



COMMUNITY BOARD 7/MANHATTAN
Minutes of Full Board Meeting

Community Board 7/Manhattan's Full Board met on Tuesday, March 3, 2015 at Fordham University in the District. Chair Elizabeth R. Caputo called the meeting to order at 6:45 pm after the Secretary had confirmed the existence of a quorum.

Minutes from previous full board meeting were **approved:** 25-0-0-0.

Chair's Report: Elizabeth R. Caputo

- Announced 1-minute time limits for commentary by Board members and the community due to heavy agenda.
- Electeds' representatives invited to leave updates at the back of the room.
- On 3/18/15 the City Planning Commission will be voting on minor modifications to Riverside South, including:
 - Giving Collegiate School permission to build its school on a site originally designated for a residential building; and
 - Giving Collegiate School permission to construct 55 affordable housing units (that would have been included in the residential building originally contemplated for that site) off-site.
- To prepare for the 3/18/15 City Planning Commission meeting, on 3/9/15 at 6:30 pm CB7 will be hosting a joint meeting of the Housing Committee, Land Use Committee, Transportation Committee, to discuss the proposed locale for those 55 affordable housing units (check CB7 website for details).
- Tomorrow, CB7 will post to its website a survey through which members of the community may provide feedback on the changes to West End Avenue that seek to enhance pedestrian safety.
- New Board members may be in attendance at the 4/7/15 CB7 Board meeting.
- Joanne Imohiosen will not be serving on CB7 next year; the Chair expressed thanks to Joanne for her years of dedicated service.
- On 3/31/15 the Business & Consumer Issues Committee will host a Business to Business networking event ("B2B event") at the American Folk Art Museum; the focus will be small businesses utilization of social media.

Manhattan Borough President's Report, Diana Howard

- On 3/12/15 from 9 am – 10:30 am the BP is hosting a meeting during which the Deputy CEO of the NYS Liquor Authority will meet with Community Board Chairs, District Managers, and Business & Consumer Issues Chairs to discuss liquor licensing, enforcement and response to community concerns
- On 3/30/15 from 4:30 pm – 6:30 pm the BP is hosting a "Technology Mixer" to bring together technology organizations and schools seeking partnerships with technology organizations.
- The BP is providing the public with an opportunity to give input regarding the Borough's budget priorities via an online survey.
- The BP received 700 applications for positions on Manhattan Community Boards.



- There were 74 applications for positions on CB7. There were more applicants for CB7 than for any other Manhattan Community Board.
- The BP has already begun interviewing the applicants.

Reports by Elected Officials:

Helen Rosenthal, City Council Member, 6th District

- Thanked the Board for the resolution re: Air BnB.
- Believes strongly that worker cooperatives offer opportunities for individuals to advance to the middle class. Had meeting today where the benefit of these cooperatives became apparent. Will add a page to her website that will discuss worker cooperatives and will promote them going forward.
- Participatory budget voting will occur next month. This will be the first time that all residents of the UWS will have an opportunity to vote as to how we spend our money. Thanked Mark Diller for his work on the process. Residents will be able to choose from 12 initiatives. Absentee ballots will also be available.
- Introduced resolution to make NYC a Trans Pacific Partnership-free zone; does not think that it will pass the Council because there isn't an appetite for people to take the issue on, especially with enough time for it to affect the work of Congress or the President.
- Inquiry from Board Member regarding the Council encouraging the use of Union labor; he has been on non-union construction sites and the difference in quality is stark.

Community Session:

Cynthia Doty, District Leader

- The Board of Elections is seeking poll workers.
- Prospective poll workers can apply online at <https://nyc.electiondayworker.com>, and will be required to take classes during the summer.
- If selected, the poll workers can work in all primaries and elections between 9/2015 and 9/2016.
- Information regarding voter registration can be found at <http://vote.nyc.ny.us> and at any U.S. Post Office.

Yajaira Mejia, Bloomingdale Branch of the NY Public Library

- The branch has a program for children ages 5 – 12 to practice reading skills by reading to a licensed therapy dog.
- Change in out-door book drop hours: now available between 6 am & 9 pm weekdays; available on Saturdays between 9 am & 5 pm; unavailable on Sundays.

Sean Donovan, Resident

- Asked CB7 to call for a stop work order regarding Columbia Grammar & Prep School due to their failure to follow the BSA stipulations.

Peter Arndtsen, Columbus/Amsterdam BID

- El Taller has moved to St. Michael's Church on West 99th Street pending its move to the East Side.



- On 3/16/15 at 6:30 pm the BID is sponsoring a program at the American Youth Hostel on how to use high tech tools to research the history of UWS buildings.
- On 3/29/at at 1 pm the BID is sponsoring a tour of the Bloomingdale Neighborhood.
- There is an exhibit at the Cathedral of St. John the Divine; it is about to end; if you wish to see the exhibits, go immediately.

Alex Zamudio, Columbus/Amsterdam BID

- New credit cards have a special security chip. Businesses should know that under new regulations, if a business processes a transaction without using the chip, and if the transaction is found to be fraudulent, the business that failed to use the chip is liable to the credit card holder.

Business Session

Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

55 Amsterdam Avenue, d/b/a Bod Fitness (West 62nd Street.) Application #9-15-BZ to the Board of Standards & Appeals by West 62nd Street LLC for a special permit to operate a Physical Culture Establishment or health club at the subject premises.

- The co-chair introduced the resolution.

After deliberation, the resolution to approve was adopted: **38-0-0-0.**

160 Columbus Avenue, d/b/a Equinox (West 68th Street.) Application #17-93-BZ to the Board of Standards & Appeals by Equinox SC Upper West Side, Inc. for an extension of the term special permit to operate a Physical Culture Establishment at the subject premises, and a change in the owner/operator to Equinox.

- The co-chair introduced the resolution.

After deliberation, the resolution to approve was adopted: **36-0-1-0.**

Transportation Committee,

Andrew Albert and Dan Zweig, Co-Chairpersons

NYC Department of Transportation's Lincoln Square Bow-Tie Pedestrian Safety Project.

- CB7 Chair commends Co-Chairs of Transportation Committee.
- Monica Blum, President of Lincoln Square BID, supports most of the proposed bow-tie plan:
 - CB7 should hold DOT to CB7's demand in CB7's resolution to fix ponding in the area
 - CB7 should demand that the plan be amended to permit pedestrians to cross from Dante Park directly to the east side of Broadway rather than insisting on crossing at 64th Street
 - If DOT extends Dante Park and Tucker Park, CB7 should insist that DOT makes sure the surface is level between the current and new areas of each park
 - CB7 should demand that if the pedestrian malls are reconfigured, bricks rather than asphalt should be used for the malls' surface
 - CB7 should insist that the openings in the malls in the bow-tie area should be widened to accommodate the large number of pedestrians
 - Ms. Blum believes having a bus stop adjacent to Tucker Park is a great idea.
- Detta Ahl: Thanks Transportation Committee for considering improvements to the bow-tie area; she hopes CB7 agrees to the proposed changes.



- Reed Rubey: Thanks CB7 and DOT; urges CB7 to adopt the bow-tie plan.
- Co-Chairs:
 - The Dept of Transportation proposal for the bow-tie (covering West 67th Street to West 62nd Street on and adjacent to Broadway and Columbus Avenue) is set forth at <http://www.nyc.gov/html/dot/downloads/pdf/2015-02-lincoln-square-bow-tie.pdf> and is incorporated herein. It calls for new traffic patterns [e.g., preventing southbound vehicles (except buses) from proceeding from southbound Columbus Avenue onto southbound Broadway; preventing certain eastbound and westbound turns by vehicles; new crosswalk configurations; certain lanes redesignated from parking lanes to dedicated turning lanes; bus stop at West 66th Street and Columbus, at which three buses currently pick up and discharge passengers, to be redesignated, so that only one bus is matched with that bus stop and the other two buses each have their own bus stop; extending the pedestrian area adjacent to the W 66 St subway station so, when passengers exit that station, they do not immediately spill into traffic lanes; relief of ponding after heavy rains; clearer markings for pedestrian crossings and bike lanes; new signage giving vehicles and pedestrians advance notice of changes; 4 audible pedestrian crossing signals to be installed; entrances from Broadway pedestrian malls to crosswalks to be enlarged; among other things]
 - The resolution approves DOT's Lincoln Square Bow-Tie Project while recommending that ponding be corrected and that the bicycle route between W. 67 St and . 64 St have a more robust & permanent delineation
- Bd Member's question: Why should we approve the ban on turns onto W. 64 St when such turns are not problematic?
 - Co-Chairs:
 - Notwithstanding that it will be in the resolution (if adopted) and plan, there is still time to study whether or not this ban is really needed; and there is still time to eliminate that turning ban if it turns out that it is not needed
 - If we disapprove the plan based on that relatively small objection, the entire plan will be delayed
 - After weighing the merits of both approaches, it is better to approve the DOT's plan as is and consider that 1 issue later; if we decide that turning ban is unnecessary, CB7 can always pass a resolution requesting DOT to eliminate that particular turning ban
- Bd Member's comment: The pedestrian bump-outs at West 72 St & Riverside Drive have been disappointing; therefore CB7 should consider calling for them to be excluded from DOT's plans for the bow-tie
- Bd Member's comment: In the letter of transmittal letter to DOT, CB7 should indicate that DOT should take care to preserve the loading zones of the businesses and hotels impacted by the plan, and to keep an open mind on the need for the ban on turning onto W 64 St
- Monica Blum: DOT has indicated it will effectuate regulations to protect the loading zones.

After deliberation, the resolution to approve, with added recommendations, was adopted: **38-0-2-0.**

Youth, Education & Libraries Committee

**Blanche Lawton and Eric Shuffler, Co-Chairpersons**

The proposed Jewish Home Lifecare development on West 97th Street.

- The Co-Chair introduced the resolution.
- Public Comment
 - Susannah Fritton
 - P.S. 163 Parent; Member, Task Force for a Safe School.
 - Thanked committee and board for considering the resolution.
 - Reiterated part of resolution re: the lack of mitigation for construction impact on the school.
 - Process has not been “neighborly”.
 - Glory Ann Kerstein
 - Duke Ellington Block Neighborhood Association.
 - Supports JHL staying at 106th St.
 - Ed Garelick
 - Park West Village Tenant Association.
 - Spoke to traffic study on 106th street and W. 97th Street. Double wide street vs. single width street.
 - Julie Leak
 - Park West Village Resident.
 - Spoke in support of resolution.
 - Information regarding sanitation and medical waste has been ignored.
 - Winifred Armstrong
 - Park West Village Resident.
 - Thanked Board for resolution; spoke in support of the resolution.
 - Believes that professional expert and community opinion has been ignored by the government.
 - Jason Behrstock
 - Member, Coalition for Safe Schools.
 - Lots of public support for this sentiment; supported the resolution.
 - Eileen Salzig
 - Resident of Park West Village.
 - Thanked Board for resolution addressing inadequacy of the traffic study.
 - Hillel Hoffman
 - Lives adjacent to the proposed construction site.
 - Supports JHL staying at 106th Street.
- Board Discussion
 - Co-Chair indicated that he is glad that the Community Board has decided to act on this important issue and provide a yea or nay on the issue.
 - Acknowledged Mark Diller for putting time into drafting the resolution.
 - Thanked community input that helped shape the resolution.
 - Concerned of proposed project’s long-term impact on P.S. 163.
 - Spent almost 2 years on community advisory board to bring about the JHL on 106th Street; unfortunately, that site is not on the table.
 - Traffic situation requires addressing.
 - A Member proposed that we amend the resolution so that JHL would consider redevelopment at 106th street; that point is already reflected in the resolution.
 - Certificate of Need already has been approved in 2012, but that was before the EIS was issued.
 - Board Member inquired as to whom the letter will be addressed.



- JHL has submitted a letter into the record, but did not appear.

After deliberation, the resolution to approve was adopted: **34-0-6-0.**

Housing Committee

Nick Prigo, Chairperson

Illegal Hotels & Multiple Dwelling Law Modification Request from AirBnB.

- The Committee Chair introduced the resolution.
 - Multiple Dwelling Law bans short-term rentals (less than 30 days).
 - AirBnB asked for a modification to this law so that their business may be in line with the law.
 - Housing Committee reviewed housing stock on the UWS; looked at affordable housing (from NYCHA to rent regulation, etc.) differently from market rate buildings. Unified in view that AirBnB's request should be opposed, at least for affordable housing. More debate on market rate housing, but on a close vote, determined that market rate housing also should not be open to the AirBnB paradigm.
 - Wants more enforcement on this issue.
- Board Discussion:
 - Not illegal to rent a room if the occupant in a market rate apartment is still there.
 - Particular bad actors have converted entire buildings into AirBnB properties.
 - A member questioned whether regulation may be better than a ban.
 - AirBnB sent global head of public policy to represent its interests at the Housing Committee meeting.
 - CB Member proposed a friendly amendment to split the resolution into two, one dealing with rent regulated housing and the other with market rate housing; the proposal was not accepted.
 - Between lease restrictions, rent stabilization leases, rent control laws and co-op rules, there is a very small market on which the MDL has an effect.
 - Committee member who voted no at the Committee level spoke to his reasoning. Voted no because this service is a byproduct of unaffordable rents to begin with. If legislated out of existence, it will thrive in the margins, on places like Craigslist. Encouraged a look at the San Francisco model, which involves registration and the payment of taxes.
 - More members stated their support for regulation instead of a ban.
 - Many people who have looked at the issue have found that this results in upward pricing pressure on rental rates.
 - Regarding enforcement, the onus is on neighbors to call 311. Read the resolution and clarified its meaning; shift responsibility to owners who are posting their apartments; focus proactive enforcement to those who rent their apartment for long period of time.
 - Other commentary supported the resolution, in particular in a city where landlords are able to harass their tenants; also, landlords could earn more every month from temporary stays and so the landlord will choose the transient over the permanent resident; San Francisco model is ridiculous because people lie. Opposed to any change to the MDL.

After deliberation, the resolution to approve was adopted: **28-10-3-0.**

Preservation Committee

Jay Adolf and Gabrielle Palitz, Co-Chairpersons



5 Riverside Drive, Apt. 8B (West 73rd Street.) Application #16-3561 to the Landmarks Preservation Commission for window replacement in Apartment 8B.

- The Co-Chair introduced the resolution:
 - Many windows that have already been installed depart from original window style.
 - If master plan were adopted for windows analogous to original style, it would take generations to effectuate compliance with master plan.
 - Under these circumstances, the Committee recommended approval of tilt & turn windows that match the majority of windows on Riverside Drive side of building.
- Board Discussion
 - As this building does not itself qualify for historic preservation status; as it is merely within a historic district; the Committee's recommendation makes sense
 - Doesn't want each window of a building to be different; we should follow precedent from the East Side and require buildings in historic districts to install windows consistent with the historic style of the buildings for which they serve as fenestration.

After deliberation, the resolution to approve was adopted: **32-3-1-0.**

38 West 83rd Street (Columbus Avenue – Central Park West.) Application #16-4475 to the Landmarks Preservation Commission to legalize window replacement and facade and areaway work performed without Landmarks Preservation Commission permits.

- The Co-Chair introduced the resolution.

After deliberation, the resolution to disapprove without prejudice was adopted: **36-0-0-0.**

315 & 325 West 85th Street, Metropolitan Montessori School (West End Avenue.) Application #16-6889 to the Landmarks Preservation Commission for a five story, 9' 7" in deep rear addition to 325 West 85th Street and a one-story rooftop addition to 315 West 85th Street to house additional classrooms and educational office space.

- The Co-Chair introduced the resolution:
 - The school has outgrown its current facilities; it bought an additional building; it wants to integrate them.
- Eric DiVincenzo, who lives at 311 W. 85th St., which shares a wall with 315 W. 85th St., is waiting for a response to his concerns, namely does his chimney have to be extended; will there be installations preventing the schoolchildren from coming onto his roof; how will these commitments be enforced?

After deliberation, the resolution to approve was adopted: **33-3-1-0.**

263 West 93rd Street (West End Avenue - Broadway.) Application #16-0557 to the Landmarks Preservation Commission to construct rear yard and rooftop additions, create a new masonry opening and excavation at the rear yard.

- The Co-Chair introduced the resolution:
 - The applicants wants to remove the current rear addition (which resembles those on the buildings to the immediate east and west) and build a new addition, which, while less deep than former addition, would be wider (*i.e.*, the full width of the townhouse) and would have a modern façade (completely different than those to the immediate east and west).
- Board Discussion



- The new addition would be very different from those of the townhouses to the immediate east and west of 263 W. 93rd St.
- Because the proposed rear addition is to the middle building, it is less offensive than if it had been constructed to the building to the east or west of the applicant's building.

After deliberation, the resolution to approve adopted: **29-4-3-0.**

Business & Consumer Issues Committee

Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons

Unenclosed Sidewalk Café Renewal Applications.

2178 Broadway (West 77th Street.) Renewal application # 1418144-DCA to the Department of Consumer Affairs by Serafina 77 West, LLC, d/b/a Serafina, for a four-year consent to operate an unenclosed sidewalk café with 38 tables and 76 seats.

- The Co-Chair introduced the resolution.

After deliberation, the resolution to approve was adopted: **33-4-0-0.**

2463 Broadway (West 91st Street.) Renewal application # 1277778-DCA to the Department of Consumer Affairs by PQ Upper West, Inc., d/b/a Le Pain Quotidien, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats;

2479 Broadway (West 92nd Street.) Renewal application DCA# 1278350 to the Department of Consumer Affairs by Katouna, Inc., d/b/a Perfecto, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 48 seats;

2745 Broadway (West 105th Street.) Renewal application # 1025180-DCA to the Department of Consumer Affairs by Grillo, LTD, d/b/a Henry's, for a four-year consent to operate an unenclosed sidewalk café with 21 tables and 62 seats.

- Without objection, these three applications were bundled for consideration.
- The Co-Chair introduced the resolution.

After deliberation, the resolution to approve was adopted: 33-0-0-0.

SLA Alteration Licenses:

100 Columbus Avenue (West 64th Street/Lincoln Center.) Lincoln Center Performing Arts and Restaurant Services I, LLC, d/b/a Avery Fisher Hall.

- The Co-Chair introduced the resolution.
- Elena Williams for Lincoln Center clarified that the applicant submitted a plan with dimensions in response to the Committee's queries.

After deliberation, the resolution to approve was adopted: **31-1-1-1**

1941 – 47 Broadway (West 66th Street / Lincoln Center.) Lincoln Center Performing Arts and Restaurant Services I, LLC, d/b/a Alice Tully Hall.

- The Co-Chair introduced the resolution.
- Elena Williams for Lincoln Center clarified that this is an application to add a bar inside Alice Tully Hall.



After deliberation, the resolution to approve was adopted: **36-0-0-1.**

New applications to the SLA for two-year liquor licenses.

103 West 70th Street (Columbus Avenue.) Amber 103 West Inc., d/b/a To be Determined;
320 Columbus Avenue (West 75th Street.) ShreeJI Swami Restaurant Inc., d/b/a Saffron Indian Cuisine;
224 West 104th Street (Broadway.) Singapore Grille NY Inc., d/b/a to be Determined.

- Without objection, the above three resolutions were bundled for consideration.
- The Co-Chair introduced the resolutions.

After deliberation, the resolution to approve was adopted: **35-0-0-0**

210 West 70th Street (Broadway.) Applications to the SLA for a two-year liquor license by Lincoln Square Steak, LLC, d/b/a Lincoln Square Steak.

- The Co-Chair introduced the resolution:
 - To reduce neighbors' prospective complaints re: music, the applicant agreed to noise abatement installations; to refrain from DJ music; to stop music after 11 pm; and to send a sound engineer to do noise abatement testing in the apartment of the neighbor who might be affected by sound emanating from the applicant's premises.
- Neighbor, Carol Viano, says she continues to hear music from the applicant's premises

After deliberation, the resolution to approve was adopted: **33-0-0-0.**

2756 Broadway (West 106th Street.) 2756 Broadway LLC, d/b/a to be Determined. Application to the SLA to serve liquor in Outdoor Area: Gardens/Grounds. (backyard)

- The Co-Chair introduced the resolution:
 - The new owner represents that he has an easement from the Department of Buildings to serve patrons in the backyard space and represents there will be no music played in backyard.
- Michael Ferrari, attorney for the owner:
 - The owner does not want to be struggle with complaints by neighbors; restaurants have backyards in which customers are served throughout the 5 boroughs with no problem; this backyard space has 72 chairs and 36 tables; the owner cannot run this establishment without serving customers in the backyard
- The applicant has agreed to an assortment of noise abatement installation techniques including: installation of fabric (with sound absorption capacity) on the walls of the buildings surrounding the garden & under the tables; installation of umbrellas with sound absorption capacity above the tables; and landscaping for sound abatement. The applicant will close the backyard to customers at 10 pm on Sun-Wed and at 11 pm on Thurs-Sat; it will repair fire egress path to W. 106th Sts; it will return to Committee in 1 year to review whether or not there have been noise complaints and whether or not the applicant has complied with its promises to the Committee and CB7.
- Board Discussion:
 - Instead of the approach in the current resolution, the Board should approve the application pending installation of noise abatement techniques resulting in no more than a



- specified level of decibels. With this approach, CB7 focuses on the results, not on the steps needed to bring decibels to that level.
- Applicant should be held to the decibel level equivalent to that acceptable in comparable outdoor spaces

After deliberation, the resolution, disapproving unless the applicant includes the stipulations in its Method of Operation, was approved: **22-10-2-0**.

New Unenclosed Sidewalk Café Application:

2756 Broadway (West 106th Street.) Renewal application # 1421212-DCA to the Department of Consumer Affairs by Five Lamps Corp., d/b/a Five Lamps Tavern, for a four-year consent to operate an unenclosed sidewalk café with 12 tables and 32 seats (on Broadway).

- The Co-Chair introduced the resolution.

After deliberation, the resolution to approve was adopted: **34-0-0-0**.

After motion made and duly seconded, the meeting was adjourned at 9:58 pm.

Present: Elizabeth Caputo, Jay Adolf, Andrew Albert, Linda Alexander, Richard Asche, Isaac Booker, Steven Brown, Kenneth Coughlin, Page Cowley, Catherine DeLazzer, Mark N. Diller, Miki Fiegel, Sheldon J. Fine, Paul Fischer, DeNora Getachew, Rita Genn, Matthew Holtzman, Benjamin Howard-Cooper, Meisha Hunter Burkett, Audrey Isaacs, Brian Jenks, Genora Johnson, Lee Ping Kwan, Blanche E. Lawton, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Nick Prigo, Anne Raphael, Jeannette Rausch, Richard Robbins, Suzanne Robotti, Madge Rosenberg, Peter Samton, David Sasscer, Roberta Semer, Ethel Sheffer, Eric Shuffler, Polly Spain, Mel Wymore, Howard Yaruss and Dan Zweig. **Absent:** Robert Espier, Marc Glazer, Joanne Imohiosen, Madelyn Innocent, Lillian Moore, Jaye B. Smalley and George Zeppenfeldt-Cestero.



Business & Consumer Issues Committee Meeting Minutes
Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons
March 11, 2015 at 7:00PM

1. Announcement of B2B on Tuesday, March 31, 6:00-8:00PM, at the American Folk Art Museum, 2 Lincoln Square (Columbus Avenue at West 66th Street). Social Media focus. Guest speaker to be announced.

Chairs announced CB7 members would be at the SLA meeting tomorrow at Borough President's office on 3/12. Chairs asked twice whether people were attending at the behest of CM Rosenthal's office to discuss issues regarding Gabriella's, Kefi, Mila and Blockheads. No one responded.

Special Announcement: Peter Arndsten and Alex Zamudio announced that all shop owners will be responsible for fraud if they do not put in the new chip readers. Chairs invited the manufacturers to upcoming B2B.

Unenclosed Café Renewal Applications:

2. **286 Columbus Avenue** (West 73rd – 74th Streets.) Renewal application # 1231072-DCA to the Department of Consumer Affairs by Wine and Roses Bar and Cafes, LLC, d/b/a Wine & Roses, for a four-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Presenting: Jennifer Klein, jen@wrbar.com. Su Robotti visited and chose the wrong venue. Ms. Klein presented list of postings. Configuration remains the same, there are no bike deliveries. No credit card minimums. Committee **Approves:** 7-0-0-0

3. **2607 Broadway** (West 98th – 99th Street.) Renewal application # 1345744-DCA to the Department of Consumer Affairs by Workhorse Restaurant, Inc., d/b/a Regional, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.

Paul Fischer viewed and said there were no postings. Owners and representatives did not appear. Committee Disapproves without Prejudice: 7-0-0-0

Enclosed Café Renewal Applications:

4. **200 Columbus Avenue** (West 69th Street.) Renewal application # 1271565-DCA/ ULURP# N110325ECM to the Department of Consumer Affairs by Magnolia Columbus Avenue, LLC, d/b/a Magnolia Bakery, for a four-year consent to operate an enclosed sidewalk café with 15 tables and 39 seats. Joanne Imihiosen viewed and said there were postings. **Presenting: Michael Kelly on behalf of owner.** No credit card minimums. No changes to configuration.

Community member Mark Dooley said "they run a good show." Committee **Approves:** 7-0-0-0

5. **2518 Broadway** (West 94th Street.) Renewal application # 1353598-DCA/ ULURP# N140422ECM to the Department of Consumer Affairs by 94 Corner Café Corp., d/b/a 94 Corner Café, for a four-year consent to operate an enclosed sidewalk café with 5 tables and 20 seats. **Presenting: Alexander Zarwi, kzarwi@gmail.com.** George Zeppenfeldt-Cestero confirmed postings and Mr. Zarwi submitted postings list. The seating configuration remains the same. Committee **Approves: 7-0-0-0**

Postscript: Mr. Karwi issued a complaint about sidewalk vendors selling coffee, gyros and pizza having a deleterious effect on his business. Michelle Parker would like to put it onto the agenda next month. Co-chairs for Transportation are being contacted.

6. **2636 Broadway** (West 99th – 100th Street.) Renewal application # 1169442-DCA/ ULURP# N120375ECM to the Department of Consumer Affairs by PS Brothers Gourmet, Inc., d/b/a Indus Valley, for a four-year consent to operate an enclosed sidewalk café with 11 tables and 24 seats.



Presenting Phuman Singh, Owner, Phuman@gmail.com. Paul Fischer said there were only SLA postings but not the DCA sidewalk café postings. Mr. Singh said he was in India and was not aware of the request for posting. Chair has asked Mr. Singh to call the office, get the postings flyers and post before Full Board. Committee **Approves** with the agreement that applicant will post prior to Full Board on April 7: 7-0-0-0

7. **2787 Broadway** (West 107th Street.) Renewal application # 1147364-DCA/ ULURP #N140427ECM to the Department of Consumer Affairs by Hillview Specialty Food Inc., d/b/a 107th West Restaurant, for a four-year consent to operate an enclosed sidewalk café with 13 tables and 26 seats. Presenting: Thomas Hui, sou_chef@hotmail.com. Brian Jenks viewed and said there postings on poles and in immediate area and additional addresses were submitted. Mr. Hui has delivery people and submitted photographs. George Z-C requested larger signs be placed on the back of the bike messengers' jackets. Committee **Approves**: 7-0-0-0

Application to the SLA for a two-year liquor license:

8. **416 Amsterdam Avenue** (West 80th Street.) LWB Hospitality Group LLC, d/b/a Hummus Kitchen. Application withdrawn.

New Unenclosed Café Applications:

9. **311 Amsterdam Avenue** (West 74th – 75th Streets.) New Application #1874-2015-ASWC to the Department of Consumer Affairs by Fusha 311 West, Inc., d/b/a Fusha Sushi Bar Asian Cuisine, for a four-year consent to operate an unenclosed sidewalk café with 15 tables and 32 seats.

Presenting was owners' representative: James Wong, WJagencyinc@gmail.com. He submitted comprehensive postings list and explained that the owner had reincorporated which required new application for sidewalk license. In addition, the sidewalk café has been reduced in size by half. Committee **Approves**: 7-0-0-0

10. **320 Amsterdam Avenue** (West 75th – 76th Streets.) New Application #1941-2015-ASWC to the Department of Consumer Affairs by Cactus Pear, LLC, d/b/a to be determined, for a four-year consent to operate an unenclosed sidewalk café with 18 tables and 54 seats. Presenting: **Robert Guarino**, Robert@5napkinburger.com; **Eugene Ashe**, Genethewriter@aol.com; **Thomas Wilson**, bigbarque@gmail.com. Hoping to open in June. Adding a few more tables, but taking up less space. Matt Holtzman confirmed the postings were good. Applicant is requesting phone booths be removed. Committee **Approves**: 7-0-0-0

11. **489 Columbus Avenue** (West 83rd – 84th Streets.) New Application #1505-2015-ASWC to the Department of Consumer Affairs by Shree Laxmi Cuisine, Inc., d/b/a Savory Indian Cuisine, for a four-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats. Presenting: Abishek Sharma, Abishek13@gmail.com. He submitted postings and photos of bike delivery staff. George Z-C requested larger signage on the back of their jackets. Michelle Parker pointed out sidewalk café was four inches too wide.. Applicants will return with revised plans conforming to nine feet width, conforming with guidelines. Committee **Approves** 7-0-0-0

12. **898 Amsterdam Avenue** (West 103rd – 104th Streets.) New Application #1834-2015-ASWC to the Department of Consumer Affairs by Primavera Mexican, LLC., d/b/a Casa Mexicana, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 22 seats. Presenting: Mike Kelly expediter. Photographs of the postings were submitted, photographs of delivery bike messenger vests conformed with committee criteria.

Peter Arndsten said the new owners were doing a great job. Committee **Approves**: 7-0-0-0



Present: George Zeppenfeldt-Cestero, Michele Parker, Linda Alexander, Paul Fischer, Joanne Imohiosen, Brian Jenks and Suzanne Robotti. **Absent:** Marc Glazer, Matthew Holtzman and Anne Raphael.



**Transportation Committee Meeting Minutes
Andrew Albert and Dan Zweig, Co-Chairpersons
March 10, 2015, 7:00 PM**

Meeting called to order at 7:07 pm

1. Discussion of crash statistics/patters in the 24th Precinct with Captain Timothy Malin

Capt. Malin said that vehicular crashes in the precinct have risen since the beginning of this year compared to the same period last year – 235 collisions from Jan. 1 to Feb. 26, 2015, versus 202 over the same period in 2014. However, the number of collisions involving injuries is down (40 in 2015 compared to 45 in 2014), as is the number of pedestrians struck (17 in 2015 versus 26 in 2014). The number of occupants in injury-causing collisions has almost doubled, from 18 in 2014 to 35 in 2015, meaning that when there has been a collision involving injuries, more people have been injured per collision. He said that a couple of vans colliding can skew the numbers, and that's in part the case here. Interestingly, only 16 of the 185 motorists involved in collisions lived in the precinct. There has not been a fatality in the 24th precinct since September of 2014, whereas six pedestrians died in the precinct in 2014. The shorthand message, he said, is more vehicle-on-vehicle collisions but fewer pedestrian injuries. Only one cyclist was struck in the most recent 28-day period, although he said that will likely go up as the weather warms.

Capt. Malin said that the precinct has issued slightly more moving violations this year than last (1,385 versus 1,335), even though during the first three weeks of the year virtually no summonses were being written for political reasons. Malin highlighted a marked increase in the enforcement of certain so-called "Vision Zero" violations – red-light running, improper turns, failure to yield, speeding and disobeying signage.

VIOLATION	2014	2015	% change
Red lights	65	99	+53.3%
Improper turns	121	153	+25.4%
Failure to yield	115	138	+20%
Speeding	40	97	+142%
Disobey sign	132	372	+181%

Capt. Malin said he places the most emphasis on failure to yield to pedestrians. Cell phone use while driving is also a Vision Zero violation but these violations are down due to the proliferation of Bluetooth devices.

Malin said that the top crash locations over the most recent 28-day period have been 110th and Central Park West, 96th and Broadway and 100th and Columbus. The top three locations for pedestrian injuries were 90th and Broadway, 95th and Broadway and 91st and Amsterdam.

Malin was asked if he had considered following Brooklyn's 78th precinct in instituting failure-to-yield sting operations, where a plainclothes officer posing as a pedestrian crosses in a crosswalk. He said he had never heard of this, called it "entrapment" and said such duty would be too dangerous for his officers.

He was also asked about the precinct's enforcement of VTL code Section 19-190, which took effect on August 22, 2014, and applies a "strict liability" standard to traffic crashes. A driver who strikes a pedestrian or cyclist when the victim has the right of way is presumed to have committed a misdemeanor unless the driver can show he was not at fault. Capt. Malin said they can't enforce this provision until the precinct gets new ticketing forms that will allow them to write an "ECB" (Environmental Control Board) summons, which carries a civil penalty. But he did say that even without this form the precinct is charging drivers with failure-to-yield based on evidence, including from eyewitnesses. He said they have several



cases going to court. He said he didn't care if they lose a few cases because it's good practice for his officers to defend these tickets in court. "I want the summonses written," he said.

He also said the precinct is aggressively issuing tickets to commercial vehicles that use West End Avenue as a through-street (i.e., those that have no deliveries there).

Asked whether it is permissible to complete a left turn from Broadway crossing the opposite-direction lane of traffic onto a cross-street in a single signal, Malin said he didn't know the answer but he would find out.

Asked if the precinct would be able to increase the number of failure-to-yield tickets, Capt. Malin said there is only so much traffic enforcement the precinct can do – he has four cars dedicated to enforcement from 8 am to 4 pm.

To deploy limited resources for more effective policing, the precinct analyzes areas with recent collisions and increases enforcement coverage at those locations to help tame unsafe behavior.

2. Review of DOT's proposed new loading zones on Columbus Avenue between West 96th and 69th streets.

As described in its February 6, 2015, letter to the board, DOT is proposing to change parking regulations at ten locations along the Columbus Avenue corridor to better accommodate commercial activity and reduce the incidence of double-parking. The changes involve installing two-hour paid commercial parking for part of the day at seven locations and adjusting commercial regulations at the remaining three locations.

The committee was supportive of the changes and it was decided that in an effort to expedite them the board would send DOT a letter of approval rather than vote on a resolution.

3. MTA Metrocard issues

Non-committee board member Matthew Holtzman said that MTA riders lost \$50 million dollars on expired bus and subway Metrocards in 2013, and that it has been mathematically impossible to obtain a zero balance using MTA default amounts since that year. He proposed a plan to give riders an easy way to ensure that they will always have a balance of zero once they have used the last ride on a card by requiring the MTA to make software changes to its vending machines that would allow riders using credit cards to select the total amount a they would like on a card rather than how much they would like to pay plus the bonus, as is currently the case. He also suggested that the MTA make software changes allowing riders to transfer funds between non-expired Metrocards and to allow pay-per-ride users the ability to block fares on lost or stolen cards, as is currently the case with unlimited Metrocards.

In committee discussion, co-chair Andrew Albert, who is also a public member of the MTA's board, said the MTA believes that the investment to make such software changes would not be worth the potential savings to riders, especially in light of the fact that a different fare-paying system that will eliminate these issues is slated to come online in 2019. Mr. Holtzman asked how much the software change would cost and Mr. Albert said he would find out and get back to him.

It was eventually decided to vote, at least for now, on only the portion of Mr. Holtzman's proposed resolution dealing with allowing pay-per-ride users the ability to block fares on lost or stolen cards.

"Whereas the MTA is able to stop and refund the balance of fare usage for Unlimited Metrocards, and Whereas due to the loss or theft of pay per ride metrocards, large sums of money each year are lost by customers to whom the money could be returned upon customer request,



Be it resolved that Community Board 7 calls on the MTA to allow pay-per-ride users the ability to block fares on their lost/stolen cards and receive refunds, as is currently done with unlimited Metrocards, provided the metrocard holder has made a record of the serial # of the card, or has paid for the card with either a credit or debit card.”

The resolution passed by a vote of 6-0-1-1, with Mr. Albert not voting for cause. Non-committee board members: 1-0-0-0

New Business

District resident Sean Donovan charged that Columbia Grammar School has not been acting in good faith and has failed to live up to the Board of Standards and Appeals’ stipulation agreement calling for it to establish a traffic plan to deal with school-related congestion on West 93rd Street. Mr. Donovan said that CB7 should get the city to issue a stop-work order on any further construction of the additions to the school’s buildings. Committee member Su Robotti said that District Manager Penny Ryan very clearly said that the traffic mitigation policy must be in place by the end of construction, so in fact the school is still in compliance. Committee member Richard Robbins pointed out that CB7 lacks the power to get the Buildings Department to issue a stop-work order. As part of the stipulation agreement, the school is to convene a working group to address the traffic problems. Non-committee board member Mark Diller told Mr. Donovan that his best course is to get himself on the working group.

District resident David Zelman complained of construction vehicles parking on both sides of 75th and 76th Streets between Broadway and West End Avenue. We will look into it.

The meeting was adjourned at about 9:20 pm.

Present: Andrew Albert,

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**Preservation Committee Minutes
March 12, 2015 6:30 PM**

1. 361 Central Park West

Judith Saltzman: reviewed the changes from the proposal as previously presented to CB7:

- Eliminating the six proposed punched windows on the vertical piers on the CPW façade.
- Keeping more of the stained glass, less the religious iconography. Adding leaded separations rather than large panels of transparent glass.
- Eliminating skylights on the slope of the restored roof; skylights will now be on the slot between the slope of the roof and the new raised rooftop penthouse. The skylights will now not be visible from the public way.
- Large lancet windows – will keep the stained glass borders plus the medallion (minus the religious iconography).
- Bulk of the rooftop mechanical enclosures and bulkheads has been reduced, especially as seen from the south (West 96th Street) side.

Committee comments:

- Appreciation for the retaining of a greater portion of the stained glass.
- Question as to how the changes in stained glass and the elimination of certain windows will affect the program.

2. 326 Columbus Avenue (West 75-76 Streets). Application to the Landmarks Preservation Commission for window replacement.

Presentation by Huntley Gill (HG), Guardia Architects.

- Located on the west side of Columbus avenue
- Three, 6-story renovated tenements with new floors; Buff glazed brick; no cornice (loss of historic fabric); Storefronts date from 1980s; Non contributing building in the UWS-CPW historic district
- Existing windows date from 1971 renovation: Windows consist of tripartite configuration, single glazed, narrow fixed pane in center, with 4 over 4 double hung wooden sashes
- Through wall ac units existing to remain
- Proposal to replace all windows on Columbus Avenue façade: single fixed pane (wide) and single operable casement (narrow) in each bay, aluminum, custom fabricated, finish will be powder colored buff color to match brick
- Window guards? Cannot be installed at fire escapes

Community Comments

- Linda Love, 326 Columbus Avenue: in studio apartment, in residence since 1973, can you open the window and get air? Concern about birds flying in through the window?
- HG: yes, you will be able to open the window and get more air; old casement windows have cranks, this will not; window will swing in like a door; always take care when opening window to not allow birds; new windows will be double glazed with very good thermal break; better sound attenuation; heating bills may be reduced since the new windows will be more energy efficient
- GP: if air is leaking in through the AC unit opening, that will not change with the new windows
- PQ: accessibility compliant?
- Architect: yes



- Ms. Love: will measuring take place in the apartments?
- Architect: Yes. Surveying will require about 2 hrs in each apartment; fabrication of new windows will take about 4-5 months
- Window replacement at rear elevation will be reviewed by LPC staff

Committee Discussion and Resolution:

- Miki: move to approve; Ping: accept as presented
- Gabby: cleaner and neater; remove historicizing windows
- Resolution to approve: 4-0-2-0

3. 33 Central Park West, Ethical Culture (West 63rd-64th Streets). Application to the Landmarks Preservation Commission for a railing restoration at main entrance along Central Park West.

Presentation by Kristin Holtgrew and Russ Sanders, Hoffman Architects

- Currently home to an elementary school
- Plan to perform work when school is out of session
- Building assessment indicated water infiltration issues, and compromise to vault steel below
- Need to remove historic cast iron railings to install new waterproofing and perform repairs at vault steel below in these locations (to the north and south of the central staircase on CPW)
- Guardrails do not meet DOB code; need to protect health safety and welfare of children
- Height of railing: existing (34 inches +/-) proposed (42 inches) above walking surface for new railings
- Existing railings are too short and also the spacing between the horizontal railings is not code compliant
- 3 styles of posts – end posts, middle posts, mid post – ranging from ornamental to simple in design/appearance; ranging about 4 feet in spacing (width)
- New guardrail will retain historic design and character but will meet 42 inch height as required by DOB code; almost exact replication; add to base of posts to address height; 4 inch maximum between intermediate horizontal rails; introduce thin stainless steel cables; anchor to end posts
- Existing Grade change - slopes downward from north to south

Committee Questions

- How are the rails attached to end posts?
- Architect: screw system; washer with fastening attachment; Salvage the historic posts and give to school for storage
- Ping: elongate the top part of the post instead of the base?
- Architect: prefer to elongate the lower portion
- Gabby: awkward
- Ping: smart and elegant; lose proportion of handrail; maybe have a bigger gap at the top
- Gabby: this design looks like you have extruded it up; seems too vertical
- Miki: ratio seems wrong;
- Gabby: would like to see other studies; have a 3rd rail maybe at the same place as the original;
- Architect: not sure about adding a third rail; since not there historically
- Gabby: unsettled; adjust the middle?
- Jay: keep top rail; maybe drop the center rail?
- Architect: base seems too vertical



- Ping: agree with Gabby on post, and Jay on rail
- Architect: guardrail at grate location will be removed and reset; not needing to be increased in height since there is no change in grade
- Ping: separated by a walkway (higher railing vs guardrail at grate)
- Mark: similar to sea rail at Riverside park; 4 inch space between horizontal rails required
- What about glass? No
- Ping: is there any integrated lighting?
- Architect: no
- Jay: any elements horizontally next to each other?
- Architect: yes; on south elevation, no changes since same guardrail all along; CPW elevation will be the zone of change; prefer to retain as many historic guardrails as possible to retain original aesthetic
- Gabby: could all posts be extruded; cap at end post; making the post taller is not a big deal
- Architect: that would be achievable
- Gabby: where will horizontals go?
- Ping: proportional
- Gabby: 1/3 vs 2/3; A prime, B prime; maintain base, extrude posts, maintain proportional relationships between top of stone and intermediate rail is proportionally smaller and larger
- Ping: still based on 4 inches
- Jay: disagree
- Gabby: favor the bottom (not what is proposed where the proportions are reversed)
- Gabby: washers ought to be the same color as posts; cables don't need to match post finish

Resolution: Motion to approve with suggested revisions: 5-0-1-0

4. 27 West 67th Street, Apt 5FW (Columbus Avenue – CPW). Application to the Landmarks Preservation Commission for seven window replacements in apartment 5FW.

Presenting Adam Frampton and John Siani, Only If Architects

- Replacing windows (north and south) at 9th and 10th floor;
- At rear elevation – window at N elevation not visible from the public way
- Art Nouveau / Arts and Crafts building; coop studio; duplexes with north studio to get the best light
- Historic c. 1939 tax photos – illustrate multi-pane casement windows; 8 or 12 divisions, wood; and double hung windows, wood
- No historic photos of north window of front west unit; but there is a historic photo of a north facing window (another unit); casement but larger vertical mullion; historic condition included 2 vertical mullions
- Existing condition at street facade: 6 windows to be replaced; none are original; patch work appearance; no exact info on when these were replaced; possibly replaced as late as the 1980s; operation – casement with clear and leaded (diamond pane) glazing
- Focus on 2 windows for LPC PH – tripartite fenestration; leaded diamond pane glazing, 2 outswing window casements central pane is fixed; tripartite transom all fixed panes; windows are unique to this unit (not found elsewhere on the building façade)



- LPC staff identified the diamond pane windows as “special windows” – not original but replacement needs to be reviewed by LPC Commissioners
- Proposed windows: multi light casement windows; 8 or 12 panes per sash; true divided lights; insulated glazing; wood window material; match historic photos; proposed windows have been previously approved by LPC on street side; dynamic windows (manufacturer); each lite is small; finish dark green (BM 2122 dark pewter) also previously approved by LPC on street side
- Miki: window mater plan for the entire building?
- Architect: no; but following window drawings prepared by building architect;
- Rear elevation: existing: stained glass window, not visible; not original; qualifies as a special window as per LPC Rules; original building was a studio building with studios at north;
- Current owner of unit: artist – wants to restore historic condition of light; stained glass colors the light and is acid etched; impedes natural light into this window
- Miki: will the segmental arched masonry opening be restored?
- Architect: proposed condition: restore historic tripartite fenestration; segmental arched opening; thermally broken steel profile with one operable casement sash and 2 fixed panes; improve operable window area; powder coated brown color (BM 2134) as per building architect specifications
- Architect: prior to previous owner was a shop teacher; medieval style renovations in the apartment; may have been responsible for the stained glass window; previous owner moved in during the 1980s; Arlene Simon (resident) stated the window may have been there in 1969; stained glass window will be salvaged and either relocated elsewhere in the building or donated to the Brooklyn Museum

Community comments/questions:

- Arlene Simon: resident since 1969; on West 69th Street Artists Colony Historic District (SR/NR); get as much light as possible for artists studio; extension at the rear was for the smaller apartments for painting only; 14 duplexes; work done by Walter Melvin, building architect; Norman Weiss retained to clean the building; want windows to be as sympathetic to what was original; Arlene’s windows were replaced in the 1970s; putting correct windows in will be an improvement; makes perfect sense to remove stained glass window to increase quality of natural light; 1 W 96th Street – windows done specifically for the building; this stained glass window was not original; 27 is the first artists studio on the block; exciting process to watch the building – looks spectacular

Committee Discussion

- Miki: looks good
- Mark: concerned about the stained glass being removed
- Gabby: existing windows at street stand out; no other transoms; no other diamond pane leaded windows elsewhere on the façade;
- Mark: doesn’t conform to what is east of it; looks busier
- MHB: check line weights of drawings at elevations
- Mark: overall concept seems reasonably appropriate and appealing
- Gabby: shocked they can make the muntins for double-glazed windows that thin
- Architect: LPC asked for 12 panes per sash at these 2 windows
- Jay: agree with Arlene; preserve stained glass as much as possible at 1 West 96th Street; go on record that preference is to retain as much stained glass here; prefer this window be preserved; real effort made to incorporate it someplace in the building;
- Arlene Simon: COFA to be issued by LPC



- Owner; Abby Lee – delighted to donate window to any institution
- Jay: question is there any appropriate place in the building? Display? As a work of art?
- Arlene: no place on site for relocating the stained glass window
- Jay: overall proposal is appropriate; trying to find a way to preserve the window intact on site;
- Architect: will look into this
- Mark: assume loss of the stained glass
- Gabby: not visible from the public way; looking to increase natural light
- Mark: other windows on the rear elevation have a transom; no consistent approach on the east side; could a horizontal element be proposed at the tripartite casement/fixed window;
- Arlene: no way to see it; don't see the purpose of keeping it;
- Architect: want to achieve minimum code requirement for ventilation; thermally broken steel with sufficient energy performance;
- Gabby: reasonably appropriate
- Jay: already savaged a pure not visible from the public way rationale

Resolution to approve: 6-0-0-0

- Committee recommends that architect/owner make every attempt to preserve stained glass window

Present: Jay Adolf, Gabrielle Palitz, Mark Diller, Miki Fiegel, Meisha Hunter Burkett and Lee Ping Kwan. **Absent:** Peter Samton.



Parks and Environment Committee Meeting Minutes
Klari Neuwelt, Chairperson
March 16, 2015

AGENDA

1. Damrosch Park (West 62nd Street and Amsterdam Avenue). Presentation by Parks Department and Lincoln Center and discussion of future landscape plan for Damrosch Park.
2. Update on committee discussions
3. New Business

1. Damrosch Park.

The Committee chair explained that this issue arose from concerns about the increasing use of Damrosch Park for private activities. This issue came before the Parks and Environment Committee about 3 years ago, and there has been litigation by private parks advocates against DPR and Lincoln Center. CB7 was not a party to the litigation, but it has supported protecting the park for public use. The litigation was recently settled. The settlement includes, among other things, a requirement that new plantings be installed in Damrosch Park, and that DPR and Lincoln Center present the proposed landscaping plan to this committee for its and the community's review.

Bill Castro

Borough Commissioner of the Department of Parks and Recreation

He is happy to have settled the litigation and that Fashion Week has found a new home. The purpose of this meeting is to review the landscaping plan and to update everyone on the implementation of the settlement agreement.

DPR will be adding a Damrosch Park sign and a DPR "leaf" by the end of this week. Happy to work with CB7 to identify where it should go and when it should be unveiled. Matthews Nielsen Landscape Architects has been engaged to plan the new landscaping.

Interim plan contemplated for 2015. Long term plan to be presented later this spring.

Lesley Rosenthal:

Legal Counsel for Lincoln Center

Settlement:

Background: The Parks Department leases the land under Lincoln Center to Lincoln Center, which manages it.

1. Fashion Week is gone after their 2015 show.
2. LC hired the landscape architects to design the new landscaping.
3. Reviewed "Agreement Checklist and Status" in presentation.

Signe Nielsen:

Partner Matthews Nielsen



1. Presented temp plan for 2015. Some of this landscaping will be taken out and replaced by permanent landscaping in 2016. The amount of work that stays permanently versus is replaced after 2015 is under discussion.
 - a. Planting for 2015 will not be removed in the fall, rather in the spring of 2016
 - b. The group reviewed the different square planters throughout the park
 - c. Flowering shrubs supplemented with annuals will ensure a colorful and four-season display
 - d. They are also reviewing the irrigation and lighting to see if there are upgrades that make sense.

The committee Chair asked the parties to the settlement for their comments and questions:

Olive Freud:

What is the plan for the Kiley Gardens area?

Response: Originally there were four trees in the large planters, but that didn't really work due to lack of soil, so changed to one tree.

Are you putting in trees that are not going to be taken out as part of the 2016 permanent planting, which could be wasteful?

Response: Bill Castro acknowledged the concern about unnecessarily removing trees planted in 2015 and said they will be reviewing which 2015 plantings might stay.

The committee Chair noted that per a shadow study done during review of Fordham's expansion project some years ago, one of the new Fordham buildings would cast shadows over part of the park, so this should be taken into consideration in planning the new landscaping.

Cleo Dana:

The azaleas were iconic. She would like to see them come back if possible.

She is concerned that the new park will not be as green as the old version. She passed around an aerial picture of the old park showing the trees.

What is happening to the area that had red maples at the Bosque?

Responses:

Peter Flamm (LC) said that there are currently 12 World's Fair benches. LC is going to add 6 more.

Bill Castro said that LC replaced all red maples recently. Any that are in bad shape will be replaced this spring.

The Bosque area is not currently part of the landscape's scope.

Will there ever be any tents over the green/planted areas again?

Peter Flamm: No.

Will Big Apple circus be using the Square Planter area?

Peter Flamm: Yes. They will be using pretty much the entire park.

Geoffrey Croft:

Asked about the viability of adding trees to the planters

Response: Signe Nielsen said that there is not a lot of soil



Moving forward there should be many trees

Granite benches: Do we know where the missing benches are?

Peter Flamm: LC has them in storage in various conditions

Peter Flamm: the new plan will have different styles of benches, including benches with backs.

The community is sensitive to the loss of the granite benches, even though are not part of the agreement.

The purpose of the litigation was not to kick fashion Week out. The purpose was to restore the park for public use. The plan shows the park being taken up with private events for a majority of the time (7 months out of the year), and this was not the spirit of the settlement.

It was never determined that the Circus was an integral part of the Park usage.

The community used to be able to use the Bosque area during the Big Apple Circus but no longer.

The park is going to be taken over by the tents for 9 weeks, which is too long.

He requested a copy of the letter from Fordham recently sent to CB7 concerning Fordham's obligations regarding Damrosch Park.

He stated that the monies generated by Damrosch Park are being used throughout the "Public" areas of LC.

Reid Super:

Super Law Group - Lawyer for the plaintiffs

Is the plan on track for June 12th as agreed?

Happy that this CB7 meeting is happening - When will the separate meeting with the plaintiffs happen?

Concerned about the future of the platform installed over the garage entrance. Can it be greened up?

Ken Coughlin (Committee member):

What space does the Big Apple circus use?

Peter Flamm - walked everyone through where the animals are kept and where the activities are set up.

Peter Flamm - They are not allowed to remove any permanent landscaping.

The circus will be in the park from October 1st until mid-January.

Peter Flamm – the north planter will be used this summer for artists' support area

What is involved if it turns out that the entire irrigation system needs to be replaced?

Response: Signe Nielsen: can't tell until she knows more about the existing condition. Their irrigation specialist is coming down this week to review.

Who maintains the plants?

Response: LC's maintenance staff does routine maintenance such as hand watering, and its landscaping contractor does other work.

Steve Brown (Committee member):

Asked for clarification of scope of work

Said he would like to discuss the events schedule further

Klari Neuwelt (Committee Chair):

Likes World Fair benches a lot, but not in this location, which is a mid-Century modern design.



Questioned whether crape myrtles are really tall enough to act as trees.

Response: Signe Nielsen said yes. But they love sun, so it will require a better understanding of the shadow study before confirming if they are appropriate for long term.

Reviewed events list

Noted that the Big Apple Circus is using the park for longer than in the past. She is concerned that much of the park is unavailable to the public for a long time each year.

Response: Lesley Rosenthal: Circuses have always been part of the park and there is no plan to replace it.

Asked about “Fall Tent” and “Spring Tent”.

Response: They serve three purposes: a) free public programming like swing dancing and salsa; b) charity galas; and c) limited corporate use to help defray the cost of the other two activities.

Where does the revenue for the “Tents” go?

Response: To LC for upkeep.

Next Committee meeting is in May. We would like to discuss both the planting plan and the proposed events list that Lincoln Center submits to DPR each year.

Bill Castro: Under the schedule in the settlement agreement, DPR/Lincoln Center must present the permanent planting proposal to the Committee in May.

Question to Bill Castro: Has DPR ever turned down an event on the list the Lincoln Center has submitted or its proposed schedule?

Response: Bill Castro: No.

Mark Diller (Board member):

Suggests not using vines or other ground cover since it attracts rodents

Likes the idea of using the platform as a separating factor

David Sasscer (Committee member):

Would like to further discuss the activities schedule.

Expressed concern about the amount of time that the tents are up given the short list of activities occurring within the tents.

Other:

Jennifer Berry – liaison with LC

During the course of the meeting, the Committee Chair distributed copies of the recent LC letter from Janet Torres listing the most recent annual proposed schedule of events.

Conclusion: DPR will return to the Committee at its May, 2015 meeting with its proposed permanent landscaping plan.

Committee Chair: Sense is that Committee members also want to pursue discussion of the private events calendar and how the current amount of private use can be limited.

2. Discussion with Council Member Helen Rosenthal about enforcement of anti-idling law.



Council Member Rosenthal asked if she could speak with the Committee about the problems with enforcement of the NYC anti-idling law. Funds for DEP for enforcement are one of CB7's current expense budget priorities. The Committee members discussed this issue with Council Member Rosenthal and planned to work together on the issue.

Present: Klari Neuwelt, Steven Brown, Ken Coughlin, Joanne Imohiosen, David Sasscer and Jaye Bea Smalley. **Chair:** Elizabeth Caputo. **Board Member:** Mark N. Diller. **Absent:** Meisha Hunter Burkett and Madelyn Innocent.



COMMUNITY BOARD 7/MANHATTAN
Minutes of Steering Committee Meeting
March 17, 2015

Community Board 7/Manhattan's Steering Committee met on Tuesday, March 17, 2015. Chair Elizabeth R. Caputo called the meeting to order at 6:35 pm after the Secretary had confirmed the existence of a quorum.

- Public Comments
 - Jan Levy:
 - 1 minute is too short a time for each member of the public to convey his/her opinion, particularly on issues of great concern to public
 - If anticipate lots of comment, please ask those wishing to make remarks to consolidate their comments
 - In situations in which lots of audience members are waiting to address a particular issue, please move that issue to the top of the agenda to avoid having lots of people waiting an unnecessary amount of time to make their remarks
 - She recalls an instance in which the issue presented by the first committee took 70 minutes; as a result, there was insufficient time allocated to address the rest of agenda
 - Can you abbreviate electeds' presentations?
 - Chair:
 - Trying to run the meeting efficiently through time management; it's a balancing act
 - Chair allocates 1 minute for each member of the public to comment only when there is a heavy agenda and the locale insists on a relatively early departure time; i.e., when there is a situation in which we could not complete agenda unless we limited public comments to 1 minute per person
 - Chair already puts important/controversial issues first on the agenda
 - Chair has already experimented with other limitations
 - Chair is thinking about allocating 10-20 minutes at the beginning of the full Board meeting for the public to comment
 - Electeds' reps now understand they're each limited to 1 minute
 - Electeds' staffers should notify their elected of what the electeds who have already appeared have said so they won't repeat each other; elected should focus on issues relevant to CB7's boundaries
 - Board Members' comments:
 - 2 minutes per member of the public is the usual limit; 1 minute limit is imposed only under special circumstances
 - 2 minutes per audience member should be the default; when X number of forms are submitted indicating X number of persons wish to speak on a particular issue, then the time limit should go down to 1 minute per person
 - Time limits deprive Board of opportunity to get all needed information; time limits create the possibility that the larger group will have the opportunity to get its point across, while the smaller group is deprived of the opportunity to get its point across



- If people willing to come to speak with us, we should listen
- Most of the work of the Board is accomplished during committee meetings; it is rare for a new idea to be expressed during full Board meeting; let those in the audience in favor of a resolution stand and be counted; then let those in opposition stand and be counted; this approach would give the Board a quick way of learning the sense of the community on that issue
- We have to make a distinction between public comments made while discussing resolution and those made at beginning of a meeting
- Glad that at last full Board meeting Board members' comments were time limited too
- If a full Board meeting is too long, we will stop paying full attention and we won't do our best work
- Sense of the meeting: Give Chair discretion; usual practice will be 2 minutes per speaker; but Chair can limit time to 1 minute per speaker if Chair needs to do so to run meeting efficiently
- Collegiate School
 - Emergency meetings have been held recently
 - Tomorrow night HPD and CPC will address the Housing and Land Use Committees in response to CB7's recent letter
 - 1992 Riverside South's restrictive covenant requires affordable 55 units on the site
 - Collegiate purchased a plot for its school; Collegiate represented last summer that it would have its 55 affordable units built across the street in Riverside Center; if that did not work out, Collegiate would purchase 55 units in Riverside South or Riverside Center and make them affordable
 - The Housing and Land Use Committees approved Collegiate's proposal in July, 2014
 - Last week Collegiate notified us it could not put its 55 affordable units in Riverside South or Riverside Center and proposed giving HPD \$50 million to develop 55 affordable units within CB7's jurisdiction
 - HPD is proposing sites on W 108 Street with West Side Federation for Senior & Supportive Housing ("WSFSSH") as the developer
 - On 3/30 Dept City Planning is voting on Collegiate's plan; if City Planning votes for, it's giving the ok for the 55 units of affordable housing to be built on West 108th Street pending ULURP
 - CB7 wrote saying we want the units in Riverside South or Riverside Center; if we agree to monetization, then the stip has to be written carefully to ensure that the units are built in the desired locale, knowing that restrictive declarations can be easily broken
 - HPD's position: This is a good deal because we would be getting more than 55 affordable housing units if they are built on W 108th St than if they were built in Riverside South or Riverside Center
 - Because we want to support a school, we're balancing our support for the school against our desire to have the affordable units in Riverside South and Riverside Center
 - Why does it cost \$1 million/unit to build affordable units in Riverside South?



- When considering the West 108th Street site, we are balancing the need for garages against the need for affordable housing
- Let's not agree to monetizing the units; we don't want to be limited to what \$50 million can buy; let's use this situation to negotiate for a better overall solution
- Might be able get more units from the \$50 million in the northern part of District
- \$50 million could probably build 55 units on W 108 St
- Last time the garages on W 108 St were considered for affordable housing units, CB7 voted to continue usage for garages
- As soon as we agreed to the sale of that plot to Collegiate so that Collegiate could build a school on that site, we lost the guarantee of onsite afford units; we should approve the proposal to build the affordable units on W 108 Street
- Committee Meetings
 - Chair:
 - Right before a committee meeting begins, the committee chair(s) should tell members of public they can speak to committee chair(s) about their questions/issues
 - Board Members' Comments:
 - For most committees, Chairs should ask if anyone is there to speak about an issue not on agenda; let the members speak or ask; while this is transpiring, delay commencement of meeting
 - Let members come before the official time the meeting starts and speak to committee chair
 - Let public call the office and get onto agenda; notify the public by putting this practice on CB7's website
 - Sense of meeting: most committee chairs will ask those in audience if they have questions/new business; if it's possible to address those issues immediately, committee chairs will do so; if not, the chairs will indicate that they will address those issues at the end of the meeting
- Term limits for Board Members
 - Borough President's resolution (to be submitted to the Borough Board) in opposition to term limits for Community Board members
 - Board Members' comments:
 - We should share the opportunity to serve the community
 - Chairs should train their successors so when they step down, their successors are prepared
 - Borough President's resolution approved: Steering Committee 8:5:0:0; other Board members present: 2:1:1:0
- New CB7 members will be appointed on 4/1/15
 - We will not know until 4/1/15 who has been selected
 - In mid-May we will have a potluck welcoming party for the newly appointed CB7 members
 - We will continue mentoring program
- 4/7 full Board agenda



- B2B event 3/31: everything already set up; waiting to ID speaker; Microsoft providing speaker
- Committee updates
- New business
 - Inclusionary housing policy of Mayor: this afternoon received information from City; Scoping Session for EIS rezoning plan is 3/26; sets what will be in EIS and for ULURP; need testimony; Mel Wymore and Page Crowley will testify; text won't come out until May; Mayor's plans to add 25% to each site; no contextual zoning under this plan

Present: Elizabeth Caputo, Jay Adolf, Andrew Albert, Page Cowley, Audrey Isaacs, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Nick Prigo, Suzanne Robotti, Madge Rosenberg, George Zeppenfeldt-Cestero and Dan Zweig. **Board Member:** Kenneth Coughlin, Mark Diller and Roberta Semer. **Absent:** Richard Asche, DeNora Getachew, Brian Jenks, Blanche Lawton, Eric Shuffler and Mel Wymore.



Land Use Committee Minutes First Item
Land Use Joint with Housing and Transportation Committees for Second Item
March 18th, 2015

The following issues were discussed and actions taken.

1. **150 West 85th Street**, Manhattan Country School (Columbus-Amsterdam Avenues.) Application #1-15-BZ to the Board of Standards & Appeals by Manhattan Country Day School for a variance to allow additional floor area and a vertical extension.

Presentation by: Fredrick A. Becker, attorney and Andrew Bartle, architect.

Mr. Becker described the revisions to the project since the previous meeting and that he had met with representatives from the Block Association. A power point presentation was used that contained plans, building sections and elevations as well shadow study diagrams.

A summary of the project was given again as follows:

- The building, [*originally owned by the United Order of True Sisters, a philanthropic organization*], was constructed in 1928. Mannes School of Music, founded in 1916, [*Bought the building in 1984 relocating from 157 East 74th Street on the Upper East Side*]. [*Note to reader this last piece of information was added after meeting*].
- Mannes College of Music, will be vacating the building [*in August 2015*].
- Manhattan Country Day is a not-for-profit school founded in 1966 based on principals espoused by Martin Luther King.
- Currently housed in a townhouse 7 East 96th Street, which they have outgrown is not conducive to 21st Century students and current best practices.
- Current enrollment is 200 students in grades per-K through 8.
- Proposal is to double the size to 400 students (phased in over time).
- Plan to add 1 section per grade starting in 2018.
- 20% of students from the Upper West Side.
- Many students receive sliding scale of financial assistance.
- Upstate farm is a major part of the curriculum – shared with other schools.
- Will compost and have a rooftop garden.
- Program of applicant is from 8:30 to 6 including afterschool.
- No programming on the weekends.
- Building is zoned R8B [*with an FAR of 4.0.*] [*According to Massey Knackel property description equates to a maximum of 26,300 square feet. The building his built to approximately 30,009 square feet*], hence the available option to convert the building to use the additional and existing 3,709 square feet [*rather than demolish and rebuild to a different configuration with the as-of-right zoning*]
- Existing condition is overbuilt by about 3,709,000 SF.
- Proposal to add approximately 5,000 SF

Significant changes to the project are:

- A one-story rooftop addition has been lowered facing 85th Street and set further back, now below the sightline as measured from across the street.
- The lowering has reduced the total height from approximately 87'-0" to 85'-3 1/2".



- Mechanical equipment has been modified from a single larger unit to multiple smaller units, with only three of these located on the upper roof. The others are on the 6th floor and on the east side of the building.
- Sound dampening will be placed around the units to conform to sound levels for exposed mechanical equipment to be in compliance with any Building and construction code requirements.
- The play area that is enclosed has been reduced in size.
- The large graphic has been removed from the east wall (facing the Brandeis School). The upper new roof, following the same slope and the new Mansard roof, will be of metal and colored glass panels and was described as much more subdued.
- A revised shadow study was shown for the equinoxes and solstices.

Committee & Board Members comments included the following:

- Dan: Are there any renderings or images of the building from the street and or street views?
Applicant response: The colored elevations were shown again and the details pointed out. Also noted was that the building is not within the historic district.
- David: How was the mechanical equipment reduced in size and relocated?
Applicant response: The school will have operable windows and fresh air will also be provided by the central light well. Some windows, not facing the apartment building to the west, will continue to use through window air-conditioners. Using multiple smaller units has permitted the units to be distributed to the east side of the roof, and further away from the apartment house to the west.
- Ethel: How tall is the play area enclosure and what is the netting material?
Applicant response: The fence enclosure is 16'-0" as required by code. The material is a vinyl coated chain link fence.
Why is there no cafeteria, when lunch is provided?
Applicant response: Lunch is served in the classrooms, which is part of the pedagogical philosophy of the school, permitting the students to engage in different less formal ways.
Will there be any nighttime activities?
Applicant response: Michelle Sola, Director of the school, reported that parent and student meetings typically take place in the mornings, rather than take up time in the early evening.
- Richard: Could you describe the "uniqueness of the lot" finding that you are seeking?
Applicant response: Essentially, the school use was pre-existing, being built out a certain way first as a club with double height spaces and then later carved up into small practice rooms. There are practical difficulties in taking on an existing building because of the manner in which it was used or developed. The BSA has accepted this as justifiable as the building and functions are obsolete.
Is the building suitable for this or any other purposes?
Applicant response: With these modifications as proposed, we believe that this proposal is making the minimum changes required for this school.
- Jeanette: By requesting the additional area, is the BSA setting a precedent by increasing the floor area in an already over-built building?
Applicant response: No.



Can you point out where the existing elevator bulkhead and the locations of the modified mechanical equipment?

Applicant response: Mr. Becker located these components on the plans and building sections.

Is the school of sufficient area to accommodate the doubling of the students from the current 200 to 400?

Applicant response: The classrooms will be doubled with the enrollment increased gradually with the lower three grades increased in the first year. As the student move from grade to grade, over the next four to five years, the 400 limit will be achieved. This gives greater opportunity for a larger acceptance pool taking into account both an increase in legacy, additional siblings and scholarship students.

Peter: Had the architect considered shifting the upper front roof addition further south so that there would be less visibility of the upper Mansard and setback? Perhaps even reducing the light well?

Applicant response: There is an inherent structural alignment in creating the center court. The project design has been configured so as not to require underpinning. The center court is already as small as it can be,

Public Comments:

Batya Lewton: Handed in a letter stating opposition to the project.

Marta White: Represented the Brockholst Building on 85th and Columbus, and wanted to know how many buses would be used for drop off and pick up?

Applicant response: Currently there are two small buses bring children from the West Side to the school on 96th street. The need for these buses will likely no longer be needed.

How will the play area noise be regulated/controlled? Will there be nighttime use and parties on the roof?

Applicant response: Up to 20 students are permitted to use the roof area at any time as a play area, as per code. There will be some sound attenuation material placed as well. No nighttime use is anticipated.

Margaret Bune Represents the Coop at 119 West 85th Street and commented that they had endured the Mannes students, using the building at all times. There was a lot of garbage generated, that accumulated during the day and was not picked up. How will garbage be handled?

Applicant response: The school composts all of the food waste, and uses the compost on their roof garden. Otherwise, garbage will be collected daily during the week.

Susan Steniken Would there be some further possibility of reducing the height and not having the upper level?

There was a hiatus, and a brief discussion of the Findings that need to be met, with each finding being voted on separately. The full description can be found in the excerpted from the NYC Zoning Text 72-20 Variances (2/2/11). Ethel Sheffer read the specific description of each one, which are abbreviated for these minutes and are as follows:

(a) Physical uniqueness/conditions – unnecessary hardship.

While existing conditions and programmatic needs may be a unique in the adaptation and re-use of the building, a revised Statement of Facts & Finding Report (Report) has not yet been submitted to support the revised drawings and explanatory diagrams. Therefore the resolution before the committee relies on the receipt of the revised Report to verify the findings prior to the Full Board Meeting on Tuesday, April 7.



Motion to approve: THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** finding (a) has been met.

Land Use Committee: 6-0-1-0

Non-Committee Board Members: 2-1-1-0

- (b) That because of such physical conditions that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return

Not applicable to not-for-profits

- (c) That the variance, if granted, will not alter the essential character of the neighborhood or district

As there remains considerable concern regarding the street setbacks and the visibility of the upper roof, and the applicant has agreed to consider further modification, in response to neighbors continued opposition to the enlarged design, the Committee has consented to approve this finding, on the condition that there are further modifications to reduce the visibility of the upper Mansard roof.

Motion to approve: THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** finding (c) has been met.

Land Use Committee: 7-0-1-0

Non-Committee Board Members: 2-0-3-0

- (d) That the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner

As with Finding (a), while existing conditions and programmatic needs may be a unique in the adaptation and re-use of the building, and that there are practical difficulties inherent in the use and modification of the existing facility as a school, a revised Statement of Facts & Findings Report (Report) has not yet been submitted to support the revised drawings and explanatory diagrams. Therefore the resolution before the committee relies on the receipt of the revised Report to verify the findings prior to the Full Board Meeting on Tuesday, April 7.

Motion to approve: THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** finding (d) has been met.

Land Use Committee: 8-0-0-0

Non-Committee Board Members: 5-0-2-0

- (e) That within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief

Provided that the applicant has made further modification to the street front, primarily at the upper roof and that it is set back so as to be less visible from the street, the Committee has consented to approve this finding, on the condition that these modifications and the Statement of Facts and Findings Report and documented and submitted prior to the Full Board Meeting on Tuesday, April 7.



Motion to approve: THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** finding (e) has been met.

Land Use Committee: 6-0-2-0

Non-Committee Board Members: 3-1-2-0

2. The Department of City Planning and the Department of Housing, Preservation & Development will respond to Community Board 7's letter (available at www.nyc.gov/mcb7) regarding the minor modification to the Riverside South special permit/restrictive declaration for Building K-2, West 61st-62nd Streets, Riverside Boulevard – Freedom Place, to allow: 1) changes in the urban design controls to facilitate the change in proposed use of the site from mixed residential/retail to community facility, which will be Collegiate School; and (2) the relocation of affordable housing required to be included in the Riverside South Special Permit area.

Nick Prigo chaired this portion of the meeting, with introductory remarks from Elizabeth Caputo. Agency representatives from the Department of City Planning and the Housing Preservation Department were present to address specific points presented in the CB7 letter sent to the Mayor and others on March 15, 2015, regarding the 55 affordable housing that were assumed to be earmarked for the site and were exempted for the community facility -- the relocation of the Collegiate School.

Nick Prigo, Chair of the Housing Committee, gave a summary of the contents of the letter and then opened the discussion with responses first from the two agencies that have been in discussion with Collegiate. The following represents persons who spoke in response to the CB7 letter:

- Edith Hsu-Chen, Director of City Planning, Manhattan Office, Department of City Planning
- Karolina Grebowiec-Hall, Community Coordinator, Department of City Planning
- Jessica Katz, Assistant Commissioner, Special Needs Housing, Department of Housing Preservation (HPD)

Elected officials and/ or their representatives also spoke on different aspects of the affordable housing situation, which included:

- Diana Howard, Community Liaison to Board 7, Borough President's Office
- Brian Cook, Director of Economic Development, Office of the NYC Controller
- Jessica Silver, Director of Strategic Operations, Office of the NYC Controller
- Helen Rosenthal, NYC Council Member, 6th District
- Marisa Maack, Chief of Staff, for Helen Rosenthal
- Lauren Schuster, Chief of Staff, Assembly Member Linda Rosenthal's Office
- Ericka Overtone, Community Liaison, Assembly Member Linda Rosenthal's Office
- Robert Gotheim, District Director Congressman Jerry Nadler's Office
- David Bailey, State Senator 31st S.D. Hon. Adriano Espaillat's Office

Several key issues were discussed under the following topics. Please note that these are not necessarily in the order in which they were raised.

1. *Is there a Legal Requirement for these 55 Units?*



Whether or not there is a legal requirement to accommodate the 55 housing units cited in the Special Permit and subsequent Restrictive Declaration Modifications.

What were the “Metrics” used to determine the actual allocation of affordable housing to be built.

After initial responses from Ms. Chen and Ms. Katz, there were rebuttals regarding the interpretation as there had been several telephonic discussions relating to the requirement to have the 55 units, and where they were allocated and how the Special Permit / Restrictive Declaration Modifications categorized the affordable housing requirements.

Several supporters of the original Special Permit / Restrictive Declaration agreed that there was never any doubt as to the need for on-site affordable housing, but the actual allocation was factored in the various Modifications as to the “metrics” of the allocation of housing as a percentage of total residential square feet or by the number of units.

Brian Cook summarized the status by describing the different terminology used for Riverside South and Riverside Center. The issue was if there is a double counting or if the total, for each metric at each portion of the entirety of the Riverside South/Riverside Center combined development was additive.

Speaking for the separate counting for this particular Collegiate School site were, Mark Diller, Roberta Semer, Shelley Fine, and Page Cowley.

Other government officials and their representatives also weighed in on this calculation determination. The discussion ended with a general agreement that the Collegiate School is “tied” to providing the 55 affordable housing units.

2. *The Location of the Units*

The Location of the 55 Units was also discussed and debated. While the 108th Street potential location had been suggested because the City of New York owns properties that could be sold for construction of these 55 units or more, the sale of City owned land would be subject to a ULURP process. Given the lack of absolute certainty, the fact that this location is the farthest away from the intended site allocation within the Riverside South/Riverside Center development, and the time frame to secure the design, number and cost, the 108th Street location was not universally accepted.

These commenting on the benefits of the 108th Street location were the opportunity to build more units with the savings of lower land costs. Other factors that would contribute to a faster planning and design process is the builder /management of the property with the West Side Federation for Senior and Supportive Housing (WSFSSH) ready to undertake the project, based on their other district successful projects and administrative/management skills.

The downside of the 108th Street site were the length of time that the project would take, with several unknowns, as these city owned properties had been previously offered for sale several years ago, and were unsuccessful being redeveloped as housing, with notable opposition for a variety of reasons including but not limited to sub-grade environmental abatement that would be needed, opposition by the community to lose what was then a land use priority for garaging. The result is the city disposition was withdrawn.

Various speakers offered opinions and opposition to this concept of relocating the housing to 108th street including several CB7 Board Members, civic and elected representatives including CM Rosenthal, representatives from Linda Rosenthal’s office, Espialatt’s office and Nadler’s office. Civic groups in opposition included the Coalition for a Livable West Side, which provided written testimony.

3. *Monetization of the 55 Affordable Units*



It had been reported at the last Neighborhood /Community meeting last Monday, March 16th, when the affordable housing allocation became the subject of an offer by Collegiate to award \$50,000,000 in lieu of constructing the affordable housing on-site.

CB7 had heard the modification to include the Collegiate School at the K-2 site displacing the affordable housing in July of 2014 and had both commented on and approved this modification. The current news that the housing could not be located within the Special Permit Area became known two weeks prior to March 16, 2015 meeting, as a development site was not found in the intervening seven months as stated in the modification. The fallback position offered if a site could not be found was that these housing units would be purchased from the pool of market rent apartments and converted to achieve the number of units required. There is now no unallocated land use opportunity for these 55 units in the remaining unconstructed parcels.

Further comments were made by elected representatives and CB7 board members, which continued to question the work done to rectify the situation and how the \$50,000,00 sum was developed. Olive Freund, pointed out the exchanges and concessions already made to developers to increase the density, and still no room for affordable housing.

4. *Other Potential Locations and the lack of Adequate Time to Assess Other Locations*

Other potential locations closer to the southern portion of the district were also mentioned. The key issue here was a lack of disclosure as to who and which agencies had been involved in the search for a suitable site, and the lack of time, given that the Collegiate plan to re-apportion the 55 units elsewhere within Riverside South/Riverside Center had now failed. The significant impact on Collegiate is the ability to pull Building Permits to complete their construction for the beginning of the 2016 school year, which it was reported had already slipped to school year beginning 2017.

Further comments were disheartening to hear that no out-reach, no disclosure, and no opportunity to rectify the situation had been made and that the offered sum would be the solution to allow Collegiate to proceed with their construction remove them from the obligation of construction of the promised units.

George Fontas, of Capalino & Company, addressed the time limitations and represented the Collegiate School on this issue alone.

Council Member Helen Rosenthal summed up the status. A brief paraphrase of her words are that this outcome was certainly not the spirit intended for Riverside South / Center and on a personal note, she has twice been involved in the drama of good affordable housing plans gone awry -- 10 Freedom Place and now this site. She also stressed the need to economic integration and that CB7 has a chance to direct a positive solution.

5. Was \$50 Million dollars a good Offer?

The CB7 Board members discussed how to retain the offer in hand, and continue an on-going search for an easier and better location. Many board members spoke about the process going forward, how the funds would be secured and which entity would control/have oversight for the management of the funds, the uncertainty of what the \$50 million would ultimately buy, what the restrictions on Collegiate's plans, if Collegiate would be bound by any other requirements, essentially as the leverage to assure the housing gets constructed in a reasonably short time.

Every CB7 Board Member present offered an opinion on this matter. The consensus was the following:

- A. Secure the \$50 million dollars now.
- B. Continue to work with HPD and the electeds to find a better site.



- C. Determine what written confirmations need to be made to assure Collegiate's commitment going forward.

Respectfully submitted by Page Cowley.

Present: Page Cowley, Sheldon J. Fine, Brian Jenks, Jeannette Rausch, Peter Samton, David Sasscer, Roberta Semer, Ethel Sheffer and Howard Yaruss. **Housing:** Nick Prigo, Madelyn Innocent, Audrey Isaacs, Genora Johnson, Jeanette Rausch and Polly Spain. **Transportation:** Dan Zweig, Roberta Semer and Howard Yaruss. **Chair:** Elizabeth Caputo. **Board Members:** Jay Adolf, Mark N. Diller, Paul Fischer, Klari Neuwelt, Michele Parker, Madge Rosenberg, Mel Wymore and George Zeppenfeldt-Cestero. **Absent:** Richard Asche and DeNora Getachew.



HEALTH & HUMAN SERVICES COMMITTEE MEETING MINUTES
MADGE ROSENBERG, CHAIRPERSON
MARCH 24, 2015

I. Mt. Sinai update from Brad Korn, Corporate Director of Community Affairs, Mt. Sinai/St. Luke's, Roosevelt.

Although none of these hospitals are in CB7, they are the hospitals used by our residents. It has been 18 months since the merger. The entire hospital group is undergoing changes including the sales of some of its buildings on both W 58th St and 114th St. Landmarked buildings will be saved. There is a new paradigm as to how health care is provided with the goal of reducing ER visits and the reduction of the number of days a patient stays in the hospital. This is accomplished with support systems like Ryan Health Center which provide health management and social service follow up.

A. DISREP: Delivery System Reform Incentive from Federal Government to reduce hospitalization by 25%

- Federal program hopes to reduce “unnecessary” hospital admission through more preventative care
- Bed reduction for mental health through adherence to medication and programs
- Treatment for chronic conditions monitored for patient adherence - social workers follow up by phone
- Schools and supportive housing need alliances with care coordinators

B. Specialties

- Cardiac and mental health at St. Luke's
- Orthopedics and birthing at Roosevelt
- Diabetes and Obesity at St. Luke's

C. Mt. Sinai/R/St.L would like a CAB member from CB7

- Audrey and Miki volunteer
- Audrey followed up with Brad

D. Mt. Sinai is selling Antanucci lab at Roosevelt and Mintern, Travers and Crimser and Pleat between 113 and 114 streets at St. Luke's. The proceeds from the sales will go to each institution to upgrade its services. E.g. St Luke's will upgrade its Ambulatory Care and Emergency Depts.

II. Bloomingdale Playground Task Force will be a test site. A grant has been applied for. A scoping meeting will be set. The committee will have input on the design.

III. Resolution from CB3 about K2, chemically created pseudo marijuana, becoming an illegal substance whose dealing - but not possession - can be a misdemeanor or felony.

- Fern says alcohol is most abused substance
- Catherine wants to educate rather than criminalize K2
- Robert thinks that another drug will be synthesized if this is criminalized. He will arrange for someone from the DOHMH to address this and the new synthesized heroin at our next meeting
- Penny says our two precincts have not had reports of K2 use
- Committee votes 7-0-0 not to endorse the resolution



IV. Robert will talk to Penny about an intern to research case management, care coordination, gaps, success and failure of the new medical delivery system.

V. Ms. Seaberry says that residents at Riverside Nursing Home have no voice. Patients and families need someone to look at problems with care.

Present: Madge Rosenberg, Catherine DeLazzero, Robert Espier, Miki Fiegel, Sheldon J. Fine, Rita Genn, Audrey Isaacs and Genora Johnson. **Absent:** Jaye B. Smalley. Fern Fleckman - Wm. F Ryan Center.

