

***Full Board Meeting***  
***Eric M. Nelson, Chairman***  
***April 3, 2001***

**District Manager's Report**

Penny Ryan gave an update on the various Con Edison projects throughout district and introduced Sandy Wilson of Verizon to explain current lack of service on West 96<sup>th</sup> Street.

**Chairman's Report**

Eric Nelson thanked Angela Wiggins for her service to the Board, especially on the Youth Committee. She has not reapplied for membership. He expressed his special appreciation to Lydia Padilla for her years of leadership and service to the Board and the community. Lydia was not reappointed to the Community Board. He also welcomed new Board Members Linda Alexander, Helen Rosenthal, Janet Alvarez, and Erana Stennett to the Board.

**Public Session:**

1. Nakia Howell of Talbot Perkins Children's Services made an appeal for foster care and adoption.
2. Gloria Bedoya of the Children's Aid Society promoted recruitment of foster parents.
3. Lydia Padilla informed the Board of the undignified and disgraceful manner in which she was informed of her not being reappointed to the Board.
4. Alene Moroni of the St. Agnes Branch Library announced their upcoming Book Sale.
5. Georgette Gittens presented a letter from six Board Members requesting that important controversial issues not be relegated to the last position on the agenda.
6. Ronald Bourke of the Central Park Conservancy described recreation programs they offer including East African Dance.
7. David Harris announced that the Youth Committee will hold a meeting this month to promote Health Stat/Child Health Plus.
8. Mort Berkowitz spoke on behalf of the outdoor café for SIDO.
9. Parvati Davi spoke on behalf of a public space for posters so public officials and others do not have to break the Poster Law.
10. Phyllis Gunther said the bus stop on the northwest corner of 66<sup>th</sup> and West End Avenue was removed, but the holes have not been filled. She also informed the Board that there may be building in Damrosch Park. She recommended that the Board that a stand opposing any building there.
11. Andrew Albert presented a resolution on the procedure by which Board Members are informed of not being reappointed.
12. Brad Usher of State Senator Duane's Office reported on recommendations for released convicts and the State budget issues.
13. Susannah Vickers of Assemblyman Stringer's Office reported on the problem with the State Senate's budget providing more support to upstate and the suburbs. She also introduced Sasha Purin as CB7's new liaison.
14. Anna Hunter of State Senator Schneiderman's Office announced a demonstration at the Waldorf Astoria on April 25<sup>th</sup> to protest a right to life group.
15. Aaron Lowenstein of Councilmember Reed's Office introduced himself as CB7's new liaison.

**Manhattan Borough President's Report**

Blaine Roberts apologized for the manner in which Lydia Padilla was informed about her reappointment.

**Business Session:**

1. Resolution to approve final design for the 100<sup>th</sup> Street Pool and Landscape, Central Park was adopted: 34-0-0-0.
2. Resolution to approve 159 West 74<sup>th</sup> Street (Columbus-Amsterdam Avenues) application #014695 to the Landmarks Preservation Commission to demolish the historic stoop, replace a modern entry stair and alter the basement level windows was adopted: 29-0-2-0.

3. Resolution to approve 325 West 75<sup>th</sup> Street (West End Avenue-Riverside Drive) application #01-2289 to the Landmarks Preservation Commission to construct a rooftop addition was adopted: 34-0-0-0.
4. Resolution to approve 315 West 78<sup>th</sup> Street (Broadway-West End Avenue) application #01-0338 to the Landmarks Preservation Commission to alter a window opening to accommodate a door was adopted: 34-0-0-0.
5. Resolution to approve 171 West 85<sup>th</sup> Street, DOROT (Columbus-Amsterdam Avenues) application #01-2987 to the Landmarks Preservation Commission to install new ground floor infill, a marquee and to construct and elevator bulkhead was adopted: 34-0-0-0.
6. Resolution to disapprove Pesticide use in NYC was adopted: 32-0-0-0.
7. Resolution to approve the renewal application, DCA#738437 to the Department of Consumer Affairs by S.B. Rest of 64<sup>th</sup> Street Inc., d/b/a The Saloon at 1920 Broadway, for a one-year consent to operate an unenclosed sidewalk café with 34 tables and 78 seats was adopted: 32-1-0-0.
8. Resolution to approve the renewal application, DCA# 0934102 to the Department of Consumer Affairs by Attenti Ai Que Tre Ltd., d/b/a Baci at 412 Amsterdam Avenue, for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats was adopted: 32-1-0-0.
9. Resolution to approve the renewal application, DCA#0913601 to the Department of Consumer Affairs by Senor Swanky's Inc. d/b/a Senor Swanky at 287 Columbus Avenue, for a five-year consent to operate an unenclosed sidewalk café with 18 tables and 38 seats was adopted: 32-1-0-0.
10. Resolution to approve the renewal application, DCA#0962230 to the Department of Consumer Affairs by Gateway Foods Inc., d/b/a Baluchi's at 283 Columbus Avenue, for a five-year consent to operate an unenclosed sidewalk café with 8 tables and 15 seats was adopted: 32-1-0-0.
11. Resolution to approve new application, DCA#1072082 to the Department of Consumer Affairs by Classic Food, Inc., d/b/a SIDO at 267 Columbus Avenue, for a one-year consent to operate an unenclosed sidewalk café with 4 tables and 8 seats was adopted: 32-2-0-0.
12. Resolution to approve new application, DCA#1072696 to the Department of Consumer Affairs by 467 U-Yee Sushi Corp., d/b/a Fujiyama Mama at 467 Columbus Avenue, for a one-year consent to operate an unenclosed sidewalk café with 3 tables and 12 seats was adopted: 32-2-0-0.
13. Resolution to approve new application, DCA#1073595 to the Department of Consumer Affairs by AYYY Corp. d/b/a Darna at 600 Columbus Avenue, for a one-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats was adopted: 32-1-1-0.
14. Resolution to approve the application to the Office of the Mayor's Street Activity Permit Office by the Council on the Environment to operate a Greenmarket on the north sidewalk of West 97<sup>th</sup> Street, between Columbus and Amsterdam Avenues was adopted: 32-0-0-0.

**Present:** Eric M. Nelson, Chairman, Barbara Adler, Andrew Albert, Linda Alexander, Annette Averette, Beth Berns, Gale Brewer, Steve Carbo, Sheldon Fine, Georgette Gittens, Guillermo Gonzalez, Jean Green-Dorsey, Dough Griebel, Phyllis Gunther, David Harris, Robert Herrmann, Lawrence Horowitz, Joyce S. Johnson, Barbara Keleman, Marc Landis, Klari Neuwelt, Lenore Norman, Sharon Parker-Frazier, Melanie Radley, Oscar Rios, Barry Rosenberg, Hector Santana, Jr., Elizabeth Starkey, Patricia Stevens, Evelyn Tamarin, Barbara Van Buren, D. Maria Watson, Melanie Wymore, George Zeppenfeldt-Cestero, Robert Zuckerman, Daniel Zweig.

**Absent:** Richard Asche, Peter Bailey, Dan Cohen, Hope Cohen, John D. Howell, Betty Katz, George Price, Ethel Sheffer, Thomas Vitullo-Martin.

**Uniform Services/Environmental Committee**  
**Co Chairs: Hector Santana Jr. and Melanie Radley**  
**April 11, 2001**

1. Report on Moonlighting Social Club:

The owner of Moonlighting Mr. Pania was present and made a presentation to the committee members regarding the changes in his club. He indicated that he has made changes in the format including in the dress code and increasing the age limit.

20th Precinct Sgt. Kobel indicated that Moolighting has been the subject of dozens of police complaints ranging from assaults to gun possession by a Moonlighting employee. Mr. Pania indicated that many of the incidents did not occur inside the club and that he should be held responsible for assaults that occur in the vicinity of the club. Members questioned Mr. Pania regarding the level of security and the methods of insuring that minors did not drink at the location. 20th Precinct officers indicated that they have expended considerable resources including placing a patrol car in front of location to deter crime. The Chair then explained to Mr. Pania that the issue would remain on the agenda for a period of three months and the committee would expect that he would make changes in the way the club identifies patrons and that the club would search women in addition to men with metal detectors and by hand if needed. 20th Precinct officers were directed to notify the board office with details of incidents that occur on premises and on the block of said location.

In addition, Mr. Pania was instructed not to continue to serve patrons who were clearly intoxicated. Mr. Pania said he would comply with all existing laws and with the committee's suggestions. The 20th Precincts report was filed and the information was forwarded to the district manager.

2. Sale of Alcoholic Beverages at Street fairs

Matters referring to the Mayor's proposal have been referred to the Boards guidelines. The committee agreed that the board already had a policy on this matter and that policy would be referred to the attention of the CAU.

3. Clarifications to the Multi-Block Street Fair Guidelines

Basic changes were made to the guidelines regarding typing errors and grammatical errors. Several rules were clarified so that sponsors understood what was asked of them. The text adopted was proposed by Hope Cohen with some language adopted from Melanie Radley's proposal. See text changes.

4. New Business

The committee discussed the possibility of endorsing the proposal by business improvement districts to plan a street fair that would benefit the organization and the public. Ms. Barbara Adler proposed the idea because she felt that her organization would not benefit monetarily but that the public would benefit because all the profits of such a fair would be used to fund street projects or enhancements to the avenue.

The Chair indicated that BIDs normally were not granted street fairs because they assess their income to business owners along the avenue and that a fair would be an added burden to the community for the benefit of an entity already receiving funds from private business. Other members also expressed reservations regarding the proposal. Ms. Adler suggested that the fair should be partnered with the Westside Chamber of Commerce because they had two fairs and theirs were the largest in the district. The Chair reminded the committee that this would require a resolution from the board and the consent of the Chamber. Ms. Adler was asked by committee member Oscar Rios how the income from such a fair would be spent. She responded that the BID would re-plant trees and conduct beautification projects along Columbus Avenue. Ms. Adler questioned the continued support of the committee to the Chamber fairs because their events are the largest and involve the better portion of the district while the other fairs do not have that benefit. After discussion the Chair closed the matter by indicating that there were not enough votes to pass a committee resolution in support of the proposal and that he felt that the measure would not pass a full board debate. With the majority of the members agreeing with the Chairman's comments the matter was closed and the committee meeting adjourned.

**MINUTES OF TRANSPORTATION COMMITTEE MEETING April 10<sup>TH</sup>, 2001**  
(Submitted by Barbara Keleman)

Meeting was called to order at 7 PM. Elizabeth Starky presiding

Item 1. Joint meeting of Transportation, Landmarks, Parks and Uniformed Service and Environment Committees. Presentation by Steve Strauss – NYC Transit.

NYC Transit is installing a UHF 2-way radio communications system (at all 468 subway stations in NYC) which will allow the [underground] Communication Rooms in each subway station to communicate with NYC Police, Fire Department and Medical Services [above ground].

This new system will require installing a transmission antenna, above ground, at each subway station. There are 14 sites (subway stations) in CB7 which will be affected. A 15 foot pole, with a 15 foot antenna at the top [total 30 feet] will be installed at each site. The first installation in CB7 area is scheduled at Columbus Circle on Trump site. Most Broadway “poles” are planned for the Broadway Mall. CPW “poles” are planned to be erected on the park side of CPW. There is, at this stage, flexibility in some of the features of the antenna poles.. such as color and style, and Transit is hoping to conform the CPW “poles” to look similar to the crook lampposts. Designs for CPW will have to be submitted to the Conservancy for approval.

NYC Transit is asking the committee (and the Community Board) for placement recommendations that we would consider to be the less obtrusive at each site than the locations currently planned by Transit.

There were many questions and objections from the committee members, because, as currently planned these installations are eyesores on the landscape – more huge pieces of [ugly] street furniture all over the district. Committee member asked:

“Why can’t the antennae be attached to nearby buildings instead of being freestanding?” (Answer: “For safety zone purposes, there has to be a certain amount of clearance around the antenna, so in most locations they can’t be attached to buildings. Also, the bureaucratic nightmare of negotiating with different landlords and different agencies in each location would not be acceptable to Transit as an option. And, the antennae have to be relatively close to the underground Communications Rooms in order to operate properly”)

“Why can’t the antennae be attached to regular lampposts so that additional structures will not be necessary?” (Answer: “Because of electrical interference”)

The main problem [and the reason for using a seemingly “low-tech” solution to accomplish the goal of better and safer communication} is that the NYC Police (UHF) communication system already exists –and Transit has to coordinate with that (outdated) system.

The Committees position is that “there has to be a better system that does not involve creating these obtrusive structures” . A letter is being sent to NYC Transit [from the joint committees] expressing our concerns and asking them to “go back to the drawing board” and come up with better design and placement.

Steve Strauss reported [when asked by a committee member] that the general reaction from other Community Boards has been that the proposed installations are ugly, but a necessity.

Item 2. Renewal application to NYC Taxi and Limousine Commission from West End Car and Limousine Service Corp (73 W.83<sup>rd</sup> Street). Presentation made by Mr. Quemi Famalia (owner): It is a small base; they have 55 cars; the cars never are allowed to hand around the base and the drivers are logged in and pick up their paychecks at another location (LIC?). There have been no reports of problems or complaints to the Board.

Resolution to **approve** renewal application of West End C/L Service Corp.

Vote: 6 For, 0 Opposed.

The Newsstand Survey Report was held over for next month because some of the committee members were not present and not all forms had been turned in. There was a brief discussion anyway because a member of the community brought up the fact that he had been fighting with Consumer Affairs for quite some time about the violations of newsstands on Broadway from 86<sup>th</sup> to 96<sup>th</sup> Streets. He brought documentation and a copy of the Newsstand Regulations (we requested that he send us a copy) and we informed him about the survey the Transportation committee has undertaken and invited him to return to our May meeting to participate in a full discussion of the issue.

FAA Metropolitan airspace Redesign Project (joint with Housing Committee) also held over.

Meeting was adjourned at approximately 8:30.

Committee Members Present: Gale Brewer, Barbara Keleman, Oscar Rios, Elizabeth Starkey, Barbara Van Buren. Committee Members Absent: Andrew Albert, Dan Zweig, Joyce Johnson, Klari Neuwelt. Board Members Present: Marc Landis, Lenore Norman, Bob Herrmann.

**Land Use Committee**  
**Co-Chairs: Richard Asche and Larry Horowitz**  
**April 18, 2001**

**1. 241 Columbus Avenue**

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA# 0895637 to the Department of Consumer Affairs by Burrito Junction, Inc., d/b/a Harry's Burrito Junction at 241 Columbus Avenue (West 71<sup>st</sup> Street), for a five-year consent to operate an unenclosed sidewalk café with 12 tables and 46 seats.*

Committee Member vote: 6-0-0-0

**2. 556 Columbus Avenue**

Abdullah Seraj, owner, and Steve Wygoda, architect, presented the new (change of ownership) application for an unenclosed sidewalk café. The previous owner had assured the Committee repeatedly that she would employ waiter service and non-disposable dishware and tableware in the café and never did. The applicant stated that he has established waiter service and instituted the use of non-disposable dishware and silverware.

The Committee adopted the following resolution:

*WHEREAS the applicant has agreed to provide waiter service in the sidewalk café, as required by New York City regulations; and*

*WHEREAS the applicant has agreed to use only non-disposable dishware and silverware in the sidewalk café;*

*THEREFORE BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1068439 to the Department of Consumer Affairs by Seraj Food, Inc. d/b/a Columbus Café at 556 Columbus Avenue (West 86<sup>th</sup> – 87<sup>th</sup> Streets) for a one-year consent to operate an unenclosed sidewalk cafe with 14 tables and 28 seats*

Committee Member vote: 6-0-0-0.

**3. 100 West 67<sup>th</sup> Street**

William Baraket, manager, presented the renewal application for an unenclosed sidewalk café.

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA# 955751 to the Department of Consumer Affairs by The Honest Food Corp., d/b/a Nick & Toni's Café at 100 West 67<sup>th</sup> Street, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.*

Committee Member vote: 5-1-0-0

**4. 217 West 85<sup>th</sup> Street**

Judith Hawking, manager, presented the renewal application for an unenclosed sidewalk café for La Cocina Mexican.

Ian Alterman spoke about delivery personnel for the establishment riding bicycles on the sidewalk. Ms. Hawking assured the Committee that the management would reinstruct delivery personnel about riding on the sidewalk. The Committee was also concerned about the storage of bicycles on the sidewalk, outside the café.

The Committee decided to observe the bicycle-related behavior of the establishment for a month and consider the application at the May meeting.

### **5. 53 West 72<sup>nd</sup> Street**

Diendonne K. Mwaha, manager, presented the renewal application for an enclosed sidewalk café for Timothy's World Café. He acknowledged that the café does not currently have waiter service, and agreed to provide it.

The Committee decided to give the establishment two months to institute waiter service and consider the application at the June meeting.

### **6. 424 Amsterdam Avenue**

Chander Malik, owner, presented the application for a new unenclosed sidewalk café. The plans showed a café 9'9" in depth, but the applicant agreed to change the café configuration to allow reduction to a 9' depth.

The Committee adopted the following resolution:

*WHEREAS the applicant has agreed to change the configuration of the proposed sidewalk café and to reduce its depth to 9 feet, and has agreed to submit to Community Board 7/Manhattan plans revised to document this change and stamped by the NYC Department of Consumer Affairs;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1075283 to the Department of Consumer Affairs by Café Con Leche, Inc., d/b/a Café Con Leche at 424 Amsterdam Avenue (West 80<sup>th</sup> - 81<sup>st</sup> Streets), for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.*

Committee Member vote: 5-1-0-0

### **7. 2014 Broadway**

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA# 960823 to the Department of Consumer Affairs by HDN Corp., d/b/a Café La Fenice at 2014 Broadway (West 68<sup>th</sup> -69<sup>th</sup> Streets), for a five-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.*

Committee Member vote: 5-1-0-0

### **8. 447 Amsterdam Avenue**

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA# 0990613 to the Department of Consumer Affairs by New Store Restaurant, d/b/a EJ's Luncheonette at 447 Amsterdam Avenue (West 81<sup>st</sup> - 82<sup>nd</sup> Streets), for a five-year consent to operate an unenclosed sidewalk café with 7 tables and 15 seats.*

Committee Member vote: 5-1-0-0

### **9. 2740 Broadway**

The applicant did not attend the meeting. The Committee took no action on the application for a new unenclosed sidewalk café for Silver Moon Bakery.

#### **10. DOROT Inc., 171 West 85<sup>th</sup> Street**

Vivian Ehrlich, Executive Director, and David Vandor, zoning consultant, presented the application (#25-01-BZ) being made to the Board of Standards & Appeals (BSA) by David Vandor for a variance pursuant to Sections 72-21 of the Zoning Resolution to allow DOROT Inc., an existing not-for-profit social services provider, to expand elevator service within its existing six-story building.

The building is already out of compliance with bulk regulations, and the variance would permit the building to increase its degree of non-compliance. The proposal is to move the elevator from the building's façade to its interior core to provide accessibility and egress throughout. Loss of space on sixth floor to accommodate the new elevator bulkhead necessitates DOROT's expansion on the roof to recapture usable space.

No members of the public appeared to speak about this application.

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan approves the application #25-01-BZ to the Board of Standards & Appeals by David Vandor for a variance pursuant to Section 72-21 of the Zoning Resolution to permit the continuation and increase of non-compliance with bulk regulations at 171 West 85<sup>th</sup> Street, so that DOROT, Inc., an existing social-services provider, can expand elevator service within its existing six-story building.*

Committee Member vote: 7-0-0-0

#### **11. 270 West 89<sup>th</sup> Street**

Robert Frazier, Project Manager, Tuck Edelstein, architect, and Mark Levine, attorney, made a preliminary, informational presentation of a project for which application for variances will be made to the Board of Standards & Appeals (BSA) by the Abraham Joshua Heschel School. Alisa Doctoroff described the school as in existence for 17 years; it is an independent Jewish day school, with approximately 360 students using the building at this site.

Approximately 50 members of the public were present for the presentation. Several stated that there are already noise problems with the school, which they anticipate will worsen with an expansion.

Tuck Edelstein described the proposed rooftop addition to the building. The elevator bulkhead, whose top is 32 feet from the current roof line of the building, is being used as the reference height for the expansion. A gymnasium would be built in the new space, freeing other space in the building for reconfiguration later. He estimates that 22 apartments in neighboring 590 West End Avenue would lose light and air because of a loss of lot-line windows to the 40-foot high expansion of the school.

Mark Levine, attorney, explained that the proposal is still going through the landmarks approval process. He anticipates filing the variance applications with BSA this summer, and expects to return for their consideration by the Land Use Committee in the fall of 2001. Variances to be sought include:

- permission to increase encroachment on the rear yard (bulk)
- permission to block neighboring lot-line windows
- permission to intersect the sky-exposure plane with the proposed fence / parapet wall on the heightened front façade.

The Committee requested details on vertical and horizontal distances between the existing/proposed structure and neighboring building.

## 12. 161 West 61<sup>st</sup> Street, Alfred Garage

Vincent Petraro, attorney, presented the application for a special permit to allow a new public parking garage. This is a use variance only; the only construction required is an entrance ramp, to provide access to the garage from West 61<sup>st</sup> Street.

The Alfred building was intended to have a garage, and two below-ground levels were constructed for that purpose at the time of the building's construction. It was anticipated at the time that a neighboring parcel would eventually provide additional parking spaces as well as access into the garage. Thus a special permit for 163 spaces was approved in 1989; that permit included the 140 spaces being sought now. The application is being made by the building sponsor, but co-op board also supports the proposal.

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application #010200ZSM to the Department of City Planning by Carol Management Corporation for Alfred Garage for the grant of a special permit pursuant to Sections 82-60, 13-562, and 74-54 of the Zoning Resolution to allow a below-grade, attended public parking garage with a maximum capacity of 140 spaces at the northeasterly corner of Amsterdam Avenue and West 61<sup>st</sup> Street, in the cellar and sub-cellar of an existing building located at 161 West 61<sup>st</sup> Street.*

Committee Member vote: 5-0-0-0

## 13. Adult Establishment Text Changes

Linda Herd, Department of City Planning (DCP), presented proposed Zoning Resolution text changes regarding 'adult establishments'. The revised text does not change any rules regarding siting of such establishments. It does expand the definitions of such establishments and attempts to increase the enforceability of regulations adopted in 1995.

Community Board 7/Manhattan voted overwhelmingly against (27-3-3-1) approval of the 'adult establishment' regulations in 1995. The Committee unanimously repeated the 1995 Board's opposition and so, of course, opposed DCP's proposed strengthening language in adopting the following resolution:

*WHEREAS in 1995 the Department of City Planning (DCP) and the New York City Council approved text changes to the Zoning Resolution (ULURP #N950384 ZRY) to regulate adult establishments; and*

*WHEREAS that zoning amendment required the closing of adult establishments throughout most of the city, and relegated them to manufacturing zones, including, but not limited to, the proposed Hudson River waterfront area; and*

*WHEREAS the currently proposed zoning amendment (ULURP #N010508 ZRY) expands the definitions of 'adult establishment' and attempts to increase enforceability of the regulations adopted in 1995; and*

*WHEREAS, Community Board 7/Manhattan acknowledges that some residents of this district, along with other communities throughout the city, have legitimate concerns about the spread and concentration of adult establishments, as well as issues relating to signage regulations; and*

*WHEREAS, Community Board 7/Manhattan finds that the City has failed to present adequate verifiable data to support its assertions of alleged negative secondary effects caused by adult establishments, which are in fact legal businesses; and*

*WHEREAS, Community Board 7/Manhattan found the original 1995 zoning text amendment and finds the currently proposed zoning text amendment to be deliberate attempts to regulate the content of certain forms of speech; and*

*WHEREAS, Community Board 7/Manhattan Manhattan found the original 1995 zoning text amendment and finds the currently proposed zoning text amendment to be unwarranted intrusions on rights guaranteed to all under the Constitution of the United States of America and the Constitution of the State of New York; and*

*WHEREAS, Community Board 7/Manhattan accordingly found the original 1995 zoning text amendment and finds the currently proposed zoning text amendment to be flawed in both concept and design, containing provisions which the Board believes to be unenforceable both practically and legally;*

*WHEREAS, Community Board 7/Manhattan finds that the very existence of the current proposal vindicates its earlier position that the regulations are unenforceable both practically and legally;*

*THEREFORE BE IT RESOLVED THAT Community Board 7/Manhattan opposes the proposed zoning text amendment (ULURP #N010508 ZRY); and*

*BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls upon the Mayor, the Director of City Planning, and the Department of City Planning, to withdraw the proposed zoning text amendment; and*

*BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the City Planning Commission to reject the proposed text amendment if it is not withdrawn.*

Committee Member vote: 5-0-0-0.

There being no further business, the meeting was adjourned.

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**Land Use Committee Members Present:** Richard Asche, Hope Cohen, Doug Griebel, Larry Horowitz, Lenore Norman, Ethel Sheffer, Maria Watson. **Land Use Committee Members Absent:** Betty Katz, Melanie Radley. **Board Members Present:** Sheldon Fine.

**Housing Committee Meeting**  
**Beth Berns and Tom Vitullo-Martin, Co-Chairs**  
**April 5, 2001**

Present: Beth Berns, Thomas Vitullo-Martin, Jean Green-Dorsey, Barry Rosenberg, Gail Brewer, Sharon Parker-Frazier, Annette Averette; Public Members: Anne Cunningham, Diana Schneider, Milonga; Other Public: Victor Gonzalez (Weise Towers); residents of 108 W 80th Street.

Meeting began promptly at 7:30 PM, the committee's scheduled time, and adjourned at 9:30 PM.

1. Mr. Victor Gonzalez, president of the Wise Tower Tenants Association, requested that the committee meet with, and support, the pending change in ownership of "Under the Stairs", a neighboring restaurant on Columbus. There have been many complaints about the operation of the restaurant under current ownership, including noise complaints and a number of police visits. The (pending) new owner grew up in the community, and is expected to make many needed changes in the operation. He would like to meet with the Police Department, PSA#6 and CB7. The Housing Committee would welcome a meeting, and extends an invitation through Mr. Gonzalez.

The Committee members questioned Mr. Gonzalez about matters concerning Wise Towers. He stated that the residents want security cameras installed, that there are continuing security problems that need to be addressed. There are also serious problems with failures of management. Wise Towers are four separate buildings joined at the roof level. The elevators were recently replaced, but the company installing the elevators had its contract expire before they had completed straining of NYCHA staff in maintenance and repair of the new units. Consequently, the elevators are often out of service, more now than before they were replaced. This is special hardship on the seniors on high floors--19 stories, particularly those in wheel chairs. The only access for them when an elevator is out is over the roof--a dangerous path--and then down the stairs in the wheel chair. Also dangerous.

The other major problem is with the inability of the residents to get "out of the ordinary" repairs--repairs requiring services of skilled electricians or plumbers for example. Those skilled services are no longer on staff at the building, and NYCHA is not responding.

Mr. Gonzalez requested that the Housing Committee might be able to hold a meeting with NYCHA at which tenant representatives could be present, and some of these matters could be addressed. Such a meeting, he thought, would be more productive than some of the larger meetings with tenants that become more contentious.

The Housing Committee agreed to invite NYCHA reps to the next housing meeting, and to notify Mr. Gonzalez when plans were firm so that he, and the CB7 office, could announce the meeting the tenant leaders.

Beth Berns then read the NYCHA announcement for a briefing for board members and elected officials on the new community service requirement for NYCHA tenants. The first meeting was held on March 30. The second, covering the same material, will be held On April 20 at 10 AM at the NYCHA headquarters, 250 Broadway, 12<sup>th</sup> Floor. Please confirm plans to attend with Rhonda Valentine 306-3416.

2. Diana Schneider introduced and summarized her proposed resolution regarding testimony on the redesign of the air space over the Upper West Side for planes using Newark or LaGuardia. Within the past year CB7 has passed two resolutions providing testimony to the FAA regarding its opposition to low-level, unregulated helicopter over flights over the community, and to proposed noise standards. On April 25<sup>th</sup> at the Roosevelt Hotel the FAA will hold a meeting to

accept community comment on the proposed air space redesign that is now in process. This redesign will affect the routing, altitude and frequency of flights over residential areas of New York. The redesign study was instigated by complaints from Short Hills and other New Jersey communities objecting to flights over their areas. Five years ago, those flights were rerouted over New York. The redesign study is now developing plans that should remain in place for the next twenty-five years.

The proposed resolution is attached. Its specific concerns are with the noise, air quality degradation, and inherent danger from high-frequency air traffic at low altitudes over the most densely populated area in the country, the Upper West Side. It calls for routing the air traffic away from residential areas.

Barry Rosenberg was concerned that a resolution limited to saying "no over flights over the Upper West Side" would not be taken seriously. He pressed for more specific objections.

In general discussion, the following points were developed:

We have a special concern that the hours of operation be limited, and that the airports not be permitted to operate throughout the night. There are indications that the industry is pressing for all-night passenger operations, and that cargo planes are increasingly operating at night. We endorse the global policy that bans regular operations from 10PM to 7 AM.

We are concerned about the potential for collusion by decreasing the spacing between TOL, and use of multiple approach routes simultaneously, and oppose such changes over densely populated areas.

We insist that routes be developed over industrial areas and water ways, and that routes over residential areas be avoided.

We object to the introduction of cargo planes over residential areas for a number of different reasons, including the lower level of regulations governing their equipment, their hours of operation.

We request that the elected representatives of the Upper West Side represent the community at this redesign hearing.

Because the hearing is scheduled for later this month, before the next board meeting, the committee's resolution cannot receive a vote of the board in time for the meeting. However, many points in this resolution have already received CB7 approval in the two earlier related resolutions. The committee will prepare testimony drawing on those resolutions, and will present a full resolution at the next board meeting, for forwarding to the FAA, as a supplement to its prepared testimony.

Diana Schneider, Barry Rosenberg and TVM agreed to prepare these materials and circulate them to the members of the committee.

The committee approved the amended draft resolution: committee members: 6-0-0; public members: 4-0-0; all others: 4-0-0.

3. Anne Cunningham presented the update on the Senior Citizen Rent Increase Exemption legislation.

Devi Pavroti had expected to introduce and speak to this motion, but was unable to attend. Anne reported that there are three bills that have been introduced to the Assembly, or are before the City Council, that would expand coverage of the SCRIE to those who are disabled. CB7 has previously supported this change in the law. We call on our public officials to support the change.

Anne also discussed a problem with the low ceiling on those who were covered by SCRIE. The income ceiling is now \$20,000 and has changed very little over the past decade. There are many retirees with higher incomes whose rents, under rent control and rent stabilization increases, have become--or will soon become--beyond their means to pay.

TVM discussed a formulation used at the Belnord that limited rents to a maximum of one-third of income. In some cases that might produce very high rents, and be difficult for the tenant,

but overall it did ensure that tenants would not be forced from their homes by rent increases. The committee resolved to take up the issue of need to change the SCRIE cap in a future meeting, and to consider other changes in the rent regulations needed to protect homes.

In the discussion, Barry Rosenberg asked for a clearer explanation of how the SCRIE worked (once a tenant qualified, future rent increases permitted by regulations were not charged to the tenant, but the landlord received compensation by a credit against property taxes.) He expressed concern that the program might be a financial hardship. In discussion JGD and GB and TVM pointed out that there was no lost income to owner, that the program was reasonably efficient, though subject to some potential management abuse, and that it was overall not expensive to the city, especially given its benefit to the citizens and the fact that it avoided the city having to make alternative expenditures to help evicted seniors. JGD, discussing the increase in the qualifying income, pointed out that the homeowner version of this program has an income cap of \$27,000, and that there was no reason the rental version should be lower.

Anne introduced a resolution that the SCRIE cap be increased. This was approved by the committee unanimously. The committee will revisit this matter in a future meeting. 7-0-0 committee members; 4-0-0 public members; 3-0-0 all others.

4. Anne Cunningham requested that updates and changes be made in the committee version of the district needs statement for housing. In particular, the changes to the SRO section should include references to "hotels" as well as SROs.

SFP requested a current copy of the committee version, and questioned whether expansion of low and moderate housing was a priority. (Yes)

JGD presented a concise summary of the changes in the current statement: Mitchell-Lama issues, Security cameras in Public Housing; Code Enforcement staffing; development of low and moderate income housing.

The chairs announced that a semi-final version of the needs statement would be completed and circulated to the committee, for final changes, in the next week or two.

5. Beth Berns announced that the committee had received HPD's list of buildings in CB7 that were in the current round of the 3rd party transfer program. These including buildings at no 4 and 8, Manhattan Ave, and 12 and 16 W 101 St, and 59 W 109 St. and 350 W Cathedral Parkway. The last two buildings were the subject of the CB7 resolution. The building at 59W 109 was given to MVDC, which has control of adjacent buildings; and the building at 350 W Cathedral Parkway was given to K&R Realty (Arista).

HPD will make a presentation of its plans at a special meeting of the Housing Committee called for Thurs, April 19, at 7:30 at a location to be announced, in the northern end of the board district. GB and AA expressed concern that the residents of that area, in addition to the residents of the Towers, be invited to this meeting with proper notice. CB7 will get notices to the community, as soon as a location is set, directly, and through Annette A., Willie Gonzalez, and Gale B.

Beth also announced that on April 20, the Planning Commission will hold a hearing on its Consolidated Plan for 2002, the planning document that comprises the application to HUD for CDBG, HOME, and other funds for shelters, AIDs housing, etc. 2 PM, April 20, at 22 Reed Street.

6. Discussion of CB7 Policy on Requests to AS-Of-Right Developers that they offer affordable housing units in new developments.

SP-F began discussion with an alert to the committee that two public schools, PS 191 and PS 199, were selling their air rights to private developers. GB noted that the procedures for this kind of transaction were not clear. The air rights were being sold by the Board of Ed, but the funds would not go into the school budget, but into the general fund. It is not clear who would have to approve the sale; possibly the Bd of Ed itself has no role. It does seem certain that the city council would have to approve the transfer. Ronnie Eldridge opposes this transfer.

Discussion produced the following information: The purchaser, which must be an adjacent property to benefit from the transferred rights, would be able to increase the square footage of the building receiving the air rights "as-of-right." The Bd of Ed might be alienating the right to expand the school in the future at that site. The facts of the proposed transfer are unknown; but community members and the school might be shadowed by a bigger-bulk building. There are concerns about a government agency selling on the private market property it has taken by condemnation without a finding that the property is excess for the present time and into the future.

Diana Schneider noted that the Coalition for a Livable West Side, in its current newsletter, had listed 9 sites, including these two schools, in which air rights are being sold.

Beth Berns then noted that the transfer of air rights is normally a land use issue, and that the housing committee might seek some coordination with Land Use so that it could address its concerns.

The discussion then turned to the new--projected--building that is to replace the gas station at 96th Street, near the entrance to the West Side Highway. The planned building is 16 stores, prefabricated and of a design that has been criticized by some as being overly functional. GB raised the concern that the Board should express its concern that all new developments within the board area should include housing units that provide for a mix of incomes--low, middle and market.

BB noted that this developer has built a number of buildings at the edges of up-coming neighborhoods, and has dealt with much more difficult boards than CB7. E.g. Lower East Side. She did not think a request to the developer would result in any changes, and therefore did not think the board should make the request.

BR said that he agreed it would be useless to simply announce what the board wished to see take place without addressing the question of incentives for the developer, but that he thought it might be possible to put together an information package that suggested various possibilities for the developer economically meeting the board's objectives. For example, an 80/20 program on the site; a commitment of Section 8 apartments on the site for some portion of the development. We are not now aware of any waivers that must be granted for the site--it seems to be as of right--but some might exist. The site does require a significant environmental clean up, because of contamination by gas and oil spills.

GB, SPF, TVM and JGD all expressed an interest in making the board's preferences known to the developer, and exploring programs that might provide him with some incentives to provide the low and moderate income housing.

TVM wondered whether there might be some programs involving transfer of air rights--i.e. larger building at the site--that would provide the additional housing units. Several committee members (GB, BR, et. al.) expressed concern at that idea, not enthusiastically supporting greater bulk.

By consensus, the committee agreed to invite the developer to meet, at a place and time convenient to him, and to prepare for this meeting with some research into programs that might provide him with some incentive to meet accommodate the board's stated concern for multi-income residential development. There was a general understanding that this meeting would explore possibilities, and was not to demand any specific response from the developer.

The committee will also research the issue of the sale of air rights belonging to public schools and other public buildings within the district. GB and SPF work on this.

7. New Business: Three tenants from 108 W 80th Street, a 10-apartment brownstone, requested the support of the board and the Housing Committee in a struggle they are having with their new landlord. The new owners of their building have announced that they intend to take all apartments for personal use.

In researching their defenses, the tenants discovered that apartments outside NYC are protected from this kind of eviction where the tenants have been in residence for more than 20 years, as these tenants have, but that law does not apply inside the city. They asked for support in creating legal defenses against this kind of eviction.

There was general discussion about the possibilities for legal defense. The tenants want political support from the community.

The committee made various specific suggestions, and the tenants are obtaining counsel.

Anne Cunningham requested that the committee invite Sen. Eric Schneiderman to the committee to present his bill that would correct some of the weakening policies adopted by the State DHCR in the past three months, and that it might be possible to focus some attention on this issue at that meeting.

The committee agreed to invite Sen. Schneiderman to a future Housing meeting, possibly the June meeting. The tenants at 108 will keep in touch with the committee, and will be requesting some assistance from the CB7 office.

8. The Housing Committee received a request for assistance from the tenants association at 100 W 88th Street, which appears to be in a TIL arrangement with the city. They are concerned that HPD is agreeing to rent a vacant store to Common Cents, a not for profit that has three stores nearby, and that the rent is below the maximum that might be received from the store. This is an issue for them because the store rents go to the maintenance of their building, and indirectly to the level of their own rents. They have presented a letter signed by 12 of the 16 tenants in the building. The committee will try and arrange a meeting with these tenants for the May meeting, if that is not too late to deal with their concerns about the pending lease.





**Joint Housing Committee and Land Use Committee Meeting**  
**Beth Berns and Tom Vitullo-Martin and**  
**Larry Horowitz and Richard Asche, Co-Chairs**  
**April 19<sup>th</sup>, 2001**  
**Southern Baptist Church**

Present were: Tom Vitullo-Martin, Beth Berns, Larry Horowitz, George Zeppenfeldt-Cestero, Gale Brewer, Annette Averette, Sharon Parker-Frasier, D. Maria Watson, Willie Gonzalez.

Tom Vitullo-Martin called the meeting to order and reviewed its purpose. The agenda included presentations on The Department of Housing Preservation and Development's (HPD) Third-Party Transfer Program and on the Cornerstone Program. He introduced Robert Pipik from the Third-Party Program and Christopher Cerillo from the Development Division.

The meeting filled the main body of the church--perhaps 150 people. The attendees were relatively evenly divided between Columbia-affiliated or concerned residents, and residents of the buildings involved in the project, or immediately adjacent to it. Perhaps 15 percent of the attendees spoke Spanish as their first language, and that was a problem for communications.

Mr. Pipik gave an overview of the Third-Party Transfer Program, which affects 350 West 110<sup>th</sup> Street and 69-61 West 109<sup>th</sup> Streets. HPD has designated Artemis the new owner of 350 and Manhattan Valley Management Corporation for 59-61. The designations, which follow the completion of the request for qualifications and request for proposals processes, are being reviewed by the City Council. Following that review, the sites will go through a multi-year program of rehabilitation and transfer of ownership. The buildings will require substantial repair, even structural work. George Zeppenfeldt-Cestero translated the presentation into Spanish for the residents of the two buildings. He then suggested a special meeting with HPD for the residents, with a Spanish-speaking rep of HPD present, and HPD accepted the invitation.

Mr. Cirullo described the Cornerstone Program and explained that this was a preliminary meeting. The public review in ULURP will begin sometime in May-June. He introduced representatives of Artemis and the architects, who presented the proposed plans for the three city-owned vacant lots on West 110<sup>th</sup> and 109<sup>th</sup> Streets. Artemis is building the project in partnership with Columbia. Bill Scott, Vice President for Real Estate at Columbia was present and responded to questions. The proposal is to build 25 units of moderate-income condo housing, 87 units of Columbia student/faculty housing, 5000 sq ft of community-use (rent free) space and a community garden. There will be two separate but linked buildings. The university is purchasing 57 percent of the square footage of the site, plus the community space. Most of its apartments will be studios. It is possible that this allocation will be rethought, and larger apartments constructed, but the overall square footage will remain the same.

Columbia is providing some capital subsidy for these apartments so that they can be affordable to purchasers whose incomes are \$80,000 per year, with a cap of \$110,000. There is a plan to target these apartments to buyers who meet HUD's qualifications for moderate-income development, though there will be no HUD program involved. In keeping the apartments affordable, the developers face a constraint in the way in which the city (HPD) solicited proposals for this site. HPD included in its review the amount of money the developer would pay for the site. At other sites in this development program, developers were not required to come up with cash payments, and the sites would transfer for as little as a \$1. The developers would put extra money into the site, or community programs, etc.

Columbia and Artemis are looking into ways of preserving the income range of this project into the future, to avoid having current buyers flip and profit by the subsidy, since that would defeat the objective of the subsidy in the first place. Artemis is promising that at least 30 percent of the apartments will be sold to CD7 residents; there is a desire to sell some of these to immediate neighbors. These apartments are being priced substantially below market—30 to 40 percent or more below market. (HUD's moderate-income range goes up to about \$188,000 for this area.)

There was discussion, particularly from a couple of college teachers, who pointed out that the target income for the apartments were twice their income: how could this be middle income. Mr. Vitullo-Martin pointed out that problem was one of financing, not of development. It might be possible to find or develop programs that would assist first-time homebuyers to purchase in this building, or it might be possible for City University to develop such a program for its own faculty—or for Columbia to do so.

If the city would accept from Columbia/Artemis payment, or partial payment, in the form of a contribution to an HPD-run program that would provide no interest/ slow payback loans to first time purchasers on this site (or other sites in the development program, if there were excess need) secured by a second mortgage, and set up as revolving fund, then the apartments could be affordable to some additional families from the nearby community.

The architects were questioned on a couple of features of their design. One was the idea of separating the condo apartments from the Columbia apartments: Artemis said that the separation made the value of the condo apartments higher. Another was balconies on 110<sup>th</sup> and over 109<sup>th</sup> st. The architect said that those on 109<sup>th</sup> were balconettes—a French idea of false balconies that one cannot stand on.

A delay may be caused by the existence of the community garden on one of the sites. The garden at the corner of 109<sup>th</sup> is caught up in the litigation involving the attorney general and the administration's attempt to develop housing of community gardens citywide. Since the proposal includes a community garden, there may be a way to remove this parcel from the general litigation, since the principle of preserving a community garden at the site, into the future, would be achieved--though not precisely the same garden. Several people attending the meeting asked questions about the future of the garden, but seemed satisfied with the plans presented. Still, the transfer of the undeveloped property will have to wait the outcome of the litigation, or the removal of this property from the case.

With regard to the vacant lots and the occupied buildings, Mr. Vitullo-Martin explained that Community Board 7 has taken a strong position in favor of keeping a mix of incomes, from lower to upper, in the community, and opposing a mono-income transformation of the area. In the upper portion of CD7, lower-income families (i.e. \$0 to roughly \$25,000) and lower moderate-income (\$25,000 to 40,000), are disproportionately Spanish speaking. HPD has attempted, within the constraints of the different laws governing the different parcels, to link the two occupied buildings to the development of the vacant properties--a request of CB7.

CB7 requested the linkage so that there would be a means of providing some form of financial support into the future that would make it more possible to preserve the housing in the two occupied buildings for low- and moderate- income families, while accomplishing essential repairs and maintaining the two buildings. As it turns out, 350 is linked through Artemis, and through Columbia's desire to provide this benefit to the community. And at the same time, HPD has committed to provide some rehab loans, and to restructure the rents of tenants with a variety of programs that would guarantee that no tenant would have to pay more than 30 percent of income as rent. They mentioned section 8 certificates for these buildings, and their own program to supplement those certificates for families whose incomes are above section 8 guidelines. Still, this would involve a considerable, but not unaffordable, rent increase. At the same time, these buildings will move into rent stabilization, once the new rents are set and the subsidy programs put into place.

CB 7 has concerns about preserving these apartments for low- and moderate-income families. Stabilization rules, combined with a continuing subsidy program, should protect the current tenants into the future. But the continuation of the programs will need to be assured.

The Upper Manhattan Valley Community Association spoke in support of the proposal. Its members have requested that the vacant sites be developed for market housing, so that there would be an economic increase in the median income of the community, and there would be demand for higher levels of services than are presently provided to the community. A significant portion of those present was part UMCVA and included many of the same people who attended the board meeting last year when we formed our resolution. And they have lobbied HPD for most of a decade over this property.

Shortly after one community member spoke in favor of the project and said many at the meeting had not participated before, a group of people walked out of the meeting—perhaps as many as 40 people. Maria Watson spoke to them, and afterwards to those remaining, saying that they included a number of people who had been forced to leave buildings that were demolished to create this development site. They believed that 1) some of the people present at the meeting had encouraged the demolition of their building, and 2) that new construction on that site should have included them in some way, to make them whole, so to speak.

The two loose ends seem to be 1) the handling of the rents/futures of the tenants in the two occupied buildings; and 2) any special consideration for those who used to live on the site, in the now demolished buildings. It would seem possible that some of these former residents might be offered apartments in the rehabilitated 3<sup>rd</sup> Party buildings, under the same financial package that is offered to those tenants.