



Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166th St. 6th Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Website: www.nyc.gov/mcb12

George Fernández Jr. - Chairman
Ebenezer Smith, District Manager

Dec. 23, 2015

Hon. Carl E. Heastie, Speaker
Assemblymember
Legislative Office Building 932
Albany, NY 12248

Dear Speaker Heastie:

At the General Meeting on Dec. 22, 2015 Community Board 12M passed a resolution with a vote of (30) In favor; (0) Opposed; (0) Abstained supporting proposed Legislation to be introduced into NYS Senate at the beginning of the 2016 session with certain changes or amendments listed below and urging swift passage of this proposed Bill as amended with CB12M recommendations, a companion Bill to be introduced in and swiftly passed by NYS Assembly and to be signed by the Governor.

- Whereas: There has been proliferation of On-Premises Liquor Licenses (OPLs) issued by the New York State Liquor Authority (SLA) to restaurants, bars and clubs within Inwood and the area of Washington Heights north of where Nagle and Hillside Avenues intersect with Broadway, with nearly a doubling of the number of OPLs in that area since 2012; and
- Whereas: There has been an outcry from neighborhood residents on the negative impact on their quality of life due to the number of SLA-licensed establishments in Community District 12, Manhattan (CD12M), in particular the number of OPLs in the area described above; and
- Whereas: It is desirable to pause to consider how better to manage the growth and proliferation of SLA-licensed facilities, while not undermining an important segment of the local economy or denying law-abiding businesses the opportunity to create jobs and be successful; and
- Whereas: The SLA is not always responsive to community input or community need with regard to the proliferation of OPLs within CD12M, and within Inwood in particular; and
- Whereas: Residents of CD12M and members of Community Board 12, Manhattan (CB12M), in response to these concerns, have called on elected officials, particularly those in the New York State Legislature, to act; and
- Whereas: NYS Senator Adriano Espaillat has called for a one-year moratorium on the consideration and granting of OPLs in the area described above and plans to introduce legislation allowing for such a moratorium when the State Senate resumes its session in 2016; and
- Whereas: The proposed legislation would not affect renewals but would provide a mechanism for a one-year moratorium on the granting of new OPLs in a heavily saturated area for the purpose of reevaluating the criteria by which such licenses are granted; and
- Whereas: The proposed legislation does not specify the actual area where such a moratorium in CD12M might be imposed, and this decision could only be made at a later date should this proposed legislation become law; and
- Whereas: The proliferation of SLA-licensed establishments has caused similar problems in other neighborhoods throughout the borough and the city, and these neighborhoods also would benefit from taking a "pause" to evaluate the number of such licensed establishments; and

Whereas: The legislation would not sunset but would allow future one-year moratoria in this or other neighborhoods should the prevailing conditions (such as described above) warrant it; now, therefore, be it

Resolved: That Community Board 12, Manhattan supports proposed legislation to be introduced into the NYS Senate at the beginning of the 2016 session, with the following changes or amendments:

1. change "may" to "shall" in reference to the SLA's action, requiring the SLA to impose a one-year moratorium if the stipulated conditions are met, rather than permitting it to have discretion to impose a moratorium;
2. remove language that requires the SLA to find that the number of licenses has doubled over a three-year period (i.e., from "and (b)..." on line 16 on p.2 and line 18 on page 3, through "...over a three year period," on line 20, p.2 and line 22, p.3) so that the moratorium is triggered if the community and its elected officials agree that a moratorium is in order, but not so as to not allow more than three years' moratorium in a row, which would be tantamount to an outright ban on new licenses;
3. have a 1-year period that follows the moratorium in which the closing time is set at no later than 2 a.m. for new OPLs in the target area; and be it further

Resolved: That within three months prior to the expiration of any such moratorium, elected officials and the Community Board meet to discuss the outcome of the moratorium and evaluate the possibility or need for a renewal; and be it further

Resolved: That Community Board 12, Manhattan urges swift passage of this proposed bill as amended above by the NYS Senate, for a companion bill to be introduced in and swiftly passed by the NYS Assembly and for it to be signed into law by

Sincerely,


for George Fernandez, Jr.
Chairman - CB12M

cc: Hon. Andrew M. Cuomo
Hon. Bill de Blasio Mayor
Hon. Gale Brewer, Manhattan Borough President
Hon. Letitia James, Public Advocate
Hon. Charles Rangel, Congressman
Hon. Bill Perkins, State Senator

Hon. Guillermo Linares, NYS Assembly Member
Hon. Herman D. Farrell, Jr, NYS Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Hon. Adriano Espaillat, State Senator