



Community Board 12 - Manhattan Washington Heights & Inwood

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Shahabuddeen A. Ally, Esq., Chairperson
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December 19, 2018

Hon. Vincent G. Bradley, Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

Hon. Mitchell Silver
Commission, NYC Parks Department
The Arsenal / 830 Fifth Avenue
New York, NY 10065

Re: Manhattan River Group, LLC d/b/a La Marina

Dear Chairman Bradley & Commissioner Silver:

At its General Meeting on Tuesday, December 18, 2018, with a vote of 39 in favor, none opposed, 2 abstentions, and 1 not voting due to conflict, Community Board 12 Manhattan, passed a resolution requesting that the New York City Department of Parks & Recreation terminate both Concession Agreements and that the New York State Liquor Authority revoke the On-Premises Liquor License for the above-captioned Licensee.

Whereas: The Manhattan River Group, LLC ("La Marina") entered into two Concession Agreements ("Agreement[s]") with the New York City Department of Parks & Recreation ("Parks") to operate and maintain a "full-service restaurant and a lounge" and a "full-service marina" at the Dyckman Marina located at 348 Dyckman Street along the Hudson River at the western terminus of Dyckman Street, which area is public land, and opened in 2012; and

Whereas: La Marina has an On-Premises Liquor license from the New York State Liquor Authority ("SLA"); and

Whereas: The size of the facility and scope of events was larger than anything the Community Board realized or initially approved, including beach events, large concerts, and DJ parties attracting thousands at a time; and

Whereas: There have been numerous documented 311 & 911 complaints regarding excessive crowds, traffic, valet parking, inadequate security, health code violations, lewd behavior, underage drinking, closing the bike path south of La Marina, and a shooting in 2014;

Whereas: Residents have been calling on Community Board 12, Manhattan ("CB12M"), the 34th Precinct, the Parks Department, the NYC Department of Transportation, and local elected officials for years to take action to mitigate these nuisances and dangers; and

Whereas: The 34th Precinct has been overwhelmed and at a loss to control the traffic and periodic chaos at La Marina, despite the expenditure of considerable resources; and

Whereas: CB12M overwhelmingly passed a resolution on 4/24/18 (see attached) objecting to SLA renewal of La Marina's license, citing the above issues as well as failure to comply with its method of operation, and 2,233 911 calls to the area in 2017, including 136 emergency calls for car accidents, ambulances, and disorderly groups; and

Whereas: Following the 11/20/18 arrest of a La Marina bar manager for possession and sales of controlled substances at La Marina, Parks banned any Special Events at La Marina effective 11/23/18 until further notice, and the SLA suspended La Marina's liquor license on 12/5/18 for multiple violations of the state's alcoholic beverage control laws including operating a disorderly premises and fire, health, and safety code violations; and

Whereas: The matter is scheduled for further consideration at the SLA's next meeting, on December 19th; and

Whereas: The CB12M Parks & Cultural Affairs Committee met on 12/11/18 during which it heard testimony from a score of community residents who expressed clear frustration with multiple violations at La Marina and the utter disregard to community standards, community need, the law, and general decency with which The Manhattan River Group, LLC and its principals have operated La Marina, and was urged to act on behalf of the community; and

Whereas: Paragraph 1.2 of the Restaurant License Agreement dated 6/25/09 states, "Commissioner may deem as a default Licensee's failure to fulfill any of its material obligations herein for any reason, subject to the notice and cure periods set forth in Section 3.3(a) hereof"; Paragraph 3.2 states, "this License is terminable at will by the Commissioner in his sole and absolute discretion, at any time, however such termination shall not be arbitrary and capricious"; and Paragraph 3.3 enumerates causes for termination, including "fail[ure] to comply with any of the provisions of this License or any federal, state or local law, rule, regulation or order"; and

Whereas: Paragraph 1.3 of the Marina License Agreement dated 6/25/09 states, "Licensee has the right to occupy and operate the Licensed Premises for only so long as each and every term and condition in this License is strictly and properly complied with"; Paragraph 3.2 states, "this License is terminable at will by the Commissioner in his sole and absolute discretion, at any time, however such termination shall not be arbitrary and capricious"; and Paragraph 3.3 states that the License shall immediately terminate "[s]hould Licensee materially breach or fail to comply with any of the provisions of this License or any federal, state or local law, rule, regulation or order"; and

Whereas: There have been ample notifications of violations of the Agreements and opportunities to cure; and

Whereas: La Marina repeatedly and consistently has denied any problems from their operation, or any responsibility for any disturbances or negative impacts from its operation; and

Whereas: The process to terminate Concessions has been overly onerous and needlessly time-consuming, with vague timeframes to cure and too many opportunities for "due diligence" that favor the Concessionaire at the expense of the community, dragging on for months and years while "prohibited" behaviors continue unabated at the expense of the public peace and convenience; and

Whereas: This is the second time a concession in this location has gone wrong with drug dealing and other such nuisances; and

Whereas: Public restrooms are a vital public good of which there can never be too many, and it is a mistake that this was not a required term of the Agreements; and

Whereas: It is recognized and appreciated that La Marina did host community events and affordable fundraisers for local organizations, and was a contributor to local organizations; and

Whereas: Hudson River Community Sailing has been an invaluable community partner in providing free and low-cost programming to upper Manhattan youth at the Dyckman Marina; and

Whereas: Public lands should be used primarily for public benefit, not primarily for private gain; now, therefore, be it

Resolved: Community Board 12, Manhattan demands that the NYC Parks Department revoke both Agreements with The Manhattan River Group, LLC at this location; and be it further

Resolved: Community Board 12, Manhattan demands that the New York State Liquor Authority revoke The Manhattan River Group, LLC's current liquor license at this location; and be it further

Resolved: Community Board 12, Manhattan urges that the current corporation, its principals, their partners, assigns, and the immediate family of any of the above be rejected as applicants and/or Licensees for any future Parks Concession Agreements or SLA licenses at this location; and be it further

Resolved: Community Board 12, Manhattan requests that Parks issue a new RFP which more heavily considers public access to and use of the waterfront, marina access, and amenities at the waterfront such as bathrooms, affordable dining, and a modest walk-up snack concession, as soon as is practicable; and be it further

Resolved: Community Board 12, Manhattan requests that Parks have a public meeting in an accessible location as close as possible to La Marina prior to the issuance of such an RFP to ensure that there is a full and adequate hearing of community feedback as to requested features of such RFP; and be it further

Resolved: Community Board 12, Manhattan urges Parks to continue its working relationship with Hudson River Community Sailing to provide free and affordable youth and community programming on the Hudson at the Dyckman piers.

Sincerely,



Shahabuddeen A. Ally, Esq.

Chairperson

cc: Hon. Greeley T. Ford, Commissioner
Hon. Michael Jones, SLA Deputy Chief
Hon. Bill de Blasio, Mayor
Hon. Scott M. Stringer, Comptroller
Hon. Gale Brewer, Borough President
Hon. Jacqueline Held, Deputy Commissioner
Hon. Adriano Espaillat, Congressman

Hon. Marisol Alcantara, State Senator
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. William T. Castro, NYC Parks Borough Cmmr.
Hon. Alyssa Cobb Konon, Parks Deputy Cmmr
David Ceron, Parks Revenue
Melissa Goldberg, Parks Concessions Compliance