHEREAS: The applicant, QC Terme NY LLC, is applying for an on-premise liquor license for TBD; and

WHEREAS: The establishment is a spa with a cafe and cocktail lounge serving wines and cocktails; 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 41,689 square foot site with a cafe space of approximately 1,100 square feet, and a public assembly capacity of 650 persons for the entire spa and 50 persons for the food and beverage area, and a 1,038 square foot dining area with 16 tables and 32 seats, and a 77 square foot kitchen area, and one stand-up bar and no food counters; and

WHEREAS: The establishment will be located on the ground floor of the premises, and the applicant does not intend to have rooftop dining; 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, occasional live music in the form of musicians playing acoustic and jazz, DJs, no non-musical entertainment, no dancing and TV monitors; and

WHEREAS: Delivery of supplies, goods and services will be depending on transportation availability to the island, most likely before 10AM every day; and

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

WHEREAS: The applicant has developed a security plan (see attached document); 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 QC Terme NY LLC d/b/a TBD at 111-112-114 Andes Road, Governors Island unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	7 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	1 Opposed	6 Abstained	0 Recused

RE: Moped share in Manhattan Community District 1

WHEREAS: Revel, a moped-share company, started in Brooklyn in 2018 and expanded into Manhattan in March 2020 as COVID-19 caused people to seek alternatives to mass transportation; and

WHEREAS: The NY State Department of Motor Vehicles (DMV) classifies Revel’s mopeds as Class B limited use motorcycles, which requires them to have a license plate, to not be capable of going faster than 30 miles per hour (mph), to be driven by someone with a valid driver’s license and that a helmet be worn; and

WHEREAS: The New York City (NYC) Department of Transportation (DOT) approved a relaunch of Revel’s moped-share fleet in August 2020 after a one-month pause while Revel added training videos, a safety test and a requirement for photographic evidence of the user(s) wearing a helmet (a selfie); and

WHEREAS: To improve safety, Revel shuts down its scooters from midnight to five a.m., hours that DOT officials say are the riskiest for riders; and

WHEREAS: Revel is a low-cost app-based moped-sharing rental service that costs \$1 per person to unlock and 35 cents per minute of use<sup>1</sup>; and

WHEREAS: Revel’s Access Program provides equity and improved affordability by offering a 40% discount to people who are eligible, or actively participating in a local, state, or federally administered assistance program.<sup>2</sup> Military Service members, retirees and veterans can get a 20% discount<sup>3</sup>; and

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<sup>1</sup> <https://gorevel.com/new-york/pricing/>

<sup>2</sup> <https://gorevel.com/new-york/pricing/>

<sup>3</sup> <https://gorevel.com/military-discount/>

- WHEREAS: Revel mopeds have zero emissions, so are a sustainable way to travel around Manhattan that will contribute to New York State meeting the goals set in its Climate Leadership and Community Protection Act; and
- WHEREAS: Under current DOT regulations, mopeds can be legally operated on the busy 9A corridor, including West Street from Battery Place to West 54th Street, although they must be operated in the right lane except when making a left turn; and
- WHEREAS: There is concern that Revel users might inadvertently drive or veer to avoid places where mopeds are prohibited including limited access highways (the FDR), major bridges (Brooklyn Bridge), tunnels (Hugh L Carey and Holland), parks or Greenways and bike lanes in Manhattan Community District 1 (MCD1); and
- WHEREAS: Mopeds are illegal to operate in bike lanes, Manhattan Community Board 1 is concerned that it has received multiple complaints about Revel mopeds being used on the Hudson River Park Greenway and other bike paths/lanes in MCD1; and
- WHEREAS: Revel uses Global Positioning System (GPS) tracking to monitor scooter locations in real time and uses the renter's driver license information to ban users who break traffic laws or company rules; and
- WHEREAS: GPS signals are somewhat obscured in dense urban areas, Revel's location data cannot differentiate a street from an adjacent sidewalk or bike path in MCD1 and alert Revel; and
- WHEREAS: Complaints about user behavior can be made by anyone via the Revel app or by contacting them<sup>4</sup>, but currently 311 cannot be used to report a problem that Revel can act on although residents and politicians rely on it; and
- WHEREAS: The DOT's interim agreement with Revel gives the DOT anonymized Revel trip, training and incident data, which the DOT has been using to monitor Revel's operations and safety record; and
- WHEREAS: Moped use was legal in New York when Revel started in 2018. However, NYC lacked regulations or laws for moped-share companies, which are needed; and
- WHEREAS: The NYC Council is currently working on T-2020-6773, a law for oversight of shared mopeds and E-scooters, and T2061-2020, a local law to amend the NYC Administrative Code regarding DOT approval and regulation of moped-share organizations; and

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<sup>4</sup><https://app.gorevel.com/community-report-form>

WHEREAS: The DOT is writing rules to create a formal permit process for shared moped systems, like Revel, in NYC; and

WHEREAS: Revel's mopeds address two important transportation issues, pricing equity and zero-emissions. Further, the company is complying with all DOT requests including safety improvements, data reporting, etc.; now

THEREFORE  
BE IT  
RESOLVED

THAT: Manhattan Community Board 1 (MCB1) supports continuation of Revel's moped-share operation in New York City(NYC) and urges the NYC Council to pass legislation to regulate moped-share organizations; and

BE IT  
FURTHER  
RESOLVED

THAT: MCB1 requests that the NYC Department of Transportation (DOT) develop rigorous regulations for the moped-share industry and post signage that provides advance warning of where mopeds cannot be driven; and

BE IT  
FURTHER  
RESOLVED

THAT: MCB1 urges NYC DOT to develop a robust public education campaign to explain the rules and regulations governing mopeds, bicycles, micro mobility devices and other road users as well as how they can interact safely with each other and pedestrians; and

BE IT  
FURTHER  
RESOLVED

THAT: MCB1 encourages the NYC and New York State (NYS) DOTs to work together to calm traffic on Route 9A (West Street) from Battery Place to West 54th Street to protect moped users from the larger, heavier vehicles that frequently exceed the 30-mph speed limit; and

BE IT  
FURTHER  
RESOLVED

THAT: MCB1 strongly encourages Revel to work with the Department of Information Technology & Telecommunications and 311 to develop a way for citizens to report problems related to the operation of Revel mopeds.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

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

RE: Revocable Consent for Battery Park City Ball Field Resiliency Project

WHEREAS: The Battery Park City Authority (BPCA) submitted a Revocable Consent petition dated December 10, 2020 that asks the New York City (NYC) Department of Transportation (DOT) for permission to construct, maintain and use an interim flood wall around the perimeter of their existing ball fields; and

WHEREAS: The stated purpose for the interim wall given on the petition is for flood protection of the ball fields and the community center, which is adjacent (212 North End Avenue); and

WHEREAS: This Ball Field Resiliency Project along with the North, South and West Resiliency Projects are being planned to jointly protect Battery Park City (BPC) from flood damage such as was caused by Hurricane Sandy in 2012; and

WHEREAS: A May 2019 resolution passed by Manhattan Community Board 1 (MCB1) supported a BPC Ballfield Resiliency Plan for interim flood protection that is consistent with what is proposed in this DOT petition; and

WHEREAS: The steel panels/plates that will be built on the outside of the current perimeter fence to form an interim wall/barrier are expected to remain in place until the North and South Resiliency Projects are completed and make the wall's flood protection redundant; and

WHEREAS: This \$4 million to \$5 million ball field project is expected to begin in late March or early April 2021 with substantial completion (not plantings) by July 2021; and

WHEREAS: MCB1's 2019 resolution stressed the importance of minimizing the project's impact on use of the ball fields. Hence, staging construction will require use of the requested DOT-controlled right-of-way around the ball field perimeter so that the playing fields are available for use during construction; and

WHEREAS: The sidewalks on Murray Street and Warren Street and the pedestrian walkway along West Street from Warren to Murray form a perimeter around the ballfield fences so will be closed for safety reasons during construction; and

WHEREAS: Pedestrians and cyclists will have to share the heavily-used Greenway bike path along West Street between Murray and Warren Streets while the pedestrian walkway along the east side of the ballfields is closed for construction; and

WHEREAS: Access to the ball fields will be available from North End Avenue and at the western ends of the construction zones on Murray and West Streets; and

WHEREAS: The BPCA has committed to working with their contractors to develop a construction plan that will include neighbor notification, signage to warn and re-route cyclists and pedestrians, accessibility features such as ramps, etc.; and

WHEREAS: The BPCA's Revocable Consent Petition to the DOT for the BPC Ballfield Resiliency Project is needed to allow construction to protect two important community assets, the ballfields and the community center); now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 (MCB1) supports the Battery Park City Authority's (BPCA) Revocable Consent Petition to the New York City (NYC) Department of Transportation (DOT) so that an interim flood wall around the perimeter of the Battery Park City (BPC) ball fields can be constructed; and

BE IT

FURTHER

RESOLVED

THAT: The Battery Park City Authority is urged to post, on their website, all access and egress drawings with complete dimensions from their NYC DOT Revocable Consent petition for the BPC Ball Field Resiliency Project, as well as the to-be-developed mobility plan for the right-of-way affected by the construction.



COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

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

RE: Request For Street Sign Change At Entry To River & Warren Residences

WHEREAS: River and Warren Residences is located at 212 Warren Street in Battery Park City (BPC); and

WHEREAS: The main entry to River & Warren Residences is located on the east side of River Terrace south of Warren Street; and

WHEREAS: The residents and building management at River and Warren are requesting a return of the No Standing Anytime sign that used to keep the curb space in front of their building available for safe drop-offs and pickups; and

WHEREAS: The Department of Transportation (DOT) does not have a record of the street signs at that location or why the No Standing Anytime sign, which was located at the northern edge of the building's entry, was replaced with a No Parking sign in May 2020; and

WHEREAS: Battery Park City has a very large number of law enforcement officers from 250 Vesey Street that use placards to park along River Terrace, including illegally in the No Standing Zone on the west side of the road; and

WHEREAS: Since the sign was changed, vehicles with placards have started parking in front of River and Warren's entry all day, forcing residents, including school children, to be dropped off and picked up in the traffic lane; and

WHEREAS: The parking by the many with placards at the entry to River and Warren has also resulted in double parking or standing with traffic backups on River Terrace, a road that is already narrowed by the illegal parking on its west side; and

WHEREAS: The Battery Park City Authority supports changing the signage back to No Standing Anytime as they are concerned about both resident safety and the traffic congestion that has resulted since the No Parking sign was installed; now

THEREFORE  
BE IT  
RESOLVED

THAT: Manhattan Community Board 1 implores the DOT to please change, as quickly as possible, the No Parking sign at 212 Warren's entry on River Terrace back to a No Standing Anytime sign.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	9 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	1 Opposed	0 Abstained	0 Recused

RE: Completion of Bogardus Plaza

WHEREAS: In December 2011, Manhattan Community Board 1 (CB1) adopted a resolution to state its support for the creation of a pedestrian plaza on Hudson Street between Reade Street and Chambers Street to be managed by the Friends of Bogardus Garden; and

WHEREAS: For years, the NYC Department of Design and Construction (DDC) has been working towards completing the reconstruction of Bogardus Plaza; and

WHEREAS: DDC broke ground in October of 2017 and officially finished the project in December of 2020; and

WHEREAS: Marsha Guido was assigned as DDC's Community Liaison for the project for its entirety, and has been responsible for sharing information with the community, working with Friends of Bogardus Plaza and other key stakeholders, coordinating between constituents and construction teams and addressing community concerns or complaints; and

WHEREAS: Marsha has done exemplary work as Community Liaison for the Bogardus Plaza project. She has kept the community well informed and has gone above and beyond in coordinating between DDC, construction teams and community members; and

WHEREAS: Anyone who works with Marsha can attest to her responsiveness. She was known to answer residents over the weekend while working at the cash register of her family's bagel store, Bagels on the Hudson, in Hoboken, New Jersey; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 wishes to honor Marsha Guido as Community Liaison for the reconstruction of Bogardus Plaza for her excellent work which should be lauded as an example of successful coordination with the community during DDC projects.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	1 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	3 Abstained	2 Recused

RE: Possibility of the DOE removing school break days in winter/spring 2021

WHEREAS: In an unprecedented move, Mayor de Blasio and Chancellor Carranza, working within the DOE but without notice or public comment, summarily removed the spring break scheduled for April 9 – 17, 2020 from last year at the start of the COVID pandemic; and

WHEREAS: This was an unprecedented move that had dubious or perhaps no intended benefits, and which left many students, families and teachers feeling disempowered, greatly stressed and scrambling for a plan just as the catastrophic effects of the pandemic were coming into full focus; and

WHEREAS: Public school families entered this school year knowing fully well it would be marked by uncertainty, adaptation and stress. The DOE calendar was laid out at the start of the year, and families then rightly used it to mark progress and plan what they could for this most demanding time; and

WHEREAS: Students, families, and teachers are continually working to develop and maintain some sense of normalcy and predictability as they move through this year. Any radical and sudden changes to schedules do not engender such normalcy and predictability but only serve to add further stress to those who are already struggling so mightily; and

WHEREAS: When the April 9-17, 2020 break was summarily removed, the City had to agree with the UFT to give four added sick/personal days, called CAR days, to all teachers, resulting in an added expense to the City at a time when its revenues were down, something that would again occur and add even further to the City's current financial struggles should the Mayor and Chancellor attempt to make unprecedented changes once again; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 opposes any NYC DOE efforts to shorten or remove the scheduled breaks noted on the 2020-21 school year calendar (February 12 – 21, 2021 and March 27 – April 4, 2021)

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: JANUARY 26, 2021

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	8 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	1 Abstained	2 Recused

RE: School funding during the pandemic

WHEREAS: The lack of clarity from the City about how and when schools would reopen safely, last minute reopening delays, changing information on what the blended learning option structure would be, and changing rules for opting back and forth between blended to remote learning all contributed to families making alternative arrangements; and

WHEREAS: Many families made the difficult decision to leave the public-school system and enroll elsewhere in programs that provided more in-person learning and/or safety when faced with the effects of the ongoing pandemic; and

WHEREAS: In 2021, many public schools are burdened with significant budget deficits because actual enrollment is well below what schools could have ever projected during a pandemic; and

WHEREAS: New York City public schools are primarily funded on a per student basis through Fair Student Funding. In late May of each year, each school submits an estimated budget to the Department of Education (DOE) for the next school year based on enrollment projections. Each school is subject to midyear adjustment of funding based on how actual enrollment compares to enrollment projections from late May. If a school's student register exceeds its projection, the school will receive additional funds to support its operations; however, if a school's student register is below projections, the school must pay back funding for lost student enrollment; and

WHEREAS: More than 90% of the Fair Student Funding is used to pay salaries for teachers and support staff, making midyear adjustment extremely difficult for most schools; and

WHEREAS: Under the DOE's Deficit Repayment Plan, schools with deficits greater than \$100,000 typically "repay" funds over a several year installment plan, saddling

schools with debt during the time they need more resources not less to invest in staffing and technology and address learning loss and social emotional trauma suffered during the pandemic; and

WHEREAS: In 2013, the DOE instituted an amnesty program in recognition of successive years of budget reductions due to the recession that made it difficult for schools to repay their deficits; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 calls on Mayor Bill de Blasio and New York City School Chancellor Richard Carranza to institute amnesty for all school deficits as well as provide additional funding for students living in poverty and temporary housing, so that our schools can emerge from this pandemic financially sound and best positioned to meet the learning needs of our City's students.