

Full Board Meeting
Lawrence Horowitz, Chair
December 3, 2002

Chair Larry Horowitz called the meeting to order.

Chair's Report

Spoke on the pending redistricting legislation. Dan Cohen will testify at the Redistricting Commission's hearings on behalf of the Board.

Legislators' Reports

Assemblyman Richard Gottfried spoke on Congregation Shearith Israel's application and urged the Board to reject the proposal. Under the law, the Congregation Shearith Israel must prove that its proposed real estate development both contributes to a preservation purpose and relates harmoniously to the landmark synagogue and the historic district. It does not pass either test.

Public Session

1. Michael Oliva, NYC Coalition for a Smoke-Free City, spoke in support of Intro. 256 to prohibit smoking in public places.
2. Bob Zuckerman announced his resignation since moving to Cobble Hill and thanked the Board for the support over the years.
3. Daniel Rosen, American Cancer Society, spoke in support of Intro. 256. People should not have to be exposed to toxins at work.
4. Dean Smith, NYC Public Library, thanked Assemblyman Springer for the capital funds that will allow small renovations at the Riverside Library, which will be closed for 2-3 months.
5. Sherm Parson, Lotus Garden, the garden in located next to the Royal York Hotel. Hotel residents continue to toss debris out windows.
6. Olive Freud, Committee for Environmentally Sound Development, concerned about Riverside South and traffic patterns.
7. Lisa Neavier, American Cancer Society, spoke in support of Intro. 256. Urges the board to demand a smoke-free workplace. Estimates 1,000 annual NYC second-hand smoke deaths.
8. Alyson Spindell, Senator Schneiderman's Office, announced the hearing for school governance on December 10th. Rent regulations are set to expire, and they are calling on residents to send letters to leadership to let them know how important rent regulations are.
9. Jason Haber, Assemblyman Springer's Office, announced a housing hearing regarding rent regulations on December 4th. Working to save bus stops on West End Avenue (W. 66th-70th Sts.) Investigative reports on building violations and outstanding fines shows 13,000 violations not yet collected, \$14 million uncollected fines.

Business Session

Landmarks Committee

Co-Chairs: Lenore Norman and Patricia Stevens

1. Resolution to approve application #031139, 40 West 68th Street, York Preparatory School to the Landmarks Preservation Commission to construct a rear yard addition.

Bruce Simon, 27 West 67th Street, spoke against the application because of concerns about fire egress.

The resolution was sent back to the committee to allow Mr. Simon's attorney an opportunity to present additional information.

2. Resolution to disapprove application #03-2628 by Congregation Shearith Israel, 8 West 70th Street (Central Park West) the Landmarks Preservation Commission to demolish the existing community house and construct a new 14-story building on properties adjacent to the synagogue.

Norman Marcus, Land Use Attorney, provided explanation on zoning laws restricting mid-block building height. An economic engine would destroy the character to the neighborhood. Shelly Friedman, Land Use Attorney, provided explanation of the 74-711 application and zoning waivers that will be needed. Janet Lipton informed fellow residents that it will be an expensive battle against the synagogue and neighbors will need deep pockets. Due to the large amount of community opposition to the proposal, a straw pole was taken.

The resolution to disapprove was adopted 30-0-4-0.

Landmarks Committee Joint with Land Use Committee

3. Resolution to disapprove application #03-2652 by Congregation Shearith Israel, 8 West 70th Street (Central Park West) to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a special permit to allow the construction of a 14-story building adjacent to the synagogue was adopted: 29-0-4-0.

Land Use Committee

Co-Chairs: Richard Asche and Hope Cohen

4. Resolution to approve the renewal application DCA#0954896 to the Department of Consumer Affairs by 384 Columbus Avenue Association LLC, d/b/a Ocean Grill at 384 Columbus Avenue, for a five-year consent to operate an unenclosed sidewalk café with 16 tables and 35 seats was adopted: 31-0-1-0.

5. Resolution to approve the new application DCA#1125981 to the Department of Consumer Affairs by Renolta LLC, d/b/a Nice-Martin at 201 West 79th Street, for a one-year consent to operate an unenclosed sidewalk café with 32 tables and 84 seats was adopted: 32-1-0-0.

Transportation Committee

Co-Chairs: Andrew Albert and Dan Zweig

6. Resolution to approve the request by the Wald family to name West 81st Street, West End to Broadway, in honor of Victor Wald, who died at the WTC on September 11, 2001 was adopted: 17-12-2-0.

Uniformed Services and Environment Committee

Co-Chairs: Melanie Radley and Hector Santana

Joint with Health and Human Services Committee

Co-Chairs: David Harris and Barbara Van Buren and Tom Vitullo Martin

7. Resolution to approve Intro. 256 to amend the administrative code to prohibit smoking in public places and places of employment was sent back to the committee for further discussion.

Board Members Present: Larry Horowitz, Barbara Adler, Andrew Albert, Linda Alexander, Richard Asche, Peter Bailey, Beth Berns, Dan Cohen, Hope Cohen, Sheldon Fine, Georgette Gittens, Jean Green-Dorsey, Doug Griebel, Phyllis Gunther, David Harris, Robert Herrmann, John D. Howell, Joyce Johnson, Ulma Jones, Betty Katz, Bobbie Katzander, Eric Nelson, Klari Neuwelt, Sharon Parker-Frazier, Melanie Radley, Oscar Rios, Barry Rosenberg, Helen Rosenthal, Ethel Sheffer, Elizabeth Starkey, Patricia Stevens, Evelyn Tamarin, Melanie Wymore, George Zeppenfeldt-Cestero, Daniel Zweig.

Board Members Absent: Janet Alvarez, Annette Averette, Guillermo Gonzalez, Marlene Guy, Barbara Keleman, Marc Landis, William Meyers, Lenore Norman, Hector Santana, Barbara Van Buren, Tom Vitullo-Martin, D. Maria Watson.

A) Columbus Amsterdam BID Application for new street fair permit

WHEREAS, the Columbus Amsterdam BID as a new applicant for a street fair in CD7 has agreed to meet all the requirements set forth in CB7's Guidelines for street fairs and has received an approval for a street fair permit from the City of New York; and

WHEREAS, the proposed street fair will be confined to a four block area on Columbus Avenue from the south side of West 97th Street to the north side of West 101st Street, which are bounded by Park West Village and are not through streets; and

WHEREAS, this will be the first street fair above West 96th Street on any other thoroughfare than Broadway and will be an opportunity to introduce New Yorkers from outside the immediate neighborhood to merchants above West 96th Street;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the request by the Columbus Amsterdam BID for a street fair permit for Sunday, June 29, 2003.

B) Multi-Block Street Fairs

WHEREAS, the Uniformed Services and Environment Committee met with the applicants and their representatives on December 11, 2002 and reviewed their submissions and the applicants have agreed to certain modifications requested by the committee and noted in this resolution; and

WHEREAS, each applicant meets Community Board 7's requirements as a not-for-profit organization within CB7 and has previously sponsored a street fair that the committee has determined has met the agreed upon standards of the community; and

WHEREAS, all fairs that originally were slated to begin on the north side of West 96th Street will now begin on the south side of West 97th Street on orders of the 24th Precinct;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the applications and dates with noted provisions of 22 organizations to be sponsors of street fairs on 13 Sundays during the period of April through October 2003, the majority of which are scheduled on contiguous blocks on Broadway, Amsterdam Avenue and Columbus Avenue under the management of the same production companies.

Date	Org + blocks	Loc	X St	XSt	Pro	Notes	
4/27/	Veritas Family & Children Services 7 blocks	Broadway east side	W97	W104	Mort/Ray	Begin S97	13 blocks
	Duke Ellington Assc 4 blocks	Broadway	W104	W108			
	24 th Prc Com Coun 2 blocks	Broadway	W108	W110th		Ends S110	
	Contingent on stage permit	Vote:4-0-0/2/1 Vote: 24 th					

		4-0-1/2/1					
5/4	Strycker's Bay 3 blocks	Broadway East side	W93	W96th South	Mort& Ray	Vote: 5/3/1	10 blocks
	Broadway Mall 5 blocks		W86	W93rd			
5/11	Committee for Environmentally	Broadway East	W60th	W65th	clearview Festival	Vote 5/3/1	5 blocks
5/18	West Side Chamber	Amsterdam	W77th	W96th		Vote 4/0- 0-1	19 blocks
5/25	Coalition for 10 blocks	Broadway West	W72	W82	Mort& Ray	Vote	14 block
	Safe Haven 4 blocks		W82	W86		Sound stage permit	
6/1	Mitchell-Lama 5 blocks	Columbus Ave	W91	W96	Mort& Ray	4/1/	10 blocks
	Westside Crime 5 block		W86	W91	Sound Stage		
6/15	Westside Fed 10 blocks	Broadway East	W72	W82	Mort&Ray	Sound stage	14 blocks
	Broadway Mall 4 blocks		W82	W86		5/2/1 vote	
6/22	Project Open	Broadway East	W66th	W72	Mort&Ray	5/2/1 vote	6 blocks

	Valley Restoration	Broadway West	W97	W106	Mardi Gras Festival	Vote 4-0-1/0/0-0-1	9 blocks
8/3	Lincoln Square	Columbus	W66	W72	Clearview	Vote 5/3/1	6 blocks
9/21	West Side Chamber	Columbus Ave	W66th	W86th	See Amsterdam Ave		20 blocks
10/12	Concerned Citizens	Amsterdam	W81	W86	Clearview	Vote4/1/1	10 blocks
	St Mathews&St Timothy	See resolution					
10/19	NAACP Mid-Manhattan 4 block	Broadway west	W86th	W90	Mort& Ray	Vote 3-0-1/3/1	10 blocks
	Symphony Space 6 blocks Agreed sound stage will not commence until 1:00 p.m./Jewish Holiday		W90	W96		Vote 4/3/1	
10/26	One Stop 4 blocks	Broadway West	W106	W 110	Mort & Ray	Vote5/3/1	14 blocks
	Bloomingdale Area 10 blocks		W97	W106			

C) St. Matthew’s and St. Timothy’s.

WHEREAS, St. Matthew’s and St. Timothy’s is petitioning for a 5-block Street Fair Permit for the 12th of September on Amsterdam Avenue from West 76th Street to West 81st Street to replace (name of organization no longer located on the Upper West Side) and will share a 10-block stretch of Amsterdam Avenue with the Concerned Citizens for Community Action under the management of Clearwater Production;

BE IT RESOLVED THAT Community Board 7/Manhattan approves St. Matthew's and St. Timothy's as a street fair sponsor.

Joint with Housing Committee

2. 223-227 West 60th Street

Attorney Howard Weiss presented the application for a set of variances to bulk requirements. The application is being made to the Board of Standards & Appeals (BSA) by Touro College LLC, an organization of trustees of the college. Mr. Weiss was accompanied by Akiva Kobre, VP of Administration & Operations for Touro College, and architects Peter Samton and Alfreda Radzicka of Gruzen-Samton Architects. The applicant had appeared before the Land Use Committee in November. The Committee had been very concerned about a number of issues related to the application and had requested the applicant to return in December to address:

- the organizational structure of the applicant/application, i.e. the extent to which this is or is not a not-for-profit application and whether Touro College is required to be part of the ultimate project
- the relationship between this multiply variances proposal and the rezoning of the area currently pending at the Department of City Planning
- the size and design of the building
- the applicant's justification of the claim of 'unique physical conditions'.

Other than the addition of glass to the eastern façade of the proposed building, the applicant provided no new information at this second meeting.

The college seeks to build a teaching facility for the Lander Women's Division, which is currently located in Murray Hill. The facility there is inadequate for instructional purposes and inconvenient to the dormitory located at Amsterdam Avenue & 85th Street. Touro requires large floorplates for appropriate educational layouts and a gymnasium; the college also seeks a location convenient to the dormitory. Because of other building activities under way at its campuses nationwide, it cannot take on further debt to build this facility. It is also prohibited from using New York State Dormitory Authority funds for this project, as it is already using such funds elsewhere.

Thus, Touro trustees purchased the subject property and found a developer to build their facility into a new market-rate residential (condominium) building. The variances requested are claimed to be the least necessary for the developer to profit from this project (i.e. creating the envelope for Touro's new facility).

This midblock lot is zoned R8, which would allow a residential FAR of 6.02. Variance #1 (Section 23-142) would increase this to 8.62 and decrease required open space from 8085 ft² to 5817 ft². Associated with this increase is Variance #3 to increase dwelling units to 101 from the permitted 71 (Sections 24-20 and 24-16). The college facility is considered a 'community facility', for which R8 zoning would allow 6.50 FAR. Variance #2 (Section 24-11) would increase this to 10.89. The remaining variances would further increase the bulk of the building by reducing setbacks from what is required and increasing obstruction of the rear yard. The proposed building is 19 stories high (207 ft.).

Board discussion

Hope Cohen continued to be concerned about the structure of the application. Although Touro College LLC is the named applicant, the application has been prepared for a for-profit development, and the analyses provided (in response to BSA requirements) are for-profit analyses. What if Touro withdraws from the project after approvals are won? Would we want this large building with its many variances in that location without the educationally and socially laudable institution for which the variance-enabled large floorplates were designed?

Richard Asche continued to be unimpressed with the design of the building and unconvinced of the 'uniqueness' of the physical conditions' (i.e. slope of street, bedrock close to surface, contaminated soil, existence of an unusable manufacturing building that would have to be demolished).

All in all, the Joint Committee determined that project failed to meet at least findings a), c), and e) of Section 72-21 of the Zoning Resolution and that the building offers no special qualities (e.g. outstanding design) to cause the Committee to go out of its way to find a reason to approve the application.

The Joint Committee adopted the following resolution:

WHEREAS, Touro College LLC (i.e. the applicant) proposes to construct a mixed-use building at 223-227 West 60th Street; and

WHEREAS, the applicant is requesting six variances from the Board of Standards & Appeals (BSA) concerning bulk, numbers of dwelling units, and open space requirements; and

WHEREAS, Community Board 7/Manhattan finds that the proposed structure is inappropriate, overwhelming, and out of scale with the neighborhood; and

WHEREAS, Community Board 7/Manhattan finds that the conditions claimed by the applicant to be unique to the site, i.e. the slope, the existence of bedrock, the existence of contaminated soil, and the existence of a manufacturing building, are not unique to the site, but rather exist in varying degrees at numerous sites in the adjacent area; and

WHEREAS, Community Board 7/Manhattan makes these technical findings in accordance with Section 72-21 of the Zoning Resolution:

- a) The applicant has **not** demonstrated that there are unique physical conditions which, either singly or in combination, are peculiar to and inherent in its zoning lot which conditions prevent the applicant from complying with the Zoning Resolution*
- b) The applicant's financial analysis obscures the role of the not-for-profit applicant in the for-profit development, and Community Board 7/Manhattan is unable to assess its relevance or correctness regarding reasonable return on investment*
- c) The applicant has **not** demonstrated that the application, if granted, will not alter the essential character of the neighborhood of the street on which the lot is located and will not be detrimental to the public welfare, and has **not** demonstrated that the structure for which the*

variance is being sought will not substantially impair the appropriate use of the adjacent property

d) Community Board 7/Manhattan is not convinced that the applicant faces difficulties and hardships necessitating a variance, and so is unable to assess whether any such difficulties or hardships are the creation of the applicant

*e) The applicant has **not** demonstrated that the application is the minimum variance necessary to afford the relief the applicant seeks; and*

WHEREAS, award of a variance depends on an applicant meeting all five tests of Section 72-21 of the Zoning Resolution; and

WHEREAS, Community Board 7/Manhattan finds that the applicant has not met findings a), c), and e);

*BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #315-02-BZ to the Board of Standards & Appeals (BSA) by Touro College LLC for six variances concerning bulk, dwelling units, and open space requirements to permit the construction of a mixed-use building at 223-227 West 60th Street (West End –Amsterdam Avenue).*

Joint Committee Member vote: 7-0-1-0 Board Member vote: 3-0-0-1 Public Member vote: 0-1-0-0

Transportation Committee Minutes
Co-Chairs: Andrew Albert and Dan Zweig
December 10, 2002 7:00 PM

Called to order at 7:10pm.

1. CB7 Budget Committee update.

Heard 2nd

Discussion: Need to coordinate items – Elizabeth as budget liason will do.

Outcome: Requested back 1st week of January.

2. Request by the Rosenthal Family to name West 72nd Street, Central Park West to Columbus Avenue, in honor of Josh Rosenthal who died at the WTC on September 11, 2001.

Presenter:

Discussion: Varied discussion took place as had taken place at the prior full board meeting on a similar issue.

Outcome: Resolution to approve:

Committee vote: 3-1-1-0

Public vote: 0-1-0-0

3. Presentation by MTA Arts for Transit on proposed artwork for the IRT stations at 103rd and 110th Streets. Joint with Landmarks Committee.

Presenter: Sandra Bloodworth, Adrian Taub, NYC Transit/Arts for Transit

Heard 1st:

Discussion: 103rd Street is not landmarked; 110th and 116th are landmarked. All terra cotta is preserved at all remodeled stations. There will be a formal review by Landmarks in January. Will contain map of subway – uptown with images at the station from 1904, downtown with images at stations from 2004. Train stops at 103rd St since that is where the mayor gave up the controls in 1904. Headlines of the period contained in the tiles. This station is showing a historical motif rather than display of local art.

Objection by the Morningside Heights organization to putting anything in the middle of the large plain white areas considered integral to the original design.

It was suggested that the art be limited to the mezzanine areas to leave the main walls with the blank white areas of the original design.

Outcome: No decision by committee reached on what should be done. We will caucus before the board meeting.

4. Presentation by Red Apple Group/Gristedes on a request to the Department of Transportation for a loading zone on West 74th Street for their new store in the Ansonia at Broadway and 74th Street.

Heard 3rd

Presenter: Matt Wanning

Discussion: Loading zone would be on the south side of 74th Street, about six car lengths. Objections raised to doing this on 74th St. – prefer Broadway. Three trucks per day from Gristedes – they can control that. Plus 50 vendor trucks per week.

Broadway loading location would require moving the bus stop.

Outcome: Resolution to re-establish temporarily the existing Broadway loading zone previously used by Food Emporium, to not allow any loading on W.74th St, and to request moving the bus stop south to enable the loading zone to be moved northward to a position in front of the Gristedes store.

Committee vote: 5-0-0-0

Public vote: 3-0-0-0

5. Discussion of the findings and recommendations of the Manhattan Borough President's study of the West 96th Street corridor, conducted by the Sam Schwartz Company.

Presenter: Adriel Meznick

Discussion: Various measures presented to help with complex traffic flows at 95-96th St. and Henry Hudson Parkway.

Also for Riverside Dr. 95th St. to 97th St. and for 95th St. RSD to Amsterdam Ave.

Broadway at 95th and 96th have problems with turns. Too much more to include here.

6. Request by Council on the Environment to operate the GreenMarket on West 97th Street, Columbus-Amsterdam Avenues, from January 10 through March 28, 2003.

Presenter:

Discussion:

Outcome:

7. New Business

Buckley xxxxx? – answered questions about M96, M5, and M60 bus routes.

**Riverside South Task Force
Chair: Ethel Sheffer
December 11, 2002**

Ethel Sheffer called the meeting to order at 6:40 PM and reviewed the agenda.

Discussion of the connection of Riverside Drive and Riverside Boulevard at 72nd Street and the West End Avenue traffic mitigations.

Paul Davis, CEO, Hudson Waterfront Associates, L.P. (“HWA”), stated that “they are confirming the decision of 10 years ago” to link Riverside Drive and Riverside Boulevard at 72nd Street, and to remove the Henry Hudson Parkway/72nd Street off-ramp. As described in the Riverside South FEIS, the increase in traffic volume generated by the project is expected to move to Riverside Boulevard when the connection is made.

HWA and the NYC Department of Transportation (“DOT”) jointly have defined new and updated data that are needed for a decision. HWA is preparing an application to DOT to close the ramp, make the connection, and implement the West End Avenue (“WEA”) mitigations. In approximately 3 months, HWA plans to submit structural documents to DOT for review and to begin work one and one-half years after approval.

Philip Habib, Philip Habib & Associates, described the WEA mitigations. The medians between West 63rd and 57th Streets would be removed, turning lanes created, and traffic signals retimed. Removing the 72nd Street ramp is a Phase 1 activity, defined by the number of completed buildings. Even though the WEA mitigations are not required in Phase 1, the developer would do them in conjunction with the connection.

In response to questions, Mr. Davis and Mr. Habib gave the following responses.

They have compared existing conditions with those of 1992 and have documented an increase in traffic on WEA.

The 3500 cars that will use the RSS garages were included in the traffic studies.

There is light demand for the off-ramp, except when there is a back-up on the Henry Hudson Parkway during rush hours, 300 cars/hour use the ramp. It’s a question of which demand you want to keep.

With the ramp closed, 2/3 of the cars would use the WEA grid, 1/3 would continue north.

With the completion of the 59th Street connection, there would be a northbound through way, which would provide another option. Riverside Boulevard is not designed to be an arterial highway. It is intended to be the same as Riverside Drive – some north-south traffic along with neighborhood traffic.

The connection could be made without closing the ramp, but highway design practices would not permit it.

Using the vestigial highway for southbound traffic is not feasible because the different heights of the roadways at 72nd Street would preclude them from coming together.

HWA has held the permit for Building A for years and recently updated it to reflect design modifications. DOB has issued a building permit.

Olive Freud, Director, Committee for Environmentally Sound Development, said the connection is a mitigation, and the Riverside South FEIS states that “if the ramp is not closed, the project has to be redesigned.” She believes the connection must be settled before Building A is constructed. If the project is redesigned, part of the site might be needed for an alternative plan. If there is no other way to make the connection, she supports closing the ramp.

Madeleine Polayes, Coalition for a Livable West Side, asked if the Henry Hudson Parkway/West 79th Street data have been updated. Mr. Habib said they were coordinating data updates with DOT. She also asked if there were coordination between DOT and the Department of Buildings (“DOB”).

Josh Bocian, Councilmember Brewer’s office, asked why DOT and DOB can’t coordinate efforts and keep options open for the connection by postponing the construction of Building A at 71st-72nd Streets.

Henry Saltzman, Chatsworth resident, reported when traffic backs up on the northbound Henry Hudson Parkway, drivers use the 72nd Street off-ramp and east to Broadway and Amsterdam Avenue. He requested traffic analysis of this pattern.

Leonard Chalfont, 70th Street resident, said the problem is traffic on the whole West Side and suggested making CPW and WEA one way. Mr. Habib said DOT did consider this 10 years ago. Commissioner Forgione responded that DOT is not considering this now, but would look into it at the request of the community board.

Roberta Semer requested an area-wide study of traffic with information to and input from the community.

Nelson Aviles recommended building a hub at West 72nd Street to make the connection.

DOT Manhattan Borough Commissioner Margaret Forgione stated that in a few months, DOT would make a decision on closing the ramp and making the connection. She will report at a future task force meeting.

Ms. Sheffer stressed the need to include the community and the community board in the review process and also asked for follow-up on data reassessment and a comprehensive WEA study.

Presentation by Riverside South Planning Corporation on the status of the outdoor café and the Gantry restoration at 70th Street, construction of Phase 2 of Riverside Park South, and design plans for Phase 3.

Michael Bradley, Director, Riverside South Planning Corporation; KC Sahl, Administrator, Riverside Park; Jill Kramer, Trump New World; and the landscape architect presented the park design.

Phase II, which runs along the waterfront from 69th to 63rd Streets, has a dedicated pedestrian walkway; a bike/skate path under the highway; rip-rap at the water’s edge; plazas, designed as “gathering places” at 68th, 66th, 64th Streets, and a staircase at 68th Street. The design reflects the industrial past and continues the lines of the old piers with timber overlooks. Opening day is anticipated to be on Memorial Day of 2003.

The eastern portion of the park is not in construction to allow for future relocation of the Miller Highway.

Klari Neuwelt encouraged the developers to listen to recommendations of the community. She was especially concerned about use of the wire mesh benches in Phase II. They were used in Phase I and there is consensus that the seating arrangements don’t work and the metal is not wearing well.

Ms. Sheffer asked the park planners to present material and furniture samples before final decisions are made for Phase II.

Hope Cohen restated the feelings of the task force that these presentations of schematic designs without materials are not adequate. She recommended that future presentations be done in Powerpoint with pictures of furniture choices.

The Phase III design will be ready in the spring. The developers will return in March or April to present.

KC Sahl reported that DRP awarded the concession for the outdoor café at 70th Street. The Art Commission rejected the design. Task Force members asked Mr. Sahl to present revised designs to the

Board. Ms. Neuwelt asked about the connection of the café and bathroom plumbing with Building B's sewer lines. In past presentations, the plan was to have holding tanks until building B was constructed and a hook-up could be made. Mr. Sahl and Mr. Davis said they would look into this.

Mr. Bradley reported that NY State gave \$1 million in T-21 funds for the reconstruction of the gantry at 69th Street for public access and as a potential ferry site. This is in addition to the \$250,000 from the developer designated for structural stabilization. This a NYC DOT project, but Mr. Bradley did not know who would be in charge or what the process of design and construction would be.

There being no further business, Ms. Sheffer thanked everyone and adjourned the meeting.

RSS Task Force and CB7 Members present: Ethel Sheffer, Barbara Adler, Dan Cohen, Hope Cohen, Phyllis Gunther, Klari Neuwelt, Dan Zweig.

Parks, Cultural Affairs and Libraries Committee
Co-Chairs: Barbara Adler and Bob Herrmann
December 12, 2002

1. CB7 Budget Committee update.

Dan Cohen, Budget Committee liaison for Parks Committee, to talk to Helen Rosenthal, Co-chair of the Budget Committee.

Joint with Landmarks Committee

2. Presentation by NYC Parks Department on installation of permanent dog run in Riverside Park at 72nd Street.

KC Sahl, the Riverside Park Administrator, and Margaret Bracken, RSP Landscape Architect, made a short presentation.

New proposed run 16,000 sf run will be about 2,000 sf smaller than the current facility, and it will be further West and North, away from the retaining wall and the statue of Eleanor Roosevelt. Existing material will be excavated and new material with better drainage will be installed. Trees will be protected by circular benches and wire fencing, same fencing as the entire dog run facility – plain black pipe fencing, about 4 ft tall, with concrete footings and 5 gauge wire mesh between the pipes. New trees, and a water fountain will also be installed as part of the facility.

Costs are estimated as follows:

\$107,000 total, consisting of \$82,000 to be raised by FLORAL, and then \$25,000 in in-kind contributions by the DPR. A timeline for beginning the project has not been determined, it is somewhat contingent upon the amount of money raised, the entire project is expected to take about a month to complete.

Sahl read a letter of support from FLORAL, and Jim Dowell, Director of the Riverside Park Fund, which stated that they have already raised \$42,000 for the dog run. Neuwelt raised the issue of commercial activity in the park by the presence of a coffee cart/dog treat vendor outside the run. Sahl had no comment.

Dowell stated that because RSP Fund is acting as a conduit for the funding, it will have an impact on the run, and it will not undertake the project unless it has the resources to do so.

Gordon Clark, resident of the Chatsworth, and a VP of FLORAL, stated how he and his organization take great pride in the project, and assured that FLORAL will raise the money necessary to complete it.

Nicole Yadav, co-chair of FLORAL, expressed support for the project, and stated that the revised design will help mitigate the concerns raised about the current dog run. She said FLORAL was committed to responsible dog ownership and to RSP in general.

The following resolution was adopted by the committee:

Whereas, Community Board 7 is committed to supporting a permanent dog run near the current facilities but 80 feet further from the nearest residential buildings; and

Whereas, the Parks, Cultural Affairs and Libraries Committee of CB7 is pleased to see the neighbors, the Department of Parks and Recreation, the Riverside Park Fund and FLORAL all working together in concert to develop this new dog run so it may be a success;

BE IT RESOLVED THAT the Parks, Cultural Affairs and Libraries Committee of Community Board 7 approves the new dog run design at 72nd Street and congratulates the many community partners for working together to create and maintain the new facility.

Committee: 5-1-0-0. Public Members: 6-0-0-0.

(The Landmarks Committee heard the proposal on December 19, 2002, and approved it: 5-0-0-0. Board Members: 1-0-0-0. Public Member: 1-0-0-0)

Committee Members Present: Barbara Adler, Bob Herrmann, Dan Cohen, Klari Neuwelt.

Committee Members Absent: Douglas Griebel, Joyce Johnson, Betty Katz.

Landmarks Committee
Co-Chairs: Lenore Norman and Patricia Stevens
December 19, 2002

1. Presentation by Department of Parks and Recreation on installation of a permanent dog run in Riverside Park at 72nd Street.

KC Sahl, Administrator, Riverside Park, presented.

Since the proposal is for a permanent run, DPR go to the Landmarks Preservation Commission. The owner of the Chatsworth (south side of West 72nd Street) is suing DPR over the placement of the run, which has been "temporary".

The run will be moved 80 feet to the north and west - away from West 72nd Street and Riverside Drive. There will be only one entrance, which will be located in the northwest area. A small dog run will be located adjacent to the large run, to the west, and further from West 72nd Street. All trees in the area will be surrounded by World's Fair benches.

DPR is working closely with FLORAL, which is paying to have the run moved and also for continuing maintenance.

The committee adopted the following resolution:

WHEREAS, the dog run is being moved 80 feet further away from Riverside Drive and West 72nd Street and will have less impact on the residential buildings;

BE IT RESOLVED THAT Landmarks Committee of Community Board 7/Manhattan approves the Department of Parks and Recreation's plan.

Committee: 5-0-0-0. Board Member: 1-0-0-0. Public Member: 1-0-0-0.

2. Discussion of MTA Arts For Transit plans for 103rd and 110th Street IRT stations.

Andrew Albert, Co-Chair, Transportation Committee, reported.

Columbia University has donated monies to renovate the 103rd, 110th, 116th, and 125th Street IRT subway stations. Arts for Transit have developed a plan to put a tile time line showing the past and present IRT line: downtown will depict the past and uptown, the present. Other than restoration work, none of the original tiles or mosaics would be changed. The timeline would be added and could be removed in the future without damaging the original tiles.

Columbia continues its commitment to renovate the stations, but is not advocating for the artwork. Of the four stations, 110th and 116th are designated as landmarks. 103rd is not designated. CB7 is considering the art proposed for the 103rd (in CD7) and 110th (in CDs 7 and 9) Stations. 116th and 125th are in CB9, which has not voted on the project.

Michael Gotkin, resident, opposes all work except for restoring tiles back to original. Michelle Kidwell-Cohen agreed that all designated stations should be brought back to original. Bill Meyers asked if the committee disapproves, would that end all renovations. The answer is no.

The committee adopted the following resolution.

BE IT RESOLVED THAT the Landmarks Committee of Community Board 7/Manhattan finds that the 110th Street IRT station, which is designated a landmark, should be restored to its original state with no artwork added; and the 103rd Street IRT station, while not designated, is the purest architectural example of its time and should also be preserved, as is.

Committee: 4-1-0-0. Transportation: 2-0-0-0. Public: 1-0-0-0.

3. 263 West 86th Street, St. Paul's and St. Andrew (Broadway and West End Avenue). Application #033140 to the Landmarks Preservation Commission to install a handicap accessible ramp/steps.

Skip Boling, Architect, and Julie Wytyk, Chair of the Capital Campaign, presented.

Only the main (86th Street) entrance is viable for an accessible ramp. The ramp has to line up with an elevator that is going in on the main floor to provide access to the social hall. The entrance currently has steps. The proposed entrance will have a ramp and steps that run north-south and extend the existing porch. There will be a required railing. The entire project will extend 18" past the existing steps - or 3' altogether - leaving 12 to 15 feet of sidewalk.

Mr. Boling did not have materials available, and the committee requested that he come back to them before it made a decision. Project is not rescheduled for LPC.

4. 40 West 68th Street, York Preparatory School (Central Park West and Columbus Avenue). Application #031139 to the Landmarks Preservation Commission to construct a rear yard addition.

LPC approved the York Prep application for the rear yard addition. The committee will present its October resolution to the full board on January 7.

5. New Business

There was a discussion of the commitments regarding the faculty school at Broadway and 110th Street made by Columbia University.

Committee Members Present: Lenore Norman, Patricia Stevens, Ulma Jones, Bill Meyers, Marlene Guy.

Committee Members Absent: Bobbie Katzander. **Board Members Present:** Andrew Albert, Elizabeth Starkey.

Public Member Present: Michelle Kidwell-Cohen.

Land Use Committee
Co-Chairs: Richard Asche and Hope Cohen
December 18, 2002

1. 2398 Broadway

Keith Treyball, manager, and Robert Bookman, attorney, presented the application for a new unenclosed sidewalk café.

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1125321 to the Department of Consumer Affairs by Sigma Group Inc., d/b/a Aix at 2398 Broadway (West 88th Street) for a one-year consent to operate an unenclosed sidewalk cafe with 12 tables and 36 seats.*

Committee Member vote: 3-0-0-0

Board Member vote: 2-0-0-0

Joint with Housing Committee

2. 223-227 West 60th Street

Attorney Howard Weiss presented the application for a set of variances to bulk requirements. The application is being made to the Board of Standards & Appeals (BSA) by Touro College LLC, an organization of trustees of the college. Mr. Weiss was accompanied by Akiva Kobre, VP of Administration & Operations for Touro College, and architects Peter Samton and Alfreda Radzicka of Gruzen-Samton Architects. The applicant had appeared before the Land Use Committee in November. The Committee had been very concerned about a number of issues related to the application and had requested the applicant to return in December to address:

- the organizational structure of the applicant/application, i.e. the extent to which this is or is not a not-for-profit application and whether Touro College is required to be part of the ultimate project
- the relationship between this multiply variances proposal and the rezoning of the area currently pending at the Department of City Planning
- the size and design of the building
- the applicant's justification of the claim of 'unique physical conditions'.

Other than the addition of glass to the eastern façade of the proposed building, the applicant provided no new information at this second meeting.

The college seeks to build a teaching facility for the Lander Women's Division, which is currently located in Murray Hill. The facility there is inadequate for instructional purposes and inconvenient to the dormitory located at Amsterdam Avenue & 85th Street. Touro requires large floorplates for appropriate educational layouts and a gymnasium; the college also seeks a location convenient to the dormitory. Because of other building activities under way at its campuses nationwide, it cannot take on further debt to build this facility. It is also prohibited from using New York State Dormitory Authority funds for this project, as it is already using such funds elsewhere.

Thus, Touro trustees purchased the subject property and found a developer to build their facility into a new market-rate residential (condominium) building. The variances requested are claimed to be the least necessary for the developer to profit from this project (i.e. creating the envelope for Touro's new facility).

This midblock lot is zoned R8, which would allow a residential FAR of 6.02. Variance #1 (Section 23-142) would increase this to 8.62 and decrease required open space from 8085 ft² to 5817 ft². Associated with this increase is Variance #3 to increase dwelling units to 101 from the permitted 71 (Sections 24-20 and 24-16). The college facility is considered a 'community facility', for which R8 zoning would allow 6.50 FAR. Variance #2 (Section 24-11) would increase this to 10.89. The remaining variances would further increase the bulk of the building by reducing setbacks from what is required and increasing obstruction of the rear yard. The proposed building is 19 stories high (207 ft.).

Board discussion

Hope Cohen continued to be concerned about the structure of the application. Although Touro College LLC is the named applicant, the application has been prepared for a for-profit development, and the analyses provided (in response to BSA requirements) are for-profit analyses. What if Touro withdraws from the project after approvals are won? Would we want this large building with its many variances in that location without the educationally and socially laudable institution for which the variance-enabled large floorplates were designed?

Richard Asche continued to be unimpressed with the design of the building and unconvinced of the 'uniqueness' of the physical conditions' (i.e. slope of street, bedrock close to surface, contaminated soil, existence of an unusable manufacturing building that would have to be demolished).

All in all, the Joint Committee determined that project failed to meet at least findings a), c), and e) of Section 72-21 of the Zoning Resolution and that the building offers no special qualities (e.g. outstanding design) to cause the Committee to go out of its way to find a reason to approve the application.

The Joint Committee adopted the following resolution:

WHEREAS, Touro College LLC (i.e. the applicant) proposes to construct a mixed-use building at 223-227 West 60th Street; and

WHEREAS, the applicant is requesting six variances from the Board of Standards & Appeals (BSA) concerning bulk, numbers of dwelling units, and open space requirements; and

WHEREAS, Community Board 7/Manhattan finds that the proposed structure is inappropriate, overwhelming, and out of scale with the neighborhood; and

WHEREAS, Community Board 7/Manhattan finds that the conditions claimed by the applicant to be unique to the site, i.e. the slope, the existence of bedrock, the existence of contaminated soil, and the existence of a manufacturing building, are not unique to the site, but rather exist in varying degrees at numerous sites in the adjacent area; and

WHEREAS, Community Board 7/Manhattan makes these technical findings in accordance with Section 72-21 of the Zoning Resolution:

- a) *The applicant has **not** demonstrated that there are unique physical conditions which, either singly or in combination, are peculiar to and inherent in its zoning lot which conditions prevent the applicant from complying with the Zoning Resolution*
- b) *The applicant's financial analysis obscures the role of the not-for-profit applicant in the for-profit development, and Community Board 7/Manhattan is unable to assess its relevance or correctness regarding reasonable return on investment*
- c) *The applicant has **not** demonstrated that the application, if granted, will not alter the essential character of the neighborhood of the street on which the lot is located and will not be detrimental to the public welfare, and has **not** demonstrated that the structure for which the variance is being sought will not substantially impair the appropriate use of the adjacent property*
- d) *Community Board 7/Manhattan is not convinced that the applicant faces difficulties and hardships necessitating a variance, and so is unable to assess whether any such difficulties or hardships are the creation of the applicant*
- e) *The applicant has **not** demonstrated that the application is the minimum variance necessary to afford the relief the applicant seeks; and*

WHEREAS, *award of a variance depends on an applicant meeting all five tests of Section 72-21 of the Zoning Resolution; and*

WHEREAS, *Community Board 7/Manhattan finds that the applicant has not met findings a), c), and e);*

BE IT RESOLVED THAT *Community Board 7/Manhattan **disapproves** application #315-02-BZ to the Board of Standards & Appeals (BSA) by Touro College LLC for six variances concerning bulk, dwelling units, and open space requirements to permit the construction of a mixed-use building at 223-227 West 60th Street (West End –Amsterdam Avenue).*

Joint Committee Member vote: 7-0-1-0 Board Member vote: 3-0-0-1 Public Member vote: 0-1-0-0

Joint with Housing Committee

3. N/E/C Broadway and 103rd Street

An informational presentation was introduced by Emily Lloyd, Executive Vice President for Administration at Columbia University, for a new building on the northeast corner of Broadway and 103rd Street. It will have 87 units, from small studios (500 sq. feet) to 3-4-bedroom, 2,000 square-foot apartments for the sole purpose of housing Columbia University senior and junior faculty. There will be no "Commons" room or additional amenities for the faculty.

Alex Cooper of Cooper, Robertson Architects presented the project, noting that:

1. Columbia University still does not own the site.
2. The current owner wants to retain retail rights on the ground floor and in the basement (i.e. 14,500 square feet). Columbia has agreed to lease this space back to the current owner for a period of 49 years.
3. That the NYC subway express track runs under the corner of the site.

The 13-storey building will be approximately 125,000 square feet plus air rights of 20,000 sq. ft. It measures 100 ft. along the west side of Broadway, 150 feet along the north side of 103rd with the residential entrance planned to be near the eastern end of the north side.

Design intentions are to echo current, local precedents including: a five-story base with an eight-story, set-back building behind it, multiple window types, a rich architectural mix to optically reduce the mass, etc.

Public comment

The public's primary concern was expressed about what kind of shops and services would be occupying the retail space. Representatives of Columbia responded that the university traditionally rents to local business and avoids national chain stores. In response to community interest in a supermarket, the Columbia representative stated that the space would probably not be adequate for a full supermarket, but that they would look into renting to smaller food purveyors.

It was brought to the attention of CB7 that currently, retail space occupies all four sides of the site, of which 3,300 sq. ft are of a non-conforming variety.

NEW BUSINESS, brought by Ad Hoc Committee on the Columbia School to Land Use, Joint with Transportation and Youth Committees

Larry Horowitz, current CB7 Chairman, Eric Nelson, just past CB7 Chairman and David Harris, co-Secretary of the CB7 Board and doctoral student at Columbia University, comprising the ad hoc committee of CB7 for business relating to Columbia's new private school, made the presentation which was succinct, charged with great emotion and with a deep sense of betrayal.

In effect, the committee reported, the deal with Columbia had fallen apart. The agreement has been breached. One of the committee members had learned that day, after a chance perusal of Columbia's website for the new school, that the 'ground rules' for the admission of neighborhood children had been changed. The lottery winners would now be subjected to a selective screening process. There also appeared to be new ambiguity regarding Columbia's commitment to provide whatever financial aid would be necessary to support community children.

A letter, dated the day of this meeting from Emily Lloyd, Executive Vice President for Administration at Columbia University, to Mr. Horowitz was distributed during the meeting. The first paragraph of the letter included the following language, "However, it [sic: the School] has a responsibility to identify students for whom this school will not offer the right learning environment." That language had neither been seen nor agreed to by the CB7 ad hoc committee.

The discussion by those present from the Board included statements such as; "This is not a semantic issue." "The website statement represents a public betrayal." "We can't ever rely on Columbia again." "The goals were very clear." Today's letter is a contradiction of Columbia's 2001

statement." "I'm really dismayed that Columbia can't keep its word." "We were very clear with Columbia."

When Ms. Lloyd was asked directly during the discussing whether "today's letter is consistent with the 2001 agreement," she answered, "Yes. We have always needed to identify Special Aid children."

Assemblyman-elect of the 69th District, Danny O'Donnell, who had been a board member and Co-Chair of the Land Use Committee of CB9 before his recent election, spoke briefly, stating that Columbia had never listened to the community.

The Joint Committee adopted the following resolution:

WHEREAS, over many months leading up to March 2001, Columbia University and Community Board 7/Manttan ("CB7") engaged in a dialogue and extensive negotiations concerning Columbia's plan for the construction and operation of a new, private school (K-8) at the southeast corner of 110th Street and Broadway (the "School"); and WHEREAS, as a result of that dialogue and those negotiations, Columbia made certain express commitments, and undertook certain express obligations, to CB7 and the community it serves, which commitments and undertakings were set forth in a letter dated April 13, 2001, from Emily Lloyd, Columbia's Executive Vice-President for Administration, to Eric M. Nelson, (then) Chairman of CB7 (the "Lloyd Letter"); and

WHEREAS, the commitments and undertakings expressed in the Lloyd Letter provided the basis for a detailed resolution by CB7 at its meeting held March 6, 2001 pursuant to which (and notwithstanding substantial community opposition expressed both prior thereto as well as thereat) CB7 approved Columbia's application for six (6) variances necessary to implement its proposed plans for construction of the School at the aforementioned site (the "Resolution"); and

WHEREAS, as a result of Columbia's application for, and CB7's approval of, the variances as stated in the Resolution, one or more construction permits were subsequently issued by the NYC Department of Buildings, and Columbia was thereafter able to commence, and has since continued, the construction of the School; and

WHEREAS, since the date of CB7's approval of the Resolution, numerous further discussions have occurred between, on the one hand, various CB7 members, including its present and immediate past Chairmen, and on the other, various Columbia officials, including Emily Lloyd, Executive Vice-President for Administration, Larry Dais, Assistant Vice-President for Administration, Marcia Sells, and Gardner Dunman, head of the School (collectively, "Columbia"), and Columbia has consistently and repeatedly reaffirmed the commitments and undertakings stated in the Lloyd Letter; and

WHEREAS, notwithstanding all of the foregoing, Columbia has failed and refused and/or is failing and refusing as of the date hereof to honor certain of those commitments and undertakings in fact, including, most particularly, with respect to the process for recruiting and selecting non-Columbia-affiliated community children to be students of the School, and supporting them financially, if and where necessary, upon such selection;

BE IT RESOLVED THAT Community Board 7/Manhattan rescinds the Resolution, withdraws and revokes its approval of the aforementioned variances, and calls upon the Board of Standards and Appeals to rescind its approval of the variances, and the Department of Buildings to revoke any and all construction permits granted to Columbia and/or its developer(s) or other agents in connection with the construction of the School; and

BE IT FURTHER RESOLVED THAT Community Board 7 urges Columbia University to disclose promptly 1) the precise criteria to be utilized in determining which children chosen by lottery will nonetheless be denied admission to the school for educational reasons; and 2) the precise amount it has budgeted for scholarships to support its need-blind admission policy; and 3) the statistical analysis, including its income and other criteria for awarding scholarships, and its projections as to income profile of the prospective non-Columbia affiliated student population, underlying its claim that the amount budgeted for scholarships will be sufficient to assure that no student will be turned away on the basis of need.

Joint Committee Member vote: 5-0-0-0

Board Member vote: 2-0-0-1

Background Documents:

1. February 13, 2001 letter to Eric M. Nelson, Chairman CB7, from Emily Lloyd, Executive Vice President for Administration at Columbia University, in which Ms. Lloyd describes the needs for apartments and a K-8 school. Pg. 2, paragraph 2 speaks of the lottery which will determine how the non-faculty-children---children from the neighborhood--will be able to enroll. "...These students will be admitted by lottery and will be eligible for need based financial aid."

2. CB7 meeting minutes description of proposed mixed-use building, variance requests, community and CB7 discussions, concerns and responses and the CB7 resolution passed on March 6, 2001 by a vote of 20-17-0-1.

3. Letter to Mr. Nelson from Ms. Lloyd, April 13, 2001, pg.2--bulleted paragraph #2. "The School will admit the children by need blind lottery. That is, students will be selected randomly, regardless of their ability to pay tuition, and will be provided financial aid appropriate to their ability to pay tuition."

There being no further business, the meeting was adjourned.

Land Use Committee Members Present: Linda Alexander, Richard Asche, Hope Cohen, Lenore Norman, Melanie Radley, Ethel Sheffer, Maria Watson. **Land Use Committee Members Absent:** Janet Alvarez, Peter Bailey, Doug Griebel, Betty Katz.

Housing Committee Members Present: William Meyers

Transportation Committee Members Present: Bobbie Katzander, Dan Zweig

Youth Committee Members Present:

Land Use Committee
December 18, 2002
Page 7

Board Members Present: Dan Cohen, David Harris, Larry Horowitz, Eric Nelson, George Zeppenfeldt-Cestero.