

COMMUNITY BOARD 7/MANHATTAN
Minutes of the Full Board
Mel Wymore, Chair
July 6, 2010

Community Board 7/Manhattan met at Congregation Rodeph Shalom, 7 West 83rd Street, on July 6, 2010. The meeting was called to order at 6:35 pm and chaired by CB7 Chair Mel Wymore. The following topics were discussed.

Approval of minutes from previous full board meeting:

VOTE: 24-0-0.

Chair's Report - Mel Wymore:

CB7 Honors Sam Katz as its July Neighbor of the Month. Ms. Katz has served with distinction for many years as the Community Liaison to the 20th Precinct on the Upper West Side, ensuring a productive and informed dialogue between neighborhood residents and businesses and the police, to the benefit of all.

Requests for Leaves of Absence: Dan Meltzer and Bob Herrmann.

After deliberation, the motion to approve leaves of absence was adopted.

VOTE: 28-0-0-0.

Announcement of September Nominations of Board Officers for 2010-2011

Notice was given that the Elections committee will entertain nominations for CB7 Chair, Vice Chairs, and co-Secretaries at its September 2010 meeting. Elections to be conducted at the October 2010 meeting.

Business Session, Part 1.

Business & Consumer Issues Committee

Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

1. **25 Central Park West** (West 62nd Street.) Application to the SLA for a two-year liquor license by 25 CPW Café Associates, d/b/a Central Park West Café. The application concerns a portion of the ground floor premises at 25 Central Park West (the Century), in a portion of the ground-floor retail in that building that also previously included a Gristedes supermarket.

Supporting the Application:

Donald Bernstein – Attorney for 25 CPW Café (the applicant):

- Site is proximate to Lincoln Center, movie theaters, other destinations.
- Conservatory Café in former Mayflower Hotel, other licensed premises located in residential areas.
- Applicant is soundproofing the walls and ceiling to reduce disturbance to residents and neighbors.
- Typical liquor license permits closing at 4 am; applicant reduced to 1am Sun-Tues; 2 am Wed-Sat.
- To honor request by 15 CPW, applicant agreeing to further reduce the closing time to 12:30 am Sun-Tue; 1:30 am Wed-Sat. Will file stipulations with SLA; basis for revocation of license.

Greg Hunt – proprietor of the Applicant:

- Third-generation neighbor; would not harm the neighborhood.
- Not a disco or cabaret – planning a wood-paneled art deco wine bar with jazz standards.
- Making concessions (noise abatement, closing hours) to address neighbors' concerns.
- Needs to remain open until 1:30 am to be viable; small premises, needs after-theater crowd.
- Café would be superior to other businesses proposed for site (roller blade store, nail salon).

Bob Davis – Attorney for the Landlord:

- Neighbors raising a zoning issue re conforming use. Only issue before CB7 is the liquor license.

- While Gristedes vacated the premises more than 2 years ago, other non-conforming uses on the same floor provide a basis to permit continuation of non-conforming uses in these premises.

Barbara Adler – Executive Director of the Columbus Avenue BID:

- Served on CB7 for 22 years – knows and values the neighborhood.
- Small café on the Park is contextual and is a natural fit.
- Quoting Jane Jacobs – “each block should have more than one primary function” – no street should be exempt from mixed uses.
- Ronnie Eldridge statement supports the project, knows the applicant and his family.

Opposing the Application:

Douglas Woodward – Planner and Urban designer – representing 25 CPW condominium owners:

- Was CB7 liaison at DCP when rezoning took effect. UWS zoning was “finely tuned.”
- Deliberately zoned residential neighborhoods to be distinct from commercial avenues.
- Closing times proposed by applicant later than area restaurants, e.g. Rosa Mexicana, Jean-Gorges, Fiorella, others.
- Reference to the former Conservatory restaurant in the Mayflower Hotel - closed at midnight.
- After-hours destination in a residential area at odds with earlier commercial district closing times.
- Prior non-conforming use was a supermarket and an art gallery – not an after-hours bar.

Paul Millman – President, Century Condominium:

- Landlord seeking above-market rental, only possible with this sort of use.
- Many residents in the Century are rent-stabilized. Not a case of rich neighbors opposing.
- Inappropriate tavern should not be permitted to remain open past 12:30 on any day of the week.

Greg Parlowitz – Resident Manager of 15 CPW:

- Zoning does not permit this use. 600 residents at 15 CPW have serious concerns.
- If application granted, must be subject to all stipulations proposed by 25 CPW, including closing no later than 12:30 am every night.
- Residential neighborhood should not become the go-to place for afterhours crowd.
- Must provide security for queuing, ensure smokers cross CPW (do not congregate on sidewalk).

Paul Selver, Kramer Levin et al. – counsel to Century Board

- Proposed café use would violate the zoning resolution for this site. R10 zoning district, not commercial, no commercial overlay. Does not permit this use.
- Non-conforming uses ceased more than two years ago – no longer precedent for this use.
- Gristedes occupied separate entrance and premises in distinct store space.
- Applicant not eligible for change as the proposed use is not in the public interest.
- Gristedes supermarket provided an important neighborhood service in an inoffensive manner.
- Bar will be open later than other neighborhood bars, will be a nuisance to its neighbors.
- Owner’s business model is not a reason to stay open late.

Tony Yoseloff – neighbor at 15 CPW:

- Grocery store and bar have different uses and hours – one should not be a precedent for another.
- Should not treat this bar differently than other bars cited in the area. Should be 12:30 am all week.
- Traffic and parking at this site is already congested.

Applicant’s Rebuttal:

Donald Bernstein:

- Comparing closing hours to those of full service restaurants not fair.
- Bar Boulud, PJ Clark’s, Wine & Roses all open 1:30 am or later.
- Applicant has met all neighbors’ reasonable concerns.

- Advocacy website by 25 CPW residents contains inaccuracies – not planning cabaret etc.
- Zoning not before CB7. Standard is not whether bar is necessary.

Board Questions and Discussion, moderated by Co-Chair George Zeppenfeldt-Cestero.

Answers to Board Questions:

- A Jaros pharmacy currently operates in another portion of the retail.
- Process – SLA approval does not negate Buildings Department consideration.
- BCI committee looks only at its own issues; zoning not BCI issue.
- Proposed café will not be a full-service restaurant. Will open at noon weekends, 9 am weekdays.
- Once granted, SLA license renews automatically unless community complaints are lodged.
- BCI committee recommended approval if hours condition met; applicant has further reduced hours.
- Former Tavern on the Green inside Central Park closed at 2 am.

Board Comments and Discussion:

- Concern regarding approving a license when it is at best unclear if zoning permits the use.
- There are roughly similar uses in equivalent places on the Upper West Side.
- Noise problems at Columbus Avenue wine bars were those that had outdoor cafes.
- Most restaurants open until 1-2 am, but bars typically open until 4 am.
- Questions at the intersection of commercial and residential use is one of the hardest for CB7.
- More of a residential flavor at this location. Late night hours impinging on the residents.
- Respect and admire the committee for formulating conditions.
- Concern for closing times as proposed and even as further modified by applicant.
- More fumes from a dry cleaner than a bar without real cooking facility.
- Wine bar – not rock stars.
- Concern whether SLA will enforce the BCI committee's carefully crafted stipulation.
- All stipulations requested by neighbors other than closing time have been met.
- Unusual for an applicant to accept so many stipulations.

Proposed amendment (rejected as friendly) to change stipulation in resolution to require closing at 12:30 am every night.

VOTE: 10-25-3-0; proposed amendment fails.

After deliberation on the original version, the resolution to disapprove the application unless the specified stipulations were met was adopted.

VOTE: 22-11-3-0.

**Land Use Committee; Richard Asche and Page Cowley, Co-Chairpersons
Riverside Center Working Group; Ethel Sheffer, Chairperson**

Discussion of the Riverside Center application and the Core Principles.

Ethel Sheffer – RSCWG Chair:

- Public hearings on June 3 and June 15. Proposal described at May 24th and June 29th, and other meetings.
- CB7 to vote on final ULURP resolution on July 22nd, addressing 17 requested approvals.
- Resolution to be written and circulated before 7/20; committees invited to submit input by 7/15.
- Board discussion limited to comments on the current draft statement of Core Principles.

Public Comment

Eve Sinaiko – Landmark West!:

- Powerhouse subject of LPC application; hearing in June 2009. Magnificent structure.
- CEQR rules require particular attention to relationship between site and landmarks.
- 4 curb cuts, podium on 59th Street and auto dealership kill potential creative reuses for the Powerhouse.

Varda Steinhardt – PS 87 School Leadership Team co-chair:

- Call for a 6-section K-8 school built in the first building constructed, funded by the Developer.
- PS 87 in 2010 had 111 in-zone families placed on a waiting list – most turned away.
- Trend: Increase of 60% in enrollment in 3 years with no increase in residential units.
- DoE and SCA projections fail to account for this growth. DoE/SCA band-aids inadequate.
- Elementary schools already squeezed; middle schools will be the same in just 4 years.

Olive Freud – Committee for Environmentally Sound Development:

- Should not expand density beyond the 1992 Restrictive Declaration limit of appx 2.4MM sq. ft.
- Developer should finish Riverside Boulevard first to ease traffic on West End Avenue.

Lewis Smoler – 10 WEA:

- Concern: wind tunnel effect from site plan and shape of buildings. Wind study does not take site elevation and curved podium into account. Also does not take elevated highway into account.
- Study already shows dangerous and “uncomfortable” conditions – no mitigation.

Dan Gutman:

- Agreement among State, City and developer in March 1991 included burying the highway in 10 years.
- No agreement on who would pay to relocate the highway. Developer should contribute.

Paul Elston – Riverside South Planning Corporation:

- RSPC Board supports CB7 plans, particularly eliminating Building 4, extending 60th Street.
- Distinguishes between public vs private space; shows proper respect for Powerhouse and the waterfront.
- Density should be capped at 2.4MM sq ft.

Sheldon Fine – West Side Federation of Senior and Supportive Housing (also a CB7 member):

- Affordable housing one of CB7’s biggest goals. Developer proposes 12% for 20 years.
- CB7 should insist upon 20% on site plus another 10% on or off site, permanently affordable.
- Percentage must be measured by square footage, not number of units.

Michael Kramer – Community Sanitation Steering Committee:

- Trying to get Sanitation facilities out of Hudson River Park.
- Instead of auto showroom and service center, RSC cellar should be occupied by the Dep’t of Sanitation.
- Stand-alone garage for UWS makes sense, saving 16K miles per year, and providing Extell a good tenant.

Craig Whitaker – Consultant to the Coalition for a Livable West Side:

- Buildings and open space should be defined by streets. Density remains a concern.
- Bait-and-switch of using prominent architects to design extraordinary plans that are later abandoned due to cost once approvals secured (e.g. Daniel Liebeskind at WTC; Frank Gehry at Atlantic Yards)

Batya Lewton – Coalition for a Livable West Side:

- Supports extending 60th Street, but should be straight.
- Moving the highway was not a condition of the original approved plan.

Howard Yourow – 411 WEA:

- Should embrace adaptive reuse of the Powerhouse – a masterpiece.

Anne Weisberg – 10 WEA

- Limit density (2.4MM sq ft.) and parking (743 spaces) to the 92 Restrictive Declaration.
- Recommend removing Bldg 4 without relocating displaced density.
- Oppose auto dealership and service center – contrary to retail needed by the community.
- School should be located in Bldg 1 to maximize retail at Bldg 2 on WEA.

Rachel Laiserin – Co-president, PS 87 PA:

- Tremendous overcrowding. Need for a big new school. No site preference as long as it is built first.
- Option for a full school is a concern – DoE/SCA quietly declined a school option in 2006 under the 92 Restrictive Declaration even as the community saw overcrowding burying our schools.

James Conway – Building Trades Council, IUOE Local 14:

- Members thank the community for support of Ground Zero first responders, and health care afterward.
- With 30% unemployment, workers need this construction to proceed.

Developer's Presentation:

Steven Hill – Developer's Architect:

- Project to mediate between high-density midtown and UWS with varied scale.
- Christian de Portzamparc designed buildings of warm stone materials.
- Master plan to integrate neighborhood to access to the River and RSPS.
- Grade should not be an issue - 72% of the site is at grade; only exception is SW corner.
- Engineers have stated 60th Street cannot be extended to RSB.
- Family sized units require parking. 1200 spaces for residents, 600 to replace existing parking.
- Signe Nielsen designed different sections of open space with different characteristics.

Tony Mannarino – Executive VP, Extell:

- Proposed project will transform an underutilized site through a well thought-out master plan.
- Mixed use buildings with tangible benefits to the community, including “up to” 150K sq.ft for a school “with all floor area at no cost to the City,” significant affordable housing, 2.7 acres of open space.
- Not a podium; site is integrated to the grid.
- Project will generate thousands of jobs.

CB7 Question: How can we ensure that the Portzamparc design is the one actually built?

A: Ken Lowenstein, Bryan Cave, for the Developer: ULURP drawings and applications include envelopes that conform to the buildings proposed.

Board Comment on Core Principles. The following are the key points made by CB7 members in discussing the RSC project and the Core Principles.

Overview/Approach:

- Prioritize resolution based on Core Principles and “Givens” (school, affordable housing, sustainability).

School

- Extell must fund the full school.
- Must be built first.
- Developer funding less than one-fourth of the school needed; leaves build-out to SCA.
- Demand already exists for the larger school. Overcrowding will worsen before school completed.

Affordable Housing:

- Core principle should require affordable housing to be attractive to seniors as well as working families.
- Affordable housing a goal in itself, creates economic diversity that strengthens the community, school.

Density:

- None of the proposed density is needed on the UWS – no unmet demand for housing.
- Density drives all other impacts (subway service, parking, traffic).
- Mitigating adverse impacts (e.g. 24 traffic congestion sites) requires eliminating more than Bldg 4.
- Minority report circulated in 2010 supporting an increase in density.

Parking and Traffic:

- Parking needed at the perimeter of the UWS, with public transportation to midtown to reduce pollution.
- Transportation committee will review current and additional analysis of parking and traffic and comment.
- Parking is a fertility drug for cars – replacing current parking lot with another. Limit to 700 spaces.
- Parking as a function of residential units is out of balance with midtown and UWS multiples.

- Nonresident parking abates pollution by saving search for spaces – car owners will use cars regardless.

Site Plan Improvements and Context:

- Eliminating Bldg 4 a priority after Givens.
- Concern over bringing site to grade; should explore other ways to meet goals for the site.
- Site configuration should support adaptive reuse of the power plant, and use it as a visual anchor.
- Streets should not be mapped so that Developer is taxed on the area.
- Important to distinguish between truly open space and circulation adjacent to buildings.

Miller Highway:

- Should capture a portion of the value added to improve infrastructure by requiring Developer to fund burying some/all of the Miller Highway. Will create park space for active and passive uses.

Infrastructure:

- Sewage – DSEIS shows the Project will capture a significant portion of available capacity. Should plan now to replace/create new capacity when the North River Plant is overburdened.

General:

- Concern over process – apart from comments on Core Principles, CB7 needs time to discuss merits.
A: Meeting on July 22nd will include time for a spirited discussion.
- Aim to parse CB7 actions on each separate action/approval requested. Some may not be clear yes/no.

Community Session

Reports by Legislators

Linda Rosenthal – Assembly Member, 67th District:

- Passed a budget, but no agreement from Senate or Governor. Legislators not paid until budget passes.
- Assembly restored school aid cuts; Governor vetoed. Saved funding for TAP, community colleges.
- Upstate Senators holding the budget hostage re CUNY, SUNY tuition and F-Map on Medicaid funding.
- Passed bills (a) to allow unmarried adults (same or opposite sex) to adopt a child together, instead of 2 separate adoptions; (b) banning toxic lead wheel weights; (c) landlord must disclose bedbug infestation.

Gale Brewer – City Council Member, 6th District:

- Council passed a very tough Budget.
- Academy of Medicine grant (\$10K) to replicate the West Side Aging District model for aging in place.
- Capital Budget: Secured funds for AMNH, Lincoln Center renovations, NYPL branch libraries, MAD, steps for Hamilton Plaza, renovation of PS 87 and PS 191 school yards, MLK HS plaza, Brandeis HS auditorium, Mickey Mantle school technology upgrade, theater lighting at LaGuardia HS, Greenhouse at Manhattan School for Children.
- Successful fundraiser for West Park Church. Rev. Brashear, community working together.
- RSB crossing guard secured.
- RSC should provide 30% affordable housing as did Atlantic Yards, Domino Sugar Factory sites.

Jared Chausow – State Sen. Tom Duane's Office:

- Pieces of the budget being enacted through governor's interim spending bills.
- Bill: dignity for all students – prohibits bullying (including LGBT). Provides curriculum.
- Bill: requires HIV testing to be offered in every medical facility. A-M Gottfried co-sponsored.

Susan Singer – NYPL Branch:

- Thanks for supporting branch libraries in the budget process.

Ian Alterman – New Pres of 20th Precinct Council:

- Reciprocal attendance CB7 with Precinct Council.
- Website for all law enforcement issues – 20pctissues@gmail.com. Checked regularly.
- Night out against crime – 8/3rd at 6:30 at 73rd Street IRT head house. Fun events.

Alan Flacks:

- CB7 should provide paper copies of minutes, other materials.

Corey Peterson – Manhattan Borough President Scott M. Stringer’s Office:

- Rent Guidelines Board – BP and electeds rallied outside Cooper Union.
- 2.25% and 4.5% increases passed anyway.
- “Speak up New York” – BP initiative – web-based platform for community organizing and sharing ideas. First government sponsored web tool of its kind. www.mbp.org/speakup
- UWS Town Hall July 13th at Goddard Riverside 6 pm. Many electeds co-sponsoring and attending.
- CB7’s best wishes to Ms. Peterson (leaving the BP’s office); a valued and effective community liaison.

Business Session – continued

Transportation Committee

Andrew Albert and Dan Zweig, Co-Chairpersons

2. **2642 Broadway** (West 100th Street.) Renewal application #B00256 to NYC Taxi and Limousine Commission by Fast Operating Corp., d/b/a Carmel Car & Limo at 2642 Broadway for a For Hire Base Station license.

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

VOTE 34-0-0-0.

3. Request for secondary street name for the southwest corner of West 64th Street and Central Park in honor of the New York Society for Ethical Culture.

Community Comment:

Peter Hurwitz:

- Religious organization classified as a church by IRS. Should be guidelines for such treatment.
- Many churches and religious organizations are equally worthy.
- Transportation committee did not consider religious nature or organization in its approval.

Julie Blutstein – Society for Ethical Culture and local resident:

- Did disclose in application that is a humanist organization. Religion about ethics, not theology.
- Ethical Culture Society is a community organization celebrating 135th year anniversary.
- Building designated a NYC Landmark, citing its role in contributing to the rich fabric of our City.
- Could honor founder Felix Adler in lieu of Ethical Culture Society.

Board Comment:

- Concern re Board’s preference for plaques vs street names. Approvals should be consistent.
A: Plaque program still being sought. Formulating guidelines for plaques vs. street names.
- CB7 generally opposes secondary street names: confusing, foreclosing recognition of other institutions.
- Few (notable) exceptions – e.g. Peter Jennings Way.
- Need criteria for institutions – there are many worthy organizations on the UWS.
- Renaming only the corner, not the street.
- Temporary renaming for the anniversary not available from DoT. Can rename for 30 days.

Proposed amendment to rename for 30 days.

VOTE: 8-24-0-0. Amendment fails.

- Concern over honoring a religious organization.
- Many who participate in Ethical Culture, and other religions, do not consider it a religion.

Motion to send the resolution back to committee.

VOTE: 4-28-0-0 motion fails.

After deliberation, the original resolution to adopt a secondary street corner name was **not adopted**.

VOTE: 11-23-1-0.

4. Resolution seeking remediation of the dangerous traffic conditions on Riverside Boulevard.

- Conditions dangerous.
- Many people turned out at meeting.

After deliberation, the resolution seeking remediation was adopted.

VOTE: 34-0-0-0.

Health & Human Services Committee

Madge Rosenberg and Barbara Van Buren, Co-Chairpersons

5. Resolution in support of City Council Intro. No. 79 - A Local Law to amend the administrative code of the City of New York, in relation to requiring the Department of Homeless Services to notify the affected community prior to locating transitional housing for the homeless.

Committee Chair's Report:

- DHS required to notify communities prior to placement of homeless in transitional housing.
- Concern that SRO owners keep space vacant to rent to DHS at higher rates.
- Owners not provided with info re needs of placements – impossible to meet unknown needs.
- Asking the City Council to be more specific about the information to be required to be shared.
- Same disclosure and notice required for emergency and annex placements.
- Requires notice to community board and council member 30 days in advance of placement.
- Need standards for placements – e.g. accessible facilities for handicapped resident.
- Need disclosure of rent paid by DHS given impact on affordable housing.

After deliberation, the resolution in support was adopted.

VOTE: 34-0-0-0.

Preservation Committee

Lenore Norman and Gabrielle Palitz, Co-Chairpersons

6. **105 West 72nd Street** (Columbus-Amsterdam Avenue.) Resolution to approve Application #10-8871 to the Landmarks Preservation Commission for a balcony replacement.

- 11th floor balcony removed as unsafe – LPC requiring to replace.
- Smaller balcony, made out of fiberglass – now only for decorative.

After deliberation, the resolution to approve was adopted.

VOTE: 34-0-0-0.

7. **108 West 74 Street, d/b/a to be determined** (Columbus – Amsterdam Avenues.) Resolution to approve application to the Landmarks Preservation Commission for store front renovation.

Estelle Munoz – resident in the building:

- Space has not been a store since 1941.
- Concern that new owner will operate a café with noise and crowds.

Committee Chairs:

- Ground floor store front renovation to include separate recessed store entrance. Typical of similar store fronts on side streets. Appropriate detail and configuration.
- Permitted by zoning because the site is within 100 feet of the corner.
- Application does not turn on nature of commercial use.
- Nature of renovation is in keeping with the character of the building and adjacent townhouses.

Comment:

- Neighbor concerns about noise etc. from café can be addressed when store applies for an SLA license.

Friendly amendment:

- Change “restoration” to “renovation” – no evidence that store design matched original condition.
Friendly amendment accepted.

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

VOTE: 27-5-2-0.

8. **301 Columbus Avenue d/b/a HSBC** (West 74th – 75th Street.) Resolution to approve Application # 10-7983 to the Landmarks Preservation Commission to install signage.

- Committee approved side street sign and blade, disapproved size of sign on the avenue as it blocked architectural details of the building above. Would approve a smaller sign centered as proposed.
- No precedent for the blade sign on Columbus Avenue (akin to English tavern signs).

After deliberation, Resolutions to approve the side street sign and disapprove the avenue sign (unless reducer) were adopted.

VOTE A&B: 33-0-0-0

After deliberation, the resolution to approve the Blade sign on Columbus Avenue was adopted.

VOTE C: 21-11-1-0.

9. **25 West 75th Street** (Central Park West – Columbus Avenue.) Resolution to approve Application #10-7373 to the Landmarks Preservation Commission to alter the basement entrance.

- Brownstone is a true restoration.
- Other than need to change the door, beautiful proposal.

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

VOTE: 33-0-0-0.

10. **201 West 75th Street** (Amsterdam Avenue.) Resolution to approve Application # 09-3560 to the Landmarks Preservation Commission for window replacements.

- Window replacement on garage building.
- Replacing badly aged wood windows with aluminum; arched windows at top to be replaced with beautiful wood. Cost prohibitive to replace the entire garage with wood windows.
- Would have preferred wood throughout, but given garage use, aluminum is minimally appropriate.

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

VOTE: 31-2-0-0.

11. **428 Amsterdam Avenue, d/b/a Jimmy's BBQ** (West 80th- 81st Streets.) Resolution to approve Application #08-2827 to the Landmarks Preservation Commission to legalize storefront alterations, install light fixtures, conduit, and signage.

- Informal restaurant removing kitschy decorations - big improvement over current condition.

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

VOTE: 33-0-0-0.

Business & Consumer Issues Committee

Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

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

- **49 West 64th Street** (Central Park West-Columbus Avenue.) 48-50 West 65th Street LLC, d/b/a “To Be Determined”.
- **160 West 72nd Street, Suite 2-R** (Broadway-Columbus Avenue.) The Wine Workshop LTD, d/b/a The Wine Workshop.

After deliberation, resolutions to approve the applications were adopted.

VOTE: 33-0-0-0.

13. **483 Amsterdam** (West 83rd – 84th Streets.) Renewal application DCA# 1027927 to the Department of Consumer Affairs by Good Enough to Eat Uptown LTD, d/b/a Good Enough to Eat, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 15 seats.

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

VOTE: 33-0-0-0.

14. **519 Columbus Avenue** (West 85th – 86th Streets.) Re-Apply application DCA# 1251454 to the Department of Consumer Affairs by Food 01 Corp, d/b/a Zeytin, for a two-year consent to operate an unenclosed sidewalk café with 16 tables and 32 seats.

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

VOTE: 33-0-0-0.

15. New Unenclosed Café Applications:

- **982-988 Amsterdam Avenue** (West 108th-109th Streets.) New application DCA# 1347879 to the Department of Consumer Affairs by Amsterdam Avenue Restaurant, LLC, d/b/a Village Pour House, for a two-year consent to operate an unenclosed sidewalk café with 20 tables and 40 seats.
- **187 Columbus Avenue** (West 68th – 69th Streets.) New application DCA# 1353186 to the Department of Consumer Affairs by Roma 380 Operating Corporation, d/b/a Bomboloni, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 16 seats.
- **2454 Broadway** (West 90th – 91st Streets.) New application DCA# 1353319 to the Department of Consumer Affairs by Big Daddy’s III LLC, d/b/a Big Daddy’s, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 42 seats.
- **2518 Broadway** (West 94th Street.) New application DCA# 1353701 to the Department of Consumer Affairs by 94 Corner Café Corp., d/b/a Café 71, for a two-year consent to operate an unenclosed sidewalk café with 4 tables and 16 seats.

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

VOTE: 33-0-0-0.

Mel Wymore, CB7 Chair

16. Resolution opposing the implementation of Arizona’s new immigration law.

17. Resolution supporting City Council Intro 58: regarding easing restrictions on the availability of biological, chemical and radiological detectors.

18. Resolution supporting proposed legislation to adopt marriage equality.

Chair:

- Resolutions to support Chair’s vote on similar topics at the Borough Board.
- Topics added to the Borough Board agenda without time to consider at a committee meeting.

Motion to table all three resolutions and refer to appropriate committees (seconded).

VOTE: 10-22-0-0 – motion to table all three resolutions fails.

- Friendly amendment: change language from a resolution to support the Borough President’s position to one in which CB7 speaks with its own voice in supporting or opposing the specific action.

- Include in the whereas clauses a recognition of the Borough President's leadership on the issues. Accepted as friendly.

16. Resolution opposing the implementation of the Arizona immigration law:

- Friendly amendment - Change "promote policy of profiling" to "lead to" a policy of profiling. Accepted as friendly.
- Arizona law inconsistent with honoring the contributions of all peoples, including immigrants, to our City and Nation.
- Statute also inconsistent with federal immigration enforcement priorities for its scarce resources.
- The U.S. Attorney General today filed a lawsuit seeking to enjoin the law's implementation.

After deliberation, the resolution to oppose the implementation of the Arizona immigration law was adopted.

VOTE: 28-1-2-0.

NB: Board members abstaining due to lack of opportunity for committee and Board discussion, and not as a sign of support for the content of the Arizona statute itself.

17. Resolution in support of City Council Intro 58.

- Current statutes place control of all toxic substance detectors under the police department.
 - Must request detectors from the police even to monitor toxins in private homes, public schools, etc.
 - Law grew out of Homeland Security measures after 9/11.
 - Intro originated from Peter Vallone's Committee on Public Safety.
 - Intro would protect an industry that protects the community.
 - Concerns about the nature of the reach of the Intro, the toxins involved, the experience of community and industry professionals in accessing the detectors from the NYPD.
- Insufficient information available to respond.

Motion to Table Resolution 17.

- VOTE: 24-7-1-0. Motion to table adopted.

18. Marriage Equality. Resolution to support bills (including Senate Bill S440) to amend the NY Domestic Relations Law to recognize a marriage as valid regardless of the sex of the parties to the marriage.

Concerns re Resolution:

- CB7 voted on a similar resolution a few years ago. It did not pass at that time.
- Personal support for rights of same sex couples to affordable housing, health care decisions and access, other rights of same-sex couples, but religious beliefs prevent support of same-sex marriage.
- Support for principle, but concerned about inability to discuss at committee. Issue deserves a full airing.

Support for the Resolution:

- It is beyond time for recognition of marriage equality.
- Recent surveys show a significant change in views in recent years – prior vote not a precedent.
- Civil marriage equality is a civil rights issue, not a religious.
- S440 excludes any requirement that religious organizations perform or recognize same sex marriages.

After deliberation, the resolution to support marriage equality and S440 was adopted.

VOTE: 28-1-2-0.

Adjourn: 10:50 pm

Present: Mel Wymore, Jay Adolf, Andrew Albert, Linda Alexander, Richard Asche, Elizabeth Caputo, Hope Cohen, Kenneth Coughlin, Page Cowley, Mark Darin, Mark Diller, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, Marc Glazer, Victor Gonzalez, Phyllis E. Gunther, Blanche E. Lawton, Marisa Maack, Lillian

Moore, Klari Neuwelt, Lenore Norman, Gabrielle Palitz, Nick Prigo, Anne Raphael, Oscar Ríos, Suzanne Robotti, Haydee Rosario, Helen Rosenthal, Gabriella Rowe, Roberta Semer, Ethel Sheffer, Eric Shuffler, Charles Simon, Elizabeth Starkey, Barbara Van Buren, Thomas Vitullo-Martin, George Zeppenfeldt-Cestero and Dan Zweig. **On-Leave:** Robert Herrmann and Daniel Meltzer. **Absent:** Brian Byrd, Louis Cholden-Brown, Ulma Jones, Dalia Mahmoud, Judith Matos, Michele Parker, Madge Rosenberg, and Cara Volpe.