

Full Board, Committee, and District Service Cabinet Minutes  
**December 2008**

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**Full Board Meeting Minutes**  
**Helen Rosenthal, Chairperson**  
**Jewish Home Lifecare**  
**December 2, 2008**

Helen Rosenthal called the meeting to order at 7:15 pm.

Minutes from previous full board meeting were approved as submitted: 37-0-1.

**Chairperson's Report: Helen Rosenthal**

- Expressed thanks to Community Board members for their service and commitment in a busy December.
- At the January 2009 meeting, the full Board will vote on Fordham's proposed Master Plan.
  - o The Land Use Committee will hold a public meeting on December 16 at 6:30 pm at Fordham's Lowenstein Building (60th and Columbus) solely to consider this proposal. Relevant materials are available on the CB7 website (<http://nyc.gov/mcb7>).
  - o The impact of the Fordham proposal on traffic mitigation and related issues will be a subject of the Transportation Committee's meeting on December 9th.
  - o Shadows: Fordham proposes NO mitigation for shadows, despite proposing two tall towers to be built across from PS 191's playground, the Amsterdam Houses, Damrosch Park and Lincoln Center. CB7 will notify residents of Amsterdam Houses of the hearing.
  - o The Fordham proposal includes no provision for affordable housing or to support any public school.
  - o Land Use Chairs Page Cowley and Richard Asche welcome comments from community members.
- The December committee meetings will also focus on Riverside South project, preparing comments to be submitted to the City Planning Commission on January 8, 2009, on the proper scope of the Supplemental Environmental Impact Statement which will measure the impact of the proposal for the last parcel at RSS.
  - o Extell, the developer of lots LMN, is seeking approvals for five very tall buildings that are cannot be built as of right, with a change in proposed use away from commercial to add over 5,000 residential units.
  - o The developer's requests may present an opportunity for the community to win important concessions on needs such as school construction, affordable housing, public space and other concerns.
- Other issues to be considered at committee meetings in December include: Trinity Tenants Association's interest in preserving affordable housing at Trinity House in the face of a proposed sale of the building (Housing Committee); support for a City Council bill to protect patients against harassment at the entrances to health clinics (Health); a proposal to replace community facility space with retail at 150 Amsterdam (Land Use); applications for 2009 multi-block street fairs (Business & Consumer Issues); the Department of Education's 5-year Capital Plan, with no seats planned for our District, and the impact of budget cuts on afterschool and youth programs (Youth, Education & Libraries).
- Penny Ryan's contributions to our community, accomplished with intelligence, grace and insight, were recognized.

**District Manager's Report: Penny Ryan**

- Construction in our District is slowing down. Of 17 active construction sites, 6 now have cranes. Only 1 tower crane remains, in RSS at 63rd near River; cranes are brought in intermittently at Park West Village. The District Office continues to monitor crane operations and sites.

- A recent City law requires the recycling of plastic, such as dry cleaning bags, grocery bags etc. Stores over 5K sq ft must provide a visible place to return plastic items. A bill awaiting the Governor's signature would gut the NYC law, because the State bill threshold is a store of greater than 10K square feet, and fewer stores in New York City are of that size.

Sense of the Board – Elizabeth Starkey's request that the Board send a letter to Governor Patterson urging him to exempt New York City from the new State law on recycling of plastic to permit enforcement of the more apt City law was adopted 43-0-0-0.

### **Elected Officials' Reports**

Scott Stringer, Manhattan Borough President:

- Acknowledged the Chair's hard work and many contributions both to our Board and on the Borough Board.
- The Community Board reform process has been a success; still working on improving diversity and access.
- The fiscal crisis requires tough decisions. It is essential to distinguish thoughtful cuts from those that are vindictive. We cannot allow the MTA to double the fares on Access-A-Ride, which serves an at-risk population. Acknowledged Andrew Albert's leadership on this issue.
- RSS & Fordham projects – after listening to the community, the Community Board can negotiate in public to seize the opportunity to build schools, day care centers and other needs.
- The Politics of Food conference was a success. Raised awareness of "food deserts," a land use issue re areas with no access to supermarkets or healthy food alternatives. Must support food suppliers closer to home.
- Public Housing – we cannot tolerate poor elevator maintenance in NYCHA that luxury tenants would not stand for.
- Fiscal Crisis – irresponsible to oppose cuts without offering solutions. We should demand that State Legislators reintroduce the Commuter Tax - our neighbors who work here should pay their share.
- Public housing sale of air rights must be done fairly and openly, with input from the community.

Sense of the Board: David Harris' request that the Board send a letter to the MTA opposing drastic service cuts, including doubling the Access-A-Ride fare, eliminating many cross-town buses, a 30% fare increase, and eliminating a Central Park West bus route, was adopted 40-0-0-0.

Melissa Mark Viverito, City Council Member, District 8

- The difficult current economic climate is prompting the Mayor to seek serious mid-year cuts in the FY09 budget, as well as further cuts for FY10.
- The Council is holding hearings, but it appears inevitable that all agencies will suffer and service cuts will ensue. Comments and expressions of specific concerns are welcomed and encouraged.
- Particular concerns include the impact on seniors, especially given DFTA's proposal for the consolidation and "modernization" of senior services. A petition is being circulated asking DFTA to rescind the Request for Proposals re "modernization" and reductions in services and centers. It appears that NYCHA-run centers will not be closed, but those run by community-based organizations are being threatened.
- NYCHA budget shortfall crisis is of particular importance in Council District 8, which is home to the largest percentage of NYCHA housing in our City.

Gale Brewer, City Council Member, District 6:

- Plastic bag recycling - technically need a new bill to exempt New York City.
- Monthly Housing Clinic at Goddard Riverside, running from November to April. Includes the

opportunity for private time with an attorney.

- Working with Macy's to improve access to the Parade route on Thanksgiving.
- Seeking better enforcement of idling law against tour buses at 72nd Street. Canadian tours evading law by arriving earlier than enforcement officers' shift. Officers to alter their shift to close loophole.
- Holiday tree merchant at Amsterdam and 77th has been brought back down to size— 3 agencies involved.
- Budget crisis: no cuts planned re mental health facilities this fiscal year, but cuts inevitable for FY10.
- Education budget cuts will include school custodians and substitute teachers; trying to avoid cuts to classrooms. Summer schools will be limited to at-risk students only.
- CUNY community colleges – 3 positions have been cut for FY09; 39 in 10.
- CCRB – being cut; Police eliminating academy class of 1000 members.
- Council will pass a resolution in support of an Assembly bill to enact a support law for domestic workers.

#### Reports by Elected Officials' Representatives

- Calvin Solomon, New York County DA's Office: Raising awareness of holiday time scams, ATM "hovering" robberies, pickpockets, all of which increase at this time of year; DA's brochure has safety tips.

- Michael Kaplan, Assembly Member Richard Gottfried's office: HCC rally to end vacancy decontrol scheduled for December 9th at 6:30 at Society for Ethical Culture.

- Jarred Chausow, State Senator Tom Duane's office:

\*The Senator's November 12th Town Hall at Lincoln Square Neighborhood Center was very well attended.

FDNY fire safety presentation was a success.

\*Senator Duane joined others calling on NYS Department of Environmental Conservation to withhold gas drilling in Marcellus Shale region, which could threaten the watershed, requiring a \$20B filtration process.

- Shane Seeger, Assembly Member Daniel O'Donnell's Office:

\*Working on restoring the cut in service on the M10 bus route.

\*Medicare and SCRIE event on December 3rd at Goddard Riverside.

\*Coat Drive during the month of December at the District Office (245 West 104th) under aegis of NY Cares.

- Gregory Monte, Assembly Member Linda Rosenthal's Office:

\*Strongly opposes proposed cuts in MTA services

\*Will introduce legislation to reintroduce the Commuter Tax.

\*Rally for real rent reform on December 9th.

\*District Office party on Monday, December 15th from 5-8.

#### Members of the Public

- David Obelkevich: Complaints about school bus drivers, including bus double-parking in front of PS 75; bus drivers smoking on bus; a bus that failed to stop for an ambulance; failing to yield to police car; bus driving on sidewalk – phone complaints ineffective.

- Beverly Scheiner: Lives at 80th Street & Amsterdam Avenue directly over Bar 420. Experiencing serious problems with noise and safety, including arguments and fights outside her window, one of which resulted in a blackberry being thrown through her window. Patrons' assaults on police resulted in recent arrests. Excessive noise causes her furniture to shake. Asks that this be considered when its liquor license is up.

- Peter Andersen, Columbus-Amsterdam BID: Presented an events calendar and a holiday wish list

from not-for-profits. Businesses, especially restaurants, are feeling the pinch, but no one yet closed yet.

- Alan Flacks: Active in opposing sidewalk café abuses; calls upon the Community Board to follow suit.

### **Business Session**

Parks & Preservation Committee, Klari Neuwelt and Lenore Norman, Co-Chairpersons

1. Resolution to approve the Department of Parks & Recreation's request for proposals for an Outdoor Arts & Craft Fair, 6 weekends a year, on Columbus Avenue between West 77th-81st Streets. After discussion including opposition from the Columbus Avenue BID, and of issues relating to the Green Market, the Resolution to approve was adopted 30-7-4-0.

2. The Carrere Stair, West 99th Street, Riverside Park. Resolution to approve the Department of Parks & Recreation's plans to replace the bluestone stairs and decorative cut bluestone on the stair landing; replace a missing section of the balustrade, and clean and reset it; correct structural issues in the retaining wall below; replace the adjacent asphalt paths and fencing; and prune the trees in the immediate area of work. After discussion, noting that this accomplishes a recurring budget priority, the Resolution was adopted 43-0-0-0.

3. 55 Central Park West (West 65th – 66th Streets.) Resolution to approve an application to the Landmarks Preservation Commission for a rooftop addition and an extension of the southwest corner of the 19th floor to enclose an existing terrace. After discussion, the Resolution was adopted 42-0-1-0.

4. 56 West 70th Street (Columbus Avenue – Central Park West.) Resolution to approve an application to the Landmarks Preservation Commission for renovation of the ground-floor façade was adopted 43-0-0-0.

5. 108 West 74th Street (Columbus Avenue.) Resolution to approve an application to the Landmarks Preservation Commission for a rear-yard addition. After discussion, the resolution was adopted 43-0-0-0.

6. 137 West 74th Street (Amsterdam-Columbus Avenue.) Resolutions to approve an application to the Landmarks Preservation Commission for (A) stoop re-installation, (B) a penthouse addition, and (C) a rear-yard elevation. After discussion, the resolution was adopted with the following votes:

A. Façade: 43-0-0-0.

B. Rooftop addition: 42-1-0-0.

C. Rear-yard extension: 33-10-0-0.

Business & Consumer Issues Committee,

Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

7. 236 West 78th Street (Broadway – Amsterdam Avenue.) Resolution to approve a new on-premises liquor license application by Stand Up 236 LLC, d/b/a Stand Up, after discussion, was adopted. 43-0-0-0.

Green Committee

Elizabeth Starkey and Melanie Wymore, Co-Chairpersons

8. The resolution to approve Cellular phone antenna inspections, after discussion, was adopted 40-1-0-2.

Present: Helen Rosenthal, Barbara Adler, Andrew Albert, Linda Alexander, Richard Asche, Lindsey Boylan, Hope Cohen, Page Cowley, Alberto Cruz, Mark Diller, Miki Fiegel, Sheldon J. Fine, Paul Fischer, Sonia Garcia, Marc Glazer, Rosa Gonzalez, Victor Gonzalez, Molly Gordy, Phyllis E. Gunther, David Harris, Robert Herrmann, Lawrence Horowitz, Ulma Jones, Bobbie Katzander, Barbara Keleman, Blanche E. Lawton, Lillian Moore, Johnetta Murray, Klari Neuwelt, Lenore Norman, Gabrielle Palitz, Michele Parker, Sharon Parker-Frazier, Anne Raphael, Oscar Ríos, Madge Rosenberg, Liz Samurovich, Roberta Semer, Ethel Sheffer, Jeffrey Siegel, Charles Simon, Elizabeth Starkey, Thomas Vitullo-Martin, George Zeppenfeldt-Cestero and Dan Zweig. On-Leave: Daniel Meltzer and Luis O. Reyes. Absent: Barbara Van Buren and Melanie Wymore.

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## **Transportation Committee**

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

**December 9, 2008**

### **Enclosed Sidewalk Café Applications**

1. 53 West 72nd St. (Columbus Avenue) Renewal application DCA# 1160306. Applicant is Phuman Sanges. PS Café Inc. Approved:

Committee: 5-1-0-1. Board Members: 2-0-0-0.

2. 2787 Broadway (West 107th St.) Renewal application DCA# 1147364. Hillview Specialty Foods Inc., d/b/a 107 West Restaurant and Bar. Applicant is Thomas Hui. Approved:

Committee: 7-0-0-0. Board Members: 2-0-0-0.

### **Unenclosed Sidewalk Café Applications**

3. 2014 Broadway (West 69th st.) Renewal application DCA# 0960823. HDM Corp., d/b/a La Fenice. Applicant is Galia Huff. Approved:

Committee: 7-1-0-0. Board Members: 3-0-0-0.

4. 462 Amsterdam (West 82nd St.) Renewal application DCA#1218320. Sol y Sombra LTD, d/b/a Sol y Sombra. Applicant is Leonarda Abvaravel. Approved:

Committee: 7-1-0-0. Board Members: 3-0-0-0.

5. Dept. of City Planning. Presentation by Adam Meagher. Request for resolution from committee in support of initiative to require new buildings and enlargement of existing buildings to set aside space for indoor parking of bicycles. Committee was unhappy with exemptions for city owned buildings and was also uncomfortable with the fact that there were other initiatives that while the committee had not seen them, felt that there may be other, better proposals forthcoming. Committee voted to disapprove the citywide text amendment to the Zoning Resolution to require indoor bicycle parking in new multi-family residential, community facility, and commercial buildings, as follows:

The proposal presented by the Department of City Planning raises a number of uncertainties including:

- the allocation of bicycle space may interfere with proposals for affordable housing in certain cases
  - not counting the bicycle parking in FAR may result in larger density, which may not be desired
  - whether additional FAR could be built first and then the bike space reduced after the fact
  - whether the proposal competed or conflicted with two bills currently before the City Council; and
- The 60-day time limit for Community Board comment necessitates a decision prior to an opportunity to clear up these uncertainties or fully discuss and consider the complex issues raised by this proposal.

We hear continued complaints about pedestrian safety with regard to bicycles, where pedestrians report having accidents or frightening near accidents due to both delivery and privately-owned bicycles flagrantly and dangerously operated in violation of traffic rules. This proposal would serve to

increase that bicycle traffic without addressing the inherent pedestrian safety issue in any way. Changes to Zoning Resolution are important and long lasting, with effects often lasting generations in length. This proposal, despite its apparent good green intentions, appears to be incompletely thought out and in need of further work with regard to the details of its overall effect on the Zoning code and its public effect when added to the entire collection of bicycle initiatives currently being implemented throughout the City.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan disapproves the Department of City Planning's proposed text amendment to require indoor bicycle parking. Committee: 7-2-0-0. Board Members: 2-1-0-0. Public Members: 2-0-0-0.

Present: Andrew Albert, Dan Zweig, Linda Alexander, Marc Glazer, Ulma Jones, Barbara Keleman, Blanche E. Lawton, Anne Raphael and Oscar Rios. Board Members: Paul Fischer, Roberta Semer and Tom Vitullo-Martin. Board Chairperson: Helen Rosenthal Absent: Bobbie Katzander.

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**Parks and Preservation Committee**  
**Lenore Norman and Klari Neuwelt, Co-Chairpersons**  
**December 11, 2008**

1. Broadway and West 79th Street. Update on window replacement at the Apthorp.

Howard Zipser, the Attorney and the Architect, presented the plan for the window replacement in the Apthorp. The windows will be wood and have met the guidelines from the Commission. This was a courtesy call.

Joint with Transportation Committee:

2. IS44, Columbus Avenue and West 77th Street. Presentation by the Columbus Avenue Business Improvement District on proposed design for a fence around the IS44 playground.

William Stein of Dattner Architects said the 15-ft-high chain-link fence is 515 feet long and bulging, has gaps and is rusting and unsightly. Its replacement calls for a rustproof galvanized metal fence with a wavy top to echo the playfulness of the space; 75 percent will be a rectilinear grid of smaller grade mesh, with a bottom strip of slightly larger mesh in a tougher metal to protect against foot traffic. The design also calls for "green screens": some cutouts from the sidewalk about 2 feet deep for low shrubbery that would carry into vines climbing up the fence to create a pleasant natural counterpoint to the industrial-style fence. The committee asked if new lights in a nicer design could be placed on the new fence than what is currently there. Mr. Stein said there is no money for it left in the budget. Donors welcomed! The BID will maintain the plantings.

3. Greenmarket Council on the Environment asking to move its Sunday market from current location in corner of IS44 Schoolyard to the east side of Columbus Avenue from West 77th St. to West 79th St. fronting Theodore Roosevelt Park (adjacent to Museum of Natural History) excluding the six Sundays when the annual Arts and Crafts Fair would use the space.

Council Director Michael Hurwitz, representing the farmers and vendors, said the move would permit them to expand significantly to include such amenities as fresh fish and poultry and organic milk and to offer cooking demonstrations, to provide a tourist/outing destination and support local farmers and their products. Concerns were raised about idling trucks, traffic congestion and attendant air pollution, maintaining the newly restored Theodore Roosevelt Park and crowding at the same intersection as the newly opened Shake Shack. Supporters said a trial period last summer with vegetables only was a rousing success. The resolution was approved 8-2-0-0 (non-members 3-0-0-0) with a review after one year to ascertain that the Committee's concerns are under control.

4. Tavern on the Green. Discussion with Department of Parks & Recreation on requests for proposals for the operation and maintenance of Tavern on the Green (Central Park West and West 67th Street.) Current licensee has held the space since the 1970s. The license has been renegotiated several times and will next expire in 2009. Parks issuing RFPs for new operators. New franchise would be for 20 years.

Charles Kloth, director of concessions and revenue, said Parks would like the successful bidder to do some expensive restoration of this historic building, which was converted to restaurant use in the 1930s, to accentuate its splendid architectural detail and to install a completely redesigned landscape (originally planted as a buttress in the 70s when park had high-crime at night) to integrate it more into the park by opening it to views of the Sheep Meadow.

Neighbor Ann Matthews complained that the Tavern's cabaret license permits it to operate until 4 a.m. and departing crowds yell and honk horns of cars. Asked for left-turn signal installed at exit onto Central Park West, and said they wanted next owner to operate a restaurant, not a nightclub. Committee members asked if RFP could require that new operator forsake "disco nights," ban live music after 10 pm, install better soundproofing as part of the restoration and hold no parties in tents except for the Marathon. Charles agreed to take all these things into consideration

5. 131 Riverside Drive, aka 365 West 85th Street. Application #09-4641 to the Landmarks Preservation Commission for replacement of an iron ramp and stairs and alter masonry openings. Porter Clapp of the eponymous architectural firm showed the design. .

The steps will be eliminated on the 85th street side of the building and the ramp will go directly into the building. A small storage shed of brick will be located under the ramp through the alleyway. Although visible through the alley way, it's way back from the street.

Resolution to approve passed the Committee 9-0-0-0.

6. 104 West 70th Street (Columbus Avenue.) Application to the Landmarks Preservation Commission for a 22by12-foot stair bulkhead addition to the existing roof to provide access from apartment below where owner has roof rights. William Suk of Truise Suk Design Group presented.

The Applicant owns an Apt..on the 10th & 11th Floors and has the roof rights of the building..The proposal is to build a staircase to access the roof behind the parapet wall. The structure will be 9 feet high, 5.5 feet above the parapet wall, but 16 feet back from the parapet wall. The roof will be copper with a skylight.

Resolution to approve passed the Committee 9-0-0-0.

7. 243 West 76th Street (Broadway – West End Avenue.) Application to the Landmarks Preservation Commission for a brownstone façade restoration. Alan Berman, president of Archetype Design Studio, presented.

A full discussion of the project was postponed until the January meeting to give the architect time to prepare responses to committee's design questions. The Architect was very amenable to the delay. He was not fully prepared.

8. Discussion of Riverside South/Center draft scoping document for the Environmental Impact Statement.

Contributing to the conversation were Gene Boxer, Founder, Friends of Riverside South; Paul J. Elston, president, Riverside Planning Corporation; and James T. Dowell, president, Riverside Park Fund. An administrative staffer from Extel Corp. was present for notetaking purposes only.

Discussion centered on ways to minimize stress on the park from increased population density, how to define "open space" v. "public space" and the urgent need to do a more comprehensive shadow study and to assess the validity of the developer's claim that the plan preserves the existing vista from western end of West 60th Street to the Hudson River.

Minutes prepared by M. Gordy.

Present: Lenore Norman, Lindsey Boylan, Mark Diller, Miki Fiegel, Phyllis Gunther, Blanche Lawton Gabrielle Palitz, Jeffrey Siegel. Board Members: Barbara Adler, Linda Alexander, Elizabeth Starkey. Board Chairperson Helen Rosenthal. Absent: Klari Neuwelt, Roberta Semer.

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## **Housing Committee**

**Victor Gonzalez and Charles Simon, Co-Chairpersons**

**December 8, 2008 7:00PM**

The first item on the agenda was consideration of the Draft Scope of Work for a Supplemental Environmental Impact Statement for Riverside Center. Committee and non-Committee members (including representatives of the Riverside South Planning Corporation) reviewed relevant sections of the Draft Scope of Work and settled on the following comments to be forwarded for inclusion in CB7's formal comments letter:

1. Consider whether the Scope of Work should mandate analysis of the RSPC proposal (including relocation of the highway and reconfiguration of the site to allow for a real public park from 59th to 60th street) as an alternative to the Extell proposal.
2. The Scope of Work should mandate analysis of other possible affordable housing set-asides (20% and 30%) in order to determine how those alternative set-asides would impact indirect residential displacement, as compared with Extell's proposed 12%.
3. To arrive at the NUMBER of affordable housing units implied by the various affordable housing set-aside percentages (12%, 20% and 30%), the denominator should include the maximum possible residential allotment (which assumes the scenario in which all of Building 5 -- other than retail -- is residential, rather than hotel).
4. The Scope of Work should mandate analysis of possible indirect residential displacement of Study Area households at 30-200% AMI (in other words, low and moderate income households).
5. The Scope of Work should mandate analysis of possible indirect residential displacement depending on the timing of the construction of affordable housing units within the new development. (If the construction of the affordable housing units is distributed evenly throughout the construction period that would likely have a different impact on indirect residential displacement than if such construction is either front-loaded or back-loaded).

The second item on the agenda was further planning for our working panel tentatively titled "NYCHA: The Next 75 Years." We agreed on a format (working panel of 15 or so around a rectangular table; observers seated on the perimeter). We discussed possible working panel invitations in the following categories: federal, state and local government on both the legislative and executive side, as well as representatives of key tenant and public housing advocacy groups.

As a next step, we agreed to organize a lunch meeting or conference call with Professors Fritz Umbach and Nick Bloom to discuss the three or four key topics that we would want to tackle at this working panel session -- and how we would structure the session.

Present: Victor Gonzalez, Charles Simon and Sharon Parker-Frazier. Board Chairperson Helen Rosenthal. Absent: Sonia Garcia, Rosa Gonzalez, Lillian Moore and Johnetta Murray.

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## **Health and Human Services**

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

**December 16, 2008**



## City Council Resolution on Reproductive Health Care Facilities

The Committee has been asked to take action on a resolution currently in the Committee on Civil Rights and the Committee on Women's Issues concerning activities to prevent access to Reproductive Health Care Facilities.

There is a law on the books prohibiting attempts to prevent access to reproductive health care facilities physically or verbally. However, the language is such that it is difficult to enforce. This is an effort to clarify the language so that those who act to prevent women from utilizing the services of those facilities will be held accountable to the law. Currently, the victim must be the complainant, and the definition of health care premises is hazy.

The new law enables staff of the facility to be complainants, and changes "premises" to "facilities", defining the latter to include the driveway, entrance, entryway or exit of a reproductive health care facility, the building in which it is located, and any parking lot in which the facility has an ownership or leasehold interest,

The resolution was heard by both committees on 11/19/08 and held over.

The Committee asks the full Board to support City Council Bill Int. No. 826, Access to Reproductive Health Care Facilities section of the Human Rights Law, and to urge its swift passage

Members: 3-0-0-0. Board Member: 1-0-0-0. Public Members: 2-0-0-0.

Recommendations for the Riverside South LMN (59th to 61st Street, West End Avenue to the River) scoping:

- Affordable housing should comprise 20% rather than the 12% proposed and should be permanent, without expiration in a limited number of years.
- Community should take into account the Age Friendly NY plan with regard to handicap access, universal design, benches around the property, bike racks, and traffic patterns at street crossings. Comfortable pathways through the space
- Why have professional offices been eliminated from the plan? Medical and other professional services should be available.
- Overly large buildings proposed will darken limited, planned open space. More light is needed to make spaces welcoming and usable.
- The overwhelming density fights a sense of community.
- The new school should replace or be part of the present local school, PS 191, just one block away. Two separate schools are economically and socially wrong, and could lead to unintentional segregation.
- Community facilities should not be limited to the school, but should include space for activities for all age groups,
- Children in the community have little space for play. Allotment of park space should take this into account.
- The buildings repeat Extel's penchant for being non-contextual.
- The pool can't compensate for the inconvenience of getting to the river.
- The Developer should reach out to local community groups to ask their ideas, such as Lincoln Square Neighborhood Center.
- Affordable stores should be considered, - a supermarket, coffee shop.

Present: Barbara Van Buren, Madge Rosenberg and Miki Fiegel. On-Leave: Daniel Meltzer. Absent: Sonia Garcia, Barbara Keleman and Lillian Moore.

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**Land Use Committee**  
**Richard Asche and Page Cowley, Co-Chairpersons**  
**December 16, 2008, At Fordham University**

Application #C050260ZSM to the Department of City Planning by Fordham University to modify height and setback requirements; inner and outer court yard regulations; minimum distances between buildings; and minimum distance between legally required windows and zoning lot lines in connection with the proposed expansion of **Fordham University, Lincoln Center Campus**, bounded by Amsterdam and West End Avenues and West 60th and 61st Streets. Introduction by Richard Asche, co-chair of Community Board 7 Land Use Committee.

Welcome.

Speakers should add to or note agreement with previous speakers without repeating.

Committee must vote tonight; with many speakers signed up, time will be an issue.

Fordham Presentation: Dr. Brian Byrne (VP for Lincoln Center).

Many revisions to original plan.

Fordham Lincoln Center serves many first generation students with limited means.

Five schools at Lincoln Center: Graduate School of Social Services; Graduate School of Education; School of Law; Fordham College (primarily dance and theater); Graduate School of Business.

Space is the main restraint on the schools' ability to serve its students and the community – lowest square footage to student ratios of any urban school.

Lincoln Center Campus was designed to accommodate 3,500 students; currently serves 8,000.

Goal: Provide for space needs via property already owned, without within the existing zoning.

Modification from initial plan – some of the bulk of the Columbus Avenue buildings was pushed back into the quadrangle.

Plan available at [www.fordham.edu](http://www.fordham.edu).

Fordham was and is a good neighbor.

Fordham Presentation: Deirdre Carson – Land Use counsel from the firm of Greenberg Traurig.

Purpose of the proposed Master Plan is to avoid piecemeal modifications on the site such as occurred in the past.

Must sell or lease the 60th & 62nd Street corners on Amsterdam for residential use to fund the expansion and the educational mission.

Campus is a single zoning lot.

Campus subject to very few restrictions; zoned C4-7 residential and community facility.

FAR = 10; there is no maximum height restriction; set-back usually required at 6 stories or 85 feet; 60% of the bulk must be below 150 feet from the street.

Fordham not seeking to vary bulk packing ; will meet use restrictions, commercial uses.

Relief that is being requested - Variances from:

the height and setback requirements,

the requirements regarding distances between buildings, and

the proximity of windows.

Master Plan includes provision for “envelopes” within which buildings can be built.

Purpose of bulk modifications is to contribute to good urban design by permitting the quadrangle inside, separating academic and residential uses, and placing bulk along avenues rather than side streets.

Also requesting 3 special permits for parking facilities – one each for the residential buildings, and another for Fordham faculty (no students).

**Fordham Presentation: Don Clinton – architect.**

Slide show presentation from November public meeting.

Plan includes keeping the Quinn Library below the quadrangle “podium,” with new light and air

above ground.

Dormitories will be attached to each campus building.

Space allocation of academic uses nearer the east end of the campus (near subways), and the private residential uses on western end of lot.

Intend to build to the street line with active, friendly & transparent street-front uses.

“Legacy” of raised podium – trying to make the plaza more accessible to the community. Goal is to link it to the community. Re-configured stairs and plantings leading to quadrangle from Columbus and Lincoln Center. Eliminated building overhangs over quadrangle access stairs to open up the space.

Interim open space to be created on Columbus Avenue once the current parking area has been replaced with the requested parking facilities.

Cesar Pelli’s firm has done preliminary designs for the 62nd Street private residential tower.

Phase 1 of construction would include an interim 62nd Street stair.

62nd Street to be enlivened by a café and other public amenities.

Access to quadrangle would include bringing plantings down the stairs to the street – seen as a means of inviting the public into the quadrangle.

No specific designs ready or being proposed – rather being asked to approve “Envelopes” within which buildings would be built over the course of 30 or more year. No idea what the buildings finally built would look like. Inappropriate to design a building now that won’t be built for decades.

Envelopes are bigger than proposed buildings; with more flexibility for the shorter buildings.

**Required actions:**

Approval of envelopes even though they penetrate the “sky exposure plane” in almost every direction.

Approval of curb cuts and garages.

Manhattan Borough President Scott Stringer:

The public hearing is an important part of ULURP, especially regarding this important and controversial project.

The Borough President’s office is paying close attention to this project, and wants to hear public’s comments. Prepared to work together.

Change is inevitable, but it must be done in partnership with the community, including the Community Board.

Greg Monte from the office of Assembly Member Linda Rosenthal, read a joint statement endorsed by Representative Nadler, Assembly Member Rosenthal, and other elected officials:

A fortress-like enclosure of the quadrangle is not reasonable, and will adversely impact the neighborhood, and is at odds with the original purpose of Lincoln Square.

Any new construction should be developed as of right, and within the applicable limits.

The proposal integrates poorly with the neighborhood, including the Amsterdam Houses, and PS 191.

The canyon effect will reduce light and air.

The proposal unfairly exploits FAR by counting the demapped West 61st Street in the base computation, gaining an additional 300,000 square feet.

The proposal’s bulk is not compliant with zoning regulations.

The private residences on Amsterdam will exceed effective height limits by 400 feet.

No affordable housing in the proposal – despite critical needs in the current environment.

Parking and traffic will place additional burden on an already-crowded area.

Suggestions to expand the traffic study were not followed.

Development will aggravate current overcrowding on local bus and subway routes.

School District 3 is already overcrowded, and massive new residential structures will place further stress on areas affected by Riverside South.

Hence, any development must include a new and effective public school.

Urges the Community Board and the Land Use Committee to disapprove the proposal.

Questions: The Fordham presenters fielded a variety of questions. The responses included:

Residential buildings would each contain approximately 175-200 units.

The EIS did not measure an impact on schools because the project is being presented as of right.

Number of parking spaces derived from a University survey, as an amenity for faculty living outside NYC.

Howard Goldman, representing Fordham Neighbors United LLC, a coalition of buildings in the immediate vicinity. More than 100 residents attending the hearing.

The residents in the coalition opposes variances on height and setback restrictions.

Does not dispute Fordham's good works in the community and its venerable history.

Fordham has been unwilling to sit down and have a serious discussion with neighbors, at least until the ULURP clock began to run.

As of right scenario produces lower buildings at outside; Fordham has chosen to push the height and bulk to the perimeter to keep a private quadrangle for University purposes.

The proposed height of the buildings is out of scale for a 400' radius north, east and west from site.

Fordham seeks to push the bulk and height out to permit 700K sq ft of market rate luxury residences.

The proposal preserves the quadrangle as a private oasis; elevated plazas have never been a successful amenity to the public (and avoids the cost of building over the podium).

The Master Plan avoids a building by building public review of actual designs.

The Burdens on the community from the proposal:

Oppressive, fortress-like design;

Numerous residential apartments, and the resulting addition of school children;

Shadows on PS 191 and Damrosch Park;

New car traffic;

The proposal is inconsistent with the original purpose of the Lincoln Square special district, which was: (1) to preserve the unique cultural and architectural context of Lincoln Square; (2) to encourage harmony with neighboring buildings, overall urban design, and relationship with neighbors; (3) to improve circulation in a crowded area.

Inconsistent with the 1950s urban renewal plan, which displaced low income residents to sell prime land to Fordham at bargain – using the windfall profits from the sale of land dedicated to its educational mission, and the demapped 61st Street, violates that spirit.

Fordham's proposal is 50% bigger than the Time Warner Center's 2.2MM sq ft.

Rolf Ohlahaolson, architect, and resident of the Allegro Condominium:

Building within the as of right limits is a better solution.

The Massive change of scale cannot be justified as good urban design – only intended to create windfall profits.

Construction over the podium would not be that expensive, and would solve the height and bulk problems.

FAR should not include the demapped 61st Street.

Margarita Curet, President of the Amsterdam Houses Tenants Association:

Amsterdam Houses would be directly affected by the construction, the increases in residential population, and the increased stress on the public schools.

Shadows would cover the Amsterdam Houses most of day.

Despite huge deficits facing NYCHA, no benefit offered in the proposal.

Fordham's providing security cameras was a nice start, but much more is needed.

Michael Groll, of FNU:

Area resident for 30 years.

The podium is Fordham's vision to exclude the neighborhood, despite Fordham's efforts to design the quadrangle to be more inviting to the public.

The bulk and additional dormitories and residents will strain the area's infrastructure.

Land obtained via eminent domain should not be an enclave of private residences.

Fordham unwilling to compromise or work with the community.

At a minimum, the "interim park" should be permanent.

Ideally should build on the quadrangle.

Batya Lewton, of the Coalition for a Livable West Side:

Traffic analysis considers each intersection independently – understates congestion.

Increased traffic in the area will make pedestrian crossings impossible.

EIS relies on truck delivery data from a 1969 study – no longer relevant.

EIS relies on outdated data, such as the assumption that area parking is "plentiful."

EIS contains no discussion about discouraging private cars.

Joan Lurie, president of the Beaumont Condominium, a member of FNU.

The impact of the proposal should be considered in context of other projects under way or planned.

Claim in EIS that the proposal will not have an impact on mass transit does not make sense when other planned and in-progress major developments are considered.

Will overburden schools, transit, and sewers (due to the reduction in green space).

Geoffrey Kovall, Coliseum Apts

The street grid was created to guarantee a minimum of light and air.

Even the Empire State building meets setback requirements on an ordinary block.

The fortress design isolates the campus.

It would be a charade to think the quadrangle as anything but private.

Monica Blum, President, Lincoln Square BID

BID is in favor of the proposal.

Fordham was a founding member of the BID, and has supported its efforts.

Fordham has helped with street sweepers, gratis services.

Plan will open up the quadrangle to the community.

Enlivening the Amsterdam streetscape, which currently has no life, will be a good thing.

Current opposition harkens back to the opposition to the Time Warner Center, which is now welcome.

Elliott Meisel, Alfred Condominiums

The Alfred will be the building most impacted by the proposal.

Agrees that a livelier streetscape on Amsterdam is a good thing.

Development is inevitable, but this plan is unworkable.

Even with modifications, the proposal is still an SUV where a compact is needed.

"Illegal" to clear the site through urban renewal then build private residences.

Fault lies with Fordham's podium.

Disposition agreement and Deed requires Fordham to develop the site to complement the performing arts and create social "synergy."

Land Use Controls should be seen as applicable because Fordham's intent was to complete construction before the controls expired – Fordham land-banked.

Difficult to locate original plans - NYT articles show site plans with a contextual connection with the performing arts center, with buildings of 20 stories or less and no more than 35% of land covered.

Roadbed FAR increase is unfair; the maximum FAR for the site was contemplated at 2MM sq ft, which is what Fordham needs for its programming; the rest is vigorish.

Fordham should not benefit from its own failure to meet its obligations under land controls.

Michael Roos, Co-op board president at 61 West 62nd, member of FNU

Proposal exchanges a temporary park for huge buildings.

Riverside South experience disproved Fordham's assumption that there will be a negligible impact on schools.

Antonia Bryson, of counsel to Mr. Meisel

EIS "no build" condition should be the existing buildings.

Fordham's no-build scenario is the as of right scope, undercounting the impact by 1.25MM sq ft. (precedent of 770 Eleventh Avenue – no build means just that).

EIS does not address parking, traffic or impact on schools.

Patricia Ryan, Tenants Association President for Amsterdam Addition

Proud history of the area lost to urban renewal, including Power Memorial and St Paul the Apostle School.

The area is already surrounded by big buildings.

Fordham has helped community by placing cameras for security.

Fordham and opponents should work out the problems collaboratively.

Susan Sullivan, Friends of West Park

Fordham's proposal is out of context and character with the streetscape.

Proposal dwarfs the Lincoln Center restoration.

Fordham should not be adding to congestion and pollution via parking garages.

Sidney Goldfisher, President of the Alfred Condominium

Reference to the podium "legacy" ignores the absence of a podium on the site plan.

The podium has effectively isolated campus from community

Reference to a 1989 Board of Estimate permission for condos is inapposite.

Insular design will destroy the link to Lincoln Center, and the vision of having a university proximate to a cultural center will be rendered an accident of geography.

Caryl Ratner, Sofia Condo

Agrees with prior speakers.

Fordham skews history by claiming it bought the site at fair market value.

Fordham should use the property to carry out its educational mission.

Wrong to use land acquired by eminent domain for private purposes.

Mary Hughes, PS 199

Recent battle re overcrowding was a heart-wrenching, creating divisions in community.

As with RSS, new students will come, must provide for them now.

Michael Graff, Alfred resident

A span of unique birch trees on West 62nd will be knocked down – should be saved.

Alfred will be boxed in by a huge wall created by extending the podium.

With planned curb cuts, West 62nd Street will become an impassible alleyway.

Anna Marie Forsythe, the Alvin Ailey Dance Program

Enjoys a unique partnership with Fordham: the first program to allow students to train to be dancers with professionals, and to take academic classes at Fordham.

Fordham desperately needs space; holding classes at Ailey due to lack of space.

Fordham also does not have an adequate performance space.

Richard Cardillo, of the New York office of Peace Games

Fordham has been a tremendous partner for Peace Games.

Peace Games could not carry out its mission to PS 191, 87, 84, totaling more than 3,000 students, without Fordham's services and volunteers.

William Treanor, Dean of Fordham School of Law

Law School's mission is to be of service to others – separates from other schools.

High-ranking school that still offers an evening program.

100,000 hours of pro bono work was contributed by last year's graduating class.

School in a bind, as the lack of space is creating an issue with accrediting authorities

Expense of building in NYC requires the school to sell property to fund its mission.

Law School building alone will cost > \$200MM; the law school's goal is to raise \$75MM, which is unprecedented.

Stephanie Pinder, Director, Lincoln Square Neighborhood Center  
Amsterdam Houses are getting boxed in.

Its residents' access to stores, shopping is being reduced

The Neighborhood Center partners with Fordham re day care, law school outreach.

The 2,700 residents of Amsterdam Houses, with average income of \$25K, need affordable stores.

Nitza Milagros Escalera, Dean of Students at Fordham School of Law

The Law School does not have enough space for its enrollment of 1,500.

Richard Squire, Professor at Fordham School of Law

Cannot train lawyers in the current space.

Many public servants among its graduates.

Proposal is not a fortress.

Howard Tuckman, Dean of the Graduate School of Business

Currently serves 1,500 students, many are 1st generation immigrants.

School is ranked at #20 in the nation.

School is unable to offer executive education program, and programs for seniors and brush-up courses due to lack of space.

Currently must spread faculty and classes in far-flung locations.

David de la Fuente, Dean of the Graduate School of Education

One of the largest sources of teachers, counselors and psychologists in the NYC public schools

Only school to be recognized as an empowerment group leader

Running out of space; must lease space elsewhere to continue existing programs.

William Reinisch, PS 199 PTA

The School is under siege from massive development.

Fordham's position on education viz the EIS is not realistic

Must plan now for enrollment increases.

Peter Vaughan, – Grad School of Social Service

School ranked 18th in the nation.

Its faculty and students will contribute over 130,000 service hours by the end of the year.

Only ranked school without its own building.

Forced to turn away exciting conference ideas due to lack of space.

Arlene Panza Graham, Assistant Dean of Fordham College, relaying message from Dean Grimes  
Dean attending funeral.

Undergraduate college is the largest school at the Lincoln Center campus.

Proud of students involvement in the community.

Internal Program Reviews – question of space almost always comes up

Theater, dance, computer science, African-American studies all lack space.

Matthew Maguire, Director of the Undergraduate Theater Program

Exciting to see new artists get their first shot.

Space problem – no dedicated theater or office space for the program.

No costume design or storage space.

Sris Chatterjee, – Business School faculty

Testimony has focused on tangible gains losses from community; ignores intangible of the school's giving back.

Quality has a price tag.

Classes held in 3 buildings, making interaction for faculty and students impossible.

Dr Grace Vernon, College at Lincoln Center, Faculty Senate

Proposal is critically needed for present and future needs students.

Enhanced opportunities for faculty collaboration would be created by this proposal.  
 Enrollment will increase slightly – most from NY area; 30% minority, many commute.  
 Stephen Savidge, Chief electrician at Fordham/ Lincoln Center  
 Shop steward of local 805 Teamsters.  
 All schools must grow.  
 Vincent Alfonso, Dean, Graduate School of Education  
 National educ system is need of repair  
 Fordham needs space to meet those needs.  
 Dora Galacatos, Fordham Law School's Feerick Center for Social Justice  
 The Program coordinates volunteer attorneys with low-income residents and the homeless  
 Many consumer debtor clients.  
 Wants to grow efforts, but needs space.  
 Dr Charles Sarnoff, Alfred Condominium  
 Establish an external advisory commission to make and carry forward decisions to ensure that funds generated by sale of land really be used for education purposes  
 Robert Moses agreement does not permit the proposed use  
 Seth Weinberg, Alfred resident  
 Curb cuts are a threat to the safety of children, as is increased traffic.  
 Proposed big buildings will be dangerous during construction.  
 Jennifer Campbell, Director of Residential Life at FLC  
 Public service performed by students.  
 Living on campus enables many students to work in community.  
 FLC students are generous with their time and money.  
 Need more common spaces for groups to gather  
 Roxanne Delgado  
 Graduated from Rose Hill campus in the Bronx.  
 Fordham has helped improve Bronx area  
 Takemi Ueno  
 Amateur musician – cellist – opposes curb cuts and private cars, as she cannot move fast around cars.  
 Deirdre Carson, correcting errors  
 No expectation of 800 units – required by the EIS to assume that number  
 More like 250-300 combined (NB: twice 175-200 would be 350-400)  
 Letter ruling issued; exempts Fordham from restrictions from the Lincoln Square Special District.  
 Elliott Weinberg  
 Agrees that letter ruling was issued, but it is wrong.  
 Howard Goldman  
 Good design is the only grounds on which to base the variance on setbacks.  
 Not present here.  
 Richard Asche, co-chair:  
 Proposing a 2-stage process akin to a special permit, which would require Fordham to return as each group of buildings is scoped and commenced.  
 There is no way to create guidelines for buildings whose designs we have not seen, and that won't be built for 30 years.  
 The proposal reserves the right of future generations to have input on buildings as they come on line.

### **Committee Discussion:**

Height and Setbacks. The committee discussed the sky exposure planes as a de facto limit on height, exacerbated here because the bulk is on the exterior.



Jeff Siegel:

Fordham's contributions to the community well known.

Has seen some small modifications responsive to CB7's prior feedback.

Concern about size of Columbus and Amsterdam buildings, burdens on infrastructure and schools.

Selling off condemned land is wrong.

Hope Cohen:

Impossible to approve designs that have not yet been submitted

Tom Vitullo-Martin:

In the absence of building details, podium remains the primary issue.

Page Cowley:

Sustainable design was not discussed – traffic, refuse collection, etc. Largest single development on UWS without LEED – sets bad example – especially for an educational institution

Brian Byrne: Fordham is committed to LEED Silver

Concerned about selling off land – no guarantee Fordham will not seek to sell more

Since use was intended to be for education, should not sell condos on campus

Richard Asche

Displacing low income residents by eminent domain for market rate condos is troubling.

Major issue is that Fordham will not change the podium.

Counting a demapped street for FAR is improper.

Less concerned about Amsterdam buildings than Columbus bulk.

Greatest concern is with an "abstract approval" – developer could build anything once master plan approved.

Not convinced that pushing for an as of right development is the best solution.

Building in center of the site would be anathema to grid

Resolution should address public education.

Should not create a modern medieval cloister.

Roberta Semer

Agrees with points about affordable housing and sustainable development

Would not want to approve abstract master plan without recourse.

Schools are already overcrowded.

Helen Rosenthal

Concurs with colleagues.

Thanks to the committee, especially Richard and Page for their patience and a constructive process

Mark Diller

Ends don't justify means – burdening the community with residential towers to fund educational mission is not defensible.

Deeply troubled by precedent of using condemnation to displace low-income residents to clear the way for an educational purpose, only to have the rules changed after the fact.

Ethel Sheffer

Wants to support Fordham, but Fordham unresponsive.

Fordham has modified stairways, facades and some fenestration – commendable.

Fordham still will not commit to use restrictions that would prevent further sell-offs.

Lenore Norman

Would like to see efforts made to make plaza more inviting.

Hope Cohen

The interim park will not last long since the Business School is likely to raise the funds it needs first.

Phyllis Gunther

Project is too massive; prefers as of right bulk and configuration.

Hunter College runs a public school – why not Fordham.

Klari Neuwelt

Concern for raised platform park – they have never been successful here or elsewhere.

Signage could help.

Elizabeth Starkey

Questions re energy needs and co-generation.

Architect – will address to the extent taken into account by LEED.

Discussion concerning whether dormitories are consistent with vision for an urban campus

Concerns with the as of right proposal favored by certain elected officials.

Resolution must say something about schools based on precedent of RSS impact on PS 199.

Discussion concerning whether to discuss affordable housing in the resolution.

Transportation Committee will deal with curb cuts and traffic, and the serious reservations raised about garages and safety on December 30, 2009. Different views of public vs. private/university garages.

Source of concerns must be specific in order to be effective:

Take off FAR from demapped Street (at least 300K sq ft).

Reduce or eliminate FAR outside the sky exposure plane.

Account for excessive bulk due to extremely high ceilings.

Result would be closer to 2.2 - 2.5MM sq ft.

Points for resolution:

For as long as Fordham insists on 3 points:

- maintaining the podium,
- building to the maximum FAR under the most generous calculation available, and
- the sale of the greatest possible FAR for private development, then a reasonably scaled development cannot be built.

Under no circumstances can we approve master plan, without design elements or specifics for any of the buildings, looking 30 years into future; there must be second step for further community board and CPC review and approval.

The residential buildings on Amsterdam are too large and create environmental problems re schools, shadows and traffic.

Columbus Avenue buildings are too large and too long and bulky against the avenue.

Defer issues relating to the proposed garages and curb cuts to the Transportation Committee at its meeting on December 30th.

In view of fact that FAR will produce artificially large project because of the demapped street, the Podium, and the relative scale of the buildings, we believe bulk of no more than 2.5MM sq ft would ever be appropriate.

Preamble will discuss the project history and the precedent set by using eminent domain to acquire land from low income tenants that remains undeveloped for 50 years and then is sold off for luxury units.

Vote of Land Use and Transportation Committees: 9-0-0-0. Non-Committee Board Members: 2-0-0-0.

Minutes submitted by Mark Diller.

Present: Land Use Committee: Richard Asche, Page Cowley, Hope Cohen, Mark Diller, Roberta Semer, Ethel Sheffer, Jeffrey Siegel, Tom Vitullo-Martin. Transportation Committee: Andrew Albert, Blanche Lawton. Board Chairperson: Helen Rosenthal. Board Members: Phyllis Gunther, Klari Neuwelt, Lenore Norman, Elizabeth Starkey. Absent: Paul Fischer, Miki Fiegel, Larry Horowitz, Lillian Moore, Liz Samurovich. On leave: Dan Meltzer.

## **Land Use Committee Meeting Minutes**

**Richard Asche and Page Cowley, Co-Chairpersons**

**December 17, 2008**

1. **150 Amsterdam Avenue** (West 66th Street). Application #090132ZMM to the Department of City Planning by 150 Amsterdam Avenue holdings, LLC for a change in the zoning map to extend the Existing Commercial Overlay 230 feet south to West 66th Street to facilitate ground floor retail in a mixed use building that is in construction.

Steve Shokouhi, owner, Jay Siegel, attorney, and Brenda Levin made the presentation explaining the appropriateness of their proposal and the difficulty of accommodating community space within the lower portion of the building. The project was presented to the committee in January 2008 as an as-of-right development of the former Red Cross site containing 310 rental units (mix of studios, 1BR, 2BR, 3BR) and 115 parking spaces beneath building. Community facility use continues to be proposed on second floor, likely to be medical offices. The 3rd floor is allocated for amenity space for the residential tenants. The rear-yard will be landscaped, with no public access and a stepped terrace on 66th Street side. The base of building is limestone with glass curtain wall above; the glass tower set back. The issue is the 11,000 square feet on the ground floor.

There was considerable comment about the loss of the community space, particularly in light of school overcrowding, and the possibility that this space might be appropriate. The owner spoke about the limitations and additional egress, life safety and space requirements for an educational facility, which were not part of the original design concept and frankly could not be reconsidered now that the project is in construction. Given the current real estate market, the income for this component of the project was of concern in any event. There were questions as to the expected rental rate, which the owner confided would be approximately \$65.00 per square foot, which is not typically within a school budget.

The issue for many Land Use Committee members was the site was left out of the commercial overlay that covers all other sites, but this one on Amsterdam Avenue. There was an understanding that the ground floor should be commercial, but the loss of community space was seen equally important, even if this was not the forum to call attention to other community and educational space needs.

In response to questions about allocating some of the space for educational needs, Mr. Shokouhi responded that he had already had some discussions with Assembly Member Linda Rosenthal and Council Member Gale Brewer and had also participated in discussions with parents of PS 199 about the education issues.

The Committee also expressed interest in the type of retail should the zoning be changed. The preference was in general for neighborhood retail rather than chain stores.

**Public Comments:**

- Michelle Lipkin parent from PS 199: concerned that developers do not consider some give back for school children with all the new families moving into neighborhood.
- Becky Neustaad parent from 199: should consider space for back office for DOE on 2nd floor; conundrum is that DOE doesn't step forward for these situations.
- John Moore: asked if the building/land price was reduced given the awkward zoning; answer was no, it was purchased via an auction.
- Laura Simmons parent at 199: same concerns about overcrowding.
- Billy Junox peer advocate working with Council Member Gale Brewer: Proposes that W. 66th Street be changed to a two-way street. Page Cowley suggested that this issue be forwarded to the Transportation Committee.
- Winston Bonagel: in favor of adding the commercial overlay; makes sense to have a lively retail section and create more safety.
- Cindy Asens: in favor of retail for same reasons as above.
- Blossom Nishinsky: also favors retail.

There were various suggestions for incorporating friendly amendments to include or require educational uses, but these did not fit the purpose at hand. There was also concern about recommending the type of retail, but these too were not easily reconciled.

The committee voted on a resolution to approve the re-zoning, but the vote failed. Committee: 5-6-1-0.

**2. 40 West 68th Street.** Application to Board of Standards & Appeals by York Preparatory School for a lot coverage variance from the BSA to allow the expansion of the school.

The presentation made by Howard Goldberg representing York Preparatory described the application and the process whereby five findings need to be determined for a variance from the Board of Standards & Appeals (BSA). The project was described by the criteria for the variance as follows:

a. Physical Hardship: In order to meet the school's mission and expand the classroom space to accommodate their mission, there were insufficient classrooms for the Jump Start Education Program, a program that works one on one or very small classroom sizes for about 107 students. In addition, the school needs a dedicated Nurses Station and gymnasium spectator space that does not restrict competitive school games and sports.

b. Unique Physical Needs: The present school building was formerly part of a 100-year old synagogue that had been sold off and adapted to the unique arrangement of classrooms and multi-purpose space. The building footprint is irregularly shaped with no rear yard space and limited side yard open space that could be filled in for expansion of the program.

c. Economic Hardship: There are unique circumstances related to the expansion of the program in that if the Jump Start Program cannot be accommodated, it affects the certification status of the school and jeopardizes possible income of \$31,000 per student. A variance permitting full build-out of the first two levels is the only way to accommodate the program requirements and obtain a reasonable rate of return.

d. Essential Character of the Neighborhood: The argument is that the lower floor build-out (at the street level and below) will not alter the character defining features of the neighborhood. Proposed are an additional 2,500 square feet of additional floor area where the enlargement is not visible from 68th street and will not block the party wall windows of adjacent properties. The applicant explained that there would be minimal impact in the rear enlargement as it fills in the open space on either side of the existing gymnasium with no increase in height to the existing bulk.

e. Not a self-created hardship: As the programmatic needs of school are constantly changing, there is a real need to continue to offer in-house support. At the present time, the Jump Start program is located off-site and creates scheduling and other distance / coordination issues for the school. The addition of dedicated Nurses Station and Gymnasium Bleacher Area are to enhance the existing sports facility for competitions.

The following were committee comments and questions:

- What are the costs associated with the operation of the Jump Start program off site?

- o Response from the headmaster was \$60,000 per year.

- What is the cost of the proposed rehabilitation and addition?

- o Approximately \$750,000 is necessary to undertake the work within a specified summer term so that there is no disruption to the current academic year for the students. There is a limited duration for the actual construction.

- While it was understood that the majority of the findings could be satisfied, there were many questions regarding the costs and the financing of the project with regards to economic hardship.

- Ms. Cohen explained that it is the committee's obligation is to evaluate based solely on the five (5) findings; BSA standard requires meeting all five findings but we can exclude those that we do not believe we have the expertise to take exception to. The matter of the economics will need to be

made by the BSA, not CB7.

- Mr. Diller was concerned with the self-created hardship, specifically that the requirement for the expansion of the program was a need to meet an exterior examination / accreditation panel (Middle States Accreditation) not by the school.
- Mr. Vitullo- Martin expressed concern that the project did affect the neighbors and adjacent properties and that there may be other ways to accommodate the build-out with less impact to the complete build out of the side yards on the school lot.
- Ms. Cowley also commented on the gradual infilling changing the character of the rear yards, which are becoming no longer rear open space. She also expressed, having visited the site and several of the adjoining properties, that there could be a compromise, certainly on the western side, to limit the amount of build out.
- Mr. Asche commented that the BSA seems to have a flexible approach to their interpretations. There followed the following public comments:
  - Victor Kovner: considers this project as a discretionary action; asking to take into consideration what he considers a history of prior bad acts on part of application. There followed a series of questions regarding the previous air rights given to the adjacent apartment house. There remains an additional 3,700 square feet available.
  - Diana Garrett: resident from building across from property is concerned with the devaluation of their property, as they will look into a wall. There was a concern too that there will be continual expansion losing more light and air.
  - Eric Palatnek: an attorney, representing several property owners on 67th street, on the south side of the block where this project is located, made several observations about the original declaration of restrictions between 40 West 68th Street and Jewish Association For Services For The Aged (JASA); the zoning lot agreement; and lastly pointed out that there may be conflicts between the language of the two agreements and what enlargements are/were in fact permissible.
  - Ethel Sheffer publicly re-affirmed her interest in the project as a consultant to both the school and Mr. Horowitz, also a Community Board 7 member, will not vote but will comment. She explained that this project had no other option but to request a special permit from the BSA and that the Land use Committee should evaluate the project based on examination of only the five findings as required by the BSA.

The resolution was drafted first on the basis of approval of each of the five findings having been met and then as a single vote on approval of the entirety proposed application. The votes of those present were as follows:

For each of the Findings:

- A Finding: LU Committee: In favor: 6, Opposed: 0, Abstain: 2, Present not voting: 2    Board Members Present: In Favor: 0, Opposed: 1, Abstain: 1, Present not voting: 0
- B Finding: LU Committee: In favor: 6, Opposed: 0, Abstain: 2, Present not voting: 2  
Board Members Present: In favor: 0, Opposed: 1, Abstain: 2, Present not voting: 0
- C Finding: LU Committee: In favor: 5, Opposed: 2, Abstain: 1, Present not voting: 2,  
Board Members Present: In favor: 0, Opposed: 1, Abstain: 1, Present not voting: 1
- D Finding: LU Committee: In favor: 5, Opposed: 2, Abstain: 1, Present not voting: 2  
Board Members Present: In favor: 0, Opposed: 1, Abstain: 1, Present not voting: 1
- E Finding: LU Committee: In favor: 5, Opposed: 2, Abstain: 1, Present not voting: 2  
Board Members Present: In favor: 0, Opposed: 1, Abstain: 1, Present not voting: 1

For approval of the entire application as presented:

LU Committee: In favor: 4, Opposed: 3, Abstain: 1, Present not voting: 2

Board Members Present: In favor: 0, Opposed: 1, Abstain: 1, Present not voting: 1

### **3. River Side South/Center Update:**

Regarding a letter to be sent to the Department of City Planning in response to the draft scoping document for the SEIS received by Community Board 7, Manhattan. The Scoping meeting at the Department of City Planning, open to the public, will take place on January 8th at 22 Reade Street. Ethel Sheffer, co-chair of River Side South Task Force, gave an explanation of the status of the project and the work of task force. There is a letter being drafted, which Ethel has been compiling from the various comments received to date from the community and the community board members. If there are any further comments, she requested that these be forwarded to either her or Helen Rosenthal by the following Friday. The intention is to compile a single report / letter and distribute this to the Community Board members at the next Steering Committee meeting. [Please note that this meeting was cancelled due to inclement weather and the draft was circulated to task force members via e-mail.]

Questions and comments from the public attending this portion of the meeting:

- Paul Elston and Paul Willen requested that the Community Board consider an alternate plan as part of our recommendation to Department of City Planning. Of particular interest and for information purposes, there were remarks about the role and future use of the adjacent Con Ed site to the south of the project and the connection to the open space going on to Hudson River.
- Brenda Levin added that the Con Ed site is not landmarked yet, but is calendared to be reviewed.
- Hope Cohen concluded the comments by urging us to include as many issues as possible for the CB7 scoping letter that would be sent to the Department of City Planning and that there would be later opportunities to comment on the project as it moves through the review process.

There being no further business the meeting adjourned 11:15 p.m.

Respectfully submitted by Page Cowley, co-chair.

Present: Richard Asche, Page Cowley, Hope Cohen, Mark Diller, Paul Fischer, Larry Horowitz, Lillian Moore, Liz Samurovich, Roberta Semer, Ethel Sheffer, Jeffrey Siegel, Tom Vitullo-Martin.  
Board Chairperson: Helen Rosenthal. Board Member: Phyllis Gunther. Absent: Miki Fiegel. On leave: Dan Meltzer

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**District Service Cabinet**  
**Penny Ryan, District Manager**  
**December 10, 2008**

Ms. Ryan welcomed our new Manhattan #7 West Superintendent, Rosario Marone.

### **MTA Flood mitigation project on the West 79th, 86th, and 91st Street Broadway**

**Malls.** Adrienne Taub, NYC Transit, and project engineers gave a briefing on the scope of work:

- Construction will begin in the first week of January 2009 and last for four to six weeks.
- The subway grates are being raised in order to minimize rain-water flow, which can cause service disruptions, into the subway system.
- During construction period one traffic lane adjacent to each mall will be used from four to six weeks during the day but will be returned to traffic in the evening. The crosswalk on end of the mall will be

closed during construction.

- Storage boxes will be placed in front of stores and residential buildings near each mall.
- Major concern is that the ponding condition around malls, especially West 79th Street, may increase.

Follow-up: On-going monitoring of the work with updates posted on CB7's website; DOT solution for anticipated ponding condition after installation.

Update on Homeless conditions and outreach in Riverside Park and in CD7– Goddard Riverside.

#### **Sarena Lewit, Goddard Riverside Outreach Program, gave an update:**

- Goddard Riverside the coordinator of the Manhattan Consortium that provides outreach and services chronically homeless people who live on the street. It is a new model that offers housing, then services. Over 200 individuals have moved into permanent housing since the program began last year.

- Some of the temporary housing the program uses is in churches and synagogues. Ms. Lewit hopes more faith-based institutions will offer shelter.

- Locations:

- o Steps of West Park Presbyterian Church, West 86th Street/Amsterdam Ave – Goddard has been working with homeless individuals, but they are refusing services. The New York District Attorney's Office has been trying to work with the pastor on a No Trespass program.

- o Individual encampments on West 87th Street, Broadway-WEA, continue.

- o Paul Evans reported conditions in Riverside Park are the same. Gave his list of homeless locations to Ms. Lewit.

- Goddard and the 20th Precinct had been sharing information on chronic homeless people in order to coordinate services and follow-up on cases of incarceration.

- NYPD coordinates with DSNY to remove debris.

- Ms. Lewit encourages the community to call 311 to report homeless.

- Peter Arndsten reported conditions at West 105th and Amsterdam Ave – about 20 peddlers and homeless – is worse. NYPD constantly inspects block and clears it. CAU can sweep problem areas with a multi-agency task force to correct illegal vendor and homeless problems. It was determined that this is a quality of life condition.

Follow-up: Coordinate with Goddard and precincts; West Park trespass program; outreach to faith-based institutions; CAU multi-agency sweep of 105th Street; continue monitoring of locations.

#### **Pedicabs and bicycle rentals at Merchants Gate and bike storage on West 60th Street – DCA/NYPD/LINCOLN SQUARE BID.**

An increasing number of unlicensed vendors are renting bikes and offering pedicab rides at Merchants' Gate, Central Park, and around Columbus Circle. They chain their bikes, sometimes 10 at a time, on trees and street poles around the area.

- Lt. Crescitelli, 20th Pct, reported on joint operations with Central Park and the 20th Precincts. Confiscated bikes chained to street poles and issued summonses to pedicabs for reckless operation (riding on sidewalks), no insurance, and no identification.

- Lolita Jackson confirmed that it is illegal to chain bikes to street poles.

Follow-up: NYPD/DOT/DCA clarification, with CAU assistance, on what the law and enforcement is on bike vendors and pedicabs, and chaining bicycles and pedicabs to public property. Coordination with Central Park Precinct and Conservancy and above agencies on a plan to address this condition.

#### **Agency Follow-Up**

**NYCTA/NYPD**

Garbage storage and rodent abatement at the Columbus Circle station.

- There is a serious rat infestation caused by the placement of garbage bags on the north end of the middle A/D platform. NYPD maintenance staff places garbage bags at this location because they have no access to the station's garbage room, they need a key.

Follow-up: NYCTA will give the key to the garbage storage room to NYPD TD#1 maintenance staff.

#### **DSNY/NYPD/DOT**

Broadway and 74th Street - Fairway update. Fairway – working with multi-agencies to enforce regulations. Major problem is commercial parking overnight on 74th Street, residential area.

Follow-up: DOT/DSNY to determine when/if late night parking of trucks on residential streets is permitted.

#### **DOT**

New regulations for teacher parking around schools – LaGuardia HS and PS145 and PS95.

- Removed illegal faculty parking signs (those not issued by DOT).
- Did not remove DOT authorized faculty parking at any of the schools.
- Permits are issued to the principals according to the number of authorized parking spaces designated to each school; principals then issue the placards to their faculty and employees.

#### **NYPD 24th Pct.**

Overall crime is down. There was a narcotics related homicide; suspect was apprehended with the information received from two witnesses.

#### **NYPD 20th Pct**

- Overall crime is down 11%, QL team is back, worked with homeless outreach. Conditions team will be working with QL team. Amsterdam Houses – Has five full time police officers assigned.
- Street vendors at Two Columbus Circle, West 59th Street; West 70th, Amsterdam-WEA; and Broadway, 72nd - 73rd Streets. Violations were issued.

DA's Office: Yale management implemented all recommendations, including the installation of bright lights and cameras, though camera was not placed in a strategic position. DA's office is monitoring.

#### **Parks**

Graffiti on trees in Riverside Park. NYPD and Parks staff will monitor.

#### **DOB**

New Manhattan Borough Commissioner Magdi Mossad was announced.

#### **DOHMH**

- Finished walk through of catchment areas and agency has enough information for follow-up.
- Has pest control data on Geographic Information System (GIS) maps available on their website.
- Distributing free cribs for low income families.

#### **DCA**

- Enclosed café at Lansky's at 235 Columbus Avenue operating without permits - was issued a temporary license, "pending with operating letter". City Planning canceled their application.

Follow-up: Report on pending status.

- Report on newsstand enforcement and violations and removal of NY Times boxes. According to DCA, newspaper storage boxes can be used by newsstands as long as they are only using them to store newspapers. DCA determined that the placement of the boxes on the sidewalks is a DOT issue.

Follow-up: DOT Manhattan borough commissioner's office to determine if they can enforce sidewalk obstruction rules on newspaper storage boxes.

CAU – Coordination of DEP/ConEd/DOT of West End Avenue/60th Street sink holes. Ongoing.

Follow-up: Status report

#### **DEP/DOT**

- Clarification of night work to clean sewers – 70th Street.

Follow-up: Update report.



## **DSNY**

Department of Public Relations will send requested recycle battery posters.

## **NYPD TD#1**

Overall crime is down MTD 23%; YTD, 20% – only 1 robbery in 28 day period and the perpetrators were arrested.

## **FDNY**

CD7 services not affected by budget cuts.

## **NYPD PSA6**

- No homeless conditions. No arrests in 24th Pct area. Down in GL, robberies.
- Douglass Houses surveillance cameras (Vipers) will be installed soon.
- Wise Houses is trying to get funding for cameras through CM Gale Brewer's office.
- Installation of NYPD Argus cameras at Wise will be delayed because areas with higher crime rates have priority.

## **ACS**

- Will hold a forum on how to recognize child abuse and neglect, for information visit the ACS website on [nyc.gov](http://nyc.gov).
- Agency representative were reminded that ACS is having a toy drive for children up to 18 y/o. Please call 718-488-5437 for information on where to drop off toys.

## **NYPL**

Carol Soriano is the new CB7 library contact.

## **District Watch Construction Updates: DOB**

- Audit report on 230 West 78th Street (Broadway.) Closing out soon.
- 732/734 WEA demolition is moving ahead, DOB is going over the demolition plans. Concerns about adjacent buildings, 730 and 736, have been resolved. Will monitor demolition closely.
- 508-510 WEA, no movement.

## **Construction Projects:**

Address:      Stories:      Status:

208 West 96th Street (Broadway-Amst)	10	Demolition
80 Riverside Blvd (64th Street)		Finishing
60 Riverside Blvd (63rd Street)		Superstructure
West 64th Street (RSS)		Superstructure
239 West 60th Street (WEA-Amst)	29	Superstructure
150 Amsterdam Ave (65th Street)	41	Superstructure
200 West 72nd Street (Bway)	19	Superstructure
205 West 76th Street (Amst-Bway)	21 and 18	Finishing
230 West 78th Street (Broadway)	20	Finishing
535 West End Avenue (86th Street)	21	Superstructure
775 Columbus	13	Superstructure
795 Columbus	15	Excavation/Foundation
805 Columbus	14	Superstructure
808 Columbus	29	Finishing
801 Amsterdam	15	Superstructure
214 West 76th/2148 Broadway (SEC)	- 21-story	condo and garage Demolition

## **96th Street IRT Station**

## **Lincoln Center Redevelopment Project**

180 Amsterdam Avenue (68th Street)	8	Foundation
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(Lincoln Square Synagogue)

MTA Flood mitigation at 79th, 86th, and 91st Street Bway Malls

In the Pipeline:

210 West 77th Street (Hertz garage) - Jewish Board of Guardians' Corporate Headquarters

150 West 83rd Street (Columbus-Amst – garage) - Redeemer Presbyterian Church Community Center

120 West 100th Street (Columbus-Amst) Department of Health - Gut rehab and addition of one story Amsterdam and 100th Street – St. Michael's Church residential building

120 West 106th Street (Columbus-Amst) Jewish Home Lifecare – New facility and residential tower  
Riverside South: 59th-64th Streets

Fordham University (WEA/60th-62nd Streets) - Residential tower and dorm

West-Park Presbyterian Church (86th Street and Amst) – Residential tower

Present: Penny Ryan, District Manager, John Martinez, Asst. District Manager, , PSA6; Kerry Stephen, Alexander Martinez, FDNY; Capt. Maguire, NYPD Transit Dist.1; Lt. James Crescitelli, 20th Pct; Leah Donaldson, DOB; Supt. Rosario Morrone, DSNY; Joselinne Minaya, DA's Office; David Lipsky, DEP; Evelyn Nieves, DoITT 311; Solly Corrado, DCA; Paul Evans, Parks; Michael Congo, DOHMH; Lolita Jackson, CAU; Caryl Soriano, Susan Singer, NYPL; Jesse Bodine, CM Gale Brewer's office; Kristen Oates, Sarena Lewit, Goddard Riverside; Josh Orzeck, DOT; Melvin Alston, Wanda Ochshord, ACS; Stephanie Kinlock, ConEd; Marjorie Cohen, WCPP; Peter Arndtsen, Columbus-Amsterdam BID; Richard Juliano, Rebecca Gerber, LS BID; Jill Greenbaum, SUN; Adrienne Taub, NYCTA.