

September 2004 Minutes

Full Board Meeting Hope Cohen, Chairperson

September 7, 2004

St. Luke's-Roosevelt Hospital

Hope Cohen called the meeting to order at 7:15 PM.

The July full board minutes were approved: 16-0-2-0.

Nomination of Board Officers for 2004-2005

Dan Zweig, Chairperson, Elections Committee, reviewed the election process and schedule. Nominations for the offices of Chairperson, 1st, 2nd and 3rd Vice-Chairpersons, and 2 co-secretaries will be made at this meeting; elections will take place at the October 5 full board meeting; elected officers will begin serving on November 1.

The following were nominated, seconded and accepted (unless indicated otherwise.)

- Chairperson - Hope Cohen**
- Vice-Chairpersons - Sheldon Fine, Charles Simon, David Harris, Helen Rosenthal, and George Zeppenfeldt-Cestero (who was not present to accept)**
- Secretaries - Deborah Gobble-Lewine, Bobbie Katzander, and Melanie Wymore (who was not present to accept)**

Nominations were closed: 27-0-0-0.

Each nominee was asked to submit a 250-word statement to the board office within 10 days. The office will send the statements to board members. Nominees may speak for up to 3 minutes at the October 5 full board meeting. Board members who want to serve on the Elections Committee are asked to email the board office.

Chairperson's Report - Hope Cohen

Addressed comments to Board members:

- Membership Committee, chaired by Barbara Adler, has assigned mentors to new board members, began distributing a new Membership Booklet at this meeting, and is developing a CB7 leadership program.**
- The Borough Present is holding a training program for all board members on October 4.**
- Expressed concern about board members' attendance at full board and committee meetings, especially in light of requirement to serve on only one-committee. The Membership Committee or she will be contacting members who have poor attendance.**
- The first CB7 vs. elected officials baseball game was played in August. Encouraged elected officials to play next time. Captain Larry Horowitz is planning future games.**

Addressed the public:

- Encouraged everyone to read CB7's District Needs Statement, which is available at www.cb7.org.
- The October 5 full board meeting and most committee meetings will be held at the American Bible Society, 1865 Broadway. Because of Election Day, the November full board meeting will be held on Wednesday, November 3rd, at Jewish Home & Hospital, 120 West 106th Street.
- CB7's Lincoln Center Task Force has been learning about Lincoln Center's West 65th Street Redevelopment Project and is preparing for CB7's public review. Lincoln Center expects the Department of City Planning to certify the plans early in September. CB7 has scheduled its first meeting on the plan on Wednesday, September 29, 7 PM, at the American Bible Society. The date may be changed if certification is delayed. Meeting date and actions related to the proposed plan can be found at www.cb7.org or call 212-603-3080.
- The School at Columbia will give a report at the November 3 full board meeting.

District Manager's Report - Penny Ryan

- The board office has moved to temporary space at 1865 Broadway. Construction at West 87th Street to begin mid-September. Larry Horowitz will monitor the work.
- Assistant District Manager John Martinez has been redesigning the board's website, www.cb7.org. Most recent addition is the District Needs Statement. Comments are welcomed and can be made at the website.
- CB7 and CB4, with support from Council Member Gale Brewer, have completed a GIS project with CMap that presents Census and other data in map form for CDs 4,5, and 7. The Municipal Arts Society is giving an advanced GIS training program for board members and providing technical assistance to further the CMap project. Board members who are interested in participating in GIS are asked to contact the board office.
- Reconstruction of the Columbus Circle roadway is complete. The monument and plaza work will be done by Spring. Reconstruction of Frederick Douglass Circle at Central Park West and 110th Street has begun. CB7 and CB10 are participating in a construction task force. The School Construction Authority has begun a two-year reconstruction of the exterior of Brandeis High School on West 84th Street. CB7 and Council Member Brewer are coordinating community meetings on the project.
- Council Member Brewer hosted a reception in Brandeis High School's Dome Garden. She, CB7, the school and the Dome Project are planning to have the garden open to the community. Board and community members who want to help are asked to contact the board office.
- Council Member Brewer has introduced legislation requiring the Department of Information, Technology and Telecommunications (DoITT) to share 311 data with community boards. Her Government and Technology Committee will hold a public hearing on the legislation on September 22. CB7 will post the draft legislation at www.cb7.org as soon as it is available.
- Crime statistics for CD7 have not changed over the summer.

- The major problem over the summer has been an increase in complaints about rats throughout the district. Meeting with the Department of Health has been scheduled.

Charles Simon - can crime stats can be mapped in GIS? They can.

Dan Zweig - what is status of the curb cut for PS87 on West 77th Street? Ms. Ryan will check.

Phyllis Gunther - should CB7 endorse the 311 legislation? The board has endorsed the general concept of sharing the data. Can consider a formal position when final draft is available.

Public Session

- Damon Noto, MD, Falun Gong – holding events to publicize their work and looking for feedback on how they can do more in the community.

- Mela Nu Malia, Falun Gong – not sure what reasons are for persecution of their organization in China; described practices.

- Jorge Ruiz, Housing Works – provides services to people with AIDS; works for thrift shop at 304 Columbus Avenue; seeking to enhance contacts with the community; events are listed at www.housingworks.org.

- Emily Csendes – described NY State's ombudsman program, which is run by Foundation for Senior Citizens in NYC. Volunteers are needed. Contact 212-962-2720.

- Rebecca Miller, Public Advocate Betsy Gotbaum's office, introduced herself as the new community liaison to CB7. She can be reached at 212-669-4147.

- Danielle Podlucky, State Senator Tom Duane's office - reported on Senator's community forums on senior issues.

- Sue Calvin, Council Member Philip Reed's office - bill prohibiting racial profiling signed; funding provided for a new laboratory and reconstruction of the playing field at Booker T. Washington Middle School, and for new call boxes in Central Park; announced an asthma march.

- Phyllis Gunther - second annual country fair in Riverside Park South at Pier I (70th Street) will be held on September 19, noon to 5 PM.

Manhattan Borough President's Report - John Mullins

- C. Virginia Fields will host a sunrise memorial service at World Trade and a reception at the NY State Office Building on September 11.

- The MBP's Office will hold a training session for community board members on October 4.

Reports by Legislators

State Assemblyman Scott Stringer

- Reported on the baseball game between electeds and CB7.

- MTA, without any notice, put up LED screens at various subway entrances. He got the MTA to remove the screens at the West 86th and West 79th Street IRT

stations and has recommended installations only in commercial areas. Working with Clear Channel to find suitable locations and will hold community meetings on advertising and street furniture

- Failing Grade, his report on health education in public schools, found AIDS education had not been revised since 1986. Now the Department of Education is implementing a new curriculum.

- State budget was passed in August. Going back to consider items that were vetoed. He is considering recent reports on problems with legislative process and expects to report to CB7 in October.

- Advocating recycling in NYC parks.

- Closing of West 72nd Street ramp still in court.

Council Member Gale Brewer

- Hosted a community reception on August 30 in Brandeis High School's Dome Garden. Working to have the garden open to the community.

- NYU's dental van provided services at her district office.

- Taped a number of programs what will air on Manhattan Neighborhood Network, including one with Hope Cohen on the Lincoln Center Redevelopment Project.

- Visited fire houses and encouraged community members to visit their local houses and show their support.

- Investigating traffic problems and solutions and will hold a traffic awareness week in October.

- In response to her Council hearings and proposed 311 legislation that would provide community boards data they need for planning, DoITT met with boards to discuss data they could share and how boards can use 311 as their own complaint system.

- Meeting with housing groups around the City to discuss housing inspections.

- Working on a bill that would close gaps in human rights.

- Working with CB7's Commerce Committee; focusing on banks. Outreach is being done to encourage banks to give to and participate in community programs.

- Construction of the new district office is complete. All are invited.

Business Session

Resolutions adopted by the Steering Committee on July 28, 2004, and subject to ratification by the full Board.

Parks & Preservation Committee

Lenore Norman, Chairperson

Michael Roberts presented the resolutions.

1. 38-42 West 90th; 22-42 and 64-70 West 91st; 48-54 West 94th Streets (Central Park West-Columbus Avenue.) Resolution to approved applications #045830; #045829; #045828; and #040082 to the Landmarks Preservation Commission for window replacements was adopted: 32-0-0-0.

2. 12 West 72nd Street (Central Park West-Columbus Avenue.) Resolution to approve application #045502 to the Landmarks Preservation Commission to install a new entrance infill was adopted: 32-0-0-0.

3. 34 West 74th Street (Central Park West-Columbus Avenue.) Resolution to approve application #046805 to the Landmarks Preservation Commission to install planters and a pergola on the roof was adopted: 32-0-0-0.

4. 407 Amsterdam Avenue, d/b/a Bar None Lounge (West 79th-80th Street.) Resolution to approve application #046984 to the Landmarks Preservation Commission to replace storefront infill, signage, and lighting installed without Landmarks Preservation Commission permits was adopted: 32-0-0-0.

Transportation Committee

Andrew Albert, Chairperson

5. 154 West 70th Street (Broadway-Columbus Avenue.)

Resolution to approve the renewal application DCA #0979654 to the Department of Consumer Affairs by Café Mozart, Inc., d/b/a Café Mozart, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 17 seats was adopted: 31-0-0-1.

6. 2160 Broadway (West 76th Street.)

Resolution to approve the new application DCA #1164639 to the Department of Consumer Affairs by Cosi, Inc., d/b/a Cosi, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 36 seats was adopted: 31-0-0-0.

7. Request by the West 104th Street Block Association to replace the four cobra light poles on West 104th Street, West End Avenue-Riverside Drive, with three Bishop's Crook light poles.

Approval was conditioned on the block association providing a newsletter informing the block residents that the number of lampposts would be reduced from three to four [???]. The block association did not attend or provide the newsletter. The item was sent back to committee. The office will contact the block association.

8. Cuts in the M104 bus service.

Steve Strauss suggested removing the clauses that refer to the summer reduction in service. Andrew Albert did not accept. The point of the resolution is to object to any reduction in service in the community. Ethel Sheffer offered the following addition, which Mr. Albert accepted: "In the past six years, reductions in service have resulted in longer headways and more congested buses, a pattern that is continuing and increasing."

Public speaker Alan Flacks - Fewer buses result in longer loading times.

The resolution, as amended, was adopted: 29-1-0-2.

Discussion of proposed changes to the Board's by-laws was postponed: 18-9-0-0.

Board Members Present: Hope Cohen, Barbara Adler, Andrew Albert, Linda Alexander, Richard Asche, Annette Averette, Sheldon Fine, Georgette Gittens, Deborah Gobble-Lewine, Jean Green-Dorsey, Phyllis Gunther, Marlene Guy, David Harris, Robert Herrmann, Lawrence Horowitz, John Howell, Joyce Johnson, Bobbie Katzander, Marc Landis, Klari Neuwelt, Melanie Radley, Oscar Rios, Michael Roberts, Helen Rosenthal, Ethel Sheffer, Charles Simon, Elizabeth Starkey, Patricia Stevens, Steve Strauss, Barbara Van Buren, Tom Vitullo-Martin, Dan Zweig.

Board Members Absent: Janet Alvarez, Guillermo Gonzalez, Douglas Griebel, Ulma Jones, Barbara Keleman, William Meyers, Eric Nelson, Lenore Norman, Sharon Parker-Frazier, Chris Policano, Freddie Richardson, Sean Small, D. Maria Watson, Melanie Wymore, George Zeppenfeldt-Cestero.

Steering Committee

Hope Cohen, Chairperson

September 28, 2004

Hope Cohen called the meeting to order at 7:05 PM.

Discussion of committee participation

- Contacting members with committee agenda review helps. Important to keep regularly scheduled meeting dates, especially while at ABS. Commitment to serve has to be emphasized.
- 7 members have serious attendance problems. Membership Development Committee to prepare list for review by Steering, then with MBP.

Leadership training and development/membership events

- Board has modest budget for program.
- Has to be different and engaging with content so members will attend. Goal is to foster greater participation in the life of the board; to empower members in their committees.
- Asked members to think about ideas. Themes might include neighborhood needs or communications; one big event or several smaller ones. Treasure hunt in community by teams. Could also be project-oriented.

By-laws discussion

Ms. Cohen asked for advice on making by-laws review at Full Board more manageable. The Task Force recommended identifying proposed changes that are important to the board and bringing these forward. Each month, a single, specific proposal will be listed on the Full Board agenda. That item will be discussed and voted on, in the same manner as any other business item. To kick off this revised process at the October 2004 meeting, Sheldon Fine, Chairperson of the By-Laws Task Force, will review by-laws activities to date and seek approval of the 'housekeeping' items (i.e. factual corrections, gender-neutral language, etc.).

Intro 174-A regarding sharing of 311 data with community boards

Council Member Gale Brewer's Committee on Technology in Government has proposed legislation that would require the NYC Department of Information Technology and Information (DoITT) to share location-based 311 data with community boards, provide aggregate data on line for the public, and meet with community board representatives on content and format.

The Committee voted to endorse the legislation: 10-0-0-0. It also recommended working with the Manhattan Borough Board, other community boards and non-profits on the legislation.

Public Housing Task Force

Ms. Cohen asked whether the Board should attempt to reconstitute the Public Housing Task Force, which met only a couple of times before losing its Chairperson and fading away. Consensus was to absorb public-housing issues into appropriate committees.

In addition, it might be possible to tie-in with CB7's training and leadership development program. Lincoln Center Development Project and Amsterdam Houses could be one focus.

Interest in interns

Ms. Cohen asked committees to identify issues that could benefit from involving interns or student workshops (NYU Wagner School Capstone program is one example). It is essential to have a clear project description and identify supervision if a committee wants to take on intern(s).

Budget priorities reminder

At the November 3 meeting, the board will vote on priorities for the NYC Capital and Expense Budgets for FY2006. Updated priorities (i.e. based on FY2005) will be sent to each committee in October with the request that they review then and send back to the Strategy & Budget Committee. S&B liaisons will contact the committee chairpersons and will attend committee meetings on request. Discussion of budget priorities will be included on agendas of all relevant committees.

Manhattan Borough Board report and selection of attendee for October

Sheldon Fine and Bobbie Katzander reported on September meeting, which focused on the Hudson Yards proposal (located in CB4 and CB5). The Borough Board resolution includes using inclusionary housing as a mechanism to create affordable housing, and calls for lowering the minimum Floor Area Ratio (FAR) eligible for the inclusionary housing bonus from 10 to 7.5. Ms. Cohen had asked that the resolution be clear that this provision would apply only to this new district. [Note: Since the time of the Steering Committee meeting, we checked the final text and found that Ms. Cohen's request to the Borough Board was not accommodated.]

Sheldon Fine will attend the October meeting.

Usual roundtable

October committee meetings:

- Commerce Committee will be hosting a meeting for home businesses at Staples (Broadway & 81st Street). Planning for community outreach on impact of real estate development on business.
- Parks & Preservation Committee revisiting the RFP for the Riverside South café at 70th Street.
- Health & Human Services Committee focusing on bringing in community to discuss budget priorities. Planning meeting on lead paint law for November.

Highlight items for October 5 full board meeting:

- Transportation has approved two newsstands and a curb cut for Fairway.
- Mama Mexico's enclosed sidewalk café and the Candace garage are joint with Land Use.

Other items:

- Ms. Cohen asked the board office to request removal of the now vacant My Favorite Bistro enclosed café; provide the renewal date for Artie's enclosed café; ask DCA and DCP when they are going to revise guidelines for enclosed cafes.
- Sheldon Fine reminded members the about Borough President's training on October 4.

Departures/Appointments

- Deborah Gobble-Lewine and Marc Landis have resigned.
- Ms. Cohen called MBP's office and asked that the positions be filled as soon as possible. She asked members to send suggestions for appointments to Barbara Adler and her.
- Gale Brewer has identified an appointment to fill her vacancy. The MBP's office is reviewing the nomination.

Present: Hope Cohen, Barbara Adler, Andrew Albert, Sheldon Fine, Larry Horowitz, Bobbie Katzander, Lenore Norman, Helen Rosenthal, Barbara Van Buren, George Zeppendfeldt-Cestero. District Manager Penny Ryan.

Absent: Richard Asche, Marlene Guy, David Harris, Melanie Wymore

Community Development Committee

Minutes will be uploaded as they become available.

Transportation Committee

Andrew Albert, Chairperson

September 14, 2004

1. 477 Amsterdam Avenue (West 83rd Street.) Renewal application DCA #0885881/ULRURP# N040522ECM to the Department of Consumer Affairs by 83rd Amsterdam Restaurant Corp., d/b/a Hi-Life Bar & Grill, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.

Andrew Albert indicated that there were no changes in the application. Resolution in support passed. Committee: 4-1-0-0.

2. 2418 Broadway (West 89th Street.) New application DCA#1172236 to the Department of Consumer Affairs by Three Friends, LLC d/b/a Georgette's Bakery, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 32 seats.

Georgia Stamoulis and Basil Pologianis appeared on behalf of the bakery. It was noted that as a general rule, the Committee does not support wrap-arounds. Representatives of 2418 Broadway appeared both in support of and against the application. Dan Zweig noted that the café appeared to be too deep on the Broadway side and expressed concern about the narrow passageway on West 89th Street, given the phone and the tree on the sidewalk. Barbara Keleman and Mr. Albert suggested that the applicant should consider redrawing the application to have just a 9' cafe on Broadway and no wraparound on West 89th Street. The applicant agreed to have the architect re-draw to these specifications before the next full Board meeting.

3. Application #1170026 to the Department of Consumer Affairs by Marie Sepanski to construct and operate a newsstand on the northwest corner of Broadway and West 60th Street.

Marie Sepanski (applicant) presented, indicating that she would have an attractive newsstand and will not sell porn. Sam Katz said that there were already too many newsstands. Monica Blum, Lincoln Square Bid, argued against, saying that the newsstand would obscure the view of the Time Warner Center, and that with the increase in pedestrian traffic as a result of the Center and a likely new subway entrance, the newsstand would be inappropriate. Bob Berger, owner of 1845 Broadway, made similar points. Eric Nelson, Dan Zweig and Oscar Rios spoke in support. Charles Simon and Andrew Albert spoke against.

Motion to approve the application passed. Committee: 4-3-0-0. Non-committee Board members: 0-2-0-0.

4. Application #1170142 to the Department of Consumer Affairs by April Sepanski to construct and operate a newsstand on the northeast corner of Broadway and West 67th Street.

April Sepanski (applicant) presented, indicating that she should have an opportunity to make a living, and that she had already been required to go thru lots or regulatory processes. Mr. Nelson noted that there were other nearby newsstands. Monica Blum, Lincoln Square BID, argued against saying that if a building has more than three floors of retail, it can't have a newsstand in front. Also, with school buses dropping kids right in that area, there's too much congestion. Finally, Ms. Blum noted that Gracious Home objects. Mr. Zweig made a motion in support of the application. Mr. Simon stated that he objected to the newsstand in light of the fact that it was the first obstruction on that sidewalk, and in view of the fact that we should only remove public space from public use in compelling cases. Mr. Nelson argued in support, saying that there was real value to the amenity, that the newsstand had a public safety benefit.

The motion to approve passed. Committee: 5-1-1-0. Non-committee Board member: 0-1-0-0.

5. 2127 Broadway (West 74th Street.) Application to the Department of Buildings by Fairway, 2127 Broadway, for a curb cut on West 74th Street to allow containerized garbage pick-up.

Jim McCartin, Fairway and Edward Weinstein, Architect, presented. Mr. Weinstein explained

that Fairway is applying for a curb cut on the side street to allow for a truck to pick up a single refrigerated compactor once/day (15-minute process plus a corresponding drop-off of an empty container shortly thereafter) rather than the current 10 open containers being picked up twice/a day. The proposed system would be much cleaner -closed and sealed container- and more hygienic; the container is refrigerated. Fairway also wants a "No Standing" on the south side of the street for a two-hour period but it was explained that the "No Standing" application needs to be separate.

Council Member Gale Brewer noted that at the Hearst building on West 56th Street, there is concern about a perpetually open gate, but Fairway explained that the gate enclosing the compactor room would be closed all day.

Gretchen Berger, West 74th Street Block Association, asked what would happen if an emergency vehicle needed to pass while pick-up was taking place. Fairway explained that there would definitely be enough room if the "No Standing" application was granted, but that there would likely be enough room even if the "No Standing" application wasn't granted.

Motion to approve the curb cut application passed. Committee: 7-0-0-0. Non-committee Board member: 1-0-0-0.

6. 610 Columbus Avenue (West 90th Street.) Request by AJO Lumber Home Center/ACE Hardware for a 7-space truck loading zone, Monday-Friday, 7AM-7PM, on Columbus Avenue and West 90th Street.

Israel Blum, AJO Lumber, explained that he needs room for unloading. He is applying for space on Columbus Avenue after his West 90th Street application was denied. He wants to satisfy the community because he relies on community business. Right now, the delivery trucks are ticketed all day long. In response to Mr. Albert's question, Mr. Blum agreed that he would shorten the request to 8am-5pm and noted that he had already eliminated Saturday from his proposal. Mr. Nelson noted that Mr. Blum has made a real effort to be responsive to the community.

Motion to approve a 50-foot truck loading zone on Columbus Avenue beginning at the southwest corner of West 90th Street heading south, Monday-Friday, from 8am-5pm passed. Committee: 7-0-0-0. Non-Committee Board member: 1-0-0-0.

7. South Ferry Station Reconstruction.

Resolution submitted by Steve Strauss passed. Committee: 7-0-0-0.

Meeting Adjourned.

Present: Andrew Albert, Bobbie Katzander, Barbara Keleman, Eric Nelson, Oscar Rios, Charles Simon, Dan Zweig. Board member: Steve Strauss.

Commerce Committee

Minutes will be uploaded as they become available.

Parks and Preservation Committee

Minutes will be uploaded as they become available.

Strategy and Budget Committee

Helen Rosenthal, Chairperson

September 13, 2004

Members of the Strategy and Budget Committee and Penny Ryan first attended the budget consultations with the DEP, NYPD, NYDS, and HPD. The regular meeting of the Committee followed.

1. There was an in-depth discussion of how the committee has functioned over its first year.

2. The Committee will meet on September 23rd at 6:30pm at the American Bible Society to update CB7's budget priorities. Final approval of the budget priorities will occur at the November 3rd Full Board meeting.

- Penny will send all Strategy and Budget Committee members the City's response to our most recent budget priorities (FY'05).

- All Strategy and Budget Committee members will review Penny's outline of the DNS and compare it with the FY'05 budget priorities.

- The Strategy and Budget Committee will try to identify issues which would benefit from additional research and advocacy work.

Present: Helen Rosenthal, Elizabeth Starkey, Bob Herrmann, David Harris, Melanie Wymore, Hope Cohen, Penny Ryan.

Health and Human Services Committee

Barbara Van Buren, Chairperson

Minutes of 9/21/04

The Meeting was called to order by the Chair, Barbara Van Buren.

Other committee members in attendance: Barbara Keleman, Annette Averette, Chris Policano

Public Member: Maggie Nachlin

Agenda:

1) Review of District Needs to determine which should become budget priorities and what documentation we need to substantiate them.

a) Rat Infestation We know there is an infestation. We need data from the Health or Sanitation Department to reflect specific needs they have in relation to this.*

b) The lack of an increase in five years in DIFTA food program budgets. We need specific figures and language from the Senior programs involved. *

c) Evaluation is needed of DFTA's delivery in the Bronx of frozen Meals on Wheels once a week rather than hot meals on a daily basis. If Quality of Care is

being negatively affected, funds in the budget to continue the present method of delivery should be requested. *

d) Department of Health data is needed to determine the impact of the fact that there is no City Health Clinic or Hospital in the community to provide routine health care to the uninsured. While Child Health Plus is available to many, there are as many who have no coverage because the family income is too high, but employers do not provide health coverage. *

e) Addition of social services to the food and recreational services at Senior Centers. It was agreed that this was important, but since DFTA has never provided this funding, it might be best to limit our concerns at this time to cuts in what they have provided. Annette Averette volunteered to explore the possibility of services from HHC hospitals to individual centers.

f) Assisted Living programs. Barbara Keleman volunteered to gather information from the internet on NYS standards and definitions of services for assisted living programs.

*These items will be pursued at the October meeting in preparation for the November Budget submissions.

2) We have been asked to have a presentation on the impact of the Council's Lead Paint Law.. There seems to be a lack of clarity as to exactly what is being done, if there is a time table, what is expected of building owners. We will be inviting City agencies to describe levels of abatement, buildings which have started implementing the law to tell what they are doing, Council staff to clarify if there are potential amendments coming up, participants in the law suit contesting the law to express their concerns, and other interested parties.

3) During the summer, the City Council released an investigative report concerning HASA placements in the Commercial SROs. Their findings were similar to those we have been bringing to HASA for many years. We have consistently recommended that medically inappropriate housing not be used for people with AIDS, and that adequate supportive services be provided to individuals placed in the community by City agencies.

Chris Policano will find out what the next steps on the report will be, so we can work cooperatively with the Council.

New Business:

Susan Rosenfeld from Health Care Choices brought us information on a conference they are sponsoring on November 15th, from 8:30 – 1. at CUNY , 365 Fifth Ave (34th St) The topics will include Sources of Health Information, Quality Initiatives of the Joint Commission on Accreditation of Healthcare Organizations, Breast Cancer Volume / Outcomes Project among others. She was encouraged to speak at the regular Board Meeting in October. For further information call 212-724-9395, or access healthcarechoices.org.

The Meeting was adjourned.

Land Use Committee

Richard Asche, Chairperson

Joint with Transportation Committee

Andrew Albert, Chairperson

September 22, 2004

1. 2672 Broadway (West 102nd-103rd Streets.) New application DCA #1063188/ULURP

#N010128ECM to the Department of Consumer Affairs by Plaza Mexico, Inc., d/b/a Mama Mexico, for a two-year consent to operate an enclosed sidewalk café with 13 tables and 40 seats.

Mohindra Kawlra, architect, and Juan Campos, owner, presented the application for the expansion of an existing enclosed café on Broadway and wrapping around onto West 102nd Street. Four members of the public spoke in favor because of Mr. Rojas' community service. One member of the public spoke against, because of privatization of the public sidewalk.

The proposed 10-foot enclosed café exceeds CB7's guidelines, which recommend a 7-foot width. Also the café wraps around onto West 102nd Street. CB7 does not support wrap around cafes, but some members of the committee found that this café would increase light and safety on the side street.

The Committee voted to disapprove the application and asked the applicant to come back with revised plans that would address the width and side street.

Committee vote to disapprove: 5-2-0-0. Board Members: 1-1-0-0.

2. 753 Amsterdam Avenue, 120 West 97th Street and 135 West 96th Street. Application #C010171ZSM to the Department of City Planning by Candace Parking Corp. for a special permit pursuant to allow an attended accessory parking garage with a maximum capacity of 257 spaces in a portion of the common cellar of three buildings at 753 Amsterdam Avenue, 120 West 97th Street and 135 West 96th Street.

Anthony Patrissy, Land Use Consultant, Sheldon Lobel, P.C., presented the application to expand an existing accessory garage from 147 to 257 spaces. No public speakers in favor. Public speakers opposed for reasons including process, traffic congestion, poor operation of existing garage (dirt, garbage, poor building security, extended retrieval time for parked cars, etc.): Irving Polsky, Nina Shapiro, Saul Magnuson, Allan Herder, Mario Brezlovsky, Irvin Miles, James Langford, James Atlas, Nina Freeman, Jean Green-Dorsey.

The joint Committees discussed and voted on the 5 findings, as presented. They found none of the findings was met (Resolution attached.)

1) Spaces are needed to serve accessory uses

Committees: 0-7-0-0 Board Members: 0-1-0-1

approval FAILS thus FINDING NOT MET

2) Insufficient parking available in the vicinity

Committees: 0-7-0-0 Board Members: 0-1-0-1

approval FAILS thus FINDING NOT MET

3) Facility will not cause or contribute to traffic congestions

Committees: 2-2-2-0 Board Members: 1-0-0-1

approval FAILS thus FINDING NOT MET

4) Facility will not draw traffic to residential streets

Committees: 3-1-2-0 Board Members: 0-1-0-1

approval FAILS thus FINDING NOT MET

5) Reservoir spaces are adequate

Committees: 0-6-0-0 Board Members: 0-1-0-1

approval FAILS thus FINDING NOT MET

3. Report by the SRO Law Project on illegal conversions at the Dexter House, 345 West 86th Street.

Terry Poe of the SRO Project and tenants of SRO Dexter House (345 W.86th Street) described illegal conversions for tourist/hostelling use and offered a draft resolution. LU Committee approved the resolution as presented, with two adjustments: clarifying that statements are based on information from tenants; adding language to final 'whereas' emphasizing CB7's long-standing interest in preserving affordable housing, and particularly SRO housing (Resolution attached.)

Present (LU): Richard Asche, Melanie Radley, Tom Vitullo-Martin, D. Maria Watson;

(Trans): Andrew Albert, Eric Nelson, Charles Simon, Dan Zweig; (Board): Hope Cohen, Jean Green-Dorsey.

Absent (LU): Ethel Sheffer, Steve Strauss [B. Rosenberg on leave]; (Trans): Bobbie Katzander, Barbara Keleman, Oscar Rios.

Resolution re: 753 Amsterdam Avenue, 120 West 97th Street and 135 West 96th Street. Application #C010171ZSM to the Department of City Planning by Candace Parking Corp. for a special permit pursuant to allow an attended accessory parking garage with a maximum capacity of 257 spaces in a portion of the common cellar of three buildings at 753 Amsterdam Avenue, 120 West 97th Street and 135 West 96th Street.

Candace Garage Company, the operator of an accessory use garage in the cellar of 120 West 97th Street, has applied for a special permit pursuant to Zoning Resolution 13-561 to increase the maximum number of permitted parking spaces from 147 to 257. The operation of the garage would change from self-park to attendant parking.

Community Board 7/Manhattan ("CB7") finds that the applicant has failed, both in the application itself and at a hearing before the Transportation and Land Use Committees of the Board, to present facts sufficient to justify a finding with respect to one or more of the findings required by the Zoning Resolution. The conclusion of CB7 with respect to each such finding is as follows:

1) Spaces are needed to serve accessory uses

The applicant has failed to demonstrate that such parking spaces are needed for, and will

be used by, the occupants, visitors, customers or employees of the use to which they are accessory.

Committee Members' Votes: 0-7-0-0. Board Members' Votes: 0-1-0-1.

Approval FAILS thus FINDING NOT MET

2) Insufficient parking available in the vicinity

The applicant does not claim that there is, at present, a need within the residential building to which the garage is accessory for any additional parking spaces. At the Committee hearing, the applicant was asked whether there was a waiting list among tenants for space, and the applicant failed to confirm the existence of any such list. Moreover, not all of the spaces in the garage are occupied by tenants, who have priority, giving rise to the conclusion that there are more spaces in the garage than tenants seeking to use the spaces.

The operator has sought to overcome this failure of proof by claiming to have conducted a study of car ownership patterns in Manhattan and apartment turn-over rates. The applicant claims that in the future tenants in the building will be younger persons, who tend to have a high rate of car ownership. The applicant does not support this claim with any statistics.

The applicant also claims that car utilization rates have increased in Manhattan, based on census data from 1990 to 2000. However, even according to the applicant's data, the increase has only been 7.6% within a 10 year period and the cars to household ratio in 2000 rose only to 36.6%. Even assuming the accuracy of this information, it would not demonstrate a future need, much less a current need in the subject premises.

The applicant projects that in 20 years for a ratio of garage spaces greater than the current 35%, in Manhattan there will be a vehicle to household ratio of 42.4%. CB7 does not believe that it is appropriate to grant a special permit on conditions which may or may not exist in 20 years. In any event, even if there were a 42.4% ratio of vehicles to household, there is no showing that all of the vehicles owned by tenants would be parked at the subject premises, as opposed to on the street or elsewhere.

The Committee hearing was attended by a substantial number of building residents, all of whom opposed the application. If additional parking spaces were needed for the occupants, their visitors or customers, it would be expected that tenants in the building would support the application. Not one tenant spoke in favor of the application.

The applicant has failed to demonstrate that within the vicinity of the site, there are insufficient parking spaces available.

Committee Members' Votes: 0-7-0-0. Board Members' Votes: 0-1-0-1.

Approval FAILS thus FINDING NOT MET

The applicant's presentation with respect to this required finding was poorly executed and unconvincing. The applicant claims that on-street parking is...impractical for residents that normally do not use their cars daily due to the regulated parking meters and the need to constantly move cars.

The applicant provides no hard data with respect to any tenants in the building using on-street parking. No tenants have complained about the absence of available parking.

The absence of tenant support of the applicant is significant. Several months ago, when a proposal was made to sell three city-owned garages on 108th Street, there was overwhelming and resounding opposition to the closing of the garages from users and neighborhood institutions. No such ground swell exists in support of this application.

The applicant claims to have conducted a survey of local garages which demonstrate that there is no additional capacity in the surrounding community. However, the efficacy of this survey is in substantial doubt. For example, the survey omits two substantial garages east and west of Columbus Avenue on 95th Street, and also omits accessory use garages in other buildings in the immediate vicinity.

3) Facility will not cause or contribute to traffic congestions

The applicant has not demonstrated that the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement.

The applicant alleged that traffic was observed during a two hour period from 10-12 on Fridays on three occasions and was not heavy. At the Committee hearing, it was disclosed that the observation was made by the attorney for the applicant while having breakfast at a restaurant on the corner of 97th Street and Columbus. The attorney reiterated his observation at the Committee hearing but also stated that he

did not notice that there was a green market on 97th Street at the time of his observation. (Green markets are conducted on Fridays).

In any event, the applicant notes that the peak periods of entry and exit from the garage are 7-8 a.m. and 6-7 p.m., and there is no indication that traffic patterns were observed at that time.

The applicant commissioned an Environmental Assessment Statement (EAS), which predicted an increase in vehicular traffic of 33 and 37 trips per hour in the morning and evening peak periods. The EAS concluded that this would not have a significant impact. While it may be that an increase of 33-37 trips per hour would not be significant if the additional vehicles were proceeding with traffic on 97th Street, such an increase might well be significant where the vehicles are entering traffic mid-block without any

traffic control devices. Each time a car leaves the garage, traffic east of the garage must necessarily stop to allow it to enter the flow of traffic. If this occurs 33-37 per hour more than is currently the case, such an increase might well contribute to serious traffic conditions. This is particularly true, since West 97th Street, which is a major thoroughfare for westbound traffic from the park transfer to the Henry Hudson Parkway, reduces from four lanes to two lanes at Columbus Avenue. It is possible that with additional data and studies, the applicant could provide information to support the finding, but given the information provided in the application, it has not done so.

Committee Members' Votes: 2-2-2-0. Board Members' Votes: 1-0-0-1.

Approval FAILS thus FINDING NOT MET

4) Facility will not draw traffic to residential streets

Community Board 7 expresses no opinion as to whether the applicant has demonstrated that the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets.

The purport of this required finding is far from clear. If the relevant issue is whether the garage is likely to have a significant impact on streets other than the street on which it is located, this finding has been met. Access to the garage is from 97th Street which, between Central Park West and Columbus, is several lanes wide, or from Columbus Avenue which is a wide, one way avenue.

On the other hand, if the finding relates to traffic on the street on which the garage is located, the finding has not been met. 97th Street between Columbus and Amsterdam is significantly narrower than the Central Park West-Columbus block, and approximately four lanes of traffic are funneled into two lanes if the traffic crosses Columbus. The garage is situated west of Columbus.

Committee Members' Votes: 3-1-2-0. Board Members' Votes: 0-1-0-1.

Approval FAILS thus FINDING NOT MET

5) Reservoir spaces are adequate

The applicant has not demonstrated that adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no even shall such reservoir spaces be required for more than 50 vehicles.

In a literal sense, the applicant has provided for reservoir space for the requisite number of cars. However, the reservoir space consists entirely of the entrance ramp, one of two extremely narrow lanes used for entering and exiting the garage. The reservoir is in reality a line-up of cars, stretching from the street entrance door down the ramp. Use of the entrance ramp as a reservoir would leave only a single lane for entrance and egress.

A review of the garage configuration reveals that the reservoir cannot be used to maneuver cars or to turn cars in any way without interfering completely with ingress and egress.

CB7 is fearful that given the absence of room to maneuver in the garage (because the reservoir is only one car width wide) that car jockeying will take place on the sidewalk and street adjacent to the garage.

Committee Members' Votes: 0-6-0-0. Board Members' Votes: 0-1-0-1.

Approval FAILS thus FINDING NOT MET

CB7 heard testimony at the Committee hearing from several tenants representations who complained about overcrowded conditions, poor ventilation, tenant harassment, poor service and the use of the garage for transient parking in violation of the Certificate of Occupancy. CB7 finds it unnecessary

to address these significant concerns in the resolution, because the applicant has not satisfied the required findings.

Resolution re: 345 West 86th Street, Dexter House (West End Avenue-Riverside Drive.)

WHEREAS, 345 West 86th Street, New York, New York is a Class A Single Room Occupancy dwelling known as the Dexter House, which has long been occupied solely by low and moderate-income permanent, rent-stabilized tenants; and

WHEREAS, tenants have reported that the new management of the Dexter House has begun to pursue an aggressive campaign to replace permanent tenants by transient (daily) guests; and

WHEREAS, transient rentals in a Class A SRO are a violation of the New York State Multiple Dwelling Law; and

WHEREAS, the New York City Zoning Resolution classifies the district in which the Dexter House as R-10A (residential); and

WHEREAS, occupancy by transient guests would effectively constitute the Dexter House as a de facto commercial hotel, which is permitted only in R-10H districts; and

WHEREAS, tenants report that several rooms at the Dexter House have been turned into hostel rooms with multiple bunk beds, thereby creating a serious overcrowding problem, disrupting the peaceful and quiet enjoyment of their premises by the permanent tenants, overcrowding elevators, interrupting the free flow of traffic in the lobby, and placing an illegal and undue burden on the basic systems in the building, including public bathrooms; and

WHEREAS, allegedly, illegal alterations such as the splitting of public bathrooms and incorporation of one half of each into a private room have taken place, without the owner's first having obtained a Certificate of No Harassment and an Alteration Permit from the Buildings Department; and

WHEREAS, tenants report that the management of the Dexter House has in recent months attempted to evict significant numbers of permanent tenants, often on frivolous grounds; and

WHEREAS, the conversion of the Dexter House to transient use would remove one of the last decent affordable single room occupancy dwellings on the Upper West Side from its intended occupants;

WHEREAS, Community Board 7 has a long-standing interest in preserving affordable housing, and particularly SRO housing;

BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the City Department of Buildings and the City Department of Law to investigate the tenants' complaints and, if they are found to be valid, to take aggressive action to bring to an immediate end the owner's illegal activities, including, if appropriate and necessary, the initiation of legal proceedings to halt the rental of permanent tenant rooms to tourists, the use of other rooms as hostels, and the performance of all illegal alteration work.

Committee: 2-0-0-0. Board Members: 2-0-0-0.