

*October 2011 Minutes*

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**Full Board Meeting Minutes  
Mel Wymore, Chairman  
October 4, 2011**

The full board of Community Board 7/Manhattan met on Tuesday, October 04, 2011, at Jewish Home Lifecare, 120 West 106<sup>th</sup> Street, in the District. The meeting was chaired by CB7 chairman Mel Wymore, who called the meeting to order at 6:40 pm after determining that a quorum was present. The following topics were discussed and actions taken.

*Approval of minutes from previous full board meeting.*

VOTE: 31-0-2.

Chairman's Report - Mel Wymore:

Neighbor of the Month – presented by Mel Wymore and Peter Arndtsen:

- Kathy Lanoix is the “Mayor of West 107<sup>th</sup> Street” - Building harmony among SRO tenants and community.
- Raised her own children, as well as more than 60 foster children.
- Exudes energy and positive expectations for how the world should be.
- Shaped appearance and character of her block, organizing residents to care for trees, flowers and conditions.
- Created opportunities for residents get to know and respect one another – renters and owners alike.
- Built broad consensus to protect SRO tenants.
- Kathy: Thanks to 107<sup>th</sup> Block Assn for its hard work making a great place to live. Keep up the good work.

Riverside Center Update:

- Buildings 2 and 5 (on WEA) – filings will be 70% complete within next month, and 90% by December.
- School will be fully designed by December. Expect school to be built by 2015.
- Buildings up for sale – looking for investors once fully developed.

Outreach Group (Su Robotti, Elizabeth Caputo, Marisa Maack):

- Launched Facebook page for CB7. To be updated by the office and outreach team initially.

Congratulations to Phyllis Gunther, recipient of a WESTY award.

Chairman Wymore’s thanks for amazing accomplishments and contributions during his tenure:

- Thanks to officers, committee chairs, committee members.
- Thanks to Penny Ryan, John Martinez, and Jessie Nieves.
- Thanks to Electeds, and to the electeds’ representatives.

Much left to be done:

- 30% of youth live in poverty; 55% of children are born into poverty.
- We as community activists must solve – who else will do it? We must refocus our agenda.

Miki Fiegel and the entire Board: Thanks to Mel for an incredible job well done.

Election of board officers for 2011-12 Andrew Albert, Acting Chairperson, Elections Committee

- Candidates made presentations and answered questions.
- Vote counters – Andrew Albert, Blanche Lawton, Linda Alexander, George Zeppenfeldt-Cestero.
- Three rounds to complete voting for vice chairs.

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- Results:
  - Chair: Mark Diller
  - 1<sup>st</sup> Vice Chair: Dan Zweig
  - 2<sup>nd</sup> Vice Chair: Elizabeth Caputo
  - 3<sup>rd</sup> Vice Chair: Miki Fiegel
  - Co-Secretary: Louis Cholden-Brown
  - Co-Secretary: Su Robotti

Community Session:Fitzroy Searles – The Black Institute:

- Representing Wal-Mart-Free NYC coalition.
- Concerns over employment practices and community impact at the East NY (Brooklyn) site.
- Will make a full presentation at a future BCI committee meeting.

Brenda Levin – on behalf of Extell Development Company:

- Extell appreciated working with Chairman Mel Wymore's awesome professionalism.

Jane Thompson – 736 WEA:

- Concern re construction site at 732-734 WEA.
- A concrete blowout damaged a terrace at 736.
- 18 windows at 736, and another 50 in the Williams (senior) residence, to be boarded up.
- As many as 80 violations on site - must halt developer's ability to "self-certify."

Ashley Walker-Green – Founder of Central Park Ice – Synch Skating:

- Started program in 2007 with 5 skaters; now have 3 teams who travel throughout the East Coast.
- Practices Thursdays and Sundays at 6:30 am.

Bob Wyman:

- Buildings switching from no. 6 to no. 4 oil – short-sighted because no 4 is more expensive and still dirty.
- Switching to natural gas can save 30-40% of fuel bills.
- Strand on West 43<sup>rd</sup> – switched from no. 6 to gas. Will pay off cost of conversion in less than one year.
- Owners resist due to up-front conversion costs. Switching from no. 6 to nos. 4 or 2 would cost \$5K-\$10K, but result in increased operating costs. Switching to natural gas is costs \$50K or more, but pays back.
- Have until 2015 to get Con Ed to give us infrastructure with good support.

Yolanda Bennet-Reid – NYPL – St. Agnes Branch:

- Budget concern - need to restore funding for 6-day service, and for additional programs, additional hours.
- Bloomingdale branch among those that need capital support.

Jean Green Dorsey – PWVTA; former CB7 member:

- Profound concerns re JHL plans to relocate to West 97th Street. Traffic already congested.
- Impossible to envision incorporating the scale of its current operations into the proposed site.
- Concern re garbage storage and collection at the proposed site.

Peter Arndtsen – Columbus-Amsterdam BID:

- Walking tour 10/23; Michael Misune (Borough Historian) – speaking 10/27 at Youth Hostel at West 103rd Street and Amsterdam Avenue.

Reports by Legislators

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Speaker Christine Quinn - New York City Council:

- Thanks for Mel Wymore's service as chairman of CB7 in a particularly demanding time.
- Initiative with NYU Fuhrman Center to provide advance notice and database re community issues . Addresses need for information far enough in advance to take action (e.g. to defend affordable housing).
- Domestic Violence Awareness Month – other crimes on decrease; not domestic violence.
  - New campaign: NYC&Co – call the police if you think something is happening to a neighbor.
  - Special training for those who treat pregnant women, including dentists (increases during pregnancy).
  - Work-based training – so employers can spot domestic violence and know how to handle those situations.
- Middle school task force reconstituted. HS dropping out starts in MS. Need MS-focused teacher training.
- 200,000 rental units in foreclosure, particularly on fringe of gentrifying neighborhoods -- tenants stuck.

Tom Duane – State Senator, 29th District:

- Congratulations to Phyllis Gunther, WESTY winner and a NY Senate woman of the year.
- Columbus tree-pit plantings proceeding well. Staff helps CB7 coordinate.
- Move to expunge arrest record of sex-trafficked woman caught in prostitution ring: chance at a new life.
- Will testify in support of the final phase of the proposed WEA Historic District.
- PCBs: PS 199 increase after initial remediation. Need SCA and feds to figure out why. Citywide issue. DoE/SCA wants 10 years to fix the problem; needs to be fixed yesterday.
- Hydrofracking hearings in NYC. Not safe anywhere. Should not be done in NYS.

Gale Brewer – City Council Member, 6<sup>th</sup> District:

- Mayor's proposal for additional budget cuts: 2% cut this year; 6% next year. Short \$2B.
- Need additional revenue sources. Human services have nothing left to cut – real challenge.
- Sample ballots online – working with Bd of Elections and City Tech. Cleared with DoJ; ready for general.
- Food trucks – need task force to investigate complaints about noise, fuel. Distinguish trucks from carts.
- Looking to bar tourism helicopter rides from downtown heliport. Helpful meeting with DEP and Police.
- New library in the O'Shea Complex – Principals and parents did great job. PS 191 has new school yard.
- Working with CB7 and others on bike lane survey. Assisting seniors without internet access to respond.
- Working with City Planning Comm'n to protect small businesses on Broadway (push-back from REBNY).
- Speed bumps on the way for PS 199, 84.
- West-Park Presbyterian Church – movement re funding, green boiler.
- Concern over new Mitchell-Lama owners denying residents access to community room for meetings.
- Monthly housing clinic at Goddard Riverside.
- Town Hall at JCC on 11/21 with electeds and agencies.

Melissa Mark-Viverito – City Council Member, 8<sup>th</sup> District:

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- Participatory budgeting – community to decide how to spend \$1MM of capital money. -- 7 neighborhood assemblies will solicit projects; then community to vote. First is 10/11 at Youth Hostel.
- West Side Office Hours – Peter A. hosting at Columbus-Amsterdam BID alternating weeks.
- Demonstrated against layoff of 700 school aides effective this Friday 10/7. Puts students at risk.
- Need fairer tax system as well as President’s Jobs Program.

### Dominic Lee – Assembly-Member Daniel O’Donnell’s Office:

- Free legal clinic for tenants 10/27; Community Health Fare 10/29

### Jessica Dennison – Comptroller’s Office:

- “MyNYC” – share ideas for audits. Can also track contracts, spending and budgets of City Agencies.

### Varun Sanyal – Council-Member Inez Dickens’ Office:

- Must save mom and pop stores – proposed rezoning should not stop at 97<sup>th</sup> on Amsterdam.
- C-M Dickens working directly with CPC Chair Amanda Burden re extending proposal up to 110<sup>th</sup>.
- Planning a forum to assist MWBs compete for bids/contracts.

### Jessica Silver - Manhattan Borough President Scott Stringer's Office:

- Recognizing Chairman Mel Wymore’s outstanding leadership.
- Report: "A Vote For Change": re CEC election disasters this past spring. Need independent management.
- Report: “Arrested Development”: re stalled construction sites (129 in Manhattan). Blight, litter, graffiti.
- Speaking out about stop-and-frisk practices; Occupy Wall Street protests.
- CB workshops – training designed for all new members.
- BP at helicopter accident site - renewing longtime demand for increased FAA safety regulations.

### Paul Sawyer – Assembly-Member Linda Rosenthal’s Office:

- Flu shots: 10/24 from 9:30-12:30.
- Hydrofracking panel discussion 11/7 from 7-9 at B'nai Jeshurun.
- Bills passed – inform kids of opt-out from animal dissections; allows gathering/sharing green lighting info.
- Construction at 732 WEA – working to help tenants assn to meet and reach resolution of issues.
- Renewed call to accelerate PCB remediation - replacement should take 4 years, not the proposed 10.

### *Business Session*

#### **Steering Committee**

#### **Mel Wymore, Chairman**

Resolution to adopt the first page of proposed CB7 Core Principals.

#### Board Comments:

- Outstanding beginning. Beautifully and clearly written – hope to use same clarity for by-laws revisions.
- Should incorporate overall principles into revised by-laws; post at CB7 District Office.
- Encourage all committees to take up the more particular working principles next.
- Friendly Amendment Accepted: replace “are inter-reliant” – with “connect us with.”

After deliberation, the resolution to adopt the Core Principles (first page) was approved:

VOTE: 35-1-2-0.

### **Transportation Committee**



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### Andrew Albert and Dan Zweig, Co-Chairpersons

1. Resolution calling for a traffic study of West 97<sup>th</sup> – 100<sup>th</sup> Streets, Central Park West-Henry Hudson Parkway in anticipation of the proposed new Jewish Home Lifecare facility on West 97<sup>th</sup> Street between Columbus and Amsterdam Avenues.

- Friendly Amendment Accepted - call for a traffic study from 96<sup>th</sup> to 100<sup>th</sup> (not 97<sup>th</sup>).
- Add to text that 97<sup>th</sup> is a DoT designated Truck Route.
- Add to text references to the traffic impacts on PS 163 and Chabad School, also Madell and Schecter schools.
- Also asking for study of West 105th-106<sup>th</sup> Streets - may illustrate current JHL condition.
- Committee approved the resolution immediately prior to the full board meeting; vote 7-0-0-0.
- Concern over funding the study. Concern over private funding (especially JHL as funder).
- Should only ask DoT for study of the current conditions and future trends as predictable.
- Effort to be pro-active based on current condition and concerns expressed by community.
- Need to revise title to conform to resolution content.

After deliberation, the resolution calling for a traffic study of 96<sup>th</sup> -100<sup>th</sup> and 105<sup>th</sup>-106<sup>th</sup> Streets (Columbus/Amsterdam) was adopted.

VOTE: 37-0-4-0.

2. **SWC of Broadway and West 62<sup>nd</sup> Street.** Application #1368796 to the Department of Consumer Affairs by Mohammed Idris to construct and operate a newsstand on the SWC of Broadway and West 62<sup>nd</sup> Street.

#### Public Comment:

##### Dennis Sahai – Melissa Gourmet:

- Owns store at location of newsstand – pays high rent. Sell candies at store.
- Opposes competition from newsstand on same products.

##### Richard Juliano – Lincoln Sq BID:

- Concern about process – somehow bypassed CB7 at first – was on the Design Commission docket.
- Building applied for street trees at this location – Parks denied because steam line too close to curb.
- Should favor trees to newsstand.

##### John Hellings – Allegro Condominium (building in front of proposed location):

- Opposes subsidized competition against a successful small business of more than 20 years.
- Tenant pays high rent, taxes. Hires many employees.
- Concern over process. Only notified a few days ago – inadequate community notification.

#### Board Comment/Discussion:

- Site proposal between TD Bank and Melissa's Gourmet; does not obscure the ATM.
- Wide sidewalk can accommodate newsstand.
- Concerns re interfering sewer lines, trees are speculative.
- Competition benefits consumers.
- Concern over public policy of subsidizing competition against small businesses.
- Another newsstand already in place directly across Broadway.
- Concern re subsidy to newsstands who sell cigarettes (high profit).
- Competition on an unlevel playing field due to subsidy. Not fair to small business.
- Andrew Albert: Not brought to us in time for DCA; would need to present at Design Commission in November.

After deliberation, the resolution to approve the location of the newsstand **failed**.

VOTE: 12-25-1-0.

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After further deliberation, a resolution to disapprove the location of the newsstand was **adopted**.

VOTE: 24-10-4-0.

**Land Use Committee**

**Richard Asche and Page Cowley, Co-Chairpersons**

**Joint with Transportation Committee, Andrew Albert and Dan Zweig, Co-Chairpersons**

3. **Broadway Malls Text Amendment** (West 94<sup>th</sup> -97<sup>th</sup> Streets.) Resolution to approve application #N-120037ZRM to the Department of City Planning by the Department of Parks & Recreation to modify the definition of a "wide street" in the Zoning Resolution in order to maintain the present bulk regulations for the blocks fronting on Broadway between West 94<sup>th</sup> and 97<sup>th</sup> Streets.

- Concerns inadvertent conversion of Broadway into a "narrow" street for zoning purposes based on modifications required to build the new subway head house at 96th Street.
- Resolution to modify definition to leave the intended (prior) zoning in place despite accidental change.

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

VOTE: 35-0-1-0.

4. **350 Amsterdam Avenue, The Harrison** (West 76<sup>th</sup> Street.) Resolution to approve application #123-11 BZ to the Board of Standards and Appeals by SoulCycle LLC for a special permit for a physical culture establishment.

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

VOTE: 37-0-2-0.

**Preservation Committee**

**Lenore Norman and Gabrielle Palitz, Co-Chairpersons**

5. **1 West 67<sup>th</sup> Street** (Central Park West.) Resolution to approve application to the Landmarks Preservation Commission for a parapet alteration.

- Parapets are visible from West 68<sup>th</sup>. Better solution – unifies roof line on two towers.

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

VOTE: 37-0-0-0.

6. **42 West 71<sup>st</sup> Street** (Columbus Avenue – Central Park West.) Resolution to approve application #12-2286 to the Landmarks Preservation Commission to alter the rear window openings and facade and to construct a rooftop bulkhead.

- Row house in group of 10; unusual existing diagonal connection from rear façade to existing rear addition.
- Aluminum clad wood windows with casement section would span the diagonal, creating window seat effect.
- Rear façade to be painted white to match neighboring buildings. Keeping common roof line with railing.

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

VOTE: 37-0-0-0.

7. **390 West End Avenue, The Apthorp** (West 78<sup>th</sup> Street.) Resolution to approve application to the Landmarks Preservation Commission for modification to allow a new door in the gatehouse at the West End Avenue archway entrance.

- Proposal is to cut a new doorway in the interior wall of the WEA guardhouse to create a new mailroom.

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- The new doorway will mirror the same doorway and fixtures currently in place in the Broadway guardhouse.

After deliberation, the resolution to approve the application was adopted. VOTE: 37-0-0-0.

8. **80 Riverside Drive** (West 80<sup>th</sup> Street.) Resolution to approve application #12-2553 to the Landmarks Preservation Commission for an ADA accessible entrance on the Riverside Drive façade for Riverside Hotel.

- Handicap access ramp on RSD. Turn window into doorway; match railing details to existing window guards.
- Concern over prominent façade of RSD.
- West 80th Street building entrance could not be made accessible - too narrow, turns too tight.
- Ramp on RSD would extend onto sidewalk less than a planter next door on the Drive.
- Ramp would not work along 80th Street as the grade falls away to the west from the entrance.

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

VOTE: 36-0-3-0.

9. **326 West 80th Street** (Riverside Drive.) Resolution to approve application to the Landmarks Preservation Commission for alteration of rear façade.

- Tiny, zig-zag back yard wedged into a tight grouping of townhouses by Charles True.
- New window system on rear façade - maximize light; mostly not visible even from other rear yards.

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

VOTE: 34-2-3-0.

10. **416 Amsterdam Avenue, dba Hummus Kitchen** (West 80<sup>th</sup> Street.) Resolution to approve application to the Landmarks Preservation Commission to create two-windows at the north side of the building on the first floor.

- Creating new windows; eliminating chamfered corner entrance. Cleans up a messy corner.
- Warned about side street café rules.
- Community concern re relocation of building garbage directed for appropriate action.

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

VOTE: 39-0-0-0.

11. **227 Central Park West** (West 82<sup>nd</sup> -83<sup>rd</sup> Street.) Resolution to approve application to the Landmarks Preservation Commission to replace 1 existing antenna and install 2 new antennas.

- Application to replace and legalize 1 of 2 existing antennas and to add a third.
- Needs to be at edge of roof to work; hence visible from Central Park.

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

VOTE: 36-0-3-0.

12. **477 Amsterdam Avenue, dba Hi-Life Restaurant** (West 83<sup>rd</sup> Street.) Application # 12-0487 to the Landmarks Preservation Commission to enlarge windows and install new storefront infill.

- Widening three windows on front and side façade. Raising the awning and eliminating roll-up gate.
- Concern re air conditioning blasting out into the café.
- Applicant has been a good neighbor for decades.

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

VOTE: 38-0-1-0.

*October 2011 Minutes***Business & Consumer Issues Committee****Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons**

13. **Applications to the SLA for a two-year liquor licenses:** Resolution to approve applications by:

- **2178 Broadway** (West 77<sup>th</sup> Street.) Serafina 77 West LLC, d/b/a Serafina.
- **570 Amsterdam Avenue** (West 88<sup>th</sup> Street.) Rancho Vidal LLC, d/b/a To be determined.
- **726 Amsterdam Avenue** (West 96<sup>th</sup> Street.) Yarden Gorge, d/b/a To be determined

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

VOTE: 35-0-0-0.

14. **Unenclosed Café Renewal Applications with conditions:**

- **229 Columbus Avenue** (West 70<sup>th</sup> -71<sup>st</sup> Streets.) Resolution to approve renewal application DCA# 1186113 to the Department of Consumer Affairs by Flej, Inc., d/b/a Pomodoro Rosso, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

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

VOTE: 34-0-0-0.

14A. **568 Amsterdam Avenue** (West 87<sup>th</sup> -88<sup>th</sup> Street.) Resolution to **disapprove** renewal Application DCA# 1273996 to the Department of Consumer Affairs by Mermaid 88, LLC, d/b/a The Mermaid Inn, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.

- Resolution changed to disapprove because applicants failed to provide proof of notices as they agreed.

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

VOTE: 33-0-0-0.

15. **Unenclosed Café Renewal Applications:**

- **473 Columbus Avenue** (West 83<sup>rd</sup> Street ) Resolution to approve renewal Application DCA# 1008999 to the Department of Consumer Affairs by Club America, Inc., d/b/a Assaggio, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
- **1018 Amsterdam Avenue** (West 110<sup>th</sup> Street.) Resolution to approve renewal Application DCA# 1133929 to the Department of Consumer Affairs by Skipwell Corp., d/b/a Bistro Ten Eighteen, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 26 seats.
- **428 Amsterdam Avenue** (West 80<sup>th</sup> – 81<sup>st</sup> Street.) Resolution to approve renewal Application DCA# 1039396 to the Department of Consumer Affairs by Amsterdam Avenue Brother Jimmy's, LLC, d/b/a Brother Jimmy's West, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 20 seats.

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

VOTE: 34-0-0-0.

16. **244-246 Columbus Avenue** (West 71<sup>st</sup> Street.) Resolution to approve renewal Application DCA# 1224900 to the Department of Consumer Affairs by Madison on Columbus Corp., d/b/a China Fun, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 11 seats.

- Committee approved subject to applicant providing picture showing bike delivery people with appropriate reflective gear. Provided photo, but staff do not wear the reflective gear.
- Change resolution to **disapprove**.
- Example – one of their moped delivery people caught riding electric bikes on sidewalk.

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

VOTE: 32-0-2-0.

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17. **477 Amsterdam Avenue** (West 83<sup>rd</sup> Street.) Resolution to approve renewal Application DCA# 0885881 to the Department of Consumer Affairs by 83/ Amsterdam Restaurant, Corp., d/b/a Hi-Life Restaurant, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats. After deliberation, the resolution to approve the application was adopted.

VOTE: 25-4-4-0.

18. **424 Amsterdam Avenue** (West 80<sup>th</sup> Street.) Resolution to approve application (Consent assigned by previous owner more than 90 days before expiration date.) DCA# 1400049 to the Department of Consumer Affairs by G&J Café, Inc., d/b/a Café Con Leche, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.

- New owners in existing restaurant. No change in operation.

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

VOTE: 35-0-0-0.

19. **235 Columbus Avenue** (West 71<sup>st</sup> Street.) New Application DCA# 1301875 to the Department of Consumer Affairs by Lansky's Operating Corporation, d/b/a Lansky's, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 20 seats.

- New application to cure errors in original application and follow correct procedure.

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

VOTE: 23-5-5-0.

**BCI Committee News:**

- Finalizing new draft of café guidelines this week.
- Falling through the cracks – wine-only licenses who also deliver food.

20. **Per Chairman Mel Wymore:** Resolution to oppose HR 822.

- Bill before US Congress would require states to honor concealed weapon licenses granted by other states.
- Would force New York to permit concealed weapons licenses issued by states with less restrictive gun laws.

Would effectively eviscerate local gun laws.

**Board Comment:**

- Concern that resolution is presented at full board with out committee vetting or opportunity to study.
- Concern that other states could dictate national gun policy.
- Rep. Nadler would appreciate a resolution from CB7 to support his opposition to the bill.
- New York cannot support additional concealed weapons.
- CB7 should invite Richard Aborn, a recognized expert on gun control, to speak at a future forum.
- Substitute resolution to the effect that CB7 opposes any federal legislation that would have the effect of forcing New York to honor or grant reciprocity for the carrying of concealed weapons issued by other states.

After deliberation, the substitute resolution was adopted.

VOTE: 28-0-7-0.

Adjourn: 10:35 pm

Respectfully submitted by Mark N. Diller, co-secretary.

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**Present:** Mel Wymore, Andrew Albert, Linda Alexander, Ian Alterman, Richard Asche, Issac Booker, Brian Byrd, Elizabeth Caputo, Louis Cholden-Brown, Hope Cohen, Kenneth Coughlin, Page Cowley, Mark Diller, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, Marc Glazer, Phyllis E. Gunther, Joanne Imohiosen, Blanche E. Lawton, Marisa Maack, Lillian Moore, Klari Neuwelt, Lenore Norman, Gabrielle Palitz, Michele Parker, Nick Prigo, Anne Raphael, Oscar Ríos, Suzanne Robotti, Madge Rosenberg, Helen Rosenthal, Evan Rosing, Gabriella Rowe, Roberta Semer, Ethel Sheffer, Eric Shuffler, Elizabeth Starkey, Barbara Van Buren, Thomas Vitullo- Martin, Cara Volpe, George Zeppenfeldt-Cestero and Dan Zweig. **Absent:** Jay Adolf, Mark Darin, Victor Gonzalez, Ulma Jones and Haydee Rosario.



**Business & Consumer Issues Committee Meeting Minutes**  
**Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons**  
**October 5, 2011**

***Applications to the SLA for two-year liquor licenses:***

1. **2728 Broadway** (West 104<sup>th</sup> Street) Papisito Midtown Corp, Inc., d/b/a Papisito Mexican Grill and Agave Bar. Represented by Mr. Alain Chevreux, [Chevreux@hotmail.com](mailto:Chevreux@hotmail.com), and Eusibio Chavez, [EusibioChavez@papisito.com](mailto:EusibioChavez@papisito.com). The following residents of the building were present with many complaints; Mr. Andy Mcord, Mr. Chris Griffin, Ms. JacylN Steward, Mr. Michael Gawkin, Ms. Sara Orlong, Ms. Doris Geruit, Mr. Louis Muniz, Ms. Wendy Hernandez, and Mr. Carlo chevez. Most resided in the applicant's building and others lived in adjacent or nearby dwellings. Common complaints included; Sidewalk café extends beyond permissible boundaries, fire escape ladder blocked by awning, sidewalk café not licensed to current owner, operating a "valet" parking service using street parking, dancing without a cabaret license, excessive noise from the venue's employees congregating in the venues's rear courtyard, very loud music, excessive vibration from venue's sound system and the rooftop air conditioner.

Applicant did not present proper forms and information for the liquor license.

**COMMITTEE VOTE TO DISAPPROVE WITHOUT PREDJUDICE, SUBJECT TO APPLICANT'S PRESENTATION OF PROPER DOCUMENTATION AND RESOLUTION OF THE RESIDENT'S COMPLAINTS. 8-1-0-0.**

2. **144 West 65<sup>th</sup> Street** (Broadway) Ford Transfer Co and The Film Society of Lincoln Center, Inc., d/b/a Indie Food & Wine. Represented by Mr. Richard Nasca, attorney. 42 seat restaurant.

**COMMITTEE APPROVES 9-0-0-0. 1-0-0-0.**

3. **487 Amsterdam Avenue** (West 83<sup>rd</sup> Street) Hey Mambo Inc., d/b/a Hey Mambo.

**COMMITTEE APPROVES 9-0-0-0. 1-0-0-0.**

***Unenclosed Café Renewal Applications:***

4. **355 Amsterdam Avenue** (West 77<sup>th</sup> Street.) Renewal application DCA# 1246104 to the Department of Consumer Affairs by DLS Chicken Corp., Chirping Chicken, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 32 seats. Represented by K. Stathopoulos, atty.

**COMMITTEE APPROVES 8-1-0-0. 1-0-0-0.**

5. **359 Columbus Avenue** (West 77<sup>th</sup> Street.) Renewal application DCA#0953473 to the Department of Consumer Affairs by 359 Columbus Avenue, LLC, d/b/a Isabella's, for a two-year consent to operate an unenclosed *sidewalk café with 28 tables and 74 seats.* Represented by Siobon Fogarty.

**COMMITTEE APPROVES 9-0-0-0. 1-0-0-0.**

6. **417 Amsterdam Avenue** (West 80<sup>th</sup> Street.) Renewal application DCA# 0929109 to the Department of Consumer Affairs by Gilli, Inc., d/b/a Al Dente, for a two-year consent to operate an unenclosed

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sidewalk café with 10 tables and 19 seats. **COMMITTEE VOTES TO DISAPPROVE WITHOUT PREJUDICE, UNLESS APPLICANT PRESENTS PROPER MATERIALS TO CB7 9-0-0-0.**

7. **2724 Broadway** (West 104<sup>th</sup> Street.) Renewal application DCA#1132659 to the Department of Consumer Affairs by Hot Bread of 104th Street, Inc., d/b/a Hot & Crusty, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 30 seats.

**COMMITTEE APPROVES 9-0-0-0. 1-0-0-0.**

8. **364 West 110<sup>th</sup> Street** (West 109<sup>th</sup> -110<sup>th</sup> Streets.) Renewal application DCA# 1039389 to the Department of Consumer Affairs by Spoonbread, Inc., d/b/a Miss Mamie's, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

**COMMITTEE APPROVES 7-0-0-0. 1-0-0-0.**

*Unenclosed Café Renewal Applications:*

9. **2020 Broadway** (West 69<sup>th</sup> Street.) Renewal application DCA# 0769760/ ULURP#N110004ECM to the Department of Consumer Affairs by First 69th Street Realty Corp., d/b/a Westside Restaurant, for a two-year consent to operate an enclosed sidewalk café with 17 tables and 34 seats.

**COMMITTEE APPROVES 7-1-1-0. 1-0-0-0.**

10. **2636 Broadway** (West 100<sup>th</sup> Street.) Renewal application DCA #1169442/ ULURP#N110002ECM to the Department of Consumer Affairs by PS Brothers Gourmet, Inc., d/b/a Indus Valley Restaurant, for a two-year consent to operate an enclosed sidewalk café with 9 tables and 19 seats. Represented by Steve Wyede, architect

**COMMITTEE APPROVES 8-1-0-0. 1-0-0-0.**

*New Enclosed Re-Application:*

11. **2787 Broadway** (West 107<sup>th</sup> Street.) Renewal application DCA# 1147364/ ULURP#N110071ECM to the Department of Consumer Affairs by Hillview Specialty Foods, Inc., d/b/a 107 West Restaurant Bar & Lounge, for a two-year consent to operate an enclosed sidewalk café with 13 tables and 26 seats. Application is new because previous license had expired.

**COMMITTEE APPROVES 9-0-0-0. 1-0-0-0.**

**Present:** George Zeppenfeldt-Cestero, Michele Parker, Linda Alexander, Elizabeth Caputo, Paul Fisher, Marc

Glazer, Joanne Imohiosen, Ulma Jones and Anne Raphael. **Absent:** Gabriel Rowe and Eric Shuffler.

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**Preservation Committee Meeting Minutes**  
**Lenore Norman and Gabrielle Palitz, Co-Chairpersons**  
**October 6, 2011**

Meeting was called to order at 6:35pm. By Co-Chairs Lenore Norman and Gabrielle Palitz.

1. **115 West 69th. St.** Application to LPC for modification of an earlier permit. Presented by Gregg Rothstein, Architect. Request for changes on the fourth floor elevation involving reconfiguring of two windows and one door, part of a design previously seen by this Committee and disapproved. The new proposal is to remove the original masonry piers between these three openings to allow for the installation of (delete: to) three pairs of taller glass doors thus allowing for more light. The alteration would also include a change to the masonry parapet with railing to a higher masonry parapet without a railing.

The Committee felt that the new design was less symmetrical and not in keeping with the historic character of the building and the district. Committee voted to disapprove the application 5-1-2-0.

2. **67-79 West 71st. St.** --- Application to the LPC for changes to previously approved front facade work and for a new rear yard addition (delete: the rear and front exposures) of the four adjoining buildings. Changes include a three story rear-yard extension to buildings #67 and #69. The front exposure to include elevated signage, new burgundy colored awnings, brownstone caps above stores and new lighting fixtures above store fronts. The rear exposure to include maintaining the existing brickwork, window frames and doors in wood and windows in black aluminum. Building #67 and # 69 to have 10" balconies with aluminum railings. Floors 3 and 4 to have two grouping each consisting of "Juliet" balcony with French doors flanked by casement windows.

With regards to the front facade, the Committee recommended strongly that the proposed lighting fixtures be reconsidered to reflect the traditional design of the buildings. The Committee voted to approve the application 8-0-0-0.

With regards to the rear modifications, the Committee recommended that the "Juliet" balconies be narrowed to the width of the French doors.

The Committee voted to approve the applications 8-0-0-0.

3. **214 West 72nd. St.** --- Applicants represented by Richard Lobel, Attorney of Sheldon and Lobel and Peggy and Tiffany Ma, Owners. The application requests that the building in question be excluded from the proposed West End (delete: -Collegiate) Historic District Extension thus allowing for the demolition of the building and the construction of a new (delete: twelve story) residential/commercial structure. The building in question is at the east-most end of the 72nd Street branch off West End (delete: the anchor) of the proposed district.

The above referenced building suffered extensive damage when adjacent rowhouses were demolished to accommodate development of 200 West 72nd. St., a high-rise building. Concerns were expressed about a possible "domino" effect resulting from further demolishing, jeopardizing adjacent buildings. Public speaker Diane Thelen, owner of 200 West 71st. St. spoke to her hardships resulting from the earlier construction.

The Committee decided to defer a vote until the November meeting pending a detailed engineering report to include a fuller and more technical analysis of the impact of demolishing this

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building on the buildings to the west, and remedy for protecting adjoining buildings should any demolition and construction be permitted.

4. **220 West 79th. St.** --- Application to LPC #12-3185 presented by Andrew Appell, Architect of Issac&Stern. Proposal to construct a one-story, rear-yard addition for commercial purposes which would fill the gap between the extensions of two adjacent buildings. The extension to be set back 5'8" from the property line, creating a roof terrace be floored with 2'sq.concrete pavers and walls in neutral stucco. The Committee encouraged more extensive greenery on the rooftop. The Committee approved the application 7-0-1-0.

Committee discussion about Procedural change at LPC regarding notification. The Committee passed a Resolution to approve with the modified language we had received which stipulated 45 notification prior to the Public Hearing (not prior to the calendaring of the Public hearing as originally phrased.)

Resolution to approve: 7-0-0-0.

Submitted,  
Blanche E. Lawton

**Present:** Lenore Norman, Gabrielle Palitz, Jay Adolf, Brian Byrd, Mark Diller, Miki Fiegel, Mark Glazer and Blanche Lawton.

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**Housing Committee**  
**Victor Gonzalez and Nick Prigo, Co-Chairpersons**  
**October 10, 2011**

The Housing Committee was called to order at 6:40PM, Co-Chair Nick Prigo presiding.

The first order of business was the review of a proposed resolution requesting additional staffing of auditors, assessors and adjustors at the Department of Finance. After discussion a motion was made to approve the resolution contingent upon additional finessing and vetting by DC37 ahead of the November full board. The motion duly seconded the resolution carried 5-0-2-0.

Discussion then segued into proposals of budget priorities for inclusion in the CB7 priorities to be drawn up at October Steering led by Budget Chair Louis Cholden-Brown. It was agreed to advocate for the prioritization of additional staffing at DOF and additional skilled labor at NYCHA facilities.

A proposal for a pilot housing list serve project was circulated by committee member Cara Volpe accompanied by a list of targets populated by Co-chair Nick Prigo and committee member Louis Cholden-Brown. All assembled agreed it was a worthy project subject to minor revisions in the proposed letter. Some discussion ensued about the comparable merits of list serves and facebook but was tabled temporarily for the limited pilot rollout.

Proposals for the November agenda were discussed- per the suggestion of committee member Louis Cholden-Brown; SCRIE/DRIE advocates are being invited to address the committee. It was also determined to have a discussion about the purpose and objectives of the committee in light of the list serve project and the adoption of the core principles.

Upon motion moved and duly seconded the meeting was adjourned at 8:00 pm.

**Present:** Nick Prigo, Louis Cholden-Brown, Marisa Maack, Lillian Moore, Oscar Rios, and Cara Volpe.

**Absent:** Linda Alexander, Robert Espier and Suzanne Robotti.

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**Transportation Committee Meeting Minutes  
Andrew Albert and Dan Zweig, Co-Chairpersons  
October 11, 2011**

**1. Application by Lincoln Square BID for Winter's Eve street closures.**

Richard Juliano spoke on behalf of the BID. Winter's Eve Celebration will be on Wednesday, November 28th. It will include Holiday tree lighting in Dante Park, food tastings in 3 locations, entertainment and children's programs at the American Bible Society. 62nd Street between Broadway and Columbus will be closed except for emergency lane and access for residents and commercial use. They are also asking for temporary bus stop suspension on East side of Broadway between 63rd and 64th Streets between 5:30 and 8:30 p.m. The bus stop will be moved one block.

Winter's Eve will have a new partner: New York Cares and they will have a coat drive.

Resolution to approve: Committee Members 9:0:1:0/ Non Committee Board Members: 2:0:0:0

**2. Presentation by DOT and Council Member Brewer of Columbus Avenue Street Redesign data.**

Naomi Iwasaki of DOT presented. In October 2009, CB7 requested a study of feasibility. In June 2010 CB7 approved. Implementation began in August 2010. In the spring and summer of 2011 DOT began collecting "after" data. Concrete planters were installed, 3 travel lanes were maintained. Improvements included: protected bike path, pedestrian safety islands, shorter crossing distances, mixing zones, left turn lanes and freight loading and unloading zones. Ongoing design updates include: added loading spaces, expanded commercial loading zones, improved markings on West 81st Street, and split-phase signal installation.

Safety design features include: reducing lanes to 10 feet has reduced speeding, and reduction in sidewalk bike riding. There is a similar amount of motor vehicle traffic in the corridor and bike traffic has increased by 56%.

Concerns raised: congestion by trucks, problems with snow, how do the results compare to other protected lanes (they need one full year to do a comparison, can we get information on where bikes were riding (street, sidewalk, bike lanes), what time were average speeds taken?)

Ryan Russo of DOT said that traffic management methodology for determining crashes is same "for "before" and "after" in same corridor. They use nationwide standards looking back 3 years and averaging them. 6 months is really too soon, they need a minimum of at least one year. There is a question about the "Yield to Pedestrians" sign at 89th Street, whether it is in the correct location. Another problem is that people don't want to travel south when there are not good connections and return routes.

Council Member Gale Brewer presented her report on their questionnaire. They received 1,000 responses and will continue to work with the community. Survey results are definitely a mixed picture, with an equal (or greater) number of people saying they don't like the bike lane as saying they like it.

**3. Update on the Plaque Program**

Council Member Gale Brewer reported that they have developed a list of locations ideal in Council District 6 for proposed historic plaques. At this time she is suggesting that the first two plaques be for Edward Clark, founder of the Singer Sewing Machine Co, and J.M.Horton Ice Cream Co., largely

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because the Columbus Ave. B.I.D. is willing to pay for those plaques. Committee is asked to consider when a plaque vs. secondary street naming is appropriate. (Will be discussed at the next meeting)

**4. Data Criteria for survey of mobile food vendors.**

We will need a template and a map.

Data needed will include:

1. Location, time of day, day of week
2. License
3. Is it at least 20 feet from corner or residential entrance
4. Is it emitting smoke
5. Is it emitting noise
6. Is it hooked up to anything
7. Number of food vendors on block
8. Size, width, length, height
9. Direct competition to a restaurant
10. Cart or truck
11. On sidewalk or park space

**5. New Business.**

Robert Josman voiced a concern that West Side Market on Broadway between 97th and 98th Streets has a sidewalk shed for the construction of a concrete base for fruits and vegetables that is not in compliance. CB7 will ask for an inspection.

Paul Bunten of Park West Village said that they are grateful to the Board for the resolution for a traffic study. They have met with a traffic engineer, Robert Chamberlin, and are awaiting his written report of his observations and recommendations for a study. Coalition for a Livable West Side is helping to pay for this survey.

**Present:** Andrew Albert, Dan Zweig, Ken Coughlin, Tila Duhaime, Ulma Jones, Blanche Lawton, Lillian Moore, Anne Raphael, Oscar Rios and Roberta Semer. **Board Member:** Ian Alterman, Mark Diller and Nick Prigo.  
**Absent:** Mark Darin.

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**Parks & Environment Committee Meeting Minutes**

**Klari Neuwelt and Elizabeth Starkey, Co-Chairpersons  
October 17, 2011**

Meeting Begins: 7:05

Topic 1: Presentation by the Central Park Conservancy on *Plan for Play: A Framework for Rebuilding and Managing Central Park's Playgrounds*

(Speaker – Lane Addonizio – Central Park Conservancy)

- History
  - Central Park was initially used for scenic recreation.
  - Robert Moses as commissioner made a push for the implementation of playgrounds for children in the park.
  - 50's the playgrounds were not well maintained.
  - 60's the beginning of urban designs (e.g., adventure playground)
- Today
  - Work has been done on 21 playgrounds over 30 years.
  - 5 playgrounds have gone through comprehensive reconstruction.
  - Work on playgrounds will focus on more access to different age groups, new infrastructure, user operation and ADA accessibility.
- Plan for the Future
  - 7 Goals
    - Improve relationship between playground and parks.
    - Improve quality and variety of play experience.
    - Maximize user accessibility.
    - Maintaining compliance with current safety standards.
    - Preserve and maintain successful features in playgrounds.
    - Use sustainable materials.
    - Design innovative solutions.
- Answer to Committee/Public Questions
  - Focus Going Forward: User outreach, community board and public agencies.
  - Ages: Playgrounds are geared to mixed groups, but generally focus on younger children.
  - Number of Playgrounds Needing Work: 16 playgrounds need some type of work (either partial or full). Plan is to provide the work within a 4-5 year period.
  - Financing: Specific monetary gifts for 4 playgrounds. Total amount of work should cost around \$30 million.
  - Closings during Construction: No more than 2 playgrounds will be closed at one time.

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- Concern about the challenge nature of playgrounds with safety standards. In the 80s the response to safety measures was subtraction and now it is focused on innovation and meeting challenges.

Topic 2 Presentation by the Central Park Conservancy on the Reconstruction of Reservoir East Landscape (East side of Reservoir, btw 85<sup>th</sup> and 96<sup>th</sup> Street)

(Speaker - Steven Bopp – Central Park Conservancy)

- History
  - Designed as a pedestrian path, bridal and carriage drive.
  - Large plantings (known as Rhododendron Mile) and tree canopy.
- Today
  - Little separation between pedestrians and vehicles.
  - Fewer trees and loss of the tree canopy.
  - Poor conditions of the walks.
  - General infrastructure deterioration
  - No separation from the park and 5<sup>th</sup> Avenue in some places.
- Plan
  - Reconstruct infrastructure (e.g., benches and paving)
  - Planting (e.g., tree canopy) sweeping bands of color plantings.
  - Improve separation of the park and 5<sup>th</sup> Avenue.
- Board/Public Questions
  - Finance: Financed and ready to go with approximately \$2.5 million.
  - Outside Scope of Project: Bridal path.
  - Closures to Drive During Construction: No real disruption with the drive.
  - State of Project: Developing contract documents; Plan to submit to commissioners in November and December.
- Resolution
  - Approve the design for the reconstruction of the reconstruction of the Reservoir East Landscape, located near the east side of the Reservoir, between West 85<sup>th</sup> and 96<sup>th</sup> Streets and the bridle path and perimeter wall along Fifth Avenue.
    - Members 7-0-0
    - Non Committee Members: 1-0-0

Topic 3: Presentation by the Department of Parks & Recreation on the proposed design for Phase 5 of Riverside Park South.

(Speaker - John Herrold – Riverside Park Fund; Thomas Balsley – Thomas Balsley and Associates; Peter Coombe – Sage and Coombe Architects)

- History
  - Riverside Development 20 years ago.
  - Included restrictive declarations that required the development and financing of the park along the river in 7 stages.
  - Declaration requires Community Board 7 to be consulted.
- Phase 5

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- Area defined is between 67<sup>th</sup> and 65<sup>th</sup> along Riverside Boulevard.
  - Overall Focus:
    - Bicycle access from street to Greenway.
    - Separate pedestrians and cyclists
    - Improvements to the Greenway
    - Play areas for children of different ages
    - Bathrooms, maintenance office and small concession
    - Passive green locations.
  - Specific Features
    - ADA access ramp/stroller ramp on 66<sup>th</sup> Street
    - Dedicated bike path on 68<sup>th</sup> Street to access the Greenway (South)
    - 2 play areas for children (Age Groups 2-5 and 5-12)
    - Elevated passive lawn
    - Increased lighting with combination of high posts and lower lightening structures.
    - Storm water filters in to the groundwater for sustainability.
    - 4 Structures in foyers of park
      - 2 Structures on 67<sup>th</sup> and 65<sup>th</sup> (675 Sq Feet)
      - 2 Structures on 66<sup>th</sup> (900 Sq Feet)
        - Maintenance and Operations Office/Bathrooms/Concession
        - Shaded area for seating
  - Member/Public Answers
    - Aspects: Volleyball courts, bike path, widen the bikeway and narrow the road, lower fence.
    - Dramatic Use At Night: Increased lightening at the top section of the park and lightening starting from the 70<sup>th</sup> Street south on the Greenway. Will look into using eco-friendly lighting.
    - Timeline: Spring of 2013 (Soonest estimate: Construction begins in 1 year and 1 and 1/2 years of construction)
    - Closed Portions of the Greenway: Cyclists will have to be diverted, but still coming up with a plan.
    - ADA Access: Ramp on 66th will have two landings and will be ADA compliant. Will be wider than the ramp on 68<sup>th</sup>. Top portion of the park will be ADA compliant as well.
    - Concern with commercial Café: It will be more like a concession stand kiosk and the idea of a commercial structure was part of the original plan in 1991. Board will be consulted on RFP.
    - Financing: Unsure of the final costs. Not using any of the 17 million in Escrow from Extell Riverside Center negotiation and will be funded from diverted federal funds arranged by DPR in connection with Congressperson
    - Lessons Learned from Other Stages: Many of the materials are going to be based on what has worked in the past (e.g., materials that did not deteriorate due to the proximity to the Hudson).
    - Concerns Regarding Ball Fields: Ball fields will not be affected south of 65<sup>th</sup> Street.
    - Concerns with Bike Access: No dismount needed of bikes on 68<sup>th</sup> entering the plaza. Hopefully it will take pressure off the other bike path. Concerns regarding the width of the new access areas to the Greenway.
    - Wifi: Can be provided commercially and will consider making it available.

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- Mist Generator in 66<sup>th</sup> Foyer: Attractive feature for children in the summer and will not interfere with use of the 66<sup>th</sup> foyer in the winter from being able to be used for other purposes.
  - Features: Comments made from the Committee/Public that water fountains should be plentiful and an emergency call box should be placed in the top portion of the park. Also that the ability to widen the pedestrian ramp from the width shown should be investigated.
  - 
  - 
  
  - Going Forward: Can come back to Community Board 7 with completed drawings. Committee also requested to be kept informed of responses to specific community/Committee suggestions.

Topic 4 Discussion on Hydrofracking in NYS under new rules proposed by Gov. Cuomo  
(Speaker: Craig Michaels – Consultant to NRDC)

- Background
  - Hydrofracking not allowed to this point in New York State.
  - Concern that Hydrofracking will be permitted without knowing the environmental effects.
    - Environmental Impact Statement was flawed and the new one is no better.
  - Rules prohibit Hydrofracking near the New York watershed; however it does not make Hydrofracking off limits to its infrastructure.
  - Concerns with waste water disposal, because there is no wastewater treatment plant.
  - Job Growth numbers may be misleading, as most jobs will not go to those living in the area.
  - Hearing in NYC on Nov. 30<sup>th</sup>. Public comment is due by December 19.
  - Not issuing permits to date, but could begin as early as April.
- Member/Public Questions
  - Job Growth: Red herring and those near the sites are the ones that will probably not receive benefits of the jobs. Individuals in the area may not even be in support of Hydrofracking. May be induced by money being offered per acreage and royalties.
  - Water Concerns: Seismic activity could affect the watershed and infrastructure.
  - Federal Concern: Not just a New York City issue but federal government issue because of the interstate impacts. Other states may be impacted by Hydrofracking (e.g., Pennsylvania dumping waste water underground in Ohio).
- Resolution: Unless and until resolution on Hydrofracking to be developed before the next full board meeting.
  - Members: 7-0-0-0
  - Non Committee Members: 1-0-0-0

Topic 5 Update on Committee Issues

- Clean Heat Efforts: Formal announcement in November. Identified additional buildings for conversion to natural gas.
- Bike Survey: Positive responses on the Columbus Avenue and comments on recommended changes. Interest extending the bike lanes.

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- 72<sup>nd</sup> Street “Dismount” Signs: “Dismount” signs are still gone. Committee following the situation.

Adjourned 10:10

**Present:** Elizabeth Starkey, Klari Neuwelt, Isaac Booker, Ken Coughlin, Tila Duhaime, Evan Rosing and Tom Vitullo-Martin. **Board Member:** Mark Diller. **Absent:** Elizabeth Caputo, Mark Darin, Phyllis Gunther and Suzanne Robotti.

**Land Use Committee Meeting Minutes**  
**Richard Asche, Page Cowley, Co-Chairs**  
October 26, 2011

1. **207 West 75th Street** (Amsterdam Avenue-Broadway) Continuation of public testimony on and Icommittee discussion of pending application #142-11-BZ to the Board of Standards & Appeals (not yet calendared by BSA) by The Philippe for a special permit to construct a 14-story building at 207 West 75th Street. Approximately 90 members of the public were present for this agenda item, almost unanimously opposed to the application.

Architect Morris Adjmi showed images of other buildings designed by his firm, including those in historic districts. He presented additional details of the design of the proposed building and displayed sample materials (brick, zinc, glass) to be used on the façade. He noted that the applicant is pursuing “passive house” certification for energy efficiency.

Financial analyst Robert Pauls presented the BSA-required financial analysis. Evaluated site at approximately \$5 million (similar to the price paid). Explained that the analysis responds to BSA requirements, including estimation of an annual rate of return.

Environmental analyst Mark London (Equity Environmental) described the requirements set by the *CEQR Technical Manual* for the analysis for school seats.

Attorney Caroline G. Harris (GoldmanHarris LLC) presented the pending variance application. With large corner buildings, the applicant lot is the only midblock lot on the block. Application is to build a 14-story building (141’ 8”) of 9.65 FAR with 10 residential units (3BR and 4BR). The “Sliver Law” applies to this narrow lot, thus requiring a variance for this building of lower height and density than allowed by the underlying C4-6A zoning.

Ms. Harris contended that the site’s status as the only narrow lot lacking any opportunity for merger or transfer of development rights qualifies as a “unique condition” for the purposes of finding A for a variance under section 72-21 of the NYC Zoning Resolution (ZR). [At the September meeting, Ms. Harris had also explained the applicant’s position that the application meets the other four findings (i.e., reasonable return on investment, non-violation of neighborhood character, hardship not self-created, minimum variance necessary).]

Steven Barshov of Sive, Paget & Riesel, PC, attorney for neighboring co-op 321W75, noted that the variance application seeks a 100% increase in FAR, which is extreme and not the minimum necessary for any relief required. He then argued explained that no relief is required. No variance is necessary at all. He contended that the variance essentially steals the value of the units on the eastern façade of 215W75 and gives it to apartments in the applicant building (207W75). Extant lease at time of sale of the site yielded over \$300,000 per year, i.e. a 5.97% return (vs. 6.3% in the variance analysis). Mr. Barshov argued that existing building could be retained (possibly with residential floors added above). A reasonable rate of return is available either from rental without redevelopment or from as-of-right redevelopment. He also distributed an appraisal of 215W75 #9B, dated October 25, 2011, by Miller Samuel, showing a reduction in value from \$555k to \$470k associated with construction of the applicant building next door.

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Susan Nile, LandmarkWest! board member, opposed the application, noting that it is for four variances, each requiring five positive findings. She questioned the applicant's truthfulness concerning interaction with the Landmarks Preservation Commission.

Dee Rieber, president of the West 75<sup>th</sup> Street Block Association, opposed the application.

Bob Cecil, 215W75, questioned the applicant's integrity.

Heather Smith, resident of the Laureate, questioned the economic analysis.

Marshana Druess, rent-stabilized tenant at 215W75 for 33 years, opposed the application.

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Board discussion

## FINDING A

Hope Cohen noted that the applicant's claim for unique conditions does not include any *physical* conditions, but rather only zoning (and market) conditions.

Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING A of Zoning Resolution 72-21.

Committee: 9-0-0-0                      Board: 3-0-0-0

## FINDING B

Tom Vitullo-Martin and Sheldon Fine were satisfied by the economic analysis that the applicant meets FINDING B of Zoning Resolution 72-21. Richard Asche suggested tabling decision on FINDING B in order to allow 215W75 to complete its alternative economic analysis and submit it to MCB7 in advance of its November 1 meeting. Mr. Barshov committed to deliver the alternative economic analysis to MCB7 no later than first thing Monday morning, October 31.

## FINDING C

Mr. Asche broke down FINDING C into three "sub-findings." He suggested that while the proposed building would "not alter the essential character of the neighborhood or district in which the zoning lot is located," he argued that the second sub-finding is not met, because the proposed building *would* "substantially impair the appropriate use or development of adjacent property."

Community Board 7/Manhattan finds that the proposed building would "substantially impair the appropriate use or development of adjacent property" and therefore that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING C of Zoning Resolution 72-21.

Committee: 8-0-1-0                      Board: 3-0-0-0

## FINDING D

Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals **meets** FINDING D of Zoning Resolution 72-21.

Committee: 7-1-1-0                      Board: 0-0-3-0

## FINDING E

Helen Rosenthal noted that the applicant has not shown any alternatives less than the application submitted.

Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING E of Zoning Resolution 72-21.

Committee: 9-0-0-0                      Board: 3-0-0-0

**BE IT RESOLVED THAT** Community Board 7/Manhattan **disapproves** application #142-11-BZ to the Board of Standards & Appeals by The Philippe for a special permit to construct a 14-story building at 207 West 75th Street.

Committee: 9-0-0-0    Board: 3-0-0-0

Our conclusions with respect to the required findings assume that the applicant has utilized an appropriate methodology for calculating return on investment for purposes of determining hardship. We do not believe he has. The applicant projects a 6.3% annual return on the total cost of the project, but provides no information which reflects his return on invested capital. If the project costs \$25 million, and the developer borrows 80% or \$20 million, his invested capital is \$5 million. If he projects a \$4 million return in two years on the sale of condominium

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units, his annual rate of return on invested capital is 40%. It is reasonable to assume that the developer has borrowed most of the money needed to complete the project, since in his calculation of expenses, he includes the carrying costs of a hypothetical construction loan equal to 85% of the cost of construction. The fallacy inherent in the applicant's calculations is the result of applying a formula which is more suited to a rental building than to a condo, and we urge the Board of Standards and Appeals to review its policies in this regard. Realistically viewed, this applicant can make a 6% return on his actual cash investment without the need for a doubling of the height of the as-of-right building and the consequent diminution in the value and enjoyment of his neighbors' use of their homes.

2. **721 Amsterdam Avenue, (West 95<sup>th</sup> Street).** Josh Siegal of Starrett City gave an informational presentation on proposed plans for the Axton at 721 Amsterdam Avenue. In March 2010, MCB7 approved Starrett City's plans to enlarge the 1st and 2nd stories of the Axton, an existing 27-story mixed-use building, located at 721 Amsterdam Avenue (95th-96th Streets), within the former West Side Urban Renewal Area. Essentially, Starrett plans to build out (essentially, to underfill) on the 95th Street, 96th Street, and Amsterdam Avenue frontages of the building. The new two-story structure would be built of pre-cast stone and a great deal of glass. Starrett returned to MCB7 to present an amended plan, locating the entrance on West 95<sup>th</sup> Street rather than on Amsterdam Avenue. The Committee liked some aspects of the revised plan, but was concerned about the intersection of trash and lobby.

Mr. Siegel also reported that Starrett is proceeding with the similar Leader House project.

There being no further business the meeting was adjourned.

**Present:** Richard Asche, Page Cowley, Hope Cohen, Sheldon J. Fine, Joanne Imohiosen, Helen Rosenthal, Roberta Semer, Ethel Sheffer and Tom Vitullo-Martin. **Board Members:** Ian Alterman, Mark Diller and Mel Wymore. **Absent:** Jay Adolf.

*October 2011 Minutes***Minutes, Youth, Education & Libraries Committee****Mark Diller, Chair****Community Board 7/Manhattan****October 27, 2011**

The Youth, Education & Libraries Committee of Community Board 7/Manhattan met on Thursday, October 27, 2011, beginning at 6:35 pm at the District Office, 250 West 87<sup>th</sup> Street in the District. The meeting was chaired by YEL chair Mark Diller, and committee members Louis Cholden-Brown, Brian Byrd, Paul Fisher, Marisa Maack, Haydee Rosario, Helen Rosenthal, Gabriella Rowe and Eric Shuffler participated. The following topics were discussed.

**1. PCBs in Schools**

Presentation by Gigi Gazon and Christina Georgio of New York Lawyers for the Public Interest:

- (a) PCBs (polychlorinated biphenyls):
  - (i) Widely used in construction materials from 1950s until Congress banned their use in 1978.
  - (ii) Used in caulk, capacitors and other electric conductors.
  - (iii) Subject to the Toxic Substances Control Act.
  - (iv) Recently (2008) discovered that while PCBs do not break down in water (which was the original appeal for their use in construction), the materials will “gas out” or become airborne, even if left undisturbed.
- (b) NYLPI Involvement:
  - (i) Filed lawsuit in 2009 regarding use of caulk in a public school in the Bronx that contained PCBs.
  - (ii) Result was an EPA study of 5 schools (one in each borough) into PCB contamination.
  - (iii) PS 199 in CD7 (CSD3) was one of the five schools tested.
  - (iv) NYLPI concern that the pilot study was not devised to find real contamination.
- (c) Testing results:
  - (i) PCB airborne testing found levels alarmingly higher than expected.
  - (ii) High levels not consistent with caulk alone.
  - (iii) Light ballasts for fluorescent lighting also seen as driving exposure.
- (d) School Construction Authority response:
  - (i) Plan to replace light fixtures suspected of containing PCBs over a 10 year program.
  - (ii) Parents concern that 10 years is too long a period – longer than a full generation of elementary school students.
  - (iii) Additional concern that the same students would move on to a middle school building with similar contamination.
  - (iv) Community concern for teachers/administrators/staff exposed to PCBs for even longer periods.
- (e) Speaker Quinn, 41 Council Members wrote to SCA seeking a shorter timetable for replacement -- Council allocated additional funds for remediation.
- (f) Department of Health does not see an immediate health threat, although “gassing out” airborne threat may not have been taken into account.
- (g) Valerie Watnick, author of legal scholarship on PCBs and PS 199 parent:
  - (i) Department of Health protocol for remediation developed in June 2007.
  - (ii) PS 199 lights replaced per protocol.
  - (iii) EPA limits for exposure developed after light replacement.
  - (iv) NYC Department of Education disputes the efficacy of air level limits and results.
- (h) Committee and Community Comments and Questions:
  - (i) Parallel with asbestos – PCBs can expose children/adults even if left undisturbed.
    - (A) Laws regarding exposure first focused on workers handling the materials.
    - (B) Not designed to address exposure by students and others using buildings.
  - (ii) Tracking exposed children just beginning – no benchmarks.

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- (iii) Coupling PCB remediation with greener boiler improvements – trade-off between competing environmental hazards.
  - (iv) Need to share PCB contamination risk and data with non-public schools
    - (A) Concern that exposure is not limited to public school buildings/children.
  - (v) DoE (EPA?) conclusion that there is no immediate health risk:
    - (A) Concern that studies or data supporting the conclusion not cited.
    - (B) Attempts to elicit basis for conclusions.
  - (vi) Gassing out perceived as accelerating with age and temperature.
  - (vii) Concern that pilot study is exploring alternative remediation approaches, with small sample size, it is difficult to draw system-wide conclusions.
  - (viii) Lauren Schuster – Assembly Member Linda Rosenthal’s Office:
    - (A) Using ESOs to fund light replacement could generate savings that could amortize needed investment and make a more efficient building.
    - (B) City concern over potential profit to ESOs.
  - (ix) Bob Wyman – Mayor’s Office of Sustainability should not oppose efficiency.
    - (A) Analogy to burning No. 6 oil in schools – poisoning our children and paying for the privilege as efficiencies could fund needed remediation in both cases.
    - (B) Short-turn payback is impressive.
  - (i) NYLPI Litigation efforts to force a more global solution. Lawsuit in the pleading phase, with motions to dismiss to be decided in coming months.
  - (j) City Council funded accelerated remediation, including repurposing \$30MM in FY2012.
    - (i) Remediation proceeding faster than 10-year plan pace would predict (60 school buildings already converted).
    - (ii) Undermines litigation arguments as to feasibility of faster remediation.
  - (k) Next Step: SCA to present on PCBs in schools at the November YEL meeting.
2. Budget Priorities. After deliberation, the committee adopted the budget priorities previously vetted by committee members, which in turn informed the overall CB7 budget priorities developed at the Steering Committee meeting on October 18<sup>th</sup>.  
VOTE: 6-0-0-0.
3. Discussion of future forum topics deferred to a later meeting.

Adjourn: 8:05 pm

Respectfully submitted by Mark Diller

**Present:** Mark Diller, Louis Cholden-Brown, Paul Fisher, Marisa Maack, Helen Rosenthal, Gabriella Rowe and Eric Shuffler. **Absent:** Isaac Booker, Brian Byrd, Haydee Rosario, and Cara Volpe.

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The October meeting of the CB7 Steering Committee was called to order at 6:38, Chair Mel Wymore Presiding.

1. FY2013 Capital/Expense Budget Requests

- The deadline for FY2013 Budget Requests is November 1<sup>st</sup>, the Night of Full Board
- Every agency at budget consultations painted dire picture for next fiscal year; many agencies didn't request any priorities from board b/c don't anticipate having the money to finance any
- Steering agreed to largely follow the ordering of the FY12 requests subject to specific requests for item elevation
- CAPITAL-
  - Dot resurfacing becomes #2,
  - firehouse now #6,
  - maintenance of curb cuts (new) #3 ,
  - library #5
  - When we presented our priorities last year, riverside center had yet to be completed- therefore we recognize the reality that getting yet another school is unrealistic and instead should press as a priority that the option for an additional 15k be exercised.

VOTE to Approve Capital Requests: 12-0-0-0, 5-0-0-0

- EXPENSE-
  - Housing pushing for finance staff- actually generates revenue for other priorities #2,
  - #6 police civilians (new)

VOTE to Approve Expense Requests: 12-0-0-0, 5-0-0-0

2. Draft Sidewalk Café Guidelines were distributed to all board members this evening

3. Bylaws taskforce met to initiate review- considering public member policy and extension of chairpersonship to 3 year term limits.

- A Resolution to empower bylaws committee for 1 year was introduced and duly seconded:
- VOTE to approve bylaws committee: 12-0-0-0, 5-0-0-0

4. core principles were redistributed to respective committees for additional review

5. Committee updates:

- Parks + Environment:
  - had presentation on Riverside Park south phase 5,
  - will be presenting a resolution on hydrofracking at full board
  - trying to get DPR to come speak about Tavern on the Green
- Transportation:
  - had presentation from DOT on columbus ave bikelane usage,
  - anticipating discussion of bikerack placement
- HHS-
  - discussed move of St. Luke's clinics
  - next meeting will address food stamp fingerprinting
- BCI-

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- cafe guidelines were distributed today
  - trying to extend bike rules to all restaurants irrespective of requests for liquor or cafes
  - Preservation
    - LPC hearing on 10/25 for West End Ave historic district, there was a request for a carveout at a corner of the proposed district @ 72nd (row house)
  - Housing-
    - Have a meeting coming up about SCRIE/DRIE
  - YEL-
    - hearing presentation on pcbs in NY schools at October meeting, in November SCA will respond
  - effort to extend storefront rezoning to 110th continues to be strong
- Upon motion made and duly seconded, the meeting adjourned at 8:27

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**MCB7 District Service Cabinet Meeting Minutes****Penny Ryan, District Manager****October 26, 2011, 9:30-11:00AM**

1. Welcome to D.I. Brian McGinn, new commander of the 20<sup>th</sup> Precinct. He was the commanding officer at PSA3 for five years in Brooklyn and has been with NYPD for 24 years.
2. DOHMH update on rat indexing in CD7.
  - Second round of indexing in the district show that failure rates have decreased in the last six weeks to 4.14% from previous 6%.
  - The Parks Department is responsible for baiting tree pits on sidewalks.
  - Rat academy is today, the last one of the year. In January and March will be last academy but DOH would be willing to set up a special class for the community board.
  - The tree-pit pilot program has been very successful; overall cost per tree pit will be established.
3. Agency reports on any proposed or actual service cuts due to FY2012 and FY2013 budget cuts and any requests agencies want included in CB7's expense and capital priorities for FY2013. For example, at the Manhattan borough budget consultations, NYPD asked us to support an increase in patrol officers and civilian employees.

**DA's Office**

- 76 arrests, no narcotics evictions.
- 74 W. 92<sup>nd</sup> Street, Wise Towers housing homicide – 18 y/o lost his life, mother arrested.
- Domestic violence – YTD there have been 2,300 domestic violence arrests incidents. Aggravated DV bill – same sentence for first arrest as ones that follow, Class E Felony charge.
- Basketball training is full to capacity with extensive waiting list. There is a need to expand the program.

**NYPD PSA6**

- Even for the crime period, no shooting incidents in 24<sup>th</sup> pct area, down 74% in robberies; there were five incidents of felony assaults.
- Youth council will be established within the community council to address violence of youth in Housing and will include all PSA 6 Housing kids, beginning November 2 meeting. Will be conducting workshops.
- Gang related activity has lowered in 24<sup>th</sup> Pct area.

**FDNY** – 11/1 will start modified response – lower type emergencies will be responded to with no lights and sirens to help reduce accidents and lower emergency vehicle noise in Manhattan.

**Goddard**

- Conducted homeless count in the area and will have numbers at next meeting.

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- Would like to conduct 958 training for the 24<sup>th</sup> & 20<sup>th</sup> Precincts, the legal procedure used to compel an individual to receive inpatient treatment for a mental health disorder against his or her will.
- On November 19, there will be a fundraiser book fair, with all new books.
- Lauren is new team supervisor.

**DOB**

- Thank you to NYPD for joint inspections.
- Illegal bike rental inspector has been very successful in observing garages and illegal bike rental companies. Many summonses were issued.
- 732-734 WEA – resuming work, fixing damage to 736 Amsterdam Avenue.
- No holiday decorations on fire escapes.

**DOT**

- 72<sup>nd</sup> Street drive through has been opened.
- Amsterdam Avenue, 71<sup>st</sup> Street and Broadway connection is almost done; tweaking signals to alleviate traffic, both northbound and southbound.
- There will be a Bikeshare demo on Sunday, on Columbus Avenue at 76 -77<sup>th</sup> Street, 12 – 4 pm. At the DOT website, you can suggest where a Bikeshare location should be.
- Milling and paving is a priority for CB7.
- Lt. Danny Royale is new Ops Lt.

**20<sup>th</sup> Pct.**

- Week to Date crime is down 21%; 28 day down 30%, YTD is down 17 %, 28 day down in accidents. Pct is #1 down in crime rate in the City.
- 72<sup>nd</sup> Street & Amsterdam Avenue is a major traffic problem.
- Transit crimes are up in the 28-day period to 3 crimes, ytd 22 crimes.

**24<sup>th</sup> Pct.**

- Overall crime is down 13% ytd. Housing and Transit crime are down for the 28-day period. Traffic & accidents are up for the 28-day period 7.5 %, up in injuries. Up in summonses – for seatbelts, disobeying signs, school buses, and bikes. Traffic violations resulting in injuries are down.

**Quality of Life**

- Excessive noise complaints on 96th street were a result of the Jewish holiday. Other noise complaints were regarding church bells ringing. Papisito restaurant complaints continue, Special Operations was there, complaints also came in regarding workers in the backyard making noise.
- Food vendors at 107<sup>th</sup> Street & Broadway are not creating rat problems; rats coming from building.

Marathon on Sunday – UPS trucks will be on 77<sup>th</sup> street.

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4. DDC presentation of Trunk Water Main in West 60<sup>th</sup> Street (MED609).

- Con Edison – work on 60<sup>th</sup> Street will proceed at 50 feet per day, starting next week, 9 a.m. to 2 p.m. weekdays. They will relocate gas and electric lines in anticipation of the tunnel work. Work will be towards the south side of the street.
- DDC third water tunnel is being built to replace old tunnel. Will start winter 2012, around mid February to 2013 before the water is turned on, then remaining work to 2016.
- Schools will not shut down; work will be done around their schedule.
- Critical locations:  
Amsterdam Avenue & 60<sup>th</sup> Street; Columbus Avenue & 62<sup>nd</sup> Street; and Columbus Avenue 65<sup>th</sup> Street.

*Due to the holidays, the next meeting of the DSC will be Wednesday, December 14. We expect 311 to report on what they have done to address issues presented at our September meeting.*

**Present:** Penny Ryan, District Manager, John Martinez, Asst. District Manager, Mel Wymore, Chair, CB7; Det. John Ramos, PSA 6; PO Pam White, Lt. Bases, 24<sup>th</sup> Pct; Robert Holzmaier, FDNY; Leah Donaldson, DOB; Josh Orzeck, DOT; Caroline Bragdon, DOHMH; Paula Sanders, CCHR; Norberto Acevedo, DDC; Amia Shauegan, Mayor's office; Humberto Galarza, DEP; Rebecca Donsky, NYPL; Joselinne Minaya, D.A.'s office; Lauren Taylor, Kristin Oates, Goddard Outreach; Jesse Bodine, CM Brewer's Office; Jared Chausow, Sen. Duane's office; Paul Sawyer, AM Gottfried's office; Ben Schacter, Sen. Espailat's office; Pat Richardi, Con Ed; Marjorie Cohen; Peter Arndtsen, Columbus-Amsterdam BID; Barbara Adler, Columbus Ave BID, Laura Rikes, Lincoln Square BID.