

**Full Board Meeting
Lawrence Horowitz, Chair
July 2, 2002**

Chair Larry Horowitz called the meeting to order.

Chair's Report

Andrew Albert was appointed to the MTA Board. Ethel Sheffer was elected President of the NY MetroChapter of the American Planning Association, which includes five boroughs of NYC, Long Island (Nassau and Suffolk Counties), Westchester County and the Hudson Valley Region.

Klari Neuwelt was appointed to serve as a CB7 rep for the Manhattan Borough President's Task Force on the Waterfront.

Legislators' Reports

Assemblyman Richard Gottfried announced that he would be introducing a bill to legally recognize same sex marriages in New York. Stable families build stable communities; should have a right and responsibility of marriage.

Public Session

John Howell announced a Red Cross seminar on "Preparing for the Unexpected."

Howard Stevens, former employee of NY Power Authority (the former owner of Indian Point), stated nuclear power is the safest form of energy in America. Recommended that the Board to table the issue. Alyson Spindell, State Senator Schneiderman's office announced Senate did not resolve a host of issues, such as minimum wage and reform of Rockefeller Drug Laws. Women's Health and Wellness Act passed several weeks ago. Senator Schneiderman is a major proponent of campaign for fiscal equality. Irma Kongsley, Ryan Community Health Center, spoke about a crisis coordinator dealing with anxiety of residents.

Roy Silverfarb discussed a safety concern and the proposal to put fencing around the reservoir. \$2 million should not be spent on this plan.

Walter Bushell, VP Malibu Tenants Association, discussed various concerns in the building. Building has been used for AIDS patients and is run unsafely. Repairs are being made by unqualified people. Fire safety issue with the stairwell.

Ron Kapon, 20th Precinct Council, announced that Police Commissioner Kelly was at last month's precinct meeting. All crime down 6% on last month, 70% in last 9 years. Councilwoman Moskowitz discussing newboxes issue. Do not donate on phone to NY Police and Fire trust; they keep most of the money.

Diana Schnieder, ROAR, stated that on September 7, 110 flights an hour flew over this neighborhood. Michael Oliva, Listening to the City, announced an event Saturday, July 20th regarding rebuilding downtown.

Michael Ovellette, discussed conditions at the Malibu Hotel. Landlord combined 3 buildings.

Hildy Allante, Project Open. Lincoln Towers asked the Board to consider putting benches in the bus shelter to accommodate seniors. Lost a bus stop because of Riverside South and would like additional bus stop on Freedom Place.

Mary Sherman Parsons, President of Lotus Garden, announced a 4-year-old boy stepped on a needle in the garden, allegedly dropped from Royal Park Hotel.

Stephanie Nolan, resident in Saigon Grill building, concerned about sidewalk café and delivery bikes.

Ari Goodman, Member of Lotus Garden, discussed that need to keep the garden clean so we can have further development and gardens.

Awards of Riverside South Mitigation Funds

Eric Nelson reviewed the Riverside South Restrictive Declaration's provision of the mitigation funds and the award process followed by mandated committee of two CB7 members and the 3 area councilmembers. Mr. Nelson and Barbara Van Buren of CB7, Councilmember Gale Brewer and Councilmember Bill Perkins announced the awards and distributed checks to not-for-profits to provide senior, youth and employment programs.

Business Session

Parks, Cultural Affairs and Libraries Committee

Co-Chairs: Barbara Adler and Bob Herrmann

1. Resolution to approve the design for the reconstruction of the Reservoir fence in Central Park was adopted: 23-1-5-0.
2. Resolution to approve proposal to refurbish for multi-uses the field at West 107th Street (lower level) in Riverside Park was adopted: 27-1-1-0.

Land Use Committee

Co-Chairs: Hope Cohen and Richard Asche

3. Resolution to approve application to the Board of Standards and Appeals by Cavan Development Corporation for a variance to exceed the permissible height limitations to permit the construction of a residential building with 12 floors and penthouse at 223 West 80th Street was sent back to committee for further discussion.
4. Resolution to approve renewal application DCA#907282 to the Department of Consumer Affairs by World on Columbus Inc., d/b/a World Café at 201 Columbus Avenue, for a three-year consent to operate an unenclosed sidewalk café with 10 tables and 30 seats was adopted: 26-3-1-0.
5. Resolution to approve renewal application DCA#926105 to the Department of Consumer Affairs by Mridula Restaurant Corp. d/b/a Shining Star Restaurant at 377 Amsterdam Avenue, for a five-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats was adopted: 26-3-1-0.
6. Resolution to approve new application DCA#1109932 to the Department of Consumer Affairs by The Westside of Broadway Restaurant Group, Inc. d/b/a Carne at 2737 Broadway, for a one-year consent to operate an unenclosed sidewalk café with 17 tables and 34 seats sent back to the committee for further discussion.
7. Resolution to approve the application by the Department of City Planning to amend the NYC Zoning Resolution with regard to water taxis to increase the vessel capacity from 50 to 99 passengers (Joint with Transportation and Parks Committees.) was adopted: 17-6-4-0.

Health and Human Services Committee

Co-Chairs: David Harris and Barbara Van Buren

8. Resolution to approve pesticide use to combat West Nile was adopted: 21-2-4-0.
9. Resolution to approve marriage equality adopted: 18-5-6-0.

Landmarks Committee

Chair: Lenore Norman

10. Resolution to approve application #016698 to the Landmarks Preservation Commission to legalize painting of the façade without Landmarks Preservation Commission permits at 161 West 78th Street (Columbus-Amsterdam Avenues) was adopted: 25-0-0-0.
11. Resolution to approve application #026336 to the Landmarks Preservation Commission for the installation of storefront infill at 485 Amsterdam Avenue (West 83rd-84th Streets) was adopted: 27-0-1-0.

12. Resolution to approve application #022685 to modify alterations to the ground floor in non-compliance with Certificate of Appropriateness 93-0008 at 170 West 83rd Street, dba Hi-life Bar and Grill (Amsterdam Avenue) was adopted: 23-0-2-0.

13. Resolution to approve application #024484 for building-wide storefront infill replacement at 170 West 74th Street, aka 287-295 Amsterdam Avenue was adopted: 28-0-0-0.

14. Resolution to approve application #022370 to create a master plan governing the future installation of windows at 170 West 74th Street, aka 287-295 Amsterdam Avenue was adopted: 28-0-0-0.

Uniformed Services/Environment Committee

Co-Chairs: Melanie Radley and Hector Santana

15. Resolution to approve the proposal by the Coalition to Close Indian Point Nuclear Plant was adopted: 22-2-3-0.

Present: Lawrence Horowitz, Chair, Barbara Adler, Andrew Albert, Janet Alvarez, Annette Averette, Hope Cohen, Sheldon Fine, Georgette Gittens, Guillermo Gonzalez, Doug Griebel, Phyllis Gunther, Marlene Guy, David Harris, John Howell, Ulma Jones, Barbara Katzander, Barbara Keleman, Marc Landis, William Meyers, Eric Nelson, Klari Neuwelt, Lenore Norman, Sharon Parker-Frazier, Oscar Rios, Hector Santana, Jr., Elizabeth Starkey, Helen Rosenthal, Ethel Sheffer, Patricia Stevens, Barbara Van Buren, Thomas Vitullo-Martin, D. Maria Watson, Melanie Wymore, George Zeppenfeldt-Cestero, Dan Zweig.

Absent: Linda Alexander, Richard Asche, Peter Bailey, Beth Berns, Dan Cohen, Jean Green-Dorsey, Robert Herrmann, Joyce Johnson, Betty Katz, Melanie Radley, Barry Rosenberg, Evelyn Tamarin, Robert Zuckerman.

Transportation Committee Minutes
Co-Chairs: Andrew Albert and Dan Zweig
July 9, 2002

The meeting was called to order at 7:10pm.

1. Presentation by Jewish Community Center of Manhattan of application to the Department of Transportation for a consent to install bollards and planters on Amsterdam Avenue and West 76th Street.

Presenter/Organization: Debbie Hirschman, Executive Director, JCC.

Goal is to protect pedestrians if a vehicle were to go out of control. Planters will be maintained by the local florist. Bollards have been used in four locations where it is not feasible to place a planter. There will be no parking allowed along Amsterdam Ave in front of the JCC. Parking along W.76 St will be regular alt side regulations. Two bike racks will be placed outside the JCC in a position not determined as yet. There was some concern about how cars will open doors when stopping at the curb.

Discussion: There is much concern presently about the jersey barriers which are currently in place and unsightly. Since present jersey barriers provide sufficient protection presently, the JCC will return in Sept. to show a couple types of bollards and show pictures of the intended planters.

Alan Flacks spoke.

2. Discussion of proposed legislation in the City Council to regulate newsboxes (Joint with Land Use Committee). Intro 14A has passed the council committee and is coming to the full City Council.

Discussion:

Barbara Keleman noted the lack of a permit requirement in 14A, which was part of the alternative proposal (95). She also noted that there does not appear to be a limit on the number of boxes that could be in a location. Suggestion from Hope Cohen and Larry Horowitz that there be a bond to finance getting rid of the box if abandoned or removed for cause.

The committee will make a list of points of recommended change and combination of parts of Intros 14A and 95, and forward to the council. Having the DOT commissioner set the regulations is preferable so the regulations can adapt to changing requirements to make newsbox placement work successfully.

Permitting and enforcement should be in the hands of a single agency, DOT preferred.

Regarding placement, other obstructions should be taken into account when determining whether there is room for satisfactory placement of any newsbox.

Resolution/Decision:

List of committee recommendations to come from Hope who has notes.

3. Review Department of Transportation proposed bike rack locations and siting criteria.

List of locations shown to committee. There was concern that locations have been marked with orange paint before approval. If locations not approved, paint is not removable.

Discussion:

Appears that the list of locations was suggested by parties who wanted bike racks in front of their establishments. Will restaurants park their delivery bikes at these bike racks? Is that OK? It also appears that there are incorrect addresses listed for some of the locations in the list.

Follow-up: Ask board to send a letter approving the bike rack locations numbered 1 through 19 in the list supplied with the following suggestion that the City consider charging a reasonable fee to any commercial applicants who have requested bike racks in front of their establishments. We also request that the incorrect addresses in the list be corrected.

Adjourned at 9:05 pm.

Submitted by
Dan Zweig, Co-Chair

Committee Members Present: Andrew Albert, Dan Zweig, Bobbi Katzander, Barbara Keleman, Klari Neuwelt, Oscar Rios, Elizabeth Starkey, Barbara Van Buren. **Committee Members Absent:** Joyce Johnson, Marc Landis, Tom Vitullo-Martin. **Board Members Present:** Hope Cohen, Linda Alexander, D. Maria Watson.

CB7/Manhattan concerns and ideas about newsboxes

Joint discussion by Transportation and Land Use Committees

July 9, 2002

Guiding Principles

1. More consultation with Community Boards is necessary before finalizing this legislation. Community Boards should have been included earlier in the process. The enforcing agency should consult with Community Boards before finalizing specific rules.
2. Ideally we would prefer no newsboxes on the sidewalk at all. They are obstructions and security risks. We would prefer that free publications be provided vertical rack space on the sides of street newsstands, which are already a highly subsidized grant of public space to individual operators.
3. We believe strongly in an approach that stresses prevention of problem newsboxes, through registration and permitting. Intro.14-A features unwieldy enforcement mechanisms because it lacks a strategy of prevention.
4. We believe that newsboxes should be examined in the larger context of sidewalk configuration and street furniture. Consideration should be given to the availability of sidewalk space, permit revenue for the City, etc. If and when a Uniform Street Furniture Franchise proposal is advanced, consideration should be given to providing distribution outlets for free publications within the design of bus-stop shelters, advertising kiosks, etc.
5. We believe that the legislation should identify major concerns about newsboxes (e.g. number of newsboxes on each corner or block, relation to other sidewalk obstructions, design, maintenance), while allowing flexibility to the enforcement agency to adopt and adapt more specific rules.

Specific Recommendations

1. Owners of existing newsboxes must register with New York City, so that they may be located when necessary.
2. A permit must be required to place a newsbox on the sidewalk, which belongs to the public. The permit fee should cover the cost of the permitting process. The permit requirement should apply to existing newsboxes, as well as proposed new boxes. A condition of the permit must be to keep registration information such as company and executive names and addresses current.
3. A single New York City entity should be responsible for all newsbox-related issues, including rule-making. We believe the most appropriate agency to do this work is the Department of Transportation.
4. Newsboxes should not be affixed to sidewalks. Bolting newsboxes down will make it more difficult to remove non-compliant ones and will damage the sidewalk. (N.B. Sidewalk café regulations specifically prohibit affixing railings to the sidewalk, painting the sidewalk, etc.)
5. Newsboxes should not be chained to street lamps, parking meters, etc.
6. Part of the rule-making process should be the establishment of design guidelines. There should be special guidelines for landmarked buildings and historic districts.
7. Rules should define required minimum distances from newsboxes to other obstructions. 'Close proximity' is too vague a term.

Transportation Members present: A. Albert, D. Zweig, B. Katzander, B. Keleman, K. Neuwelt, O. Rios, E. Starkey, B. Van Buren

Land Use Members present: H. Cohen, L. Alexander, D. M. Watson

Steering Committee
Larry Horowitz, Chair
Jewish Home and Hospital
July 24, 2002

The meeting was called to order at 7:15 PM by the Chair.

Business Session

Land Use Committee

Co-Chairs: Richard Asche and Hope Cohen

1. Resolution to approve new application DCA#1109932 to the Department of Consumer Affairs by The Westside of Broadway Restaurant Group, Inc., d/b/a Carne at 2737 Broadway, for a one-year consent to operate an unenclosed sidewalk café with 17 tables and 34 seats was adopted: 11-0-0-0.
2. Resolution to approve new application DCA#1114632 to the Department of Consumer Affairs by Bulgarski & Bulgarski Realty, Inc., d/b/a Bagels & Co. at 393 Amsterdam Avenue, for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 19 seats was not adopted and will return the to September Full Board.
3. Resolution to disapprove the new application DCA#1108331 to the Department of Consumer Affairs by Saigon Gourmet, Inc., d/b/a Saigon Grill at 620 Amsterdam Avenue, for a one-year consent to operate an unenclosed sidewalk café with 31 tables and 63 seats was not considered since the applicant withdrew the application.
4. Resolution to approve the renewal application DCA#695954 to the Department of Consumer Affairs by 269 Columbus Restaurant Corp, d/b/a The City Grill at 269 Columbus Avenue, for a five-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats was adopted: 8-0-1-0.
5. Resolution to disapprove application #151-02-BZ to the Board of Standards and Appeals by 223 West 80th Street (formerly Phoenix House) Cavan Development Corporation for a variance to exceed the permissible height limitations to permit the construction of a residential building with 12 floors and penthouse was adopted 14-1-1-0.

WHEREAS, Cavan Development Corporation (i.e. the applicant) proposes to construct a 12-story residential building at 223 West 80th on a site whose narrow frontage causes it to be ruled by the Zoning Resolution's 'Sliver Building' provisions, including limitation of height to match the lowest adjacent buildings; and

WHEREAS, Community Board 7/Manhattan finds that the proposed structure would interfere with the light and air of apartments and common spaces of adjacent buildings; and

WHEREAS, Community Board 7/Manhattan agrees with the residents of those adjacent buildings that their property values would be decreased so that the property values of the residents of the proposed structure could be increased; 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 clearly demonstrated** that there are unique physical conditions peculiar to and inherent in its zoning lot which conditions prevent the applicant from complying with the Zoning Resolution
- b) Having not met finding a), the applicant **has also not met** this finding b) concerning a reasonable return on development of the zoning lot
- c) The applicant has 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, **but 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) The applicant has not created the difficulties and hardships that the applicant claims as ground for a variance

e) The application appears to be 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), b), and c);

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #151-02-BZ to the Board of Standards & Appeals (BSA) by Cavan Development Corporation for a variance to exceed the permissible height limitations to permit the construction of a residential building with 12 floors and penthouse at 223 West 80th Street (Broadway – Amsterdam Avenue).

Speakers:

Howard Goldman, attorney for the Cavan Development Corp. presented the application.

The following residents spoke in opposition the variance: Richard Ginsburg, Andrew Barry, Jim Anderson, Lisa Aswad, Ted Greedburg, Mark Nowlan, Nicole James, Cathy Nepomnyasmcky, JC Addeson, Bob Romanoff.

Board Member Deliberations:

Larry Horowitz and Richard Asche presented a detailed explanation of the findings required for a variance. Tom Vitullo-Martin, Elizabeth Starkey, Beth Berns, Eric Nelson, Dan Zweig, and Maria Watson presented arguments supporting the speakers from surrounding buildings on the economic, air and light issues.

6. Resolution to recommend to the Department of Housing Preservation and Develop that the current operator of the Monterey Garage, 137 West 89th Street, be given the opportunity to purchase the garage was adopted: 11-3-0-0. The second part of the resolution was amended to recommend that HPD issue an unrestricted RFP if the current operator failed to purchase the garage.

WHEREAS, 137 West 89th Street (The Monterey Garage) was a property taken by eminent domain as part of the West Side Urban Renewal Plan of 1960, but was subsequently determined not to be necessary for the public purpose for which it was taken; and

WHEREAS, for the past 40 years the New York City Department of Housing, Preservation and Development (HPD) has leased the garage to an operator, who has maintained its service to the community as a small, family-run business; and

WHEREAS, HPD has decided to dispose of this parcel of property and has requested the advice of Community Board 7/Manhattan about how it should go about doing so; and

WHEREAS, Community Board 7/Manhattan has held public hearings on the question of the disposal of the property, at which hearings many residents of this community have strongly expressed the view that the garage is important to the fabric of the neighborhood, that the operator has continued his service to the community despite the difficulties of operating a small business under the handicap of a month-to-month lease, and that as a matter of justice, they believe the operator should be sold back the property that was taken for a purpose not needed; and

WHEREAS, Community Board 7/Manhattan has consistently taken the position that, to the extent feasible, the urban renewal program should not displace individuals and businesses from this community, and that those displaced should be relocated within the community and, preferably, within the urban renewal area; and

WHEREAS, Community Board 7/Manhattan passed a resolution in 1987 requesting that HPD sell 137 West 89th Street to the operator of the Monterey Garage; and

WHEREAS, the operator of the Monterey Garage has stated his commitment to undertake a program of historic restoration of the façade of this example of early garage architecture; and

WHEREAS, the operator has stated his commitment to continue to operate the Monterey Garage as a garage that will serve the needs of the community;

BE IT RESOLVED THAT Community Board 7/Manhattan requests that HPD sell 137 West 89th Street to the current operator, with the provision that the property be operated as a garage by this operator or a successor for a period of at least 30 years; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan supports the operator's effort to restore the historic facade, as a service to the community; and

BE IT FURTHER RESOLVED THAT, in the event that the operator and HPD are unable to come to an agreement concerning purchase of the property by the operator, Community Board 7 requests that HPD begin an open RFP process for other public or private uses, and that Community Board 7 be consulted on the development of the RFP, and the determination of an award.

Richard Asche presented the committee's background on the issues involved in the resolution.

Speakers:

Stephen Kramer, attorney for the Monterey Garage, and Andrew Dolkart, professor at Columbia University with expertise in the history of transportation provided historical background on the garage.

The following residents spoke in support of the resolution: Kenny Mance, Garage owner; Page Cowley; architect; Teresa Singer; Paul Novograd, owner, Claremont Riding Academy; Renauld White; Julio Peterspm; Billy Dennis, garage employee; John Pierre Radley; Maulys Reed; Richard Land; Emily Horowitz, Rob Applebaum; Harold Richman; Paulette Pellani; Stephen Joff; Henri Gueron; Rex Wilson; Tom Levin; Lisa Orshansky; Noah Kaufman; Ed Brill; Jane O'Shannessy.

Board Member Deliberations:

The Board members discussed variance alternatives with most members supporting the opportunity for the current operator to purchase of the garage.

Landmarks Committee

Chair: Lenore Norman

7. Resolution to disapprove application #026507 to legalize the installation of a security grille at the basement without Landmark Preservation Commission permits at 45 West 70th Street was adopted 10-0-0-0.
8. Resolution to approve application #021679 for replacement of windows at 139 West 91st Street was adopted 10-0-0-0.

Parks, Cultural Affairs and Libraries Committee

Co-Chairs: Barbara Adler and Bob Herrmann

9. Resolution to approve the proposal by the Department of Parks and Recreation to install public art in Riverside Park was adopted: A) West 91st Street, 10-0-0-0. B) West 72nd Street, 10-0-0-0.

Present: Larry Horowitz, Andrew Albert, Janet Alvarez, Richard Asche, Beth Berns, Hope Cohen, Sheldon Fine, Robert Herrmann, Marc Landis, Eric Nelson, Sharon Parker Frazier, Melanie Radley, Elizabeth Starkey, Tom Vitullo-Martin, D. Maria Watson, Melanie Wymore, Dan Zweig.

Absent: Barbara Adler, Peter Bailey, David Harris, John Howell, Lenore Norman, Barry Rosenberg, Helen Rosenthal, Hector Santana, Barbara Van Buren.

Parks, Cultural Affairs and Libraries Committee Minutes
Co-Chairs: Barbara Adler and Bob Herrmann
July 11, 2002

1. Presentation by the Department of Parks and Recreation on the proposal to install and operate adventure equipment (wall climbing, trapeze, trampoline) at 105th Street in Riverside Park.

KC Sahl, Administrator of Riverside Park, NYC made the presentation. He discussed the concept of installing a trapeze climbing wall, a zip line and possibly a hot-air balloon ride (modified) to complement and enhance public use and youth activities already offered in Riverside Park. The trapeze structure, which is all open, is 32' tall by 65' long x 13' high. The idea is proposed for a possible tryout at 105th Street and Riverside Park at its lowest level, right next to highway. It would *not* displace any existing facilities. The hot-air balloon would go straight up and come straight down on a tether. Riders float on a harness, four riders at a time. Maximum height is 500 ft. This would be a concession, and fees would be charged. The range of fees include for ground-based activities (tai chi, juggling) \$3.00-\$5.00; for medium height activities, \$5.00-\$12.00; and for classes, \$20.00 -\$30.00. Trapeze classes would likely be \$50.00. There would be 2 year contract, but cancelable at any time. The operator wants to operate as long during the year as possible, weather permitting. Riverside Park Fund's director, Jim Dowell, said they're intrigued in that they see it as an interesting, extra family activity if careful curves are put on it, but they have not yet taken a formal position."

Resolution:

Whereas, the adventure climbing equipment will offer popular sport that one normally must travel a distance to find, and

Whereas, the equipment will give city kids who don't have the luxury of leaving the city to experience this popular equipment the opportunity to do it right near home, and

Whereas, the equipment is intended to complement the other sports already in place in Riverside Park,

Be it Resolved that the Parks Committee of CB7 Approves the idea of trying out the adventure climbing equipment for one season, until it is too cold to continue operation. At that time, the Board will make an evaluation of the concession.

Committee Vote: 3/2/0/0

2. Presentation by the Department of Parks and Recreation on various alternatives for public art in Riverside Park.

KC Sahl, Administrator of Riverside Park, made the presentation, to install a rock sculpture by Richard Bellamy in Riverside Park. The sculpture would be in the park for 6 months to 1 year. It is 6' x 5' x 3' deep. The committee was given a choice of three locations, and chose 91st Street just off Riverside Drive at top of vale.

Resolution: To Approve a Richard Bellamy rock sculpture installation at 91st St. top of vale for 6 months to 1 year.

Vote: 4/0/1/0

Another Presentation was made by KC Sahl to install a second rock sculpture, also by Richard Bellamy in Riverside South Park. This sculpture is proposed for installation on the south side of the West 72nd Street soccer field for six months to one year in duration.

Resolution : To approve a Richard Bellamy sculpture for a period of 6 months to one year for installation on the south side the West 72nd Street soccer field.

Vote: 3/0/2/0.

3. Review of operations of the dog run in Theodore Roosevelt Park.

Linda Alexander, former board member of the dog run, gave an update, and committee members addressed questions to her. There have been no complaints, and there were no members from the community to speak on this issue.

Resolution/Decision: No action.

The meeting adjourned at 8:30 PM.

Committee Members Present: Barbara Adler, Bob Herrmann, Linda Alexander, Phyllis Gunther, Klari Neuwelt.

Committee Members Absent: Dan Cohen, Doug Griebel, Joyce Johnson, Betty Katz, Bob Zuckerman.

Landmarks Committee
Lenore Norman, Chair
July 18, 2002

1. **45 West 70th Street.** Application to legalize the installation of a security grill at the basement level to accommodate an air conditioner without a landmarks permit. Julie and Eugene Wallsh presented the application. They were misled into thinking it would be okay to make this change. They tried to replicate the grill that was being replaced, but were unsuccessful. They agreed to remove the grill and reinstall the original and apply to LPC for a permit. The Committee, although sympathetic voted to deny the application to legalize.

WHEREAS, this size grill was the only one of its kind among other installations on the block that were similar to the original and;

WHEREAS, the change was not necessary since the purpose of the change could be accommodated in another way;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #026507 to legalize the installation of a security grille at the basement without Landmark Preservation Commission permits.

Committee: 3-0-0-0. Public Member 1-0-0-0.

2. **139 West 91st Street.** Application to replace some of the windows at the Trinity School. Nelson Banner from Skyline Windows and Valery Campbell, Attorney, representing the school made the presentation. Sixty windows on the facade of the building are to be replaced with double pane windows with a metal frame. The original wood windows are severely rotted. The profile of the new windows replicates as closely as possible the profile of the present windows. The metal will be painted a timber bronze, the color that paint samples indicate was the original color. The Committee approved the application.

WHEREAS, the condition of the windows is beyond repair and;

WHEREAS, the replacement windows have been thoughtfully researched and;

WHEREAS, portions of the original windows which are fixed will remain;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** Application #021679 for replacement of windows.

Committee: 4-0-0-0. Public Member: 1-0-0-0.

3. **New Business.** There followed a discussion of the purchase of 2 Columbus Circle by the Craft Museum. There was concern that the Museum would alter the building extensively and destroy the essential characteristics of the building which is quite distinctive.

Committee Members Present: Lenore Norman, Ulma Jones, William Meyers, Patricia Stevens.

Committee Members Absent: Janet Alvarez, Dan Cohen.

Land Use Committee Minutes
Co-Chairs: Richard Asche and Hope Cohen
July 17, 2002

Co-Chair Richard Asche called the meeting to order at 7:10PM.

Monterey Garage, 137 West 89th Street (Columbus-Amsterdam Avenues).

Presentation:

Steve Kramer, lawyer for the garage, deferred to the not-for-profits. They described their joint proposal. Deborah Pinsky, Executive Director, Congregation B'nai Jeshurun, said the three not-for-profits had developed a conceptual, visionary proposal for the use of the space. Stryker's Bay, B'nai Jeshurun, and the DOME Project serve the similar populations—children, families, etc. They envisioned the building would provide direct services to these publics and include community and administrative office space. For example, the DOME Project would provide evening tutoring.

Richard Asche asked whether they had attached financial numbers or square footage needs or worked out any legal accords on sharing space, apportioning acquisition costs, renovation and operating expenses between the three entities. She said that the arrangements between the three were informal and based on good faith and the proposal was a “visionary statement.”

Both the garage and the not-for-profit consortium would be prepared to buy the building at market price from the City. B'nai Jeshurun said they estimated the building would cost approximately \$10 million to buy and renovate. Kelly Williams, representing Stryker's Bay, said that the organization, which operates out of loaned space in several United Tenants Buildings on the West Side, has a small operating budget of \$250,000 but believes that once the building was purchased foundations which are known to pay for “bricks and mortar” would finance the renovations.

Jessica Mates, representing Stryker's Bay, pointed out that space is at a premium for not-for-profits. Stryker's Bay has no permanent place for staff—it is adding 5 Vista volunteers in the fall. Edward Brill, co chair of B'nai Jeshurun's real estate committee, said they would use the space for existing programs. B'nai Jeshurun already provides tutoring; a food coop, food bank, counseling and services; the new facility would provide space for a needed two day a week supplementary religious school and administrative office. B'nai Jeshurun's social service, social action programs are an integral part of the synagogue's mission and are staffed by volunteers and the professional staff who are expected to dedicate a portion of their time to the programs. The budgets for these programs are so intertwined with the operations of the synagogue it would be hard to determine their actual cost. B'nai Jeshurun has been searching through the West Side for many years and this is the only viable space. They operate in numerous rental facilities sharing space with other religious organizations and not-for-profits and this would permit them to consolidate programs. They apparently will have no problem buying the building at a market rate established by the City.

Mr. Kramer interpreted market price to be the City appraised value of the property, highest usage—comparable sales—and assumes the City will negotiate. He pointed out that there is a question of viability for using the building as is for other functions. There could be a toxic waste problem. Neither side has completed a phase one analysis. He assumed a clean up would be necessary if the building was converted to other uses. His client expects to make substantial renovations and repairs to the structure if he is permitted to purchase it.

The Chair of B'nai Jeshurun's finance committee said B'nai Jeshurun expects to make a total gut renovation and add a substantial addition. He did not know the potential FAR. Because the building is not built to existing FAR, it can be substantially expanded. Financing the purchase and construction will not be a problem, he said.

Numerous members of the community spoke to support the value of the garage and the 40-year commitment of the owner and his family to the site. Others pointed out the historic and landmark value of the building, constructed in 1906 as a garage of the future.

Discussion:

The Committee members' discussion focused on land use issues—proposed bulk, traffic problems, impact of new use, environmental concerns, whether the current owner has certain vested rights or had already exercised them

through a long term “sweetheart” deal with the city, and the criteria for the disposition of city property as well as the fiscal crisis which meant the City is under some obligation to return property to the tax rolls as well as receive a fair market price.

In requesting the community opinion on the disposition of the property, the city has offered three choices: To vote for a Sole Source—continuation of existing use; an unrestricted RFP -- to consider any use; or a restricted RFP with competing proposals for a defined use. A restricted RFP would require all competitors to present fully developed proposals, stating intent and substantiated with documented finances.

Decision:

The Committee offered some alternatives: (1) unrestricted RFP -- best price the City could receive from any bidder. (2) Restricted - restricted to current user and social service consortium and the City would choose between the two competitors based on price and best usage in direct consultation with the community board (3). Modified Sole-Source RFP -- giving the right of first refusal to the current tenant and then to the social service consortium.

The Committee conducted a vote to select a preference. An unrestricted RFP was eliminated. (2) Restricted to current user and social services: Committee 3- (includes Larry Horowitz, ex officio). (3) Modified Sole Source Committee 2, board member 1. Steering Committee will act for the full board in passing a resolution.

223 West 80th Street, formerly Phoenix House (Broadway-Amsterdam Avenue.) Application #151-02-BZ to the Board of Standards and Appeals by Cavan Development Corporation for a variance to exceed the permissible height limitations to permit the construction of a residential building with 12 floors and penthouse at 223 West 80th Street.

Presentation:

Howard Goldman, attorney; Michael Barrett, architect; Edith Fisher, community consultant, represented the developer.

Mr. Goldman was prepared to demonstrate the community received proper notification. To review the building, the architect offered another visual presentation. Although it is a sliver building, it is designed to fit it into classical vernacular and made to be sympathetic to surrounding buildings. There are inner court windows on adjacent building. 219 West 80th Street will be affected above the lot line, but the windows that will be blocked will be bathroom and kitchen windows.

Discussion:

The committee consensus, however, was that the request for a variance doesn't meet the C finding—The use of the existing building will be impaired because of new lot line windows. The social cost to the surrounding buildings is at heart of C finding. There was also some question as to whether financially this was the minimum variance required to make a profit and the representatives of the developer said that papers included in their submission demonstrated that it was. This finding however requires a complete BSA analysis and the Committee is not equipped to evaluate the financials. Ms requested that it be noted in minutes that she was not permitted to finish her testimony.

Resolution/Decision:

Whereas new testimony by the community and new information provided by the developer demonstrates that the proposed structure at 223 West 80, would impair the use of 229 West 80th Street, and Whereas the developer has shown that although the structure will not alter the character of the existing neighborhood, he has failed to demonstrate that the proposed building in his request for a zoning variance meets the criteria for the C finding and will adversely affecting adjacent structures. Be it resolved that community Board 7 denies the request for a zoning variance. Committee: 4-2-0-0. Board Member: 0-1-0-0.

2737 Broadway (West 105th Street). New application DCA#1109932 to the Department of Consumer Affairs by The Westside of Broadway Restaurant Group, Inc. d/b/a Carne at 2737 Broadway, for a one-year consent to operate an unenclosed sidewalk café with 17 tables and 34 seats.

The applicant submitted revised plans, stamped by DCA, showing the removal of the two tables and four chairs. The revised plan with 15 tables and 30 chairs was approved: 6-0-0-0.

620 Amsterdam Avenue (West 90th Street). New application DCA#1108331 to the Department of Consumer Affairs by Saigon Gourmet, Inc. d/b/a Saigon Grill at 620 Amsterdam Avenue, for a one-year consent to operate an unenclosed sidewalk café with 31 tables and 63 seats.

Presentation:

Mike Leuck for Saigon Grill.

The restaurant presented its revised plan: the wrap is eliminated. 11 tables and 23 chairs are eliminated. The current plan is for 20 tables and 40 chairs. However, significant community opposition remains to the proposed sidewalk café based on current operational problems. Some of the complaints included: the restaurant is open 14 hours a day, 365 days a week. At the last Land Use meeting, the Owner had promised to establish order among waiting patrons, but there are still people milling around on the sidewalk waiting to be seated. The community did meet with the architect. But nothing was resolved. At least 11 bikes are parked at meters on the street. Another restaurant may be opening next door. Neon signs are lit until 1:00 am. Delivery people and kitchen prep people do not seem to have any space to eat or relax between shifts in the restaurant and congregate on the street. The cellar gate is left open all day. An awning blocks a fire escape.

The owner proposed that once construction on the building is completed, he would move the waiting area to 90th Street and store bikes there.

There was one resident who spoke in favor of the restaurant saying it is a deterrent to crime, and brings people to neighborhood.

Both the restaurant and the community presented petitions.

Discussion:

The Committee acknowledged the restaurant is affecting quality of life in neighborhood. All of the problems stated are management problems that can be resolved and settled. The owner needs to work with the neighborhood, which is generally supportive of him and wants to see him succeed. Adding a sidewalk cafe at this time would simply compound the issues. There are too many operating problems.

Decision:

Resolution to disapprove until restaurant has demonstrated to the Board and the community that it has worked in good faith to resolve existing operating problems. 5-0-0-0.

261 Columbus Avenue (West 72nd-73rd Streets). New application DCA#1111397 to the Department of Consumer Affairs by PGGS Gourmet, Inc. d/b/a Columbus Avenue Deli Café at 261 Columbus Avenue, for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.

Presentation:

Henry Katz and Phuman Singh, restaurant owner. Restaurant has neither waiter service nor china. City regulations require waiter service.

Decision: Put over until September.

393 Amsterdam Avenue (West 79th Street). New application DCA#1114632 to the Department of Consumer Affairs by Bulgarski & Bulgarski Realty, Inc. d/b/a Bagels & Co. at 393 Amsterdam Avenue, for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 19 seats.

Presentation:

Yuval Aroety, owner, Bagels and Co. The café is already operating on Sundays with no approval. Plans show 10 feet width on half of café; Board regulations are 9 ft. Claims waiter inside. 12 chairs inside. Outside will be larger than inside.

Decision:

Plans need to be revised to show 9 feet and stamped plans presented at Steering.

269 Columbus Avenue (West 72nd-73rd Streets). Renewal application DCA#695954 to the Department of Consumer Affairs by 269 Columbus Restaurant Corp. d/b/a The City Grill at 269 Columbus Avenue, for a five-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.

Decision: approve: 5-0-0-0.

Present: Richard Asche, Leonre Norman, Janet Alvarez, Linda Alexander, Melanie Radley; Larry Horowitz, ex officio; Board Member Andrew Alpert. Absent: Hope Cohen, Peter Bailey, Doug Griebel, Betty Katz, Ethel Sheffer, D. Maria Watson