

COMMUNITY BOARD 7/MANHATTAN Minutes of Full Board Meeting

Community Board 7/Manhattan's Full Board met on Tuesday, June 4, 2013, at Goddard Riverside Community Center in the District. Chair Mark Diller called the meeting to order at 6:38 pm after the Secretary confirmed the existence of a quorum.

In advance of the vote on the minutes, a community board member commented that those involved in taking and reviewing the minutes should ensure that the minutes reflect community board member attendance because such board member did not recall seeing the attendance in the May full board minutes.

Minutes from previous full board meeting were approved: 26-0-1.

Chair's Report: Mark N. Diller

- Referred the audience to his printed report, which was available for distribution and is at the end of this document.
- During his abbreviated report, he congratulated the Business & Consumer Affairs Committee on their third Business to Business summit.
- He ceded his time in order to allow a substantive policy discussion to take place at the meeting. The June meeting featured a presentation by Andrew Kalloch, Deputy General Counsel to Manhattan Borough President Scott Stringer, regarding cybercrimes.

Andrew Kalloch's Cybercrime Presentation

- Andrew Kalloch presented a PowerPoint presentation on the Manhattan Borough President's work on cybercrimes and took questions.
- Can restaurants in the United States use hand held devices to ensure that your credit card/debit card is never out of sight? A: In Europe this is not as much an issue because businesses use credit card swipe machines in front of the consumer.
- Do large banks have an obligation to monitor when skimming machines are included in their ATMs. Is the bank held liable for lost charges if skimming happens at their bank? A: Yes, banks are liable, but it is onerous on consumer to ensure they advocate for their rights. That said, when skimmers are on the machine there are no easy ways to alert the bank that their machines have been compromised.
- Why is it so difficult to prosecute these crimes? A: A victim has a right to fill out a fraud form under federal laws. Further, DA Vance and other NYC District Attorneys are enforcing this better. But the real issue is that the law has not caught up with the sophisticated crimes. The laws need to be substantially strengthened.
- Does the Police Department have any on-going process to train detectives to fully understand how to investigate these issues? A: Cannot speak to the actions of the Police Department.
- Is there a pattern about where skimmers are being deployed in the City? A: Suspects in the case he referenced banked on using skimmers at fancy Midtown steakhouses

with the assumption that those patrons are less likely to monitor every charge on their credit card and therefore such charges would go undetected.

- HIPAA crimes? A: Violation of HIPAA is a federal crime, so US Attorneys could pursue this. There are no State law protections in this regard, which is why the Borough President's Office is advocating for strengthening State laws.

Community Session

- Stu Lahn, Friends of Club 76 – Organization's funding was scheduled to on lapse June 30, 2013. He thanked the Board for being a friend and supporter. Specifically, acknowledging Chair Diller and board member Shelley Fine who assisted with strategic outreach. Council Speaker Christine Quinn came to the center along with BP Stringer, A-M Linda Rosenthal and announced a pledge that funding would be restored. Thanked the community for their support.
- Jane Thompson, 736 WEA, neighbor of 732 WEA sliver building - Highlighted an issue that dates back to 2011 when A-M Rosenthal came to site and noticed stream of water. Her largest concern is whether there was an EIS or EAS because it seems that water toxicity has not been tested. She circulated pictures of the site and stream.
- William Clancy Thompson, relative of Jane Thompson – Noted concerns in visiting his sister and that should not lay progress on backs of those who have been consistent in the neighborhood.
- Jeff Hale, 736 WEA – Several people in the building have had severe lung problems. Four senior citizens in building have died since construction began. Read a note from building resident who has severe lung issues that are way more advanced than reflected by her age. Developer has flouted all laws with respect to development and urged Board to be diligent in holding developer accountable. Chair Diller: D-M Penny has received a commitment from developer to finish the northern façade and complete the roof joints. This is an as-of-right development and was never approved by CB7.
- Ilonna Pederson, 736 WEA – Developed asthma and severe lung problems over the last two years. Asked for restoration of environmental health clinics, so those of lesser means could have their condition evaluated by professionals. Thanked Chair diller, C-M Brewer and others for continued support on building issues. Chair Diller: This is a new issue and indicated that HHS Committee will be in touch to pursue the environmental health clinics issue, especially if it has citywide impact.
- Sharon Pope, NY Society for Ethical Culture – The Society has been hosting nontheistic services for over a hundred years. Will be hosting a forum on sex trafficking that explores local and international effects. Also hosting ethics in film program on June 7, 6:30PM, titled "Arranged," which is about arranged marriage from Orthodox Jewish and Muslim perspectives. Encouraged audience to check out their programs.
- Chair Diller: Sex trafficking is at its peak on Super Bowl Sunday.

- Kathleen Crosby, GrowNYC – Organization’s mission is to support local family farms, within 100 miles of the City. GrowNYC has cleared about 1,000 pounds of compost to date. CB7 D-M Ryan would like to work with GrowNYC to do some more outreach at greenmarkets.
- Angela Monti-Fox, 276 Riverside Drive – Museum of Motherhood event. Highlighted Great Green Playdate on June 9. Doing an event on radon and its impact on mothers. Support A-M Rosenthal’s bill relating to radon; issue needs more visibility. Mothers will learn from experts in climate reality movement. Left flyers.
- Peter Arndsten, Columbus Amsterdam BID – Outdoor theater by the pond in CP on West 103rd Street Thursday – Sunday at 7PM until June 23rd. There will be a follow up on grid exhibit that was at the Museum of City of New York at the Youth Hostel. Annual meeting on June 13th at the Youth Hostel. DOT will speak on safer Columbus Avenue. Calendar with full event schedule is available in the back.
- Cleo Dana, Friends of Damrosch Park – Thanked CB7 for support to move Fashion Week out of Damrosch Park. Coalition filed lawsuit last week challenging placement, asking whether anyone knows where plaque with pictures of Damrosch Park was stored. A member of public asked where can find information about how to file amicus brief in support of lawsuit.
- Guillermo Gonzales, Maria Trinidad Sanchez Neighborhood Association – Thanked CB7 for support over the years. Problem on W. 109th Street at Amsterdam where there are allegations of drug dealing at the bodega They have been in community for 40+ years and not sure what to do. Acknowledged that there have been improvements to community overall, but now being treated poorly by law enforcement.
- William Marte, KSY Mini Mart – His store has been ransacked by law enforcement at least three times recently due to suspected illegal drug activity. He does not have control over crimes that happen in community and has fully cooperated with the NYPD when asked. Chair Diller: Encouraged Mr. Marte to attend the 24th Precinct Community Council; Tom Barnett is the president.
- Ellen Debbins, 205 West End Avenue (Lincoln Towers) – 70th Street is a very wide street and traffic is moving very fast on that street; there has been an increased frequency of traffic accidents. She requested that a speed bump be installed on the street, especially on Freedom Place. A board member noted that they have asked for a speed bump on this street and DOT said the street does not meet criteria.

Manhattan Borough President's Report- Rebecca Godlewicz

- Reminded new members to attend the substantive community board policy training sessions. All board members will be asked to do an EEO training over the next year.
- On a personal note, Borough President Stringer and his wife had another child, Miles Alden, so please send congratulations.

Reports by Legislative Representatives:



Jesse Bodine, Council Member Gale A. Brewer's Office

- C-M Brewer has been actively monitoring the NYCHA infill proposal and obviously shares concerns about the community impact, engagement process, etc.
- Held a meeting on May 21, 2013 with DOITT regarding new franchise for payphones. The City will have pilot plan for implementing WiFi in the phone booths, which could be expanded throughout the City.
- Held a second food policy program on May 29. One major component was food bag handed out at Goddard, which will be expanded.
- Has been working hard on DoB after hours variance issues. Held a successful meeting recently and hopes to have more to share on this issue soon.
- Annual open house was successful. Sadly, it was the last one the C-M will hold before leaving office.
- Will hold their last monthly housing clinic at Goddard Riverside on Wednesday, June 5, 2013.
- Will testify at rent guidelines board hearing regarding rent increase proposals.
- Will host a garden party on June 21 at Brandeis Common.
- A board member asked C-M Brewer's office to talk to NYPD about buses speeding down WEA.

Ellen Louis, Senator Brad Hoylman's Office

- Senator recently testified before City Council Public Housing Committee in support of his bill that would require NYCHA infill proposal be subject to ULURP.
- Testified at working group meeting and urged that DoE respect the recommendations ultimately released by the working group given the iterative and thoughtful process the working group is undertaking.
- Wrote a letter to State DoE regarding issues with the State ELA and Math tests recently administered by Pearson. Recommended that Pearson release a copy of test and responses to parents and legal guardians. Parents need to know that test was graded properly and that children learned material on test.
- A board member noted that there should be separation between test prep and test administration.
- Senator Hoylman is working to secure passage of his bill Senate Bill 3077, which would require SLA to post any provisions of liquor license online, before the end of the legislative session. The bill passed out of committee already.

Ben Schachter, Senator Adriano Espaillat's Office

- Senator's bill that would ease restrictions against owning pets in NYCHA buildings unanimously passed Senate Housing Committee. Mayor Bloomberg issued memo in opposition to bill.
- Encouraged individuals to attend HCR hearing and sign open letter prepared by his office.

Paul Sawyer, A-M Linda Rosenthal's Office

- Cooper Union forum was a success.

- PCB victory is well deserved.
- Rent regulations: there will be a hearing by HCR on long overdo fight about proactive steps by the agency. A-M submitted list of recommendations for this proposal, some of which have been incorporated.
- PS 191-199 community (Coalition to Save Our Schools) hosting a lot of events.
- A community member asked a question about horse-drawn carriages. Paul will get it to the community member.
- A board member asked a question about where proposed tenant regulations can be found. Paul will send this to CB7's office and it is on HCR website as well. The proposals are summarized on the site.

Aadhern Beirne, A-M Daniel O'Donnell's Office

- Believes that bill that would require ULURP for sale of city school buildings will pass during this legislative session.
- A-M's office started its cellphone drive in first week of June. The office will be taking phones in the office in order to repurpose and give to senior citizens and victims of domestic violence.
- A-M will hold legal clinic on June 26 in district office.

George Oliver, A-M Richard Gottfried's Office

- A-M's medical marijuana passed Assembly
- Left a handout with all bills that advocating for.

Andres Pasmimo, State Senator Jose Serrano

- Working to pass 10 point women's equality act before end of session.
- Free mammogram van around district – stay tuned for updates.

Celine Mizrahi – Congressmember Nadler

- Congressmember Nadler is still in DC. Introduced bill to strengthen oversight of DOJ warrants. Trying to push forward state secrets bill.
- Pregnant workers protection fairness act would eliminate loopholes in the law that have adverse impact on pregnant employees.
- C-M glad to see City reached a settlement in PCB case since this was an issue pushed aggressively at school here in this district.
- A member of public asked about any updates on helicopter flyovers. Responded that working with National Parks Service to see if there is a way to address this issue.

Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

1. **945 Second Avenue Text Amendment/ ZR Sec. 32-41.** Application # N130232ZRM by the Department of City Planning to amend Zoning Resolution Section 32-421. The proposed text amendment would allow non-residential use on the second story of a building



in the affected districts constructed after September 17, 1970 if the second story on the date of referral was not occupied by a community facility use, dwelling unit or rooming unit.

- Applicant is Crave Retail.
- Requesting to develop space on the second floor, which is currently not allowed. Only buildings built after 1970 can use the second floor for retail. The intent is to avoid enabling landlords to evict tenants.
- The committee is recommending that the second floor retail be allowed only if there is another second story retail building on the block and if the second floor is not being used for community or not-for-profit programs as of the date of the filings. This would affect only 12 buildings in the area. In order to qualify for the amendment the space would have had to be vacant on May 1, 2013. This limits the possible uses for this resolution and makes it nearly impossible for a landlord to abuse the opportunity.

Board Discussion:

- If the apt was empty, is it possible it was a rent-controlled apartment? Are there any adverse effects to the remaining residents? A: Because of the small window of opportunity time wise and the two restrictions, that scenario is unlikely.
- How are they getting around the ADA requirements if they are expanding upstairs? A: This applies only to buildings six-stories or less so most would not have elevators. This was addressed and arrangements were made. This was a restaurant so service could be provided on the ground floor, which satisfies the requirement. Many small restaurants are installing small elevators. This is not an improvement cost that could be passed along to the tenants.
- Could the second story tenant be a different company from the first floor? A: We would not prefer for that to happen and asked about it. We determined that it was unlikely because of the egress.
- What if it was a nightclub? A: Nightclubs are in a different zoning.
- Do we have a listing of the 12 locations? A: Not presently. A map was circulated to the Board before the meeting.
- The second story would have to comply with all requirements and laws for egress, etc.
- Does the building status/improvement survive the lease arrangement? A: Depending on the lease.
- Will this affect the allowable exterior signage? A: there are separate laws on signage.

After deliberation, the resolution to approve was adopted.

VOTE: 33-0-3-0

1A. East Midtown Re-Zoning, CBs 5 and 6, East 57th to East 39th Streets.

Board Comment:

- The money raised would go into a community improvement fund to improve the infrastructure. But it would not be available for use for five years.

- Some say we already have a modern city, instead we need to improve the infrastructure.
- CB7 does not have a border touching the rezoning. If we want to file an opinion, we need to identify ourselves as affected. That is what this vote is for. In the future we will consider our options and opinions. This establishes our interest and voice. The issue is in ULURP now and will conclude on June 30th.
- We are affected. Tens of hundreds of additional building space and 80,000 more people added to midtown will affect us. The 1, 2 and 3 trains are running at 116% of capacity. The projections indicate there will not be enough money to prepare for the influx of people. The buildings will be built and filled and after that the public transportation will be addressed. The issue of landmarks comes into play also. Transfer of air rights associated with landmarked buildings effectively put the City in competition with private developers. It could end landmarks laws. This is a dangerous road, if landmarks laws fall, rent control might be next.
- You shouldn't have to wait until giant buildings are built to get good transportation. The mayor plans to close Vanderbilt Avenue, which is a useful street. Subway lines coming from the west side will be affected too. What affects one part of Manhattan affects us all.
- Ms. Godlewicz from MBP Stringer's office: all the CBs will have different resolutions. MBP Stringer's office will coordinate them.
- They want to turn midtown into a giant spire city. We don't have a commuter tax here, we bear the expense. This is only the tip of the iceberg. We have to consider this in conjunction of what other development is going on.
- The fact that it is being pushed through just before a mayoral election is inappropriate. We should have a chance to have a new vision with the new mayor. Too much.
- Please clarify the dates: Tonight's vote is if MCD7 is affected. On July 9th, the full board will vote on the merits of the re-zoning.
- When will the Borough Board vote? July 19th. Does this go to City Council? Yes.
- This has been in the pipeline the past few years. Many people in real estate support this. I find it ironic that we will lose iconic buildings that are doing well. Many of the older buildings are being re-built now to support all technology.

Public Comment:

- Will this require environmental and other tests? No, this will allow new building as of right.

After deliberation, the resolution to establish that MCD7 is affected was adopted.

VOTE: 36-0-2-0

Preservation Committee

Jay Adolf and Gabrielle Palitz, Co-Chairpersons

The following resolutions were bundled:

2. **135 Central Park West** (West 73rd – 74th Streets.) Application to the Landmarks Preservation

Commission for restoration/replacement of two entry vestibule doors, which flank the main entrance doors.

3. **125 West 75th Street** (Amsterdam – Columbus Avenues.) Application #13-1235 to the Landmarks

Preservation Commission to alter the areaway and install new walls and railings.

4. **140 West 79th Street** (Amsterdam – Columbus Avenues.) Application #13-8160 to the Landmarks

Preservation Commission to legalize the installation of windows without Landmarks Preservation Commission permit(s) and to establish a Master Plan governing the future installation of windows.

After deliberation, the resolutions to approve 135 CPW and 125 West 75th Street and to disapprove 140 West 79th Street were adopted.

VOTE: 35-0-0-0.

6. **52 West 76th Street** (Columbus Avenue – Central Park West.) Application #14-0283 to the Landmarks Preservation Commission to legalize the installation of security cameras and intercom installed without Landmarks Preservation Commission permit(s), and areaway and stoop alterations completed in non-compliance with Certificate of No Effect 09-0606.

Public Speaker:

- Joe Bolanas, president of West 76th Street Preservation - The architects in question have done three buildings on our block. Their signature is painting buildings a "loud" white. The architects have not complied with the committee's request to soften the color. The LPC met today and had strong recommendations for changes. LPC did not vote today, they took no action pending more information from the architects.

In terms of the color, the architects are claiming that because the building was white previously, they can paint it any tone of white. This white changes the tone of the block.

Board Discussion:

- I was at Landmarks today. The issue is that the architects did not do enough homework. They have not tested for substraffe. This might save the limestone, it's beautiful. I would have changed my vote if I'd known that. Friendly amendment, approve all but the color and call for testing. (Accepted)

After deliberation, the resolution to approve with exceptions was adopted.

VOTE: 35-0-1-0

7. **327 West 76th Street** (West End Avenue – Riverside Drive.) Application to the Landmarks Preservation Commission to replace the newels and front handrails with new cast stone pieces.

Public Speaker:

- Andrew Kupfar, Preservation. The pictures presented to the committee were out of date. New pictures were presented. The committee was told that the stairs were in

terrible condition. However, the most important parts are the highly decorated newels which are in very good shape. The committee was told that quarries with similar stone are closed, but that is not true. Making a mold of a deteriorated post would only preserve the deterioration. The posts should be restored, not replaced. The architects claimed that they could not use brownstone because it would need maintenance every ten years. However, brownstone is used throughout the neighborhood and the architects are using brownstone on other steps in the building.

Board Discussion:

- I was at the Landmarks meeting and they seemed to have high regard for the expert's opinion and work.

After deliberation, the resolution to approve was adopted.

VOTE: 29-0-4-0

8. **167 West 88th Street** (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for a penthouse renovation.

Public Speaker:

- Nicholas Cowley, 169 West 88th Street - The size of the renovation is larger than stated. The whole of the deck is to be limited to 20% of the roof, but it will be 66%.

Board Comment:

I voted for this in committee. I own an adjacent house and there is an easement which they promised to negotiate on, which was fine. However the plan filed with DOB is different than presented to the committee.

The application was voluntarily sent back to committee.

9. **St. Paul the Apostle Church** (2-18 Columbus Ave, between 59th and 60th Streets.) LPC hearing on possible designation of the church as an individual landmark.

Board Discussion:

- A religious institution should not be held to the financial requirements of landmarking.

After deliberation, the resolution to approve was adopted.

VOTE: 30-1-2-0

Transportation Committee, Andrew Albert and Dan Zweig, Co-Chairpersons

10. Request by Transit District One to secondarily name the southeast corner of 60th Street and Broadway, near the subway entrance at the Trump building, for P.O. Seraphin Calabrese and P.O Joseph Keegan, who were killed in the line of duty at the 59/CC subway station. Both officers were shot to death in 1980 in separate incidents.

Public Speaker:

- Dept. Inspector Raymond Porteus, NYPD Transit District 1 - Requesting that the corner at 60th and Broadway be secondarily named for Police Officers Calabrese and Joseph Keegan. Both were killed at the Columbus Circle station in the 1980s. It will be called Officers Calabrese and Keegan Plaza.

After deliberation, the resolution to approve was adopted.

VOTE: 37-0-0-0

11. Newsstand, N/W/C Broadway and 72nd Street. Application #1266882 to the Department of Consumer Affairs by Joseph Zaheer to construct and operate a newsstand at the Northwest corner of Broadway and West 72nd Street.

Public Speakers:

- Steve Harris, 73rd and 74th Broadway - The newsstands are not to provide services to the area but simply to capture money from the foot traffic. These newsstands will be an impediment to pedestrians. There are several vendors in the area.
- Luz-Mary Harris, 2109 Broadway - Our blocks are cluttered and overrun with pedestrians. We are saturated, please help us relieve the congestion.
- Anne Cunningham, president Tempo Hotel Tenants Assoc. - This is the most problematic block in the community. Book vendors are not well behaved. Another newsstand would take away from those established. It is said that they will help the disabled. Don't listen to them, I have a walker, exercise is great.
- Gretchen Berger, 234 W. 74th Street - The pedestrian foot count on that block is 800 and 900 people in 15 minutes. There is no place to walk on the sidewalk. People walk into the street because there is no space.
- Jill Zaheer, 555 Kappock Street - The number of people will not change because of the newsstand. The width of the street is large, 16 feet from the newsstand to the building. It will not take business from other newsstands. One Starbucks is not shortchanged by the next Starbucks.

Board Discussion:

- Where is the nearest newsstand to this? A: near the subway on the island. One in front of Gray's Papaya.
- The area is spectacularly crowded. Zero need for a new newsstand.
- The sidewalk count of 800 in 15 minutes is on a Saturday, not a normal day. People should make an effort to change the vendors. It is a wide street. It's the center of the west side. The issues surrounding it should be seen in perspective.
- There is a tree next to where the newsstand that intrudes into the pedestrian area two feet further than the newsstand. There is a great argument for pedestrianizing the street considering the congestion.
- I voted against this resolution (meaning for the newsstand). The resolution is a proxy for other concerns.
- The newsstands are not bid. They pay very little in rent.



- I voted against this resolution to disapprove in committee. I believe it is likely to be successful because of the number of people passing. There is room to pass by, there is adequate space. The newsstand is between two trees.
- What are the fees for that space on a monthly basis? A: \$28,000 for the stand, plus they pay sales tax and the City gets advertising money for the ads. Consumer affairs license fees are high. Rent is \$1,076.

After deliberation, the resolution to disapprove without prejudice (to a future site) was adopted.

VOTE: 19-10-1-0

Resolutions 12 and 13 were bundled:

12. **969 Columbus Avenue, Special Radio Disp. Corp.** (West 107th- 108th Street.)
Application #B02228 to NYC Taxi and Limousine Commission by Special Radio Disp. Corp. for renewal of their For Hire Base Station license.

13. **981 Columbus Avenue, New Superior Radio Group, Corp.** (West 108th Street.)
Application #B01768 to NYC Taxi and Limousine Commission by New Superior Radio Group, Corp. for renewal of their For Hire Base Station license.

After deliberation, the resolutions to approve were adopted.

VOTE: 25-0-1-0

14. Proposal to remove news boxes in Community District 7.

Public Speaker:

- Ian Alterman. NYC sidewalks have become a defacto advertising spot for any publication. When officials requiring high security pass, the NYPD removes news boxes along with garbage cans. This shows that they can be a danger to safety.

Board Discussion:

- Weakened laws opened the floodgates to publications that have little news and are mostly advertising. We are left with empty, abandoned boxes. Insurance, routine maintenance and refilling within a reasonable time period are all laws that are ignored. DOT cannot remove them because by law they have to store them for 30 days before destroying them. They have no room to store them for 30 days.
- I'm in favor of this. We are plagued by these news racks. They are universally decrepit. They are nothing but advertising vehicles. The City has no licensing fees and derives no income for this. It is not a first amendment right to clutter the sidewalks. This is a quality of life issue. Ian's point is that these can be dangerous.
- I support removing these news boxes that are violating the law.
- Friendly amendment to exclude the newspapers that are in compliance. Made into a substitute motion.

After deliberation, the resolution as amended was adopted.

VOTE: 27-0-1-0

**Health & Human Services Committee****Madge Rosenberg and Barbara Van Buren, Co-Chairpersons**15. Endorsement of campaign of **United to End Homelessness.**Board Discussion:

- Were any other CBs asked to support this coalition? A: No, we asked them to come speak with us.
- I'm uncomfortable in joining a political group on behalf of the community. A: There are no political affiliations.
- I want to echo the concerns. I think we should support the concept of ending homelessness, not supporting a campaign.
- Suggest we re-write the resolution to support the goals as espoused by this coalition. Suggested phrasing: CB7 supports the goals of ending homelessness as espoused by the coalition "United to End Homelessness." (Accepted as friendly amendment.)
- That would work, they were not asking us to join them, but to support them. Mention this coalition as the authors of the goals.

After deliberation, the resolution to support the goals of the coalition was adopted.

VOTE: 26-0-2-0

Business & Consumer Issues Committee**Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons**

16. **286 Columbus Avenue** (West 73rd – 74th Street.) Re-apply application DCA# 1231072 to the Department of Consumer Affairs by Wine and Roses Bar and Cafés, LLC, d/b/a Wine & Roses, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

After deliberation, the resolution to approve was adopted.

VOTE: 28-0-0-0

17. *Unenclosed Café Renewal Applications:*

- **225 Columbus Avenue** (West 70th – 71st Street.) Renewal application DCA# 0982077 to the Department of Consumer Affairs by Mare Mare, Inc., d/b/a Bistro Cassis, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 14 seats.
- **261 Columbus Avenue** (West 72nd Street.) Renewal application DCA# 1111397 to the Department of Consumer Affairs by PGGG Gourmet, Inc., d/b/a Columbus Gourmet Food, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 16 seats.
- **370 Columbus Avenue** (West 77th – 78th Street.) Renewal application DCA# 1337067 to the Department of Consumer Affairs by Gari International, Inc., d/b/a Gari, for a two-year consent to operate an unenclosed sidewalk café with 11 tables and 22 seats.
- **384 Columbus Avenue** (West 78th -79th Street). Renewal application DCA# 1190075 to the Department of Consumer Affairs by 384 Columbus Avenue



Associates, d/b/a Ocean Grill, for a two-year consent to operate an unenclosed sidewalk café with 20 tables and 53 seats.

- **201 West 79th Street** (Amsterdam Avenue.) Renewal application DCA# 1125981 to the Department of Consumer Affairs by Renolta, LLC, d/b/a Nice Matin, for a two-year consent to operate an unenclosed sidewalk café with 24 tables and 68 seats.
- **435 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 1387587 to the Department of Consumer Affairs by 357 Hospitality, Inc., d/b/a Spice, for a two-year consent to operate an unenclosed sidewalk café with 17 tables and 34 seats.
- **450 Amsterdam Avenue** (West 82nd Street.) Renewal application DCA# 1204137 to the Department of Consumer Affairs by EKD Tavern, Inc., d/b/a Dead Poet, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 11 seats.
- **466 Columbus Avenue** (West 82nd - 83rd Street.) Renewal application DCA# 1318895 to the Department of Consumer Affairs by Blossom Restaurant & Café, Inc., d/b/a Café Blossom, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

After deliberation, the resolution to approve was adopted.
VOTE 28-0-0-0

17A **485 Columbus Avenue** (West 83rd – 84th Street.) Renewal application DCA# 1249725 to the Department of Consumer Affairs by Cilantro West, LLC, d/b/a Cilantro NYC, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.

After deliberation, the resolution to disapprove without prejudice was adopted.
VOTE: 28-0-0-0

17B **2799 Broadway** (West 108th Street.) Renewal application DCA# 1394145 to the Department of Consumer Affairs by 2799 Broadway Grocery, LLC, d/b/a Cascabel Taqueria, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 44 seats.

Public Speaker:

- Yakov Rekhter, 300 W. 108th Street - I live above the restaurant. The outdoor cafe is too noisy. They do not close when they are supposed to.

After deliberation, the resolution to approve was adopted.
VOTE: 26-0-2-0

18. **949 Columbus Avenue** (West 107th Street.) New application DCA# 1463073 to the Department of Consumer Affairs by 949 Columbus Avenue, Inc., d/b/a Lura, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

After deliberation, the resolution to approve was adopted.
VOTE: 25-1-0-0

19. **269 Columbus Avenue** (West 72nd – 73rd Street.) New application DCA# 1392078/ ULURP# N110352ECM to the Department of Consumer Affairs by 72nd & Columbus Restaurant, LLC, d/b/a Columbus Tavern, for a two-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.

After deliberation, the resolution to approve was adopted.
VOTE: 21-5-0-0

Steering Committee
Mark N. Diller, Chair

20. Resolutions at Borough Board re Senator Hoylman's SLA Bills:

- (a) S3075/A5356 (S-Hoylman; A-Gottfried) – empowers SLA to include certain terms and conditions in the method of operations for licensed premises (enabling enforcement).
- (b) S3077/A6073 (S-Hoylman; A-Glick) – requires SLA to include on its website information contained in the method of operations for a licensed premises, allowing ready access to that information for enforcement and other purposes.

Board Discussion:

- Does this allow SLA to create terms and conditions? A: No. The SLA is empowered to apply the law.
- This is a slippery slope. The SLA could be uneven, open to political pressure.
- There is a law against that.

After deliberation, the resolutions to support were adopted.

20a VOTE: 22-1-1-0

20b VOTE: 24-0-0-0

21. Resolution in support of Goddard Riverside operating the Escalera Head Start Program, 169 West 87th Street.

Public Speaker:

- Stephan Russo, Executive Director of Goddard Riverside - Escalera HeadStart Program has lost its funding. Created in 1972 by a west side community group. The City awarded an early learning contract at five of Goddard's sites. Last summer ACS made a mistake -- because it is a City-owned building it was not listed in the original proposal. Goddard had to re-apply for that site. Last Tuesday we were refused the HeadStart award. The contract was awarded to a group in Queens. There is an appeal process that Goddard is starting with a filing this week.

Board comment:

- This is a particularly wonderful Head Start program. The parents have to participate actively. It enables the parents to become advocates for their children.
- CB7 passed a motion to support this type of program a few months ago. There is certainly need in Queens, but there is huge need here in this neighborhood.
- Do you have a wait list? A: Fully enrolled.
- Would it be feasible to absorb these families into the other locations? A: The program will continue at this site, sponsored by a group from Queens.
- Is there any investigation on how this contract got awarded to another group? A: No. We were told we scored at 90.
- We should strongly support the appeal. This community based program should be run by the community.



- We should put in a Freedom of Information request. A: someone should, but we are not handling the appeal.

Mr. Diller outlined a proposed resolution with the following resolve: *CB7 further resolves to support Goddard Riverside Community Center's appeal of ACS's decision and reclaim the award for the Escalera Head Start program that had been duly and appropriately awarded to Goddard Riverside Community Center prior to the technical issue with ACS's offering documents, and recommends that the contract for the Escalera Head Start Program be awarded to Goddard Riverside Community Center.*

After deliberation, the resolution to support Goddard Riverside's appeal was adopted.
VOTE: 34-0-3-0

Meeting was adjourned at 10:45PM

Present: Mark N. Diller, Jay Adolf, Andrew Albert, Linda Alexander, Isaac Booker, Elizabeth Caputo, Louis Cholden-Brown, Kenneth Coughlin, Page Cowley, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, DeNora Getachew, Marc Glazer, Phyllis E. Gunther, Matthew Holtzman, Meisha Hunter, Joanne Imohiosen, Madelyn Innocent, Brian Jenks, Genora Johnson, Lee Ping Kwan, Blanche E. Lawton, Marisa Maack, Lillian Moore, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Nick Prigo, Anne Raphael, Suzanne Robotti, Madge Rosenberg, Evan Rosing, Roberta Semer, Ethel Sheffer, Jaye B. Smalley, Barbara Van Buren, Thomas Vitullo-Martin, Mel Wymore, Howard Yaruss, George Zeppenfeldt-Cestero and Dan Zweig. **Absent:** Richard Asche, Laura Atlas, Brian Byrd, Haydee Rosario, Helen Rosenthal, Eric Shuffler and Elizabeth Starkey.

Chair's Report – June 4, 2013

Welcome to Community Board 7/Manhattan's June Full Board meeting. The bulk of the chair's report this month is being given via this written statement rather than orally in order to free up time at the top of our meeting for a mini-forum on a topic that we believe will be of interest and merits an extended opportunity for discussion. If this format proves useful, I will gladly entertain suggestions for other topics for similar mini-forums.

I will gladly entertain questions off-line at mdiller@nyc.rr.com.

1. Congratulations BCI on B2B-3. The CB7 Business and Consumer Affairs Committee organized their third quarterly business-to-business networking event on May 23rd, and like the first two, it was a smashing success in terms of attendance, insightful speakers, and a positive atmosphere for promoting our local businesses.

Special thanks to the New-York Historical Society for hosting the event. Congratulations and thanks for all the hard work to BCI co-chairs Michele Parker and George Zeppenfeldt-Cestero, and to their great team including Elizabeth Caputo for key data-mining, Marc Glazer for organization, Linda Alexander for expert marketing, and to Su Robotti, Joanne Imohiosen, Anne Raphael, Paul Fisher and Eric Shuffler for great support efforts.

2. NYCHA Infill Response. NYCHA's proposal to infill open spaces on 8 Manhattan campuses with 80-20 luxury housing is a controversy that touches Community Boards 3, 7 and 11 (in its current iteration – the potential for additional future such proposals touching other complexes abounds).

The Chairs and District Managers of CBs 3, 7 and 11, together with Tenant Association and tenant representatives, elected officials and experts, are working together to coordinate our responses and share learning and best practices. CB7's resolutions passed at our May full Board meeting will be featured in the coordination efforts.

3. Car-Free Central Park. CB7 is continuing to follow up on our call to eliminate private vehicles in Central Park at all times. Currently, there are but a few hours each day in which private vehicles are permitted access to the Park Drives.

With CB7's strong support, the allocation of roadway on the Park Drives was changed a few months ago to expand the space reserved for park users and reduce the space for private vehicles. Those efforts were least effective below 72nd Street, where the Drive narrows and the greatest number of private vehicles enter the Park. Eliminating private vehicles will allow more dedicated space to be given to each of several classes of park users. Having separate dedicated spaces promotes safety and avoids conflicts. We continue to press for the realization of the proposal long advocated by this Board.

4. Pedestrian and Transportation Safety Study Group. CB7's pedestrian and transportation safety working group continues to make progress on identifying and solving problems in the 94th-100th Street corridor. CB7's Graduate Fellow Jeff Peel is preparing reports based on the successful public session at which the public identified areas of danger to pedestrians and other street users and our expert is evaluating potential solutions.

Consistent with our Core Principles, the focus of this effort is to prioritize solutions for the safety needs of our most vulnerable populations. More to come soon.

I would be remiss if I failed to thank Council Members Brewer, Mark-Viverito and Dickens, who supplied grant funding for the expert assisting us.

As I am writing this, news is breaking of a crash at 97th Street and Amsterdam in which pedestrians including a 3-year-old girl were injured. Early reports are that the driver was fleeing the police. The thoughts and prayers of our entire Board are with the victims of the crash.

5. West End Avenue Historic District – Second of Three Votes at LPC. The Landmarks Preservation Commission will vote on Tuesday, June 25th on the southern end of the proposal to create historic landmark districts that run the length of West End Avenue from West 79th to West 107th Streets. LPC already voted to designate, and the City Council approved, the expansion of an existing historic district to cover West End and certain side streets from West 79th to West 87th Streets. The June 25th vote will relate to West End and certain side streets from West 70th through West 79th. A vote

on the stretch from West 87th to West End's terminus at West 107th has not yet been scheduled.

LPC will vote in a "public meeting" – which means no live testimony will be heard (a public hearing has already been conducted on each of the three proposed segments). CB7 will attend the vote to show our continuing support for the proposal.

6. Schedule Changes. Please note the following changes to our meeting schedule.
 - (a) June BCI: Will be held on **Thursday, June 6th** (instead of its usual slot on the second Wednesday of the month).
 - (b) July Full Board: Will be held **Tuesday, July 9th** to avoid the July 4th holiday observances and vacations.
 - (c) July Transportation: Will be held **Wednesday, July 24th**.
7. Please "like" CB7 on Facebook and follow us on Twitter.

Business & Consumer Issues Committee
Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons
June 6, 2013 7:00 PM

Applications to the SLA for two year liquor licenses:

1. **2418 Broadway a/k/a 216 West 89th Street**, Bukefal LLC, d/b/a Cibo e Vino (not definitive).

Issues continue to arise over noise emanating from ventilation ducts, complaint by neighbor. **Adjourned to July 9th for a pre-board meeting when applicants must present a strategy for ameliorating the aforementioned noise issues.**

NO VOTE WAS TAKEN

2. **127 West 72nd Street** (Columbus Avenue) Legend 72, LLC, d/b/a To be Determined. Represented by Bobby Wong. Wq60388@hotmail.com **Applicant must provide photos of bicycle delivery uniform by June 13th.**

COMMITTEE VOTES TO APPROVE 9-0-0-0 1-0-0-0

3. **320 Columbus Avenue** (West 75th Street) 320 West Side Café Inc, d/b/a To be Determined.

APPLICANT DID NOT SHOW. NO VOTE WAS TAKEN

4. **215 West 85th Street** (Broadway) 85 Broadway Rest Corp, d/b/a Arte Pasta. Represented by Mark Ornetti. D/B/A Arte Café. **Applicant must provide photos of bicycle delivery uniform and supply a list of where notices were posted by June 13th.**

COMMITTEE VOTES TO APPROVE 9-0-0-0 1-0-0-0

5. **421 Amsterdam Avenue** (West 80th Street) B&G Restaurants LLC, d/b/a To be Determined.

Represented by Bruce Kravitz, owner. kravitz@Aslan.com .

COMMITTEE VOTES TO APPROVE 9-0-0-0 2-0-0-0

Unenclosed Café Renewal Application:

6. **612 Amsterdam Avenue** (West 89th – 90th Streets.) Renewal application DCA# 1345730 to the Department of Consumer Affairs by Nipa Thai Restaurant, Corp., d/b/a Thai Season, for a two year consent to operate an unenclosed sidewalk café with 10 tables and 24 seats.

Enclosed Café Renewal Application: Represented by James Wong wjinc@gmail.com

COMMITTEE VOTES TO APPROVE 9-0-0-0 1-0-0-0

7. **200 Columbus Avenue** (West 69th Street.) Renewal application DCA# 1271565/ ULURP# N110325ECM to the Department of Consumer Affairs by Magnolia Columbus Avenue, LLC, d/b/a Magnolia Bakery, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 39 seats. Represented by Mike Kelly,

COMMITTEE VOTES TO APPROVE 9-0-0-0 1-0-0-0

8. **247 West 72nd Street** (Broadway – West End Avenue.) Renewal application DCA# 1379700/ ULURP# N110190ECM to the Department of Consumer Affairs by My Most Favorite 72nd St. Corp., d/b/a My Most Favorite Food, for a two-year consent to operate an



enclosed sidewalk café with 10 tables and 27 seats. Represented by Scott Morgan.

Scott@mymostfavorite.com

COMMITTEE VOTES TO APPROVE 9-0-0-0 1-0-0-0

Present: George Zeppenfeldt-Cestero, Michelle Parker, Linda Alexander, Elizabeth Caputo, Paul Fisher, Marc Glazer, Joanne Imohiosen, Anne Raphael and Suzanne Robotti. **Chair:** Mark N. Diller. **Absent:** Eric Shuffler.



**Manhattan CB7 Transportation Committee
Meeting Minutes 6/11/2013**

Committee members present: Dan Zweig, Andrew Albert, Roberta Semer, Lillian Moore, Su Robotti, Marc Glazer, Ken Coughlin, Ping Kwan

Committee members absent: Ann Raphael

Non-committee board members present: Mark Diller, Howard Yaruss

1. 2642 Broadway (West 101st Street) Renewal application #B00256 to NYC Taxi and Limousine Commission by Fast Operating Corp., d/b/a Carmel Car & Limo for a For Hire Base Station License.

Represented by Koren Geallat, Head of Drivers Department. He says they have been operating for 30 years.

Ken: are there still mobile billboards? Answer: no

Resolution to approve permit renewal

Committee: 8-0-0-0. Non-Committee: 2-0-0-0.

2. News racks updates.

Marc reports that CB6 has asked for a copy of the resolution, Chris Quinn also on board. Seems to be picking up steam. Ian Alterman doing a survey on Broadway in his precinct. David Zelman asked if there could be a design competition for new news racks.

3. Discussion of CB7's subway station inspection project.

A sample checklist was handed out, covering: signage, stairs, map, countdown clock, working MVM's (Metrocard Vending Machines), working telephones, firm rubbing board, ADA strips, peeling paint, presence of litter, graffiti, audible announcements, trackbed litter. Assignments were volunteered for. Mark has Columbus Circle, Roberta has 72 and 66 (123), Marc takes 81st St, Dan takes 103 and 110 (1), Lillian takes 96 (123), Ping takes 96 and 103 (BC). Double check based on Andrew's list.

Training session next Tuesday, 6/18, 6 pm, meet at Gristedes (86th and Broadway).

4. Letter about the Taxi of Tomorrow from Amy Paul asking for wheelchair/scooter accessibility. Need to bring in a guest speaker, have a public hearing to describe the various options available.

5. Peter Arndtsen: Nina Haiman from DOT will be speaking at the Hostel about "Towards a Safer Columbus Avenue" during the Columbus Amsterdam BID's annual meeting on Thursday, June 13, 2013 at Hostelling International, Amsterdam Avenue and W. 103 Street

6. Review of DOT's recommendations for changes in the West 86th Street and Central Park West intersection.



Following the Committee's review of 70th St between West End and Broadway (from DOT's West Side Manhattan Traffic Study), speakers will be invited in to talk about some more intersections addressed in the study (and some that are not, e.g. 79th/Amsterdam). <http://www.nyc.gov/html/dot/html/motorist/westside.shtml>

The delayed walk signal at 86th and Columbus is a problem, particularly with cars coming through trying to make up for lost time due to 86th st being narrowed further west due to construction. Councilmember Brewer's office had explanatory signs put up, but people don't seem to notice, it remains a very dangerous intersection.

Perhaps the signal can be altered. David Zelman: the problem is parking that is too close to the intersection, maybe a turn lane can be created by getting rid of some parking. Question for Josh from Andrew: can we have a red turn arrow for cars, to allow pedestrians through? Answer: this would cause backups, unless there was a way to keep the through lane moving.

Andrew: can we get someone from the 24th or the 20th Precinct to talk about double-parking enforcement? Ian: funnily enough, 86th St is the dividing line between the two precincts.

Tila: a delayed turn arrow from drivers would support CB7 core principles, which prioritize pedestrians (Ken's proposal). Tom DeVito: not good to base traffic planning around the assumption that people are going to be breaking the law (double parking).

Dan: even if we have an LPI, there are often going to be so many pedestrians that no cars will be able to turn. The key will be how to allow both kinds of traffic through separately.

Mark: we are trying to prioritize pedestrian safety over pedestrian movement. Can we combine an LPI with a lagging green turn arrow? Andrew: How about a lagging left turn (instead of a leading left turn) from 86th onto Columbus? Josh: there might be things happening, but they haven't gotten down to my level yet. Lady in audience: What about a pedestrian-activated stop signal? Dan: This is more for streets with very long greens in one direction.

Josh: DOT will be implementing the 86th/CPW improvements in the next few weeks.

Paul Sawyer: petition circulated about the leading green at 79th and Amsterdam for eastbound cars turning north. Lagging signal for pedestrians crossing Amsterdam. Main issue raised by the petition was the lack of a red turning arrow, so that cars never stop trying to turn (and often speed up to try and beat the light).

Gentleman in audience: has seen two pedestrian accidents and one canine death, mostly from multiple cars (coming from the West Side Highway) trying to turn left onto Amsterdam at the same time.

Ian: the precinct has started giving out tickets to pedestrians for crossing against the light. The precinct reported that the worst offenders are trying to turn left onto 79th from Amsterdam.

Ken: that intersection consistently ranks as one of the most dangerous. There are other options besides re-timing signals. One is a raised table in the intersection. Another is bulb-outs for pedestrians. Andrew: reiterated the importance of red turn arrows. Paul: Assemblymember Rosenthal supports all pedestrian safety enhancements.

Tila: p.76 of the DOT Street Design Manual describes a speed table
Decision to write a letter to DOT asking for a leading pedestrian interval combined with a red turn arrow. Mark D offered to draft the letter.

Josh: Two speed bumps approved for West 78th b/w Columbus and Amsterdam. It's a school zone, so DOT didn't need CB approval.



7. Finalize Transportation submission for CB7's District Needs Statement for Fiscal Year 2015.

District Needs: Ask DOT to reduce accidents by a certain percentage at certain "hotspot" intersections? Can we ask DOT for specific things? Or, can we ask state agencies (MTA) for certain things.

Let's make the ten worst accident locations on UWS demonstrably safer with a 50% reduction in crashes and injuries.

Add item about signage when exiting freeways about NYC driving rules

Roberta: safer streets? Andrew: too general

Dan: does not want to lower the speed limit, instead wants to up enforcement to make sure no one goes over 30. Ken: when the speed limit is 30, the real speed is more like 40. So, to make the real speed 30, we need a 20 mph speed limit. Andrew: DOT has said that they will not have "slow zones" on any of the avenues. Howard, Mark: can we re-time the lights so that people never pick up speed? Mark: what about a higher speed limit during rush hours, and lower speed limits when the streets are emptier. Andrew: can we ask DOT for a pilot program for a slower stagger on one of the avenues.

Andrew: the issue with neckdowns is that drivers speed up afterwards, to make up for lost time.

Andrew: MTA has removed all booth agents from the uptown side. This makes it very difficult for anyone to get buzzed in.

Howard: can we get a southern subway entrance for the 72nd St/Broadway station? Andrew: no, because the platforms are staggered. Andrew: there was a plan floated to widen the subway platforms using the money from Riverside South, but it was too expensive.

Northern entrance for 96th also a wish list item, badly needed, too expensive.

Housing Committee Meeting Minutes
June 10, 2013
Nick Prigo and Louis Cholden-Brown, Co-Chairpersons

Agenda: Discussion on the future of the Tenant Protection Unit and Assembly Member Linda B. Rosenthal's A7317-2013: Relates to the sale, lease or other disposition of property of the city, NYC department of education, NYC educational construction fund, NYC school construction authority and NYC housing authority

- 1) Ben Schachter from Senator Adriano Espaillat's office presented new content on the future of the Tenant Protection Unit as outlined by the DHCR hearing on new rules pertaining to rent regulation.
- 2) Committee decided to write a letter of support of the proposed new rules before DHCR and highlight points addressed by Mr. Schachter for strengthening.
- 3) Funsho Owolabi from Assembly Member Linda B. Rosenthal's office discussed their new bill (A7317) to require community involvement in any future efforts to develop land owned by NYCHA or various Department of Education entities.
- 4) Committee voted 6-0-0-0 on a resolution supporting A7317. Non-committee board members present voted 0-0-1-0.
- 5) Proposal made by Marisa Maack to make this resolution joint with the Youth, Education, Libraries committee and will be voted on at their committee meeting. Committee approved.

Present: Nick Prigo, Robert Espier, Matthew Holtzman, Madelyn Innocent, Genora Johnson and Marisa Maack. **Chair:** Mark N. Diller. **Board Member:** Howard Yaruss. **Absent:** Louis Cholden-Brown and Lillian Moore.



**Preservation Committee Meeting Minutes
June 13, 2013
6:30 pm – 11:45 pm**

1. 88 Central Park West (West 69th Street). Application to the Landmarks Preservation Commission for rooftop cooling tower visible from West 69th Street.
Presenter: Richard Boschen, Architect (RB)

Summary of presentation:

- 88 Central Park West (CPW) @ West 69th Street, residential coop building
- window and thru-wall air conditioner units (not on principal facades) installed over time
- proposal consists of installing new cooling tower on roof (set on vibration pads; located adjacent to existing water tower); new cooling tower will be setback from the parapet wall; new tower will not be visible from CPW but will be visible from West 69th Street

Committee Discussion:

- GP asked how residents will connect with new cooling tower; RB said tower will have water percolating through it; evaporative process; condenser water will be piped through the public corridors of the building to individual residential units; tenants will "tap in" allowing window and/or through wall units to be removed; not certain if "tapping in" will be required of all residents or only at times of upgrade
- TVM and MH discussed Landmarks Preservation Commission (LPC) rules for mechanical equipment, visibility, staff level vs. Commission level reviews

Community Comments:

- No comment from community

The following facts and concerns were taken into account in arriving at our conclusions:

- The installation of a new cooling tower will, over time, allow residents to replace the current, more unsightly methods of cooling individual apartments, which include:
 - i. through-wall air conditioners
 - ii. in-window air conditioners
 - iii. central and semi-central systems requiring replacement of full and half windows with exhaust grilles
- The new cooling tower box will not be visible from the primary facades along Central Park West and 69th Street
- The cooling tower box will be situated next to the existing water tower, positioned to the north, sitting at its base.
- The existing water tower is currently visible at the top of the west-facing side façade; the new cooling tower will be similarly visible. Because it is smaller and lower than the water tower, and located directly next to the water tower, the cooling tower is visually connected to the water tower mass, so does not appear to create additional visual weight or distraction when seen from the street.

The Preservation Committee of Community Board 7/ Manhattan believes that the design and positioning of the rooftop cooling tower are reasonably appropriate to the historic character of the building and of the Historic District.



THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the installation of a rooftop cooling tower.

Committee: 6-0-0-0

2. 125 West 69th Street (West 69th-70th Streets). Application to the Landmarks Preservation Commission for the addition of a light roof top atelier and a modification of the rear façade.

Presenter: Gil Even-Tsur, Architect (GET)

Summary of Presentation:

- Proposal consists of rooftop addition and rear elevation addition/enlargement; metal framing with glass
- no change to front facades of 123 or 125 West 69th Street
- Current owner owns 123 West 69th Street and recently purchased 125; proposed project will link these adjacent rowhouses (internally; and at rear garden)
- Existing rear yard addition

Committee Discussion:

- LPK and GP asked about material samples; GET discussed painted metal (white finish) and clear glass (low iron); materials/palette not defined yet/still schematic design phase
- MH asked about interstitial space between 2nd and 3rd floors at rear; GET said this area would be planters
- GET discussed how proportions of windows were the driver behind the rhythm and design of the rear addition/enlargement
- GP discussed rendering as reading "dark" but would actually have less contrast; GET said this was his method of making drawings (shadow lines)
- GET discussed bracketed metal elements, attached to the metal framing of the rear addition/enlargement that will provide training for ivy growth
- JA asked about depth of enlargement/projection into rear yard; GET said 7' extension; 23' from original building's rear façade
- GP and LPK discussed inconsistencies in existing/proposed elevations vs renderings
- TVM, GP, BL, MH discussed rooftop addition and proposed chimneys

Community Comments:

- Holly Lynch, president, 136 West 70th Street noted protracted construction campaign at 130 and 132 West 70th Street; not supportive of proposed work

No resolution. Will return to 7/11 committee meeting to present additional materials.

3. 37 Riverside Drive (West 76th Street) Application # 14-2398 to the Landmarks Preservation Commission to replace a rooftop greenhouse, and modify windows at the penthouse

Presenter: Angus Goble, Architect (AG)

Summary of Presentation:

- Proposed rooftop greenhouse construction and modification to penthouse windows
- Some visibility anticipated at Riverside Drive (RSD) when viewed from the north



- No proposed changes to existing massing
- Some repair at existing stucco, no change to color
- Existing window/door framing at penthouse is aluminum, double glazed system, deteriorated
- Proposed window/door framing is steel, double safety glazed system (clear glass with low E coating), European manufacture, thermally broken, black finish for steel members; a few more mullions at windows/doors than existing configuration

Committee Discussion:

- GP asked about operability; AG said 4 doors and some operable lights at kitchen plus center panel at sunroom will pivot; framing at operable lights will be thicker

Community Comments:

- None

The following facts and concerns were taken into account in arriving at our conclusions:

- No changes to the massing of the greenhouse or to the size or location of the existing window openings is proposed, so there is no change in the extent of visibility from the street below.
- The existing aluminum glazing at both the greenhouse structure and within the existing door and window openings is in poor condition. All glazing components will be replaced with a black steel glazing system, thermally broken for improved energy control.
- While the pane size will vary between the greenhouse enclosure (larger panes) and the replacement doors and windows (multiple, smaller panes), the lower horizontal steel mullion will link the two visually.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the replaced greenhouse enclosure and replacement windows are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the replacement greenhouse and window modifications.

Committee: 6-0-0-0.

4. 101 West 78th Street (Columbus Avenue). Application to the Landmarks Preservation Commission for the replacement of windows and penthouse addition.

Presenter: Richard de Marco, Architect (RM)

Summary of Presentation:

- 1882-1883 original construction with multiple alterations/additions campaigns; "Evelyn" historic name of building
- Current roof plan includes 2 "pop ups" (rooftop access for two 7th floor residential units) under 1,000 sf; approx. 10' floor to ceiling
- Rental residential units with commercial tenants at ground floor; current application to Attorney General (AG) for condo conversion; no approved condo offering plan; new owner seeks to upgrade building to maximize potential value
- Calendared on July 9th Public hearing at LPC
- Proposal consists of:



- alterations at the facades (new ADA access lift on West 78th Street;
- restoration of portico (using GFRC) and new wood and glass entry door with sidelights on West 78th Street;
- replacement windows throughout; new 1/1 d/h wood windows; thermal pane; insulated glass; counter balanced; black finish;
- four (4) new windows at west facing lot line wall;
- recreate missing chimney/flue ornament at roof cornice with GFRC;
- new 2 story occupiable space rooftop addition (8th and 9th floors) plus mechanical/bulkhead; rooftop addition inspired by 1898 plan for 8th floor; approx. 1,850 sq. ft. proposed at 9th floor duplex unit; Penthouse A 2,750 sq. ft.; Penthouse B 3,912 sq. ft.; floor to ceiling height at 8th floor will be 14'; floor to ceiling height of 9th floor will be 10'; metal rain screen cladding system (zinc or aluco-bond) with metal roof railings; mock up visible from west (documentation missing; architect to add), south, east

Committee Discussion

- GP asked about second means of egress; RM discussed new fire rated enclosure at existing 3' wide stair; existing elevator to remain; new ADA/gurney width elevator;
- MH noted inconsistencies in fenestration (elevations vs. historic photo); architect to modify fenestration to match historic condition in terms of configuration, operation, details, material, finish;
- GP asked about window section details of new windows at rooftop addition; architect to provide;
- MH asked about whether all options were exhausted for location and design of new lift in terms of being sensitive to historic fabric and meeting ADA requirements;
- JA discussed condo conversion/GA review process; tenants forming association and retaining counsel; beyond scope of CB7 review
- BL said she cant ignore comments of neighbors and residents; willing to consider some addition but not current form; RM said owner is somewhat flexible, but wants to maximize potential available space at roof
- LPK said addition could be possible in terms of bulk; disingenuous to say addition will mar the streetscape; asked for different color scheme at rooftop – dark green?; bulkhead all brick?; fenestration of addition is strange (proportions; rhythms); empathize with neighbors
- JA said this can be built as of right; asked if addition could be clad in brick and with fenestration to match façade? Not appropriate as shown with metal cladding
- GP not convinced about proposed doors (2 leafs existing; 1 leaf proposed); “in your face” huge thing at the roof; obligation to create something that isn’t such a stark contrast, more historically sensitive; addition has no rhythm; missing 3 D rendering of roof; walls need to be brick or stucco
- TVM said ADA lift is ugly; concede necessary; would like to see better unit; portico reconstruction no strong feeling, architect needs to make historic/functional case; assume some high quality façade restoration – not described in this application; do not object to penthouse addition in concept, but would like to see better materials and design; bulk of addition is so great; doesn’t look like it belongs to what exists below
- MH concerned about ADA location/design/unit; portico and doors need to match historic condition; windows need to match historic condition; rooftop addition problematic in terms of bulk, massing, materials, design, visibility; not appropriate



- MD echoed prior comments; inappropriate bulk and design

Community Comments:

- Mack Jeffrey, 386 Columbus Avenue (condo board president), asked design team to clarify existence of 8th floor; inconclusive as to whether it was built or not; visibility will be 100% from 75th and Columbus; 40% from 65th and Columbus; not supportive of proposed addition
- Jerry Lowinger, 101 West 78th Street resident since 1955; not supportive of proposed addition
- Merryl Cates, (affiliation unknown), not supportive of proposed addition, OBTRUSIVE
- Roberta Huber, 139 West 78th Street resident, not supportive of proposed addition
- Lorren Brenowitz, 100 West 78th Street, not supportive of proposed addition, EYESORE
- Jean Denison, 131 West 78th Street resident, not supportive of proposed addition, ASSAULT to eco-environment
- Kelly Carroll, Landmarks West!, not supportive of proposed addition, inappropriate in this Historic District, AFFRONT, more Williamsburg than UWS
- Jane Stern, (affiliation unknown), not supportive of proposed addition
- Jay Fox, 118 West 79th Street, not supportive of proposed addition
- Janet Fisher, 118 West 79th Street, not supportive of proposed addition, OUT OF CHARACTER
- Avra Petretis, 101 West 78th Street, resident 50+ yrs, speaking for Susan Nile, not supportive of proposed addition
- Ben Brown, (affiliation unknown), not supportive of proposed addition
- Elizabeth Smith, (affiliation unknown), not supportive of proposed addition
- M. Shore, 118 West 79th Street, not supportive of proposed addition
- Margery Maggot, 101 West 78th Street, resident 40+ yrs, not supportive of proposed lift in current location, asked that tenants be informed of how the proposed work will affect their units; GP urged she contact Penny Ryan at CB7; RM said no windows will be sealed to provide courtyard enclosure, not supportive of application
- Steven Shatz, 101 West 78th Street resident, owners hostile to tenants; not supportive of application
- Susan Hyler, 101 West 78th Street resident, stabilized tenant, resident since 1991; occupies one of the 7th floor units with a pop up; not against proposed addition but it needs to be more harmonious with main facades

Note that resolutions were initially presented in three parts: façade work, ADA lift, and rooftop addition. Then the Committee combined the ADA lift with the portico/ facade and windows/ cornice, and some changed their no to a yes with respect to the ADA lift, so the committee voted in support of the first of now two resolutions (resolution to approve) and not in support of the second resolution.

The application was broken down into two parts – the façade work, and rooftop addition. Regarding the façade work, the following facts and concerns were taken into account in arriving at our conclusions:

- A version of the original entrance portico will be reconstructed at the main building entrance on West 78th Street, including replacement of the existing front door pair with a single central door with side lites.



- An ADA-accessible wheelchair lift will be installed to the west of the main entrance on West 78th Street. Given the large elevation change between the sidewalk and the first floor, an ADA-compliant ramp will not fit along either the 78th Street or Columbus Avenue façade.
- Replacement windows will be installed. They will all be one-over-ones. These windows will be double-hung, wood, thermally insulated, matching details and finish of the original windows.
- The addition of four new window openings with new double-hung one-over one windows is proposed for the side-facing west facade
- There will be façade repair and restoration work for the entire façade.
- Cornice repair and restoration work, and reconstruction of the vertical chimney masses at the roofline in GFRC (glass fiber reinforced concrete), modeled after historical reference documents

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the components of the façade renovation are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the façade work as described above.

Committee: 5-0-1-0. Non-Committee Full Board: 0-0-1-0.

Regarding the rooftop addition, the following facts and concerns were taken into account in arriving at our conclusion.

- There is unused development or air rights available on the site, so that the proposed rooftop addition is as-of-right from a zoning perspective.
- The new rooftop addition will add two storeys plus a bulkhead to the existing seven-storey structure.
- Along the main facades (west 78th Street and Columbus Avenue), the rooftop addition will be clad in metal "rainscreen" panels of zinc or painted aluminum. Along the secondary facades, the addition will be clad in brick similar to the brick cladding of the secondary facades in the existing structure below.
- Window surrounds and other architectural details in the metal-clad facades will be similarly made of metal.
- New windows will primarily be one-over-one double hungs, with a few awnings, several vertical sliders or casements
- Glass panels are proposed to be used in lieu of parapets on the setbacks and roof of the proposed addition.
- The new eighth floor will be set back minimally from the existing parapet wall, approximating the footprint of the original design for this floor, with additional enclosed space along the northern wing of the "U" shaped building, and at the courtyard interior, where a small recess will be enclosed to install a new elevator.
- The new ninth floor will be smaller than the eighth floor, approximately one-third the floor area, set back over the northern wing of the "U".
- The eighth floor will be 14 feet tall. The ninth floor will be 11 feet tall.
- The eighth floor will be highly visible from the street, both from near and from a greater distance when looking along Columbus Avenue.
- The ninth floor and the tenth floor bulkhead, in being set back more, will be much less visible from the street.

- The Committee as a whole felt that the mass, bulk and height of the proposed rooftop addition appear overbearing and out of scale in relation to the size and proportions of the existing nineteenth century structure upon which the rooftop addition will be set.
- Several committee members had additional concerns that the gray metal cladding material and the metal architectural details were inappropriate in not respecting and relating to the original red brick cladding and white stone architectural details of the original structure below.
- Several committee members expressed concern that some of the new fenestration demonstrated little relationship to the existing fenestration patterns and rhythms of the building below.
- Enclosure of a rear courtyard recess to install a new elevator was also of concern to the several committee members, in its blocking an existing window.

For the reasons listed above, Community Board 7/ Manhattan believes that the design of the rooftop addition is not appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the rooftop addition.

Committee: 6-0-0-0. Non-Committee Full Board: 1-0-0-0.

5. 140 West 79th Street. Application to the Landmarks Preservation Commission for a penthouse addition

Presenter: Adam Kushner, Architect

Summary of Presentation:

- 800 sq. ft. overall renovation, horizontal extension at penthouse; 9' to 11' floor to ceiling heights; match existing stucco; some visibility from street (NW corner of Amsterdam and 79th Street);
- not calendared at LPC

Committee Discussion:

- TVM, GP asked about documentation of visibility; architect to prepare and re-present
- GP, DM reminded architect that owner needs to be a good neighbor re scaffolding
- GP asked architect to prepare materials required by LPC
- LPK asked for more information

Community Comments:

- Karen Wald, 149 West 79th Street, resident since 1983, images of visibility misleading; much more visible; active stop work order at DOB; not supportive of application
- Dale Brown, 146 West 79th Street, not supportive of application; concerned about scaffolding
- Helen Taynton, 140 West 79th Street, resident, concerned about quality of workmanship, will live under proposed penthouse

No resolution. Will return to 7/11 committee meeting to present additional materials.



6. 153 West 76th Street (Amsterdam – Columbus Avenue) Application # 14-4523 to the Landmarks Preservation Commission to legalize a rooftop addition installed in non-compliance with the Certificate of No Effect 12-9218

Presenter: Alan Barlis, Architect

Summary of Presentation:

- 1899 construction; row of 6 rowhouses
- Proposed 4th floor addition, was not supposed to have been visible; approved design vs. as built conditions; visible from 82nd Street; chimney stacks built too high; roof deck approved but not built; flues very visible, need to reconfigure; Possible chamfering of rooftop addition to reduce visibility

Committee Discussion:

- MH said it would have been helpful to have LPC approved plans and as built conditions for comparison

Community Comments (NONE)

The following facts and concerns were taken into account in arriving at our conclusions:

- The top portion of the front façade of the existing rooftop addition will be modified. A sloping section of roof will be introduced, lowering the height of the front façade wall. The vertical and horizontal dimensions of these modifications, as well as the angle of the sloped roof section have been set to render the rooftop addition non-visible from the street below.
- The existing metal chimney flues will be lowered to the minimum height prescribed by code.
- The existing metal flashing at the rooftop addition will be painted to match the stucco cladding color to reduce or eliminate reflectivity of this element.

The Preservation Committee of Community Board 7/ Manhattan believes that the changes proposed to the existing non-compliant rooftop addition to legalize it are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed modifications to the existing rooftop addition.

Committee: 6-0-0-0. Non-Committee Full Member: 1-0-0-0

7. 167 West 88th Street (Amsterdam Avenue) Application to the Landmark Preservation Commission for a penthouse addition.

Presenter: Amelie Rives, Architect

Summary of Presentation:

- Proposed penthouse renovation; rear portion of penthouse will be visible from street; new HVAC unit on north deck; existing 395 sq. ft.; proposed 322 sq. ft.; increase size of north deck
- Remove wood deck, new wood and stone pavers; meet DOB requirements
- Seeking pre-determination from DOB



- LPC voted to approved; Page Cowley asked LPC to deny

Committee Discussion:

- TVM discussion of rooftop addition and party wall;
- JA assumes LPC would prefer owners to resolve amongst themselves
- MD said CB will confer with neighbors; there is something other than a resolution that will assist

The following facts and concerns were taken into account in arriving at our conclusions:

- The size of the rooftop addition has been reduced, moving the new front faced further back from the street, not visible from the street.
- A maximum of 20% of combustible paving materials will be used in the new roof deck, which will consist of wood and stone pavers.
- The Preservation Committee continues to recommend that, owing to its visibility from west 89th Street, the stucco color of the rear façade of the penthouse addition be changed from the light beige tone proposed to a color compatible with the rest of the building's brick-clad four-story rear façade below/

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the renovated penthouse addition, with modified rear façade stucco color, is reasonably appropriate to the historic character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the design of the renovated penthouse with the modification to the stucco color of the rear (north-facing) façade to a color compatible with the rest of the building's brick-clad four-story rear façade below.

Committee: 6-0-0-0. Non-Committee Full Board: 1-0-0-0.

Present: Gabrielle Palitz, Jay Adolf, Meisha Hunter, Blanche E. Lawton and Thomas Vitullo-Martin. **Chair:** Mark N. Diller. **Absent:** Brian Byrd, Miki Fiegel and Lee P. Kwan.



**MINUTES OF MEETING OF PARKS AND ENVIRONMENT COMMITTEE
COMMUNITY BOARD 7, MANHATTAN
JUNE 17, 2013**

Committee Members Present: Klari Neuwelt and Elizabeth Starkey, Co-chairs; Ken Coughlin, Elizabeth Caputo, Phyllis Gunther, Evan Rosing, Joanne Imohiesen

Committee Members Absent: Isaac Booker

Non-Committee Board Members Present: Mark Diller, Marisa Maack

The meeting was called to order at about 7:10.

1. Presentation by NY4P on their Parks Platform 2013.

The scheduled presenters did not attend the meeting. [They later apologized for having confused the date, and were invited to present at the July P+E Committee meeting.]

2. New Business.

Anita Belew, a member of Goosewatch, read a statement about the roundup and killing of Canadian Geese, including as in the Riverside Park area, by the USDA in cooperation with other governmental agencies, as an ongoing program related to air safety, asking for Committee support in opposition to the program. The Committee asked Ms. Belew some questions but took no action.

Community member Olive Freud spoke about the heavy use of bicycles on the Esplanade in Riverside Park (the path at the river's edge), and suggested that bicycles could be rerouted to what she described as a parallel inland path from 72nd to 79th Streets. The Co-chairs suggested that Committee members look at the site if they are in that area of Riverside Park before the next Committee meeting.

Ms. Freud also asked the Committee to support rezoning south of 96th Street because of increasing overcrowding. After a brief discussion, the Co-chairs referred her to the CB7 Land Use Committee.

3. Update on Committee Discussions.

a. Opening of Gertrude Ederle Recreation Center. Several Committee members had attended the opening ceremony of the renovated 59th Street Recreation Center (now named for Gertrude Ederle) earlier the same day, and they described the event with enthusiasm. Ken Coughlin circulated photos.

b. Strangers' Gate. Just prior to the meeting, Penny Ryan had advised the Co-chairs that DOT and NYC Transit had told her that because of the traffic configuration at Strangers' Gate the switch of locations that the Board had requested in a recent resolution sponsored by the P+E and Transportation Committees -- between the existing bus stop and the existing parking -- could not be done. She is following up with the agencies as to why that is, and what changes can be made consistent with the intent of the resolution.



c. Tavern on the Green. Klari Neuwelt reported on her most recent telephone conversations with and correspondence with Charles Kloth of the DPR Revenue division. It appears that the new concessionaires for the Tavern on the Green are not willing to meet with the Committee to discuss Committee and community concerns about the Tavern's proposed operations, including the menu and hours for the takeout window, which the concessionaires had told the Committee previously is the part of the Tavern's operations that is intended to be "affordable" and to relate directly to the park experience for most park users. Mr. Kloth had recently advised that the concessionaires had had a problem with their original financing but had obtained new financing, and that construction by the concessionaires on the interior of the Tavern was continuing as anticipated. The Co-chairs will continue to try to arrange for the concessionaires to meet with the Committee.

d. "Brewer Money" for Riverside South Park and Phase 5 Construction. Penny Ryan had advised that DPR was not ready to report on design progress for the "Brewer Money" for Riverside South Park at this meeting, but anticipated doing so at the July P+E meeting. There should also be a presentation at the same meeting on the current plans and schedule for Phase 5 construction of Riverside South Park.

e. Jewish Home EIS. There was a brief discussion of the new ruling by the NYS Department of Health that an Environmental Impact Statement is needed for the proposed new Jewish Home, and of how CB7 would address the scoping phase.

f. Damrosch Park. Elizabeth Caputo had attended a recent press conference by the community members who had instituted litigation over the "privatization" of Damrosch Park. She gave a brief report.

g. NYC Recycling.

- The proposed legislation banning certain **foam** containers has been introduced in the City Council.
- The Mayor has announced a trial **composting** program, with the intent to introduce wider, mandatory composting at a future time. In the meantime, Greenmarkets accept compost, and certain Greenmarkets accept fabric waste.
- Legislation regarding **plastic bags** may be introduced soon. Some municipalities have banned the provision of plastic bags to customers or required a charge for them.
- The Committee discussed the limited announcement that CB7 had done of the new **rigid plastic recycling** rules and decided to do another e-blast.
- DOS has now placed a limited number of **recycling bins** in major locations. There have been recycling bins in Central Park for some time, but not yet in Riverside Park. The Committee has been following and encouraging the placement of such bins.

h. Cigarette sales at newsstands. Klari Neuwelt reported that following a brief discussion of this issue at the prior P+E meeting she had spoken with Will Colgrove of Council Member Brewer's office about the possibility of including a ban on cigarette sales in currently proposed legislation raising the pre-tax price for incidentals sold at newsstands from \$5 to \$10., if CB7 chose to support that. He had promised to provide some factual information for the Committee about the current rules governing the sale of cigarettes, but had not yet done so. He did advise that there had been a hearing in the Council on the proposed legislation the prior week. The Co-chairs will follow up to the extent possible.



i. Riverside South Park Bicycle Path Intersections. Mark Diller had sent a letter to Park Administrator John Herrold suggesting short-term ameliorations that could be done this season for what seem like unnecessarily confusing pedestrian-cyclist intersections on the Riverside South Park bicycle path. He did not receive a response, and will follow up.

j. PS 166 Playground. Marisa Maack and Mark Diller gave an update. CB7 is on record favoring a substantial renovation of the PS 166 playground because of the number of student injuries, and also because in its current configuration the playground can't be cleared of snow. Following CB7's resolution on this matter, which was done outside of CB7's normal processes for requesting funding for capital projects because of what appeared to be the urgency, Council Member Brewer and Borough President Stringer allocated funds for the renovation. Those funds must be used this year. DPR now has plans and is ready to proceed this summer with the renovations. However, a group of certain parents and others now oppose the proposed renovations and may be bringing litigation. So far, ongoing mediation efforts have not been successful. Mark Diller and Marisa Maack will continue to follow, and DPR will be invited to present the plans to P+E.

k. Ambulances with motors running 24/7. Klari Neuwelt reported that she had instituted an inquiry through the Board staff as to why ambulances parked between emergency response jobs have their motors (mostly or all diesel) running at all times, causing very substantial pollution. Penny Ryan has started to investigate, and hopes to get an appropriate representative of EMS, which is run through the Fire Department, to the next P+E meeting. Preliminary information is that the motors need to remain running at all times for the workers to be able to respond to emergency calls, but the reason for that has not been explained. Committee members were asked to make notes regarding ambulances that they observe in the CB7 District within the next month – location, ambulance owner, whether the motor is running, etc.

4. Community Survey and District Needs Statement.

Some Committee members have suggested questions for the community survey that Board Chair Mark Diller wants to do in connection with the District Needs Statement and for the DNS. Survey questions should be posed in a form that will allow for ready electronic review. All Committee members were encouraged to suggest survey questions and thoughts for the DNS to the extent that they had not done so already.

The meeting was adjourned at about 10:00 p.m.

Minutes by Klari Neuwelt



**Land Use Committee
Joint with Housing Committee
And with Parks & Environment Committee
Minutes
June 19th, 2013
Community Board Offices**

Present:

Land Use: Richard Asche, Co-chair, Page Cowley, Co-chair, Jay Adolf, Sheldon Fine, DeNora Getachew, Ethel Sheffer, Roberta Semer and Tom Vitullo- Martin.

Non Committee Board Members: Mark Diller, Chair CB7 and Howard Yaruss.

1. Discussion of the East Midtown Rezoning. The application is available at City Planning's website: http://www.nyc.gov/html/dcp/html/east_midtown/index.shtml.

There was a brief re-cap from our previous Land Use Meeting of May 22 when this application was first introduced. At that meeting, the task at hand was to determine if the proposed zoning will have an impact on adjacent districts as Mark Diller, representing CB7 at the Borough Board would need to state this and to alert the Department of City Planning. Since that meeting, there has been considerable press and task force work, principally by Multi-Board Task Force on East Midtown (Task Force) that includes Community Boards One, Four, Five and Six. In addition several civic and preservation groups, most notably the Municipal Art Society and the Landmarks Conservancy have come forward with their own investigations, opinions and lists of resources to better understand the impacts of the proposed upzoning.

Joining in the question and answer phase of this topic were Lola Finkelstein and Raju Mann, both committee members of CB5. Raju Mann is also Director, Policy & Planning at the Municipal Art Society.

To help LU members quickly appreciate the potential changes to targeted "qualifying" sites where FAR could dramatically increase, Page provided a web link to a dynamic simulation prepared by Michael Kwartler, FAIA, Director of the Environmental Simulation Center illustrating the increase in FAR on the midtown skyline and the massing of the additional floor area. The increase in developable floor area would also have an impact on transportation (subway and vehicular), parking, pedestrian traffic and sidewalk congestion, parking and other quality of life aspects of midtown that would impact adjacent districts and anyone accessing midtown for work or simply passing through. No one disputed that upzoning would not be welcome, provided adequate measurement and study of the infrastructure could be provided first and implemented and in service prior to any new and larger projects were constructed.

Mark Diller gave a brief report on the reaction at the Borough Board adding that the current thinking was that the upzoning would create more "as-of-right" large scale projects skirting the public review process. Any such sweeping changes should be subject to a ULURP process.



There followed considerable comments by all LU and CB7 Board Members about the considerable FAR already permissible, sustainability concerns, the inadequate public space and pocket parks, would likely disappear, and other concerns about the quality of mid-town. Carolyn Grossman, Director of Governmental Affairs, NYC Department of City Planning and Frank Ruchala, City Planner/Urban Designer offered responses; and in rebuttal, Raju Mann and Lola Finkelstein members of the Task Force. Raju Mann is also Director, Planning & Policy at the Municipal Art Society.

As to the role of the LU Committee, there was no consensus as to whether the current Task Force resolution reflected CB7's specific concerns, although there was no objection to the content only the way in which the comments / objections were framed.

Joint with the Housing Committee (no Housing Committee members could be present)

- 2. 40 Riverside Boulevard.** Presentation by the Extell Development Company on the proposed off-site affordable housing plan for 40 Riverside Boulevard.

Ken Lowenstein of Holland & Knight represented the owner and provided a summary explanation of the proposal. The architect was also in attendance for questions. The project proposal is for 55 affordable units comprising a mix of studio, one and two bedrooms, that would be placed on the low rise portion, floors 2 -6, facing east at the base of Building K. These units would have their on lobby/entrance separate from the tower apartments. They are also receiving 421-A benefits

The majority of the discussion centered on the ownership of the affordable housing units as the project is a condominium, and these 55 units would represent a single condo share / owner. The concept proposed for this site is that there is a maximum of 10FAR and no bonus is available for this site. The square foot allocation at this site is transferrable to another site in the form of a bonus. The total square footage was said to be approximately 47,828, with the square footage allowances exceeding minimum sizes for each of the unit types.

There followed several questions regarding the inclusionary housing square foot calculations. Mr. Lowenstein said this was similar or 80/20 project where the rental units are financed by the state, but here because this is a condominium, there is no government subsidy. As the discussion continued, it transpires that this is the first time that a condominium owner will manage the affordable units. The owner of all of the units will be the condo member, not the tenant renters.

The concerns from the committee, principally voiced by Ethel were the underlying provision /agreement for Riverside South, that already had specific requirements built in to the Riverside South Declaration which stipulated the number of inclusionary housing units, or, if it was the zoning requirements that governed here regarding inclusionary housing. Mr. Lowenstein responded that these would be permanently affordable rent stabilized units. The question remained if the owner was entitled to any additional bonus, and if the number of units was a total throughout the development or by building site. There needs to be verification of the number of affordable housing units required on site and a check on any further



bonus provisions via transfer of off-site.

Mr. Lowenstein concluded that in addition to the HPD review, the proposal would need to be reviewed by the Attorney General's Office as the details have yet to be worked out with the housing partner, which has not been identified.

The conclusion reached by the LU Committee was that no resolution would be provided but a letter expressing our concerns regarding the number, extent of the bonus that may or may not be possible for transfer to an off-site location, and the rights and protocol for the tenants, in the event there were problems, as the boiler, electrical, water and other utilities were shared. This would or should all be covered in the offering plan as to the provision of services and tenant protection. Clearly specific terms needed to be clarified. Richard pointed out, that with the tower condo adjacent, this would be a fairly nice place to live as it would be in the interest of other condo owners to maintain this portion of the building to a same standard.

Committee members would draft and circulate a letter for review.

3. Frederick Douglass Houses. Update on NYCHA proposed infill at Frederick Douglass Houses and other developments.

Mark Diller gave an update on the status of the proposed land-lease plan having attended Multi-Community Board Meetings with Boards 3,7, & 11. The Draft RFP, which has been issued, seems positive and does not reflect the sentiments of the tenants. Clearly there is a disconnect that is difficult to appreciate. At the moment, there is no set timeframe proposed, and while the developer solicitation process has begun, there is no due date, as the NYCHA website states that the current information regarding this initiative is for "Pre-Request for Proposal Documents (pre-RFP)." This is to permit a an opportunity for the community leaders to engage "in the development process of its lease initiative." For further information or updates, please continue to monitor the NYCHA website: [t http://www.nyc.gov/html/nycha/html/preserving/leasing-land.shtml](http://www.nyc.gov/html/nycha/html/preserving/leasing-land.shtml).

No action was taken.

Joint with the Parks & Environment Committee (no Parks & Environment Committee members could be present)

4. Jewish Home Lifecare on West 97th Street. Review of the Draft Scoping Document for the Draft Environmental Impact Statement for the Jewish Home Lifecare Replacement Nursing Facility Project.

The draft Scoping Document letter dated June 5, 2013 from the NYS Department of Health was received by CB7. The deadline for comments was given as June 27th, 2013. Given the extent of issues covered in the Scoping Document, the timeframe would be impossible to make a meaningful response or prioritize neighborhood/community concerns.



Yesterday, June 25, The Borough Presidents Office sent the following notice, in case you did not see in in an email, the notification reads:

"Borough President Stringer was just informed that due to overwhelming community objection, the New York State Department of Health ***will be postponing*** the June 27th Draft Environmental Impact Statement Public Scoping Hearing regarding Jewish Home Lifecare's proposed facility on West 97th Street. NYSDOH has not yet chosen a new date but have confirmed that ample notice will be given to the public when one is chosen. Thank you to all concerned residents, neighbors, and elected officials who spoke out and advocated for the community having a voice in this critical matter.

Thank you,
Rebecca Godlewicz"

- 5. Flood Resilience Text Amendment.** Department of City Planning's proposed zoning text amendment to encourage flood resilient building construction throughout designated flood zones.

Page introduced this topic, explaining the limited area affected by the proposed text amendment is at the southern-most portion of Riverside South Proposed development. Given that there are other flood mitigation measures being adopted with city-wide within other building and construction related agencies, this provision is warranted.

A preliminary resolution was presented to approve the proposed text amendment. Page will circulate the completed resolution separately for any final revisions from committee members.

Committee: 7-0-1-0
Non Committee Members: 3-0-0-0

Other Business

- 6.** Planning for CB7's District Needs Statement for Fiscal Year 2015.

Page will prepare a draft to be circulated among Committee Members for their review and comment.

There being no further business, the meeting was adjourned.

Respectfully submitted by Page Cowley

**Youth, Education & Libraries Committee: Marisa Maack, Chair****MINUTES****June 20, 2013****6:30pm****CB 7 Office @ 250 W 87th Street****E3 Charter School**

Tatiana Hoover, current administrative asst at Manhattan School for Children, and Claire Lowenstein, current Asst Principal at MSC, discussed their proposal for a D3 charter middle school.

- 4 yrs, 5-8th grade
- 60 per grade
- seamless inclusion offered
- year round, 211 days
- no public school collocation planned
- curriculum aligned to common core
- currently scheduled to open 2014 but yet no space
- application submitted and currently in outreach phase
- intention is to reflect D3 demographics but it will be a lottery
- may add another entry point at 6th grade after hearing concerns that pulling students from elem schools at 5th grade negatively affects those schools budgets
- will work collaboratively with other D3 schools and already started that outreach.

Assemblymember Linda Rosenthal's bill A7317-2013

Discussion of bill and having a joint resolution with Housing Comm in support. Even though the Educational Construction Fund bypassed PS 191 and PS 199 for development this time, they did opt to proceed with an RFP for Co-Op Tech on E 96th st. The bill is still very relevant to YEL and without the bill nothing precludes the ECF from repeating their process and proceeding with this policy of leasing city land for private development. Vote in support Committee: 5-0-0-0, non committee: 1-0-0-0

Borough Bd Resolution on GED and Adult Literacy

Committee voted to support Resolution Committee, 5-0-0 and non Committee, 1-0-0

Update on Beacon Working Group

- Held 2nd Hearing uptown at PS 76, hosted by Principal DeBerry, a member of the working group.
- Concern voiced about under enrollment of schools uptown and how or if this might effect that problem.
- No date set up for next meeting of working group

PS 166 Yard

The Committee heard from parents and neighbors around the issue of safety and possible renovation of the 89th st Park that serves as the PS 166 school yard. John Crossman, representing the Friends of Playground 89 (FOP89), spoke at length on the newly formed organizations view that while they agreed that repairs were needed they did not believe that reconstruction of the yard was necessary:



- Want to see evidence of increase in accidents
- Want to see evidence that playground design is to blame for accidents
- Want to see park repaired and maintained as is
- Believe park to be interesting, inspiring to creative play and are not convinced they are actual safety issues
- Believe there has been a rush to renovate and the process has not been inclusive
- Filed lawsuit with Landmarks West to stop Parks from proceeding with any renovation plans in July
- The judge did not grant a temporary restraining order but did allow that Parks must give 4 weeks notice before starting any construction
- Believe any new design should go before Design commission and want to see injury studies.
- Unskilled parents shouldn't be the ones making decision about injuries and safety levels

Alan Rudt – 166 parent

- playground is lovely from an adults perspective, but child's perspective is different. Is our priority to preserve a view for adults or create best experience for our children? Want to see plan before enacted. Funds are time limited and cant let this stalling tactic let funds expire

Chelsea Roberts – 166 parent

- playground not dangerous, design allows creative play, is used by entire neighborhood

Scott Psizar – 166 parent

- anecdotal evidence means nothing. Rhetoric on injuries, design and safety. Use common sense, the principal supports this and these issues seem procedural.

Noah Kaufman- 166 parent

- some parents concerned procedure not followed around parks community design. Should develop a consensus and have a public design process. Ex of PS 166 reading garde, was 1 year design process

Arlene Scidman – Landmark West

- has anyone spoken to original architect Freeburg, no one has spoken to her
- children need to be challenged, no real safety issues, over protective parents

Mark Diller clarified that CB 7 has not endorsed any particular plan but was in meetings with Parks and the school community around design discussions

Lucia – 166 student

- students should have a say in what happens to playground
- has 93 signatures from students that don't want their yard taken away

Debbie Rudt

- Attended a PA meeting where Parks officials listened and answered questions and there was lots of input. Now we are waiting for Parks design.
- Wants playground done over the summer. Feels she has been made very aware of the situation and had plenty of opportunity to give input and hear about process

Maryel – 166 alumni

Saw more accidents at MS 54 than at 166

Ben Eisner – 166 parent

- Parent at school for 1 year and has seen any injuries.
- Noted that a member of FOP89 own child has been injured and she wrote letters about it to DOE and press. So disingenuous to say haven't heard of injuries since there was a lawsuit filed from an injury.

- Process has not been rushed. More kids at school now and more kids using the yard then ever before.

- Care about my child's safety

Christine DiPasquale – 166 parent and PA Co Pres

- Working on the yard since 2012.
- Feet get caught in blocks
- Sloped design inhibits snow removal
- K yard may be closed for 18 mos
- Reinforcing blocks wont make it safer
- Worried about big injuries, not the typical injuries you see and expect in any school yard, but the concussions, broken teeth broken bones
- Laurie Frey and Naoh Kaufman's (founders of FOP89) child suffered a concussion
- 200 more children playing at recess than when playground first designed
- want slope to be leveled
- aesthetics in not more important than safety
- its not accessible
- 10 PA meetings addressing this big school issue. It has been thoroughly discussed and brought to the attention of our school community over the last year
- Very upsetting that it wont be done over summer
- Have had 3 principals that don't think yard is safe for Ks.
- Where will the Ks play in the Fall when their yard is closed and this one is too dangerous for them to use?

Laurie Frey – 166 parent

- Did write letter about my child's injury
- Just wants everything looked at
- \$ is structured to allow repairs and maintenance

Adam Wright – 166 student

- objects to the student's petition and we shouldn't pay attention to it because kids don't know what they are signing. Its just fun to sign.

Ana Cipriano

- A small group has raised this in a strong way backed by a lawsuit. But do we want progress towards a safer playground or do we want patchwork?

Meryl Weiss – neighbor

- Chair of previous playground committee and we should be able to work together.

Steve Cross – neighbor

- There is both school and community. Not a school playground, it's a park and the community doesn't know enough. Need to outreach more

District Needs

Committee approved all sections written by subcommittees

Adjourned 9:30pm

**Health and Human Services Committee Meeting
Madge Rosenberg and Barbara VanBuren, Co-Chairpersons
June 25, 2013**

Barbara VanBuren and Madge Rosenberg convened the meeting.

Shelly Fine gave a presentation on accessibility for the handicapped in our community. He described the difficulties encountered by people with the MTA's Access-A-Ride program. These difficulties included communication with the administrators of the program, the process of getting certified for use of the system and the complications facing the user in scheduling and receiving ridership benefits.

Genora shared her experience by describing how she has been able to successfully navigate the system.

Next, Shelly related experiences of mobility impaired community members in negotiating the uneven plane of the sidewalks and the difficulties of negotiating the curb cuts for those in wheel chairs or using mobility assists.

We resolved to gather information on agencies advocating on behalf of the handicapped in the community and the issues on which each agency is focused.

Committee members were asked to send information to Shelly about those agencies they think we should be inviting to discuss the advocacy work in which they are engaged.

Then Robert Espier reported on the issue of youth aging out of foster care. \$140 million in Federal funds are allocated for 28,000 youth. These funds are primarily for housing these youth.

Robert provided us with research on the issues facing this population: not competitive in employment, mental health, education, etc.

Robert strongly suggested as outcomes that we bring together agencies that are addressing the concerns of this population and support their good work in our district.

Fern suggested that we get the demographic data on foster families in our community district.

The last issue we discussed was the question of the impact of sequestration on our community. Shelly presented some data on the elimination of new individual Section 8. Fern also presented some examples of how sequestration is already impacting services for the poor of our community.

Present: Barbara Van Buren, Madge Rosenberg, Robert Espier, Miki Fiegel, Sheldon J. Fine, Phyllis E. Gunther, and Evan Rosing.