

Full Board, Committee, and District Service Cabinet Minutes

Full Board Meeting Minutes

Helen Rosenthal, Chairperson

Goddard-Riverside Community Center

March 3, 2009

Helen Rosenthal called the meeting to order at 6:45 pm.

Minutes from the February 3, 2009 meeting of the Board, subject to a revision clarifying that the housing issue raised in the public session by Maggie McLain was referred specifically to the CB7 Housing Committee, were approved:

24-0-1.

Chairperson's Report: Helen Rosenthal

Filming: The chair advised the public that a documentary filmmaker will be filming portions of the proceedings, and encouraged anyone concerned about appearing on camera to sit in a designated area away from the camera's view.

Fordham University Lincoln Center Master Plan Update.

- Even after CB7's resolutions relating to Fordham's Master Plan, Helen Rosenthal, Richard Asche, and Ethel Sheffer led the continuing effort on these issues.
- Manhattan Borough President Scott Stringer and his office have obtained Fordham's agreement to reduce the height of the buildings planned for Columbus Avenue, limit future use of the buildings to educational purposes, increase windows and street activity on the avenue, and eliminate the Fordham-only garage.
- Dep't of City Planning's hearing on the Fordham plan is March 4th; City Council has final say.
- Council Member Gale Brewer to push to reduce the height on the Amsterdam Avenue buildings.
- Ethel Sheffer: CB7 worked closely with BP's office to affect modifications that CB7 supported.

CB7 Comments on the on the Agencies' Responses to CB7's Budget Priorities and on the Mayor's Preliminary Budget for FY2010:

- Steering Committee held hearing at which public discussed the impact on our community.
- Doreen Wahl of Westside Campaign Against Hunger offered sobering news about increased demand for food services.
- Equally sobering were the cuts to services at community centers (e.g. Goddard Riverside , Lincoln Square Neighborhood Center)

Announcements

Goals & accomplishments for Annual Report to Borough President due by Friday (for committee chairs).

Chair will be testifying on March 9th on the impact of the devastating cuts to Community Boards' budgets.

Stern Building: residents (including Maggie McLean) briefed the Housing Committee on the slow-moving negotiations with Jewish Home Lifecare re new residences, but some progress is being made.

The School at Columbia: CB7 continues to monitor the School's compliance with the requirement that it keep half its seats available for neighborhood residents. School found to be at or near target, and that financial aid for community students averages 75% of the full cost.

MNN (Manhattan Neighborhood Network public access channels) will air "Focus on Community Boards," including interviews with Helen Rosenthal and Penny Ryan.

Larry Wood of Goddard Riverside has a petition opposing cuts to the SSI budget (rally 3/5 at City Hall).

Congratulations to Alberto Cruz, who was selected for the American Express Leadership Academy – he is one of only 24 selected nationwide.

Public Session

Lynn Opinante, site manager for the NYPL Riverside Branch:

- Thanks for support; library being used more than ever.
- Seeking support to maintain service 6 days per week; Mayor's budget calls for 15 hour reduction.
- Library offers job search services and database access (relevant to tough economic times).
- Book donations are accepted; but please bring only one bag at a time.

Bev Lacey, West Side YMCA:

- Appreciates CB7 support.
- The Y's summer camp will have scholarships available (given increased demand).
- "Teen Career Connection" – offers internship experience to teens who otherwise might not get such a chance. Includes training in Word/Excel, professionalism, even a stipend for work clothes.

Lynnea Benson, Frog & Peach Theatre Co.

- Repertoire of Shakespeare Plays.
- Has found a new home at the Church of Sts. Paul and Andrew (formerly at West Park).
- Free and discount ticket programs for young people; available for public school scene presentations.

Craig Berberian, Inquiring on the status of the 59th Street Recreation Center.

Mel Wymore: the design is in place, and fundraising is on-going. Found a contractor only recently. Construction to begin July 1st. Probably a 2-year build.

Manhattan Borough President's Report: Sari Bernstein

- After a month of meetings and winning concessions from Fordham, BP Stringer will testify at the Dep't of City Planning on the revised Master Plan.
- Office of BP Stringer has released a report on its conference on healthy food alternatives.
- Office of BP also has released a report on natural gas drilling near reservoirs.

Reports by Legislators

Gale Brewer, Council Member, District 6:

- Movers illegally advertising on lampposts– Sanitation Dep't unable to locate the source.
- Helicopters: Working with Economic Development Corp., many agencies, to eliminate tourist flights.
- Dexter Hotel, West 86th Street: Human Resource Administration is placing people at.
- Working with 150 Amsterdam and HPD to include affordable housing; financing issues.
- Supports Landmark status for West- Park Presbyterian Church; working with LPC and congregation.
- MS 44 to be replaced by West Prep Academy; working with CEC and parents to support Ms. Noto.
- Brandeis to be replaced by 3 small schools; working to ensure that they will be diverse, serve

ELLS.

- Broadband access in NYC: hearing in Staten Island week of March 2nd.
- Bedbug legislation: Citywide effort; Mayor finally agrees is a priority; NYT editorial helped.
- Monthly housing clinic at Goddard Riverside (first Wednesday of the month).
- Welcomed Fordham Students attending the meeting.

Reports by Legislative Representatives

Rob Gottheim, Congressman Jerrold Nadler's office:

- Omnibus appropriations bill will fund reconstruction of 65th Street.
- Succeeded in reprogramming \$4.9M from Riverside South tunnel construction to park construction.

Calvin Solomon, New York County DA's office:

- DA's office recovered \$175M from successful prosecutions.
- 2008 Summer Intern Newsletter, written by interns, is now available.
- 2009 summer intern applications due March 29th.

Sandra Duque, Comptroller William Thompson's office:

- Launched website to allow users to see MTA cuts' effects by zip code.
- Continues to push for weight-based vehicle registration fees to allocate cost of maintenance equitably.
- Pushing for the reinstatement of the commuter tax.
- Testifying about draconian proposed increases to the fares for access-a-ride.
- Urging Governor not to transfer funds from housing to the general fund and to preserve affordable housing units.

Michael Kaplan, Assembly Member Richard Gottfried's office:

- Wrote to MTA to urge that the M10 bus line not be eliminated; subway not equivalent.
- Proposed bill to fight illegal hotels (enhances HPD efforts to enforce rent laws).
- Will testify before CPC re Fordham.

Jarred Chausow, State Senator Tom Duane's office:

- Passed Mitchell-Lama bill calling for a temporary moratorium on buyouts.
- Legislature to impose a limit on the number of bills proposed as of April 27th; submit ideas now.

Michael Meade and Jihoon Kim Sen, State Senator Eric Schneiderman's office:

- Mike passing the torch after 3 years as liaison to Community Board. Jihoon well qualified.

Shane Seeger, Assembly Member Daniel O'Donnell's office:

- Proposing a Morningside Heights Historic District (to present at the Parks & Preservation Committee).
- Reading program at Bloomingdale Branch Library: culminates in a reading festival in May.
- Monthly legal clinic for tenants (including time with a lawyer) – last Thursday of the month.

Greg Monte, Assembly Member Linda Rosenthal's office:

- Has been appointed to the Arts & Tourism Committee.
- Exposed retailers violating a bill requiring stores to identify real vs fake fur.
- Supports tolls on bridges & tunnels to offset drastic MTA service cuts and fare hikes.

Tom Vitullo-Martin, Friends of West Park (also a member of CB7):

- thanks for CB7's support of Landmark status for West- Park church; calendared at LPC sine die.

Business Session

Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

1. **40 West 68th Street** (Central Park West-Columbus Avenue.) Application to the Board of Standards & Appeals by York Preparatory School for a lot coverage variance to allow the expansion of the school through a rear-yard addition.

Richard Asche and Page Cowley chaired the discussion of this application.

- Received public comment and statements from the applicant and affected members of the public at the February CB7 meeting.
- Committee took votes on each Finding as well as the overall resolution. Resolution to approve as to each individual finding passed, but not the overall resolution.

5 Findings to be weighed for this type of variance, summarized as:

- A. Unique physical attributes of the lot create an undue hardship on its use without the variance.
- B. Unable to realize a reasonable rate of return from the lot without the variance.
- C. Variance if granted would not alter the essential character of the neighborhood or substantially impair the use of adjacent property.
- D. Hardship precipitating the variance was not created by the owner or predecessor in title.
- E. Variance requested is the minimum necessary to afford relief.

Comments on "A" Finding:

- Hardship is not unique; many schools offer programs for special needs students.
- Few private schools offer small group instruction during the classroom day to special needs students.
- Many students could not be mainstreamed but for this program.

Comments on "B" Finding:

- School, far from being unable to stay in business, is seeking variance because it is too successful.
- Dwight School precedent: BSA appears to have approved a somewhat similar application, employing a different standard with respect to academic needs vs. financial hardship.
- Applicant did not establish profit/loss financial hardship.
- Issue of BSA precedent regarding the Dwight School, which found academic need to be sufficient to satisfy the "B" finding without traditional financial hardship.
- Committee could not otherwise reconcile this finding with the application.
- Committee felt it did not have the expertise to resolve the fine points of this legal distinction, and thus voted on a resolution that essentially deferred to BSA on this finding.
- CB7 has deferred on this issue before, as it lacks the resources and legal expertise on a fine point.
- Applicant relied on the Dwight School precedent, no other financial hardship evidence presented.
- BSA policy is not to follow precedent, but to view each application against the criteria as written.
- In practice, however, BSA does rely on prior precedent.
- Cannot square School's successful program with a lack of a "reasonable return."
- Not a good practice for CB7 to defer to BSA; we should make our own determinations.
- Since Applicant never presented a financial case other than the Dwight School, CB7 should find that this element has not been met.
- Popular program is not a financial hardship, but rather a profitable one.

Comments on "C" Finding:

- Committee members walked through the School to see the points addressed by the architect; one committee member also toured the affected neighbors' apartments.
- Rear yard neighbors other than immediately adjacent buildings would be greatly affected.
- Committee urged neighbors and School to reach a compromise; no solution found.
- Neighbors willing to accept some expansion, but not intrusion to the full lot line.
- Adjacent neighbors on party wall unfortunately stuck with this problem; rear yard neighbors unfairly prejudiced - rear yards do matter in this calculus.
- Proposal fills in dark alleys that have no light or beauty; no substantial adverse impact.
- Filling in dark alleys not a detriment - could be a benefit.

Comments on "D" Finding:

- Committee member changing vote based on "D" Finding - Applicant originally claim hardship based on accreditation committee recommendations, which raised questions of the origin of the proposal. Space needed for small group instruction to students with special needs is inherent in working with such students, and thus is not a self-created hardship, so this criterion is met.
- Successful program should be considered a self-created problem.

Comments on "E" Finding:

- Neighbor and architect proposed an alternative plan with a lesser impact upon adjacent buildings.
- Applicant's architect reviewed the alternative plan, and found that it required extensive invasion of the building at critical junctures of egress and mechanical systems, creating the likelihood that the cost of construction would be greatly increased, and that the construction could not be completed over a summer vacation and thus threaten the start of the school year.
- Variance sought consists of a 2-storey addition at 23' above the curb line. A one-storey 23' addition would be as of right, so only issue here is that the Applicant will squeeze two floors into this space instead of one - hence should be viewed as minimum necessary.
- Committee Walk-throughs revealed that proposed alternative posed logistical problems that, if they could be made to work at all, would threaten School's ability to open for the academic year.
- Need to complete construction over a summer is an element of what should be considered minimum.

Overall Comments:

- Concern that the Committee, with the greatest expertise in these issues, was unable to pass a resolution to approve. Board must make a de novo determination. Many led to abstain.
- Change in committee member's vote would have resulted in approval if done at committee.
- Question whether the full Board can approve a resolution without approval from the Committee.
- Board can vote on a resolution without Committee approval - referral at the discretion of the Committee Chairs.
- While BSA must make all 5 findings, and CB7 seeks to make recommendations to BSA on all 5, typically BSA looks to Community Boards for input on the "C" Finding, which BSA views more broadly than CB7 typically does.
- Benefit to the community of a successful program for special needs students.
- Building rights transferred to neighboring (affected) building to permit higher construction.
- Applicant's building reserved sufficient FAR to cover this addition.

Ethel Sheffer, interested Board member who is not voting as she is a consultant to the School:

- Alternative plan is a misnomer since it has been put forward by a neighbor, and it is more expensive and time-consuming for the school.
- Proposal affects only two apartments, who would be minimally affected.

- School has had many hours of dialogue with its neighbors, and produced a modification to the plan to create an angle to reduce the impact on one neighbor.
- In making the C Finding, the Board should weigh the special education goals of the school and the needs of its students, and its physical needs, against the impact on its neighbors.

Following the discussion, the Board considered separate resolutions to approve (i.e. that each of the 5 findings had been met), and a sixth resolution to approve the overall application.

- As to the "A" Finding, the resolution to approve was adopted.
VOTE: 23-5-4-2.
- As to the "B" Finding, the resolution to approve based on deferring to the BSA, taking the position that CB7 cannot make the requisite finding with its resources and experience, was adopted. VOTE: 18-10-5-2.
- As to the "C" Finding, the resolution to approve was adopted.
VOTE: Initial: 16-9-7-2 (not adopted); upon Roll Call: 17-10-6-2 (adopted).
- As to the "D" Finding, the resolution to approve was adopted.
VOTE: 18-8-7-2
- As to the "E" Finding, the resolution to approve was adopted.
VOTE: 20-6-6-2
- Resolution to approve the application for a variance was not adopted.
VOTE: Initial: 17-10-5-2 (adopted); upon Roll Call: 16-11-6-2 (not adopted).

CB7 will submit the specifics of the votes taken by letter to BSA.

Transportation Committee

Andrew Albert and Dan Zweig, Co-Chairpersons

2. **480 Amsterdam Avenue** (West 83rd Street.) The resolution to approve a new application DCA# 1307588 to the Department of Consumer Affairs by 480 Rest Amsterdam, Inc., d/b/a Soldier McGee, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats was adopted.

- Applicant originally asked for 8 tables/16 seats; Committee reduced to 7/14.
VOTE: 31-1-0-0

3. **722 Amsterdam Avenue** (West 95th Street.) The resolution to approve new application DCA# 1307957 to the Department of Consumer Affairs by Best Boat Seafood restaurant, Inc., d/b/a Charm Thai Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats was adopted.

VOTE: 32-0-1-0

4. **423 Amsterdam Avenue** (West 80th Street.) The resolution to approve renewal application and Petition to Modify DCA# 0981250 to the Department of Consumer Affairs by BSWR Corp., d/b/a Sarabeth's, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 10 seats was adopted.

- Applicant seeking an increase to 8 tables/16 seats in the same footprint.
- Concern: there are already enormous lines for brunch. Applicant originally only sought sidewalk café for overflow, but now uses it as part of primary space.
- Suggestion that approval should be conditioned on not using the space at brunch.
- Concern that we should not unduly limit viability of local businesses in a recession.
- Rather than limit use, CB7 should write a letter to the Applicant outlining concerns and seeking a remedy such as better line management in busy hours.

VOTE: 32-0-1-0. Transportation Committee will also write to the Applicant to outline concerns.

5. **476 Amsterdam Avenue** (West 83rd Street.) The resolution to approve renewal

application DCA# 1218332 to the Department of Consumer Affairs by Upper West Restaurant Corp., d/b/a Fred's, for a two-year consent to operate an unenclosed sidewalk café with 22 tables and 44 seats was adopted.

- Outdoor space is located in a below-sidewalk grade space. Does not block sidewalk traffic. VOTE: 32-0-0-0.

6. MTA services cuts. Resolution was adopted as written.

- While no one was happy with fare increase, overwhelming concern was with life-changing service cuts.

VOTE: 33-0-0-0.

Business & Consumer Issues Committee

Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

7. **380 Columbus Avenue**, (West 78th Street). The resolution to approve an application to the SLA for a two year liquor license by P&G Café LLC, d/b/a P&G Bar & Grill was adopted.

- Filming: the chair reiterated the advice that this portion of the meeting was being filmed for a documentary.

Philip Lenihan, community member (214 W 92nd Street):

- From 1982 to the present, many beloved neighborhood institutions have disappeared, including family-owned bookstores, pubs and other stores with neighborhood character.

- The recession has brought a rash of empty storefronts.

- Was disappointed that the P&G family-owned bar lost its longtime home, and delighted that it found a new home.

- Its loyal clientele reflects the diversity and the distinctive character of our UWS neighborhood.

- Customers are neighbors, and are considerate to neighbors and local businesses.

- Owners and staff always responsible.

- Recommends approval of the resolution, and seeks to welcome P&G to its new home in the neighborhood.

Committee:

- Issue of the bar's distinctive sign is not part of this application. May be a future issue for Parks & Preservation (possible Landmark issue at its new building)

VOTE: 32-0-0-0.

8. **100 West 72nd Street** (West 71st – 72nd Street.) Application to the Department of Consumer Affairs for a Cabaret License by Green Mountain Productions, LLC., d/b/a Columbus 72; hours of operation are Fridays and Saturdays, 10pm- 4am, Tuesdays, 6pm- 12am, and Wednesday 8pm-11 pm.

The resolution to approve the application was adopted. The resolution was not included in the original agenda, and was voted on as new item #14.

- Purpose of the application to conform license to the actual name of the business (mistake in original license).

VOTE: 31-0-0-1.

Parks & Preservation Committee

Klari Neuwelt and Lenore Norman, Co-Chairpersons

9. Riverside Park South - Pier I Cafe. The resolution to approve the Department of Parks & Recreation's final design of the Pier I Café in Riverside Park South at 70th Street was adopted.

Community member speaker Marilyn Phillips: called but not present.

- In Riverside South Park Extension – design for a permanent structure for the café concession, which has been operating on a temp basis for two years.

- Previously approved designs were disapproved by the City's Public Design Commission f/k/a Arts Commission.

- Seating problems on the adjacent plaza are not part of this application.

- Applicant agreed to Committee requirement that a fence or gate be installed to close off the space between the main serving structure and a partition wall in front of it, to prevent those with mischief in their hearts from laying in wait in the wee hours.

VOTE: 31-0-0-0.

8. 56 West 66th Street, ABC Armory (Columbus Avenue.) The resolution to approve application # 09-6467 to the Landmarks Preservation Commission to lower the height of HVAC cooling tower equipment on the roof of The Armory by 26 inches was adopted.

- After a failure in the cooling system, ABC effected emergency repairs.
- LPC did not approve the appearance of the new cooling towers.
- New design is lower in height; Committee approved a selection of possible materials viewed likely to be accepted by LPC.

VOTE 30-0-0-0.

9. **118 West 79th Street**, Apt #15AB (Columbus Avenue.) The resolution to approve application #09-5577 to the Landmarks Preservation Commission to combine windows on a visible façade was adopted

- Secondary façade – changing windows.
- Design consistent with overall bldg window design, and enlarges certain top floor window openings.

VOTE 28-0-1-0.

10. **49 West 94th Street** (Columbus Avenue – Central Park West.) The resolution to approve an application to the Landmarks Preservation Commission for façade restoration and raising existing flowerbed to match that of the neighboring building was adopted, subject to a requirement that window frames that had been painted white be returned to their original appropriate color.

- Needed to Correct a violation. LPC allowed owner to make changes; owner made more changes than were approved.
- Painted cream color with white trim, changed railing, removed flower pot, changed window frames to white from black.
- Approved at committee except for window frames. Predicting that LPC would require that anyway.

VOTE 31-0-0-0.

Steering Committee

Helen Rosenthal, Chairperson

Resolutions Re: Leaves of Absence.

- Full Board approval required for excuse given citywide attendance issue.
11. Request for Leave of Absence by Daniel Meltzer was approved.
- Will only absent from Full Board meetings.
 - Changing committee assignments so as to make committee meetings for 2 committees.
 - Leave requested for only 3 more months.

VOTE: 32-0-0-0.

12. Request for Leave of Absence by George Zeppenfeldt-Cestero was approved.

- Personal reasons; leave sought for only one month.

VOTE: 32-0-0-0.

Adjourned: 9:45 pm Present: 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, Marc Glazer, Victor Gonzalez, Phyllis E. Gunther, David Harris, Blanche E. Lawton, Lillian Moore, Johnetta Murray, Klari Neuwelt, Lenore Norman, Gabrielle Palitz, Michele Parker, Sharon Parker-Frazier, Anne Raphael, Oscar Ríos, Madge Rosenberg, Helen Rosenthal, Roberta Semer, Ethel Sheffer, Charles Simon, Barbara Van Buren, Thomas Vitullo-Martin, Melanie Wymore

and Dan Zweig. On-Leave: Daniel Meltzer and George Zeppenfeldt-Cestero. Absent: Rosa Gonzalez, Molly Gordy, Robert Herrmann, Lawrence Horowitz, Ulma Jones, Bobbie Katzander, Barbara Keleman, Liz Samurovich and Elizabeth Starkey.

Steering Committee Minutes
Helen Rosenthal, Chairperson
March 31, 2009

1. Goals and Accomplishments

Committee goals (2009) and accomplishments (2008) were distributed and reviewed. Committee Co-Chairs highlighted issues of particular importance. The Health and Human Services Committee emphasized their on-going work on support for "Aging in Place." The Green Committee discussed community updates on the web and working with other committees (especially Land Use) on green initiatives. The Youth, Education, and Libraries Committee intends to continue organizing public forums to engage the community.

2. Follow Up on CB7 Resolutions

Robert Herrmann presented data that reflects the impact of resolutions passed by CB7. The data indicated an inconsistent correlation between CB7 approvals/disapprovals and the actions of City Agencies. Several observed that CB7's strongest point of influence happens in conversation with applicants at the committee level, before votes are taken at the full board. Some commented on the need to be strategic about which resolutions to pursue and follow through agency or Council deliberations. Some felt the data should be accessible by the public. Discussion will continue as the data are refined and reformatted.

3. Wine/Supermarket Proposal

The Youth, Education, and Libraries committee reported their opposition to the State proposal to allow supermarkets to sell wine and beer. Some agreed, some did not. Given that the State recently withdrew the proposal, it will not be considered by Full Board.

4. State Senate Bills

NYS Senator Duane expressed interest in sponsoring bills advocated by CB7. Suggestions included:

- SAVE THE MTA!!!! Stand up for bridge tolls!
- Expand recycling
- Ensure oversight of Mayoral control of Education
- Avoid increasing payroll taxes for non-profits

5. Public Member Policy

CB7 has no formal policy regarding Public Members. Different committees have different experiences regarding Public Members. Health and Green committees have especially active and skilled Public Members. Some Co-Chairs wanted a more formal process to ascertain skills sets and discover possible conflicts of interest. Others wanted to set clearer expectations for Public Members. Many expressed satisfaction with current informal practices. The Board Development Committee will formulate a draft policy based on input from Committee members.

6. New Board Members

CB7 will welcome 6 new Board members in April. Mark, Madge, and Mel will arrange a welcoming dinner to precede the June Full Board meeting.

7. Riverside South Development

In preparation for possible certification on May 15th, the task force will assemble a detailed list of issues related to the proposed project.

8. New Business

- The Chair requested that the Retail Working Group convene in April.
- The Chair asked members to review the BPO report on "Food and the Public Interest"
- The Chair pointed out the resolution coming to Full Board about Up State Drilling
- The Full Board will consistently start at 6:30PM.

Meeting adjourned at 8:45 PM

Present: Helen Rosenthal, Barbara Adler, Andrew Albert, Lindsey Boylan, Mark Diller, Miki Fiegel, Bob Herrmann, Klari Neuwelt, Lenore Norman, Elizabeth Starkey, Barbara Van Buren, Melanie Wymore and Dan Zweig. On-Leave: George Zeppenfeldt-Cestero. Board Members: Sheldon Fine and Hope Cohen. Absent: Richard Asche, Page Cowley, Alberto Cruz, Victor Gonzalez, Michelle Parker, Madge Rosenberg, Charles Simon.

Transportation Committee Meeting Minutes
Andrew Albert and Dan Zweig, Co-Chairpersons
March 10, 2009

New Enclosed Sidewalk Café Applications

1. **801 Amsterdam Ave.** (West 100th) Petition to the Department of Transportation by 801 Amsterdam, LLC, for a new revocable consent to construct maintain and use an existing sidewalk vault for retail and/or office uses; the vault is located on the east side of Amsterdam Avenue, 35 feet South of the intersection of Amsterdam Avenue and West 100th Street.

Committee Approves: 10-0-1-1.

Renewal Enclosed Sidewalk Café Application:

2. **2672 Broadway** (West 102nd Street.) Renewal application DCA# 0984023 to the Department of Consumer Affairs by Plaza Mexico, Inc., d/b/a Mama Mexico, for a two-year consent to operate an enclosed sidewalk café with 5 tables and 16 seats. Applicants were Juan Roja Compus and David Freire.

Committee Approves: 6-1-0-0.

Unenclosed Sidewalk Café Applications:

3. **2020 Broadway** (West 69th Street.) New application DCA# 1308014 to the Department of Consumer Affairs by Tapas Food and Wine, Inc., d/b/a BarCibo Enoteca, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 22 seats. Applicant was Steve Wygoda. Vote was contingent on applicant scaling café back to a maximum depth of 9 feet. (application depth was originally listed at 9'6")

Committee Approves: 7-1-0-0. Board Member: 1-0-0-0.

4. **953 Columbus Avenue** (West 107th Street.) New application DCA# 1309297 to the Department of Consumer Affairs by Dogus Corp., d/b/a Pan & Plus, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 10 seats. Applicant was Mike Leuck

Committee Approves: 8-0-1-0. Board Member: 1-0-1-0.

5. **320 Amsterdam Avenue** (West 75th Street.) Renewal application DCA# 1025224 to the Department of Consumer Affairs by Surtic, Inc., d/b/a Citrus, for a two-year consent to operate an unenclosed sidewalk café with 19 tables and 42 seats.

Applicant not present, no vote was taken

6. **425 Amsterdam Avenue** (West 80th – West 81st Street.) Renewal application DCA# 1218074 to the Department of Consumer Affairs by 425 Amsterdam Café, Inc., d/b/a McAleer's Pub, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats. Applicant was Keith Mc Aleer. Applicant was requested to pay closer attention to congested sidewalk during certain popular televised sporting events. He agreed to do so.

Committee approves: 8-1-0-0. Board Member: 0-0-2-0.

7. **429 Amsterdam Avenue** (West 80th – West 81st Street.) Renewal application DCA# 0955642 to the Department of Consumer Affairs by Amorluz Corp., d/b/a Luzia's Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats. Applicant was Ms. Monina Allesao.

Committee approves: 9-1-0-0. Board Member: 1-0-1-0.

8. George Beane's letter proposing bike rack locations in CB7. Committee did not have letter. Mr. Beane is requesting CB7's support of bike rack initiatives. General discussion of bike racks. Options considered included; request to DOT for list of suggested sites for bike racks, Transportation

committee members to survey the district and compile list of suitable locations for bike racks, (several members have volunteered to do so). Also discussed as proposed legislation to require licenses for bike riders. Co-Chairperson Zweig to request copy of Mr. Beane's letter from CB7. No vote was taken

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

Parks & Preservation Committee Minutes
Klari Neuwelt and Lenore Norman, Co-Chairpersons
March 12, 2009

Informational presentation by Landmark West! concerning the Con Ed building at West End Avenue at 59th Street (the "Building").

Presentation by Tom Rinaldi, Kate Wood and Emilie Evans:

- McKim Mead & White (Stanford White) were the architects for the Building; opened in 1904.
- The Building was constructed as a power plant to provide electrical power for the IRT subway (prior to its consolidation with its competitors into the Transit authority); originally, transportation companies produced power cheaper than public utilities.
- The Building was one of many built in the Beaux-Arts style during the early part of the last century; this is the only complete example remaining.
- Power houses were designed at the time to be an "ornament" to the community. The decoration on the Building is equivalent to that used by White for his original Madison Square Garden, Madison Square Presbyterian Church, and Judson Memorial Church on Washington Square.
- The design of the Building has been viewed as being equivalent to that of a museum or other grand civic structure/
- Con Ed is currently using about 12% of the space in the building; the facility only generates steam; the electrical generators have long since been removed. The plant now burns oil; originally was coal-fired.
- The western façade has been extended three times in its history, each intended as a "temporary" elevation. The current structure was finally completed in 1950, with a Western façade that differs markedly from the rest of Beaux-Arts style of the original McKim, Mead and White design.
- Con Ed acquired the Building from the IRT in 1960. Con Ed improvements included the removal of all but one smokestack. Only smokestack no. 5 remains.
- The Building supplies approximately 10% of the steam in Con Ed's entire steam system.
- An effort is being mounted to save smokestack 5; Con Ed has been granted a permit to demolish it. Demolition could be imminent – scaffolding is up.
- Con Ed previously resisted Landmark status by arguing that most of the original smokestacks are gone, and with them the original architectural integrity of the design.
- The Building is subject to Local Law 11. The structure is believed to be sound, but the smokestack is believed to need some reinforcement.
- Building has been calendared with LPC for 29 years with no action.

Paul Elston of Riverside South Planning Corp: supports Landmark Status of building, and preservation of the smokestack. Working on an adaptive re-use, such as a museum. The steam currently generated in the Building could be replaced by a co-generation facility in Riverside South Lots L,M,N.

Jimmy Finn and Paul Kelterborn of The Powerhouse Group: Supports Landmark status for the Building. Has gained support of CB4 for Landmark status as well.

Council Member Gale Brewer supports Landmark status.

Committee/Board Comment: A letter should be sent immediately to LPC to urge action to save the smokestack, since the next Full Board meeting may be too late.

A motion duly seconded for the adoption of a resolution in support of Landmark status for the Building, and particularly calling on LPC to act to prevent the potential demolition of smokestack no. 5, was approved.

VOTE: Committee: 4-0-1-0; Non-Committee Board Members: 1-0-0-0.

1. 22 West 89th Street; The Dwight School. Application to the Landmarks Preservation Commission for the construction of a one-story rear-yard addition and a roof canopy. References to the application seeking a “penthouse” were mistaken.

Presenters: Don Weston and Barbara Marks of Martyn and Don Weston Architects

Rear Yard Addition:

- Proposed addition consists of a 1-story structure to fill the rear yard of a brownstone acquired by the school which is adjacent to other buildings comprising the school's campus.
- The proposed 2,500 square feet addition is within the FAR of 6.5 under the applicable R7 zoning.
- Building to the lot line in the rear yard is as of right for a community facility under R7 zoning and Section 24-12 of the Building Code; the 1-storey addition would be less than 23' above curb level.
- Inner courtyard elevation will use the same stucco finish as used on adjoining school building in the same courtyard, which is viewed as being better than trying to match brick and failing. Stone selected to match similar stone used elsewhere in the courtyard will be used on the elevation visible to courtyard neighbors. Sample available at the meeting.
- School's last addition involved the expansion of the Library several years ago.
- Addition is as of right except for the need for an LPC certificate of appropriateness re the design.
- Leaded glass window on the rear wall will be relocated to the second floor.
- Rear yard addition will not be visible from the street.
- Building is currently 57' tall.
- Building and addition will be integrated to the existing campus for school use.
- Walls being demolished are part of the original brownstone, not a later addition.
- In the same courtyard, there are 2 other full-yard extensions that are a full lot wide, and 3 full-yard extensions that are a portion of the lot wide.
- The roof of the rear yard addition will have a chain link hurricane fence.

Roof Canopy and Bulkhead:

- Roof additions consist of a combined bulkhead for stairs and an elevator (elevator opens onto the roof), and a Canopy to cover a portion of the roof to be used for recreation.
- Canopy will provide shade and shelter, and will have solar collectors.
- Bulkhead will use the same stucco as on the parlor level rear yard extension.
- Building is 57' tall; bulkhead is proposed to be 9', canopy 15'.
- Canopy would not be visible from the street/public way.

Committee Comments and Concerns:

- As drawn on elevations, it appears that the rear yard addition will include sub cellar, basement and parlor floor levels. The existence of these levels presents an issue as to whether the proposed rear yard addition would qualify as a single-storey addition which is as-of-right under the zoning, or whether a variance would be required similar to that requested by York Prep.
- The height of the canopy would exceed 66' -- the presenters indicated that the Sliver Law height limit for this building would be 75', not 66' as is applicable to other portions of CD7.
- Question was raised whether any previous ruling or agreement regarding the Dwight School from its prior additions and consolidations would affect or limit its ability to build the additions.

- Appropriateness does not require an attempt to match materials such as stucco with brick; in some circumstances, complementary but different materials are preferred.
- Stucco is not contextual with anything in the rear yard except Dwight School's own previous addition.

Community Comments and Concerns:

Rick Holwell of 21 W 88th Street, Apartment A:

- Notice of CB7 meeting was not given to the community.
- Flyer circulated the previous week mentioned the proposed addition, but not the meeting.
- Flyer invited neighbors to an early-morning meeting to view the design.
- Dwight finished construction on its last consolidation/expansion less than 2 years ago.
- In the application for the variance granted for the last addition, Dwight School indicated that it would have all the space it needed after that proposed addition.
- Windows from the west façade of the rear yard addition would shine lights on the neighbors.
- Landmark status of UWS brownstones should not be limited to facades; green space in rear yards is integral to the brownstone environment.

Karen Kraig of 23 West 88th Street:

- Building has historically been a residence, not a community facility; rear yard addition should be viewed in that context.
- Dwight school is a for-profit entity, and should not qualify as a community facility.
- Appeared on behalf of neighbors and landlord who did not receive notice of the CB7 meeting.

Emily Madelstam of 285 Central Park West:

- Fencing on the existing building is an architecturally appropriate fence. Proposed roof fencing consisting of hurricane chain link, which will be visible from the street, is not appropriate (although LPC had approved a chain link fence for a building in the courtyard on West 89th Street).

RESULT: In consultation with the applicant and the committee, the applicant agreed to adjourn its hearing before LPC, currently scheduled for April 7th, and to return to the CB7 P&P committee on April 13th to address the issues raised by the committee and the community.

Among the issues the committee suggested the applicant be prepared to resolve at the next meeting are:

1. whether the Sliver Law applies to the bulkhead or canopy on the roof, and the applicable height limit for this building and area;
2. whether the rear yard addition is truly 1-storey structure given the plans for sub cellar, basement and parlor levels in the resulting building;
3. notice - specifically providing requisite notice of the next meeting to neighbors; and
4. providing the committee with an elevation to complement the L3 drawing provided.

2. **15 West 68th Street** (Central Park West). Application for a special permit from the City Planning Commission pursuant to ZR 74-711 to maintain and preserve the architectural significance of the building, while also changing the use of the building to an 8-12 unit residential, short-term stay club consisting of luxury units. The first application in the 74-711 process is to the Landmarks Preservation Commission for a proper maintenance and preservation plan for the building. This application was considered jointly with the Land Use committee.

Mitch Korby (Herrick Feinstein):

- Following the January Parks & Preservation meeting, the committee asked the applicant to address issues concerning the nature of the use of the building and the preservation purpose arguments.
- Applicant and party subject to the restrictive declaration sought is Fine Times, Inc.; Harmonia is the name of the club whose members will be granted access to the facility to be created in the building.
- Special permit will refer very specifically to the proposed Club use. Applicant would be happy to

restrict itself proposed use, with only reversion to multiple dwelling.

- Technically, this will be Use Group 5/Transient Dwelling.

Managing Director of Harmonia, the club enterprise whose members will obtain the right to use the building:

- Harmonia is a "sister-company" of Fine Times, the owner and applicant.
- Use of the building will be by members of the club seeking a private, luxury residence in Manhattan for stays of not less than one week. Not a hotel, but plans the same amenities as a 5-star hotel.
- Only 1 member (and her/his guests) would take the facility at a time; would not rent suites independently. This restriction would NOT be in the restrictive declaration.
- Other club facilities include an historical building in Venice, private islands in the Bahamas and Brazil. Architectural significance of the historical buildings is integral to the experience sought for their members.
- Club would have a live-in resident manager, who would be charged with preventing subletting.
- Intent to be selective, taking members with interests in fine arts, museums and other cultural offerings in New York (accomplished solely through marketing at upscale cultural venues; no criteria other than financial resources appear to be required of potential members).

Ari Sklar:

- Club will offer a different experience than a hotel.
- Subletting would be prohibited and would contradict the purpose of the program.
- Architectural details in building worth preserving include:
 - Ornamental moldings with gold
 - Inscriptions on mantles
 - ceiling designs
 - grand staircase
- Building was built and should be restored as a single family dwelling; club emulates that result.
- Club to recruit members to protect the integrity of the architectural and other assets.
- To select members who appreciate fine architecture and arts, will market at events at galleries and cultural venues.
- Club similarly restoring the architectural integrity of the Venice building.
- Impact on the neighborhood of the proposed use will be minimal because members will eat out or use private chef. Resident manager will have a dedicated garage space; deliveries minimal.
- Suites will not have kitchens; just one central kitchen in building.
- Minimum stay of 1 week; for those seeking private luxury residence experience.
- The Club is not a time share; members have no rights of ownership or assigned times to stay.
- Misbehaving guests/members would not be welcomed back. Resident manager will police and confront member whose guests misbehave.
- Security would be through the resident manager (bodyguards to use suites as any other guest).
- Will do a traffic study, but believes traffic would be less than if it were a multi- dwelling building.
- Membership is to protect the asset, not a zoning issue.
- Interior to be restored, but Application and preservation plan will only include exterior façade.

Sandy Chung and John Schimeni, Architects:

- Handicap access, following discussion with LPC, will be by dropping interior floor, cutting through the limestone below the West doorway, and creating access at street level.
- Would use a sliver of the limestone to create a panel beneath the ornamental iron gate on the existing door to continue the line of limestone as currently viewed.
- Balance of restoration plans for the exterior of the building was fulsomely explained at the January meeting.

Committee Concerns and Comments:

- Should commit to preserving the interior even though the Landmark District designation applies only to the exterior; examples cited of conditioning public waivers or consents to extraordinary changes or variance on total preservation.
- Applicant willing to include certain interior elements, such as the rear-yard stained glass window, as part of the preservation plan.
- Using limestone on the bottom of the decorative iron gate to create handicap access will be problematic as frame will have to carry weight of panel, and the iron frame will struggle with differing weight of stone. Also stone will discolor differently than rest.
- Suggesting continuation of the ornamental iron gate to the street level.
- Concern that the width of the door proposed for ADA compliance is wide enough for standards applicable to Use Group 5.
- Suggested that the Applicant submit its ADA compliance plans to the Mayor's office re ADA compliance for a preliminary read.

Community Concerns and Comments:

Shaen Begleiter of the West 68th Street Block Association (together with neighbors Tom Haines and Polly Cleveland)

- Concern on whether the Club's function will be compatible with the rhythm of the block.
- The investment being made by the Applicant bespeaks its care in preserving the area.
- Concern that applicant will ask for a no-parking loading zone, and that deliveries and carting would disturb neighbors and block traffic.
- Member and entourage would come and go as a unit - episodic but increased load on street.
- Interior of the structure should be made available to the community between visits by members.
- Fine Times owns three other brownstones on the block (nos. 17, 19, 21) and has always had a cordial relationship with their neighbors.

Committee Discussion re Preservation Plan :

Preservation plan as currently worded is vague.

- Plan should specify materials to be used for renovation and subsequent repairs.
- Obligation to match materials should be to match "in kind" and not merely "as appropriate."
- Metal grillwork should be described in detail, both as to materials and design, as it was in the preservation and restoration plan.
- Should specify the inspection cycle and standards for requiring remediation.
- Plan should provide a checklist for maintenance as well as inspection.
- Plan confuses slate and shingles for roof - attention to detail is key.
- Restrictive declaration should match the detailed plans created by the Restoration Architect (Sandy Chung), which were more detailed. .
- Consistency and continuity must be embedded in the declaration.
- Preservation and future remediation should be tied to a standard, for example the standard required of preservation work required in Park Service qualifications.
- Plan must address common areas that are unique to building, such as central stair core, lobby and common room details, stained glass rear yard windows, moldings and columns throughout, mantles.
- Obligation to maintain should not be limited as to future potential ownership structures (current Plan imposes the obligation on a subsequent Condo, but not Co-op or other potential ownership arrangements).
- In rem limitation re remedies - limiting remedies to enforcement against the property and not the owner -- 74-711 should be rarely employed, and only under circumstances in which the community is assured to the greatest extent possible that the preservation obligation will be meaningfully enforced.

- Standard for quality of interior work should match that for exterior.
- Concern as to how well LPC can enforce the preservation plan given chronically limited resources.

RESULT: Applicant will adjourn its hearing before LPC, and will return to the P&P committee at its April 13th meeting.

3. 12-14 West 68th Street. Application to the Landmarks Preservation Commission for legalization of an additional floor on 12 West 68th Street, and of an areaway fence in front of 14 West 68th Street.

Presenters: Former owners Tom Haines and Polly Cleveland. Also present new owner Thijs Menger.

- Applicants claimed to be unaware of the need to have submitted the renovations that they are seeking to legalize to LPC for C of A approval in advance.

Areaway fence in front of 14 West 68th

- Fence subject to the current application approved by Buildings Department, but never submitted to LPC (according to the presenters, it appears that architect dropped the ball).

- 14 West 68th was built as a mansion with a CPW drive entrance in 1872, with an extension added in the 1890s.

- Buildings became subject to Landmark District in 1990.

- Prior to Landmark District designation, applicant had restored the fence in front of 12 West 68th with an antique fence rescued from a demolished cemetery on Long Island.

- Continuation of installation of the same fence in front of 14 West 68th was completed in 1997, after reconstruction of the vault.

- Newly installed fence approximately 7' high, compared with prior 3' areaway fence. Fence now matches on either side of common entrance gateway from sidewalk to paths to 12 and 14 West 68th.

Addition to 12 West 68th

- 12 West 68th was built as an apartment building in 1922.

- Additional floor built on the front portion of the roof of the building, with the rear portion of the roof improved by a roof deck.

- Addition undertaken when required to reinforce the building structure.

- New floor is part of a duplex apartment, which continues the squared-off bay extending forward on the floors below the addition.

- Windows on the addition are casements with a solid-pane transom. Window units are spaced differently on the top floor than the 1-over-1 double-hung windows on the lower floors (some wider, others narrower). A round clerestory window was added to parallel a neighboring window.

- Applicant provided photographs of other buildings on the same block and in the surrounding area on which the top-floor windows do not match the fenestration beneath.

Community Comments and Concerns:

Shaen Begleiter of the West 68th Street Block Association:

- Applicant was respectful of neighbors throughout the construction of the addition and the fence.
- No objection to the addition or the fence.

Committee Comment and Concerns:

- Addition minimally acceptable.

- Windows visible from the street, but the building is set back 40' from the sidewalk, and a large tree partially obscures the view.

- Fence is a welcome addition.

- Building at 12 West 68th is unexceptional, and most likely not the type of specimen intended to be preserved by the Historic District designation.

A resolution to approve the legalization of the fence and the rooftop addition was adopted.
VOTE: 6-0-0-0.

NOTE: Following the meeting, certain members of the committee received a report of the existence of a document that could be construed to cast doubt on the Applicant's claim that it was unaware of the applicability of the LPC regulations.

The Committee has not received or reviewed the documents claimed to contain such information. The Committee will caucus before the April 7, 2009 Full Board meeting and will apprise the Full Board of both its resolution and initial findings, and any additional information it receives concerning the documents referenced or proposed change in its resolution.

4. **154 West 70th** (Broadway). Application to the Landmarks Preservation Commission for restorative work to the storefront facades, and mechanical additions to the rooftop.

Presenters: Neil Weisbard and Jeff Vanderberg of Venderberg Architects.

- Original architect – William Gompert, formerly of McKim Meade & White.
- Building erected in 1900 as a 10- story building; in 1922, 2- stories were added, and it was and converted to hotel.
- Current ground floor on Broadway has been opened up with unattractive aluminum windows with extra-wide panes.
- 70th Street façade has replaced original limestone with stucco.
- Objective:
 - renovate interior, make energy efficient (new elevators, new phased boilers on roof)
 - make ground floor handicap accessible
 - restore Broadway façade architectural details, including framing the windows in cast stone to emulate the original limestone, lining windows with green painted wood to partially obscure new bronze aluminum frames.
 - replace doors for entrances on Broadway and 70th Street
 - lower 70th Street entrance to street level
 - refurbish original metal canopy on 70th Street.
 - enclose interior courtyard with glass on the roof to create atrium.
 - glass covering for atrium with shed glass roof will extend in opposite direction on roof to create a recreation space for residents.
- Mechanicals to be added to roof will be at the same height of existing structures on roof. One new bulkhead for elevator to roof would be visible from a distance on Broadway.
- Eliminating water tower on roof. New bulkhead lower than water tower, but is higher than condensers.
- 70th Street windows will be divided light to match Bway windows.

Committee Comments:

- Restoring architectural elements will enhance the look of the building and the neighborhood.
- Plans are appropriate and in the spirit of restoration sought for a Landmark district.
- Additions to the roof mechanicals are barely visible from the street, and are unobtrusive.
- Asked (without requiring) the applicant to consider a darker green for the painted elements of the new windows.
- Condition approval on correction of plans - designs as presented for the 70th Street façade windows did not reflect the divided panels used on the Broadway windows - Applicant explained that this was an error in drawing and not a design difference, and agreed to correct in future drawings and on the windows as built.

Resolution to approve the application, subject to the correction of the design of the 70th Street windows per above was adopted.

VOTE: 6-0-0-0.

5. **105 West 77th Street.** Application no. 09-5281 to the Landmarks Preservation Commission to legalize the installation of storefront infill without LPC permits.

The applicant was not present when this matter was called on our agenda. The Committee was advised that the applicant had been present earlier in the meeting,

A resolution to disapprove the application because the applicant was not present, and without prejudice to its resubmission at a later time when the applicant is present, was adopted.

VOTE: 6-0-0-0.

6. **118 West 87th Street** (Columbus Avenue). Application to the Landmarks Preservation Commission for the addition of two security cameras and one motion activated light on the front façade of the building, which is otherwise being renovated within LPC guidelines.

Presenter: Janet Olmstead Cross

- Lights and camera being installed to prevent people from sleeping on and befouling stoop area inside stair return on brownstone.
- Camera used by community and police to catch a car arsonist on the street.
- Haven't found better alternative to lights or cameras.
- Cameras are at level of top of parlor floor windows, and resemble metal ornaments used as finials on some older buildings to anchor structural supports
- Light next to stair on inside of stoop, and is a simple design.

Committee:

- Elements are innocuous on visual inspection – can barely see them.

A resolution to approve both the cameras and the light was adopted.

VOTE: 6-0-0-0.

Present: Lenore Norman, Klari Neuwelt, Page Cowley, Mark Diller, Miki Fiegel, Phyllis E. Gunther and Blanche E. Lawton. Board Member: Elizabeth Starkey. Absent: Lindsey Boylan, Molly Gordy and Gabrielle Palitz.

Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

Joint with

Housing Committee,

Victor Gonzalez and Charles Simon, Co-Chairpersons

March 18, 2009

1. Development Challenge Process (Department of Buildings)

Donald Ranshte and Leah Donaldson of the Department of Buildings (DoB) presented the agency's new program to post online the architectural schematics for approved plans. DoB will be requiring a new Zoning Diagram (ZD1) with certain applications. Plans will be organized by borough and community board.

The new process will require architects and engineers to submit diagrams of proposed buildings and major enlargements (i.e., all new construction and additions to the exteriors of existing buildings, regardless of its need for a discretionary zoning approval or special permit), so the public can view the size and scale of any development online before the first shovel hits the ground. Starting at the time of approval (and posting), the public would have 30 days to challenge any portion of DoB's

approval. (The timeframe may change as a result of public input received so far.) Ultimately DoB will post online all the public challenges received and all the DoB determinations made. Once the determinations are posted, the public may appeal the DoB determination to the Board of Standards & Appeals (BSA). Complete timeframe is currently scoped as 135 days. In addition to contributing to governmental transparency and the completion of appropriate buildings, this new system will allow DoB to measure the accuracy and productivity of plan examiners. DoB expects the new requirements to take effect in late April. Suzanne Wertz suggested that DoB use the Building Information System (BIS) to alert the public when plans are first filed. Mr. Ranshte will bring this suggestion back to DoB. John Mark Warren asked about nuisance slowing by random members of the public. Mr. Ranshte noted that it is possible to slow projects in that way even now. Mr. Ranshte was pressed on the concern that egregious problems with plans could slip past local notice and then, after 30 days--or whatever the time period--be beyond correction. He replied that appeals to the commissioner were still possible, and the normal avenue for appeals beyond the commission, to the BSA and to Article 78s, were still available. Still another concern raised was the rights of architects and others to their work: the posting of the drawings/plans on the website would essentially publish on the net valuable proprietary info. The response was that the level of detail published would be outlines that showed conformity with zoning requirements, not proprietary details.

2. Proposed Zoning Text Amendments Regarding the Inclusionary Housing Bonus (Joint with Housing Committee)

Adam Meagher of the Department of City Planning and Elodie Baquerot (Department of Housing Preservation & Development) presented a proposed text amendment to the provisions of the zoning resolution (ZR) relating to the inclusionary housing bonus. This initiative will:

- Upgrade the Inclusionary Housing program to include a permanently affordable homeownership option;
- Increase the number of permanently affordable units that can be created and preserved under the original program, which applies in the highest-density residential districts, by extending provisions of the recently expanded (2005) program; and
- Make technical improvements to the program based on the experience of agencies, developers, and affordable housing groups.

The full text amendment, summary, and presentation are available at http://www.nyc.gov/html/dcp/html/inclusionary_housing/index.shtml. These materials include details of the existing inclusionary housing programs.

In answering a question from Richard Asche, Ms. Baquerot confirmed that approximately 12% of the affordable units created so far in the classical R10 program were built onsite. The new text eliminates the extra incentive for building the affordable units offsite. Manhattan Community District 7 boasts approximately 20% of all affordable units produced by the classical R10 program.

In answering a question from Mark Diller, Ms. Baquerot confirmed the possibility that as an ownership unit appreciates (5% per year), it could move out of its original income band for affordability (e.g., out of reach to those at 80% of AMI, but perhaps affordable to those at 100% of AMI).

The new ownership program is similar to the Mitchell-Lama model of limited equity co-ops, but without the sunset clause, mirroring the permanence of the inclusionary housing rental program.

Mr. Meagher noted that MCB7 comments are due to City Planning by April 27. According to the current schedule, the amendment would be approved and take effect in August.

Outcome/Resolution:

WHEREAS the Department of City Planning (DCP), in close cooperation with the Department of

Housing Preservation and Development (HPD), is proposing a text amendment to the Inclusionary Housing provisions of the Zoning Resolution; and

WHEREAS the proposed amendment increases the flexibility of the Inclusionary Housing programs, including the possibility of home ownership; and

WHEREAS the proposed amendment corrects the discrepancy between the bonus for onsite and offsite affordable units in the R10 program, a longstanding concern of Community Board

7/Manhattan;

THEREFORE BE IT RESOLVED THAT Community Board 7/Manhattan approves the text amendment as presented.

Joint Committee: 11-0-0-0 Public: 1-0-0-0

There being no further business, the meeting was adjourned.

Present: Richard Asche, Page Cowley, Hope Cohen, Victor Gonzalez, Mark Diller, Paul Fischer, Dan Meltzer, Roberta Semer, Tom Vitullo-Martin. Absent: Miki Fiegel, Lawrence Horowitz, Lillian Moore, Liz Samurovich, Ethel Sheffer. Housing Committee Present: Victor Gonzalez, Johnetta Murray. Housing Committee Absent: Charles Simon, Rosa Gonzalez, Lillian Moore, Sharon Parker-Frazier, Liz Samurovich, Board Members Present: Helen Rosenthal.

Youth, Education & Libraries Committee Meeting Minutes

Alberto Cruz and Mark Diller, Co-Chairpersons

March 19, 2009

The Youth, Education & Libraries Committee of Community Board 7/Manhattan met on March 19, 2009 at the offices of the Community Board, 250 West 87th Street in Manhattan. The following topics were discussed.

1. Update on the Renovation of the St. Agnes Branch of the New York Public Library.

Margaret Willis, the site manager, and Carol Soriano of NYPL:

(a) Construction is on schedule; completion of construction anticipated in late June, and Branch to reopen in December 2009.

(b) Highlights of the new facility will include handicap accessibility via ramp and elevator to all floors; new HVAC and boiler system; roof replacement; restored woodwork.

(c) The new layout for the public space within the Branch will include 40 desks with computer and internet access, an increase in shelving area to accommodate an expanded young children's collection; a lounge area with overstuffed chairs for reading in addition to table seating, and an expanded collection with more volumes.

(d) NYPL continues to be concerned that the \$23.2MM anticipated cut to its budget under the Mayor's proposal will require the Branch to reduce to a 5-day week when it reopens, with the length of each day potentially shortened as well.

(e) Demand for Branch libraries increasing with the economic downturn, as job-seekers use additional resources, and many families are seeking ways to reduce costs.

2. Lobby Day.

(a) Parents joined with the UFT to lobby the Legislature in Albany on Tuesday, March 17th.

(b) Parent position papers were crafted by CPAC (Chancellor's Parent Advisory Committee) independently of the DoE.

(c) This marks the 4th year in which parents lobbied the Legislature independently of the DoE, with transportation provided by the UFT.

(d) Among the key concerns voiced by parents were the need for limits on the Mayor's unilateral authority if mayoral control were to be renewed; the need to restore funding for education to the levels promised through the Legislative resolution of the Campaign for Fiscal Equity lawsuit; and the

impact of increasing numbers of charter schools on overcrowding in traditional public schools, especially in Harlem.

3. Testimony before the New York State Assembly Education Committee re Mayoral Control.

(a) Board chair Helen Rosenthal and YEL co-chair Mark Diller testified before the Assembly Education Committee regarding mayoral control and public school governance.

(b) The testimony focused on the need for checks and balances and more responsiveness to parents and professional educators, with attention to both global and local issues.

(c) Comments at the Committee meeting included:

i) the DoE's statistics being used to urge renewal of mayoral control without modification are misleading, particularly concerning claimed improvement in high school graduation rates;

ii) DoE record-keeping has created a separate category of students no longer attending school but not considered to have dropped out, thereby inflating the graduation rate.

4. New High Schools for the Brandeis Complex.

(a) Jennifer Zinn, the principal of Global Learning Collaborative, one of the 3 new high schools slated to open in the Brandeis Complex (f/k/a Brandeis High School):

i) 3 new small high schools to open in September 2009:

(1) Global Learning Collaborative

(2) Urban Assembly School for Green Careers

(3) Innovation Diploma Plus

ii) GLC and Urban Assembly will begin by admitting 9th graders; Innovation will cater to students between 16-20 years old who are seeking to re-engage after leaving traditional high schools.

iii) GLC:

(1) will serve college-bound students, featuring a curriculum designed to develop "globally aware citizens."

(2) collaboration with other cultures will be a premium.

(3) Languages taught will include Spanish and Mandarin.

(4) 90 minute periods, with some subjects on alternating days, will allow greater depth.

(5) creative use of technology such as "voice threads" that allow students to post written and video content, and then post commentary, to create virtual discussions to supplement the live interaction in classrooms.

(6) weekly seminar time to allow flexible space in the schedule for field trips, experts' presentations and broader discussions.

iv) Urban Assembly (CTE School):

(1) Focus on green careers, and the sciences and politics of environmentally sound development.

(2) Emphasis on integrated use of technology in the classroom day, with computers available to students after class hours.

v) Innovation:

(1) seeking to serve students older than traditional population

(2) emphasis on transfers and students returning to formal education after having dropped out

(3) eliminating stigma of being older than peers

(b) Diversity

i) Principal Zinn: Will target ELLs in recruiting for GLC (can speak more definitively about her own program).

ii) Diversity will be a goal at all 3 new schools.

iii) New Schools are aware that Brandeis HS served a robust community of ELLs, and the new schools will offer programs to ensure the ability to meet similar needs going forward.

iv) New Schools will be Unscreened, but principals will have access to data from which to recruit ELLs and students from diverse cultures and backgrounds.

- (c) Strategies to engage parents at a new school, such as parent seminars aimed at both serving parent needs and drawing parallels to students' curriculum.
- (d) Advice and experiences shared re engaging parents; building effective partnerships between schools through a "building council," local resources for the arts and sources of funding.

5. Middle School Closings.

- (a) Following CB7 resolution decrying the DoE's failure to involve parents, educators and the community in decisions concerning whether to close schools and programs, the DoE has unilaterally chosen the school to replace MS 44 in the IS 44 complex without the promised collaboration with the CEC or DLT; and has determined not to replace the zoned school at PS 241, but to give the space entirely to a charter school.
- (b) Experiences reflect on mayoral control.

6. New Business - Supermarket Wine Sales.

- (a) Bill before the Legislature to permit the sale of wine in supermarkets and big box stores.
- (b) Permit for such sales to be available on a short-term basis.
- (c) Concerns include:
 - i) impact on small businesses in our District;
 - ii) erosion of choice from standardization;
 - iii) likelihood that alcohol would become even more readily accessible to minors, as supermarket cashiers, particularly school-aged, may not be as careful as a traditional liquor store in enforcing age limits.
- (d) After deliberation and a motion duly made and seconded, the Committee voted to approve and refer to the full Board a resolution calling on the Legislature not to adopt and the Governor not to sign any bill permitting the sale of wine at supermarkets and big box stores.

VOTE: 5-0-0-0.

7. District Comprehensive Educational Plan.

- (a) The District Leadership Team adopted its DCEP.
- (b) Stimulus funding from the federal government will be received in the form of increased Title I funding.
- (c) Formula for eligibility for Title I funding subject to change.
- (d) Schools in our district, including Brandeis and MS44 (both slated to be closed) were awarded a \$50K grant for curriculum development.

Meeting adjourned at 9:00 pm

Present: Mark Diller, Molly Gordy, Michele Parker and Sharon Parker-Frazier. Absent: Alberto Cruz and Johnetta Murray.

Green Committee Meeting Minutes Elizabeth Starkey and Mel Wymore, Co-Chairpersons March 23, 2009

1. NYC Councilmember David Yassky asked for support for three legislative initiatives he is sponsoring in the City Council.

***Intro 599:** Bioheat Act: This proposed legislation would require all heating oil sold in NYC to contain up to 20% biodiesel fuel by May 2013, starting with 5% in May 2009 and gradually increasing. Biodiesel is a renewable fuel most commonly made from domestically grown soybeans or palm. Its use would reduce emissions that contribute to poor air quality and would

reduce dependence on foreign oil. NYS offers homeowners a tax credit which would make the slightly increased price of biodiesel competitive with petroleum-based diesel. The committee questioned the wisdom of diverting food crops to fuel oil and whether regulation of boiler emissions should be effected by performance standards or by requiring certain fuels to be used. After discussion, the committee agreed to a resolution in support of the legislation.

Re: Resolution in Support of NYC Council Intro 599, the Bioheat Act.

The following facts and concerns were taken into account in arriving at our conclusion:

Biodiesel fuel is a renewable source of energy whose use with petroleum-based diesel would significantly reduce greenhouse emissions in NYC and reduce American dependence on foreign oil;

Most heating systems can operate efficiently with up to 20% blended biodiesel fuel;

NYS offers tax credits, up to 20 cents/gallon, to homeowners who use a blend of biodiesel fuel which would offset the cost of the slightly more expensive biodiesel fuel,

Mayor Bloomberg has announced that NYC is working toward a goal of using a 5% biodiesel blend in City-owned buildings. .

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the proposed legislation, Intro 599 and urges the New York City Council to consider and pass the proposal.

Committee Members: 2-1-0-0, Board Member: 1-0-0-0, Public Committee Members: 4-0-0-0.

***Intro 871: Bicycle Access Bill:** This bill would amend the City's administrative code to require owners or managers of existing commercial buildings to provide access to employees or tenants wishing to access the building with a bicycle. There is no requirement that the buildings provide storage space. The committee agreed to support a resolution in favor of the legislation.

Re: Resolution in Support of NYC Council Intro 871, to amend the NYC administrative code to require owners to permit bicycle access to existing commercial buildings.

The following facts and concerns were taken into account in arriving at our conclusion:

In keeping with the Mayor's sustainability plan, PlaNYC 2030, which encourages cycling in NYC, new legislation in the City Council proposes changes in the administrative code which would insure that cyclists had access to existing commercial buildings.

A survey of cyclists by NYC DCP revealed that the two most common reasons that individuals chose not to commute by bicycles are lack of safe storage and driver behavior /traffic.

Intro 871 is a commonsense measure that would require certain existing commercial buildings to permit bicycles belonging to employees or tenants in the building to be brought into the building where they can be safely stored. The building owner is not required to provide storage.

Intro 871 was the subject of public hearings by the following City Council committees, Transportation, Consumer Affairs and Housing and Buildings. It is supported by more than 23 council members.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the proposed legislation, Intro 871 and urges the New York City Council to consider and pass the proposal.

Committee Members: 3-0-0-0, Board Member: 1-0-0-0, Public Committee Members: 4-0-0-0.

***Intro 930: Sustainable Roof Act.** This bill seeks to encourage property owners and developers to install sustainable roof systems on their buildings by offering J-51 tax abatements. A sustainable roof includes a green roof, with soil and vegetation providing insulation as well as reduction of storm water run-off; a white roof which uses a white coating to reflect UV radiation from the roof, and a solar panel roof, one which is fitted with photovoltaic modules which transform the sun's thermal energy into electricity. Partial tax exemptions and abatements offered by NYC HPD's J-51 tax abatement program, would greatly reduce the cost to the property owner over a 20 year period. After discussion, the committee agreed to support a resolution in favor of Intro

Re: Resolution in Support of NYC Council Intro 930, the Sustainable Roof Act which would extend J-51 tax benefits to property owners and developers who installed a sustainable roof on their buildings.

The following facts and concerns were taken into account in arriving at our conclusion:

Sustainable roofing systems can reduce the effect of local air pollution, decrease storm water run-off and/or promote energy efficiency, and

Tax credits and/or abatements will encourage the construction of sustainable roofs by offering financial incentives to building owners to off-set the new construction costs,

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the proposed legislation, Intro 930 and urges the New York City Council to consider and pass the proposal.

Committee Members: 3-0-0-0, Board Member: 1-0-0-0, Public Committee Members: 4-0-0-0.

2. Presentation by Craig Michaels, Watershed Program Director, Riverkeeper, Inc. on potential pollution of NYC watershed and drinking water by upstate drilling for natural gas.

The Delaware/Catskills Watershed, which produces 90% of NYC drinking water, is threatened by natural gas producers who wish to use a highly toxic form of drilling, called “hydraulic fracturing” in order to extract natural gas from the Marcellus Shale, which stretches from West Virginia to New York. Because the natural gas is trapped in rock formations, the drillers pump water into the ground under extremely high pressure. The water, which contains many highly toxic chemicals, breaks up the rock formations and releases the natural gas which is then pumped out, along with the contaminated water. The contaminated water is collected in “ponds” from which it has the potential to leak into groundwater and from there into NYC water supply. Experience with this type of drilling in Wyoming and more recently in Pennsylvania have revealed the extent of the dangers to the environment and, most particularly, to the drinking water. The Delaware/Catskills Watershed provides unfiltered, very pure water to more than 9 million people. The NYS DEC is currently reviewing the damaging impact that gas drilling would have on the NYC water supply. After discussion, the committee voted in favor of a resolution banning natural gas drilling in New York City’s upstate watershed and elsewhere in New York State.

Re: Resolution in Support of Banning Natural Gas Drilling in NYC’s upstate watershed and elsewhere in New York State.

The following facts and concerns were taken into account in arriving at our conclusion:

The Delaware/Catskills Watershed produces 90% of NYC’s drinking water, providing unfiltered, excellent water to more than 9 million people.

The continued safety and purity of that drinking supply is threatened by the possible introduction into the watershed of “hydraulic fracturing,” a drilling process that injects water under extreme pressure, mixed with toxic chemicals, into the ground in order to break up the rock formations and permit the extraction of natural gas. The process produces contaminated water which is highly likely to seep into the watershed and pollute the NYC water supply.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan strongly urges Governor Paterson and the NYS DEC to ban such drilling in the Delaware/Catskills Watershed and in aquifers and watersheds elsewhere in New York State.

Committee Members: 3-0-0-0. Public Committee Members: 4-0-0-0.

3. Prior to the Green Committee meeting, CB7 hosted a meeting of the Climate Change Coalition/NYC . The group included representatives from many sponsors and co-sponsors of the Climate Change forum in November. Each representative was asked to describe his/her group’s activities. Suggestions for future initiatives were discussed.

Next meeting: Monday, April 27, 2009

6 p.m. to 7 p.m: Tentative. Meeting of the Climate Change Coalition with CB7 environmental and green groups to plan for next forum/action initiative of the Climate Change Coalition.

7 p.m. Green Committee Agenda

1. Discussion of Product Stewardship with Kate Sinding, Esq., Senior Attorney from NRDC.
2. Discussion of recent PlaNYC report on prospect of rising sea levels in NYC
3. Discussion of Green Committee's goals for 2009

Present: Elizabeth Starkey, Hope Cohen, Phyllis Gunther; Board Chair Helen Rosenthal. Public Members: Paul Reale, Olive Freud, Parvati Devi, Cynthia Doty. Absent: Mel Wymore.