

**Full Board Meeting**  
**Sheldon Fine, Chairman**  
**May 1, 2007**  
**Lincoln Square Neighborhood Center**

Mr. Fine called the meeting to order at 7: 12 pm.

Minutes from previous full board meeting were approved: 31-1-0-0.

**Chairman's Report: Sheldon J. Fine**

- City Planning Commission certified the West 97<sup>th</sup> Street-West 110<sup>th</sup> Street Rezoning Proposal. The application will be considered at the May 16, 2007 Land Use Committee meeting and at the June 5<sup>th</sup> Full Board meeting. Borough President Scott Stringer has agreed that the Borough Board will have an abbreviated 10 day process.
  - As of April 29<sup>th</sup>, the Department of Homeless Services stopped using the Montroyal/Apple Hotel on West 94<sup>th</sup> Street to house adult families.
  - Klari Neuwelt presented an update on the Landmark Preservation Commission's approval of the revised New-York Historical Society plans, which will maintain the classical façade.
  - The Steering Committee will meet on May 29 at 7:30 pm. [changed to May 30.] There will a get together, hosted by the Board Development Committee, at 6:30 PM for new Board members. [Postponed to June 27.]
- Mr. Fine introduced new Board members and their board advisors:  
Dan Meltzer – David Harris; Sonia Garcia – Helen Rosenthal; Michele Parker – Linda Alexander; Liz Samurovich – Ethel Sheffer; Jonette Murray – Elizabeth Starkey; Blanche Lawton – Klari Neuwelt; Miki Fiegel – Shelly Fine.

**Public Session**

- Calvin Solomon, Manhattan District Attorney's Office - announced two forums on criminal landlord harassment and how to address these concerns – May 21<sup>st</sup>, 6:30 PM at the 125<sup>th</sup> Street NYS Building and Monday June 11<sup>th</sup> at 401 East 30<sup>th</sup> Street.
- Lynn Opinante, Riverside Library – thanked the CB for its past support for the library and urged the CB to support 6 full days of library service
- Robin Schatell, Riverside Park South – invited people to participate in the Summer on the Hudson programs and activities.
- Winifred Armstrong, Park West Village Tenants Association – thanked the CB for devoting the time to discuss the PWV vault application and for having public hearings about the ongoing and proposed development.
- Jane Kraemer, Goddard Riverside -- announced a May 3<sup>rd</sup> symposium at 6:00 PM on helping the



homeless in the community.

- Jessica Silver, Manhattan Borough President's Office -- Reminded new community board members

about orientation meetings; discussed the closing of the Claremont Riding Academy.

Looking into ways to preserve horse-back riding in Manhattan.

- David Weinberg, Assemblymember Linda Rosenthal – June 7<sup>th</sup> town hall meeting with MBPO at the

Calhoun School; DOB revoked building permit for the construction of additional floors on 201 West 92<sup>nd</sup> Street.

- Carrie Marlin, Assemblymember Daniel O'Donnell – announced the Assemblymember's support for

Governor Spitzer's bill to legalize the marriage of same-sex couples.

- Michael Kaplan, Assemblymember Richard Gottfried – supports effort to relocate Solid Waste

Management plan's marine transfer stations.

- Matt Bitz, Councilmember Inez Dickens – supports West 97<sup>th</sup>-110<sup>th</sup> Street rezoning, encouraging

MTA to provide free transportation to senior citizens.

- Quisquella Addison, State Senator Eric Schneiderman – announced review of the 421-a tax abatement

Program; proposing a tort reform law; invited people to apply as interns at the office.

- Peter Goldwasser, Council Member Gale Brewer – announced press conference and efforts to protect

the Claremont Stables; organization the Manhattan not-for-profit budget process before the City Council, as well as an upcoming hearing June 21<sup>st</sup> with the DEP event at Goddard Riverside; invited intern applications.

- Alan Flacks – Pat Hetkin, founder and former president of the Sanitation Council, died in February.

He will distribute an article about Pat from West Side Spirit.

## **Business Session**

Housing Committee

Victor Gonzalez and Charles Simon, Co-Chairpersons

1. The resolution to **approve** the 421-a tax abatement program was adopted: 33-6-2-0.

## **Health & Human Services Committee**

**Madge Rosenberg and Barbara Van Buren, Co-Chairpersons**

2. The resolution to **approve** Intro. 359 of 2006, the Ready Access to Assistance Act, also known as REAACT, was adopted: 40-0-1-0.

## **Land Use Committee, Richard Asche and Page Cowley, Co-Chairpersons**

Joint with Youth, Education & Libraries Committee, Alberto Cruz and Luis O. Reyes, Co-Chairpersons

3. **227 West 61<sup>st</sup> Street, The Beacon School** (Amsterdam-West End Avenues.) The resolution to **approve** the New York City School Construction Authority's proposed



acquisition and authorization of the use of eminent domain for Block 1154, Lot 108 for continued use as an approximately 850-seat high school facility was adopted: 41-0-2-0.

## Transportation Committee

### Andrew Albert and Dan Zweig, Co-Chairpersons

4. **808 Columbus Avenue (West 97<sup>th</sup>-100<sup>th</sup> Streets.)** Petition by 808 Columbus LLC to the Department of Transportation for a new revocable consent to construct, maintain and use a sidewalk vault for retail use and parking, under the Columbus Avenue sidewalk.

Public Speakers:

- Albina DeMeio, Park West Village Tenants' Association (PWVTA) – presented pictures of

construction, which has led to pooling of water and cracking of sidewalks; concerned about structural integrity of buildings.

- Dorri Jacobs, PWVTA – lives on ground floor adjacent to construction and suffers from noise and dirt

from construction; fences block her windows; concerned about construction above ground level.

- Anne Wanph and Vivian Dee – yielded their time to Lois Hoffman.
- Lois Hoffman, PWVTA President – read an alternative resolution submitted by D. Maria Watson

disapproving the application.

- Emily Margolis, PWVTA Treasurer – urged Board to disapprove the resolution as presented and to

**approve** the substitute resolution.

- Carles Evering -- yielded his time to Paul Bunten.
- Paul S. Bunten – urged Board to disapprove the use of the sidewalk vaults for parking and to

“resist the beginnings and foresee the end”.

- Sarah Wood yielded her time to Jean Green Dorsey.
- Jean Green Dorsey – urged the Board to leverage their vote to require accessory/tenant parking only;

to disapprove the loading dock placements; have garbage handling underground; and to include the concerns in the substitute resolution.

- Cheryl Strong – urged the Board to listen to the community and urged people to bring their concerns

to the elected officials, including the Mayor and the Governor.

- Gerald Sider – 808 has not shown a willingness to negotiate major issues; concerned about garage

venting community was disregarded; urged the Board to vote down the application.

- Diane Lichtman – Sidewalk vaults will not be built unless the developer can make a lot of money.

- Naomi Holoch – urged Board not to approve application; otherwise the CB would be “throwing them

to the wolves”.

- Lauren Williams – urged the Board to substitute the disapproval resolution.



Peter Rosenberg, Architect, Stellar Management – Operating site construction in a safe manner and that Stellar Management is working with civil and mechanical engineers. Invited the CB to have engineers inspect the engineering studies. After listening to community concerns, the developer redesigned the building to take trash off streets, to remove the truck loading off the streets, and moved the AC onto the roof of the tall building at 808 Columbus.

After lengthily Board discussion, the following amended resolution was adopted: 30-5-1-0.

*WHEREAS, Stellar Management has applied to construct, maintain, and use vaults under the public sidewalks on West 97<sup>th</sup> Street and Columbus Avenue as part of the cellars under 808 Columbus Avenue, which will have retail and garage uses; and*

*WHEREAS, Stellar Management has stated that these vaults will be used for a small expansion of retail space and garage usage; and*

*WHEREAS, Stellar Management has met many times with Community Board 7/Manhattan as well as residents of Park West Village, to resolve issues pertaining to their development of the site and surrounding sites, with many issues still to be resolved; and*

*WHEREAS, Stellar Management warrants that they will continue the ongoing dialogue with CB7 and the Park West Village community, to discuss and resolve issues including, but not limited to:*

- a) construction hours and noise*
- b) dust amelioration*
- c) parking issues*
- d) resolution of the through-street*
- e) venting of the garage*
- f) truck loading/unloading of Whole Foods at 97<sup>th</sup> Street loading dock*
- g) access to the Bloomingdale branch of the NY Public Library*
- h) replacement of any street trees lost during or after construction; and*

*WHEREAS, CB7 is extremely concerned about the loading dock issues, believing there are traffic and possibly safety problems unless the trucks are housed wholly within the new complex, as well as issues dealing with the William F. Ryan Health Center, located on West 97<sup>th</sup> Street, and calls on Stellar Management to revise their loading/unloading plans to include total within-building loading docks, or underground loading and unloading; and*

*WHEREAS, the traffic and loading/unloading issues at the 100<sup>th</sup> Street end of the project remain unresolved, including the tenancy of the other large retail store; and*

*WHEREAS, there will be other buildings on the east side of Columbus Avenue associated with this development, creating their own retail/traffic/loading/unloading problems, as well as a new building and vault application on the east side of Amsterdam Avenue, all associated with this development; and*

*WHEREAS, many aspects of this entire project have not as yet been presented and prudent planning for the entire site would have been preferable to piece-meal applications for one or more sites; and*

*WHEREAS, CB7 remains extremely concerned about the numbers and sizes of the curb cuts on both 97<sup>th</sup> and 100<sup>th</sup> Streets, particularly with respect to pedestrian safety issues, as well as congestion on both streets should emergency vehicles need access; and*

*WHEREAS, CB7 nevertheless recognizes the spirit of Stellar's recent efforts in cooperation and dialogue with both the CB7 and the community;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for usage and maintenance of the vaults under Columbus Avenue and 97<sup>th</sup> Street, unless, within 30 days, the developer presents a memorandum of understanding satisfactory to CB7 for (1) loading and unloading of trucks and (2) the rooftop venting of the retail space and garage uses; and if such an enforceable agreement is presented to and accepted by CB7's Steering Committee (at its regularly scheduled meeting on May 29, 2007), Community Board 7/Manhattan hereby **approves** the application; and*

*BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on Stellar Management to present an overall curb cut plan for all their sites, as well as work with CB7 to develop an acceptable traffic plan for both the Columbus Avenue and Amsterdam Avenue sides of the site.*

5. The resolution to **approve** the request by St. Paul the Apostle Parish Community to name secondarily West 59<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues "Fr. Isaac T. Hecker Place" in honor of church's 150<sup>th</sup> anniversary in 2008 was adopted: 39-2-1-0.

· Father Ronald Franco spoke in favor of the resolution.

## ***New Café Applications***

6. **485 Columbus Avenue** (West 83<sup>rd</sup> Street) The resolution to **approve** the new application DCA# 1249725 to the Department of Consumer Affairs by Cilantro West, LLC, d/b/a Cilantro, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats was adopted: 40-1-1-0.

7. **215 West 85<sup>th</sup> Street** (Amsterdam Avenue.) The resolution to **disapprove** the new application DCA# 1250443 to the Department of Consumer Affairs by 2350 Broadway Rest. Corp., d/b/a Dean's Pizzeria, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats was adopted: 41-1-1-0

8. **519 Columbus Avenue** (West 85<sup>th</sup> Street.) The resolution to **approve** the new application DCA# 1251454 to the Department of Consumer Affairs by Food 01 Corp., d/b/a Zeytin, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 42 seats was adopted: 40-1-1-0

9. **2726 Broadway** (West 104<sup>th</sup> Street.) New application DCA# 1247774 to the Department of Consumer Affairs by McConner Street Holding, LLC, d/b/a MC 104, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats was adopted: 40-1-1-0.

## ***Renewal Café Applications:***

10. **267 Columbus Avenue** (West 72<sup>nd</sup> Street.) The resolution to **approve** the renewal application DCA# 1072082 to the Department of Consumer Affairs by Classic Food Inc., d/b/a Sido, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats was adopted: 41-2-0-0.

11. **316 Columbus Avenue** (West 75<sup>th</sup> Street.) The resolution to **approve** the renewal application and petition to modify consent DCA# 0806050 to the Department of Consumer Affairs by 316 Restaurant Corp., d/b/a Pappardella, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats was adopted: 41-2-0-0.

12. **2161 Broadway** (West 76<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 0917301 to the Department of Consumer Affairs by Broadway 76 LTD, d/b/a Niko's Mediterranean Grill and Bistro, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats was adopted: 41-2-0-0.



13. **359 Columbus Avenue** (West 77<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 0953473 to the Department of Consumer Affairs by R.S.V.H, d/b/a Isabella's, for a two-year consent to operate an unenclosed sidewalk café with 28 tables and 74 seats was adopted: 41-2-0-0.
14. **377 Amsterdam Avenue** (West 78<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 0926105 to the Department of Consumer Affairs by Miridula Restaurant Corp., d/b/a Shining Star Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats was adopted: 41-2-0-0.
15. **201 West 79<sup>th</sup> Street** (Amsterdam Avenue.) The resolution to **approve** the renewal application DCA# 1125981 to the Department of Consumer Affairs by Renolta, LLC, d/b/a Nice-Matin, for a two-year consent to operate an unenclosed sidewalk café with 24 tables and 68 seats was adopted: 41-2-0-0.
16. **417 Amsterdam Avenue** (West 80<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 0929109 to the Department of Consumer Affairs by Gilli, Inc., d/b/a Al Dente, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 19 seats was adopted: 41-2-0-0.
17. **473 Columbus Avenue** (West 83<sup>rd</sup> Street.) The resolution to **approve** the renewal application DCA# 1008999 to the Department of Consumer Affairs by Club America, Inc., d/b/a Bistro Citron, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats was adopted: 41-2-0-0.
18. **517 Columbus Avenue** (West 85<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 0812902 to the Department of Consumer Affairs by Re Spec Corp, d/b/a Jackson Hole, for a two-year consent to operate an unenclosed sidewalk café with 25 tables and 48 seats was adopted: 41-2-0-0.
19. **718 Amsterdam Avenue** (West 95<sup>th</sup> Street.) The resolution to **approve** the renewal application DCA# 1099811 to the Department of Consumer Affairs by Iano Corp., d/b/a Acqua, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 40 seats was adopted: 41-2-0-0.
20. **2799 Broadway** (West 108<sup>th</sup> Street) The resolution to **approve** the renewal application DCA#1102405 to the Department of Consumer Affairs by S & P 66 inc., d/b/a Lime Leaf, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 32 seats was adopted: 28-3-0-0.

## **Parks & Preservation Committee**

### **Klari Neuwelt and Lenore Norman, Co-Chairpersons**

21. **225 West 86<sup>th</sup> Street, The Belnord** (Amsterdam Avenue-Broadway.) The resolution to **approve** the application to the Landmarks Preservation Commission for the revision of storefront master plan was adopted: 29-0-0-0.
22. **324 West 89<sup>th</sup> Street** (West End Avenue.) The resolution to **approve** the application to the Landmarks Preservation Commission for replacement of a one curved-glass, 3-story window with a new straight-glass window was adopted: 29-0-0-0.
23. **50 West 76<sup>th</sup> Street** (Columbus Avenue-Central Park West.) The resolution to **disapprove** the application #07-5114 to the Landmarks Preservation Commission for alteration of stoop and areaway and construction of rear-yard addition was adopted: 29-0-0-0.
24. **38 West 86<sup>th</sup> Street, Bard College** (Central Park West-Columbus Avenue.) The resolution to **approve** the application to the Landmarks Preservation Commission for construction of a one-story rooftop addition (plus mechanicals within copper-clad screened

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enclosure) and small infill addition (approximately 10' wide by 18' deep) at the rear yard; replacement of street facade windows; restoration of existing decorative copper mansard and dormers at street facade; reconfiguration of windows at rear facade; and reconstruction/restoration of existing roof cornice at rear facade was adopted: 28-0-0-1.

25. **304 West 91<sup>st</sup> Street** (West End Avenue.) The resolution to **approve** the application to the Landmarks Preservation Commission for roof-top and rear-yard additions was adopted: 29-0-0-0.

26. **36 West 93<sup>rd</sup> Street, aka 33 West 92<sup>nd</sup> Street, Columbia Grammar & Preparatory School** (Central Park West-Columbus Avenue.) The resolution to **approve** the application to the Landmarks Preservation Commission for the enlargement of existing school building, including building out of setbacks and addition of two floors was adopted: 27-0-2-0.

## **Steering Committee**

### **Sheldon J. Fine, Chairman**

27. The proposal on enhancing the effectiveness of Community Board 7 was adopted: 23-2-5-0.

The meeting was adjourned at 10:00 PM.

**Present:** Sheldon J. Fine, Barbara Adler, Andrew Albert, Linda Alexander, Richard Asche, Hope Cohen, Alberto Cruz, John Donohue, Islande Dupoux, Sonia Garcia, Victor Gonzalez, Phyllis E. Gunther, David Harris, Robert Herrmann, Lawrence Horowitz, Chaumtoli Huq, Ulma Jones, Bobbie Katzander, Barbara Keleman, Blanche E. Lawton, Daniel Meltzer, Johnette Murray, Eric Nelson, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Sharon Parker-Frazier, Miki Fiegel, Melanie Radley, Luis O. Reyes, Oscar Rios, Madge Rosenberg, Helen Rosenthal, Liz Samurovich, Ethel Sheffer, Jeffrey Siegel, Charles Simon, Elizabeth Starkey, Barbara Van Buren, D. Maria Watson, Melanie Wymore, George Zeppenfeldt-Cestero, Dan Zweig. **Absent:** Jeff Bank, Page Cowley, Josh Feldman, David Harris, Benjamin Howard-Cooper, Eric Nelson, Lenore Norman, Anne Raphael, Thomas Vitullo-Martin.

## **Strategy and Budget Committee**

**Helen Rosenthal, Chairperson**

**May 1, 2007**

1. Follow up on Delivery of Services Survey. Elizabeth will continue to track down the survey.
2. Review Strategy and Budget Summary Paragraph. Use paragraph from old membership booklet. Two goals for 2007/2008:
  - a. Adequate submission of Budget Priorities and District Needs Statemen
  - b. Thank electeds for the items they've funded from our budget priorities. (eg. restoration of West 77<sup>th</sup> Street at The Natural History Museum; and park benches along 81<sup>st</sup> and 77<sup>th</sup> and Columbus)
3. Discuss strategy for District Needs Statement update. Our committee members will follow-up with their assigned committees.
4. Budget Priority Follow-up; Status with Elected Officials. Letter approved to send to Electeds.

Present: Elizabeth Starkey, Phyllis Gunther, Helen Rosenthal



# COMMUNITY BOARD 7 Manhattan

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## Youth and Education Committee

**Luis O. Reyes and Alberto Cruz, Co-Chairpersons**

**May 17, 2007**

The CB 7 Youth Education and Libraries Committee met on May 17, 2007 at Lincoln Center.

CB 7 has received so far 5 filled out Survey responses to the joint YEL/HHS AIDS Education Survey: P.S. 84, P.S. 163, P.S. 199, M.S. 44, M.S. 243. Ben Howard Cooper had volunteered to do follow-up phone calls to principals who had not responded 3 weeks after the original mailing.

The remainder of the meeting was dedicated to a discussion of the District Needs Statement for 2008-09 under "Community Development, Youth and Education".

Community Development: there is a continuing need for out-of-school funding from DYCD for before- and after-school programming. DYCD had cut funding in the present FY for CD 7, except for two low-income census tracts, covering the Douglas Houses and the Amsterdam Houses. It was noted that the Upper West Side no longer has a zoned high school due to the new H.S. Choice program. The Committee believes that the City should maintain and/or increase funding for CBO's serving census tracts with concentrated numbers of high-needs children and youth.

Day Care and Head Start: Bloomingdale would seem to have available slots and is seeking students. We need to do outreach to local Non-Profits such as Montessori, St. Timothy-St. Matthews, YMCA, Grosvenor, and Goddard-Riverside.

After-School Programs: CBO's need funding for space and facilities for specialized programs (e.g., summer programs have to rent space in public schools, unlike during the school year). Some related issues are the lack of air-conditioning in Schools during the summer and the fact that some P.S.'s may be under renovation during the summer months. H.S. students are hard to motivate to participate in summer programs because of the pressures to work and because some activities may not interest them as much. West Side YMCA has 3 programs but cannot get access to Ethical Culture's space during the summer. But could use Brandeis H.S., if there was funding for rent. Goddard Riverside has used P.S. 84's yard/field; but may have to cut their program unless they are able to secure another field.

Youth Employment: CD 7 faces the same issues as faced re. community development, i.e., cuts beyond the two low-income census tracts. Many of the same CBO's mentioned above face cuts in their funding. One possible alternative is getting Lincoln Center and the various museums in CD 7 to contract low-income teens to work in the summer, especially if they are receiving public funds for their renovations or their operations. In general, there is a need to expand youth employment slots for low-income teens living in CD 7.

Meeting was adjourned at 9:00 PM.

Submitted by Luis O. Reyes.

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Present: Luis O. Reyes, and Alberto Cruz, Co-Chairs; Sharon Parker Frazier; and new Board Member Jaye Murray. Absent: David Harris; Benjamin Howard Cooper

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## Transportation Committee

Andrew Albert and Dan Zweig, Co-Chairpersons

May 8, 2007

1. **2398 Broadway.** Renewal application DCA #1125321 to the Department of Consumer Affairs by Sigma Group, Inc., d/b/a AIX, for a two-year consent to operate an unenclosed Café with 12 tables and 36 seats.

Community Board 7 **Approves** the renewal. 6-0-0-0, 1-0-0-0, 2-0-0-0

2. **2165 Broadway.** New Application DCA #1252694 to the Department of Consumer Affairs by Spatula, LLC, d/b/a Grum, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.

*Applicant did not appear. Vote postponed and applicant is being asked to appear before the committee prior to Full Board session on June 5.*

3. **384 Columbus Avenue.** Renewal Application DCA #1190075 to the Department of Consumer Affairs by 384 Columbus Associates, d/b/a Ocean Grill, for a two-year consent to operate an unenclosed sidewalk café with 20 tables and 53 seats.

*Applicant did not appear. Vote postponed and applicant is being asked to appear before the committee prior to Full Board session on June 5.*

4. Elizabeth Starkey appeared on behalf of **Strategy and Budget Committee** to discuss section of FY 2009 District Needs Statement. Discussion ensued and report with new requests for Capital Budget Priorities will be turned in by Co-chair Andrew Albert before deadline.

5. Review of **Accomplishments for 2006**

- a) Major traffic studies, funded and undertaken.
- b) 96<sup>th</sup> Street/Broadway Intersection Traffic Changes accomplished, i.e., left turn lanes, pedestrian striping, pedestrian intervals on lights.
- c) Finalization of traffic plan/design for 96<sup>th</sup> Street IRT station.

6. Discussions of **Objectives for 2007**

- a) Spring Pothole Review: suggestion made that all committee members to report sightings to CB7 office;
- b) Historic Plaques: An effort is being made to contact Barbara Lee Diamonstein to consult on procedure. Committee agreed it is a good program with educational benefits.
- c) Bus re-routings: discussion on best procedures.
- d) West Side Traffic Study: Already funded and underway.
- e) Delivery restrictions: recommending better enforcement along Columbus and Amsterdam Avenues.
- f) Fresh Direct: is being invited to next Committee meeting to discuss improving delivery procedures.
- g) Unenclosed sidewalk cafes: Committee is inviting NYC Department of Health and Mental Hygiene Commissioner Dr. Thomas Frieden to

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discuss ways  
referencing  
sidewalk cafes.

of preventing smoking in outdoor cafes on the Upper West Side,  
complaints from community and residents of buildings with

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## Business and Consumer Issues Committee

George Zeppenfeldt-Cestero and Madge Rosenberg, Co-Chairpersons

May 9, 2007

1. 1900 Broadway 64 West LLC, (116 seats) d/b/a/the Company (Old Coastal at Lincoln)

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 1900 Broadway 64 West LLC., d/b/a/the Company (Old Coastal at Lincoln), for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this establishment is run as a full service restaurant, not as a bar or club.

Committee: 3-0-0-0.

2. 2350 Broadway Restaurant Corp., d/b/a Deans Pizzeria

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 2350 Broadway Restaurant Corp., d/b/a/ Dean's Pizzeria, for a new liquor license.

Committee: 3-0-0-0.

3. 722 Amsterdam. d/b/a Charm Thai Food

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 722 Amsterdam, d/b/a/ Charm Thai Food, for a new liquor license

Committee: 3-0-0-0.

4. 128 West 72<sup>nd</sup>, S & P Corp. d/b/a Lime Leaf Restaurant

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 128 West 72<sup>nd</sup> st S&P Corp, d/b/a/ Lime Leaf Restaurant, for a new liquor license

Committee: 3-0-0-0.

5. 50 West 72<sup>nd</sup> Rest LLC (35 seats), d/b/a Riposo

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 50 West 72<sup>nd</sup> Rest LLC., d/b/a/ Riposo, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that in this establishment there will be no live or loud music, windows and doors are kept closed, and effort is made to keep sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

6. 158 West 72<sup>nd</sup> (70 seats), d/b/a The Turkish Grill

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 158 West 72<sup>nd</sup> d/b/a/ The Turkish Grill, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application that this establishment is a full service restaurant with no live or loud music

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windows and doors are kept closed, and effort is made to keep sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

7. 480 Amsterdam (74 seats) d/b/a Dan Doohan or corp. to be formed

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 480 Amsterdam Ave<sup>d</sup> d/b/a/ Dan Doohan, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application that this establishment will always employ at the door a licensed security bouncer and effort will be made to keep sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

8. New Business

Need for space for community organizations to meet.

Agenda: BIDS, Employee Health Insurance

**Present:** Jeffrey Bank, George Zeppenfeldt-Cestero, Ulma Jones and Madge Rosenberg.

**Absent:** Anne Raphael.



## **Parks and Preservation Committee**

**Lenore Norman and Klari Neuwelt, Co-Chairpersons**

**May 10, 2007**

**1. 103 West 77<sup>th</sup> Street** (Columbus Avenue.) Application to the Landmarks Preservation Commission for first floor façade restoration and for new doors.

The Parks and Preservation Committee of Community Board 7, Manhattan, believes that the proposed new residential and restaurant doors and the proposed restoration of the eastern portion of the façade in a stucco material are appropriate to the Historic District.

Accordingly, the Committee **approves** the application.

Committee vote: 3-0-0-0. Non-committee vote: 2-0-0-0.

**2. 31 West 82<sup>nd</sup> Street** (Central Park West.) Application #07-5732 to the Landmarks Preservation Commission for changing a window into a door.

The Parks and Preservation Committee of Community Board 7, Manhattan, believes that the proposed new door, with wooden elements to be painted dark green like the other fenestration on the façade, and of design similar to that of the existing fenestration, will be minimally visible in light of the tree in front of the building, and is appropriate to the Historic District.

Accordingly, the Committee **approves** the application.

Committee vote: 3-0-0-0

**3. 2020 Broadway, dba Barcibo Enoteca** (West 69<sup>th</sup> Street.) Application to the Landmarks Preservation Commission for a new storefront at the ground floor.

The applicant's architect has agreed to the suggestions of the Parks and Preservation Committee of Community Board 7, Manhattan, to change the design in drawings dated May 1, 2007 in certain regards, and has submitted to the Committee revised drawings dated May 15, 2007.

The Committee believes that the revised proposed façade design is appropriate to the Historic District.

Accordingly, the Committee **approves** the application.

Committee vote: 3-0-0-0

**4. 155 West 76<sup>th</sup> Street** (Amsterdam-Columbus Avenue.) Application #07-7129 to the Landmarks Preservation Commission for alteration of the front areaway.

While the Parks and Preservation Committee of Community Board 7, Manhattan, would prefer that a more extensive restoration be done, it believes that the proposed new knee wall and planters will be a significant improvement over the present condition at the building, and that the proposed changes are reasonably appropriate to the Historic District under the circumstances.

Accordingly, the Committee **approves** the application.

Committee vote: 3-0-0-0

## **Housing Committee**

**Victor Gonzalez and Charles Simon, Co-Chairpersons**  
**May 14, 2007**

The meeting was called to order at 7:00 P.M.

Mr. Simon invited the Committee's two guests -- John Sheridan and Richard Bass of Herrick, Feinstein -- to explain the recent Court of Appeals decision on the survival of use restrictions mandated by the Urban Development Action Area Act and their roles in the decision. Mr. Sheridan and Mr. Bass offered the following summary:

· 328 Owners Corp. (the "Co-op") -- represented by Herrick, Feinstein -- learned that the adjoining property, 330 West 86<sup>th</sup> Street (the "Property") had been purchased by a Developer -- 330 West 86<sup>th</sup> Street, LLC. The Developer planned to tear down the building on the Property and erect a "sliver" apartment building, some 15 stories high or higher.

· In resulting litigation, it was the position of both the Co-op and the City of New York that the Developer's planned project violated both the Urban Development Action Area Act ("UDAA Act") and the express restrictions in the Deed in which the Property had originally been conveyed from the City. Here is what happened:

· The City acquired the Property in tax foreclosure proceedings sometime before June, 1999. The Property was in disrepair and in need of rehabilitation.

· The City, through the Department of Housing Preservation and Development ("HPD"), determined that the Property could appropriately be sold as an Urban Development Action Area Project ("UDAAP"). Under this program, if the Property was to be used only for certain purposes set forth in the UDAA Act, the Property could be sold without the usually-required procedure of a public auction or sealed bids.

· Pursuant to the UDAAP program, the City notified the remaining tenants of the Property (who only occupied a few apartments in the building) that the Property could be sold to them through HPD's Asset Sales Program at the remarkable price of \$340,000.

· Seizing the opportunity, the tenants offered to buy the Property under the UDAAP program, and the City went about getting the approvals it needed to sell the Property under the UDAA Act.

· Specifically, the matter was presented to the City Council, which, in a resolution issued in 1999, approved the designation of the Property as a UDAAP, approved the designation of the tenants' corporation as a "sponsor" under the UDAA Act, and mandated that the Property could be developed upon the terms and conditions set forth in a required "Project Summary." That Project Summary described the purpose of the Project as "Conservation."

· The matter was then presented to the Mayor's office, which, in reliance on the City Council resolution, also approved the designation of the Property as a UDAAP and the designation of the tenants' corporation as a "sponsor" under the applicable statute.



. The Property was then conveyed to the tenants' corporation ("Sponsor") -- for a price of only \$340,000 -- without public auction or sealed bid.

. The Deed specifically stated that the "project to be undertaken by Sponsor ("Project") consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings without any change in land use permitted by existing zoning."

. The Deed also specifically required, among other things, that Sponsor correct all the Code violations of the building and give two-year leases to the existing tenants in the building.

. The Sponsor did not correct the building's Code violations.

. The Sponsor did not do anything to rehabilitate or conserve the Property.

. Instead, within 18 months of its purchase from the City at a bargain price, the Sponsor "flipped" the Property to the Developer for a price of over \$1,000,000.

. Significantly, the Developer took with actual knowledge of the objections of the City and the Co-op to its proposed development. A "lis pendens" had been filed on the Property before the Developer closed its deal with the Sponsor.

. The Developer did not correct the building Code violations or otherwise rehabilitate or conserve the Property.

. The Developer proposed to demolish the building on the Property and to erect an apartment building of 15-stories or higher.

. Developer sought to sell the Property for \$7,350,000.

In the resulting litigation, which is captioned "328 Owners Corp. v. 330 West Oaks Corp., et al., Index No. 604570/00," the Co-op and the City sought to prevent the Developer from building its proposed project and to force it to comply with the restrictions on the Property in the Deed and by statute, as the Property was conveyed by the City.

The Co-op and the City prevailed at the trial court level, and that court held that the Property "may not be used other than for (a) rehabilitation or conservation of the existing building thereon, or (b) construction of one to four unit dwellings without any change in land use ...." The Developer appealed, and in a 3-2 split decision, the Appellate Division reversed. That Court held that the restrictions in the Deed did not "run with the land" and did not preclude the Developer from building the high rise sliver building it proposed. The two dissenting justices rejected the majority's reasoning, stating that the majority's ruling, "rather than effectuating the legislative intent of the [UDAA Act] program, perpetuates a fraud against the public fisc."

The Co-op and the City were entitled to appeal the Appellate Division's decision as of right to the New York Court of Appeals -- the highest Court in the State -- and they did so.

The Co-op and the City made the following arguments in the Court of Appeals and prevailed:

. The plain language of the Deed, as well as the surrounding circumstances, make clear that when the City conveyed the Property to Sponsor, those parties intended that the Property would be a UDAAP and would be developed only as permitted by the UDAA Act. The Deed also makes clear that those were covenants that were to "run with the land,"



which means that those restrictions would apply to Sponsor, to Developer, and to anyone else to whom the Property was conveyed.

· The Deed must be construed in accordance with the intent of the parties to that Deed. The case law holds that the document must be viewed as a whole and that no magic words need be used to create restrictive covenants. Further, the fact that nearly all the references to the UDAA Act and its requirements occur in the "recital" clauses of the Deed, rather than in the "habendum" clause, does not override the parties' intention.

· The requirements of the UDAA Act must be construed into the Deed. The City's only authority to convey the Property without the usual procedure of public auction or sealed bids stems from the UDAA Act. Unless the statutory requirements are read into the Deed, the deed is null and void. This is because the City had no authority to convey the Property unless the uses of the Property were limited to either (i) "Conservation" as stated in the Project Summary, or at a minimum, (ii) the statutory restrictions of "(a) rehabilitation or conservation of the existing building thereon, or (b) construction of one to four unit dwellings without any change in land use ...."

Mr. Sheridan and Mr. Bass noted that they had referred to the resolution adopted by CB7 on this matter when arguing before the Court of Appeals and that the resolution had been valuable as a formal expression of the views of the CB, which had previously given its approval to the disposal of the property under the UDAA Act.

We collectively discussed the shortcomings of the deed that the City Law Department used in this transaction and the need for improved drafting in the future. We also discussed the risk that other properties conveyed under the UDAA Act could attempt similar impermissible sales and the fact that this Court of Appeals decision strengthened our hands in doing so.

We decided that we should condition our approval of any future conveyances under the UDAA Act or similar mechanisms on the inclusion of appropriate binding language in the conveying deed.

We also decided that we should send a letter to Mr. Cardozo, Corporation Counsel, and to HPD to present our views on this matter and to request a list of all properties that have been conveyed in CB7 under the UDAA Act or similar mechanisms, so that CB7 may help to monitor whether the conditions of their conveyance are being complied with and whether any future sales of these properties are proper. Mr. Simon agreed to draft this letter for the Committee's review.

At this point, we thanked our guests for their time and information and bid them good night. We then turned our attention to our District's Needs statement and our deadline to submit additions or changes to those needs. Helen Rosenthal was very helpful with guiding us through the process.

The meeting adjourned at 8:09 P.M.

Present: Victor Antonio Gonzalez-Co Chair, Charles Simon-Co Chair, Housing Committee members Barbara Van Buren, Melanie Radley and Sharon Parker-Frazier. Other CB#7 Boardmembers present were Helen Rosenthal and J. Murray. Absent: Josh Feldman, Chaumtoli Huq, D. Maria Watson.

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# COMMUNITY BOARD 7 Manhattan

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**Health and Human Services Committee**  
**Barbara Van Buren and Madge Rosenberg, Co-Chairs**  
**May 15, 2007**  
**Meeting on District Needs**

Present: H & HS Committee: Madge Rosenberg, Barbara Van Buren, Elizabeth Starkey, Luis Reyes. Board Member: Miki Fiegel. Public Member Fern Fleckman  
Public: Amy Berg, SPOP; Stephan Russo, Goddard Riverside; Barbara Minch, Lorraine Leong, Ryan Center: Brad Korn, St. Luke's Roosevelt; Colleen Jackson, West Side Intergenerational Residence; Debra Daniels, Volunteers of America; James Taggart, Phoenix House, Andrew Martin, Reeva Mager, Dorot; Marjorie Cohen, Westside Crime Prevention Program; Nancy Harvey, SPOP; Father John Duffell, Church of the Ascension; Cathy Unsino, Park West Village; Doreen Wohl, WS Campaign Against Hunger; Judith Nicholson, Sonia Stetkiewych, Laura Radensky, Jewish Home & Hospital. In addition to those present, telephone suggestions were called in by Cynthia Dial, Project Find; Erica Teutsch, Goddard Riverside Senior Center; and Rev Heidi Neumark, Trinity Lutheran Church.

In preparation for the Committee's District Needs Statement, community leaders were invited to the meeting to share their thinking on what the needs of the community were. It was emphasized in the invitation that we were not looking for agency budgets or programs, but rather what gaps they observed in their work in the community.

The following is a compilation of concerns:

The Ryan Center, whose programs in the Health Department building on 100<sup>th</sup> Street were being displaced by training programs for city-wide activities, was concerned by the lack of space available for service programs, in view of the high marketability of rental space. This was seen as a general problem.

The plight of immigrants, and particularly of undocumented workers was a high concern for everyone. Exploitation by employers and landlords is rampant, with individuals fearful to complain for fear they may be deported. It is a particularly difficult problem, as advocates for the immigrants are often concerned that they not do anything to create new problems. It was thought that a concerted effort should be made to consider how this population could best be served. At the present time they are primarily connected to faith communities, and to the few immigration programs in the community, where there is counseling, ESL classes, and help with immigration problems, as well as a sense of community. It was suggested that there be a meeting pulling together faith communities, and other concerned groups, to determine a possible course of action on the Upper West Side.

Inequities in the public school system, **where children in the same school building may receive a different quality of education, both when they are labeled as different schools, and when they are separated on the basis of intelligence levels into gifted and ungifted groupings. It was recognized that children had different ways of learning, but each child should receive optimal teaching.** The elimination of School

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**Boards has greatly diminished the ability for advocates for a better education system to come together.**

Lack of appropriate sex education in the schools was also a concern, as well as failure to use peer programs in prevention education for STDs\_Asthma and lead paint, poisoning among children were concerns. Childhood obesity was seen as contributed to by the poor physical education programs in the schools.

**Affordable Day Care Centers were identified as a gap. The working poor are often ineligible for the program, which have a very low cap on income.**

**Lack of Health Care Coverage** for too many people. Support for family and child health care is essential.

Growing disparity between rich & poor in the district **and the need for more attention to the loss of community. More activities are needed to bring all residents together. There was concern that the West Side was losing its special quality of concern for the whole community, and nothing was being done to address the issue.**

More affordable housing for all populations **was seen as essential. Excessive development of luxury condos and elimination of housing for the poor and middle class is destroying the quality of life on the West Side.**

**There was concern about gang activity around playgrounds in the upper part of the district. Boys have been unable to play basketball because they are beaten up if they don't belong to a gang or to the wrong one.**

## SENIORS

There was concern on different levels for the aging population on the West Side. Much thought was given to amenities which would make the community a good place for people to live out their lives. Public fitness centers and/or exercise in the parks, such as tai chi. Public swimming pools Connection to technology for seniors. (It was thought Gale Brewer would be particularly interested in this.) Education programs at the local institutions, - Columbia, John Jay, Fordham, Bard, et al. at a rate people on a low income can afford. Benches throughout the community to enable walking and shopping. Health fairs for the general public. Education for grandparents who now have the care of their grandchildren, as well as for parents. Some of these programs may already exist, but they are not well publicized.

More mental health programs to deal with depression among the elderly are needed, and are being recommended by Councils of Mental Health Agencies.

There was also concern for the isolated elderly who had no connections to resources, and who had little contact with others people. Agencies believe they provide meaningful services to their clients, but they do not have the resources to reach people who do not know about them. St Luke's has a program providing doctor's home visits to the elderly unable to come in to the hospital, but people have to know about the program. The problem has to be taken on as a community-wide project. Several people recommended that the unions of building superintendents, (32B), be involved. Their members could





probably identify people needing help, but may not know where to refer them, and may not feel comfortable doing so. Working to familiarize them with resources is one avenue. Faith communities often may be the one social outlet for older people, and those groups should also be involved in any discussion of solutions. It was suggested that a community-wide meeting be held comprising all the groups which might be concerned, including State and City Divisions for the Aging, and the United Hospital Fund. There was consensus that this was a good idea and should be followed up on.

## HOMELESS

There were various dimensions to the problem of homelessness. Some people have had a stable home for many years, but are now being threatened with eviction because only one spouse's name was on the lease, and that person is now dead. Others have been sent eviction notices by landlords who hope the tenants don't realize there has to be a legal process before they can be evicted. There needs to be a publicized center where people can bring their concerns. The SRO Law Project can help people in SROs, but is not able to serve other tenants.

There are also people who have no homes, and are sometimes placed in the community by City agencies without any planning or long-range goals. Agencies should work with the community to make placements that don't serve to antagonize existing residents. There needs to be more education of the community as to who needs special housing, and how people can work together instead of being fearful of someone who might not be like them. The Supportive Housing Network of New York is interested in developing such a program.

## **HUNGER**

Hunger is increasing. More people coming for emergency food. Only 65% of eligible get food stamps. (SEE NYC Food Bank web site). Outreach to the eligible is needed. The City is planning this, and can use the support of community groups.

**The meeting was adjourned,** with the recognition that there were many areas for the community to work together on, and we hadn't addressed all of them tonight. At its next meeting, the Committee will work on our actual District Needs Statement, taking into account tonight's concerns, our last District Needs Statement (Fiscal Year 2008) and any other items that may be brought to our attention.

# COMMUNITY BOARD 7 Manhattan

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## **District Service Cabinet** **Penny Ryan, District Manager**

**May 23, 2007**

### ***Announcements***

- Goddard-Riverside was awarded the NYC contract for homeless care in the City. The precincts and agency representatives were asked to compile a top ten list of chronic problem areas in the district.
- The Park West Village Task Force meets the first Thursday of every month to address construction issues. Issues should be forwarded to CB7 Board office.
- DOT will be closing the 72<sup>nd</sup> Street Hudson River Parkway exit ramp sometime late this summer to begin construction on the Riverside Drive to Riverside Boulevard street connection.

### ***Updates***

#### **24<sup>th</sup> Precinct**

- Crime is down 32% for the month. Success is due to the police and community working together to reduce crime.
- The commanding officer assigned a midnight car to patrol bars above 96<sup>th</sup> Street on Amsterdam Avenue and Broadway.
- The precinct continues addressing the homeless issue and panhandling. New guidelines are in effect that limit police action against panhandlers – they must be near a bank or ATM in order for police to take action.
- Park West Village construction area – Precinct is conducting thorough inspections of vehicles with the assistance of the Truck Enforcement Unit.

### ***DOB***

- The Manhattan Borough Commissioner's office is now holding back permits on illegal SRO conversions and instead is sending inspectors to the sites. CB7 will send a list of known illegal SRO conversions to DOB.
- Some trucks at construction sites are allowed to idle starting at 5:30 a.m. The Board requested written documentation from DOB on what constitutes working before 7 a.m., i.e. beeping noise of trucks backing up.
- The new building code will go into effect on July 1, 2007.
- 808 Columbus Avenue received many after-hour variance complaints.
- Saturday permits are now more allowable.

### ***DEP***

- The internal unit that is responsible for street sinking problems has not responded to the 62<sup>nd</sup> Street & Central Park West issue. DEP agency representative will make it a top priority this week to get a response from the unit. DEP has sewer and water lines at this location.
- DEP will present the new noise code regulations at the June, 2007 DSC meeting. NYPD can issue criminal summons to premises owners and individuals that break violation code.

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- DEP will research what the criteria is for installing 'No Idling signs, especially at construction sites, to help minimize truck exhaust.

## ***NYPD PSA 6***

- Crime is down 41% for the year, 21% down in the major seven crime categories. Year to date arrests are 209.
- There were noise complaints at Wise Houses mostly due to late night basketball playing. There are closing signs that say 'Dusk' but that is not a firm hour to close a park. Park needs new signage.
- PSA6 is conducting a blood drive on May 31<sup>st</sup> , at 2770 Eighth Avenue (148<sup>th</sup> Street), 7 a.m. to 6 p.m.

## ***NYPD Transit District 3***

- Overall crime is down 118% YTD
- Many Grand Larceny crimes, such as pickpocketing, are reported at the 96<sup>th</sup> Street IRT station.

## ***FDNY Battalion 11***

- Number of fires about the same for the month.
- The Board requested the stipulations regarding the placement of "Where the Standpipes Are" signage, especially in Landmark buildings, and also, if it is a law.

## ***DOT***

- DOT requested that the 24<sup>th</sup> Pct pick a date to finish the angle parking in front of the station house.
- DOT will hold a forum on the West Side Transition Study (W.57<sup>th</sup> to W. 86<sup>th</sup> Street) to get community input. The meeting will be held at John Jay College in the Fall.
- The Board requested that DOT not issue a permit for a loading zone to the Broadway Hotel, as it is an illegal hotel and is not entitled to that space.

## ***Con Edison***

- The Broadway Mall Association will work with Mama Mexico restaurant and Con Edison ensure there will be no stray voltage when annual holiday lights are placed in the Broadway medians around 103<sup>rd</sup> Street and Broadway.

## ***DDC***

- There are five major sewer line construction projects in CD7.
- Fredrick Douglass Circle is at 70% completion. Will be finished in 2008.
- The Board requested a list of all DDC construction locations in CD7. Copy list to DEP, DOT, DSNY and NYPD.

## ***NYPL***

- The newly renovated Children's Room is now open at Bloomingdale Branch Library.