

**Full Board Meeting  
Lawrence Horowitz, Chair  
December 4, 2001**

Chair Larry Horowitz called the meeting to order.

**Legislators' Reports**

State Senator Tom Duane provided the Board with an update on the State budget.  
Councilmember Ronnie Eldridge thanked Board and community for support.

**Public Session**

Diana Schneider, ROAR, gave update on the aircraft and helicopter flyovers.  
Phyllis Gunther gave job announcements.  
Olive Freud, Committee for Environmentally Sound Development, spoke about over development.  
Dean Smith, NYPL, thanked the Board for budget support.  
Batya Lewton, Coalition for a Livable West Side, spoke out against the Riverside South Planning Corporation's application for TEA-21 funds.  
E. Gallagher invited everyone to a Holiday Party.  
Aaron Lowenstein, Councilman Reed's Office, informed that Board about upcoming events in the City Council.  
Dan Golub, Assemblyman Gottfried's Office, informed the Board on future health public hearings.  
Sascha Puritz, Assemblyman Stringer's Office, reported  
Klari Neuwelt informed that Board on plans to express thanks to former Riverside Park Administrator Charles McKinney by funding a bench in his honor.

**Business Session**

**Land Use Committee**

**Co-Chairs: Richard Asche and Hope Cohen**

1. Resolution to approve the renewal application DCA#907221 to the Department of Consumer Affairs by DFA Corp., d/b/a China Fun at 246 Columbus Avenue, for a five-year consent to operate an enclosed sidewalk café with 6 tables and 11 seats was adopted: 30-3-1-0.

2. Application to the Board of Standards and Appeals, BSA 258-01 BZ, by Congregation Rodeph Sholom, 168-170 West 79<sup>th</sup> Street.

Rodeph Sholom School representatives presented the results of an air and light study and gave an overview of the proposed alteration and addition. Speaker were: Sybil H. Pollet, Robert Kandel, Irwin Shlachter, David Arnold, Andrew Roberts, Nancy Solomon, Rabbi Robert Levine, Roberta Semer.

Board members Barbara Keleman, Sharon Parker-Frazier, Beth Berns, and Erana Stennett presented questions to the applicants.

Community members spoke in opposition.

John Nathanson commented in the applicant's light and air study and presented photographs that demonstrated the effects on air, light and view of neighboring tenants.

Bob Lamm, resident of 172 West 79<sup>th</sup> Street spoke about the negative effect of the proposed addition on his air, light and view.

Millicent Alter, also from 172 West 79<sup>th</sup> Street, asserted that if the school constructs two more stories on their back roof her sunlight, air and view would be totally blocked.

Madelyn Bigge claimed that Rodeph Sholom has been a bad neighbor. The have ignored this neighborhood's concerns.

Karen Cornelius, resident of 164 West 79<sup>th</sup> Street, commented on the wisdom of granting a variance on a variance.

Elizabeth Bing of 164 West 79<sup>th</sup> Street expressed the concern that the addition will block her view.

Marilyn Stasio, resident of 164 West 79<sup>th</sup> Street, made an appeal on behalf of the many the professional residents in her building whose lives and work would be impaired by the addition.

Elizabeth Klaber and residents of 173 West 78<sup>th</sup> Street complained about that 39 apartments would have reduced light.

Board members posed questions then engaged in comment and debate. Hope Cohen explained the substance of the application and the Committee's decision to present two resolutions.

2a. The resolution to approve the application to the Board of Standards and Appeals, BSA 258-01 BZ, by Congregation Rodeph Sholom 168-170 West 79<sup>th</sup> Street, aka 165-167 West 78<sup>th</sup> Street for a variance to allow the addition of approximately 1200 ft<sup>2</sup> of floor area by splitting the height of the existing gymnasium was adopted: 34-1-0-0.

2b. The resolution to disapprove the application to the Board of Standards and Appeals, BSA 258-01 BZ, by Congregation Rodeph Sholom 168-170 West 79<sup>th</sup> Street, aka 165-167 West 78<sup>th</sup> Street for a variance to allow the addition of approximately 2400 ft<sup>2</sup> of floor area by adding two stories was adopted: 19-11-6-0.

### **Landmarks Committee**

**Co-Chairs: Lenore Norman and Erana Stennett**

3. Resolution to approve application #020753 to the Landmarks Preservation Commission to construct a rooftop addition by 50 West 90<sup>th</sup> Street (Central Park West-Columbus Avenue) was adopted: 29-0-0-0.

### **Transportation Committee**

**Co-Chairs: Andrew Albert and Dan Zweig**

4. Resolution to support the request for a bus shelter at the southeast corner of Broadway and West 106<sup>th</sup> Street for the M-116 bus route was adopted: 29-0-0-0.

5. Resolution to approve the revised application to the Department of Transportation by 142 Manhattan Avenue, LLC at 44 West 106<sup>th</sup> Street for a revocable consent to construct a planted area with a fence and trash receptacle enclosure on city-owned property was adopted: 30-1-0-0.

### **Uniformed Services and Environment Committee**

**Co-Chairs: Melanie Radley and Hector Santana Jr.**

6. Resolution to approve the Multi-block Street Fair for not-for-profits whose fairs were canceled following September 11 was adopted: 24-4-1-0.

7. Resolution to approve the reduction of multi-block street fair sponsors' community contributions in 2002 was adopted: 19-4-1-2.

*Present:* Larry Horowitz, Chair, Barbara Adler, Andrew Albert, Linda Alexander, Annette Averette, Beth Berns, Gale Brewer, Dan Cohen, Hope Cohen, Sheldon Fine, Georgette Gittens, Doug Griebel, Phyllis Gunther, David Harris, Robert Herrmann, John D. Howell, Betty Katz, Barbara Keleman, Marc Landis, Eric Nelson, Klari Neuwelt, Lenore Norman, Sharon Parker-Frazier, George Price, Melanie Radley, Oscar Rios, Barry Rosenberg, Hector Santana, Jr., Ethel Sheffer, Elizabeth Starkey, Erana Stennett, Patricia Stevens, Evelyn Tamarin, Barbara Van Buren, D. Maria Watson, Melanie Wymore, George Zeppenfeldt-Cestero, Robert Zuckerman, Daniel Zweig.  
*Absent:* Janet Alvarez, Richard Ashce, Peter Bailey, Steve Carbo, Guillermo Gonzalez, Jean Green-Dorsey, Joyce Johnson, William Meyers, Helen Rosenthal, Thomas Vitullo-Martin.

**Transportation Committee**  
**Co-Chairs: Andrew Albert and Dan Zweig**  
**December 11, 2001**

After a brief discussion of aircraft noise over the West Side, and the possibility of an aircraft disaster due to the ever-increasing proliferation of over-island flights, the Committee adopted the following resolution:

WHEREAS, Community Board 7/Manhattan acknowledges and thanks the FAA for rerouting air traffic bound for and originating at both Newark and LaGuardia Airports over-the-water immediately following the World Trade Center tragedy on Sept. 11, 2001, instead of traversing the skies over our densely populated neighborhood; and

WHEREAS, since May 1996 and prior to Sept. 11, 2001, passenger and cargo overflights had been increasing at alarming rates, due especially to the increase of 159 flights per day to/from LaGuardia Airport, significantly adding more danger and pollution to our neighborhood; and

WHEREAS, the recent American Airlines crash of November 12, 2001 underscored the need to keep both commercial and cargo flights over water as much as possible; and

WHEREAS, given the events of Sept. 11, 2001, it seems appropriate, in view of safety concerns and environmental factors involved, as well as the anxiety and concern felt by New Yorkers, that overflights over Manhattan be re-routed over water on a permanent basis,

BE IT RESOLVED THAT Community Board 7/Manhattan does hereby urge the FAA, the Port Authority of New York and New Jersey, the Secretary of the Dept. of Transportation, Norman Mineta, Senators Charles Schumer and Hillary Clinton, Representatives Jerrold Nadler and Carolyn Maloney do all within their respective powers to restore and implement immediately and permanently, the over-the-water routes adopted by the FAA in the immediate aftermath of the World Trade Center tragedy, for both day and night flights – both commercial and cargo, keeping these flights out of the Upper West Side and similar densely populated neighborhoods.

*Committee: 7-0-0-0. Public Members: 2-0-0-0.*

*Committee Members Present:* Andrew Albert, Dan Zweig, Barbara Keleman, Oscar Rios, Elizabeth Starkey, Barbara Van Buren, Tom Vitullo-Martin.

*Committee Members Absent:* Gale Brewer, Joyce Johnson, Klari Neuwelt.

**Land Use Committee**  
**Co-Chairs: Richard Asche and Hope Cohen**  
**December 19, 2001**

**1. 430 Amsterdam Avenue**

Michael Asch, owner, and Robert Bookman, attorney, presented the application for a new unenclosed sidewalk café with a removable platform. At the request of the Committee, the applicant agreed to remove the platform from the application.

The Committee adopted the following resolution:

*WHEREAS the applicant has agreed to eliminate the platform from the proposed sidewalk café, and has agreed to submit to Community Board 7/Manhattan plans revised to document this change and stamped by the NYC Department of Consumer Affairs; and*

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1096363 to the Department of Consumer Affairs by Third Avenue Restaurant Inc., d/b/a Jakes' Dilemma at 430 Amsterdam Avenue (West 81<sup>st</sup> Street) for a one-year consent to operate an unenclosed sidewalk cafe with 10 tables and 20 seats.*

Committee Member vote: 3-0-0-0

**2. 51 Columbus Avenue**

Doug Griebel, owner, and Robert Bookman, attorney, presented the revised application.

The Committee adopted the following resolution:

*WHEREAS Community Board 7/Manhattan approved, on July 26, 2000, the application for an enclosed sidewalk café at 51 Columbus Avenue with 13 tables and 28 chairs; and*

*WHEREAS the application has been revised and the café reduced in size;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new/revised application DCA#1035647 to the Department of Consumer Affairs by West 62<sup>nd</sup> Street Operating LLC, dba Rosa Mexicano at 51 Columbus Avenue (61<sup>st</sup> Street), for a one-year consent to operate an enclosed sidewalk with 11 tables and 24 seats.*

Committee Member vote: 1-0-1-1.

**3. Discussion of enclosed sidewalk cafes**

Because of the sparse attendance, discussion was brief. Robert Bookman stated his belief that applications for enclosed cafes should be considered case by case, rather than adopting a district- or city-wide policy. He agreed that it is a problem when structures remain vacant for long periods of time; he suggested requiring specific language in the landlord consent to an application, which language would obligate the landlord to fill the space within a defined time period or dismantle the structure.

**4. Discussion of CB7 sidewalk café 'spot check' letter**

At the suggestion of Board Member Dan Zweig, the Committee has developed a form letter for use by the Board to notify café operators when they are out of compliance with café regulations. Board Members and other interested members of the community can use the letter's checklist to record violations; Board staff will then send the letter to the operator. Please see attached.

**5. Discussion of Committee meeting time**

Because of the sparse attendance, discussion was brief. There is interest in moving the Committee's start time to 7pm from the current 7:30pm. This issue will be discussed further when more Committee Members are present.

There being no further business, the meeting was adjourned.

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

# CB7 LETTERHEAD

DATE

Dear Sidewalk Café Operator:

I am writing to let you know that your sidewalk café, located at ADDRESS, was observed during a spot check on TIME AND DATE OF OBSERVATION to be in violation of the following sidewalk café regulation(s):

## Posting violation

- Café permit not posted in restaurant window \_\_\_\_\_

## Setup and sidewalk obstruction violations

- Café configuration (e.g. numbers of tables and chairs) other than permitted: \_\_\_\_ Tables \_\_\_\_ Chairs observed \_\_\_\_\_

- Extension of café beyond permitted boundaries \_\_\_\_\_

Details: \_\_\_\_\_

- Menu stand, planter, etc. outside the café boundaries \_\_\_\_\_

- Bicycle(s) obstructing approved clear path \_\_\_\_\_

- Refuse structure obstructing approved clear path \_\_\_\_\_

- Sidewalk covering (e.g. paint, Astroturf) \_\_\_\_\_

- Platform left in place out of season \_\_\_\_\_\*

## Operational violations

- Music (live or speakers) audible outside (including within café boundaries) \_\_\_\_\_

- Lack of waiter service \_\_\_\_\_

- Waiter(s) serving from outside the café boundaries \_\_\_\_\_

- Tables, chairs, etc. left on sidewalk over night \_\_\_\_\_

- Operation of café after hours (midnight Sunday – Thursday, 1am Friday – Saturday) \_\_\_\_\_

- Use of disposable dishware/flatware \_\_\_\_\_\*

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\* signifies Community Board 7/Manhattan requirements for sidewalk cafés. Other items listed are city-wide requirements.

Other

Details: \_\_\_\_\_

This record of violation as well as that of future spot checks will be retained in our files and included in a review of your operation the next time your café comes up for renewal. Since correction is both a sign of your neighborliness and a legal requirement, we trust that your operation will be brought into immediate and permanent compliance. As Community Board 7/Manhattan supports a vibrant street life, the Board looks forward to your prompt correction of these violations so we will be able to recommend a future renewal of your café license.

Please contact me by telephone or e-mail (see below) if you require further clarification. The Board office is always eager to help our neighborhood businesses in any way possible.

Sincerely,