

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: BATTERY PARK CITY

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

RE: Local Law 11 Sidewalk Shedding in Battery Park City

WHEREAS: New York City’s Façade Inspection & Safety Program (commonly known as “Local Law 11”) requires exterior wall inspection, and if necessary, repair work, every 5 years of all NYC buildings over six stories; and

WHEREAS: The stated purpose of Local Law 11 is pedestrian safety – Local Law 11’s predecessor was enacted in February 1980 shortly after a piece of masonry fell from the façade of an Upper West Side building, killing a pedestrian; the law has been modified several times over the years as new accidents and risk assessments have occurred; and

WHEREAS: NYC law requires that sidewalk shedding be installed adjacent to Local Law 11 building façade work; and

WHEREAS: Typical Local Law 11 sidewalk shedding in Manhattan covers the sidewalk adjacent to the building where the façade inspection and repair work is taking place, but does not cover the adjacent street nor the sidewalk across the street, irrespective of the height of the building where the Local Law 11 work is taking place; and

WHEREAS: At the July 17, 2023 CB1 Battery Park City Committee meeting, representatives of the Liberty Court (located at 200 Rector Place) condominium board reported that NYC Department of Buildings (“DOB”) is requiring Liberty Court’s Local Law 11 contractor to not only install sidewalk shedding along the adjacent sidewalks, but also to either shed or restrict access during the performance of the work to substantial areas of the adjacent West Thames Street Park, including the entire area of the Park’s children’s playground; and

WHEREAS: The Liberty Court Local Law 11 work is projected to span multiple months, with the multi-month phase that would require closing the play area at West Thames Park to commence in the spring and continue throughout the summer of 2024; and

- WHEREAS: West Thames Park is not only heavily used by local residents, it serves as a play area for several local preschools and elementary schools; and
- WHEREAS: Closure of the West Thames Park play area during spring, summer and warm weather months would impose a significant hardship on families and school children, especially since the nearby Wagner Park is already closed, and Pier A Plaza will soon be closed, for construction of the South BPC Resiliency Project; and
- WHEREAS: The Liberty Court Local Law 11 contractor reported at the July 17, 2023 CB1 Battery Park City Committee that it is also performing Local Law 11 work at Liberty Terrace (located at 380 Rector Place), and in connection with that work, as required by DOB, has installed shedding over a portion of the BPC Esplanade between Rector Place and West Thames Street, and that when the west-facing Local Law 11 work begins at Liberty Terrace, the contractor will close down access to the Esplanade between the installed shedding and the waterfront during the weekday-work-day; and
- WHEREAS: Another condominium in Battery Park City, Hudson Tower, (located at 350 Albany Street) has, as required by the DOB, installed Local Law 11 shedding that blocks ADA accessible access – ingress and egress - to the Esplanade at Albany Street; and
- WHEREAS: Local Law 11 shedding currently impedes access to the Esplanade at Albany Street, Rector Place and West Thames Street, leaving Liberty Street and the cul-de-sac at the southern tip of South End Avenue as the only unencumbered access to the Esplanade in South BPC; and
- WHEREAS: Local Law 11 work has been performed for decades in Battery Park City, including at Liberty Court, Liberty Terrace and Hudson Towers without such extensive sidewalk shedding in, and closures of, park areas; and
- WHEREAS: Local Law 11 work proceeds throughout the rest of Manhattan without shedding in streets or shedding in sidewalk areas across the street from the work, even though those areas are often closer to the work being performed than the park areas that are being required to be closed or shedding in Battery Park City; and
- WHEREAS: CB1 is mindful of the importance of pedestrian safety, but is concerned that the shedding and closures of park areas being required by DOB in Battery Park City is inconsistent with both historical practice in Battery Park City and with current practices in other areas of Manhattan; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 asks the Department of Buildings (DOB) to work with the contractors for and the management companies of Battery Park City (BPC) residential buildings in order to avoid the closure of the accessible routes to and from buildings and to identify ways to minimize shedding and avoid the closure of park areas and other public spaces; and

BE IT
FURTHER
RESOLVED

THAT: CB1 asks the Battery Park City Authority (“BPCA”) to provide support, including a hardship statement filed with the DOB, that will help BPC residential buildings minimize shedding and avoid closures of park areas and other public spaces that are required of them by the DOB; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges the DOB to balance what is needed for pedestrian safety with quality of life concerns caused by the closure of parks and public spaces. The historical practices required in BPC and the current practices in the rest of Manhattan call for less shedding and fewer closures of park areas and public spaces than are being requested for work on residences in BPC.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: EXECUTIVE

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

RE: Tunnel2Towers NYC 5K

WHEREAS: The Tunnel to Towers 5K Run & Walk in New York City (NYC) is held each year on the last Sunday of September; September 24th in 2023; and

WHEREAS: The Tunnel2Towers 5K Run & Walk pays homage to the 343 FDNY firefighters, law enforcement officers, and thousands of civilians who lost their lives on September 11, 2001, when terrorists attacked the World Trade Center; and

WHEREAS: The event symbolizes FDNY Firefighter, Stephen Siller's final footsteps from the foot of the Battery Tunnel to the Twin Towers, locations and an event that are significant in Manhattan Community District One (MCD1); and

WHEREAS: In past years, numerous local residents and CB1 members have participated in the Tunnel2Towers 5K Run & Walk. This year is not expected to be different; and

WHEREAS: Proceeds from the event support the Foundation's programs, including those that benefit first responders and catastrophically injured service members; and

WHEREAS: What began with 1,500 people in 2002, event organizers anticipate having 20,000 participants this year; and

WHEREAS: In MCD1, the participants will exit the Hugh L Carey Tunnel then proceed north on West Street (Route 9A), west on Liberty Street, north on the Battery Park City Esplanade, turn east onto Warren Street and then south on West Street to the finish line, located in the southbound lanes of West Street at Murray Street; and

WHEREAS: Per the TBTA Police Department as notified to T2T, The Hugh L Carey Tunnel will be closed to traffic by 7:30 AM, and will reopen to traffic at 12:30 PM; and

WHEREAS: NYPD advised T2T, the southbound lanes of West Street south of Canal Street will also close to traffic at 7:00 AM and reopen at about 2:00 PM. Vesey Street, River Terrace, Murray Street and Warren Street in Battery Park City (BPC) will also be closed; and

WHEREAS: In 2022 CB1 notified the Event Organizers that the usual east/west access in and out of northern BPC on Chambers Street had been shut down and they helped remedy the situation during the event; and

WHEREAS: CBI has requested that T2T work with NYPD to have more vehicle access: Close West Street just south of Chambers Street, closer to Warren Street and ensure there is east-west access in and out of northern BPC on Chambers Street; and

WHEREAS: The first wave of participants, who have sustained catastrophic injuries with West Point cadet escorts, are scheduled to start at 8:30, in advance of the official 9:00 AM race start. The last wave of walk/run participants start at 10:40 AM; and

WHEREAS: The event sponsors will have a water station by the tunnel in MCD1 and a sports medicine tent on Vesey Street. A street fair will be open on Vesey Street west of West Street. A barbeque and concert that uses a stage set up on Vesey Street, just east of North End Avenue will take place from 10:00 AM - 1:30 PM; and

WHEREAS: The route and entertainment in MCD1 are the same as past years; and

WHEREAS: Public portable bathrooms will be provided by the Event Organizers on West & Vesey Street on the pedestrian sidewalk; Brookfield Place remains open with access to public bathrooms; and

WHEREAS: The NYC Department of Sanitation and event organizers have been coordinating a schedule to keep the pickup trash on the curb lines in BPC to manage the trash and then sweep the event route; and

WHEREAS: The organizers are encouraging the use of mass transportation by arranging New York Water Taxi ferries between Pier11/Wall Street and Brooklyn before and after the event. No other information about sustainable modes of transportation at the end of the race are given; and

WHEREAS: New York Water Taxi ferries will leave from Pier11/Wall Street for Brooklyn beginning at 6:00 AM. The last vessel leaves for Brooklyn at 7:45 AM, but participants must be online by 7:30 AM to get to the starting line on time. People returning to Brooklyn after the race and festivities, can get free transportation from Pier 11 if they wear their bib; and

WHEREAS: Security and wayfinding for the event are not a concern as event organizers liaison with NYPD, multiple agencies, Brookfield Place's security and the Battery Park City (BPC) Ambassadors; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board One (MCB1) supports the Tunnels to Towers Foundation's request for a street permit for their annual 5K Walk and Run on Sunday September 24, 2023.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

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

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Proposal by Liberty Cruises for Temporary Ticketing Kiosks on Fulton Street, Historic South Street Seaport District

WHEREAS: Topview Sightseeing is a tourist service provider which offers double-decker sightseeing buses in New York City and operates Liberty Cruises out of Pier 36 (located at Clinton and South Streets in Manhattan Community Board 3); and

WHEREAS: Topview has engaged in discussions with the New York City Economic Development Corporation (EDC) for permission to operate seasonal “pop-up” kiosks in the Historic South Street Seaport District to sell tickets for the Liberty Cruise boat tours at Pier 36; and

WHEREAS: Topview proposes a three-month temporary trial period for the installation of two removable “kiosks” at the end of Fulton Street (on the west side of South Street) and across South Street at Pier 16. The proposed hours of operation would be 9:00 a.m. to 6:00 p.m. daily for April, May, September and October, 9:00 a.m. to 7:00 p.m. daily from June through August, and 9:00 a.m. to 4:00 p.m. daily for November through March. Under the proposal, the kiosks would be removed at the end of each day; and

WHEREAS: As currently proposed, the kiosks would be designed to look like the following:



WHEREAS: EDC asked Topview to review its proposal with Manhattan Community Board 1 (CB1) for comment before further consideration by EDC; and

WHEREAS: The Land Use, Zoning and Economic Development (LZE) Committee of CB1 reviewed Liberty Cruise’s proposal at the LZE Committee’s July 10, 2023 meeting, where members posed numerous significant questions and concerns about, *inter alia*, the location of kiosks in the Historic South Street Seaport District and the design of the proposed kiosks; and

WHEREAS: Upon review at the July 10, 2023 meeting, the LZE Committee voted to oppose the proposal as currently framed unless and until the applicant meets certain conditions; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes Liberty Cruise’s kiosks proposal unless the applicant:

1. Submits its proposal through a formal application as part of EDC’s Franchise Concession Review Committee (FCRC) process;
2. The applicant considers redesigning its proposed kiosks so that they do not clutter the historic streetscape of the Historic South Street Seaport District, or that, if possible, the applicant consider abandoning the kiosks and integrating its proposed ticket sale operations into available existing storefront space;
3. The applicant works with the South Street Seaport Museum to see if space might be available there for storefront, instead of kiosk, ticket sale operations;
4. Approval of the proposal must offer some financial relationship that supports the Historic South Street Seaport District, including but not limited to the South Street Seaport Museum;
5. Approval of the proposal must offer a favorable reciprocal relationship with other businesses;
6. The proposed installation must be designed and sited to fit in better with the historic nature of the Historic South Street Seaport District, such that it does not resemble other existing temporary vendors in the area; and
7. The applicant must commit that there will be no third-party ticket sales for Topview’s sightseeing buses or the Liberty Cruise boats anywhere in Lower Manhattan.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

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

COMMITTEE VOTE:	10 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	2 Opposed	0 Abstained	0 Recused

RE: Modification to Redesign an Existing Covered Pedestrian Space (CPS) at 60 Wall Street

WHEREAS: The New York City Planning Commission (CPC) approved a special permit (C 850321 ZSM) on May 13, 1985, for the construction of the existing 48-story office tower, public parking garage, and “covered pedestrian space” at 60 Wall Street. The 1985 application describes a 16,600 square foot CPS connecting arcades on Wall and Pine Streets, known today as the 60 Wall Street atrium. The atrium is described as “an oasis, primarily for passive enjoyment, amid the activity of Lower Manhattan.”; and

WHEREAS: For design (ZR 74-873), a CPS is required to include the following:

- the proposed covered pedestrian space will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;
- the proposed covered pedestrian space is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;
- the public character of the proposed covered pedestrian space shall be obvious from the outside of the building;
- appropriate commercial uses including, but not limited to, small stores and cafes fronting on the covered pedestrian space are provided;
- the distribution of the bulk on the zoning lot permits satisfactory access of light and air to surrounding streets and properties; and
- the proposed connection to an underground subway station from a covered pedestrian space is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional floor area ratio bonus.

WHEREAS: 60 Wall Owner LP, a real estate partnership led by developer Paramount Group, has unveiled plans to update and transform the 60 Wall Street property as part of a repositioning of the building following the loss of its previous anchor tenant, Deutsche Bank.

WHEREAS: On March 17, 2023, 60 Wall Owner LP submitted an application to the New York City Department of City Planning (DCP), seeking CPC approval for a modification to the previously approved special permit and restrictive declaration concerning the CPS at 60 Wall Street. According to the application’s Project Description, the proposed modifications “will facilitate design modifications and significantly improve the CPS through among other improvements: (1) the addition of a new grand staircase and ADA accessible elevator leading from the Wall Street 2/3 subway station to the CPS; (2) reconfiguration and relocation of the existing escalators that lead to/from the CPS and subway station; and (3) addition of new fixed and moveable seating, plantings (including a planted ‘green wall’), water features, public restrooms and retail space. The Proposed Actions will also permit the Applicant to complete updates to the façade of the Building.” The entire application package is available on the DCP’s Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021M0462>; and

WHEREAS: More specifically, the application describes the proposed modifications to the CPS at 60 Wall Street to include the following:

- Reconfiguring the CPS to provide a variety of opportunities and spaces for passive recreation to encourage pedestrian use and enjoyment of the space while continuing to provide paths for circulation between Pine Street and Wall Street;
- Adding a new “grand” staircase, ADA-accessible elevator, and escalator leading from the Wall Street 2/3 subway station to the CPS;
- Increasing the amount of seating from 104 moveable chairs to approximately 192 moveable chairs throughout the CPS, consisting of a variety of fixed and moveable seating, and increasing the number of tables provided within the CPS;
- Providing approximately 3,600 sf of planting area within the CPS (excluding green wall above CPS ceiling); and
- Creating a new, modern retail space that includes an eating and drinking establishment that will serve pedestrians, commuters, visitors and local residents who choose to passively recreate within the CPS.

WHEREAS: Manhattan Community Board 1 (CB1) previously approved two resolutions concerning proposed modifications the Privately Owned Public Spaces (POPS) at 60 Wall Street; and

WHEREAS: On May 24, 2022, CB1 approved a resolution rejecting the proposed exterior modifications of 60 Wall for not meeting the required criteria by the New York City Landmarks Preservation Commission (LPC) for “Harmonious Relationship” with the landmarked building at 55 Wall Street. A copy of CB1’s May 24, 2022, 2023 resolution may be found at <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/22-05-24.pdf#page=37>; and

- WHEREAS: The Landmarks Preservation Commission (LPC) issued a letter in response to a Request for Evaluation (RFE) to designate 60 Wall Street as a New York City landmark on September 12, 2022. The LPC determined that “the building and interior POPS merit further study within the context of Postmodern commercial architecture and interiors,” leaving the door open for landmark designation as has been the case for other Postmodern landmarks such as the ATT Corporate headquarters and the United Nations Hotel’s Ambassador Grille and hotel lobby designed by Roche and Dinkeloo Architects, the same architects of 60 Wall Street; and
- WHEREAS: On February 28, 2023, CB1 approved a resolution supporting a letter provided to the LPC advocating for extending individual landmark protection to the exterior and interior elements of 60 Wall Street. The letter was signed by 17 groups and individuals including New York City Council Member Christopher Marte, New York State Assembly Member Grace Lee, the Municipal Art Society, the New York Landmarks Conservancy, the Preservation League of New York State, Docomomo US, the Historic Districts Council and noted architects Robert A.M. Stern and Paul Goldberger. CB1 urged that LPC calendar 60 Wall “with all due urgency.” A copy of CB1’s February 28, 2023 resolution may be found at <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/23-02-28.pdf#page=29>; and
- WHEREAS: DPC referred 60 Wall Owner LP’s application for modification to the previously approved special permit and restrictive declaration to CB1 on June 30, 2023, for a 45-day review period, with CB1’s comments due to be filed with DCP by no later than August 21, 2023; and
- WHEREAS: Leadership from CB1 strongly encouraged the applicant not to cause DCP to refer out this application in late June 2023, because doing so would effectively allow CB1 fewer than 30 days to publicly review the application, given that the earliest possible first public review would be the July 10, 2023 meeting of CB1’s Land Use, Zoning and Economic Development (LZE) Committee and that Community Boards including CB1 generally do not meet in August. Thus, CB1 has been effectively provided 15 days for public review of this important application (July 10, 2023 – July 25, 2023); and
- WHEREAS: The LZE Committee nevertheless reviewed the application at its July 10, 2023, meeting, where members posed numerous significant questions and concerns about the process and the substance of the application; and
- WHEREAS: Council Member Marte offered testimony at the LZE Committee meeting including a summary of his office’s Land Use Rationale Analysis, dated July 5, 2023, which highlights certain “nuances” of non-compliance and disputes many of the applicant’s representations and conclusions about the proposed modification’s supposed improvements to lighting, subway access, water features, planting, seating, public restrooms, retail and connection; and

WHEREAS: CB1 received letters of support for the application, offered by the applicant’s development team, from 63 & 67 Wall Street Owner LLC, the Down Town Association, the Radisson Hotel Wall Street, and the Downtown Alliance; and

WHEREAS: CB1 also received letters in opposition to the application, including letters from The Municipal Art Society of New York, The New York Historical Society, Docomomo, The City Club of New York, The New York Landmarks Conservancy, architectural historian Alexandra Lange, PhD, and architect Robert A.M. Stern; and

WHEREAS: Upon further review at the July 10, 2023, meeting, the LZE Committee voted to recommend that the 60 Wall Owner LP application for modification to the previously approved special permit and restrictive declaration be Disapproved With Conditions; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends that the 60 Wall Owner LP application for modification to the previously approved special permit and restrictive declaration be disapproved with the following conditions:

1. The DCP and CPC should not further consider this application until such time as the LPC has the opportunity to calendar and review 60 Wall Street for potential landmark status in accordance with the LPC’s previous conclusion that “the building and interior POPS merit further study within the context of Postmodern commercial architecture and interiors”;
2. The proposed public restrooms in the applicant’s designs should be made more accessible to the public and not, as currently designed, out of sight and difficult to locate;
3. Any modification to the CPS should include at least two escalators, as currently exist, as opposed to the single elevator in the proposed redesign;
4. The proposed modified designs to the CPS include significant elements of privatization the seating areas, which discourages its use by the public, and should be redesigned to encourage public use;
5. Any modification to the CPS should retain the current rock elements;
6. The proposed modifications should be redesigned so that there is more variety and types of seating and that the seating is more spaced out, in proportion to how the seating is currently configured in the CPS;
7. The redesigned CPS should have more than one retail merchant;
8. The redesign of the Pine Street entrance to the CPS should be reconfigured so that the entrance not be mean;
9. The redesign should not include merely a single green wall but should include more trees and greenspace, following the example of the Ford Foundation Building (designed by same architects, Roche and Dinkeloo Architects, who designed the original 60 Wall Street);

10. The redesign should either retain or incorporate the sense of the existing four fountains with sculptural walls, instead of two bland water pools; and
11. That designs for the modification of the CPS respect other features of the original design, which include a more usable public space for programming, instead of staircases and hallways.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

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

RE: Docket number #23-09082, 36 Hudson Street

WHEREAS: 36 Hudson Street: proposed work is installation of a new clear material roof safety railing and new 8th floor terrace greenhouse space now to be enclosed and become part of indoor living; and

WHEREAS: The overall proposed massing and height of the 8th floor addition/enclosure is minimally visible from all sides of Hudson as well as Greenwich Streets. Proposed HVAC roof units and the new safety railing separating the mechanical space are set back and not visible at all from Hudson Street; and

WHEREAS: The proposed 8th floor exterior slanted glass vertical wall is 4' away from the existing parapet narrowing down to 8" at the bottom. The roof of this space is flat, behind the parapet wall and therefore not seen from the street level; and

WHEREAS: The material proposed for the 8th floor slanted exterior wall is reflective glass matching that of a mirror effect as per the sample shown during the presentation. Even though it's behind the parapet, this material is visible through the existing arched openings and the Committee felt that this was an inappropriate material to match glare and reflection. The architect agreed to re-visit this selection of material where the new glass would not be reflective; and

WHEREAS: A new lot line window, two over two configuration that matches the other two existing windows at the same elevation, is being proposed facing Hudson Street. This is a ¾ hour fire rated opening with a sprinkler head inside so that this new opening will not create a hazardous condition for the adjacent property, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1, Manhattan recommends approval of installation of safety railing to separate the mechanical and therefore meet Code requirements as well as the enclosure of the 8th floor terrace pending that a non-reflective glass material is used.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	3 Opposed	0 Abstained	0 Recused

RE: Docket numbers – #23-04474 and #22-10314 - Installation of non-standard pedestrian ramps with granite paver crosswalks within Historic Districts

WHEREAS: Upgrade of non-standard pedestrian ramps using granite pavers and granite headers within the Historic Districts at the following locations: Pearl Street/Coenties Alley, Jay Street/Staple Street, Laight Street/Collister Street, Jay Street/ Greenwich Street, Vestry Street/Washington Street and Watts Street/Greenwich Street; and

WHEREAS: Department of Design and Construction (DDC) described the project objective which is to make all pedestrian ramps and crosswalks at these locations ADA compliant both in slope and use of DOT standard materials that will not have a differential in slope higher than 1/4"; and

WHEREAS: DDC advised that all proposed locations listed above were determined and provided to them by the Department of Transportation (DOT); and

WHEREAS: The Committee is in support of this objective, however there is a concern that many corners and streets within CB 1 are in disrepair and in urgent need of upgrades. The Committee is asking that the DOT and elected officials come to discuss locations of future work and request consistency of upgrades at other, even more, important crossings and streets; and

WHEREAS: DDC advised that this program is in response to a lawsuit against NYC by the ADA advocates and claimed that these locations are a priority as a result; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1, Manhattan recommends approval of granite pavers and proposed granite headers as per DOT standard details but requests a presentation from the DOT to review all relevant locations within this Historic District going forward. The piece-meal approach is not satisfactory to CB1; a more homogeneous solution is requested.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Docket number # 23-10705 - Improvements to the Historic South Street Seaport area planters, seating, lighting and wayfinding

WHEREAS: Proposed new alterations/additions at the Historic South Seaport District area that include new planters, seating, lighting, and wayfinding signage by the Howard Hughes Corporation (HHC) including renovations to the Titanic Memorial Park pending restoration of the memorial lighthouse; and

WHEREAS: HHC and their Landscape Designers presented a proposal to install new linear benches and planters along the perimeter of Fulton Street leading downward Pier 17; the planters have slots designed for easy relocation with tree sizes shown now and what to expect in 20 years; question being raised if these trees will last this long in planters. Committee had concerns as to why a more permanent in-ground planting of trees wasn't considered since that is a more favorable solution for the community. Basically, the answer is that movable planters and benches do not require approvals by CB1 or other City agencies; and

WHEREAS: HHC and their Lighting Designers presented a custom-made post and a light fixture consisting of a single bulb head and a version of a multiple bulb head. Single heads are marching and lighting the way along Fulton Street clearly leading towards Pier 17 and more robust, three light bulb fixtures proposed to showcase the Tin Building. The committee has concerns with this proposal as it seems to cater to secondary users such as tourists rather than providing friendly and comfortable spaces for the use and benefit of this community first and foremost; and

WHEREAS: HHC and their signage consultant presented a cycle of graphics and wayfinding signage for the district that the committee found too robust in feeling and numerous in quantity; again, catering to tourists as the community doesn't need to be directed at multiple corners. Concerns were shown with the proposed embedded massive lettering into the ground at the entrance and exit of Fulton Street announcing, "The Seaport" This is not the name of this district, the community does not condone destroying or defacing the historic surfaces of the original paving,

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1, Manhattan is disapproving of these proposals. The committee is advocating for the creation of spaces that will eliminate the historic atmosphere that serves the needs and benefits this community first and foremost. These

proposals suggest a vision that will re-brand the historic landscape of this area that is in conflict with the vision of this community and New York City.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	2 Abstained	0 Recused

RE: Docket number #23-10466 - New storefront at 271 Church Street (aka 90 Franklin Street) to replace a window with a door and sidelights

WHEREAS: Architect presented how this historic window at the important corner of this building and street, will be removed to make way for new door leading into a commercial space beyond; and

WHEREAS: This proposal also involves the removal of approximately 8' x 2.5' high historic granite water table and recessing back this new aluminum and glass proposed door assembly making it out of line with the rest of the existing window alignments; and

WHEREAS: While this similar proposal located much further down Franklin Street and away from the corner of the building was approved, the committee could not approve this new request that would further deteriorate the fabric of this historic building; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1, Manhattan recommends **disapproval** of this application.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **319 Greenwich Street**, application for a new application for a full service liquor license for Magao Greenwich Inc.

WHEREAS: The applicant, Magao Greenwich Inc. at 319 Greenwich, is applying for new application for a full on-premise Liquor, Wine, Beer and Cider license on the first floor and cellar; and

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

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

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

WHEREAS: The establishment is a restaurant, with a total of 7,000 square feet which includes the Dining Area, Bar Area, and Kitchen Area, with 33 tables with 120 seats, 2 stand up bars and a sushi bar; and

WHEREAS: Based on constituent concerns, the applicant has agreed to install all new kitchen equipment; and

WHEREAS: The applicant has represented that there will be live and recorded background music from built in speakers and no TV; and

WHEREAS: The applicant has agreed to no more than two buyouts per month; and

WHEREAS: The applicant has agreed to close the windows, and

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

WHEREAS: The applicant indicated that deliveries will be conducted via third parties during 4:00PM to 5:00 PM, 7 days a week; and

WHEREAS: The applicant has agreed to use the same carting company from Sunday to Friday, as “Gigino Trattoria” a nearby establishment, so that garbage pick up will be no later than 2am; and

WHEREAS: The establishment has been advised that it is considered a “large venue” and has agreed through signed stipulation to operate under guidelines for an establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

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

THEREFORE

BE IT

RESOLVED

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

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their new application and temporary retail permit for on-premise Liquor, Wine, Beer and Cider License for Magao Greenwich Inc. at 319 Greenwich, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **100 Pearl Street**, application for a new application and temporary retail permit for a full service liquor license for JV US HF Pearl St 1 LLC.

WHEREAS: The applicant, JV US HF Pearl St 1 LLC at 100 Pearl Street, is applying for a new application and temporary retail permit for a full Liquor, Wine, Beer, and Cider license on the ground floor and lower level of establishment; and

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

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

WHEREAS: The hours of operation will be 8:00AM - 12:00AM daily Monday to Saturday, they **will not** be open on Sundays; and

WHEREAS: The establishment is a restaurant and food hall, with a total of 14,201 square feet which includes the Dining area, Bar Area, and Kitchen Area there will be a public capacity of 125 people with 42 tables and 1 stand up bar with 13 counter seats; and

WHEREAS: The applicant has represented that there will **only** be recorded background music from (4) 60w speakers set on 30w, and there will be 18 speakers on the ground floor for the entire food hall; and

WHEREAS: The establishment does not intend to apply for a DOT open restaurant sidewalk café; and

WHEREAS: The applicant has agreed to close the windows; and

WHEREAS: The applicant has indicated that deliveries are planned to be conducted via bicycle personnel and will inform them of the Department of Transportation bicycle rules; delivery will be conducted during the hours of 7:00AM - 6:00PM; and

WHEREAS: The establishment has been advised that it is considered a “large venue” and has agreed through signed stipulation to operate under guidelines for an establishment designated to hold 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation; and

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

THEREFORE

BE IT

RESOLVED

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

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their new application and temporary retail permit for on-premise full Liquor, Wine, Beer, and Cider license for JV US HF Pearl St 1 LLC at 100 Pearl Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **45 John Street**, application for a new application and temporary retail permit for a Wine, Beer and Cider license for HK FIDI LLC d/b/a Zizi & Hummus Kitchen

WHEREAS: The applicant, HK FIDI LLC d/b/a Zizi & Hummus Kitchen at 45 John Street, is applying for new application and temporary retail permit for on-premise Liquor, Wine, Beer and Cider License on the first floor; and

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

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

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

WHEREAS: The establishment is a restaurant with a total of 16,000 square feet which includes the Dining, Bar, and Kitchen Area with a capacity of 59 people with 19 tables with 41 seats in the Dining area, and 1 bar area with 18 seats; and

WHEREAS: The applicant has represented that there **will only** be recorded background music from 12-14 small speakers that is controlled by an IPOD, music will be played on low volume; and

WHEREAS: The establishment does not intend to apply for a DOT open restaurant sidewalk café; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel but expect delivery of goods and services from 8:00AM - 5:00PM; and

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

THEREFORE
BE IT
RESOLVED

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

BE IT
FURTHER
RESOLVED

THAT: CB1 opposes the granting of their new application and temporary retail permit for on-premise Liquor, Wine, Beer and Cider License for HK FIDI LLC d/b/a Zizi & Hummus Kitchen at 45 John Street **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **111 John Street, store #2**, application for a new application for a Wine and Cider license for Kiss111John LLC d/b/a Kamasu

WHEREAS: The applicant, Kiss111John LLC d/b/a Kamasu at 111 John Street, is applying for a new Wine, Beer, and Cider license on the ground floor of the premises; and

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

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

WHEREAS: The establishment is a Quick Serve Sushi, handrolls to-go and counter service with a separate omakase sushi room. The hours of operation will be 10:00AM - 12:00AM Sunday to Thursday, 10:00AM - 1:00AM Friday to Saturday; and

WHEREAS: The establishment is a restaurant with a total of 2,200 square feet which includes the 2 food counters, with 19 tables, 38 seats and 1 stand up bar with 23 seats. The space can hold a public capacity of 120 people but the applicant has assured the CB that they will not exceed an occupancy of 74; and

WHEREAS: The applicant has agreed to be mindful of the type of delivery vehicles they can accept from third party food delivery companies and delegate someone to mitigate any parking issues due to the narrow street, so as not to disrupt the flow of vehicular and pedestrian traffic; and

WHEREAS: The applicant has represented that there **will only** be recorded background music playing on 6-8, 6.5in speakers that is pendant and wall mounted; and

WHEREAS: The establishment does not intend to apply for a DOT open restaurant sidewalk café; and

WHEREAS: The applicant will accept delivery of supplies, goods and services between the hours of 7:00AM-4:00PM; and

WHEREAS: The applicant will utilize the same carting company of the building where the establishment is located for trash pick up; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against stipulations; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their new application and temporary retail permit for on-premise Wine, Beer, and Cider license for JKiss111John LLC d/b/a Kamasu at 111 John Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	22 In Favor	7 Opposed	9 Abstained	0 Recused

RE: Durama Tours Inc. (dba The Ride) bus stop requests

WHEREAS: Tour bus operator Durama Tours Inc. (dba The Ride) has submitted a new application for two sightseeing bus stops for drop offs and pickups. There will be 1 trip per hour, Monday to Sunday 11:00 AM to 9:00 PM. The planned stops are on the hour at the first stop and 20 minutes after the hour at the Broadway stop; and

WHEREAS: Durama Tours, Inc. intends to initiate their operation of this route by The Ride with only five trips per day (11:00 AM, 1:00 PM, 3:00 PM, 6:00 PM and 8:00 PM) and to only operate this route Wednesday through Monday; and

WHEREAS: The tour starts at Water & John Street (200 Water) then turns right onto Maiden Lane, right onto Church Street, right onto Canal Street, right onto Broadway, left onto Worth Street then leaves Manhattan Community District 1 (MCD1) to make a left onto Bowery and ends at East Houston Street & Bowery (NW corner); and

WHEREAS: The first stop being requested is at the start of the Ride's route in MCD1; an existing bus stop in front of 200 Water Street (near John Street). There are two bus stops on that block of Water Street; and

WHEREAS: The current parking regulation in front of 200 Water Street is Bus Stop; No Standing. The existing bus stop at that location is for the MTA M15, QM11, QM25 & Experience the Ride NY, LLC, which was purchased by Durama Tours, Inc.; and

WHEREAS: The second stop on the route that is requested and has been assigned by the New York City (NYC) Department of Transportation (DOT) is an existing stop on the west side of Broadway, between Walker Street and White Street, in front of 391 Broadway; and

WHEREAS: The assigned stop in front of 391 Broadway is currently used for drop offs and pickups by the MTA X27 and X28. It is also posted for Experience the Ride, which the DOT has listed as no longer in service;¹ and

¹ Google maps photo of bus stop; accessed June 17, 2023.

- WHEREAS: Experience the Ride, the original operator of this route, closed between March 2020 and November 2021 due to the COVID-19 pandemic and then reopened with new COVID-19 protocols.² In October 2022³ they closed again. Durama Tours purchased the company and is seeking to use the same bus stops; and
- WHEREAS: The current parking regulations on Broadway are Bus Stop; No Standing. The west side of the block has two bus stops. The other is located at the south end of the block near White Street. A bus lane is located along the block immediately east of the lane where buses stop. There is no parking on the west side of the block; and
- WHEREAS: The sidewalks are 12 feet wide at both of the requested stops, a width that the DOT judges to be adequate for drop offs and pickups at the assigned stops; and
- WHEREAS: The Ride is using a bus and entertainment format similar to what was offered by Experience the Ride. People taking the tour are allowed to get picked up or dropped off at any of the stops on the route; and
- WHEREAS: The Ride uses a specially converted luxury tour bus that seats the guests sideways, as if in a theater, look forward to see New York, its residents as they travel around; and
- WHEREAS: The Ride is advertised as an exciting theatrical adventure where the city is the stage and there are two hilarious hosts during their unique 60 to 75-minute show (route);⁴ and
- WHEREAS: Durama Tours, Inc. promises that on this route (unlike in the past and in Midtown), no actors will be hired to perform outside the bus along the route; and
- WHEREAS: The DOT's Bus Stop Management Team has clarified that the Permittee must follow all applicable laws and rules, pursuant to DOT [Traffic Rules](#), which contain restrictions on parking, standing, and stopping for buses (Section 4-10). Stopping for a performance would be prohibited; and
- WHEREAS: Durama Tours, Inc. is based in Brooklyn where the buses are parked. The buses will not park in Manhattan for any breaks or to wait during or between tours; and
- WHEREAS: CB1 supports tourism, however, there is concern that the entertainment, including performers outside of the bus, along the route could interfere with the movement of traffic, bikes and pedestrians; now

² https://www.reddit.com/r/nyc/comments/y0ws6k/the_ride_nyc_shutting_down_for_good/, accessed June 17, 2023.

³ <https://www.broadwayworld.com/off-broadway/article/New-York-Citys-THE-RIDE-to-Close-This-Month-After-12-Years-and-30414-Performances-20221010>; accessed June 2023

⁴ https://docs.google.com/document/d/1iQIMHXZu_DycmkFk3Dly39i7qzbaufHtDAZUvB1wW1Q/edit

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 (MCB1) supports Durama Tours, Inc. (dba The Ride) request for sightseeing bus stops for drop offs and pickups in front of 200 Water Street and 391 Broadway unless the buses slow or interfere with the movement of pedestrians, bicycles or traffic along the route due to any entertainment connected to their tour.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	6 In Favor	1 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	25 In Favor	8 Opposed	6 Abstained	0 Recused

RE: City of New York Traffic Noise Reduction and Management

WHEREAS: Noise is often viewed as an unfortunate reality of urban life, but the consequences are costly and deserve to be mitigated. Noise is a largely unrecognized health threat that increases the risk of [hypertension, stroke and heart attacks](#);⁵ and

WHEREAS: A study following more than four million people for more than a decade found that, starting at just 35 decibels (dB), the risk of dying from a cardiovascular disease increased by 2.9 percent for every 10 dB increase in exposure to road traffic noise;⁶ and

WHEREAS: According to the World Health Organization (WHO), average road traffic noise above 53 dB or average aircraft noise exposure above about 45 dB are associated with adverse health effects;⁷ and

WHEREAS: Prior exposure to a noise (e.g., traffic) doesn't make it easier to ignore, but rather primes the body to overreact, amplifying the negative effects; and

WHEREAS: Modified mufflers and car horns routinely produce noises in excess of 110 decibels; and

WHEREAS: Cars and motorcycles with modified mufflers are routinely heard on West Street (Route 9A), especially overnight when speeding is clearly involved; and

WHEREAS: Car honking complaints are widespread, but are especially disruptive and common in MCD1 on Canal Street, the streets around the Holland Tunnel and its rotary and in the Financial District around John Street, east of Williams Street; and

⁵ Baumgartner E, Kao J, Lutz E, et al; "Noise Could Take Years Off Your Life. Here's How" *The New York Times*, June 9, 2023 <https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>

⁶ Vienneau D, Saucy A, Schäffer B et al, "Transportation noise exposure and cardiovascular mortality: 15-years of follow-up in a nationwide prospective cohort in Switzerland", *Environ Int.* 2022 Jan;158:106974; <https://pubmed.ncbi.nlm.nih.gov/34775186/>

⁷ <https://www.who.int/europe/publications/i/item/9789289053563>

- WHEREAS: Manhattan Community Board 1 (MCB1) members report hearing persistent, widespread violation of the noise ordinance due to vehicles with modified mufflers, honking and vehicles with large sound systems; and
- WHEREAS: The City of New York (NYC) Noise Code was created to reduce: “The making, creation or maintenance of excessive and unreasonable and prohibited noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city”;⁸ and
- WHEREAS: The U.S. Environmental Protection Agency (EPA) and the WHO recommend maintaining environmental noises below 70 dBA over 24-hours (75 dBA over 8-hours) to prevent noise-induced hearing loss. The EPA also specifies limits for speech interference and annoyance at 55 dBA for outdoors activities and 45 dBA for indoor activities;⁹ and
- WHEREAS: Unlike combustion engines, electric engines do not make noise. The increased adoption of electric motor vehicles should be seen as an opportunity to reduce traffic noise. Any requirement that electric vehicles emit sounds to alert pedestrians should take noise harms into consideration; and
- WHEREAS: The City of New York (NYC) Department of Environmental Protection (DEP) currently employs only one photo noise violation monitoring device to identify and issue tickets to vehicles that violate the city’s noise ordinance by producing sounds louder than 85 decibels (dB) at 50 feet; and
- WHEREAS: The DEP plans to employ seven such devices by the end of 2023 and plans to have as many as 100 in use by 2028; and
- WHEREAS: New York City Council bill [Int 0778-2022](#) would “amend the administrative code of the City of New York, in relation to establishing a photo noise violation monitoring device program for motor vehicles”;¹⁰ and
- WHEREAS: Int 0778-2022 would establish guidelines for the type and calibration of devices in use, the rights and responsibilities of motorists and law enforcement with respect to enforcement, and the type and frequency of data collection and reporting requirements; and

⁸ <https://www.nyc.gov/assets/dep/downloads/pdf/air/noise/noise-code-guide-summary.pdf>

⁹ https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

¹⁰ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5871100&GUID=0E5050A7-A87F-49DB-9838-C34497552E75>

WHEREAS: Failing to monitor and control road traffic noise and having a city noise ordinance that allows 85 Db places the health, hearing and wellbeing of MCD1 residents and workers unnecessarily at risk; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 (MCB1) implores the City of New York's (NYC) Department of Environmental Protection (DEP) to install more photo noise violation monitoring devices, as soon as possible, in order to identify vehicles violating the city's noise ordinance; and

BE IT

FURTHER

RESOLVED

THAT: MCB1 supports the passage of NYC Council bill [Int 0778-2022](#) and urges our councilmember, the Honorable Christopher Marte, to support the bill and to get monitors installed near Manhattan Community District 1's noisiest roads; and

BE IT

FURTHER

RESOLVED

THAT: MCB1 urges the NYC Department of Environmental Protection (DEP) to review the most current research on the negative health impacts of noise and reconsider the noise levels that should be used in NYC ordinances in order to reduce the harmful long and short-term effects of street noise on our residents and visitors.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

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

RE: Request to increase penalties and enforcement for vehicles operated with missing, fraudulent, obstructed and defaced license plates

WHEREAS: Missing, fraudulent, obstructed or defaced license plates make it difficult to identify and locate drivers who commit crimes such as fleeing the scene of a crash and make it easy to avoid carrying insurance on the vehicle; and

WHEREAS: Missing, fraudulent, obstructed or defaced license plates evade automated enforcement of traffic (red light and speeding), parking and bus lane violations; and

WHEREAS: Missing, fraudulent, obstructed or defaced license plates are used to evade tolls on bridges, tunnels, toll roads and for the Central Business District (CBD) Tolling Program, anticipated to start in 2024. All provide vital revenue; and

WHEREAS: According to Phil Banks, Deputy Mayor for Public Safety, “There is no legitimate, above-board reason to remove a plate or obscure your license plates — none, none that I’m aware of,”¹¹ and

WHEREAS: New York Vehicle and Traffic Law, Section 402 makes it illegal to operate a vehicle with a missing, fraudulent, obstructed or defaced license plate and sets the fine at \$25-\$300; and

WHEREAS: New York City (NYC) Administrative Code, Title 34, Section 4-08(j)(2) makes it illegal to park a vehicle with a missing, fraudulent, obstructed or defaced license plate. The NYC Department of Finance sets the fine at \$65; and

WHEREAS: Despite missing, fraudulent, obstructed and defaced license plates being illegal, they are commonly seen in Manhattan Community District 1 (MCD1); and

¹¹ “Toss your ‘Ghost Car’ Complaints Into the 311 Abyss, Says Deputy Mayor Banks, *Streetsblog*, April 14, 2023, <https://nyc.streetsblog.org/2023/04/14/toss-your-ghost-car-complaints-into-the-311-abyss-says-deputy-mayor-banks>, accessed June 11, 2023

WHEREAS: Vehicles with missing, fraudulent, obstructed or defaced license plates are so common throughout the NYC that there are Twitter accounts including [@defaced plates of NYC](#) with over 1,600 tweets and [@HowsMyDrivingNY](#) with over 182,300 tweets that post cases; and

WHEREAS: In August 2022 the NYC Department of Transportation (DOT) was unable to read 7.38 percent of the plates on cars that triggered enforcement cameras, up from 4.72 percent a year earlier and 1.26 percent in August 2019;¹² and

WHEREAS: During only two targeted enforcement efforts, each on a single bridge, the MTA Bridge and Tunnel officers and their law enforcement partners interdicted and impounded 63 vehicles with unpaid tolls and fees of more than \$1.5 million;¹³ and

WHEREAS: License plate obstructions can be removed without charge and a peeling license plate can be replaced free of charge,¹⁴ so cost to fix these problems is not an issue; and

WHEREAS: [Int 1116-2023](#) would require that the Department of Sanitation (DSNY) remove vehicles that are an encumbrance on the street within 72 hours after receiving notice. It would also require that the Police Department direct the towing of vehicles parked on the street that do not have valid license plates, registration stickers or inspection stickers, or that have improperly displayed or obscured license plates, registration stickers, inspection stickers or vehicle identification numbers;¹⁵ and

WHEREAS: Missing, fraudulent, obstructed or defaced license plates are becoming increasingly common and allow drivers to avoid fines, tolls and accountability for accidents and crimes while increasing tolls for law abiding drivers; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 (MCB1) urges the New York City Council to pass and the Honorable Christopher Marte to support legislation that increases the penalty for vehicles parked or operated with missing, fraudulent, obstructed or defaced license plates; and

¹² Kuntzman, G, “Data: Unreadable Plates Soared Last Year: Foiling Speed and Red-Light Cameras”, *Streetsblog*, <https://nyc.streetsblog.org/2023/02/13/data-unreadable-plates-soared-last-year-foiling-speed-and-red-light-cameras>

¹³ Bascome, E, MTA nabs toll evaders with fines exceeding \$1.5M in enforcement blitz at 2 NYC bridges, SI Advance, April 13, 2023; <https://www.silive.com/news/2023/04/mta-nabs-toll-evaders-with-fines-exceeding-15m-in-enforcement-blitz-at-2-nyc-bridges.html>

¹⁴ <https://dmv.ny.gov/press-release/press-release-10-11-2022>

¹⁵ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6267690&GUID=2A1EB2BC-8895-4C48-85B7-9CBC1784B4AC>

BE IT
FURTHER
RESOLVED

THAT: MCB1 supports Int 1116-2023 but urges City Council to keep it focused on missing, fraudulent, obstructed and defaced license plates. Vehicles with registrations or inspections that have expired within 60 days should be ticketed in accordance with the existing laws, but not be towed; and

BE IT
FURTHER
RESOLVED

THAT: MCB1 urges the New York Police Department (NYPD), the Metropolitan Transportation Authority (MTA), the New York New Jersey Port Authority (NYNJPA), Mayor Adams and Governor Hochul to increase enforcement and hold vehicle owners accountable for missing, fraudulent, obstructed or defaced license plates.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 25, 2023

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	5 In Favor	4 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	33 In Favor	2 Opposed	0 Abstained	0 Rescued

RE: Elizabeth Berger Park Poets in the Park Project

WHEREAS: Following more than a decade of planning, Elizabeth Berger Park opened in April 2021, and

WHEREAS: The 29,000 square foot park, named for Elizabeth Berger former president of the Downtown Alliance and member of CB 1 who died in 2012, features grass lawns, trees, landscaping, seating and paved pathways; and

WHEREAS: The park today does not recognize the history of the Little Syrian community that became home to thousands of Lebanese and Syrian immigrants from 1880 - 1940 and settled in the streets surrounding what is now Elizabeth Berger Park in Washington and Greenwich Streets from Battery Place to Liberty Street running warehouses, stores, restaurants, print shops, cafes and tenement houses; and

WHEREAS: Rabitah: Poets in the Park is a large scale permanent public art installation dedicated to the literary contribution and early history of Arabs in the US proposed for Elizabeth Berger Park that has been in the works for several years and is the work of the Washington Street Historical Society (WSHS), the NYC Parks Department, the Department of Cultural Affairs and artist Sara Ouhammadou; and

WHEREAS: Community Board One is very supportive of efforts to recognize the important contributions of the Arab American community of Lower Manhattan until development projects such as the Brooklyn Battery Tunnel and Battery Park City decimated their community driving much of the population to Brooklyn and elsewhere; and

WHEREAS: The scale and dimension of this project that is visible throughout this relatively small park did prompt community members and members of the CB to seek modifications to their original design and their current proposal was more well received by the WPC Committee at our July 2023 meeting; and

WHEREAS: There continue to be members who are troubled by elements of this project that include large sculptural pieces that will now permanently interfere with the ability of people to enjoy sections of this park including landscaped areas and benches they feel should be protected and preserved here in Lower Manhattan and not removed from an area in need of more open space, now

Commented [1]: add some...members

THEREFORE
BE IT
RESOLVED

THAT: CB 1 recommends that the Public Design Commission approve the proposed Washington Street Historical Society's Rabatah: Poets in the Park; and

BE IT
FURTHER
RESOLVED

THAT: CB 1 urges the PDC works with the artist and WSHS to see if you can mitigate the impact of large sculptural pieces so that people can best enjoy the natural features of the park; and

BE IT
FURTHER
RESOLVED

THAT: CB 1 also strongly urges the PDC to be careful in approving permanent large-scale artwork to take over major portions of parks such as in this case. So, while we surely understand and support the need to recognize the contribution of our Little Syrian community, safeguarding our precious parks particularly in densely populated areas such as Lower Manhattan, also must never be forgotten.