

## Business & Consumer Issues Committee

George Zeppenfeldt and Michele Parker, Co-Chairpersons  
DECEMBER 14, 2016

*Meeting commenced at 7:10p.m.*

**Present:** George Zeppenfeldt-Cestero, Michele Parker, Linda Alexander, Christian Cordova, Paul Fischer, Marc Glazer and Seema Reddy. **Board Member:** Andrew Albert.

The following matters were discussed and actions taken:

### ***Change of Class application to the SLA, from Wine and Beer to Full On-Premises liquor license:***

#### **1. 228 West 72nd Street (Amsterdam Avenue) Mrgebhard LLC, d/b/a Gebhard's Beer Culture. New applications to the SLA for two year liquor licenses:**

- Matthew Gebhard, Owner/Managing Member
- Peter Malfatti, Owner/Member
- Owner is seeking to upgrade to a full liquor license from just a beer and liquor license previously. There is an issue with people smoking outside. The doorway is shared with a residential building. The area under the awning does pose a problem for smoking. Owner has posted signs to try to address this issue.
- Last year, there was concern about employees smoking in the backyard. But now, employees are not allowed to smoke in the backyard and are not allowed to smoke under the awning. It is the customers that are smoking under the awning. Customers are not allowed access to backyard. When you come into the front section of the restaurant, there are 2 signs visible.
- Hours of operation will not be changed. Hours are 1130am – 2am, 7 days/week.
- Now, there is no music. But perhaps in the future, there will be music for weekend brunch hours. No late night music is contemplated. If Owner is considering live music, Owner must account for neighbors and their habits (eg, families with young children). Noise insulation/attenuation is important if live music is considered.
- Neighbors have complained about how noisy the back door is. And, Owner has also turned down the volume of music by 50% as the night progresses.
- Managing Member and all employees will take the TIPS (Training for Intervention Procedures) training course – a class about serving alcohol responsibly and safely.
- There is one anonymous email that was sent in against this application about the evolution of the liquor license. Restaurant was previously approved last year for a full liquor license by CB7, but then opted to only pull a new beer & wine license.

*Resolution to **approve** application: 6-0-0-0. 1-0-0-0*

#### ***Applications to the SLA for two-year liquor licenses:***

#### **2. 279-283 Amsterdam Avenue AKA 175 West 73rd Street, D&S Dining Group LLC, d/b/a To be Determined.**

- Donato Loscalzo, Managing Member
- Salumeria Rosi – will be d/b/a name of restaurant
- This is a change of license requiring a new application. For the unenclosed café, restaurant will come back at a future date. Restaurant must be sure to adhere to all requirements for the unenclosed café.
- Retail side of restaurant opens at 10am. Restaurant opens at 11am.
- Landlord still has scaffolding up.

- The list of where the signs have been posted along with the pictures must be provided. Owner will email these materials as soon as possible.

*Resolution to **approve** application: 6-0-0-0. 1-0-0-0.*

**3. 154 West 72nd Street (Columbus Avenue) Dark Bullet Corp. d/b/a To be Determined.**

- James Wang, Representative
- Hours: 11am-10pm on Sunday through Wednesday; 11am-12am on Thursday through Saturday.
- This is a new restaurant. This is the 2<sup>nd</sup> restaurant that this owner has within the district.
- Asian food to be served. No deliveries contemplated now. Restaurant to be fully renovated, and will be on first and second floors. Kitchen to be located on the first floor. Capacity is less than 74.
- 2-story building with fire escape.
- Lease is signed.
- Resident, Olive Freud (lives on W72nd Street), is complaining about the neighborhood changing to have too many restaurants and too much alcohol. CB7 does address some of these negative consequences by addressing quality of life issues and hours of operation.

*Resolution to **approve** application: 7-0-0-0. 1-0-0-0.*

***New Unenclosed Sidewalk Cafés:***

**4. 311 Amsterdam Avenue (West 74th – 75th Streets.) New application #20657-2016-ASWC to the Department of Consumer Affairs by SweetGreen New York, LLC, d/b/a SweetGreen 75th & Amsterdam, for a four-year consent to operate an unenclosed sidewalk café with 12 tables and 26 seats.**

- Bob Callahan, Representative
- Sidewalk in front is 20' wide. Café will leave 13' width. There is clearance between sidewalk furniture, tree pits, etc. Café will be open on south side.
- Tables and chairs cannot be in front of fire exit door. But, since the capacity of the restaurant is 75 or less, only 1 means of egress is needed. So, it is legal to block one of the 2 egress doors.

*Resolution to **approve** application: 6-0-0-0. 1-0-0-0.*

**5. 676 Amsterdam Avenue (West 93rd Street.) New application #7967-2016-ASWC to the Department of Consumer Affairs by Sunflower Amsterdam, LLC., d/b/a Sunflower Cafe, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 24 seats.**

This application was already conditionally approved by the committee in November. The restaurant complied with the condition and was so approved by the full board in December.

*Resolution to reaffirm the committee vote in November and **approved** by the full Board in December: 7-0-0-0. 1-0-0-0.*

**6. Multi-block street fairs. Public hearing on applications to the Street Activity Permit Office for multi-block street fairs in 2016.**

- Todd Barman – would like to thank the committee and members for their help in defeating the onerous conditions proposed by the City Council. This is clearly a CB5 problem. Hopefully, the next set of guidelines will focus on more appropriately addressing the actually problematic issues.
  - A. Veritas, Inc. / Samaritan Village; Duke Ellington Blvd. Neighborhood Association; 24<sup>th</sup> Precinct Community Council – Mort & Ray
    - Date: 4/30/17. Broadway, between W96th-106<sup>th</sup>
    - If there are 2 festivals on the same day, there is no issue as long as the festivals are in 2 different precincts. Or one festival can be moved to a different day.
  - B. Lincoln Square Neighborhood Center – will stay at 4/23/17

**Community Board 7/ Manhattan**

- Date: 4/23/. Columbus, West 66<sup>th</sup>-72<sup>nd</sup>
- Robert Ashe 17from Pop-Up New York – is a brand under Clearview. Changing traditional street fair to a curated Arts & Crafts & Culinary Fair. There will be more artisans and crafters rather than the fare more commonly found at street fairs.

*Resolution to **approve** A and B: 7-0-0-0. 1-0-0-0.*

**C. Broadway Mall Center**

- Date: 5/7/17. Bway, West 86<sup>th</sup>-93<sup>rd</sup>
- This year, fair did not do well because of rain. Vendors did not want to invest with threat of rain.
- Beverly Bartow, on Board of Broadway Mall Association, was present.
- Several merchants pay to have their spaces left vacant. Businesses are charged approx. half as much. Nonprofits are not charged.
- A lot of the nonprofits that are government funded are not also doing street fairs. There is something unfair about that.

*Resolution to **approve** C: 7-0-0-0. 1-0-0-0.*

**D. Committee for Environmentally Sound Development**

- Date: 5/14/17. Bway, West 60<sup>th</sup>-65<sup>th</sup>
- Clearview is the producer
- Event has been conducted for 18 years, incident-free

*Resolution to **approve** D: 7-0-0-0. 1-0-0-0.*

**E. West Manhattan Chamber of Commerce**

- Date: 5/21/17. Bway, West 77<sup>th</sup>-88<sup>th</sup>
- Same plan as last year
- Space given to greenmarket

*Resolution to **approve** E: 7-0-0-0. 0-0-0-1.*

**F. Coalition for a Livable West Side & Safe Haven West Side Basketball League**

- Date: 5/28/17. Bway, West 72<sup>nd</sup> – 86<sup>th</sup>
- Mort & Ray is the producer
- Because of the Tonys being at the Beacon, the street fair may switch sides of the street to the East Side . But, this vote will for the West Side of the street.
  - i. Doug - This was a bottleneck when the Tonys were here last year and the street fair happened at the same time, largely due to security and paparazzi.
- Hold 2 special events that day – book signing near Zabar’s and an opera competition at 86<sup>th</sup> St. (7 of those winners are now in residence at the Metropolitan Opera!)

*Resolution to **approve** F: 7-0-0-0. 1-0-0-0.*

**G. Project Open at Lincoln Center Towers & Mitchell-Llama Residents Coalition**

- Date: 6/4/17. Bway, West 65<sup>th</sup> – 72<sup>nd</sup>
- Mort & Ray is the producer

*Resolution to **approve** G: 7-0-0-0. 1-0-0-0.*

**H. Valley Restoration, LDC**

- Date: 6/10/17. Columbus, West 96<sup>th</sup> – 106<sup>th</sup>
- Mardi Gras Festival is the producer
- Have been on Amsterdam for many years. But are now trying Columbus.

*Resolution to **approve** H: 7-0-0-0. 1-0-0-0.*

**I. West Side Federation of Neighborhood & Block Assoc. & The Broadway Mall Association**

- Date: 6/11/17. Bway, West 73<sup>rd</sup> – 86<sup>th</sup>
- Mort & Ray is the producer

- Beverly Bartow, on Board of Broadway Mall Association, was present. They are greening Broadway with community help. They do a lot of events – e.g., winter lighting of the malls. They appreciate support of CB7. The public art installations are done in collaboration with city agencies. They hope to have another installation up in 2017.

*Resolution to **approve** I: 7-0-0-0. 1-0-0-0.*

**J. Goddard Riverside**

- Date: 8/13/17. Amsterdam, West 79<sup>th</sup> – 86<sup>th</sup>
- Clearview is the producer. Trish Anderson present.
- Repeat event. No incidents for 15 years, and maybe more.

*Resolution to **approve** J: 7-0-0-0. 1-0-0-0.*

**K. West Manhattan Chamber of Commerce**

- Date: 9/17/17. Columbus, West 68<sup>th</sup> – 86<sup>th</sup>
- WMCC is the producer

*Resolution to **approve** K: 7-0-0-0. 0-0-0-1.*

**L. Bloomingdale Area Coalition**

- Date: 10/15/17. Bway, West 96<sup>th</sup> – 106<sup>th</sup>
- Mort & Ray is the producer

*Resolution to **approve** K: 7-0-0-0. 1-0-0-0.*

**M. NAACP Mid-Manhattan Branch & Symphony Space**

- Date: 10/22/17. Bway, West 86<sup>th</sup> – 96<sup>th</sup>
- Mort & Ray is the producer
- Symphony Space – great community facility!

*Resolution to approve K: 7-0-0-0. 1-0-0-0.*

DATE	SPONSOR NAME	LOCATION	VOTES
4/23/17	Lincoln Square Neighborhood Center	Col, West 66 <sup>th</sup> – 72 <sup>nd</sup>	Clearview Festival
4/30/17	Veritas, Inc.	Bway, West 96 <sup>th</sup> -102 <sup>nd</sup> E	Mort & Ray
4/30/17	Duke Ellington Blvd. Neighborhood Association	Bway, West 102 <sup>nd</sup> -106 <sup>th</sup> E	Mort & Ray
4/30/17	24th Precinct Community Council	Bway, West 102 <sup>nd</sup> -106 <sup>th</sup> E	Mort & Ray
5/07/17	Broadway Mall Center	Bway, West 86 <sup>th</sup> - 93 <sup>rd</sup> E	Mort & Ray
5/14/17	Committee for Environmentally Sound Development	Bway, West 60 <sup>th</sup> -65 <sup>th</sup> E	Clearview Festival
5/21/17	West Manhattan Chamber of Commerce	Amst, West 77 <sup>th</sup> –88 <sup>th</sup>	WMCC
5/28/17	Coalition for a Livable West Side	Bway, West 72 <sup>nd</sup> -82 <sup>nd</sup> W	Mort & Ray
5/28/17	Safe Haven West Side Basketball League	Bway, West 82 <sup>nd</sup> -86 <sup>th</sup> W	Mort & Ray
6/04/17	Project Open at Lincoln Center Towers	Bway, West 65 <sup>th</sup> -72 <sup>nd</sup> W	Mort & Ray
6/04/17	Mitchell-Lama Residents Coalition	Bway, West 65 <sup>th</sup> -72 <sup>nd</sup> W	Mort & Ray
6/10/17	Valley Restoration, LDC	Col, West 96 <sup>th</sup> –106 <sup>th</sup>	Mardi Gras Festival
6/11/17	West Side Federation of Neighborhood & Block Assoc.	Bway, West 73 <sup>rd</sup> -82 <sup>nd</sup> E	Mort & Ray
6/11/17	The Broadway Mall Association	Bway, West 82 <sup>nd</sup> -86 <sup>th</sup> E	Mort & Ray
8/13/17	Goddard Riverside	Amst, West 79 <sup>th</sup> -86 <sup>th</sup>	Clearview Festival
9/17/17	West Manhattan Chamber of Commerce	Col, West 68 <sup>th</sup> –86 <sup>th</sup>	WMCC
10/15/17	Bloomingdale Area Coalition	Bway, West 96 <sup>th</sup> –106 <sup>th</sup> W	Mort & Ray
10/22/17	NAACP Mid-Manhattan Branch	Bway, West 86 <sup>th</sup> – 90 <sup>th</sup> W	Mort & Ray
10/22/17	Symphony Space	Bway, West 90 <sup>th</sup> – 96 <sup>th</sup> W	Mort & Ray

## FULL BOARD MEETING

ROBERTA SEMER, CHAIRPERSON

DECEMBER 6, 2016

Community Board 7/Manhattan's Full Board met on Tuesday, December 6, 2016, at Fordham University, 113 West 60<sup>th</sup> Street (Columbus Avenue), in the District. Chair Roberta Semer called the meeting to order at 6:36 pm after the Secretary confirmed the existence of a quorum.

The following matters were discussed and actions taken:

Minutes from the November 1, 2016, full Board meeting were **approved**.

VOTE: 24-0-1-0

### Chair's Report: Roberta Semer:

- Reminded members not to talk with media unless authorized by Chair.
- Open Co-Chairs: Housing Committee, Parks & Environment Committee, Youth, Education, & Libraries Committee.
- Louisa Craddock and Seema Reddy will work on a "New Members Handbook".
- Introduced the Executive Committee: Roberta Semer, Chair; Audrey Isaacs, 1<sup>st</sup> Vice Chair; Polly Spain 2<sup>nd</sup> Vice Chair; Manuel Casanova and Christian Cordova, Co-Secretaries.

### Community Session:

#### Sheldon Fine, West Side Federation for Senior and Supportive Housing:

- Thursday December 15<sup>th</sup> The Douglass Houses Tenant Association and Park West Policy Forum are hosting a housing event that Mayor Bill de Blasio is attending.
- Topics will include affordable housing and rent stabilization.
- Location will be the West Side High School (140 West 102<sup>nd</sup> Street) from 7 – 9 pm.
- CB7 will have the registration form online.
- Registration deadline is December 13<sup>th</sup>.

#### Jennifer Zan: St. Agnes Public Library:

- Talked about programs at the St. Agnes and Bloomingdale Public Libraries.

#### Manhattan Borough President's Report, Diana Howard:

- New membership application for Community Boards is available online.
- Existing CB members will receive an email to reapply.
- Asking Donation of diapers for of variety of sizes for families.

### Reports by Elected Officials:

#### Helen Rosenthal, New York City Council Member (6<sup>th</sup> District):

- Will pass legislation to close loops on campaign finance board.
- Will pass legislation on capping gas lines.
- Collecting new toys at the council office (563 Columbus Avenue) for families in shelters.

**Community Board 7/ Manhattan**

- Monthly housing clinics continuing.
- Next one is "Housing Court 101" on December 7<sup>th</sup>, see the flyer.
- New senior resource guide available.
- Will mail them out upon request; call 212-873-0282 ext. 206.
- New community liaison, Steven Scandole, director of constituent services, [sscandole@council.nyc.gov](mailto:sscandole@council.nyc.gov).
- Community forum on Thursday night (December 8<sup>th</sup>), about concerns with the forthcoming president elect Trump administration.
- Location will be John Jay College at 6pm.
- There will be experts to answer questions on protecting immigrants, women reproductive rights, funding from federal government, etc.
- Speakers have been asked to come with a list of specific steps to take.
- You will be able to make an appointment for IDNYC.

#### CB7 Comments:

- Mark Diller, Q: will the community forum be recorded?
- A:
  - ✓ Probably not but will post info in the website, [www.helenrosenthal.com](http://www.helenrosenthal.com).
  - ✓ Will look into recording the event.
- Louisa Craddock, Q: have you consider being a clearinghouse for similar events?
- A:
  - ✓ This will be the first of many continuing forums.
  - ✓ Others will be about literacy groups, how to spot fake news, etc.
  - ✓ Intend to continue having information sessions.
- Richard Robbins, Q: has the city looked into the Trump impact to the city budget?
- A:
  - ✓ Yes, the Office of Management and Budget is doing estimates and the mayor will add monies to the reserve fund because of the Trump budget uncertainties.
  - ✓ Past budgets by republican administrations have had a negative effect on the city.
  - ✓ We are asking the city to double down on safety net services.
  - ✓ Our social services are deeply underfunded now.
- Howard Yarus: NYC got 50% of Trump proposed infrastructure project.
- A:
  - ✓ Congress Member Jerrold Nadler has taking the lead on that.
  - ✓ NYS does very well with transportation funding because we meet federal criteria.

#### **Reports by Elected Officials' Representatives:**

##### Sean Coughlin, Office of Council Member Corey Johnson (3<sup>rd</sup> District):

- People who have turned 26 years old have 9 days left to get insurance through the health insurance marketplace at [www.healthcare.gov](http://www.healthcare.gov).
- NYC AIDS Memorial was dedicated this past month.
- Read the Council Member's remarks on Facebook (Corey Johnson) or on the website, [www.CoreyJohnson.nyc](http://www.CoreyJohnson.nyc).

##### Elie Peltz, Office of U.S. Congress Member Jerrold Nadler (10<sup>th</sup> District):

#### **Community Board 7/ Manhattan**

- Congress Member Nadler is concerned with the announcements from the Trump transition team, especially the appointments of Stephen Bannon and Senator Jeff Sessions.
- He is a senior member of the House Judiciary Committee and will be vigilant against attacks on civil liberties.
- Important that all of us remain engaged.
- Hosting a Town Hall Meeting on Monday December 19<sup>th</sup> at the NY University Kimmel Center, see flyer.

CB7 Comments:

- Manuel Casanova, Q: Trump communicates policy via Twitter, how are you planning to communicate as a counter to Trump twitting?
- A:
  - ✓ By maintaining constant communication with other elected officials and with members of the NYC delegation.
  - ✓ Increasing Congress Member Nadler's social media presence via Twitter and via electronic newsletter.
  - ✓ People should sign-up to keep informed.
- Ethel Sheffer:
  - ✓ The NYC delegation should know that HUD (U.S. Department of Housing and Urban Development) is basic to funding of housing developers and non-profits.
  - ✓ Tweet vs. tweet is a good way to present a good opposition.

Erik Cuello, Office of Council Member Mark Levine (7<sup>th</sup> District):

- December 15<sup>th</sup> Mayoral Town Hall also being sponsored by Council Member Mark Levine, NYS Senator Bill Perkins, MBP Gayle Brewer, NYS Assembly Member Daniel O'Donnell and other organizations.
- You can register online.
- Had sign-up sheet on hand for anyone that wanted to register at the meeting.
- Council Member Levine held a NYC Council Parks Committee meeting about providing the public access to more park venues like the Soldiers' and Sailors' monument.
- The NYC Department of Housing Preservation and Development will have HDFCs (Housing Development Fund Corporation) regulatory forum at their December 12<sup>th</sup> regular meeting.
- Mark Diller, Q: is there a strategy to resist changes to HDFCs regulations to make them not punitive to HDFCs residents?
- A: The office is working with HDFC groups and has reached out to the HDFC Coalition and to other elected officials in lower Manhattan and the Bronx.

Gus Ipsen, Office of Assembly Member Linda Rosenthal (67<sup>th</sup> District):

- Airbnb dropped its lawsuit this last Saturday (December 3<sup>rd</sup>).
- As the Chair of the Assembly Alcoholism and Drug Abuse Committee, the Assembly Member was happy that the governor signed her bill requiring credentialed alcoholism and substance abuse counselors to receive formal training in MAT (medication assisted treatment).
- Holiday party on December 14<sup>th</sup>, 6 – 8 pm.
- Manuel Casanova, Q: why did Airbnb drop the lawsuit?
- A: will let Assembly Member Rosenthal talk about it.

Tara Klein, Office of State Senator Brad Hoylman (27<sup>th</sup> District):

- The Senator is excited to introduce new legislation, T.R.U.M.P. (Tax Returns Uniformly Made Public).
- The legislation will require anyone running for President or Vice President to release their tax returns to be able to appear on the ballot in NY State.
- Recent rise on identity bias or hate crime incidents (867 in the 10 days after election).
- Call the number (888-392-3644) in the flyer to report an incident.
- Sheldon Fine:
  - ✓ There have been 23 anti-Semitic and 42 muslim hate incidents.
  - ✓ One incident happened at the Senator's building.

George Damalas, Office of State Senator Jose Serrano (29<sup>th</sup> District):

- Ongoing housing services for tenants.
- On upper west side Thursdays December 8<sup>th</sup> and December 15<sup>th</sup>, check report for locations.

Laura Atlas, Public Advocate Letitia James' Office:

- The Public Advocate has presented recommendations to ease Traffic Congestion traveling to the local airports.
- She has called for the NYC Department of Education to appoint a Chief Diversity Officer to address the systematic segregation in NYC schools.

Business Session:

**LAND USE COMMITTEE**

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

**Resolutions Re:**

1. **8-10 West 70<sup>th</sup> Street, Congregation Shearith Israel.** Application #74-07-BZ to the Board of Standards and Appeals by Congregation Shearith Israel for an extension of time to complete construction and for a minor amendment to plans.

Presentation by Richard Asche:

- Committee disapproves the application.
- The economic environment has changed and the units previously approved may not be enough to make the project viable.

After deliberation, the resolution to **disapprove** was adopted.

VOTE: 27-1-2-0

**PRESERVATION COMMITTEE**

**Jay Adolf and Gabrielle Palitz, Co-Chairpersons**

**Resolutions Re:**

2. **39 West 67<sup>th</sup> Street** (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission for a window replacement master plan.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Façade faces West 67<sup>th</sup> street.
- Resolution was to approve the plan, while recommending that the rear façade create more conformity with existing windows.

After deliberation, the resolution to **approve** was adopted.

VOTE: 33-0-1-0

3. **31 West 71<sup>st</sup> Street**, La Quinta Inn & Suites Marquee (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission to legalize and modify a canopy installed without LPC permits.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Originally they wanted to use vertical posts which conflicted with gas lines.
- The alternative proposal is to use a blue canvas instead.
- Committee found that the canvas design had no bearing to the historical district.

Arthur S. Harris, Architect for the owner:

- He has been involved with the applicant for the last 10 years.
- 4-5 million dollars spent in renovations.
- Had original canopy proposal approved.
- Felt that the posts for the canopy would obstruct pedestrian traffic.
- Not trying to legalize the current installation of the blue canvas.
- LPC did not respond within 90 days, and they took that to mean approval for the canvas canopy, which they felt it was appropriate.
- A year later a building inspector ticketed them.
- There is no proof that a marquee was originally built on the site, but the original construction included parts to be able to install a marquee.
- Looking for relief and fairness by memorializing what they have already installed, a marquee made out of canvas.

CB7 Comments:

- Meisha Hunter Burkett: reminded the CB7 members that LPC originally approved, although the applicant did not bother to check with LPC and assumed approval.
- A: Gabrielle Palitz:
  - ✓ We have not seen other examples of canvas based marquees.
  - ✓ Will not have approved based on appropriateness.
- A: Mr. Harris:
  - ✓ Had a petition of neighbors that did not object to the canvas marquee, 15 signatures from the Block Association.
  - ✓ Had a letter from the hotel to the Block Association asking neighbors to support approval for the marquee.
- Manny Casanova, Q: what is the process when you don't hear back from LPC on your application?
- A: Mark Diller:
  - ✓ There is no such thing as hoodwinking the government.
  - ✓ The burden of approval is on the applicant.

- Jeannette Rausch, Q: could they have use something other than the lion's heads with two hooks?
- A: Gabrielle Palitz:
  - ✓ This particular marquee should have use metal on glass.
  - ✓ There is no precedent for the use of canvas as a marquee.
- Klari Neuwelt:
  - ✓ The architect's comments were unpersuasive and disingenuous.
  - ✓ Corporate owner had no excuse for not following the rules.
  - ✓ Urged to disapprove.
- Mark Diller:
  - ✓ The Bellclaire hotel on West 77<sup>th</sup> street asked for the right kind of marquee that fit the historical character of the neighborhood.
  - ✓ If La Quinta Inn had used a wider canopy they may have avoided the gas connections.
  - ✓ Encouraged members to follow the Committee recommendation to disapprove.
  - ✓ You cannot assume that the government approved because of their silence.
- Meisha Hunter Burkett:
  - ✓ No pictographs were presented.
  - ✓ Design did not follow historic character of the neighborhood.
  - ✓ Vote to disapprove.

After deliberation, the resolution to **disapprove** was adopted.

VOTE: 33-0-1-0

4. **310 West End Avenue, Apt 16B** (West 75<sup>th</sup> Street.) Application to the Landmarks Preservation Commission for the modification of two windows.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Modification of lower pane on two windows to install a vent to air out to the street.
- Minimally visible from the street.
- Reasonably appropriate.

After deliberation, the resolution to **approve** was adopted.

VOTE: 33-0-1-0

5. **410 Amsterdam Avenue** (West 79<sup>th</sup> – 80<sup>th</sup> Streets.) Application to the Landmarks Preservation Commission for a modification of existing storefront.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Photos give you context, showed the storefronts.
- Proposal to make the storefront look like the one at 412 Amsterdam Avenue.

After deliberation, the resolution to **approve** was adopted.

VOTE: 34-0-0-0

6. **351 Amsterdam Avenue** (West 77<sup>th</sup> Street.) Application to the Landmarks Preservation Commission to request legalization of the first floor storefront façade.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Cast iron columns at the center.
- The proposed design respects verticality of details and is not inconsistent, but what got installed was not consistent with the historic fabric of the district.

After deliberation, the resolution to **disapprove** was adopted.

VOTE: 34-0-2-0

7. **170 West 79<sup>th</sup> Street, Rodeph Sholom School** (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for a new rooftop play deck.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- There are apartment buildings on either side of the school plus an alleyway.
- Applicant came before the committee last month.
- Concerns expressed about the height of the design.
- Middle school students need to be able to play basketball on the rooftop.
- None of the bulkheads are visible from the street.
- The chain link fencing is visible and they are looking to select a color for it that is least visible.
- There is a gap between the school and one apartment building, allowing a portion of the enclosure to be visible from the street.
- The vote for the resolution is in two parts:
  - A. Recommend to approve design of enlarged bulkheads, mechanical equipment, and fencing materials.
  - B. Recommend to disapprove design of the rooftop play deck because of visibility, with a comment to reduce the height of the design to be able to approve it at a later time.

Members of the Public:

Danny Karpf, Head Elect of School:

- The school currently has only one play space, not properly equipped, and shared by the 2<sup>nd</sup> – 8<sup>th</sup> graders.
- Due to the space constraint the middle school students have almost no recess.
- Intend to renovate current space for use only by elementary students during building of new play space.
- 350 students in campus, whose outdoor exercise needs are not being met.
- In consideration to the neighbors they have already reduced the height of the design by 20%.
- Additionally intend to:
  - ✓ Limit use of space to weekdays between 10am – 4:30pm.
  - ✓ Fully fence both play decks to keep balls inside the play area.
  - ✓ Work with acoustic consultant to consider all possible noise reduction options.
- Will continue to consider further suggestions by the neighbors about materials and use of the space.

Suzanne Waltman, Chair of Board of Trustees:

- The school is associated with the Congregation Rodeph Sholom.
- Need to be able to allow students to go outside at least twice a week.

David Schatsky, resident of 172 West 79<sup>th</sup> Street:

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- Proposed design is out of scale.
- It impacts the neighborhood negatively: noise, obscuring view, etc.
- The school has other play spaces.

Robert Pierpont, resident of 164 West 79<sup>th</sup> Street:

- The school plans a relative benefit to their operation, which has a big impact on the neighborhood.
- Passed around renderings illustrating a negative impact of the structure on the neighborhood.
- At last Thursday (December 1<sup>st</sup>) committee meeting, the proposal to reduce the height of the design implies that it will not be used for basketball.
- Urged the board to reject the application.
- Had 51 signatures opposing the project until a noise study is conducted, there is a reduction in height of the design and more time is allowed for the community to comment on the design.

Claudia Pierpont, resident of 164 West 79<sup>th</sup> Street:

- The school already has a rooftop playground that creates a lot of constant noise.
- Back in 2009 they got approval for that rooftop playground because they promised not to ask again for another intrusive project.
- The school should not be able to damage the lives of many of their neighbors now.
- Let them use existing playgrounds in Riverside or Central Parks instead of producing too much noise that bothers the neighbors.
- Urged the members to consider that the greater good lies with their neighbors' ability to have peace in their homes.

Dimitry Neminovsky, resident of 172 West 79<sup>th</sup> Street:

- Highlighted the differences of stated goal vs reality of proposal.
- The proposed basketball court on top of the school next to residential building, creating pounding noise which is inappropriate in a residential location.
- This cannot be the only way to reach the schools goals, especially since the school already has a built in gym.

Carlos Havo, resident of 172 West 79<sup>th</sup> Street:

- Would have made points already mentioned.
- This is something easily solved by not putting the basketball court on the rooftop.

Thad Pitney, resident of 172 West 79<sup>th</sup> Street:

- Echoed the same concerns already expressed.
- The noise is incredibly loud between 11am – 4pm.
- The school has come back with different plans and they have marginally contacted the neighbors.

CB7 Comments:

- Jay Adolf:
  - ✓ The committee disapproved the design portion of the application.
  - ✓ We tried not to micromanage the school's needs.
  - ✓ This is a situation where programmatic concerns are driving construction (wanting to have basketball at both ends of area).
  - ✓ Proposed reduction of height means eliminating basketball option.
  - ✓ We tried not to affect programmatic decisions.

- Gabrielle Palitz:
  - ✓ Our concern is only for appropriateness of designs.
  - ✓ Since the structure is partly visible from public space, by lowering the height which precludes basketball, it will significantly reduce visibility from the public space.
  - ✓ Noise is not a factor in determining appropriateness.
- George Zeppenfeldt-Cestero:
  - ✓ Lives on 78<sup>th</sup> street.
  - ✓ Remembered when the 78<sup>th</sup> street portion of the school was a convent that later was turned into a school.
  - ✓ The school promised that the students would only use the entrance on 80<sup>th</sup> street and not the one on 78<sup>th</sup> street.
  - ✓ The real concern is the noise.
  - ✓ Three residential buildings are impacted by the noise.
- Peter Sampton:
  - ✓ To have basketball on the rooftop a surface is used which produces noise.
  - ✓ Columbia Grammar and Preparatory School used rubber materials to reduce noise, which is not appropriate for basketball.
- Ethel Sheffer:
  - ✓ Agreed with committee findings and recommendations.
  - ✓ Although noise cannot be considered for appropriateness, there is common sense to be used, the noise should be considered in the decision to approve or disapprove.
- Meisha Hunter Burkett:
  - ✓ Suggested at the committee meeting that the school switch intentions by using the rooftop for the elementary school students and the existing play space for the middle school students.
  - ✓ This was not logistically possible.
  - ✓ Maybe they can use basketball hoops of different heights.
- Richard Asche: struggled with the notion that the real objection is on how the rooftop will be used.
- Madge Rosenberg, Q: is this the first time a basketball court will be used on a rooftop?
- A: Gabrielle Palitz: No, Trinity School does have a rooftop basketball space.
- Dan Zweig: should not approve the use of the rooftop so close to neighbors.
- Mark Diller:
  - ✓ It is possible to approve the design without talking about noise.
  - ✓ Cannot imagine approving the use of a chain link fence in other circumstances.
- Tina Branham, Q: is there anything preventing the use of a solid structure instead?
- A: Jay Adolf: the neighbors would be more concerned with a solid structure that would obstruct visibility even more.
- Jeannette Rausch: the chain link fence does not make the structure invisible.
- A: Gabrielle Palitz: meant to say it makes the structure less visible.
- Jeannette Rausch, Q: is the issue of visibility from the public way part of the landmarks law?
- A: Jay Adolf: the standard for construction is visibility from the public way.

**A. Enlarged bulkheads, mechanical equipment, and fencing materials**

After deliberation, the resolution to **approve** was adopted.

VOTE: 26-10-1-0

## **B. Specific design of the rooftop play deck**

After deliberation, the resolution to **disapprove** was adopted.

VOTE: 33-1-1-0

8. **51 West 81<sup>st</sup> Street** (Columbus Avenue.) Application to the Landmarks Preservation Commission for window replacement.

Presentation by Gabrielle Palitz:

- Showed slides of elements.
- Master plan proposal is to replace all the windows.
- Windows designed at the turn of the century.
- Original window design consisted of one-over-one double hung wood windows.
- Some of the windows are now bisected by apartment walls.
- Original window design cannot be duplicated because of interior construction.
- Proposed and existing looks are very similar.
- Slides don't show elements that were found inappropriate.
- Not enough historic detail was researched.
- Applicant will come back next month.

After deliberation, the resolution to **disapprove without prejudice** was adopted.

VOTE: 35-0-0-0

## **TRANSPORTATION COMMITTEE**

**Andrew Albert and Howard Yaruss, Co-Chairpersons**

**Resolutions Re:**

9. **23 West 73<sup>rd</sup> Street** (Central Park West – Columbus Avenue.) Request by the Park Royale request to the Department of Transportation for “No Parking Anytime” signs in front of the entrance.

Presentation by Howard Yaruss:

- This is a busy side street.
- A few months ago DOT removed the “No Parking Anytime” signs creating congestion.
- So far there has been one accident and other chaos.

Joe Dodds, resident of 23 West 73<sup>rd</sup> Street:

- Stated that there were 150 sign petitions in favor of restoring the signs.
- This building was originally a hotel that is now an apartment building.
- DOT brought the issue back on July and is waiting for board approval.

CB7 Comments:

- George Zeppenfeldt-Cestero:
  - ✓ This seems to be frivolous request.
  - ✓ Q: Does the board has a policy in place for these types of parking regulations?
- A: Howard Yaruss:
  - ✓ The committee will explore creating a policy at next month's meeting.

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- ✓ We were responding to a specific request for an unusual problem.
- ✓ The street experiences much more activity than a typical residential street.
- Jeannette Rausch:
  - ✓ It is a special condition to have this type of sign in front of a residential building.
  - ✓ Q: why did the committee approve the request?
- A: Howard Yaruss:
  - ✓ This was a “one of” situation and the residents presented a compelling argument.
  - ✓ The committee needs to develop a policy given the prevalence of double parking.
- Suzanne Robotti:
  - ✓ The signs were removed only 4 – 5 months ago so that the public is not used to it.
  - ✓ This is not a policy setting event.
- Linda Alexander:
  - ✓ We do not want to set a precedence.
  - ✓ This issue impacts a population that cannot afford parking garages.
  - ✓ We only want to look at this as a unique situation.
  - ✓ It is not precedence setting.
- Ethel Sheffer:
  - ✓ Uniqueness of the situation has not been proven.
  - ✓ The resolution does not states that there have been accidents to result in approving the return of the signs.
- A: Howard Yaruss:
  - ✓ This may not be a unique situation.
  - ✓ It should be considered for other buildings.
  - ✓ It is unique that this is the only building that has requested it.
- Richard Robbins: the resolution should be deferred to next month to allow the committee to establish a policy.
- A: Howard Yaruss:
  - ✓ There was a video of an accident.
  - ✓ We wanted to address the situation now.
- Roberta Semer: the resolution will be sent back to committee.
- Mark Diller: there is reason to approve the resolution, there is a unique condition to this case.
- Jay Adolf:
  - ✓ After the reconfiguration of West End Avenue, if you drop passengers you get out into the driving lane making this a dangerous situation also.
  - ✓ This resolution will create a precedence which is premature to do before setting standards.
- George Zeppenfeldt-Cestero: proposed motion to send the resolution back to committee.
- Howard Yaruss withdrew the resolution.

## **YOUTH, EDUCATION & LIBRARIES COMMITTEE**

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

**Resolution Re:**

10. **New York Public Library** for an addition of one exterior canopy lighting fixture outside the Library for the Performing Arts' Lincoln Center Plaza entrance, and replacement of lighting fixtures within the exterior blade signs over the Amsterdam Avenue entrance.

Presentation by Mark Diller:

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- The existing lighting under the marquee is the original building lighting.
- The current lighting uses fluorescent bulbs.
- Proposed new lighting will use LED bulbs that will be brighter.
- This month committee meeting will be on Monday December 19<sup>th</sup> at PS 191.
- PS 191 is the site of an innovative principal who is creating positive change.
- The committee meeting is being held there to bring attention to the school.

CB7 Comments:

- Manuel Casanova, Q: can solar lighting be used?
- A: Mark Diller: No, the proposal is to use existing conduits which precludes the use of solar lighting.

After deliberation, the resolution to **approve** was adopted.

VOTE: 27-0-0-1

## **BUSINESS & CONSUMER ISSUES COMMITTEE**

**Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons**

**Resolutions Re:**

### **11. New Applications to the SLA for Two-Year Full On-Premises Liquor Licenses:**

- **166 West 75<sup>th</sup> Street** (Amsterdam Avenue.) S&G Food Group, d/b/a Cesca.
- **473 Columbus Avenue** (West 83<sup>rd</sup> Street.) ACS Columbus LLC d/b/a To be Determined.

After deliberation, the resolution to **approve** was adopted.

VOTE: 30-0-0-0

### **12. New Unenclosed Sidewalk Café Applications:**

- **676 Amsterdam Avenue** (West 93<sup>rd</sup> Street.) New application #7967-2016-ASWC to the Department of Consumer Affairs by Sunflower Amsterdam, LLC., d/b/a Sunflower Cafe, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 24 seats.
- **2737 Broadway** (West 105<sup>th</sup> Street.) New application #9793-2016-ASWC to the Department of Consumer Affairs by The Westside of Broadway Restaurant Group, Inc., d/b/a Toast, for a four-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats.

Presentation by Michele Parker:

- The unenclosed sidewalk café for 676 Amsterdam Avenue does not wrap around the corner.

After deliberation, the resolution to **approve** was adopted.

VOTE: 32-0-0-0

The meeting was **adjourned** at 9:15 pm.

**Present:** Roberta Semer, Jay Adolf, Linda Alexander, Richard Asche. Isaac, Booker, Tina Branham, Steven Brown, Manuel Casanova, Christian Cordova, Kenneth Coughlin, Page Cowley, Louisa Craddock, Catherine DeLazzerro, Mark N. Diller, Sheldon J. Fine, Paul Fischer, Sonia Garcia, Marc Glazer, Sarina Gupta, Meisha Hunter Burkett, Audrey Isaacs, Brian Jenks, Blanche E. Lawton, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Jeannette Rausch, Seema Reddy, Richard Robbins, Suzanne Robotti, Madge Rosenberg, Peter Samton, Susan Schwartz, Ethel Sheffer, Polly Spain, Mel Wymore, Howard Yaruss, George Zeppenfeldt-Cestero and Dan Zweig. **Absent:** Andrew Albert, Elizabeth Caputo, Robert Espier, Miki Fiegel, Rita Genn, Benjamin Howard-Cooper, Madelyn Innocent, Genora Johnson, Lillian Moore, Nick Prigo and Eric Shuffler.

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## LAND USE COMMITTEE MEETING MINUTES

RICHARD ASCHE AND PAGE COWLEY, CO-CHAIRPERSONS

DECEMBER 21, 2016

The Meeting was called to order at 7:15 pm and was adjourned at approximately 8:25 pm.

**Present:** Richard Asche, Louisa Craddock, Jeannette Rausch, Seema Reddy and Ethel Sheffer.

**Chair:** Roberta Semer.

The following matters were discussed and actions taken:

### 1. Presentation and discussion of a proposed agenda relating to protection and improvement of our Privately-Owned Public Spaces (POPS).

*The agenda has been drafted by a small working group with representatives (so far) of the City Club, the Municipal Arts Society, the Friends of Upper East Side Historic Districts, and the NYC Chapter of the AIA. The agenda is in reaction to the rezoning of Water Street in Lower Manhattan to allow City Planning to administratively approve the infill of arcades with retail space. It also responds to legislation being considered by the City Council to provide an interactive map of POPS and to require reports by the Department of Buildings and City Planning concerning compliance by POPS. However, the intention is to be proactive rather than reactive in protecting and improving the public spaces that are owed to us in return for zoning bonuses, rather than reacting to proposals to reduce this component of the public realm.*

John West, Community Board Member of District 6 and a member of the Working Group that includes representatives of the City Club, the Municipal Arts Society, Friends of the Upper East Side Historic Districts and the NYC Chapter of the AIA. He was joined by Philip Schneider and they gave a short presentation. Their draft report “POPS Coalition, An Agenda for the Future of POPS,” was distributed and used as the basis for discussion.

The following relevant facts and general comments were made:

- A. Seema Reddy volunteered to be part of the effort.
- B. The goal is to get good ideas of how to improve POPS and also how to act quickly among the Community Boards if legislation is on the table.
- C. Plazas are in their 4<sup>th</sup> generation of regulation requirements and they are getting better with each version.
- D. Arcades are on their 1<sup>st</sup> generation of regulation.
- E. First section of the report defines types of POPS
- F. How do you find information about POPS? There is a good website hosted by Municipal Arts Society (MAS).
  - Harvard Professor of Urban Planning and Design, Jerold S. Kayden, is also the founder and President of *Advocates for Privately Owned Public Space* (APOPS). His work in collaboration with the MAS resulted in the definitive book about this subject to promote creative stewardship of the approximately 525 NYC privately owned public spaces.
  - The DCP and MAS websites has a great deal of information that is even accessible on mobile devices
  - The drawback is that the format prevents some important information from being available.
  - There should ideally be some mechanism for the public getting into the information that DCP has in terms of requirements. Over time, some of the places are no long in compliance. So the issue and question is: How do you get / resolve the next level of compliance?

- Getting the basic information is difficult because the project files for each of the buildings are very large and complicated, not lending itself to a simple FOIA request.
- Ideally, there should also be a better enforcement mechanism. Right now, the only mechanism is to call 311 and register a complaint.
- Right now, DCP's position is that you need the consent of the 3 partners in order to get further information on the requirements for a particular POPS. The database is jointly owned by the 3 entities. The drawings behind the database are in files at DCP.

The Committee comments were as follows:

A. Ethel Sheffer:

- Right now, DCP and Jerold Kayden are in the middle of updating the database. DCP has also hired a full-time employee whose sole job is to deal with POPS and update the database.
- A continuing issue is enforcement when POPS go out of compliance (e.g., POPS Space in Trump Tower). The DOB is responsible for enforcement, but they don't necessarily do a great job of this.
- At City Council, a bill has been introduced to improve information and enforcement.

B. Richard Asche:

- Perhaps such information should be available upon request to the public, as is done with Elevator Certificates. But, counsel has maybe advised that this is not appropriate.
- 311 does not seem an adequate mechanism for enforcement.
- Most recent generation of regulation has a reporting requirement to affirm compliance of the POPS. Suggestion to Kallos's office, write a local law that requires all owners of POPS to periodically certify they are in compliance.
- Perhaps Community Boards could be doing some of these inspections.
- CB6 obtained some interns to survey the POPS within the district and developed a reporting form. After 6mos of work, they provided a report to the CB. They checked every POPS against the Kayden book or against the approved plans. This is a good potential example.
- This unfortunately will be complaint-driven. And these need to be systematically captured.
- The more recent POPS of the last 10-15 years are much better by the criteria of what they are asked to do. The regulations are better; they were built better; and they are run better.

C. Seema Reddy:

- Forcing owners to certify the requirements of their POPS periodically can be helpful at keeping the requirements top of mind for owners, especially given attrition and turnover of management staff of these POPS spaces.
- Should DCP be responsible for enforcement rather than DOB? Is that even in their mandate? If not, should City Council change the law to allow DCP to inspect and enforce.
- At one time, DOB had a dedicated inspector for POPS who was very effective at his job. Summonses and fines were issued for violations. Then, push went away and the enforcement process fell apart.
- Perhaps the CB District Managers complaints would be better received and addressed?
- But, ultimately, people need to know what they are complaining about – going back to Richard's point.

D. Jeannette Rausch:

- What happens when POPS space is de-accessioned? How can that be done? Should it be done? What does the community get back as a result?
- Lower Manhattan's procedure is an administrative procedure that doesn't allow for much transparency. Special Permit POPS at least go through a ULURP process.

*No action was taken regarding this presentation.*

**2. Discussion of Council Member Antonio Reynoso's (District 34 – Bushwick, Williamsburg, Ridgewood Queens) proposed recommendations for changes in the ULURP process.**

Lacey Tauber, Legislative Director for Council Member Antonio Reynoso gave a summary for the proposed changes and gave a handout for the Committee Members present. Key topics in the proposal are as follows:

- A. Handout: *Proposal to Increase Community Engagement in Private Development Plans.*
- B. Proposal arose out of a piece of land in Broadway Triangle that happens to be at the corner of a few different CB's and Council Districts.
- C. Community won a lawsuit against the city that said the community was being left out of the development conversations in their area.
- D. Ideally community concerns can be heard early and addressed. As well, there is a concern about the NIMBY factions that are shutting down affordable housing within their districts.
- E. They are proposing another step in the pre-certification process that would distribute more widely project details to elected officials to comment and also, by request, to have a public engagement session with the developer.
- F. There is also a proposal to revisit the City's environmental review process, and make the findings more public. Right now, agreements done through ULURP are made public. But, environmental reviews should ideally also be made public.
- G. This is focused on private development. And, not on neighborhood re-zonings – although that should also be looked at. This is not a comprehensive effort as of yet.
- H. Event on Friday 2/24/17 to bring together people to think about these issues on a higher level.

Comments from Committee Members:

- Jeannette Rausch:  
Thinks the initiative is good and helps communities to be more active.
- Richard Asche:  
Our CB7 Land Use Committee in practice gets to see private development ULURP's before they are finalized. CB7 typically sees more sophisticated developers. Caution – not to add another level of bureaucracy or extend the clock.
- Ethel Sheffer:  
Coming to the community early would help developers. For them, understanding who to talk to would be very helpful. Important for the Councilman to be more clear on how "community" is defined – does it mean community members or community board or something else?

**3. Discussion of ten City Council bills that would place restrictions on and revamp the processes of the Board of Standards and Appeals.**

Agreed to table this item for a future meeting.

There being no further business, the meeting was adjourned.

*Respectfully submitted by Seema Reddy.*

## **Parks & Environment Committee**

Klari Neuwelt, Chairperson

December 19, 2016

Present: Klari Neuwelt, Ken Coughlin and Brian Jenks.

The Chair called the meeting to order at 7:03 p.m.

1. Presentation by the NYC Department of Parks and Recreation on a temporary public artwork, “Hippo Ballerina” by Bjorn Skarrp, coming to Dante Park, February 7 through July 31, 2017.

Jennifer Lantzas, DPR Public Art Coordinator, made an informational presentation.

The subject of the 12’ bronze sculpture is a hippo depicted in a ballerina costume, inspired by several historical references. This is one of a continuing series of sculptures at this location, installed and maintained by the artist and/or the artist’s gallery, in this case Cavalier Gallery.

2. Presentation by the Department of Parks and Recreation on the proposed renovation of the Broadway Malls between West 102<sup>nd</sup> and West 104<sup>th</sup> Streets.

John Butz, a principal of Abel Bainsson & Butz, the DPR landscape architect consultants, presented.

The Broadway Malls are within the jurisdiction of the NYC Department of Parks and Recreation. The two malls between 102nd Street and 104th Street are in poor condition and in need of renovation.

DPR proposes to improve the borders and fencing at the two malls, restore the soil and rejuvenate existing planters and plantings, as well as add new plantings, improve accessibility, including adding pedestrian ramps at the corners, add seating and otherwise renovate these malls. The area designated for temporary public art installations at the mall between 102nd Street and 103rd Street will also be made larger and improved.

Funding was provided by several New York City Council members. Total funding for these two blocks and two blocks to the north, not within the CB7 District, is about \$1.29 million of public money. Construction costs only for these two blocks are budgeted at about \$550,000.

The next step for the project is review by the Public Design Commission in January. The project will likely go out to bid in the fall of 2017, with construction likely in 2018.

Bob Hermann, Chairman of the Broadway Malls Association, which provides support and volunteer gardening at the Malls, was introduced and spoke briefly about the Broadway Malls Association and this project.

The Committee did not have a quorum present. However, the three members present voted to propose a resolution to the Full Board to approve the proposed design.

Committee members: 3-0-0-0

3. Remarks by Towanda Harmon, Center Manager, Gertrude Ederle Recreation Center (not on agenda).

Towanda Harmon gave a brief description of current programs and other developments at the Gertrude Ederle Recreation Center.

4. Presentation by Department of Parks and Recreation of Minor Changes to the Design of the Plaza Portion of the Skate Park in Riverside Park (at 109th Street) to Accommodate an Existing DEP Water Line.

Margaret Bracken, Riverside Park Landscape Architect, presented for information purposes.

The Public Design Commission and the Landmarks Preservation Commission approved the design presented to CB7 earlier this year. However, since then, as construction drawings were being done, DPR discovered that the location of an existing 12" water main in the "plaza" area of the skate park, making the planned excavation impossible. As a result there will be relatively minor changes in the design for the plaza portion of the skate park, including installing some equipment at grade that would have been somewhat recessed. Also, the elements will be distributed somewhat differently from as shown on the previous plans. The grade will be pitched at various locations to channel excess water off of the skate area. This part of the skate parks contains equipment for all ages, beginners through intermediate.

There are also minor changes in the "bowl" at the northern section of the skate park, with the ramp hugging the bowl somewhat more than as shown in the plans presented to the Committee before.

The construction drawings will be reviewed by the PDC. Construction will start in the fall of 2017 at the earliest.

The price of the project is not affected by these design changes.

Committee questions and discussion:

- How could this have happened? Response by Bracken: It is common in construction projects to discover that field conditions vary from anticipated.

Community questions and comments:

- Ian Clarke: It is good that the bowl design is being maintained. He agrees that the water pipe has to be accommodated.

- Adam Derezendes (sp?): DPR has done a good job of accommodating the water pipe.

- Eric Cuello (Council M Mark Levine office): Good to have confirmation that the design changes don't affect the project budget.

End of agenda. Meeting adjourned at about 8:15 p.m.

Following the formal meeting, Sheila [ ], a resident of 20 West 66<sup>th</sup> Street, discussed with the Committee members her concerns about the new building that Extell Development will be constructing on her block. Members of the committee made some informal suggestions and said that to the extent that CB7 would be involved, it would likely be primarily through the Land Use Committee early in 2017.

Cy Adler, Director of Shorewalkers, asked the Committee to ask DPR to install a chess and other board game center at the Broadway Mall at 96<sup>th</sup> Street and to designate a Robert Moses footpath in Riverside Park. Committee members suggested that he first speak with DPR about these proposals to determine whether DPR is interested in them before asking the Committee to put them on its agenda.

# PRESERVATION COMMITTEE MEETING MINUTES

JAY ADOLF AND GABRIELLE PALITZ, CO-CHAIRPERSONS

DECEMBER 1, 2016

The meeting was called to order at 6:30 pm.

**Present:** Jay Adolf, Gabrielle Palitz, Louisa Craddock, Mark Diller, Miki Fiegel, Meisha Hunter Burkett and Peter Samton. **Chair:** Roberta Semer.

The following matters were considered and actions taken:

**170 West 79<sup>th</sup> Street - Rodeph Sholom School** (Amsterdam Avenue) Application to the Landmarks Preservation Commission for a new upper rooftop play deck to provide additional recreation area for older middle school students. The renovation of a lower rooftop play deck for younger students is being reviewed by LPC staff. *Presentation by Danny Karpf, Rodeph Sholem School; Sara Grant & David Pol, Murphy Burnham & Buttrick Architects*

This item was first heard at the November 10, 2016 meeting of the Preservation Committee. It was held over and the school was urged to work with neighbors who were concerned about the design and height of the 'basketball cage,' greater noise level and reduction of light.

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

- The school encompasses buildings at 170 West 79th Street and 163 and 165 West 78th Street. 170 West 79th Street is flanked by 19-story and 15-story residential buildings. Zoning is R10A. The upper rooftop play deck would be on the 170 West 79th Street building above the existing 4th floor.
- In order to level the play area, the sloped roof will be raised up to 2.5 feet (from back to front).
- Proposed rooftop area will provide 1,770 square foot roof deck at rear of the building with a completely enclosed, open air wire cage to be installed to allow for ball play.
- The reduced chain link fence enclosure will extend 20 feet above the new rooftop surface; the 18'-8" clear height is necessary to permit installation of basketball hoops at east and west sides of cage.
- Roof is presently an unoccupied space with existing mechanical systems and two roof bulkheads.
  - Existing mechanical systems will remain; portions of the ductwork and smaller fans will be relocated to make room for play spaces.
  - Bulkheads will be expanded in size for egress; a new bulkhead will be built for a new limited use ADA elevator. A small screened-in area in front of the bulkheads will allow access from the play space to the elevator and at the bulkheads.
- Elevator and stair bulkheads will be faced in light gray horizontal cement panels.

The following changes were noted at the 12/1/16 meeting after representatives of Rodeph Sholom and Murphy Burnham & Buttrick met with residents of the adjacent buildings.

- The height of the basketball cage was reduced 20%, from 25 feet to 20 feet. The clear height of 18'-8" is necessary to permit installation of basketball hoops at east and west sides of cage. This will serve school needs although it is not competition height.
- The mock-up for the basketball 'cage' was reduced in height. It is not visible from West 78<sup>th</sup> Street but is still partially visible on West 79<sup>th</sup> Street looking through the alley to the west of 170 West 79th Street.
- Still exploring materials for the chain link fence, to be installed on a metal structural frame, which may be vinyl-coated in white or black rather than a natural metal finish, in order to minimize visibility and reduce noise and impact of balls.
- Roof deck meant for recess activity for fifth to eighth grades (10-14 years), including basketball practice.

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#### Public Comments:

- Dmitry Nemirovsky, 172 West 79<sup>th</sup> Street, Apt. 8C  
In original presentations, the goal was seen as fresh air for kids. In reality, they already have a gym with a basketball court and the school is close to Central Park and Riverside Drive. The reality doesn't match the stated goals.
- Susan Bodnor, 172 West 79<sup>th</sup> Street, Apt. 9CD  
Discussed the difference between a space and a place, her home. Noted it is as bad for children to have too many entitlements as to grow up deprived. Suggested building a year-round, lifetime garden to teach students to live in a sustainable world.
- David Schatsky, 172 West 79<sup>th</sup> Street  
Spoke about visual impact of large fenced cage immediately outside apartment windows.
- Antonia Abraham, 172 West 79<sup>th</sup> Street  
Spoke about certain times of day when the sun is glaringly reflected off the metal chain-link fence
- Robert Pierpont, 164 West 79<sup>th</sup> Street  
Exhibited photo of mock-up from street with basketball cage vividly blocked out in orange. Also showed photos of basketball cage – ten feet away -- taken from the roof of 164 West 79<sup>th</sup> Street, the adjacent building to the east. Problem is the height of the basketball hoops. What about low ball activities to lessen the impact?
- Carlos Haro, 172 West 79<sup>th</sup> Street  
Pointed out that two basketball hoops means two groups of kids, two basketballs. Noise is amplified. Talked about impact of noise upon naptimes of his ten month old child and that the sun at his window will be diminished.
- James Menapace, 164 West 79<sup>th</sup> Street  
Part of community group that met with Rodeph Sholom. Said they asked for more time but did not get it and believes that they have not been able to influence the design. Said Rodeph Sholom refused to make a commitment about the lighting.
- Zach Hample, 164 West 79<sup>th</sup> Street  
Played a recording, window open and closed, of children playing mid-afternoon (11/21). He works from home and finds he cannot do so with the present noise level.

#### Committee Comments:

- Peter Samton: The stairs are enclosed and roofed over. It isn't required. A: Doesn't need to be enclosed but must be roofed.
- Gabrielle Palitz: Rodeph Sholom School steps back 5'6" from the lot line and therefore the rooftop addition will be 17'-18' from 172 West 79<sup>th</sup> Street.
- Gabrielle Palitz: The Preservation Committee cannot discuss the appropriateness of the Rodeph Sholom program.
- Miki Fiegel: We should consider living walls. Greenery. A: Living walls are maintenance intensive.
- Jay Adolf: Asked whether Rodeph Sholom had considered not having basketball. A: The kids want basketball. JA: Can one basketball hoop be eliminated? Is it feasible to place it on the south side of the cage. A: There are meant to be two basketball hoops and the area would be too short if on the south side. JA: Hoops do not have to be opposite.
- Meisha Hunter-Burkett: Rodeph Sholom wants to work as well as it can with its neighbors. The lower play area, which is meant for use by the lower grades, could maybe be used for the middle grades. The basketball cage would be lower and less obstructive. The higher rooftop play area could be used by the lower grades. A: There might be access issues. The lower play area, however, has lower basketball hoops for younger children.

- Louisa Craddock: The possibility of free play during recess rather than organized sports should be considered. Sports activities are, by nature, noisy. The idea of a garden sounds appealing.
- Peter Samton: Noise is an issue. A basketball court is extreme. A green roof would be appropriate. The situation needs a compromise to make it work.
- Mark Diller: Can't tell school how to program curriculum but a landmarks analysis would find a 20 foot cage on top of a landmarked building inappropriate. Can't support a 20 foot rooftop addition. The school can use the rooftop, as-of-right, as a play area but is not entitled to build a 20 foot cage.
- Gabrielle Palitz: There is some visibility and therefore an impact on the street. A compromise could be achieved by flipping the use of the two rooftop play decks so that the lower school would use the higher deck. Therefore, the walls of the enclosed basketball cage can be lowered -- perhaps 10-12 feet rather than 18 feet.

The Committee decided to address the issue in two parts.

- a. The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design of the new and enlarged bulkheads, the mechanical equipment and the least viably intrusive fencing materials for the rooftop play deck are all reasonably appropriate to the historic character of the building and of the Historic District.  
THEREFORE, BE IT RESOLVED THAT the Preservation Committee of Community Board 7/ Manhattan **approves** the new and enlarged bulkheads and the mechanical equipment, and the rooftop play deck fencing materials  
*Committee: 7-0-0-0. Non-Committee Full Board member: 1-0-0-0.*
- b. Regarding the specific design of the rooftop play deck, the following facts and concerns were taken into account in arriving at our conclusion:
  - The totally enclosed, chain link fenced area on the upper play deck will extend 20 feet above the new rooftop surface, which will create an 18'-8" clear interior height to permit the installation of basketball hoops for middle school students.
  - A portion of the new rooftop enclosure will be visible from the public way – through the alley to the west.

The Committee finds the visibility of the proposed 20 foot high enclosure to be significant, NOT minimal. Accordingly, the Committee requested the overall height of the enclosure be reduced eight feet to minimize the impact of its visibility from the public way and from the east-facing façade windows of the neighboring apartment building. The lower height enclosure would still permit some outdoor ball play but preclude middle school student scaled basketball. The Committee suggested that the basketball function be shifted to another outdoor play deck on a lower floor than this rooftop enclosure (currently being renovated), since that lower level play deck is fully contained within the rear yard and fully concealed from the public way.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design of the new rooftop play deck which is partially visible from the public way is overscaled for the building, too tall and therefore inappropriate to the historic character of the building and of the Historic District..

THEREFORE, BE IT RESOLVED THAT the Preservation Committee of Community Board 7/ Manhattan **disapproves** the design of the rooftop play deck.  
*Committee: 7-0-0-0. Non-Committee Full Board member: 0-0-1-0.*

### **351 Amsterdam Avenue (West 77<sup>th</sup> Street.) Application to the Landmarks Preservation Commission to request legalization of the first floor storefront façade.**

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

## **Community Board 7/ Manhattan**

- The three buildings, 349, 351 and 353 Amsterdam Avenue, show a continuity of horizontal and vertical brick framing elements, most evident still in 349 Amsterdam Avenue.
- The design approved by LPC retains the original horizontal and vertical framing.
- The proportions of the glazing – the height of the transoms, the tall elongated pieces of fixed glass, and the door widths, all reinforce the verticality of the primary historic architectural detail.
- The height of the doors has been reduced from eight feet to seven feet.
- a pair of slender cast iron columns at the center of the storefront are still referenced in the design of the renovated storefront at 349 Amsterdam Avenue.
- The existing as-built design has introduced several additional metal verticals which visually detract from the central cast iron columns.
- The pair of service doors now contained between the columns is too narrow and appears out of scale. They are not suitable for egress.
- The proportion of the new doors and windows are shorter and squatter than the approved LPC design, bear less relationship to the more vertical original proportions.
- The installed signage board is taller than the horizontal brick sign band and fully conceals the historic fabric of the original brick band.
- The historic fabric of the side brick framing elements is also concealed by the new storefront structure.

#### **Committee Comments:**

Meisha Hunter-Burkett: The historic nature of the brickwork has been obscured by the new design. The new windows are clunky and heavy. The organizing element should be the two vertical cast iron columns in the center. The low height of the doors and the increased height of the transoms is not respectful.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design of the existing storefront is inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT the Preservation Committee of Community Board 7/ Manhattan **disapproves** the legalization of the existing storefront facade  
*Committee: 5-1-1-0.*

#### **51 West 81<sup>st</sup> Street (Columbus Avenue.) Application to the Landmarks Preservation Commission for a master plan for window replacement.**

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

- A building-wide replacement window master plan is proposed.
- The building was originally constructed as a hotel. It was later converted to an apartment building, altering the internal unit configuration, which impacts some of the window openings and the design of the windows contained within.
- The proposed master plan proposes to replace all the existing windows in kind, modelling the new windows on the current existing windows.
- The original window design appears to have consisted of individual one-over-one double hung wood windows, and pairs of one-over-one double hung wood windows, with center mullions.
- Some double hung windows appear to have been converted to triple hung windows in the 1950's and then converted back to double hung wood windows in the 1970s.
- All original windows have been replaced with new aluminum replacement windows typically one over one singles, and window pairs butted together with no center mullion where the internal plan permits.
- Arch-headed window openings at the second floor (the top story of two-story high arched masonry enclosures) are currently made up of shorter double-hung flat-topped windows with fixed curving head transom units.

- Upon closer inspection of historic photos presented, the Committee found evidence that the proportions of the original windows were different, heftier, designed to complement the robust architectural vocabulary of the building, which includes a three-story rusticated stone base and a red-brick clad façade with distinctive contrasting limestone lintels

The Committee urged the architect to conduct further research into the historic records and modify the proposal to create windows with proportions and details that approximate the originals windows in heft and design.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed replacement window master plan does not reflect the proportions or the details of the original windows within the building's architecturally robust facades, and is inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT the Preservation Committee of Community Board 7/ Manhattan **disapproves** the proposed window replacement master plan.

*Committee: 6-0-0-0.*

## TRANSPORTATION COMMITTEE

ANDREW ALBERT AND HOWARD YARUSS, CO-CHAIRPERSONS

DECEMBER 13, 2016

**Present:** Andrew Albert, Howard Yaruss, Isaac Booker, Ken Coughlin, Miki Fiegel, Marc Glazer, Lillian Moore, Richard Robbins, Suzanne Robotti and Dan Zweig. **CB7 Chair** Roberta Semer. **Board Members:** Christian Cordova, Mark N. Diller, Sheldon J. Fine and Audrey Isaacs.

Request by Greenmarket/GrowNYC to renew the Street Activity Permit (#314105) for the operation of the Friday Greenmarket on the north side of West 97th Street between Columbus and Amsterdam Avenues.

VOTE: 7-0-0-0 Non-Committee member vote: 3-0-0-0

Request by West Side Federation of Senior and Supportive Housing for a mid-block crossing and traffic signal on West 106th Street between Columbus and Amsterdam Avenues to facilitate safe crossings for Red Oak senior residents to and from Jewish Home Lifecare.

Shelly Fine, West Side Federation of Senior and Supportive Housing, presented on behalf of Red Oak residents.

Comments from committee:

Visibility is bad because of the length of the street and the hill on the street

DOT needs a sufficient volume of crossing to justify mid-block signal.

If it doesn't meet criteria for putting in a light, suggest changing the pavement, pedestrian refuge, curb extensions in the middle.

Speakers from the community

- Tom Burnett, president of 24th Precinct Council. On behalf of community council they support.
- Carmen Quinones, President of Douglass Houses, in support. Many complaints about crossing the street.
- Lois Medina, Douglas, spoke in favor
- Dave Gelman, spoke in favor.
- Norm LaFond, Chair of Park West Policy Forum – conducted a 100 hour study of the block. 1200 people a day going into facility. About half cross the street. Both existing intersections are notoriously bad.

Senator Mariso, CM Mark Levine will write a letter of support.

State Senator Adriano Espaillat sent a letter in support that the committee co-chairs have.

Resolution in favor of the light. (Resolution to be drafted)

Emphasize that this is an issue of safety, not volume.

Ken asked that ask DOT for any appropriate traffic calming measures such as pedestrian island.

VOTE 9-0-0-0. Non-committee board members 4-0-0-0.

West 71st St parking issues.

Speaker Joel Fram: block between Broadway and West End. 8am – 7 pm no parking. DOT says McDonalds receives deliveries, there is a small private school midblock. This street has high volume because there is no turn on 72nd so it gets the overflow.

Colleen Chattergoon, DOT, requested that Joel get the Transportation Committee to consider it

Questions and comments from the Board

**Community Board 7/ Manhattan**

Is there traffic back up? No.

Epic Security parks all over the block.

What parking regulations would go in? They would be the same as the surrounding streets.

Dave Gelman commented on how to put in parking.

It was determined that the Committee should have time to see the street and that the residents should be alerted to the discussion of the change by posting in the neighborhood. The committee will ask Mr. Fram post notices.

23 West 73rd Street (Central Park West – Columbus Avenue.) Request by the Park Royal request to the Department of Transportation for “No parking anytime” signs in front of the entrance.

Discussion about if a policy was needed.

The block has unique characteristics. Safety, high volume of trucks for deliveries

A policy must be responsive to the needs of the community.

We can do something about double parking: persuade the police to enforce, encourage DOT to create open space at the curb through loading zones.

Public Comment

What makes it a hotel that warrants a 3-space delivery zone?

Colleen Chattergoon, DOT, stated the issue is safety. The DOT does not have a policy because the issues are so unique. The DOT looks at number of seniors, safety, access to the curb, double parking.

Decision to re-present to the board reflecting DOT’s standards.

Reaffirming resolution VOTE 9-0-0-0 Non-Committee Board members 1-0-0-0

Nelson-Nygaard recommendations for West 96th Street/West End Avenue. View the study [HYPERLINK](http://www.nyc.gov/html/mancb7/downloads/pdf/Manh_CB7_West96_Study_complete.pdf)

["http://www.nyc.gov/html/mancb7/downloads/pdf/Manh\\_CB7\\_West96\\_Study\\_complete.pdf"](http://www.nyc.gov/html/mancb7/downloads/pdf/Manh_CB7_West96_Study_complete.pdf)Here

The time allowed to turn west onto WEA is too short. Cars run the light and jump out too soon. The cue backs up north as far as 110th Street. A better light could fix that.

Colleen does not know the Nelson-Nygaard study. Discussion about a split LPI and a pedestrian refuge, bulb-outs. The throughput and maintenance of traffic flow was important, but now there have been accidents. Steve said that Helen Rosenthal sent a letter in support of clearing up this problem intersection.

Request to get the light timing changed by time of day.

Request for a red arrow to go with the green arrow.

Colleen promised to review the intersection. She asked for the Committee requests in bullet points.

Update on change of direction for W 60's Streets from Colleen Chattergoon, DOT

On hold, waiting for DDC to complete work

Working with Mt Sinai, they have concerns

Implementation by spring 2017

Question – what is happening with Trump Tower. Working on it.

Amsterdam, 107 - 110 bike lane is being held up by DDC. 59 – 72 Streets – Colleen doesn’t know.

Update on spread sheet and priorities of outstanding DOT issues.

The committee requested the Rich re-circulate to the Committee for comments.

General discussion of loading zones and no parking zones.

Colleen says they look at commercial areas for where to put loading zone. They can create loading zones on side streets. Many of the side street double parking is because of construction trucks. Buildings should put cones out to mark off areas for construction trucks. Maybe trucks could make nighttime deliveries. Maybe trucks could be restricted in certain hours.

Amsterdam since the bike lane is sometimes down to 1 lane. Colleen will look into side street loading zones.

Community Comment

Dave: Trader Joe's at 72nd delivery trucks block out the bus loading zone. Trader Joe's doesn't use its own delivery dock, Instead they use it as storage because trucks can double park.

Update on MTA fare hike proposals.

Fare meetings are going on now. They will take effect March 19, 2017. One option is to freeze the base fare @ \$2.75, but lower the bonus on multiple-ride metrocards from 11% to 5%. The other option is to raise the base fare to \$3.00, but increase the bonus on multiple-ride metrocards from 11% to 16%. They are considering a discount for low income residents, but the City would have to pay for this.

Freedom ticket initiative – allows riders in the boroughs to ride commuter rail lines at a discount.

New Business

71 – 72 Streets, E side of Columbus There is parking on one side and CitiBike on the other. No room for deliveries.

Community Comment

Connie Charles - 101st St and CPW. Citibikes are on East side of CPW between 101 and 102. More bikes on 106th and more on 96th. Needs to sit outside for up to 3 hours to find a spot. She must use her car to get to doctor appointments. Citibike takes too many parking spots. Garages will be closing on 108th Street. Can the bike racks be taken off the street and put on the wide CPW sidewalks on the west side.

The operators of CitiBike will be reporting about the use of the bikes in either January or February.

Did not meet in December 2016:

**HEALTH & HUMAN SERVICES COMMITTEE**

MADGE ROSENBERG AND CATHERINE DELAZZERO, CO-CHAIRPERSONS

**STEERING COMMITTEE**

ROBERTA SEMER, CHAIRPERSON

**YOUTH, EDUCATION, & LIBRARIES COMMITTEE**

BLANCHE LAWTON, CHAIRPERSON