

**COMMUNITY BOARD 7/MANHATTAN**  
**NOVEMBER 2022 RESOLUTIONS**

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

**1. Re: 520 West End Avenue** (West 85<sup>th</sup> Street.)

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** petition EIN# 74-3248472 to the Department of Transportation for legalization of the construction, maintenance, and use of three (3) double metal garbage enclosures on the north Sidewalk of West 85<sup>th</sup> Street in front of the side yard.

*Committee: 8-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**Business & Consumer Issues Committee, Christian Cordova and Benjamin Wu, Co-Chairpersons**

**2. 430 Amsterdam Avenue** (West 81<sup>st</sup> – 80<sup>th</sup> Streets.)

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** Method of Operation application to the SLA for two-year liquor license by Third Avenue Restaurant, Inc d/b/a Jake's Dilemma. Requesting to add a Disk Jockey and Live Music to their operations.

*Committee: 7-0-0-1. Non-Committee Board Member: 3-0-0-0.*

**Preservation Committee, K Karpen and Michele Parker, Co-Chairpersons**

**3. Re: 433 Amsterdam Avenue d/b/a RA Sushi** (West 81<sup>st</sup> Street.) **Application to the Landmarks Preservation Commission for a Certificate of Appropriateness for signage at storefront cornice with bottom-lit illumination, Illuminated Signage Behind Storefront Glass and vinyl sign on glass door.**

This resolution is based on the following facts:

- The metal façade is not original to the building which was built in the late 19th century.
- Proposed signage is for 13' x 13" bottom lit signage at the cornice and two lighted round signs (red w/ black letters), 2' in diameter behind the storefront glass, to be lit in the interior.
- The proposed signage below the cornice will be acrylic with attached letters and will be lit from behind with LED lighting.
- The cornice will mitigate any light shining up to the building.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application as appropriate to the character of the building and the historic district.

*Committee: 6-1-0-0. Non-committee Board Member: 1-0-0-0.*

**4. Re: 36 West 85<sup>th</sup> Street** (Columbus Avenue - Central Park West.) **Application to the Landmarks Preservation Commission for a Certificate of Appropriateness to infill a portion of the existing "L" rear yard extension and increase the depth of the upper floor rear facade; restore the front stoop; replace existing double-hung windows with casement window and expand an existing rooftop addition.**

This resolution is based on the following facts:

- The subject building is a 5-story plus basement townhouse constructed ca. 1897 in the Georgian/Renaissance Revival style by architect George F. Pelham. It is included in and contributing to the Upper West Side – Central Park West Historic District.
- The front façade is primarily composed of light-colored common brick with stone accents and ornamentation, with curved trios of bay windows on the parlor and second floors.
- The rear façade is common red brick with minimal ornamentation. The rear façade includes a typical "L" extension on its east side.
- The front façade application includes replacing the existing modern 1:1 double-hung windows with wood single-pane casement windows; replacing the existing non-historic door with a door matching neighboring buildings and composed of a large rectangular pane of glass with trim surrounding. The front façade work also includes refurbishment of the existing stoop and repair of stone ornamentation and details.
- The rear façade application includes infilling the void to the west of the existing L extension and extending the plane of the existing rear facade to a depth of 30' from the rear lot line, while retaining the L extension at its current depth.
- The revised extended rear façade would cover the entire height of the rear of the building.
- The fenestration for the revised rear façade is to consist of pairs of operable casement windows with lintels above and with faux divided light. The punched casement windows on the top floor would retain the curved decorative detail above the existing windows in lieu of a lintel to match the windows below.
- The revised rear façade would replicate the brick corbelling/cornice detail at the top of the façade.

- The application also includes a proposed expansion of an existing rooftop bulkhead (and coordinated increases in the height of existing chimneys to conform to code). The revised structure would continue to be less than half the width of the rooftop.
- The proposed front façade repair and refurbishment work, including the replacement front door, as well as the expansion of the rooftop bulkhead, are reasonably appropriate to the character of this townhouse and the Historic District of which it is a part.
- The full-height rear façade extension, together with its bulk, fenestration details and overall impression, are not appropriate to the character of this building or the Historic District of which it is a part.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan resolves as follows with respect to this project:

- A. **Approves** the application with respect to the proposed front façade restoration and rooftop bulkhead expansion as appropriate to the character of the Historic District; and  
*Committee: 7-0-0-0. Non-Committee Board Member: 1-0-0-0.*
- B. **Disapproves** the application with respect to the full-height rear façade extension, window replacement and related details as not appropriate to the character of the Historic District.  
*Committee: 4-3-0-0. Non-Committee Board Member: 1-0-0-0.*

5. **Re: 48 West 85<sup>th</sup> Street** (Columbus Avenue – Central Park West.) **Application to the Landmarks Preservation Commission for a Certificate of Appropriateness for a one-story rooftop addition and replacement of the rear façade.**

This resolution is based on the following facts:

- The rooftop addition and the rear façade are not visible from the public way.
- The rooftop addition will consist of a 20' x 20' penthouse set back 20' from the front and 25" from the rear rooflines.
- The rear facade will be red brick with proposed casement windows.
- The sense of the committee was that one-over-one windows on the rear façade would be appropriate and should consist of "bird proof" glass.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application as appropriate to the character of the building and the historic district conditioned on the installation of one-over-one "bird proof glass" windows on the rear façade.

*Committee: 4-2-1-0. Non-committee Board Member: 1-0-0-0.*

6. **Re: 514 West End Avenue, Apt #16A** (West 85<sup>th</sup> Street.) **Application to the Landmarks Preservation Commission for a Certificate of Appropriateness for new AC unit grilles.**

This resolution is based on the following facts:

- The proposed grille is to the left and below an existing window since there is decorative masonry below the window.
- The proposed grille is the smallest size available and will be barely visible from the street.
- The building already has several AC units on the 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> floors.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the application as appropriate to the character of the building and the historic district.

*Committee: 7-0-0-0. Non-committee Board Member: 1-0-0-0.*

**Parks & Environment Committee, Natasha Kazmi and Susan Schwartz, Co-Chairpersons**

7. **Re: Riverside Park, reconstruction of the two step ramps at West 78<sup>th</sup>.**

WHEREAS, the two step ramps at West 78<sup>th</sup> Street just inside Riverside Park, leading to the Rotunda and the waterfront, are in crumbling condition and severely out of ADA compliance; and

WHEREAS, the adjacent rotunda is currently under major reconstruction, and as a result these two step ramps will not be useable for another three or four years; and

WHEREAS, the project, which will start in early 2024, will add ADA-compliant handrails to the stairs, full-depth asphalt on the steps with bluestone risers, and new plantings along the sides of the pedestrian walkway. In addition, small improvements to the immediate area will also be undertaken, such as ADA-compliant curb cuts at the 78th street entrance to the Park, and the development of a new Park volunteer-tendered area; and

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** this project, which is much needed to improve the quality of visitor experience in this area of the Park.

Committee : 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

### **Health & Human Services Committee, Sheldon Fine, Chair**

#### **8. Re: Health Benefits of Mitigating Emergency Vehicle Siren Noise**

Residents of our community are being negatively impacted by the frequency and significant noise of sirens from emergency response vehicles.

Police, fire, and ambulance sirens are frequently used at loud volumes during all hours of the day and night, and for continuous periods of time. Vehicles are using sirens when moving with traffic through green lights, or at times at night where there is reduced or minimal traffic, sometimes using multiple types of sirens which are even more disruptive. This has a tangible negative impact on the health of the community despite the intent of emergency vehicles to improve public health.

In September 2022, Gale Brewer wrote an opinion piece on sirens' impact on public health: "With so many working from home since the pandemic, the noise of sirens has become even more oppressive. Sirens perform a critical function, but they do not need to be so disruptive."

CB7 recognizes the importance of the use of sirens for emergency vehicles to help vehicles move expeditiously during emergencies. However, for the wellbeing of residents of our community and all New Yorkers, the use of sirens and disruptiveness of the siren noise needs to be reduced significantly as much as practically possible.

#### **Beyond the basic benefits of less disruption, siren-noise mitigation would have extensive health and economic benefits.**

1. This barrage of excessive noise is more than unpleasant — it can cause anxiety, stress, high blood pressure, heart disease, other health problems and threatens public health<sup>6</sup>
2. In September 2022, the EPA noted a federal, state, and local interest in the danger of noise to public health in urban areas, restating the relevant statutes in the US Code and Clean Air Act
3. Research done at Robert Wood Johnson Medical School in New Jersey found that people living in noisy areas had 3,336 heart attacks per 100,000 population, compared with 1,938 heart attacks per 100,000 for those in quieter neighborhoods — meaning that traffic racket triggered about 1 in 20 New Jersey heart attacks
4. A 2016 study by Tracy Swinburne at the University of Michigan School of Public Health concluded that a mere five-decibel reduction (less than the sound of leaves rustling in overall noise) would reduce the prevalence of hypertension by 1.4 percent and coronary heart disease by 1.8 percent, saving \$2.4 billion annually in health costs and increasing economic productivity annually by \$1.5 billion
5. With around 8,500 NYPD, 2,000 FDNY, and 700 Department of Correction emergency vehicles active on our New York City streets, limiting the fleet's noise would have a marked effect
6. An unmistakable irony is that, although sirens are often intended to reach people in need of medical help, they are themselves contributing to health problems

Given these facts, it is important to address these health risks of sirens by:

- 1) **Necessary Use.** Limiting use of sirens as necessary and during emergencies
- 2) **Alternative Sirens.** Leveraging technological developments of alternative sirens to reduce negative impact

#### **Necessary Use**

Given the negative impact on community health, it's important to establish rules to limit use of sirens unless necessary and during emergencies:

1. **Emergency Use.** Sirens should be used only when there is an emergency whereupon enabling the vehicle to pass through traffic quickly would have a benefit to the responder's ability to effectively resolve the emergency. Using sirens when there isn't a genuine emergency that can benefit from time savings is unnecessarily disruptive
2. **Method of use.** Even during emergency use, sirens should be limited when situations when a) there is traffic that the vehicle needs to pass through, or b) when passing through red lights to minimize risks of accidents. Emergency vehicles still can use lights to warn other people, and the operator should be able to use loud sound on and off only as needed. Leaving sirens on continuously for many minutes at a time is unnecessarily disruptive

#### **Alternative Sirens**

There are alternative technologies that continue to have efficacy in clearing traffic but limit noise pollution and thus the impact to community health.

1. **Hi-Lo Sirens**
  - a. Based on European sirens, two-tone sirens are less disruptive because it moves back and forth between two fixed pitches, as opposed to across a frequency of sounds

2. Rumbler Siren
  - a. The rumbler siren uses the same tone as a typical siren but at a much lower frequency. The rumbler transmits noise through high-output woofers and produces a vibrating sound as opposed to a shrieking one. A timer shuts off the tone after a short time, further reducing the duration
  - b. The lower frequencies emitted by the rumbler better penetrate vehicles and are less detrimental to public health and quality of life compared to the tones of standard, wailing sirens
  - c. One drawback is the rumbler siren noise heard inside the emergency vehicle is two decibels louder than it is outside of the car, subjecting first responders to more noise
3. Sound level. It is recommended that when operated at the maximum level these emergency signal devices create a sound level that does not exceed 90 dB when measured at a distance of fifty feet from the center of the forward face of such vehicle
4. Our noise complaints are not falling on "deaf ears." Councilmember Carlina Rivera and several other Councilmembers, including Gale Brewer, Shaun Abreu and Erik Bottcher, are sponsoring legislation that would mandate the use of hi-lo, "two-tone" sirens by emergency response vehicles

THEREFORE, BE IT RESOLVED THAT Community Board 7 / Manhattan **requests** that Mayor Adams and our City Council members take action to mitigate the effects on health and quality of life of our community residents, workers and visitors to our community as well as all New Yorkers, balanced with the need for emergency vehicles to respond quickly to emergencies.

FURTHERMORE, BE IT RESOLVED THAT Community Board 7 / Manhattan **supports** City Council legislation, Local Law - Int 286: Requiring an alternating two tone high and low signal on emergency vehicles.

FURTHERMORE, BE IT RESOLVED THAT Community Board 7 / Manhattan **recommends** specifically to our elected representatives that:

1. Use of sirens to be limited to emergency use, and during emergency use, sirens should only be turned on as necessary (e.g., passing through traffic or red lights). Particular attention should be reducing sirens during sleeping hours, e.g., 11am to 7am, when there is less traffic
2. In order to mitigate impact of siren use, the city should mandate that emergency responders use hi-lo as their default siren and cap sirens at 90 decibels and scale up their use of vibrating siren technology
3. City emergency response vehicles should allow the driver to toggle between hi-lo sirens and the vibrating low-frequency sirens in response to traffic conditions
4. Institutions should enact policies to ensure that use of vehicle sirens, and the type and volume of sirens, are in-compliance with the requirements.
5. Exploring additional policies, such as emphasizing the need for drivers to move for emergency vehicles during emergencies, could also be beneficial.

*Committee: 4-0-0-0. Non-Committee Board Member: 5-0-0-0.*

#### **Youth, Education and Libraries Committee, Courtney Clark Metakis and Blanche Lawton, Co-Chairpersons**

##### **9. Responding to Ongoing Needs of District Schools Enrolling Students from Families of Asylum-Seekers.**

The following facts and concerns were taken into consideration:

New York City public schools have to date enrolled approximately 6,100 students since launching 'Project Open Arms' in August to address the needs of students whose families recently entered this country seeking asylum.<sup>1</sup>

- Most of these families have arrived in New York City on buses from Texas, the result of a dispute over border and immigration policy between Texas Governor Greg Abbott and the White House.
- On October 7, 2022, NYC Mayor Eric Adams declared a state of emergency, calling for state and federal funding to help cover costs related to housing and services for the tens of thousands of people who have arrived on the buses from Texas since August. Mayor Adams has noted the influx is expected to send the population of the City's shelters well over 100,000— a city record – and cost up to \$1B during FY 2022-2023<sup>2</sup>
- Comptroller Brad Lander has estimated the City's school systems will need at least \$49M in additional funds to support schools which have enrolled students from asylum-seeking families, noting that current school budgets were based on enrollment estimates made prior to the arrival of buses in NYC.<sup>3</sup>

<sup>1</sup> <https://www.politico.com/news/2022/10/24/migrant-crisis-is-ultimate-test-of-nyc-schools-00062916>

<sup>2</sup> <https://www.nytimes.com/2022/10/07/nyregion/eric-adams-migrant-crisis-response.html#:~:text=Mayor%20Eric%20Adams%20declared%20a,of%20migrants%20from%20Latin%20America.>

<sup>3</sup> <https://www.politico.com/news/2022/10/24/migrant-crisis-is-ultimate-test-of-nyc-schools-00062916>

- As many as 120 students from asylum-seeking families are estimated to have already been placed in shelters within Community School District 3 and have been enrolled in schools within the district. The majority of these students have been enrolled in schools with dual-language Spanish-English programs, namely elementary schools PS 145, PS 165, as well as schools without those programs, PS 76 and PS 242. Older students have been placed at M247, the district's Spanish dual-language middle school.
- The oldest students have been placed in transfer high schools citywide. Citywide, only 5 transfer High Schools specifically serve ELLS and none of these are in Community Board 7.
- As the buses from Texas continue to arrive in New York City, more families are expected to be placed in shelters within CB7; it is thus likely that the City and the NYC Department of Education will be looking to place additional children in CSD3 schools.
- NYC public school rosters officially "close" on October 31<sup>st</sup>, 2022. Traditionally, schools whose final enrollments (i.e., as of 10/31) exceeded earlier estimations would be allocated Fair Student Funding for those additional students, with funds released in January. Conversely, any additions to school registers occurring after 10/31 do not trigger increases in funding to that school, even under the FSF formula, and even when the net addition of students is material. The rate at which these students from asylum-seeking families are arriving in schools exceed all previous norms. Moreover, the influx of these students is expected to continue apace with the bus arrivals, meaning school rosters will continue to expand well beyond the traditional October 31<sup>st</sup> cut-off for FSF adjustments.

Community Board 7/Manhattan believes that the needs of these students, who often arrive unannounced and traumatized by their travels and ordeals, are immense – and acute – and schools to which these students are assigned cannot wait several months for the funding needed to provide the social-emotional and academic support these children require without compromising the education of both these newly-arrived students, as well as the education of the existing students already enrolled in the school. Schools which enroll these students will need immediate, real-time access to funding and other resources to support their new students and ensure their current students' experiences do not suffer as a result.

Additionally, this board notes that the experience at schools like PS 145 demonstrates the importance of placing these students at schools with existing dual Spanish-English language programs, and the presence of Spanish-speaking teachers and staff who have the requisite training, language skills, and experience to address the significant social-emotional and academic needs of these students. The commendable and at times heroic work of PS 145 earlier in calendar 2022 in meeting the needs of refugee families from war-torn Ukraine illustrate the need and the capacity to respond. CB7 posits that these factors are critical to the students' ability to transition to the school (and the schools' ability to capably handle the sudden influx of students) that they should take precedence over geographic proximity.

Community Board 7/Manhattan notes that PS 145 was well-positioned to handle these students due to both its dual-language program and its status as a Title 1 school, meaning it had the experience, staff, and supports necessary to address issues similar to those experienced by students from asylum-seeking families. It is critical to note, however, that Title 1 and other schools with significant populations of students from lower-income families or those experiencing homelessness or housing insecurity often have strained resources even prior to the influx of additional students. Placing students from asylum-seeking families in Title 1 schools should not present an additional burden on these schools, hence the need for additional (and timely) funding support. Other lessons can be learned from the experience as PS 145, including the importance of selecting schools with open seats for after school childcare programs, or the need to provide funding and space to build out additional after school options.

Lastly, it should be acknowledged that while New York City is being asked to take on the fiscal and moral responsibility of welcoming and educating the children from families seeking asylum in this country, the underlying issue is – fundamentally – a dispute at the state and federal level. This crisis comes at a time at which this City is struggling to respond and recover from the effects of the COVID pandemic as the federal pandemic-relief funding is expiring. Even before the buses from Texas arrived, NYC children were facing steep budget cuts in our City's public schools, severe learning losses due to disrupted learning over the past 2 ½ years, and reductions to supplemental services due to expiring COVID-related federal funds.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **calls** on the Mayor, the Chancellor and the NYC DOE to ensure that funding streams be made immediately available to the schools which have enrolled students from families of asylum-seekers up through October 31<sup>st</sup>.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **calls** on the Mayor, the Chancellor

and the NYC DOE to reconsider and suspend and make more flexible traditional deadlines for roster-finalization and FSF allocations, given the likelihood that additional students requiring these heightened levels of support will continue to arrive in significant numbers in the months ahead.

BE IT FURTHER RESOLVED THAT when considering the schools in which children of asylum-seeking families should be enrolled, Community Board 7/Manhattan calls on the Chancellor and the NYC DOE to weight geographic proximity below factors such as the presence of dual-language programming and experience/staffing sufficient to support children from lower-income families and those who have experienced homelessness and/or significant emotional trauma, and to provide funding for transportation between shelters and schools, where needed.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **calls** on the Mayor, Chancellor and DOE to provide additional mental health services in the appropriate language at school to meet the needs of students who have arrived seeking asylum and students in temporary housing.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **suggests** that factors such as available seats in afterschool programming be considered as part of the school selection process, and that funding to supplement existing afterschool programming or create new afterschool programs available for students be included, where necessary, to accommodate specifically the children of asylum-seekers.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **calls** on our state and federally-elected leaders to provide the funding necessary to ensure New York City can continue to respond to the needs of both its newest students – and its existing student population.

*Committee: 5-0-0-0.*