

November 2004 Minutes

Full Board Meeting Hope Cohen, Chairperson

Jewish Home & Hospital

November 3, 2004

Hope Cohen called the meeting to order at 7:08 PM.

The October 2004 full board minutes were approved. (16-0-2)

Chairperson's Report – Hope Cohen

- **Current CB7 Committee Chairpersons have agreed to serve another term**
- **Members should confirm or object to their committee assignments via email to her or to office@cb7.org**
- **The Courts have ruled that DOT may not proceed with the closing of the 72nd Street exit ramp until a new environmental impact statement is done. DOT has not decided on an appeal. [Note: After the meeting, we learned that DOT plans to file an appeal in December 2004.]**
- **CB7 will hold a public event with Deputy Mayor Dennis Walcott in February 2005**
- **"Team SWMP" will lead CB7's review of the City's Comprehensive Solid Waste Management Plan and the re-use of the 59th Street Marine Transfer Station. Task force members to date include Charles Simon, Steve Strauss, Klari Neuwelt, Shelly Fine, and Chris Policano. The Plan and Draft Environmental Impact Statement are available at www.nyc.gov/sanitation and through a link on the CB7 website (www.cb7.org).**
- **The School at Columbia University continues to work with the Board to fulfill its commitments, including admission of up to 50% of its students from the community.**

District Manager's Report – Penny Ryan

- **John Martinez, the District Attorney's office, and the 24th Precinct are following up on last month's complaints by residents of an SRO that also houses Department of Homeless Services' families.**
- **An unidentified group has been posting flyers about pedophiles who live in CD7. NYPD's Manhattan North has a special unit to monitor registered offenders.**
- **Carbon monoxide monitors are required in buildings with sleeping accommodations that use fossil fuels. The regulations can be found at www.nyc.gov/buildings. CB7's website also has a link to the site.**
- **Departments of Health & Mental Hygiene, Parks, Environmental Protection are working with the Board office to address rat problems in the district.**
- **Crime has dropped another 5% in the district, with grand larceny (including identity theft) being the biggest problem. Citizens with concerns about follow-up on quality of life problems were asked to notify the Board office. Oscar Rios invited them to the 24th Precinct community council meeting on the 3rd Wednesday of each month at 7 PM.**

- Any changes in parking regulations for the Marathon will be posted to the CB7 website.

Public Session

Stephanie Benjamin, of New-York Historical Society, invited the public to come to the Alexander Hamilton exhibit among others, including Impressions of New York, Audubon Water Colors, Firehouse 2, slavery stories, and a live action play.

Sheldon Fine spoke about adolescent literacy problems and asked for information about effective literacy programs. \$1.6 million are available to help NYC students in need. Programs at City University were mentioned.

Public Official Reports

City Council Member Gale Brewer

Introduced Luis Reyes, a future member of CB7.

- St. Paul/St. Andrew's Church basement was newly renovated to provide services to homeless people in the area.
- Several schools in the district have council-supported capital projects underway.
- Everyone should think creatively about the proposed use of the 59th Street marine transfer station.

Business Session

Strategy & Budget Committee

Helen Rosenthal, Chairperson

1. Resolution to approve CB7's priorities for Fiscal Year 2006 NYC Capital Budget was adopted. (27-2-0-0)

The Parks and Preservation committee objected to re-ranking of their capital priorities. Some questioned the vagueness of the first capital priority on SRO housing. Others questioned the mini-pool replacement on 101st Street.

2. Resolution to approve CB7's priorities for Fiscal Year 2006 NYC Expense Budget was adopted.

(34-0-0-0)

Transportation Committee

Andrew Albert, Chairperson

3. Resolution to approve request by the West 104th Street Block Association to replace the four cobra head light poles on West 104th Street, West End Avenue-Riverside Drive, with three F-poles was adopted. (32-0-3-0)

4. Resolution to approve application to the Mayor's Office of Street Activity Permits by the Lincoln Square Business Improvement District for curb line and street closures on November 29, 2004 for the Winter's Eve at Lincoln Center

was adopted. (34-0-0-0)

5. Resolution to approve the renewal application DCA#0735569/ULURP#N040360ECM to the Department of Consumer Affairs by India Food International, Inc., d/b/a Indian Café, 2791 Broadway for a two-year consent to operate an enclosed sidewalk café with 15 tables and 52 seats was adopted. (29-1-3-0)

Parks & Preservation Committee

Lenore Norman, Chairperson

6. Resolution, as amended, to approve Department of Parks and Recreation's request for proposals (RFP) for the Riverside Park South café at West 70th Street was adopted. (26-2-0-1)

Ms. Norman reviewed differences between the 2001 RFP and the new draft RFP: length of license extended to 15 years; supplementary waiter service, alcoholic beverages and sale of non-food items allowed.

Hope Cohen reviewed process.

- Met with DPR in summer following concerns about temporary concession.
- Previous RFP couldn't result in profitable concession.
- Wanted high quality facility with emphasis on take out and public access.
- Usually concession revenue goes to general fund. In this case it will be credited against cost of developer and its successors (i.e. Riverside South condominium associations, etc.) to maintain park, so generating revenue shouldn't be a major factor.

Comments included the following:

- The Riverside South Restrictive Declaration contemplates a concession and comfort station. With link to West 59th Street, many park users in area. 6 PM waiter service start time protects the intent for the space. Preserve original intention of space. It belongs to park users not restaurateur.
- To get good operator, can't micromanage. Why limit hours of waiter service? Why mandate take out service

all the time. Could limit sale of non-food items to park related.

A motion to table was not adopted.

Amendments were made and adopted:

- Make strong recommendations, not requirements.
- Do not limit types of alcoholic beverages.
- Delete requirement that waiter service is allowed only after 6 PM.
- Delete requirement that there may not be a minimum charge at waiter service tables.

- Delete the prohibition of the sale of non-food items.

7. The resolution to approve application #048059 to the Landmarks Preservation Commission for a

rooftop addition at 339 West 71st Street was adopted. (32-1-0-0)

8. The resolution to approve application #052537 to the Landmarks Preservation Commission to replace the front doors and to install a garage door at 27 West 72nd Street was adopted. (31-1-3-0)

Bill Crain spoke about the importance of preserving an affected pear tree.

Valerie Campbell, a representative of the owner, said the owner would attempt to relocate the tree.

9. The resolution re application #035430 to the Landmarks Preservation Commission to disapprove a bracket sign and to approve the installation of lights and the legalization of an illuminated sign installed without Landmarks Preservation Commission permits at 433 Amsterdam Avenue, d/b/a/ Haru was adopted. (32-1-0-0)

By-laws Task Force, Sheldon Fine, Chairperson

Update on proposed changes to CB7's By-laws, and discussion and vote on proposed "housekeeping" changes, such as format, grammar, gender-neutral language, etc. was postponed.

Respectfully submitted by Melanie Wymore.

Present: Hope Cohen, Barbara Adler, Andrew Albert, Linda Alexander, Janet Alvarez, Annette Averette, Sheldon Fine, Georgette Gittens, Guillermo Gonzalez, Doug Griebel, Phyllis Gunther, Marlene Guy, David Harris, Lawrence Horowitz, Ulma Jones, Bobbie Katzander, William Meyers, Eric Nelson, Klari Neuwelt, Lenore Norman, Sharon Parker-Frazier, Chris Policano, Melanie Radley, Oscar Rios, Michael Roberts, Helen Rosenthal, Ethel Sheffer, Charles Simon, Elizabeth Starkey, Steve Strauss, Barbara Van Buren, Tom Vitullo-Martin, D. Maria Watson, Melanie Wymore, George Zeppendfeldt-Cestero, Dan Zweig. Absent: Richard Asche, Jean Green-Dorsey, Robert Herrmann, John Howell, Joyce Johnson, Barbara Keleman, Freddie Richardson, Sean Small, Patricia Stevens. On Leave: Betty Katz, Barry Rosenberg.

Steering Committee

Hope Cohen, Chairperson

November 23, 2004

Hope Cohen called the meeting to order at 7:10 PM.

1. Amendment to resolution re PS 87 curb cut on West 77th Street to allow for snow removal.

In May 2004, the Board approved request for curb cut at PS 87, West 77th Street, east of Amsterdam Avenue, to allow for snow removal at two playgrounds. Since then, the Department of Parks & Recreation determined a turn space is needed and the school agreed to compensate for lost parking on West 77th Street by returning parking on West 78th Street. Because of time

constraints, the following additions to the curb cut resolution were presented to Steering:

BE IT RESOLVED THAT Community Board 7 supports Department of Parks & Recreation's request to the NYC Department of Transportation (DOT) for a one-space "No Parking" zone to the east of the curb cut to give trucks ample swing space; and

BE IT FURTHER RESOLVED THAT Community Board 7 supports PS87's willingness to have DOT reduce the length of the "No Parking" zone on West 78th Street by two parking spaces.

The additions were approved: 8-0-0-0.

2. Multi-block Street Fairs

The Commerce Committee will hold a public hearing on applications for 2005 multi-block street fairs on December 8. Ms. Cohen asked Steering to provide guidance to the committee on two issues:

1) CB7's requirement that a sponsor is required to distribute 20% of the net profits of each fair, which shall be in cash/legal tender, to other non-profit organizations located within CB7's boundaries, specifically serving CB7's constituency, and not sponsoring any other Fair during the same year; and

2) The removal of curb markings that designate vendor locations.

1) The Board adopted the 20% contribution policy in the belief that a sponsor should give something back to the community and assist other community-based organizations that do not derive revenue from a fair. However, according to the Mayor's Office of Street Activity Permits the requirement is not lawful (i.e. not enforceable.) Some sponsors have challenged the requirement, citing reduced revenue and increased expenses associate with fairs, and sponsors' growing needs for operating funds. The requirement will stand for 2004 and 2005 fairs. If requested, the Commerce Committee will review the provision, following the normal public process.

2) CB7's guidelines do not include requirements on sidewalk markings. Some producers/sponsors use chalk, which washes away; others use temporary, but more permanent, marking materials. No requirements will be introduced prior to the December 8 meeting, but the Commerce Committee could consider adding some provision to the guidelines in the future, again following the normal public process.

3. Manhattan Borough Board report.

At the November 18 meeting, MTA presented plans for bus rapid transit. 5 major lines, one in each borough, will be selected for a pilot. Mr. Fine encouraged them to consider

Manhattan differently since so many people travel through the borough. Hearings will be held in December; implementation expected in May. Mr. Fine will report at the December 7 full board meeting.

4. Cross-disciplinary topics/Usual roundtable.

· The proposed Greenmarket at Central Park West and West 106th Street, which is on the December 14 Transportation Committee meeting agenda, will be joint with Parks & Preservation.

- Health & Human Services Committee, Barbara Van Buren - following up on HRA's placements in commercial SROs and on Council's report these SROs; has begun discussions of children's health services with the Department of Health & Mental Hygiene.
- Commerce Committee – George Zeppenfeldt-Cestero - met with Council Member Gale Brewer to continue planning forum on retail chain stores impacts; attended small business awards sponsored by WS Spirit and Commerce Bank.
- Parks & Preservation – Lenore Norman - Holiday fair at the southwest corner Central Park from December 3-20.

5. Solid Waste Management Plan (SWMP)

Charles Simon, Chairperson, "Team SWMP", reported:

- Task force met and developed plan to review the draft environmental impact statement (DEIS) in light of CB7's previous comments on the scoping document. Mr. Simon will report at the full board on December 7.
- Comment period on the DEIS extended to January 24, 2005.
- Department of Sanitation (NYDS) has scheduled public hearings on the DEIS in the districts where marine transfer stations will be converted for residential garbage.
- NYDS has not scheduled a public hearing on the DEIS and West 59th Street Marine Transfer Station since the agency has not completed a plan for commercial waste to come to the station. However, CB7's written comments on the DEIS will be fully considered.
- CB7 will be working with CB4, in whose district West 59th is located.

6. Steering Committee will not meet in December.

Present: Hope Cohen, Barbara Adler, Andrew Albert, Sheldon Fine, Marlene Guy, Larry Horowitz, Lenore Norman, Helen Rosenthal, Barbara Van Buren, George Zeppendfeldt-Cestero. Board Members: Ulma Jones, Charles Simon. District Manager Penny Ryan.

Absent: Richard Asche, Bobbie Katzander, Melanie Wymore

Community Development Committee

Marlene Guy, Chairperson

Minutes will be uploaded as they become available.

Transportation Committee

Andrew Albert, Chairperson

November 9, 2004

Acting Chair, Dan Zweig, called the meeting to order at 7:10PM

1. Maurice W. Bruet, Acting Deputy Commissioner of Manhattan, NYC Department of Transportation presented the proposed West 106th Street Distinctive Lighting project. The project would replace the cobra-head poles with M-poles from Central Park West to Riverside Drive. He stated that the M-poles would provide the same illumination as the street currently has. Mr. Bruet also said that the ultimate decision would be made by the Arts Commission

In response to a question from Jean Jaworek, who was concerned that the old style poles might be unsafe citing the well known incident of a Thanksgiving day past, Mr. Bruet stated that the M-pole was cast as one piece, has been tested for a period of two years, and that it is safe.

Michael Gotkin, architect, stated that M-poles are associated with commercial streets. He has already called the DOT to register his objections.

Ben Jannarone and Ron Hoffman, both from DEBNA, pointed out that West 106th street is not a uniformly a broad street—that it narrows in the West End Avenue-Riverside Drive block and wondered whether there would be too much light in the narrower block. They both like the idea of creating a “neighborhood” of 106th Street by using uniform lighting along the entire stretch.

Plan Approved: 4-0-0-0, 0-1-0-0, 1-0-0-0 (Public member)

Note: Planning of lights for the entire area is being done by some local residents who say they can have a recommended light type to present within two weeks. If they are ready and have submitted their plan for W106 St within that time frame, the committee will discuss its inclusion and what action to take concerning it prior to the December full board meeting.

2. New Application for a two-year consent to operate an unenclosed café, with 11 tables and 22 seats, by The Magical Duck d/b/a/ Ristorante La Grolla at 413 Amsterdam Avenue (between 79th and 80th Streets.) Gena Comenzo, the managing partner was present and reported that notices had been posted.

Approved: 4-0-0-0, 1-0-0-0

3. 247 West 72nd Street (Broadway-West End Avenue.) New application (change in ownership) DCA#15445/ULURP#NO40265ECM to DCA by EW HW BG, LLC d/b/a/ Dougie's, for a two-year consent to operate an enclosed sidewalk café with 8 tables and 26 seats.

Douglas Soclof the owner was present. He presented no plan.

Photographs were presented showing only about four feet of pedestrian clearance in front of the café.

It was noted that this café is the sole encroachment on the north side of the street in this block.

Disapproved: 2-1-1-0, 1-0-0-0

4. Request by P. C. Richards, represented by John D. Pflug, VP and Gen. Mgr., New Jersey Division, the P.C. Richards representatives reported that the issue of “notification” had been complied with.

Several members of the public raised questions re granting a permit to unload an 80-foot-long trailer three days a week from 7:00 Am –Noon on a residential

side street-- West 87th. P. C Richards agreed to revise its schedule to finish the unloads by 10:00AM. The loading zone request is modified to be MWF 7AM-10AM.

Susan Levin, a member of the 100 West 87th Street block association, expressed concern that such a huge, wide truck would block the entire street, preventing traffic from making left turns into the block.

Ms. Levin and others stated their dismay of setting a precedent for allowing commercial unloading on residential streets particularly when there is an alternative option to do so on a commercial avenue.

Concerns were raised about the loss of parking spaces on 87th St.

The committee will have the board look into the parking regulations on W. 87 St between Broadway and West End Ave, especially the north side where there are current loading zones for now non-existent commercial entities. It was thought that perhaps general street parking could be restored at this location helping to mitigate the street parking reduced availability due to the new proposed loading zone regs.

Approved: 2-0-2-0, 1-0-0-0

5. Newsstand on west side of Broadway between 60th and 61st St. - Contention regarding what was a door and what wasn't seemed to be the difference in whether the newsstand could be properly sited at the proposed location. The need to decide who was right on this point was rendered moot as far as all parties were concerned with the presentation of a letter showing MTA's imminent plan to construct and locate subway stairs in this location.

The question was raised about why DOT and CB7/Committee wouldn't have known about this MTA project earlier to avoid the time and expense on all people's parts regarding hearing this proposed siting at length.

No action was taken regarding a resolution on this item.

6. New Business: Olive Freud raised the issue that the 72nd St connector would be immediate help to the area's traffic congestion even before the rest of Riverside Blvd is built south of 66th Street. Ms. Freud requested that her group's engineers be able to present evidence of this position to the community board.

The committee members present felt there was merit to her position and that her request would be presented to CB7 leadership for consideration.

Present: Bobbie Katzander, Oscar Rios, Charles Simon, Dan Zweig. Non-Committee, board member present: Steve Strauss. Absent: Andrew Albert, Barbara Keleman, Eric Nelson

Commerce Committee

George Zeppenfeldt-Cestero, Chairperson

Minutes will be uploaded as they become available.

Parks and Preservation Committee

Lenore Norman, Chairperson

Minutes will be uploaded as they become available.

Strategy and Budget Committee

Helen Rosenthal, Chairperson

Minutes will be uploaded as they become available.

Health and Human Services Committee

Barbara Van Buren, Chairperson

November 16, 2004

(Submitted by Barbara Keleman)

Presentation to the committee by Dr. Oxiris Barbot, Medical Director for School Health for the City Department of Education and Department of Health.

DOE and DOH have combined their efforts to provide more comprehensive nursing services to schools in NYC.

Nursing services are focused on [public] elementary schools, both general and special needs. In general, nurses are assigned 7 hours a day, 5 days a week and they attempt to service all elementary schools in NYC. Unfortunately because of a severe nursing shortage (which affects hospitals and other institutions as well) there is a fairly high vacancy rate. The vacancy rate percentage varies from district to district.

There are 45 doctors (20 hours a week each) who do new entrance exams and consultations for children with special problems.

An equivalent of approximately 20% of the service provided to public elementary schools are provided to private elementary schools .

Intermediate schools only receive some services from District Service nurses in special circumstances.

DOH services mostly the general school population and D.O.E. services the special needs population.

DOE has instituted a new K-12 health curriculum which includes personal health, community health and physical activity. And the reproductive health curriculum has been revised in conjunction with DOH.

In the last year and a half since the collaboration between DOE and DOH they have made some major strides particularly in the area of physical education and obesity. A new program called PHYSICAL BEST focuses on:

Providing physical education activities despite space limitations

Taking [junk food] vending machines out of the schools

More nutritional lunch menus

Parents will receive updates on their children's physical status (not in place yet)

Asthma remains a major health chronic illness. NYC MAINS (Managing Asthma in Schools) focuses on educating teachers to recognize when children have asthma and letting parents know it is okay to send their children to school (because the teachers and nurses are prepared to help and manage kids with asthma).

Many children don't have the dexterity to handle inhalers and special program is in place which provides kids with "spacers" so that they can self-administer their medication when necessary.

Dr. Oxiris will ask the Health Director for the CB7 area to contact the committee so we can discuss how we can work together. He will also be able to give us statistics on services actually provided in this district, and details on the health curriculum currently offered in the schools and its implementation.

There was a committee discussion about conducting a round of visits to the SROs with city placements in our area.

Meeting adjourned.

Committee Member Present: Barbara Van Buren, Joyce Johnson, Barbara Keleman, Freddie Richardson.

Committee Members Absent: Annette Averette, Jean Green-Dorsey, Christopher Policano.

Land Use Committee

Richard Asche Chairperson

Joint with Transportation Committee

Andrew Albert, Chairperson

November 17, 2004

Present (Land Use Committee): Hope Cohen (as chair, filling in for Richard Asche), Thomas Vitullo-Martin, Maria Watson, Melanie Radley, Ethel Sheffer,

Present (Transportation Committee): Andrew Albert (as chair)

1. Informational presentation by Atlantic Development Group concerning 33 West End Ave at Riverside South.

Mr. Peter Fine, Principal, Atlantic Development Group, Inc., outlined two buildings that would be constructed as of right on 61st Street at WEA. One building is will have 20% low income, 30% middle income, and 50% market income units, at 61st and WEA; the tower will be 25 stories. The second building will be 120 units of low income, independent-senior housing, with retail space on the ground floor, and will not include parking; this building is being built 'on spec' as units to be used by other developments to earn 'inclusionary housing' bonuses. Thus the financing plan of this building is to provide bonus locations for developers of other buildings. This device means that there will be no debt on this project—the sales of the "inclusionary bonus units" at this location will retire the construction loan.

This building will be managed by Met Council. Peter Rapp, CEO of Met Council, described his organization as 32 years old, non-sectarian housing organization that operates 1000 units of low and moderate income housing, and 700 units of

elderly housing, and that it provides 400 units of home care for the elderly. The organization has 14 housing sites, with 10 of those for the elderly—5 in Manhattan (on E. 51st, E. 54th and other East Side locations), 4 in Brooklyn, and 1 in the Bronx. Their housing for the elderly is all studio and one-bedroom, and they provide the full range of services, as needed. Their buildings all have video intercoms, emergency pull-cords in the bath and bedrooms that signal the front security desk, and have grab-bars installed. They are currently involved in a 500 unit project in Staten Island, of which 150 units will be affordable housing.

Mr. Rapp said that there was a very large need for senior housing, and that they receive calls daily from people seeking units. Their Brooklyn buildings have a waiting list of 3,000 each, and their Manhattan buildings a waiting list of several hundred each. He expected that there was a similar need in CB7, which he said had 22,000 households over the age of 65.

In this new CB7 building, they would have target rents of \$630 to \$640 per month for seniors with incomes in the \$24,000 to \$30,000 range. The apartments would be rent stabilized, and they would be offered to qualified applicants by lottery. Some of the units would be specifically designed for the disabled. All units would have bathroom grab bars. Met Council would manage the property, and provide maintenance, a social worker 1 day per week, and provide access to all Met Council senior services.

2. Preliminary presentation on 245 West 60th Street

Paul Selver, attorney for the developer (Ginsberg) provided a preview to the Land Use and Transportation Committees of plans for the construction of a development that will be, functionally, two buildings, and will have the appearance of three buildings, mid-block between 60th and 61st streets (fronting on both streets), between WEA and Amsterdam.

This site is surrounded by schools, with the Beacon School on 61st across from the entrance to the proposed building, Heschel School to the immediate west, and PS 191 and Touro to the east. CB7 will be asked for a number of related approvals, probably in spring of 2005. (The Environmental Impact Statement should be completed in 1Q2005.)

A. Currently, the site is zoned M1-6, and an application is being prepared to rezone this site to C6-2. There are currently about 55,000 sq ft in this zone. A portion of the area that is proposed to be rezoned is now occupied by Heschel School. A portion of the site is zoned R8.

B. A special permit will also be required

1. Waiver of height limits (R8 & C6-2)

2. Modification of rear yard requirements

3. Modification of requirements regarding the spacing of windows, as the new building will be constructed too close to existing, accessory windows in neighboring buildings.

C. A text amendment to the Zoning Resolution may be needed re: open space

Items 'A' through 'C' are necessary because the proposed building (the entire project is deemed one building on one development lot) will not be a pure R-8 building. It will sit differently on the lot and be taller. The reason for this is the

attempt to relate the building to the established street walls and the neighborhood as a whole.

D. The project will also replace 100 spaces of public parking with a similar number, and add 181 spaces of accessory parking for the residents. This is a 35% coverage of the number of zoning units that would be permitted if they had maxed out development of the site.

General information on the project: The site permits 416,000 sq ft (FAR). Currently, the project is planned at 380,000 sq ft for residential units. The final number of units has not been determined, and will be influenced by market conditions. There will be between 350 and 515 units on the site. The final building will have 100 spaces of public parking (as the current building has.) The central tower will have 29 stories; the street buildings will have 9 stories and 14 stories. The parking will enter on 60th and exit on 61st

There is the possibility that there will be some "brownfield" financing available for the site, and if so the developers will use it, but it is not at this time a key part of their plan.

Michael Portler of the project team presented a digital image of the neighborhood, showing the way in which the proposed building would fit in to the context of the existing buildings, as well as shadows thrown by the tower. There were two parts to this projected presentation. He explained that the modifications and variances were being requested because of the developer's desire to fit the new building to the existing densities of the neighborhood. The problem was that what could be built as of right in the R-8 zone was a dense, unbroken, 300 ft long street wall 15 stories high, and that this would have unhappy shadow effects on the surrounding buildings. The final design solution also attempted to deal with the existing context of the neighborhood, which featured several tall towers, 300 to 700 ft high.

He presented a digital 3-D image of the neighborhood showing the size and location of existing buildings, and showing the shadows those building through in the course of the day, and for various seasons. In the course of this presentation, he pointed out that the taller, slender towers through much longer but thinner shadows, and that these shadows moved rapidly at their ends in a crack-the-whip kind of sweep, so that they had minimal impact on the buildings they struck, because the duration of the shadow was brief. In contrast, he pointed out, the massive street-wall buildings cast shadows for much longer periods on their nearby neighbors.

The then moved to a higher level of digital technology, in which the entire neighborhood was modeled, including the size and textures of existing buildings, slope and widths of the streets and sidewalks, views of the river, etc. A viewer could walk through the virtual reality model by using the mouse, which gave the perspective of a person walking and facing various directions. He was then able to show the street views of the proposed building, and of the set-back tower, from various vantage points, including from Lincoln Center.

In the proposed building, the primary residential entrance is on 60th street, and the secondary entrance on 61st street. The westernmost building will be 9 stories, the southernmost building will be 14 stories, and the tower will be 29 stories.

Ethel Sheffer noted that the 29 floors were out of context for the UWS, and wondered if any other design possibilities had been explored. The answer was that they had looked at alternatives, but these produced much more massive buildings on the street that were out of context with what existed.

Hope Cohen asked whether the fact that there were three different structures would affect the accessory parking. The answer was that the buildings would all be considered one for the purposes of the accessory parking, and that all units would have access to the parking use.

Mr. Selver went into great detail concerning the zoning variances proposed.

- The first concerned the height and setback. In an R8 zone, a 29 story building is permitted, but it needs to be dead-center on the block. Actually a 35 story building would be permitted if centered. This building is not centered.
- There are also rear-yard issues. The proposed design opened up courtyards for neighboring buildings, and this was better for those neighboring buildings, but out of strict compliance with requirements.
- There is also a window-wall problem, having to do with the spacing between windows. The current spacing is every 40 ft, and the requirement is every 30 ft.
- Fourth there is an open space requirement for towers. The applicable paradigm is the 'tower in the park' or the 'quality housing building'. The latter, which has a streetwall building, does not require open space. The proposed building falls between these two models. It is more open than the quality housing model, which can cover 70% of the site. But it does not reach the "tower in the park" standard of covering only 40% of the site. The proposed building covers 50% of the site.

Melanie Radley asked whether the three buildings were functionally 3 independent buildings. The answer was no, they were two buildings functionally. Ms. Radley asked whether, if the developer reduced the number of units of housing to closer to the 350 end of the range, the number of parking units would also be reduced to keep to the 35% coverage. The answer was that the developer did not know.

Stephen Stoll, co-founder of the Beacon School then asked a question from the floor.

He explained that the school had 6000 applicants and 1500 students in their building, which is located immediately opposite the site. Had some concerns about the project. First he had concerns about the shadow of the tower, which would strike the school just as students were leaving. The school does not have a gym, and there is no recreational area for the students. Now the building would have a parking lot exit opposite to the entrance to the school. And he noted there were several other schools in this same location. In sum, his concerns were safety, and shadows, and these were aggravated by the variances being asked for. He also noted that the Department of Education lease for the Beacon School building expires in 2009, and it is possible that the new lease would be too expensive for the school to remain at this site, and might have to move to a different site. The developer answered that the tower would most probably have less impact on the school than would a street wall building built to its full height. The tower shadow would sweep by briefly, but the street wall mass would shadow the school for significant periods.

Question from the floor: Would the open area be accessible to the public?

Answer: do not know.

Question from floor: There is a high asthma rate among students at PS 191. What will be done to avoid aggravating these medical problems as a result of construction dust, etc.

Answer: We will work with Health Dept.

Ethel Sheffer asked whether the developer could do something for the school in exchange for the open space variance benefit. Developer replied: did not know.

Hope Cohen summarized, as follows: We (CB7) are interest in the nature of the community space. We are concerned about the open space issue.

3. 2636 Broadway

Suman Singh, owner, and Steve Wygoda, architect, presented the application for a new enclosed sidewalk café at Indus Valley. The existing restaurant is about one year old and has 48 seats. The addition would be 9 ft by 24 ft, and would seat 23. Committee Members were concerned about the high ratio of café seating to restaurant seating. Many Members also have longstanding concerns about constructing new enclosed cafes. Melanie Radley pointed out that the restaurant is new enough to be using a banner rather than a permanent sign.

Andrew Albert noted that he normally supported these sorts of applications, but that this restaurant had no track record, had no supporters present, and was proposing a very large expansion on the sidewalk in terms of the proportion of new tables compared to the existing tables in the restaurant. He suggested an unenclosed café would be supported.

The owner replied that there were other enclosed sidewalk cafes nearby, and that there was a fairness issue.

TVM discussed his belief that the city was renting the sidewalk space at far too low an amount, and that making free space available to restaurants but not to other shops gave the restaurants an unfair advantage. He predicted that the application would be turned down for several reasons, including the fact that the restaurant was new and without a track record, that the owner did not meet the standard of service to the community that had been set by Mama Mexico (which was offered as an example of an enclosure recently approved by CB7), and finally that the owner was asking for far too much space on the sidewalk in relation to the space he was actually renting—the sidewalk adds 50% to his dining area.

The owner conferred with his architect privately, and then returned to say that he wished to keep to his original plans.

The Committee then adopted the following resolution:

Whereas the PS Brothers Gourmet, Inc., d/b/a Indus Valley, is requesting approval for a new enclosed sidewalk café at Broadway and 100th Street, that would be 24 ft long and 9ft deep, and would contain 9 tables and 23 seats; and

Whereas the restaurant itself has only 48 seats; and

Whereas CB7 finds that a 50% increase in seating provided by a sidewalk enclosure is disproportionately large; and

Whereas this restaurant is less than one year old at this location and has not installed a permanent sign, but uses a banner; and

Whereas this restaurant is new enough that there is no significant record of service to the community; and

Whereas CB7 has experienced the closing of several restaurants with enclosed sidewalk cafes, and has found that it is difficult to obtain the removal of these derelict structures from the public sidewalk even after restaurant operations have ceased, so that a significant track record is needed to demonstrate the viability of the restaurant proposing to use the public space; and

Whereas neighboring buildings are under construction, and the congestion on this stretch of sidewalk may soon increase,

Therefore be it resolved that CB 7 disapproves the application DCA #1169442/ULURP#N050023ECM to the Department of Consumer Affairs by PS Brothers Gourmet, Inc., d/b/a Indus Valley, for a two-year consent to operate an enclosed sidewalk café with 9 tables and 23 seats.

Yes, 3 ; No, 0; Abstain, 1. Present 0. No eligible public members were present.

4. Discussion of development using municipal sites for affordable housing

Kevin Costa, Chief of Staff to Council Member Gale Brewer, joined the committee for this discussion, standing in for Gale Brewer, who had a scheduling conflict.

Hope Cohen: We scheduled this discussion for several reasons, but particularly because of the recent news of the development of a school site on the East Side. About four years ago, a previous proposal for the site for which we had a presentation earlier this evening, adjacent to PS 191, had proposed using air rights transferred from that school. The proposal then had caused great concern in the community. What if all sorts of municipal entities sold development rights to their neighbors? Now things look a bit different to us. We have found that the East Side school is not transferring air rights, but is planning the total reconstruction of the school within an apartment tower on the school site. We now wonder whether this kind of idea might have some applicability in our neighborhood. Furthermore, some members of the Land Use Committee are open to the idea of developing sites of underused government holdings for affordable housing within this district.

It was resolved that the committee would take up this discussion at a future date, because of the lateness of the hour.