

## LAND USE COMMITTEE – MEETING MINUTES

April 4, 2018

### Committee Members Present

Wayne Benjamin, Chair  
Andrea Kornbluth, Asst. Chair  
Anita Barberis  
James Berlin  
Osi Kaminer  
Angelina Ramirez

### Committee Members Absent

Jay Mazur (Excused)  
Jonathan Reyes  
Steve Simon (Excused)  
Christopher Ventura (Excused)

### Board Members Present

Richard Lewis

### Public Member Present

Vivian Ducat

### Public Member Absent

Staff: Ely Sylvestre

Guests: Bennett Melzak, Valinn Ranelli, Jeanne Ruskin, Nina Bernstein, Chris Fogarty, Ingrid Gomez, Kevin Daly, Alex McLean, Dan Misri, Dr. Jeremy Kohomban, Phil Simpson, Simon Kawitzky, Nancy Rakoczy, Sauna Trenkle, Miguelina Aristy, Dana Sunshine, [illegible], Gabriela Biel, Natalie Espino.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:07 PM. Chair Benjamin greeted guests and Committee members introduced themselves. Chair Benjamin noted the 50<sup>th</sup> anniversary of the assassination of Dr. Martin Luther King (4/4/1968), whose legacy is still relevant today.
2. **Presentation: Proposed alteration to a window in the library of The Met Cloisters Museum (“the Cloisters”).**

Chair Benjamin noted that some years ago, Community Board 12, Manhattan (“CB12M”) supported two proposals presented by the Cloisters to install stained glass panels that are part of the museum’s collection in window opening of the Cloisters building. Because the Met Cloisters Museum is a designated NYC landmark, such changes must be reviewed by the Landmarks Preservation Commission (“LPC”). Kevin Daly, Technical Director at Walter B. Melvin Architects, LLC, and exterior envelope consultant to the Cloisters, made a presentation on the current proposal, which is for a small project of a similar nature.

- a. The Cloisters is committed to displaying architectural artifacts in a manner akin to their original setting wherever feasible. Where the windows are constructed from medieval stone, as in the Early and Late Gothic Halls, clear protective glazing has been installed on the outside of the windows to protect them from temperature changes and the elements.
- b. In other parts of the building, such as the Langon Chapel and the Boppard Stair, the windows have been constructed with 1930s stone and are thus easier to modify. These windows also have clear exterior glazing to protect medieval stained glass insets.
- c. The current proposal affects one window in the Library, where windows are made from leaded glass and 1930s steel in a diamond pattern. During a planned maintenance project (which has already received a ‘minor work’ permit), in which the windows will be dismantled, cleaned and made watertight and the frames painted, a recently donated panel of art glass known as ‘The Architect’ or ‘The Builder’ will be installed in a south-facing arched window that is visible from the Cloisters’ driveway.
- d. The original art glass panel is medieval; it was restored several times with more modern glass to the extent that it is considered a 19<sup>th</sup> century piece. Because this does not warrant the same level of care as a medieval piece, and because it would look too different from the other library windows, no protective glazing will be installed on the outside of the window. The piece will provide educational information on 19<sup>th</sup> century restoration practices, and could eventually provide information about differences in durability, etc. between medieval glass and more modern glass. Information about the piece will only be displayed in the Library.

- e. There is no particular master plan to install more art glass panels – most of the significant openings in the galleries already have stained glass panels.

A motion was made by James Berlin and seconded by Osi Kaminer to support to application, which is expected to be presented to the LPC in early May.

The motion passed with the following votes:

Land Use Committee: 7 - 0 - 0  
Other Board Members: 0 - 0 - 0  
Members of the Public: 14 - 0 - 0

3. **Presentation: Inwood Library Redevelopment Project.**

Representatives of the various organizations involved in the proposed project, including Simon Kawitzky of NYC Housing Preservation and Development (“HPD”), Ingrid Gomez of Community League of the Heights (“CLOTH”), Jeremy Kohomban of the Children’s Village, Benjamin Warnke of Alembic Community Development, Ellen Seidman of Housing Workshop, Sheldon Stein of Ranger Properties, and Chris Fogarty and Dan Misri, architects, made a presentation on the current status of the project. Chair Benjamin noted that he has worked with CLOTH and Alembic Community Development on various projects including a new mixed-use development in Central Harlem that is owned by Harlem Dowling and includes new office space for Harlem Dowling and 100% affordable residential rental units including units set aside youth who have aged out of the foster care system.

- a. Simon Kawitzky: HPD conducted workshops, compiled community input, and issued an RFP in the summer of 2017. They expedited review of the submitted proposals in the fall and winter, and announced the project in March 2018. CB12M voted to consider this project separately from the ongoing Uniform Land Use Review Procedure (“ULURP”) for the proposed Inwood rezoning project.
- b. Ingrid Gomez: CLOTH, a community development organization, has worked to provide housing and programming in Washington Heights for the past 65 years. More recently, the organization has become active in Inwood as well, for example, with the rehabilitation of 552 Academy Street, which created 72 affordable units.
- c. Jeremy Kohomban: Both CLOTH and Children’s Village have decades of experience in getting children out of government systems, and into stable communities and good jobs. (Harlem Dowling, in addition to housing children who have aged out of foster care, is currently housing 200 unaccompanied child migrants.)
- d. Benjamin Warnke: Alembic Community Development has built 1,100 units of affordable and supportive housing, primarily in partnership with nonprofit organizations. Projects include the adaptive reuse of the PS 186 building on W. 145<sup>th</sup> Street, completed in partnership with the Boys and Girls Club of Harlem.
- e. Ellen Seidman: Housing Workshop, working with Ranger Properties and others, has extensive experience in arranging financing for affordable housing.
- f. Sheldon Stein: Ranger Properties has experience in mixed-use commercial and affordable housing development.
- g. Chris Fogarty:
  - i. Project Overview: the proposed project will include 175 units of permanently affordable housing; a large, open library owned and operated by New York Public Library (“NYPL”); the ACTS (Activities, Culture and Training) center community space, which includes a training kitchen for food industry careers; and universal Pre-K.
  - ii. The project is named the Eliza after Eliza Hamilton, wife of Alexander Hamilton, who lived in northern Manhattan and funded the original Inwood library.
  - iii. The project covers the library site and part of the IS52 lot. The building is designed as an extension of the “H block” design that is prevalent in the neighborhood, with a 10-story street wall and a 10-foot setback above that. The brick design is intended to recall the vertical design of nearby Art Deco buildings.
  - iv. The library façade will be double-height glass at street level, and will include a main level, a mezzanine, and a basement level.

- v. The community center will have a separate entrance south of the library and will feature space that can be used for performances, and a culinary learning center.
- h. Dan Misri: The library is designed to better meet community needs, now and in the future. The existing library is approximately 17,000 square feet in size. The new library is about 20,000 square feet, it has three levels, are all visible from the street to maximize natural light and transparency and to enhance engagement between inside and outside.
- i. The housing component will include 175 permanently affordable apartments, funded under HPD's Extremely Low and Low-Income Affordability ("ELLA") program.
  - i. 20% will be affordable to families earning less than \$26,000/year, including 10% reserved for formerly homeless families.
  - ii. The average income of residents will be less than \$39,000 for a three-person household. Incomes range from \$20,040 - \$40,080 for individuals, and \$34,360 - \$51,540 for families of three.
  - iii. Rents range from about \$350 for a studio to about \$1,350 for a 3BR apartment. 25% of the apartments will be 2-3BR under the HPD term sheet, but the exact mix has not yet been finalized. Unlike some other HPD financing programs, ELLA does not provide a subsidy bonus if 50% or more of the apartments have 2-3BRs.
  - iv. Residents will have access to a roof deck and a gym in the basement. The entrance to the apartments is on Broadway, south of the entrance to the community center.
- j. The ACTS Center will be open to all area residents, and is intended to supplement library programming with existing CLOTH and Children's Village programs in afterschool activities, immigrant services, ESL, and computer literacy. Training for skilled jobs in the food service industry will be provided in the kitchen.
- k. Miguelina Aristy of NYPL introduced Building For You, a program that has been rolled out throughout Manhattan, the Bronx and Staten Island to give communities, elected officials and other stakeholders the opportunity to weigh in on NYPL capital projects. NYPL is planning a community survey on library programming, to be conducted at partner locations during the construction phase.
- l. Dana Sunshine, Director of Capital and Real Estate Initiatives at NYPL, noted that the library is currently working with a real estate broker to identify potential temporary relocation spaces. The space will be located in Inwood, most likely in a dedicated storefront property, with operating hours similar to those of the current branch. Patron will have access to books, computers, Wi-Fi, reference and librarian support, and some programming. (Other programming may be temporarily relocated to partner locations.)
- m. HPD's project timeline shows the project moving through the Inwood Rezoning ULURP, with construction starting in the winter of 2019 and ending in the winter of 2021. Chair Benjamin reiterated CB12M's opinion that the project should be considered in a separate ULURP application, as it is an important standalone project, and the proposal was not available to the Board until right before its deadline for submitting commentary. Simon Kawitzky stated that HPD had condensed its own review process in order to fit the project into the ULURP timeline, and noted that the project could be refined in the ULURP process.
- n. Other questions and comments:
  - i. Building design
    - 1. The design does not take cues from the surrounding area. The verticality is so streamlined that the art deco reference is lost. The design could be modified to relate to the existing architecture without mimicking it, while remaining true to the time in which the building is designed and built.
    - 2. While the use of brick is intended to reflect the architectural context of the area, inclusive of Art Deco façade details, the contextual gestures are overly simplified, the brick color selected is dissimilar to neighboring buildings, and the building design is dominated by a contemporary vertical expression that highlights glazing, not architectural details.
    - 3. The residential entrance is somewhat lost next to the bright, open library.
    - 4. The library section looks attractive and provides a positive pedestrian experience, but the residential section just looks like glassy stripes.

5. The building is too tall and bulky for its location – it would be more at home on Sixth Avenue in midtown. Bulk should be shifted toward the back of the lot through different use of setbacks.
  6. The RFP mandated the inclusion of the library and the Universal Pre-K, but the addition of the ACTS Center in the basement doesn't add height.
  7. While some see the proposed library as attractive and reminiscent of the Center for Architecture in Greenwich Village, others see the open design as wasted space.
  8. Artifacts of the present library, such as the entry gates and the outside lettering, should be preserved and incorporated into the new structure if possible.
- ii. Program
    1. Chair Benjamin praised the extent to which the project's program addresses community needs inclusive of housing that is affordable to local residents, a new library with significant street-presence and new community facility space.
    2. There were several positive comments regarding the proposed programming, particularly the professional training center, and the nature and affordability of the housing component.
    3. Committee member Ramirez expressed support for the training programs and suggested that they be expanded to provide services to local businesses
    4. A local resident stated that the programs and services proposed are already provided both at the existing Inwood library and at other locations in the community, such as the Work Force 1 Center. Chair Benjamin noted that CB12M advocated for the Work Force 1Center and while there are existing service providers CB12M has heard from various stakeholders that there should be more locations in Washington Heights and Inwood at which similar programs and services can be accessed.
  - iii. Temporary location
    1. NYPL can't comment on how big the temporary location will be until it has a better sense of what properties are available.
    2. The location should be nearby, where the streets are flat.
    3. NYPL hasn't specified a budget for the temporary relocation yet, and community members are concerned that the temporary space will be inadequate.
  - iv. Process
    1. Community members commented that they didn't feel like their voices were heard at workshops and through surveys. Where the surveys listed only multiple-choice options (i.e., tall, taller, tallest) that didn't reflect stakeholders' opinions, many people crossed out the options and wrote in "none of the above". These responses do not appear to have been factored into the RFP or the proposed project.
    2. There should have been more planning around the timing of the ULURP. Folding this project in with the rezoning ULURP did not give the community an opportunity to evaluate it on its own merits. In contrast, a comparable project in Sunset Park (Brooklyn Public Library) did not go to ULURP until a relocation site had been identified. Other projects don't start the ULURP process until a developer has been selected.
    3. As for why the creation of affordable housing needs to be tied to the library reconstruction project, there is no other city-owned, city-controlled land nearby that would make it possible to build 100% affordable housing. (Sites recently proposed by Congressman Espaillat are well-known to CB12M – in the past, local elected officials did not help a local church obtain the tax credit allocations it would need to build affordable housing, so a project was stalled.)
- o. Chair Benjamin requested that HPD provide substantive responses to the issues raised above, in particular the issue pertaining to the project's approval process.
4. **Presentation: Land Use and Planning aspects of the Inwood Rezoning Draft Environmental Impact Statement ("DEIS").**

Dina Rybak of the New York City Economic Development Corporation (“NYCEDC”) made a presentation on the aspects of the DEIS that are most within the Committee’s purview.

- a. The environmental review process is coordinated between a number of city agencies, including the Mayor’s Office of Environmental Coordination as the lead agency, NYCEDC, NYC Planning, NYC Environmental Protection, LPC, and others. Each agency could be asked to explain its role in the process to the Committee.
- b. The parameters and methodologies of the review are determined by the City Environmental Quality Review (“CEQR”) Technical Manual, but each study is tailored to the particular project in terms of determining the study area, built year evaluated, etc.
- c. The comment period for this DEIS is open until the City Planning Commission’s public hearing in May.
- d. DEIS Chapter on Urban Design & Visual Resources:
  - i. The effect of new development on a pedestrian’s subjective experience of public space, including views of the waterfront, public parks, landmark structures or districts, etc. is evaluated.
  - ii. Change is not considered an adverse impact under CEQR, but views to visual resources should not be blocked from the street. Visual resources include only resources that are in the public realm, and not private views.
  - iii. A comparison is drawn not between the existing state and the possible developed state, but between the no-action (i.e., what could be built under the current zoning) and the with-action (proposed new zoning) scenarios.
  - iv. The DEIS concludes that there would be no negative impact on the pedestrian experience under the with-action scenario.
- e. DEIS Chapter on Historic and Cultural Resources:
  - i. Sites that are designated and eligible as NYC landmarks/historic districts, or listed and eligible on the state or national level are evaluated along with archaeological and architectural resources.
  - ii. LPC helps with the selection of sites to analyze. The Committee question what resources LPC uses to make this determination, as it does not appear that LPC included the historic districts proposed by CB12M. CB12M’s resolution on the Inwood Rezoning ULURP application also refers to Native American and African burial grounds – these have been disturbed, but should be acknowledged and memorialized.
  - iii. The archaeological study assumes that resources are present, even if they have already been disturbed.
  - iv. The CEQR analysis determined that some sites are sensitive for prehistoric and historic resources, requiring further investigation and construction protection mechanisms where available.
  - v. Notice TPPN #10 (1988) covers construction protections for sensitive sites. PS98 may experience indirect effects from construction.
  - vi. The Seaman-Drake Arch has not been included in the analysis. The arch is in poor condition, but it is an artifact that is important to area residents, who are very invested in the neighborhood and its history.
- f. DEIS Chapter on Neighborhood Character:
  - i. Under CEQR, the impact of a project on neighborhood context and feeling is studied, but this is very subjective.
  - ii. Factors analyzed include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise conditions.
  - iii. As with the Urban Design chapter, change is not considered a significant impact, as New York City is organic and dynamic. Further, an impact at an individual site is not considered a neighborhood impact. A neighborhood with a more unified character is considered more sensitive than a more varied neighborhood.
  - iv. The CEQR analysis concluded that there would be no adverse effects on neighborhood character, and that the defining elements of the neighborhood would be unaffected.
  - v. Chair Benjamin commented that the technical nature of the EIS/CEQR analysis is appropriate for some areas, but this technical analysis doesn't capture the subjective nature

of neighborhood character. Inwood is characterized by open space, and CB12M's rezoning resolution asked that density be increased to a lesser extent to preserve neighborhood character. It would be more appropriate to consider the sections of the neighborhood using the sensibility of where the outlines of a historic district would be.

vi. Other comments and questions:

1. The LPC has been in the news recently for trying to implement changes that would make the designation process less transparent. There is concern that the LPC, in choosing sites for evaluation, is serving the purposes of the EDC more than those of the community.
2. Our prospective historic districts share an architect and historical context with the already designated Grand Concourse Historic District. This was reported to the LPC with a historic district application 6 or more years ago.
3. It is troubling that the analysis is so technical that it is completely divorced from real-life considerations. For example, the Shadows chapter suggests that shadow impacts in a schoolyard are not significant because people can go somewhere else.
4. 1-2 story buildings on the south side of Dyckman Street near Broadway make it possible to see the Cloisters from Dyckman Street. The potential impact on this view corridor was not included.
5. Was the possible impact on migratory birds evaluated in the Natural Resources section?
6. CB12M has passed a resolution recognizing that the area's extensive supply of shadowed-free rooftops is an important neighborhood resource, and recommending that zoning be changed to protect potential solar array installations on these rooftops.
7. A member of the community asked if the CEQR Technical Manual can be disregarded if a city agency believes it is wrong. The CEQR Technical Manual cannot be disregarded, but city agencies can exercise a fair amount of professional judgment in the development scenario used for the analysis. Members of Uptown United believe that the DEIS is inaccurate because the amount of potential development has been greatly understated. Chair Benjamin suggested that they submit a comment on the DEIS to that effect, including the rationale for their determination and any analysis undertaken to support their determination.
8. What are realistic mitigation measures that can be implemented to address current over-crowding on public transportation, over-crowding that will only increase with an increase in neighborhood density?

vii. LU comments on the DEIS for consideration by full Board:

1. LPC provided guidance and direction with respect to what the DEIS should analyze with respect to historic resources, but LPC did not include in its guidance and direction consideration of the impacts on the rezoning on the potential historic districts and other potential historic resources that CB12M has advocated for LPC to consider. A supplemental study should be undertaken to correct this in the course of preparing the final EIS.
2. Neighborhood Character, as defined by the CEQR Technical Manual, misses the architectural and urban design nuances that collectively create the sense of place that actually defines neighborhood character. In the course of preparing the final EIS supplemental urban design studies are required to accurately define the neighborhood character of the area subject to the rezoning and then assess impacts on neighborhood character, understanding that for the purpose on an EIS change in and of itself is not considered an adverse impact.
3. A more realistic definition of the elements that are considered as "character defining". The role that architecture, scale, parks and open space, and topography play in defining the built form that characterizes Inwood must be carefully considered and impacts on same assessed in the preparation of the final EIS.
4. The potential impacts of a significant increase in density must be assessed as an impact on Neighborhood Character.

5. Studies from additional vantage points in the community are required to assess potential impacts on view corridors to the Cloisters.
6. The City must undertake concerted research and efforts beyond the thresholds required by the CEQR Technical Manual to identify areas sensitivity and interest with respect to Native American and African history and legacy and ensure that the assessment of archeological resources fully review and consider impacts on same, without regard for the extent to which these site may already have been disturbed.

After further discussion the Committee agreed that the above-noted LU comments on the DEIS represent its key concerns with respect to the land use and planning aspects of the DEIS and confirmed said agreement with the following votes.

The motion passed with the following votes:

Land Use Committee:	7 - 0 - 0
Other Board Members:	1 - 0 - 0
Members of the Public:	6 - 0 - 1

The meeting was adjourned at 9:51 PM.

Submitted by Andrea Kornbluth.