



*Full Board Meeting Minutes
July 9, 2013*

Community Board 7/Manhattan's Full Board met on Tuesday, July 9, 2013, at the David Rubenstein Atrium, Lincoln Center in the District. Chair Mark N. Diller called the meeting to order at 6:40 pm after the Secretary confirmed the existence of a quorum.

Mr. Diller thanked Lincoln Center for hosting the meeting at the Atrium and introduced Tom Dunn, Senior Director of Concert Hall Operations at Lincoln Center.

Mr. Dunn: On behalf of Reynold Levy, our president, welcome. We have many free programs here including meet the artist every first Saturday. Across the plaza we have Midsummer Night Swing and much more. Our thanks to CB7 and all the valuable input during our renovation.

Minutes from previous full board meeting were **approved**: 32-0-0.

Chair's Report: Mark N. Diller

- 316 and 330 West 95th Street Shelters: Comptroller Liu has rejected the contract for the operation of the shelters. I wrote on behalf of the board to Comptroller Liu requesting he reject the contract. Many of our public officials agree that the contract should be rejected.
- The hearing for the scoping session for the Environmental Impact Statement for the proposed Jewish Home Lifecare building at 125 West 97th Street was scheduled for late June. Electeds urged the NYS Depart of Health to reschedule. It has been moved to Wednesday, July 30th. It has been requested that it be further pushed to September when more of the community, especially the school community, will be able to attend.
- A joint letter from Community Boards 3, 7, and 11 voiced concerns about the lack of tenant input on the proposed NYCHA infill issue.
- Beacon Building Working Group's task is to consider what should the next use of the Beacon building be. The second hearing has been held. Next steps to be announced.
- Pedestrian Traffic and Safety Working Group will have an online survey on CB7's website for input from the community about pedestrian safety concerns in the West 95th-97th Street corridor.
- One of our core requirements will be filled when we submit the District Needs statement on time.
- Changes in meeting dates were announced. Please check the website.
- Please "Like" us on FB and follow us on Twitter.

Announcement of the nominations of Board Officers for 2013-2014

Evan Rosing, Chair, Elections Committee, announced that nominations for chair, two vice-chairs, and two co-secretaries will be taken at the September 3, 2013 full board meeting.

Community Session:

- Joe Fiordaliso, father of two, public school parent, and member of the Community Education Council for District 3 –The CEC called on the Parks Dept to review the Playground 89 on West 89th Street, adjacent to PS166, for safety issues. Children sustained a number of serious injuries



from accidents during play due to uneven Belgian blocks and other issues. As a parent, one accident is too many, especially where the playground is the only outdoor play space for most of the children in the public school.

- Phyllis Roth – Richard Stanley – Patricia Wald, Club 76 - Seniors enjoyed a wonderful lunch at the restaurant LOI. Maria Loi is such a valuable asset to the community, very generous feeding the seniors. JASA Club 76 did receive the funds needed to continue. We need to base line funds for senior citizens – we cannot wait until June each year to find out if we have funding.
- Jane Thompson, 736 West End Avenue resident – Please vote against sliver buildings any opportunity you have. The sliver building at 732 WEA continues to get complaints, up to 144 complaints are recorded at DOB and ECB. The noise from the construction is overwhelming.
- Ira Gershenhorn, 320 Riverside Drive - There are no swimming beaches on the Hudson. There are jet skis, kayakers and many other river recreations. Should promote space for active adult recreation in our Parks.
- Peter Arndsten, District Manager, Columbus-Amsterdam BID – Announced multiple events. Sunday street events have slots available to interact with the community. Please check the back of the events calendar for more information.
- Shelly Fine, Team Chief of the Upper West Side CERT, reported on the team's plans for the upcoming hurricane season.
 - The Upper West Side Community Emergency Response Team (CERT) is currently preparing for National Night Out and for the possibility of a coastal storm emergency.
 - The Team was successful in organizing 374 volunteers during Super Storm Sandy and organized the Upper West Side Shelters for Hurricane Irene.
 - On Tuesday, August 6, from 6:00-8:30 PM the team will be at both subway station malls at 72nd Street and 96th Street with information on how to prepare for emergencies as a part of the local National Night Out activities.
 - Upper West Side CERT will also be recruiting community volunteers to assist in the event of a need to shelter people during hurricane/coastal storm emergencies. Information will be posted on Facebook, the CB7 website and through the offices of local elected officials.

Rebecca Godlewicz, Manhattan Borough President's Report:

- Regarding the proposed West 97th Street JHL project – many changes are happening to try to include community concerns. We are attempting to get the adjourned public hearing on the scoping of the Environmental Impact Statement, currently rescheduled for July, pushed back to September so that more people can attend.
- We are looking forward to Comptroller Liu's comments on the issue.
- NYC Educational Construction Fund opted not to pursue redevelopment at either the PS 191 and PS 199 sites. Instead, ECF will pursue development of the site of Co-op Tech, a vocational and technical high school on East 96th Street. The Borough President's office (and CB7) has already reached out to counterparts on CB11 to be of whatever assistance they find useful in working through the issues relating to the redevelopment. The Borough President is greatly concerned by this project.

Reports by Legislators:

Gale A. Brewer , City Council Member, 6th District

- Budget passed. It is a good one for the UWS. Details available from the District Office and staff.
- Parts of Central Park will not allow cars this summer; been working for that for years.
- Seniors benefit from a very popular program to receive bags of fresh fruits and vegetables. Each senior gets a bag from the green market for \$8

NYC Comptroller John Liu

- Applauded Community Board for its work and noted that Manhattan CB7 is the only board he has seen meet in the month of July.
- Privileged to serve as City Comptroller for almost 4 years. Has conducted vigorous audits of city agencies and has saved the City approximately \$4 billion. Cumulative investment return is 45% and rising and average return of 14%.
- Presented a commendation to CB7 District Manager Penny Ryan for her twenty years of service to Manhattan Community Board 7.
- Q: What is the effect of the comptroller's action rejecting the contract for the operation of the shelter on West 95th Street? Does it cancel the project completely?
A: His office rejected the contract, but this does not end the discussion. The main issue was fair share, which his office was not clear the Bloomberg administration complied with. The immediate effect is that the contractor will not be paid. The Bloomberg administration will challenge this and over the next few weeks there will be a negotiation. He will keep CB7 posted.
- Q: There is a preponderance of special needs housing on the Upper West Side. What is the fair share doctrine?
A: The thrust is that no neighborhood should be overburdened with such housing. It also has to do with proper public disclosure and the need for input on such decision. The Bloomberg administration has consistently tried to circumvent the process by engaging in emergency housing contracts and placing the onus on the Comptroller if individuals are homeless.
- A member of the public thanked the comptroller for creating checkbooknyc.com. The Comptroller explained the impetus for this website and the need for transparency with respect to government resources. It is as user-friendly as looking at one's own checkbook. Noted that US PIRG presented the organization with awards for the high level of transparency involved here.
- Q: How can SRO landlords transition out their tenants in order to make a \$3,000 profit off of homeless individuals through the shelter system?
A: This happens frequently citywide and is symptomatic of the Bloomberg administration's failure to plan. The range is \$1,800 to \$4,400 per room and these are subpar living conditions. A third of this comes from city funds and the remainder comes from federal and other sources.

Senator Brad Hoylman, 27th District

- Thanked the Board for hard work. Also interested in discussion of Playground 89 because it is a consistent citywide issue.



- He pushed efforts to get meningitis vaccine back in pharmacies, as there is a growing issue especially among gay men.
- Assembly Member Gottfried and Senator Hoylman worked together to address urgent care centers and how they are regulated. There needs to be baseline level of service from such centers. Also looking at clinics in pharmacies and mega-clinics to ensure they are properly regulated.
- Thanked all state reps in CB7 district who have been terrific with helping him acclimate. Issues such as women's equality, campaign finance and ethics reform among others need to be addressed.

Reports by Legislative Representatives:

Celine Mizrahi, Representative Jerrold Nadler's Office:

- Civil rights made strides forward with the striking down of the DOMA. As the ranking Democrat on Judiciary Committee it falls under his purview. Congressman Nadler is disappointed that the entire DOMA was not struck down and is working to do that.

Paul Sawyer, A-M Linda Rosenthal's Office:

- Working to end the practice of puppy mills in NYS. The bill is waiting the Governor's signature. It will set regulations for quality conditions where puppies are housed.
- PS 191 and PS 199 are part of the coalition to save our schools.
- The Rent Guidelines Board increases for stabilized and controlled leases are the largest in recent history.

Dominic Lee, A-M Daniel O'Donnell's Office:

- Thank you for participating in our cell phone drive.

Andres Pasmينو, State Senator Jose Serrano:

- Announced several events.

Business Session

Youth, Education & Libraries Committee

Marisa Maack, Chairperson

Joint with Parks & Environment Committee

Klari Neuwelt and Elizabeth Starkey, Co-Chairpersons

1. Department of Parks & Recreation proposed design for Playground 89 on West 89th Street between Columbus and Amsterdam Avenues.
 - Co-Chair of Parks provided overview of the special joint meeting of CB7's Youth, Education and Libraries and Parks Committees held on Monday, July 8, 2013, noting that it was a very engaged meeting with many speakers and presenters, including the City's Department of Parks ("Parks").
 - This issue stems from the PS 166 administration and community's concerns that their students are playing in Playground 89. Playground 89 is run by the Parks as there is no



- separate schoolyard. The PS 166 parents raised concerns about the need for renovating this park, especially as it relates to the amphitheater portion.
- CB7's Parks Committee considered this issue in the Spring of 2012 and at that time the Committee supported a resolution in favor of renovating the playground. Such resolution was subsequently adopted by the full board at its March 2012 meeting.
 - C-M Brewer and BP Stringer each allocated \$300,000 in capital funding to address the total necessary renovations. In the interim, Hurricane Sandy occurred and Parks was sidetracked from prioritizing this renovation. Most recently, some neighboring residents initiated a lawsuit to prevent the renovation from going forward.
 - There was a nearly unanimous vote at the July 8, 2013 joint committee meeting in favor of the proposed renovation as presented by the Parks.

Leslie Peoples and Nancy Krimps, Paul Rodriguez and Steve Simon from Parks Department:

- The park contains an amphitheater surrounded by eight steps made up mostly of asphalt block.
- Some of the safety issues raised by Parks were the raised granite blocks on the north and south side of the playground and a slope that also contains granite block.
- Park's proposal contemplates keeping the star near the water fountain and the sandbox areas are no longer in operation.
- Paul Freidberg designed the playground in 1967 as an adventure playground., and redesigned in 1999 as it was considered dangerous at that time. The 1999 redesign eliminated many but not all of the adventure playground features.
- The proposed playground renovation attempts to keep as much of the existing structure intact as possible. It will keep the five upper steps and raise the grade 1.5 feet in the bowl to make it a flat level play area, while eliminating the uneven granite Belgian Blocks lining the up-slope from the bowl to the grade of the surrounding playground. Some of the amphitheater steps would be repaired to address cracking and falling.
- At the joint meeting on July 8th it was agreed to eliminate the proposed chess tables between the amphitheater feature and the school building because eating on the tables could exacerbate the rodent problem, so the plan will be modified to address that.
- The maze pattern embedded in the pavers in the bowl area adjacent to the amphitheater will be maintained or recreated to match.

Board Comment:

- Q: Describe the nature of the surfaces at various points.
A: The playground area is currently asphalt pavement with a safety surface near the climbing structures on the eastern end of the playground to delineate play areas.
- Q: Is Parks considered environmentally sustainable materials in lieu of asphalt?
A: They considered using some of the blocks that were there, but they did not consider other materials further. They could also use concrete, but that would change character of playground. Further, this is unnecessary as the park already has a lot of shade.
- Q: How many people will be impacted by using chess tables?
A: The rationale for removing them is due to concerns with rats. The tables do not currently exist they were added in this proposal and are now being removed. Students will be able to play in the amphitheater with their school chessboards.



- Q: Using permeable pavement?
A: This was not considered, but will evaluate.
- Q: How does the redesign address the alleged safety concerns?
A: The granite cobblestones are the major concern. This type of material is used by Parks in tree pits, but it is not typically used any longer as a playground surface because it changes grades quickly and is generally unsafe.
- Is there any recommendation that Parks received from the community at the July 8, 2013 joint committee meeting that are addressed in the revised plan?
A: They received many concerns in various formats throughout their evaluation process. In particular, the chess tables, concerns about rats, etc.
- How long before Parks begins construction and how long will it last once it is commenced?
A: This was not addressed at the July 8, 2013 joint committee meeting, but it would take under a year. Some parts could be accomplished more quickly, but the key factor for Parks is obtaining feedback and approval from the Public Design Commission.
- Q: What effect would the Board delaying its vote until September have on the process?
A: It would extend the process by that much longer.
- Q: Did the community have significant opportunity for input?
A: The community provided input at various touch points throughout the process. There was notice and outreach to the community at the time of the CB7 committee meeting in 2012. Parks and the school were responsible for outreach until the matter was placed on CB7's P&E and YEL committees' agenda at a joint special meeting.
- Q: (i) could Parks phase construction?; (ii) will tree pits have more space or less?; (iii) delineating a boundary within the park?
A: It is possible to segment the work and that is the approach they are planning to use. The tree pits will be mortared around the trees. There are many options – one is a moon option and another is what already exists.

Public Comment:

Parks & Environment Committee co-chair announced that Ms. DiPasquale, outgoing co-president of the PS 166 PTA, and Mr. Crossman, attorney for the Friends of Playground 89, one of the entities that commenced a recent lawsuit, would each receive 5 minutes to speak from their perspective and all other community speakers on this issue would receive 2 minutes.

Ms. DiPasquale's Comments:

- Read a brief statement from the school principal in support of the renovation, which included the principal's judgment that the sloped and recessed area of the existing condition, with the granite Belgian Blocks on the slope, were dangerous and the source of multiple injuries, and should not be retained. The principal provided an overview of the serious injuries attributed to the existing condition, including multiple concussions, broken bones, chipped teeth and other injuries.
- Gave an overview of the impetus of this problem dating back to January 2011 noting that the playground was closed for 2 months due the inability to de-ice the playground during the winter months.



- Previous administrations of principals and assistant principals have long advocated for eliminating the sloping in order to ensure that children remain safe.
- In February 2012 the kindergarten playground was closed and those children were unable to play on the larger playground because the principal thought it was unsafe.
- There are 600 children who play on the playground daily, which is double the capacity from 15 years ago.
- Her understanding was that this was to be reconstructed this summer. There were 14-15 PTA meetings where parents had an opportunity to raise their concerns and they shared all concerns with DPR. Her takeaway is that the children need to be safe while playing on Playground 89. The K yard will be closed for up to 18 months for the same structural design as several years ago. There are no other places for children to play at this school.

Mr. Crossman's Comments:

- His children grew up playing on Playground 89. If safety is the concern then nothing will address that more quickly than having DPR come and reset the blocks, and this can be accomplished before the next school year begins.
- He represents a group called Friends of 89 that includes current and former parents and residents of the community.
- The resolution before the board will harm the entire community and the school.
- Anyone who claims that there has been an open process is being dishonest. The community including schools will be substantially harmed. He urged the creation of a committee to ensure that reach common ground. Suggested allowing Mr. Friedberg and architects to participate in a collaborative and engaging process to ensure that everyone's interests are protected.
- The community board should not be fostering enmity in the community.
- Jeremy Roberts, 175 W. 90th Street, parent of a 4 and 9 year old – This is his neighborhood playground. His daughters have hurt themselves on this playground. It is a challenge for 4 year to run on Belgian blocks. When he learned about possible renovation, he was ecstatic. The key question is whether can trust DPR to handle this or will the community micromanage the process from the outside. He is against forming a committee to micromanage Parks.
- Steve Raymor – Supports Mr. Crossman's position. Believes that some of this renovation can be done more quickly and DPR should do better to shovel more quickly.
- Ellen Archer, son is 5 years old and at PS 166, – Read a letter from parent (Laurie Frey) whose child was severely injured at PS 166 that was also shared with CB7 and other groups. Her child hit her head on Belgian blocks, and it is bound to happen again. It is frustrating to see money allocated and no progress.
- Stefanie Goldblatt, has two children at PS 166 – Was part of the original group that toured school in February 2012. During that tour it was raining and the blocks were slippery. There should be no more delay because it is dangerous and a trip hazard. There has been process and the longer wait it will result in more injuries and lawsuits going forward. Applauded DPR for its professional handling of the design. Local architects should not be guiding this effort.



- Evan Supcoff, parent of two children and is an architect – If this design moves forward he will love it, but he has concerns. With all due respect to DPR, it is their fault that the blocks have come loose. Recommended DPR consult further with Mr. Friedberg about his design and innovative approach that he has implemented on the west coast.
- Dahlia Doumar, parent of recent PS 166 graduate – This is a huge step forward for the safety of the kids. The current design is an extreme tripping hazard. You do not see cobblestone on general sidewalks because it is unsafe. Concerned that this is nostalgia, especially since DPR stated that this style of playground is no longer acceptable. Repairing blocks is not the only problem.
- Lucia Kumari Alexeyev, current student at PS 166 – Believes that the bowl's unique quality is driven by the presence of the cobblestone. She has been playing on the playground since she was one year old and believes kids learn how to navigate their surroundings. Flattening the playground would eliminate the most fun aspects. Kids only fall if playground is wet or covered in snow.
- Eva Landea, Sofia's mother, – She is worried about using potentially toxic chemicals that will have an undetermined effect on the health and safety of the kids who play there. She wishes that DPR would be smarter about what products they use and how they design the playground.
- Noah Kaufman – Very disappointed about resolution before Board. There has not been community input. Suggested that DPR come back to CB7 before go to the Design Commission. This would set a terrible precedent and substantially empower DPR department.
- Vivian Van - All children should be able to play equally. Renovation should proceed.
- William Jackson - There needs to be more engagement. In 1999, the process was much more exhaustive. This is rushed and half-baked would be an overstatement.
- Thad Buzolich - Thanked everyone, including DPR, for leadership on the issue.
- Nicholas Giusa – The bowl naturally separates areas of play, which is necessary and should be maintained.
- Karen Cohen, 4 kids, 2 graduates, one current student and a younger child - Thanked everyone for consideration. Supports the principal and the proposed renovation.
- Sheila Williams, public school parent – Concurs with John Crossman, et al.
- Meryl Weiss, lives next door to playground at the Centra Condo (100 W. 89th Street) – Shared with CB7 notes she had from the 1999 renovation. She called the principal when she heard about proposal and felt like she and rest of community have been left out.
- Debby Rudt, parent at PS 166 – Children need a place to run around and they deserve a safe space, especially since academic rigors are very taxing. DPR design cutting it into thirds is a smart approach. With respect to community engagement, the community was notified during the initial 2012 meeting.
- Jay Alexeyev – This is a special playground and should not rush through this and lose this space. Should take this time to discuss how can intelligently preserve this space. Need to consider consequences of pouring 6 feet of asphalt will have on the adjacent community.



- JP Lira – Supports Aaron and John’s comments. This is a multi-age group playground that should be maintained. Get DPR to come immediately to fix the blocks and that would solve the problem.
- Al Lewis - Walked park today and to his surprise some of the steeper aspects of the blocks are in fact dangerous. That said, if architects have alternate ideas there is no reason why their viewpoints should not be considered.
- Noah Gotbaum, member of CEC 3 – CEC unanimously adopted a resolution to address this issue.
- Jerome Kutcher, -Was an assembly member from this district during time that adventure parks were originally designed. Adventure is a good word and encourages children to learn from their surroundings. It is odd for the public to be changed without engaging the original architect. This is not a rational discussion of a new idea. This discussion should engage all stakeholders.
- Laurie Frey – Thanked Ellen Rudt. The crux of this issue is that the board is voting on a redesign. Her child has been a poster child for the injuries on this playground, but the story has been distorted. She is co-president of Friends of Playground 89. 3 stories – a kid was pushed off blocks, nothing to do with blocks; one hit her head on cobble. It is not safer because balls will go faster.
- Alan Rudt - Read letter from the principal agreeing with need for leveling sunken area to ensure it is a safe play environment.
- Stephanie Crossman – Had student attend PS 166 and other kids who play on the playground. Upper West Siders care about preservation and process, so this is important. She was refused entry at multiple school-based meetings. Noted that Paul Friedberg is still designing playgrounds so his voice should be heard. Is concerned that injury logs are not being shared. Decision should be based on actual data, not speculation and circular process.
- Emily Fano, parent whose kids attended PS 166 – Has environmental concerns given her expertise in the field. Agrees with Evan and John’s lack of process concerns. Allow all stakeholders to play a role in this process. Raised environmental concerns with using asphalt because it is not a climate-friendly material. Light colored materials are more eco-friendly. Removing cobblestone will have an environmental impact as it relates to runoff water.
- Arlene Simon, Landmark West! – Ceded time to Bruce Simon. Bruce Simon said he has been steeped in adventure playground movement, although not a parent. CB7’s role is to shepherd the process with respect to decision-making. He has major concerns about the fact that CB7 just saw the plans last night and respectfully suggests that CB7 should not weigh in under these circumstances.

Board Comment:

- YEL Chair Marisa Maack highlighted that the committees have held many meetings on this issue. Since this serves primarily as a school playground, it is inappropriate for it to be an adventure playground. The design incorporates the aesthetic suggestions from the community. The safety concerns are paramount. It is unsafe to have a sloped cobblestone playground. She is unwilling to take that risk and parents should not take this risk also.



- Parks & Environment Co-Chair Klari Neuwelt further discussed the process. The opposition group became very well-known to DPR and has had an opportunity to be heard. The primary issue is doing away with the Belgian blocks or not, which is why it is hard to reach consensus.

Community board members made the following comments:

- The tension is between preserving architectural design and children's safety. It is clear that children's safety is paramount. Whatever can be addressed immediately should be fixed immediately. There have been people involved for two years and others not. Given that this was shown last night for the first time there needs to be more time for deliberation.
- Offered a substitute motion that CB7 recommend an extension to the proposed renovation with the primary motivation being kids' safety. A task force should be formed to discuss this and submit recommendation to the full board at its September meeting. The substitute motion was seconded. Chair Diller explained the process dictates considering the substitute motion before continuing discussion on the main motion.
 - Text of substitute motion "CB7 recommends an extension of the community review of the proposed renovation and consideration of alternative concepts and proposals with the primary focus to be the safety of children using the playground. Furthermore a task force representing PS 166 parents and affected neighbors be formed and work to come up with a recommendation to the Board for a vote no later than at the October full board meeting. Furthermore, we request that the Parks Department must address the safety defects in the playground immediately. Must address materials used to ensure that materials are permeable or sustainable. Also, must urge our elected officials to take immediate action to protect the funding streams."
- DPR has to address the safety issue. The community should be more appropriately engaged. Mr. Simon's words were correct that CB7's role is to ensure that the community is heard.
 - If had to vote tonight would vote to support DPR's proposal. Do not see why have to vote on this today. Have never voted as a board to extend community engagement process, even if the result is the same.
- This should be pushed back until October for consideration. Concerned that DPR's design is not ADA compliant. Any design should be, especially at a school. The entire community is invested in this issue and should be heard. Does not like the idea of keeping chess tables out of the plan. Public parks should be accessible.
- Echoed his support for substitute motion.
- Expressed concerns with disenfranchisement of community's concerns. Need to strengthen language to say DPR should immediately fix the defects.
- Echoed support for substitute motion because it is rational and hopefully should address unity concerns. It is also important to ensure that the resolution reflects that the money is earmarked for this purpose.
- Read a statement from Paul Friedberg, who encouraged a thoughtful and creative approach.
- This was going to "hoe a new row" and takes umbrage with this approach. Does not buy the argument that this was insufficient process. The committees met and heard this issue in the same



manner that our committees normally do. Often the full board meets and relies on the work done through the process at the committee level. From what he heard, the committee has satisfied its responsibility.

- Will vote yes on the substitute resolution and is concerned about process.
- Inclined to vote yes on substitute resolution, but concerned about imminent fixing of blocks.
- Disagreed with motion and that cannot prolong this any longer. Believes already at a disadvantage that this park will not be renovated this summer. The board often considers and votes on issues that only have partial information about and still votes. This is the best solution. Applauds DPR and said that the ADA issues were addressed last night.
- Vociferously, vehemently and passionately opposes the “kumbaya” amendment. Are we such slaves to process that going to sacrifice kids’ safety? This is not a piece of art, it is a playground – the primary recreation for an overcrowded school. We used to have lead in paints and PCBs and once they were found to be harmful we moved away from that. This is an emergent situation and must treat it accordingly. When kids get hurt, it is on everyone’s conscience. Should not hide behind process.
- Supports original motion passed by joint committees last night. Offended by statement that elected officials should ensure monies are there. As someone with government experience, it is obvious that there is no guarantee that.
- Seconded the prior statements.
- Will vote against the substitute motion. It is very common to address issues that reasonably comfortable that DPR has heard from all constituencies.
- CB7 should approve the motion from last night because has faith in the Committee’s operations. The community knew about this in February.
- Will not support substitute motion. The perfect should not be the enemy of the good. It is the job of the board to act and do what’s right, as well as observe process.
- Children should not play on an unsafe playground.
- Supports substitute motion wholeheartedly. Should include more specificity about environmental concerns and design.
- Concurred with substitute motion. Have no choice, but to go until October.
- As a designer believes that DPR had their hands tied to retain original playground and if did not have that obstacle they could have moved forward.
- Suggested adding language to the motion to consider use of permeable and sustainable materials. If the substitute resolution fails then will make a request in the main motion.
- Concerned that Friends of Playground 89 are using process as an affront to moving forward and addressing safety concerns.
- Giving additional time would enable more opportunity for everyone to move forward.
- Representative from DPR: Current park is not ADA-compliant. Their design is fully ADA-compliant and attempted to go beyond. If there were an emergency way to fix the blocks, DPR would have done that already.



- Asked DPR to address the practical impact of not beginning construction now. Parks responded that would have fence off a portion of the playground, which is not ideal for the school, but that is what it would do.

Mr. Diller supports the work of the committees and the original resolution. Called the question on the substitute motion.

The substitute motion was not adopted.

ROLL CALL VOTE: 18-19-3-0

A friendly amendment was offered to address safety concerns immediately, meet with the entire community and designers one more time.

The amendment was adopted.

VOTE: 19-16-1-0

DPR urged the Board to achieve consensus now. Need a resolution to bring to Design Commission. Need to submit on July 16 for meeting on August 5. Have to give Design Commission one week's notice of the resolution. Parks cannot change design between July 16 and August 5.

The Board discussed whether it could vote on the proposed design with the proviso that CB7 would facilitate meeting by end of week of July 15 that included DPR, the school and PTA, and FOP89, and provided further that joint committee will approve any substantive changes at the July 22 at joint YEL and P&E meeting. DPR observed that it could not proceed to the Design Commission based solely on a committee action, and Chair Diller noted that, by statute, CB7 as a full Board could not delegate a vote on Board action to a committee. After discussion, this approach was deemed unworkable.

Amendment to resolution to include a call for use of permeable, eco-friendly materials was adopted.

VOTE: 27-3-8-0

The amended resolution was adopted.

VOTE: 30-0-6-0

Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

Joint with the Housing Committee

Louis Cholden-Brown and Nick Prigo, Co-Chairpersons

2. **40 Riverside Boulevard.** Extell Development Company's proposed off-site affordable housing plan for 40

Riverside Boulevard.

After deliberation, the resolution to **approve** was adopted.

VOTE: 36-0-0-0

Joint with Parks & Environment Committee

Klari Neuwelt and Elizabeth Starkey, Co-Chairpersons

3. **Flood Resilience Text Amendment.**

Page Cowley reviewed the regulations.

After deliberation, the resolution to **approve** was adopted. VOTE: 36-0-0-0



4. East Midtown Rezoning.

Board Discussion:

- Exploration of the impact of the proposed increased density on mass transit, and the collateral impact on the Upper West Side when the transit system attempts to compensate for the influx of some 80,000 additional workers to an area whose subway is already above 100% rated capacity.
- Concerns relating to the impact of competition between the City itself and historic landmarks trying to realize value from their unused FAR or "air rights" both because the City price would under-sell them, and because the City process was more developer-friendly and easier to accomplish.
- Additional concerns were raised relating to sustainability.
- A principal theme is that there are a host of issues that should be resolved and have their solutions implemented before any plan can be evaluated let alone adopted.

After deliberation, the resolution to support the overall sense of the Joint Community Board Task Force resolution to **disapprove** the proposed East Midtown rezoning proposal was adopted.

VOTE: 32-1-3-0

Preservation Committee

Jay Adolf and Gabrielle Palitz, Co-Chairpersons

5. **88 Central Park West** (West 69th Street.) Application to the Landmarks Preservation Commission for rooftop cooling tower visible from West 69th Street.
6. **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.
7. **101 West 78th Street** (Columbus Avenue.) Application to the Landmarks Preservation Commission for replacement of windows and penthouse addition.

Public Comment against the penthouse addition at 101 West 78th Street:

- Mack Jeffery, Arche Rosen and Jerry Olinger - Oppose the resolution to change the windows (7A) because the landlord has not been forthcoming with information.

8. **153 West 82nd Street** (Amsterdam – Columbus Avenues.) Application # 14-4523 to the Landmarks Preservation Commission to legalize a rooftop addition installed in non-compliance with Certificate of No Effect 12-9218.

5, 6, 7A&B, 8 bundled

After deliberation, the resolutions to **approve** were adopted.

VOTE: 32-0-3-0

9. **167 West 88th Street** (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for a penthouse renovation.

Page Cowley, adjacent building co-owner, raised concerns relating to the existence and terms of a written private easement that relates to the rooftop addition and the manner in which the neighboring property owners agreed to address issues such as this. The issues include whether the plans presented call for the construction of a rooftop addition on a part of the property that is not permitted by the private easement,



and related concerns about the height and materials permitted by the easement, and is thus illegal. Also concerns relating to the absence of approval by other parties to the easement.

Committee Response:

Disputed facts and sequence of events underlying neighbors' arguments based on the private easement, and whether those arguments were sufficient to render the proposed design inappropriate let alone illegal. In addition, our charge as a Preservation Committee is to determine whether the design is appropriate to the character of the historic district. We should not opine on matters that amount to private disputes especially where they are based on the interpretation of private agreements and instruments such as the easement referenced here. Residual legal issues are between the property owners.

Board Comment:

- Proposed Amendment: The design is appropriate for the area. It should be noted that there is a substantial dispute between the adjacent property owners. Not accepted as friendly.
- Substitute motion: To disapprove the application, while noting that from a design standpoint it is acceptable to the Committee with minor revisions or suggested changes, because there is unresolved concern about whether the proposed addition is capable of being built as proposed and designed, at least until the open issues relating to the easement are resolved.
- We have no authority to ask LPC to review this, at least on the basis proposed in the substitute resolution.

After deliberation, the substitute resolution to **disapprove** was adopted.

VOTE: 19-8-7-1

Business & Consumer Issues Committee

Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

10. Applications to the SLA for a two-year liquor licenses:

- **127 West 72nd Street** (Columbus Avenue) Legend 72, LLC, d/b/a To be Determined.
- **215 West 85th Street** (Broadway) 85 Broadway Rest Corp, d/b/a Arte Pasta.
- **421 Amsterdam Avenue** (West 80th Street) B&G Restaurants LLC, d/b/a To be Determined.

After deliberation, the resolution to **approve** was adopted.

VOTE: 35-0-1-0

11. **2418 Broadway**, a/k/a 216 West 89th Street. Application to the SLA for a two-year liquor license by Bukfal LLC, d/b/a Cibo e Vino (not definitive.)

Former site of Georgia's. This has been brought to the committee 3 times for HVAC noise complaints. Committee made site visits several times and there have been modifications and corrections.

Public Comment:

- Jem Tavernia, resident of 216 West 89th Street – Six tenants were at meeting earlier to disapprove this, but as it related to the HVAC unit not the liquor license. No one considered the open violations. HVAC is illegal and DEP is coming back to consider this again. Proposed hours of operation are 19-21 hours a day. People will be smoking in vestibule and urinating in this area and vents will be on.



- Alex Victor, Victor & Bernstein, attorney for applicant – Addressed all noise issues created by previous applicant. Applicant has exhausted all options, including fans, low-speed motor, etc. Applicants have forty years experience. Applicant has restaurant in Lower East Side and has petitions/letters stating that they are a good neighbor there.

Board Comment:

- Q. What about the installation and noise volume? A: They installed the unit on Monday, July 8, 2013. Ms. Tavernia indicated that there was a lot of noise when it was turned on.
- Q. Where were the co-chairs of BCI when they were listening for noise? A. George Zeppenfeldt: In the courtyard and next to the apartment where one of the tenants resides, and the noise was not at the same level.
- Explore whether to return this application to committee to ensure that there is due time for the consideration of the effect of the implementation of the new units. No motion to return to committee was ultimately made, and the Board proceeded to a vote.

After deliberation, the resolution to **approve** was adopted.

VOTE: 31-3-2-0

Unenclosed Café Renewal Application:

12. **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.

After deliberation, the resolution to **approve** was adopted.

VOTE: 34-0-1-0

Enclosed Café Renewal Applications:

13. **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.

14. **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.

After deliberation, the resolution to **approve** was adopted.

VOTE: 29-6-2-0

Transportation Committee

Andrew Albert and Dan Zweig, Co-Chairpersons

15. **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.

After deliberation, the resolution to **approve** was adopted.

VOTE: 36-0-1-0



Youth, Education & Libraries Committee

Marisa Maack, Chairperson

Joint with the Housing Committee

Louis Cholden-Brown and Nick Prigo, Co-Chairpersons

16. 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.

After deliberation, the resolution to **approve** was adopted.

VOTE: 36-0-0-0

17. Borough Board Resolution on GED and Adult Literacy.

After deliberation, the resolution to **approve** was adopted.

VOTE: 33-1-0-0

Health & Human Services Committee

Madge Rosenberg and Barbara Van Buren, Co-Chairpersons

18. Cuts to the Supplemental Nutrition Assistance Program (SNAP, previously known as food stamps).

WITHDRAWN

Unanimous consent to adjourn at 11:16 p.m. Chair Diller renewed his thanks to the staff of the Atrium, and in particular to Mr. Godfrey Palaia, for being gracious hosts for more than an hour past the time originally estimated.

Present: Mark N. Diller, Jay Adolf, Andrew Albert, Linda Alexander, Richard Asche, Isaac Booker, Elizabeth Caputo, Kenneth Coughlin, Page Cowley, Robert Espier, 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, Marisa Maack, Lillian Moore, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Nick Prigo, Anne Raphael, Suzanne Robotti, Helen Rosenthal, Evan Rosing, Roberta Semer, Ethel Sheffer, Eric Shuffler, Barbara Van Buren, Thomas Vitullo-Martin, Mel Wymore, Howard Yaruss, George Zeppenfeldt-Cestero and Dan Zweig. **On-Leave:** Elizabeth Starkey. **Absent:** Laura Atlas, Brian Byrd, Louis Cholden-Brown, Miki Fiegel, Blanche E. Lawton, Haydee Rosario, Madge Rosenberg, Jaye B. Smalley.



**MINUTES OF JOINT MEETING OF
YOUTH, EDUCATION, LIBRARIES - PARKS AND ENVIRONMENT COMMITTEES
COMMUNITY BOARD 7, MANHATTAN
July 8, 2013**

The purpose of this special joint meeting was to address plans proposed by the Department of Parks and Recreation for the renovation of “Playground 89”, which is owned and managed by DPR but is also the schoolyard for PS 166.

The meeting was called to order at 6:40pm.

- A representative of Paul Friedberg, landscape architect, read a short statement about design of playground on his behalf outlining history of playground, and offering to consult on a redesign of the playground.
- Klari Neuwelt, Co-Chair of the CB7 Parks & Environment Committee, laid out the format for the meeting, then provided background and history: She said that the Parks and Environment Committee of CB7 had a meeting more than a year ago in which it addressed the frequent injuries that children were reported to be suffering at the playground. The Committee, at that time, proposed a resolution to the Full Board, which was adopted, that broadly supported renovating the playground, citing the playground’s condition and the reports of injuries there. Council Member Brewer and Borough President Stringer subsequently allocated \$300K each to renovate the playground. Tonight’s meeting is the opportunity to look at the specific plans proposed by DPR and to give the community a chance to comment on the design.
- Arlene Simon, Landmark West! voiced concern about the lack of prior opportunity for comment.
- Steve Simon, Chief of Staff for the Manhattan Borough Commissioner of the Department of Parks & Recreation (“DPR”), responded that tonight’s meeting was a chance to respond to all the requests to review the plans and comment. He said that his team was coming to CB7 as a response to various requests, including CB7’s as part of its normal procedures, to review the plans, not as an 11th hour request for review.

DPR Design Presentation

Nancy Prince, deputy Chief of Design for DPR, along with Leslie Peoples, a landscape architect with DPR, presented, including a Power Point demonstration.

Leslie Peoples described the history of the playground. It was built in 1967 and designed by Paul Friedberg. After a few years, it was deemed too dangerous for the public, and used only for the school, not the public. In the 1990s, there was a request to get the public back into the space. It was renovated in 1999, with substantial changes and eliminating several features of the former “adventure” playground, though maintaining some original design elements. That renovation kept a depressed area in the center, with three stairs that descend into the bowl area. She then showed photos of the existing conditions.



Most of the playground is asphalt in the upper area. Pavers in the sunken bowl area are asphalt block in two colors that form a maze pattern. There are concrete spray bollards and a sloped granite block (“Belgian block” or “cobblestones”) surround. There is a four-foot fence along the back side with curved rail at the top, plant beds.

Conclusions from the landscape architect: Some of the granite blocks are out of alignment, and current conditions are dangerous.

To address these issues, DPR has sought out design input over the past several months from the PS166 PTA. It also sought input from the PS166 Principal Mastriano, community members, FOP 89, and the office of Paul Friedberg. A lot of suggestions were made, and DPR tried to take all concerns and suggestions into consideration. She then showed the proposed design, with the goal to keep as much of the amphitheatre as possible, with a few modifications. Proposal to level the bowl area, use silver seal coat to replicate the maze, and reset the bronze north arrow; also, spray bollards would remain. Existing “seating wall” would remain; the rail on the fence at the perimeter of the playground facing the opposite residential buildings would be changed, with the security of the neighbors in mind. The school had asked for a basketball court, but DPR felt that would take up a lot of the play area.. Suggestion is a drop shot - hoops but no court. Asphalt on upper level would remain. The Belgian block would be removed, with the bottom three stairs leveled over. Accessible drinking fountain remains. Bronze north arrow reset. They are keeping most of the major elements but providing a safe and ADA-compliant design.

Design Questions

Klari Neuwelt asked about the cost, and the budget. Answer: \$300K each from Gale Brewer and Scott Stringer. She asked if an outside contractor will do the construction.. Answer: Yes. She asked if there was a time constraint on using the money for the project. Answer: No deadline at this point. She asked about timing, assuming CB7 proposes and adopts a resolution. Answer: Steve Simon says presuming CB7 acts tonight, DPR would send the project to the Public Design Commission for an August hearing.

Helen Rosenthal asked if the \$600K covered the full design, and asked again about timing.

Isaac Booker asked about the bowl and modifications to the sunken area and raised amphitheatre.

Answer: The top steps will likely remain.

DeNora Getachew asked if the new design will be more accessible for younger children. Answer: it will be more multifunctional, with an upper area where people could play chess. No new specific equipment for younger children yet.

Ken Coughlin asks if proposed design addresses areas where injuries have been reported, and has Paul Friedberg had a chance to respond? Answer: Yes, they thought bowl was important.

Paul Fischer asked whether if there was a delay, if the Brewer/Stringer money would still be available. Answer: Yes.

Mark Diller asked for comment on the ADA accessibility of current plan. Answer: Current ADA accessibility is not so good. The proposed design would be compliant. Marisa Maack asked about the grade and flat space for children to run around, and asked about the new layout, which looks like it’s sloping downward. She also asked about the potentially garish colors. Answer: colors will be colors that are already there. Tree pits will have an environment to survive. Tree pits have existing material, will be reset and repaired, and there will be a larger area of granite block at the tree pits. The only new benches will be along the back.

Mark Diller asked about the change of the railing, and the mention of the curved railing at the perimeter fence. Answer: There are plans to remove it or straighten it consistent with the expressed concerns of the neighbors on West 88th Street facing the rear of the playground.

Klari Neuwelt asked about the granite block structure’s lack of stability, and loose blocks as a primary source of injury. She also asks about the playground in winter, and how these problems will be mitigated



by new construction. Answer: A bigger area has been made for open play. In winter you might not plow all the steps but you'd have a bigger area for play.

Mark Diller announced the arrival of Councilmember Brewer.

Klari Neuwelt and Mark Diller then moderated a number of factual questions from the community.

Community Comments

Members of the community then spoke.

1. Christine DePasquale, former PS 166 PTA president – said has been working on this since Oct 2011. She collected comments from almost all parents and has tried to appeal to everyone. She has concern about children who have had concussions, says it has been going on for years. She speaks in support of the redesign, and says the only thing they are asking is that their kids have a safe place to play, that this is a safety issue. She says that the work has been good, but she is frustrated that she has been working on this for so long and still don't know where children will play.
2. John Crossman – Gave a 10 minute presentation on behalf of FOP89. He addressed the comments made about his organization, passed out handout, and provided the backgrounds of FOP89 people. He said that the people he represents care very deeply about the school, that there is geographically diverse representation. He said they had brought a lawsuit, but as of last Wednesday they withdrew it, thinking tonight's meeting would be the start of a conversation. He discussed page 3 of his handout – a letter from the principal. He said that although there has been loose talk about injuries, the causes have not been identified – and if you don't know what's broke, it's hard to know how to fix it. He said that the community has a right to know. He presents the signatures of 160 constituents who are against changing the playground (attached in handout). He asked to form a committee for people to get together and work together to discuss; said that tonight is not enough time to air community concerns.
3. Q Lee – Voiced concerns about types of injuries when children are airborne. While there are no accessible records recording the causes of injuries, says situation is dangerous and needs addressed.
4. Jeremy Roberts – yielded his time to Principal.
5. Principal Debra Mastriano – She spoke in favor of the redesign. She said her concern is about safety. She and Asst Principal are most concerned about safety. She believes the redesign has supported integrity of playground.

Committee members DeNora Getachew and Mark Diller ask questions of the Principal about the age accessibility and cobblestone safety.

6. Evan Supkoff – He identified himself as an architect and spoke about safety, said his biggest concern was the space between the amphitheatre and play area. He suggested that perhaps the depression is the most natural way to separate area. He also cited San Francisco as a city that uses alternate playground surfaces, and to investigate that city's example.
7. Anke Steineke – She is a parent at PS166. She said she supports the idea for the redesign. She said she thinks the blocks in the bowl area are a hazard, and the only way to address it is by



- leveling it out, and this should be done as soon as possible. She asked about the FOP89 petition signatures, and questioned whose signatures they were.
8. Tamal Batiste – Is an Assistant / School Aide at PS166. Said that the playground Cobblestones are not safe, and that a flat surface is ideal.
 9. Dalia Dumer – She spoke in support of new design, and said it was a big improvement over what is a dangerous situation. She does not support benches – she thinks they’re dangerous and at an odd height.
 10. Stephanie Goldblatt – She spoke in support of redesign, mentioned that children cannot run in a straight line with the Belgian blocks in their current place. She said that she considers this area a playground not a park, that it is for children and at a schoolyard.
 11. Tony Gilroy -- He lives on West 88th St. He said that 16 years ago they fought hard to improve the PS 166 playground/park. He spoke to the lack of information he’s received about the issue, as a resident. He mentioned the tables (with food) as a sources of rats, and encouraged an alternate environment for children to play chess.
 12. Steve Cox – He says he does not feel like there has been enough community involvement. He believes that this is NOT a schoolyard, it is a PARK, that the school uses when school is in session. He said that the rest of year (evenings, non-school days – 3160 hours of daytime use for community) it is a park for the broader community. He said that Parks Department and CB7 have heard a lot over the past two years from the PTA, but there has not been outreach to the broader community. He said he wants to open things up and allow community to be part of the discussion.
 13. Ben Essner – He said he supports the redesign, and hoped that the Parks Department will include everyone’s input.
 14. Mindy Cooper Grenke -- She said she has seen children fall at the playground, and brings up retrofitting – she suggests there be another retrofit for new and improved needs for the school.
 15. Lucille Alexeyev – She is a student at 166. She said she has been playing there since before she was 1. She speaks in support of FOP89 to encourage CB7 to wait before doing the Parks Department redesign.
 16. Ira Gershenhorn – He spoke in support of the FOP89 position. He said that old and young people both should be welcome in the PS 166 playground area.
 17. Kieran O’Connor -- He said he has lived in neighborhood 17 years. He supports even surfaces, as cobblestones will crack and lead to more slips and falls. He said that much of this debate is driven by real estate values and not kids.
 18. Noah Kaufman – He is a parent at the school. He spoke about the need to consider the loss of linear seating in the amphitheatre.
 19. Jerome Kretchner – He built the buildings across the street from PS 166. He says he does not believe there has been enough community input. He said there is no use of “imagination” about the park, that the amphitheatre adds imagination. He said that a way can be found to preserve it and that is most important part of the discussion.
 20. Matthew Tratner – He is a PS166 parent. He spoke in support of the layout/redesign. He said he supports as change to the amphitheatre, and also to the cobblestones and slope.



21. Debbie /Alan Rudt – They said they support keeping the playground as it is, and commented on several design features, including the chess area. They support maintaining the charm and aesthetic of the existing playground.
22. Lynne Hertzog – She is ex-parent of PS166 student. She said she has heard that the blocks are a problem, and asks whether they can be removed yet still have the slope.
23. Ellen Archer -- She spoke in support of the redesign, and supports asphalt. She expresses concerns about plowing the playground in wintertime, and that safety is paramount.
24. Jennifer Freeman – She spoke in support of those who wanted to remove the chess tables. She said that the topography of the playground was an important element, and the imaginative topography and Adventure style of the playground should be preserved.
25. Barbara Denham – She is a former parent. She said that as a result of an increase in in-district students, there are fewer buses and the playground is used more widely and after school hours.
26. Kelly Carroll – She is the Director of Preservation of Landmarks West. She spoke in support of waiting and discussing the plan further, and especially in favor of working with Paul Friedberg's office on any redesign.
27. Mike Solomon – He is a parent. He spoke in support of the Parks redesign plan. He said that the Parks Department went through a comprehensive list of people's needs and incorporated input into a lot of the changes. He said that sometimes perfect can be the enemy of the great and that the redesign should move forward.
28. Geoffrey Croft – He is the President of NYC Park Advocates. He said that public safety is #1 concern. He said he had visited the playground over a dozen times, and can testify to the unique design of the playground. He said that the school should yield to the overall needs of the neighborhood and not unduly influence the decision.
29. Karen Phillips – She is a resident who lives just behind the playground. She said there should be a balance between community and school.
30. Mel Wymore – He is a CB7 Member and former Chair. He said the Parks Department has proposed a great design but some people feel left out of the process. He suggests a one-month period with a series of meetings, to suggest specific features, and that a conditional approval could then be granted based on that outcome.
31. Noah Gotbaum – He is an UWS resident. He said he is concerned about safety but believes FOP89 should be allowed to put forth proposals. He spoke in support of keeping the Amphitheatre but removing cobblestones.
32. Stephanie Crossman – She is the former PTA President. She said she was on the safety committee of the school for many years and that only now is she hearing that the playground is dangerous. She said there are numerous reasons that children get hurt on playgrounds, including balls hitting students, as well as bricks and structural issues. She said he is not sure that the redesigned playground will make snow removal easier. She said that chess tables bring not only rats but drug dealers.
33. Michelle Samerel – She is an UWS resident. She spoke in support of the redesign, specifically the north/south idea and painting a type of court so children can play within lines. She said the



redesign should focus on the children who are there using the park now, rather than the historic intent from years past.

34. Councilmember Gale Brewer spoke in response to several of the aforementioned concerns. She said that the rat discussion has been an issue and said she would support getting rid of the tables.
35. Former PTA president spoke and read the Principal's letter, written on June 14, written in full support of the playground redesign.

CB7 Committee Discussion The Committees entered into discussion for approximately 30 minutes, going down the table to voice their opinions.

Marisa Maack spoke in support of the redesign, and that despite the area being technically designated as a park and run by the Parks Department, that it functions as the only yard for a public school.

Helen Rosenthal asked about next steps in the design process.

Elizabeth Caputo spoke in support of the redesign, but wanted attention paid to the increased traffic volume of students as a result of more in-district students using the playground.

Isaac Booker spoke in support of the redesign and asked for clarification on several design issues.

Ken Coughlin said he felt very close to supporting a redesign, and asked what we would lose by waiting another month.

Paul Fischer spoke in support of the redesign and said CB7 should move forward.

Phyllis Gunther said that she would like to see more suggestions, and expressed interest in coming together in another month to finalize a plan

Eric Shuffler spoke in support of the redesign.

DeNora Getachew spoke in support of the redesign and said that we should be seeking opportunities for children to be safe as our priority, and that having another month probably would not resolve the issue.

Klari Neuwelt said that the playground needs to serve the needs of the community, including the school community, and that we should defer to the designers' opinions. She proposed offering a resolution in support of the proposal that cites the receptiveness of the proposal, but would also urge the designers to have some continuing method of communications such that if there were need for a small refinement, that it could still be included.

Mark Diller spoke about the Belgian blocks, that they were an issue as well as the amphitheatre. He said we should defer to the judgment of the Principal, that leveling is likely the best solution.

Marisa Maack asked the Parks Department if it is possible to phase in any part of the redesign. Answer: We can't know anything about this until we have gone to the Design Commission.

Proposed Resolution and Vote

The joint Youth, Education and Libraries and Parks & Environment Committees agreed to craft a resolution to approve the proposed design, with the following considerations:

- that on balance it is better not to have the chess tables, and that DPR consider eliminating them
- that DPR try to delineate the area between the recessed area with the maze and the adjacent area of play equipment
- and that DPR focus on ways to minimize disruption to use of the playground area during construction.

Joint Committee Vote:

Committee members: 8-0-2-0

Non-committee Board members: 1-0-1-0

Meeting concluded approx. 11p.m.



Committee Members Present:

YEL: Marisa Maack, Helen Rosenthal, Paul Fischer, DeNora Getachew, Eric Shuffler

P&E: Klari Neuwelt, Elizabeth Caputo, Isaac Booker, Ken Coughlin, Phyllis Gunther

Non-Committee Board Members Present: Mark Diller, Page Cowley



**Land Use Committee
David Rubenstein Atrium
Pre-Meeting at 5:45 PM
Minutes
July 9, 2013**

Agenda:

1. East Midtown Rezoning. Department of City Planning Proposed Zoning Text Amendment (N 130247 ZRM) and Zoning Map Amendment (C 130248 ZMM) to amend the Special Midtown District of the City of New York Zoning Resolution.

The meeting followed discussions at plenary sessions of the Land Use Committee held on May 22 and June 19, 2013, as well as at the Full Board meeting on June 4, 2013, at which the issues relating to this topic were aired and fully considered. The purpose of the July 9, 2013 pre-meeting was to take a vote on a resolution introduced at prior meetings to **disapprove** the proposed text amendment zoning changes. The committee endorsed and referred the resolution to disapprove the proposed text amendments to the Full Board Business Session for a vote.

Respectfully submitted,
Page Cowley, Co-Chair Land Use Committee

Present: Richard Asche, Co Chair, Page Cowley, Co-chair, Sheldon Fine, DeNora Getachew, Ethel Sheffer, Roberta Semer and Howard Yaruss and Tom Vitullo-Martin.

Non Committee Board Members: Mark Diller



Business & Consumer Issues Committee
Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons
July 10, 2013

Applications to the SLA for two-year liquor licenses:

1. **226 West 79th Street** (Amsterdam Avenue) Explore NYC Corp d/b/a Burke & Wills.
Represented by Tim Harriss, owner.

Southerncrosshospitality.com Opening July 12. No delivery or outdoor café.

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

2. **917 Columbus Avenue** (West 105th Street) Gusto Thai, Inc. d/b/a Tum & Yum.

Represented by Anthony Caraballo

718 875 2929. Opening next week. 30 seats, no outdoor café. Applicant must provide photos of bicycle delivery person's uniform within 7 days to CB7.

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

3. **2672 Broadway** (West 102nd Street) Mexican Festival NYC LLC d/b/a Mexican Festival NYC. Owner, Otonel Carcano. Opening in September. 147 seats, 56 of which are in existing enclosed café.

COMMITTEE VOTES TO APPROVE 10-0-0-0 2-0-0-0

New Unenclosed Café Applications:

4. **387 Amsterdam Avenue** (West 78th – 79th Street.) Represented by Tuvio Feldman.

New application DCA# 1467896

to the Department of Consumer Affairs by Caffè Noi Amsterdam, LLC, d/b/a Caffè Noi, for a two-year consent to

operate an unenclosed sidewalk café with 4 tables and 12 seats.

COMMITTEE VOTES TO APPROVE 10-0-0-0 2-0-0-0

5. **487 Amsterdam Avenue** (West 83rd – 84th Street.)

New application DCA# 1467685 to the Department of Consumer Affairs by Hey Mambo, LLC, d/b/a Hey Mambo,

Represented by Tuvio Feldman for a two-year consent to operate an unenclosed sidewalk café with 4 tables and 12 seats.

COMMITTEE VOTES TO APPROVE 10-0-0-0 2-0-0-0

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



**Preservation Committee Meeting Minutes
July 11, 2013**

1. 2211 Broadway, aka 390 West End Avenue, The Aphorp Apartments (between Broadway and WEA, 79th Street to 78th Street). Informational presentation of a planned rooftop addition.

Attorney Howard Zipser appearing for Aphorp: This presentation is a preview, a companion to the tour the Aphorp developers gave the committee of existing conditions and new plans on July 8, 2013. The Aphorp will return to the board and the committee in September to make a formal presentation of the plans finally submitted to the LPC. In brief, the present owners have made many improvements already to the building, with LPC approval, including a program of replacing/restoring windows as access is gained; restoration of the public areas of the courtyard; restoration of the original street entrances on WEA and Broadway, installation of approved gatehouses at entrances.

Preservation Specialist Bill Higgins described background issues, and the details of the current plans for a roof addition, including modification of existing architectural decorative features on the roof some of which would be visible from the street. Existing roof features include limestone colonnades in classical style integral to the building's exterior design and visible from the street in certain areas. The courtyard of the building is also specifically included in the landmark designation, and both the existing features and proposed roof additions are visible from the courtyard. The new additions will be in the classical style of the original, but simplified and will dispense with a number of elements such as the cornice.

David West, architect, explained the architectural program of the proposed modifications. 71,000 sq. ft. of FAR are unused and available to the owners. It is proposed to use 15,000 sq. ft.—not much else can be used given the landmark limitations. These would be used in a two-story addition, increasing the height of the 12 stories Aphorp to 14 stories in a portion of the roof area. The addition would be sympathetic to the original design, not a copy, so that the difference will be visibly clear. The addition will use same materials as original: limestone, copper roof and cornice, and will glaze the openings in the existing colonnade/pavilions to create usable space. Altogether 4 new duplex apartments will be created (based on existing 1-floor apartments) and linked to the pavilions as conservatory-like structures. New additions will be visible from the street from 78th street; a bare glimpse from 79th street; very limited view from Broadway; and will be visible from Aphorp courtyard. (The plan places the new structure closer to the courtyard edge to avoid becoming visible on WEA.)

GP: what are materials that would be visible from the courtyard?

Answer: Copper roof, brown metal window frames (darker than other window frames.)

JA: Plan does not show mechanicals??

Answer: much of the mechanical equipment will be hidden in a platform between the present roof and the floor of the newly developed spaces.

As this was an informational presentation of preliminary plans, no resolution was made by the committee.

2. 140 West 79th Street (Amsterdam-Columbus). Application to LPC for a horizontal extension on the penthouse level.



Adam Kushner, Jonathan Pular of KUSHNERstudios (390 Broadway, 4th Fl) presenting. This plan (documents on file in CB7 office) would increase the square footage of the existing rooftop structure by 429 sq. ft. The plan has previously been discussed with the Preservation Committee and with members of the community and the proposal has been adjusted. Most significant change is in the NE corner. Only a very small portion of the proposed structure is minimally visible from several street locations.

Question: Can you moderate the red color of the stucco. Answer: LPC previously approved the red color for an earlier modification, and so we must follow that ruling

Meisha: What materials will you be using there? Copper?

Answer: Aluminum to match original materials.

From public (Karen Wold, 145 W 79th Street): Presents photo of mock-up of changes made with framing wood and orange plastic taping, taken from across 79th where she lives. Shows that orange material stops 3 ft. below top of mock-up structure. Why?

Answer: Orange material shows the height of the vertical elements. The framing above the orange material is indicating the height of the sloping roof.

JA: it is what can be seen from the street that is germane.

Mark Diller: Original addition on the building is red stucco, and the new addition will also be red. Neighbors will see the red area enlarged.

Answer (architect Adam Kushner): intent was always to blend new with old. (in response to JA question): new material will be red like old.

Quest from public (Dale Brown, 146 W 79th): How long will scaffolding/sidewalk shed be up? It has been up for 1.5 years to do ¾ windows.

Answer: (Adam Kushner): 10-12 months.

Mark Diller: Scaffolding/shed is up for other reasons having nothing to do with application

JA: Move to approve preview of the application/ TVM second

Resolution:

(July 19, 2013 – edited)

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

- The new addition will add 429 sf. of space to the existing penthouse structure, a total of 800 sf.
- It will be located in the northwest corner of the roof.
- It will be a maximum of 11 feet high, in alignment with the high point of the existing penthouse structure.
- Its walls will be clad in rust-colored stucco, to match the stucco of the existing penthouse structure, with anodized aluminum flashing at the edge of the black rubber membrane roof.
- While the addition is minimally visible from several locations in the vicinity, it visually recedes into the overall context of the broader roofscape structures.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the penthouse expansion is 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 horizontal extension on the penthouse level.

Preservation Committee: 4-0-0-0

Non-committee Board Member: 1-0-0-0.



**Minutes of Parks and Environment Committee
Community Board 7/Manhattan
Klari Neuwelt and Elizabeth Starkey, Co-Chairs
July 22, 2013**

The meeting was called to order at 7:05 by Klari Neuwelt.

1. Riverside Park South. Presentation by Department of Parks and Recreation and Extell Development Company on:

- Proposed minor modification to the Riverside South Restrictive Declaration by Extell to: allow DPR to construct Riverside Park South Phase 5; change the current park phasing from three remaining phases (Phases 5, 6 and 7) to two phases (Phases 5 and 6); and modify the design of the revised Phase 6 to include additional active recreational facilities.

- Revised Phase 6 conceptual design.

- Updated schedule for revised park Phases 5 and 6.

Michael Bradley of the DPR Planning Division and Thomas Balsley and Michael Koontz of Thomas Balsley Associates, the Developer's landscape architects for Riverside Park South, presented.

The Developer is in the process of applying for a "minor modification" of the Restrictive Declaration, as currently amended, that would involve expanding the geographic area of Phase 5 of Riverside Park South to include 66th Street to 65th Street and would combine Phase 7 into Phase 6. New York City DPR would use re-allocated federally-derived funds to build Phase 5, rather than the Developer building it or providing the funds to build it. The Developer would retain the financial obligation to build the newly defined Phase 6, subject to the original dollar limit (as increased for cost-of-living adjustments) for park construction costs, and would itself construct Phase 6.

Phases 5-7 are the inland phases, "east of the highway".

The minor modification is not a ULURP process. The proposed minor modification is currently awaiting staff objections at the City Planning Commission, expected shortly. It is supported by DPR. The applicant will return to CB7 to present the minor modification at some time in the fall of 2013 during a 40-day period for public comment.

Mr. Bradley said that the benefit of the changes would be a better park design, including a larger flat field for soccer and softball use, and the ability for DPR to use about \$13 million in federal funds, formerly allocated to highway purposes, to build Phase 5. The Developer's obligation to finance the construction of the entire park is fixed in dollar amount (subject to cost of living adjustments), and the remaining spending obligation of the Developer would not be sufficient to pay for Phase 5 and Phase 6 (as proposed to be newly defined). Accordingly, DPR would spend the federal money and build Phase 5 directly, and the Developer's remaining financial obligation would be exercised on Phase 6.

Earlier proposals to exchange the Developer's obligation to build Phase 5 for an increased obligation on the part of the Developer to build sections of tunnel for a potential relocation of the Miller Highway (Joe DiMaggio Highway) have been abandoned.



Use of the federal funds for this purpose by DPR has created many additional administrative hurdles, including needing to submit plans to NYS DOT under their required formats and needing to get federal approvals. DPR hopes to have those matters finished by the end of the summer of 2013, particularly in light of a federal deadline on conversion of the funds formerly allocated for highway use to park use. Once all approvals are in place, the Phase 5 design will go out to bid under DPR construction procedures.

Mr. Balsley explained that an advantage of the new Phase 6 plan is that it can now include a larger flat area for active recreation than previously planned. It will now include a 320 foot by 160 foot soccer field and an adjacent softball field, taking advantage of the vertical west wall of the highway "tunnel" under Riverside Boulevard at that area. Though the soccer field will not be regulation size, it will be considerably larger than the soccer field at 70th Street and the river. There is a drop in elevation from Riverside Boulevard to the level of the Phase 6 field area of about 30 feet at 66th Street, reduced to about 20-25 feet further south toward 65th Street. The borders of the field area will be softened to mitigate the drop.

The Balsley firm and DPR had previously presented the Phase 5 design to the Committee in October, 2011. As summarized again by Mr. Balsley, there will be an ADA-compliant pedestrian ramp originating at 66th Street and Riverside Boulevard, a separate bicycle ramp, a concession stand and a small structure for DPR use with a comfort station, a playground and expanded play area, a lawn for passive use, a dog run and a beach volleyball and swing area. The existing bicycle path will be widened by four feet to 16 feet from 62nd Street to 69th Street as Part of Phase 5 (though otherwise Phase 5 will extend south only to 65th Street), and a pedestrian promenade will be created on the existing service road, separated from the bicycle path by a vinyl-covered chain-link fence. The pedestrian and bicycle paths will be lighted with DPR pole lights with Riverside Luminaires.

In response to a question from a CB7 member, Mr. Balsley said that drainage and other infrastructure will be to DPR standards. In response to a question from a community member, Mr. Balsley said that the kink in the most southern portion of the bicycle path can't be straightened, but that the path being widened should help alleviate the effect of the kink.

The plan for Phase 5 was submitted to the Design Commission as a courtesy review.

The concession and other structures will have a sewer connection, and the Pier I Café will also get a sewer connection with the Phase 5 work.

It is anticipated that the existing bicycle lane can remain partially open during construction, or temporarily diverted, so that the West Side Greenway will not be interrupted.

NYC DOT will own the partially constructed tunnel under Riverside Boulevard when the remaining portions of the Boulevard are conveyed to NYC. The final (southernmost) block of the tunnel is under construction now.

In response to a question from a community member about the use of renewable energy sources for Phases 5 and 6, Messrs. Balsley and Bradley said that that had been discussed, but that the Phase 5 buildings were in final design and further were being constructed on fill, which could present certain



problems with ground-based energy generation. In any event, however, they would look at the issue for the Phase 6 construction.

Phase 6 is expected to have, in addition to the enlarged field area and the bicycle and pedestrian paths, an elliptical skate park, a service building, a separate drive for service vehicles, basketball courts and a future concession with bathrooms. The Committee reminded DPR of its commitment to review any proposed RFP for the concession with CB7 (as the applicable Community Board) prior to the RFP being issued.

Design development for Phase 6 will take place in the next years, and then the Developer and DPR will return to the Committee for review and comment on the design as then detailed. The requirement to construct it is triggered by building square footage completed at the southernmost end of Riverside South.

Committee members commented that they were supportive of the larger playing field now being designed for Phase 6, and encouraged exploration of a batting cage for the softball field and/or other amenities such as bleachers accessory to the uses of the playing field.

The Committee asked about the Developer's additional \$15 million obligation for the park negotiated in connection with the Riverside Center approval process. Mr. Bradley said that that money, as to which the funding requirements are staged with the construction of the Riverside Center buildings, can be used for active recreation or programming. He said that some of it might be used by the Developer to construct Phase 6 if the amount that the Developer is otherwise still obligated to provide for park construction (about \$10 million) is not sufficient for Phase 6, though he did not believe that to be likely. Some of the \$15 million might be used for repairs to park elements that deteriorated after sections of the park were deeded over to NYC.

The Committee passed a resolution praising DPR and the designers for the Phase 5 design, but asking that the construction be staged to permit portions of Phase 5, particularly the wider bicycle path, to open to the public before the entire construction was completed, and encouraging exploration of renewable energy sources for Phases 5 and 6. Committee members: 5-0-0-0. Non-Committee Board members: 2-0-0-0.

Margaret Bracken, Riverside Park landscape architect, then discussed with the Committee the current status of the design process for use of the \$2.5 million of "Brewer Money" for enhancements at the northern end of Riverside Park South.

The plans by the consultant are still in the schematic phase, but there will be changes in the current configuration to further separate a 14-foot bicycle path from a pedestrian path that may be up to 16 feet wide. It appears possible to create a new pedestrian path to the east of the Little League field at 72nd Street, and, by reducing the size of the dog run, to create a new play area and to add picnic tables. The shade structure for Pier I may be designed to incorporate the temporary stage being used now on the pier. A new drinking fountain will be installed near the landward end of the pier. The deteriorated seating furniture on Pier I will be replaced, with a very substantial reduction in price by the manufacturer, though it is no longer under warranty, and will be reconfigured.



It was decided that, in order for DPR to be able to present the design to the Design Commission on September 13, 2013, the next available opportunity, there would be an additional site visit at a time to be arranged to go over more detailed plans that would be developed by then, and that the Committee would then meet at 5:30 before the September Full Board meeting on September 3 in order to review the plans and draft a resolution for the Full Board that could be submitted by DPR to the Design Commission.

The Committee asked Ms. Bracken about its request of this spring to Mr. Herrold to increase safety at pedestrian crossings at the Riverside Park South bicycle path immediately with enhanced signage and by removal of the cloth barriers covering the fence that separates the construction road from the bicycle path and blocks sight lines. She said that she did not know about signage, but would speak with Extell about the cloth barriers at a meeting scheduled with Extell for the following morning. [The day after this Committee meeting, Ms. Bracken e-mailed CB7 representatives saying that new signage had been installed, and that the cloth barriers had been removed that morning.]

The Committee asked about the status of construction on the "Sea Rail" project in Riverside Park above 72nd Street. Ms. Bracken said that it was held up in the NYC Law Department approval process. Jesse Bodine of Council Member Gale Brewer's office arranged to speak with Ms. Bracken the following day to assist with the Law Department approval, which is necessary before the contract can go out to bid.

2. Presentation by Lisa Kaplan of New Yorkers for Parks on their Parks Platform 2013.

Lisa Kaplan made a brief presentation on behalf of New Yorkers for Parks regarding its Parks Platform 2013, asking for CB7 support, which they hope to present at a rally in early August. She said that several other Community Boards had endorsed the platform.

The Committee explained that, even if it agreed with all of the points of the platform, which most members found fairly innocuous, it was CB7 policy not to endorse the "platform" of any particular organization. And further, the Full Board would not be meeting again until September, and the CB7 can take a new position only by vote of the Full Board. However, with advice from Board Chair Mark Diller, the Committee decided to support Mr. Diller's writing a letter generally saying that the platform was consistent with CB7's core principals.

3. Updates on Committee business.

The Committee discussed brief updates on several of its recent actions and initiatives: the proposed local law banning foam containers, Tavern on the Green, traffic-free Central Park, PS 166/Playground 89, Central Park cross-paths for bicycles, ambulances with motors running 24/7 and cigarette sales at newsstands. The Committee intends to follow up on all of these matters.

The meeting was adjourned at about 10:30 p.m.

Committee members present: Klari Neuwelt, Phyllis Gunther, Joanne Imohiosen, Elizabeth Caputo and Kenneth Coughlin. Absent: Elizabeth Starkey, Evan Rosing and Isaac Booker. Non-Committee Board members present: Meisha Hunter (for Riverside Park South discussions) and Mark Diller.



**Transportation Committee Meeting Minutes
Andrew Albert and Dan Zweig, Co-Chairpersons
July 24, 2013**

Discussion of Avenues

- Tom DeVito, Community Organizer for Transportation Alternatives - began the discussion by stating the need for an Amsterdam Avenue re-design, which would include a bike lane, and remove a lane of traffic.
- Chris Henry, an Upper Westsider & urban planner, walks, takes the subway, and bikes. He stated that streets were not designed to move anything other than automobiles. He would like Amsterdam Avenue for the west side's northbound bike lane.
- Tom DeVito - Amsterdam Avenue the most dangerous avenue on the West Side. He would like to see pedestrian islands, a protected bike lane, LPI's, curb extensions, dedicated turn lanes. He said TA interviewed people on the streets, most of which were westsiders, although some were visitors. Amsterdam Avenue would go from 4 to 3 moving lanes. He said most people interviewed supported the change.
- Other speakers in favor of an Amsterdam Avenue bike lane were Todd Moore, Rosawad Monk (a parent), Laura Joscak spoke about environmental concerns, saying there was too much CO2 in the air.
- Peter Frischauf - Citibikes proves that biking is not a "fringe" activity, and said there was a great demand for Citibikes in neighborhoods that don't have them. He claimed that bike lanes were great for local businesses.
- Shin Pei - a transportation planner on TA's Board said that Amsterdam Avenue is important as a key northbound route. The street doesn't support all users, and she claimed that the Amsterdam Avenue redesign has the support of the public.
- Tom DeVito said most in attendance at the meeting supported it.
- Ken Coughlin stated that traffic has elasticity - and commercial traffic would go elsewhere. He said "bike lane or not, we must remove a lane on Amsterdam Avenue!"
- Jay Bitkower supported the Amsterdam Avenue redesign. He also called attention to the intersection of 73rd & Amsterdam, saying it was the most dangerous intersection.
- Andrew Albert acknowledged the problem at that intersection, and said he would propose a change to DOT to help alleviate the situation, which has much to do with the turning M57 buses.
- David Foell and Brian Hoberman also spoke in favor of the Amsterdam Avenue redesign.

The committee had a brief discussion of the many issues involved, including the use of Amsterdam Avenue by trucks, inter-city buses, local buses, etc. Some said commercial traffic could use Broadway, while some said Broadway was not a "through" truck route, but only for local deliveries. Andrew Albert stated that Broadway between approximately 119th Street & 130th Street has the elevated #1 line stanchions, making the street extremely narrow. Others said Amsterdam becomes two-way above 110th Street, making it narrow as well. It was agreed the discussion would continue at future meetings.

Batya Lewton, of the Coalition for a Livable West Side, brought reports on earlier studies and efforts to make pedestrian safety improvements in the 65th-72nd St/Broadway-Riverside Boulevard area. Some efforts have provided improvements, and others not so much. Batya presented a letter to Commissioner Sadik-Khan asking for a number of initiatives to shorten the crossings for pedestrians, lengthen the time for pedestrians to cross, and reduce the speed of automobile traffic throughout the area. She also



advocated for a 20mph speed limit at all locations in this area, which has a large number of senior pedestrians. The committee will consider a number of options to enhance pedestrian safety in this area.

Nelson-Nygaard Consultants' Presentation

Ethel Sheffer, Chair of the Task Force looking into solutions to make pedestrians safer in the 95th-100th Street Corridor, introduced Michael King, a principal at NN, who gave a presentation on the approximately 7 trouble spots identified in the 95th-97th Street corridor, including 96th & Broadway, 96th & West End Ave, 96th & Amsterdam Ave, 97th Street & Amsterdam Ave, & 97th St between CPW & Columbus Ave. The presentation should be on CB7's website shortly. Discussion ensued on these "trouble spots", and the committee agreed that many of these should be looked at in person, and after the school season starts. As the time frame for the consultants is limited due to funding, it was agreed the committee would look at each of the places in the report, and discuss them at the September transportation committee meeting.

Friends of Stryker Park

- Bob Leonard, of the group Friends of Stryker Park, brought a proposal to place tables and chairs in the extra-wide sidewalk area on the NW corner of 97th Street & Columbus Avenue, near Whole Foods. He said that right now, it was a "sea of concrete", and needed something. Emily Weidenhoff, of DOT, supported the idea, and said this could be a nice public space.
- Lillian Moore stated that there was a rodent problem there, and tables encouraged eating, which would exacerbate the problem. She and others also stated that during school season, there is a lot of foot traffic of students coming & going to P.S. 163.
- Ken Coughlin stated that people resist change, and that the Board doesn't seem to have a problem approving sidewalk cafes, which are on much narrower sidewalks.
- Maggie Peyton, of Park West Village Tenants Association, said they would be meeting with the Friends of Stryker Park group shortly. It was agreed that the issue would return either in September or October to see if a possible trial would work.

M86 bus

Dan Zweig, after speaking with the Chair of CB8's transportation committee, suggested some SBS-type additions would speed the M86 bus, as the loading process for these articulated buses is too long, and causes delays, uneven boarding, and gaps in service. Andrew Albert said that while it was doubtful that the west side portion of the route would get the DOT street treatment, as it isn't a commercial strip as on the east side, we COULD get the off-board payment machines. He also stated that there was a shortage of these machines, and some new SBS routes in 2014 had already spoken for the machines. Nevertheless, the committee passed a resolution supporting off-board fare payment for the M86 route.

Vote: Comm: 9-0-0-0. NCB : 1-0-0-0

Newsbox update

Marc Glazer gave an update, which was not encouraging. He stated that we need a campaign to call 3-1-1 whenever we see abandoned newsboxes, dirty newsboxes, or broken newsboxes.

**New Business**

- Richard Barr said that the closing of the 72nd Street off-ramp on the Henry Hudson Parkway has caused problems at 79th Street, and this must be looked at.
- Ann Raphael stated she had a 26 minute wait for the M104 bus to get to tonight's meeting.

Present: Andrew Albert, Dan Zweig, Ken Coughlin, Mark Glazer, Lee P. Kwan, Lillian Moore, Anne Raphael, Suzanne Robotti and Roberta Semer. Chair: Mark N. Diller. Absent: Howard Yaruss.



**Health & Human Services Committee Meeting Minutes
Madge Rosenberg and Barbara Van Buren, Co-Chairpersons
September 24, 2013**

RADON EMISSIONS

Elizabeth Geltman, Associate Professor at CUNY School of Public Health (elizabeth.geltman@hunter.cuny.edu) said that the Marcellus Shale from which extraction of natural gas is proposed, has very high percentages of radon. In the fracking (extraction) radon will be brought to the surface, contaminating the atmosphere. Radon has been proven to cause lung cancer.

The area in the southeast of the U.S. that provides much of our natural gas has low radon levels. Safe level of radon 2.7 pica curies per liter. In the Shale it is 125.

Government must prove that the extraction is safe. It is not up to the community to prove that it is unsafe. Ms. Geltman proposes:

- To protect the environment drillers must put up a very large bond for a permit so that problems will be taken care of immediately.
- A stiff excise tax should be enacted to cover the cost of monitoring extraction.
- All permits should have baselines.

Angela Fox from the community (amontefox@aol.com) has been working with state electeds Brad Hoylman and Richard Gotfried on fracking control and prevention.

**HEALTH AND HUMAN SERVICES COMMITTEE RESOLUTION
REGARDING RISK TO EXPOSURE OF RADON**

WHEREAS, Radon is a colorless, odorless, tasteless radioactive gas which results from the natural breakdown of uranium in soil, rock and water;

WHEREAS, Radon is recognized to be the second leading cause of lung cancer after smoking and is the leading cause of lung cancer in nonsmokers;

WHEREAS, Radon is present in shale gas, and is potentially more concentrated in gas from Marcellus Shale wells;

WHEREAS, the main source of potential exposure to Radon in New York City is through the domestic gas supply;

WHEREAS, the World Health Organization and the U.S. Department of Environmental Protection have established that exposure levels to Pico-Curies of Radon over a certain level are hazardous,

WHEREAS, new pipelines are being constructed to bring more shale gas, especially from the Marcellus Shale wells, into the domestic gas supply of New York City;

WHEREAS, lengthy transmission times of gas, primarily from the Gulf Coast, which last days, allow for a greater breakdown and diminution of the Pico-Curies of Radon in the gas, but would-be transmission



times from the Marcellus Shale wells are measured in hours rather than days thus increasing the likelihood that the Pico-Curies of Radon have less time to break down and would likely appear in more concentrated quantities in the New York City gas supply;

WHEREAS, gas distributors are unwilling or unable to predict levels of Radon that will be delivered to New York City residents and currently there are no regulations requiring the monitoring of levels of Radon delivered to New York City residents, even as the percentage of gas from the Marcellus Shale wells increases; and

WHEREAS, Assembly Member Linda Rosenthal has recognized the need to monitor and mitigate against Radon in the gas supply of New York City residents and has introduced legislation in the State Assembly, with same-as legislation introduced in the State Senate by Senator Diane Savino;

THEREFORE BE IT RESOLVED that Community Board 7 supports Assembly Member's efforts and similar efforts in the State Senate to pursue and pass legislation requiring the monitoring of the domestic gas supply for Radon and to mandate mitigation to prevent New York City residents from being exposed to Radon through the domestic gas supply;

BE IT FURTHER RESOLVED that Community Board 7 urges efforts of New York City Council to introduce legislation with the same goals in the New York City Council;

BE IT FURTHER RESOLVED that Community Board 7 urges that New York City's public officials continue to make efforts to keep the general public informed about the risks of Radon, including through public hearings.

BE IT FURTHER RESOLVED that Community Board 7 urges public officials and agencies to focus their efforts by supporting the development of safer alternative energy sources for the general public, such as wind, solar and hydropower sources of energy.

Resolution approved 7 - 0 - 0 -0 (committee), 1 -0 -0 -0 public member

ST. LUKES -ROOSEVELT (CONTINUUM) MERGER WITH MT. SINAI

Brad Korn, Community Affairs Director and his counterpart from Mr. Sinai said that the merger of the hospitals would provide more rather than fewer services with "centers of excellence" in each hospital. Continuum Partners, is now the strongest ambulatory care provider in the city, yet St. Luke's-Roosevelt has a 40% vacancy rate. The merger will bring in, the Mt. Sinai medical school and more specialties including bariatric care at St. Luke's and electro cardiac care at Roosevelt. I

Nastaran Mohit from the NYS Nurses Association (nastaran.mohit@nysna.org) said that Pediatrics and Detox at St. Luke's were closed during Hurricane Sandy and never reopened, even though this was supposed to be temporary. Brad Korn responded that no other services will close within one year of the pending MOA. But he did not say whether mental health services will be restored at St. Luke's. Since pediatrics had only three patients, it was moved down to Roosevelt. Ms. Mohit warned that certificate of



needs can be circumvented, even though the NYS Department of Health must approve any service changes.

Brad Korn will keep reporting developments to the Board.

NYC HEALTH AND NUTRITION EXAMINATION SURVEY (NYHANES)

Pascal DuBois from the CUNY School of Public Health asked that we support the HANES study of a random sample of 3000 New Yorkers to find the health needs in the city. The last survey, performed in 2004, found dangerous levels of heavy metals in fish and cosmetics, a 12.5% rate of diabetes, and adverse effects of second hand smoke. These findings encouraged testing for safer levels of mercury in fish and cosmetics, a smoking ban in parks and on beaches, and the attempt to cut back on the size of sugar-sweetened soft drinks.

The survey is totally random. Participants are offered \$100.00 and referral to low-cost health care if needed. Blood, urine and saliva are tested. Results are confidential but HIV is reported to the NYS. Immigration status is not questioned.

Resolution

WHEREAS, the 2004 New York City Health and Nutrition Examination Survey (NYC HANES), tested a random sample of 3000 residents for heavy metals, second hand smoke and diabetes, collecting data that resulted in positive health reforms such as a ban on smoking on beaches and in parks, the attempt to cut back on the size of sugar-sweetened drinks, and monitoring of mercury levels;

WHEREAS, testing of 3000 blood, urine and saliva samples plus mental health questionnaires in 2013, funded by private and public grants, is already endorsed by the NYC and NYS Commissioners of Public Health, more than a dozen health centers, five city council members and five Community Boards

WHEREAS, the purpose of this list of supporters works to encourage survey participation by reassuring potential participants of its value to public health in NYC

BE IT RESOLVED: We agree to allow CUNY and the Health Department to indicate publicly the support of Community Board 7 by adding our name to the list of endorsers.

Committee approved 5 - 0 - 1 - 0 public member 0-0-1-0

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