



COMMUNITY BOARD 7/MANHATTAN
Minutes of Full Board Meeting
January 7, 2014

Community Board 7/Manhattan's Full Board met on Tuesday January 7, 2014, at the Museum of Natural History, in the District. Chair Elizabeth R. Caputo called the meeting to order at 6:44 pm after the Secretary confirmed the existence of a quorum.

Minutes from previous full board meeting were **approved**: 30-0-0.

Chair's Report: Elizabeth R. Caputo

- Thanked AMNH for hosting CB7 in their beautiful venue. Look forward to visiting the space again in the future.
- Congratulated new elected officials who were recently sworn in to office, especially those from the Upper West Side.
- Provided website for the Upper West Side CERT Team who has information and resources available for emergency situations: uwscert.org.
 - o Shelley Fine, UWS CERT leader and CB7 member, advised that in extreme cold you should cover your nose, ears and fingertips; dress in layers; do not play with ovens or use them as a heater and be careful about use of space heaters. Do not overload sockets. Ultimately, be safe and be careful.
- Congratulated and thanked new co-chairs of CB7 YEL Committee: Blanche Lawton and Eric Shuffler for assuming this role.
- W. 106th rezoning hearing for JHL will take place on January 15, 2014, location is TBD. Visit CB7 website for updated location information.
- CB7 website will be updated to include contact information for new councilmembers and pertinent elected officials.
- CB7 application and reapplications for existing members is available on CB7 website.

Community Session

- Jennifer Zarr – St. Agnes branch of Library – announced that branch hired a Children's Librarian named Peggy Salwn. Looking forward to working more closely with schools and assessing how they can be a better resource. Poetry workshop will be hosted at Agnes library.
- Quentin Dupouy – junior at Hunter College High School – setup a program to help ELL students, but has hit a roadblock and is seeking CB7's help. His first language was French and acclimated quickly since he was only four years old. There are 160,000 students (15%) of population who are ELL. They suffer from lower academic performance and more likely to drop out. Worse, many of the bilingual and ESL teachers are not certified. Need to create nonprofit volunteer programs where students can volunteer to ensure ESL students get the resources they need to succeed.
- Gabriel Rosen - NYS High School Democrats – junior at Stuyvesant High School – working with NYS High School Democrats on the issue of youth participation in civic society. The lack of real support and enthusiasm for the democratic process is problematic. Appreciates that this board is



one of the first and only in the city that supports 16 year olds joining the community board. He has been active with CB7's YEL and believes this work is important and wants to contribute.

- Bob Wyman – it is cold, but air is cleaner than it has been in a long time. Will not see nearly as much of black smoke today. Eliminating use of #4 and #6 heat oil is to blame for cleaner air. NYS Energy Planning Board recently released draft energy board plan for the state. In their plan, they discourage use of petroleum by increasing accessibility to natural gas. Should be eliminating use of fossil fuels in general. There is a 30 or 60 day comment period, which began on January 7, 2014.
- H.P. Schroer – comparatively new resident of NYC – concerned that many hospitals are illegally charging for extra days for hospital stays. He was discharged from hospital stay at 10 a.m., but was charged for that day through his insurance. Hospital told him to check with Blue Cross about this charge. Refused to pay. According to CMS, the government agency responsible for overseeing this, the last chargeable day for hospital stays is the day preceding the patient's day of discharge. He has started a petition on MoveOn.org to force insurance providers to clarify this process.
 - o A community board member noted that formerly worked for CMS and hospitals are supposed to give patient a discharge notice with rights about what time must be discharged in order to avoid charge. Suggested that individual contact CMS and Blue Cross about hospital's specific policy.
- Belina Anderson – non-college board of managers – has been before the board several times to discuss the Cathedral Gardens renovation at 352 W. 110th Street. There is presently litigation with Artemis, the owner of the building. CB7 has passed resolutions in support of this project. Would like CB7 to look at defects with Artemis' construction with the building. Have a more discreet request that help with getting document from HPD of obtaining a copy of the cornerstone subsidy agreement which documents \$650,000 in housing subsidy. Submitted a FOIL request to HPD and have been unable to obtain a copy of the document. But this is document is key to assessing improvements that were agreed to be made.
 - o Chair Caputo informed her of her Friday office hours and suggested she come meet with her then to discuss further how CB7 could be helpful.
- Kebede Adnew – owner 352 W. 110th Street – needs help with getting owner to be responsible for improvements agreed to make.
- Rosemary DeFiglio – owner of 352 W. 110th Street – Artemis deconstructed their building. Can no longer access their building terraces. Sadly they all signed confidentiality agreements, but can never obtain a copy of them. Warned CB7 to watch out for this builder in future projects in the district. Artemis has been given approval to build something at 1 Morningside Park and at the former gas station at Frederick Douglass Circle. Cannot obtain any information, but trying to make the public aware.
- Peter Arndsten – Columbus-Amsterdam Avenue BID – brought events calendar to public's attention. Noted upcoming series of walks and talks beginning on Sunday; history talk at Anshe Chesed coming up. Speeding cars in neighborhood is a big problem. Need 20mph speed limit should be extended to all streets, not just side streets.
- Richard Barr - noticed that there was an application for the Chatsworth on a recent CB7 agenda, which was deemed inappropriate. Admires the building and was absolutely horrified when a



developer was allowed to obliterate the West Side. So many of the views have been obstructed in recent history.

- Co-Chair responded that this issue was considered by Landmarks Preservation Commission on Tuesday, January 7, 2014 and while there was no official decision at such meeting, the commissioners were concerned about the rooftop addition. The sense that there would be no addition.

Reports by Legislators:

Corey Johnson – City Council Member District 3

- Chaired CB4 and served in other leadership roles throughout his tenure there. Has a few blocks of CB7 in his council district.
- Thanked CB7 for their leadership and work. District runs to 63rd street at northern boundary, including Columbus Circle.
- Former C-M Brewer always made a point of attending CB4 meetings, even though her district only had a few blocks in her district. He will do his best to attend CB7 meetings as often as possible.
- Noted the recent fire in his district, he lost one of his friends. This is an important reminder about fire safety. If the couple would have remained in their apartment they would have survived instead of succumbing to carbon monoxide poison.
- Shirley Litman will be liaison to CB7.
- He distributed fire safety tips in a memo distributed to CB7.
- Louis Cholden-Brown will be his Director of Legislation and Budget. He apologized for taking him from us, but he looks forward to working with us.
- Left a copy of his recent newsletter for the public.

Helen Rosenthal – City Council Member, 6th District

- Will count on CB7 to give her the good advice necessary to help her do a good job.
- Jason Harding (jharding@council.nyc.gov) is her director of constituent service; Anna Gaggio is housing and general constituent services person; intern Bella is here; and Marisa Maack is COS.
- Her office will be the same as former C-M Brewer's office at 563 Columbus Avenue at 87th Street.

Reports by Legislative Representatives:

Celine Mizrahi – Congressmember Nadler -

- Congressmember Nadler is in session in Washington, D.C., which is why he is not present at CB7 meeting.
- While Congress recently approved a budget deal, not all funding has been restored.
- In particular, unemployment benefits were not restored. Senate approved an extension on Tuesday, January 07, 2014, but House will not discuss this unless tied to other larger budget savings. In Manhattan alone, 8,500 people had their benefits affected by this.



- Congressman called on FAA to cut helicopter noise in conjunction with Senators Schumer, Gillibrand and other elected officials whose districts are impacted.
- Congressman submitted a letter to NYS Department of Health in relation to JHL requesting another hearing to allow for meaningful community input. Submitted written testimony in support of tenants and CB7 in relation to proposed Chatsworth rooftop addition.

Josh Cole, Senator Brad Hoylman's Office

- Senator introduced a bill that would prohibit moonlighting by state elected officials and ensure that it is considered a full time job.
- Also working with the state Comptroller to update hate crime laws.

David Bailey, Senator Adriano Espaillat's Office [Penny please make sure I spelled name properly as I did not see the slip for this person]

- Over 240,000 have been enrolled in health care as a result of Affordable Care Act.
- Wednesday, January 8, 2014 is Governor Cuomo's State of the State.
- One issue that Espaillat will be pushing for is NYS Dream Act, which would allow undocumented immigrants to have access to college tuition for higher education.
- Mentioned incident over the summer with motorists and motorcycle riders, introduced legislation that would require motorcyclists in groups over 50 to register with NYPD.

Paul Sawyer, A-M Linda Rosenthal's Office-

- A-M supported CB7 and community's opposition to proposed work at Chatsworth. Encouraged Commission to make developer come back to community for approval of any proposed changes.
- There should be rent-regulated tenants at [Penny do you know what this? I missed it. Sorry.]
- West 68th Street Block Association working with the landlord for the former Food Emporium supermarket located at W. 68th and Broadway to find ways to ensure that a new supermarket becomes a tenant in that space.

Dominic Lee, A-M Daniel O'Donnell's Office-

- Annual book drive now taking place from now until end of February and will be dedicated to Project Cicero. Donated books should be for children in grades K – 12.
- A-M's office will be hosting tenant clinic on January 30th. Call office at 212-866-3970 to RSVP. District Office address is: 245 W. 104th Street; office hours are 9:30 – 5:30.

Nina Saxon, NYC Comptroller's Office

- Introduced herself the board as Comptroller Stringer's liaison to the board. Her contact information is: nsaxon@comptroller.nyc.gov; cell is (917) 969-5742 [Penny should we include this?]. Office has community action center that is accessible to the community to discuss foreclosure information. Action center can be reached at 212-669-3916.

George Oliver, A-M Richard Gottfried's Office



- Community update was left for the board and public, which included recent legislative and district activity. Noted A-M's support for medical marijuana bill.

Andres Pasmino, State Senator Jose Serrano

- Senator has co-sponsored a new bill to fight formaldehyde, which is used in kids' shampoo and cosmetics and is cancerous. Call local office to obtain additional information.
- Informed that Wednesday, January 8, 2014 is Governor Cuomo's State of State.
- Senator Serrano also supporting a bill that would fight against fracking.

Amy Slattery, Councilmember Mark Levine

- C-M's district covers the northern portion of CB7 district East of Broadway 96th – 110th Streets.
- C-M is finalizing lease for DO, which will be on 141st and Amsterdam.
- C-M's office will regularly host office hours at a satellite office at Columbus Avenue BID at 911 Amsterdam Avenue.
- Distributed community board report that contains contact information.

Business Session

Land Use Committee, Richard Asche and Page Cowley Co-Chairpersons

1. **157 Columbus Avenue** (West 67th Street.) Withdrawal of CB7's resolution re: application #228-13-BZ to the NYC Boards of Standards and Appeals by Herrick Feinstein LLP, on behalf of 45 West 67th Street Development Corporation/Cross Fit NYC, for a permit to operate a physical culture establishment at 157 Columbus Avenue, pending rehearing the application at the Land Use Committee meeting on January 15.

-Public Speakers

- o Chris Wright, lawyer hired by residents to represent them on zoning issues. He expressed concern about the impact of the Cross Fit gym on the building in addition to concerns about the content of the gym's application. He asked that the Board support the withdrawal of the application and stated that he would speak at the forthcoming Land Use committee meeting.

-Board Discussion

- o The resolution was withdrawn because of current legal proceedings related to Cross Fit at another site.
- o As background, in September 2013, the Board approved the siting of the gym at 157 Columbus Ave. Since that time, residents of the building in which the gym is sited organized, hired an attorney and raised a number of issues about the approval. Among the open issues are questions of whether the applicant complied with notice formalities. A different Cross Fit has become subject to a lawsuit filed by a Chelsea co-op that raises concerns regarding noise and vibrations. Because of these developments, a second look at the applicant would be appropriate, especially since it can be done before the BSA votes on the matter. If withdrawn, the matter will be reconsidered at the Land Use committee meeting in January.

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

Vote: 36-0-0-0

**Business & Consumer Issues Committee****Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons****Resolutions Re:****Two-year Liquor License Application to the SLA:****2. 964 Amsterdam Avenue (West 107th Street) La Piccola Cucina.**

- Board Discussion
 - The resolution was introduced by the co-chairs.

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

Vote: 37-0-0-0

3. Unenclosed Café Renewal Applications:

- **340 Amsterdam Avenue** (West 76th Street.) Renewal application DCA# 1413323 to the Department of Consumer Affairs by Amsterdam Ale House, Inc., d/b/a Amsterdam Ale House, for a two-year consent to operate an unenclosed sidewalk café with 11 tables and 32 seats.
- **417 Amsterdam Avenue** (West 80th Street.) Renewal application to the Department of Consumer Affairs by Gilli, Inc., d/b/a Gill Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 19 seats.
- **249 Columbus Avenue** (West 71st -72nd Street.) Renewal application DCA# 1103658 to the Department of Consumer Affairs by CMR, Corp., d/b/a Café Ronda, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 19 seats.
- **480 Amsterdam Avenue** (West 83rd – 84th Street.) Renewal application DCA# 1307588 to the Department of Consumer Affairs by 480 Rest Amsterdam, Inc., d/b/a Soldier McGee, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

- Board Discussion
 - The resolution was introduced by the co-chairs.
 - All applications approved unanimously by the committee.
 - Additionally, it was requested that the committee write a letter to the Amsterdam Ale House reminding them to serve food within the borders of their outdoor café.

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

Vote: 36-0-1-0

4. 267 Columbus Avenue (West 72nd – 73rd Street.) Renewal application DCA# 1072082 to the Department of Consumer Affairs by Classic Food, Inc., d/b/a Sido, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.

- Board Discussion
 - The resolution was introduced by the co-chairs.
 - The applicants did not appear at the committee meeting, so it would be appropriate to disapprove without prejudice and hold over to the next month.



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

Vote: 38-0-1-0

5. Regulation of the use of ID scanners in New York State.

- Board Discussion
 - o The resolution addresses the increasing use of ID scanners across the City, as well as the retention and transmission of data collected from such IDs. Such scanners are often used in bars, restaurants and office buildings. The resolution seeks to address the gaps in the current regulatory scheme, which do not address such scanners. In order to protect consumers and citizens from having their personal information sold to third parties, e.g. marketing firms. The resolution would encourage the adoption of signage requirements for establishments on which they would have to specify what would be done with personal data collected from ID scanners.
 - o These ID scanners are not the same as credit card scanners.

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

VOTE: 37-0-2-0

6. **Multi-block street fairs.** Applications to the Street Activity Permit Office for multi-block street fairs in 2014.

- Board Discussion
 - o The Committee reviewed all of the applications and approved them unanimously (schedule below)

DATE	SPONSOR NAME	LOCATION	PRODUCER
04/27/14	Veritas, Inc.	Bway, 96-102 E	Mort & Ray
04/27/14	Duke Ellington Blvd. Neighborhood Association	Bway, 102-106 E	Mort & Ray
05/04/14	Broadway Mall Center	Bway, 86-93 E	Mort & Ray
05/11/04	Lincoln Square Neighborhood Center	Col, 66- 72	Clearview Festival
05/18/14	West Manhattan Chamber of Commerce	Amst, 77-89	WMCC
05/25/14	Coalition for a Livable West Side	Bway, 72-82 W	Mort & Ray
05/25/14	Safe Haven West Side Basketball League	Bway, 82-86 W	Mort & Ray
06/01/14	Project Open at Lincoln Center Towers	Bway, 65-72 W	Mort & Ray
06/08/14	West Side Federation of Neighborhood & Block Assoc.	Bway, 73-82 E	Mort & Ray
06/08/14	The Broadway Mall Association	Bway, 82-86 E	Mort & Ray
07/19/14	Valley Restoration, LDC	Amst, 96-106	Mardi Gras Festival
07/27/14	Committee for Environmentally Sound Development	Bway, 60-65E	Clearview Festival
08/24/14	Goddard Riverside	Amst, 79-86	Clearview Festival
09/21/14	West Manhattan Chamber of Commerce	Col, 68-86	WMCC
09/28/14	Bloomingdale Area Coalition	Bway, 96-103 W	Mort & Ray



10/19/14	NAACP Mid-Manhattan Branch	Bway, 86 – 90 W	Mort & Ray
10/19/14	Symphony Space	Bway, 90 – 96 W	Mort & Ray

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

VOTE: 37-1-1-0 (except for the 518/14 and 9/21/14 where A. Albert did not voting due to a conflict)

Preservation Committee

Jay Adolf and Gabrielle Palitz, Co-Chairpersons

Resolutions Re:

7. **137 West 77th Street** (Columbus – Amsterdam Avenues.) Application to the Landmarks Preservation Commission for a rear yard expansion, bulkhead addition, and facade modifications, including creating new window openings at the west facade.

- Board Discussion
 - o This application had two parts: the committee voted to disapprove the rear façade and rear addition but voted to approve the rooftop work.

8. **420 Amsterdam Avenue, d/b/a Yogurtland** (West 80th Street.) Application to the Landmarks Preservation Commission for installation of a barrier-free access ramp.

- Board Discussion
 - o The committee determined that the addition of an ADA-compliant ramp was reasonably appropriate.

9. **2265 Broadway, d/b/a Rainbow Juice Bar** (West 81st - West 82nd Street.) Application to the Landmarks Preservation Commission to install a new storefront.

- Board Discussion
 - o This involves a narrow storefront, and the application was approved at committee.

10. **51 West 83rd Street** (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission for a redesign of a previously approved rooftop addition, rear yard expansion and facade restoration.

- Board Discussion
 - o The applicant eliminated the pool that was part of a previous proposal. There was otherwise a slight redesign, including a proposal for a sunken garden, which was approved by the committee.

11. **64 West 87th Street** (Columbus Avenue - Central Park West.) Application to the Landmarks Preservation Commission for rooftop additions, replacement of windows, and demolition of part of rear facade.

- Board Discussion
 - o Interesting and quirky brownstone. The application was approved by the committee.

12. **110 West 88th Street** (Columbus Avenue.) Application to the Landmarks Preservation Commission to facilitate the construction of a new four-story (plus penthouse) rowhouse.

- Board Discussion



- This is an empty lot for which a rowhouse was designed and previously approved. There is now a new application with a new design that the committee determined was not right for the neighborhood. They voted to disapprove, as did the Landmarks Commission.

Items 7-12 were bundled for the purposes of a vote.

After deliberation, the resolutions to **approve** and **disapprove** were adopted as reflected in the text of the resolutions.

Vote: 37-1-0-0 (except that as for item 11, M. Diller abstained)

Transportation Committee

Andrew Albert and Dan Zweig, Co-Chairpersons

Resolutions Re:

13. DOT's recommendations in the West Side Traffic Study for 66th Street/Columbus and Broadway.

- Board Discussion

- Committee members reviewed the proposed recommendations.
- As to the resolution, there was a change to the fourth bullet regarding the intersection of 65th st. and Columbus Ave. The suggestion of a lagging left turn arrow is to be removed as the committee felt that it would be addressing a problem that does not exist at the intersection.
- The committee is also asking for more enforcement on the transverse block and to do away with the lagging turn once countdown timers have been installed. At that time, we will better understand what's safe for pedestrians.
- We could ask for more designated loading zones, but the committee would have to discuss that with block associations. The committee will look at adding loading zones once they do more outreach to that effect.

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

Vote: 39-0-0-0

14. Application to the Department of Transportation by Hampton Jitney for a bus stop in front of 2025 Broadway, on the west side of the street between 69th-70th Streets, in an existing 102-foot MTA bus stop.

- Board Discussion

- The Nevada is opposed to the application.
- The committee voted to disapprove so that the issue could be considered at the February meeting. Jitney is actively looking for other sights in the meantime. Jitney agreed that the originally proposed location, which is also an M-104 bus stop, would not be optimal.

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

Vote: 31-4-1-0



The Transportation committee also announced that it was looking into a request by Symphony Space for two blocks of 2-hour meters as opposed to 1-hour meters. They want to look at the broader meter issue and want to talk to DOT, so will be taking this issue up at a later committee meeting.

The Meeting adjourned at **8:26 p.m.**

Present: Elizabeth Caputo, Jay Adolf, Andrew Albert, Linda Alexander, Richard Asche, Isaac Booker, Christian Bray, Kenneth Coughlin, Page Cowley, Mark N. Diller, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, DeNora Getachew, Phyllis E. Gunther, Matthew Holtzman, Meisha Hunter, Joanne Imohiosen, Madelyn Innocent, Brian Jenks, Genora Johnson, Lee Ping Kwan, Blanche E. Lawton, Lillian Moore, Klari Neuwelt, Gabrielle Palitz, Michele Parker, Nick Prigo, Anne Raphael, Suzanne Robotti, Madge Rosenberg, Evan Rosing, Roberta Semer, Ethel Sheffer, Eric Shuffler, Mel Wymore, Howard Yaruss, George Zeppenfeldt-Cestero and Dan Zweig. **On-Leave:** Elizabeth Starkey. **Absent:** Laura Atlas, Marc Glazer, Haydee Rosario, Jaye B. Smalley, Barbara Van Buren.



Steering Committee Meeting Minutes
Elizabeth Caputo, Chair
January 21, 2014

The telephonic meeting was called to order at 6:36 p.m.

1. West 96th Corridor – Update and Public Meeting next Monday, 1/27
 - The Community Board has been working closely with the DOT and elected officials in order to respond to the latest traffic deaths in our community.
 - The Board will be holding a public meeting on Thursday, January 30, 2014 at 6 p.m. at Goddard Riverside.
 - Representatives from the DOT will be attending the meeting a will be presenting a plan for the area, limited to the intersection of 96th Street and Broadway. There will be meetings in the future regarding other areas.
 - There is a letter posted on the website that reflects feedback received during the Transportation committee regarding immediate next steps that are needed to address the intersections at 96th and Broadway and 97th and West End.
2. Imperial Court Hotel
 - This is a hotel at West 79th St. and West End Ave. Due to the New York State moratorium on using SRO hotels as long stay hotels, i.e., tourist type hotels, the Hotel has over 100 vacant rooms and is losing money.
 - As a result, the Hotel has indicated that they will be submitting an application to the Department of Homeless Services to serve as transitional housing for about 150 men. No application has been submitted as of yet.
 - Additionally, the Hotel is applying for a variance so that they may be grandfathered in as a long stay hotel, which is their preference. It is unknown what the variance would mean or do—the move would be unprecedented.
 - This is seen as a test case against the New York State rule.
 - The HHS Committee has been briefed on the issue and Penny is working to get additional information so that the Board may proceed in an informed manner.
3. Outreach – Website, Board Applications, Communications
 - The committee descriptions for posting to the website have been collected and the website will be updated soon.
 - Reminder that applications for appointment to the Community Board, for both new and current members, are due on February 1st.
 - The Chair will be appointing a Board Member who will handle social media for the Board. This is part of our effort to increase awareness about work we’re doing in the community.
4. New Task Force – “20/20 Vision”
 - Roberta Semer will be kicking this off and leading this effort.
 - The goal is to track demographic trends in the neighborhood, which will also build upon the work of the Board’s current Urban Fellow.
 - In order to properly plan for the future needs of the community, we need this information to provide context and make informed decisions. The Board has not looked habitually at such information in the past.



5. Committee Chair Reports
- Business and Consumer Issues
 - o The next B2B will take place on Thursday, March 27, 2014 at the West Side YMCA. The event will focus on how to best connect local business with summer job programs with local high school and college students.
 - o The Chairs did a site visit to the West Side YMCA to approve the use of that space.
 - o Co-Chair Parker will be attending the Lincoln Square BID meeting in order to get larger corporations involved in the event.
 - o The Co-Chairs have asked that Committee member Matt Wilson do site visit assignments; he has agreed.
 - o The Chairs will be training other Manhattan Community Boards regarding B2Bs, and will be exploring strategic partnerships for future CB 7 B2Bs.
 - HHS
 - o Working on issues related to the latest hospital merger. Concerned about what is happening with the merger, specifically that they believed that there would not be a change in staffing, but there has been.
 - Housing
 - o Working on a resolution related to the Section 8 sticky voucher issue related to downsizing apartments. This is related to the resolution about the downsizing policy in NYCHA buildings.
 - o Also are discussing a resolution to support the provision of free WiFi at NYCHA buildings. The purpose would be to address the gap in access to the Internet in these communities. A small development on the West side has already done this.
 - Land Use
 - o The Committee heard testimony on the proposed 106th St. rezoning. There was a large crowd at the meeting and the majority of the speakers supported the proposed rezoning.
 - o The Cross Fit at 67th St. will be up for a hearing next week.
 - Parks and Environment
 - o The Committee did not meet in December.
 - o The Chair was unable to attend the meeting, but she may be contacted via email for an update.
 - Preservation
 - o The Apthorp had its hearing and public meeting. Essentially, the Commission is not opposed to something being added to the top of the building, but they took not action on the application and sent it back with guidance to reduce the bulk and visibility of the proposed addition.
 - o The Chatsworth had its public hearing. The Commission's attitude was that it was not opposed to a penthouse addition, but it was concerned about the extent of the visibility of the proposal, so sent it back.
 - o The Committee is putting pressure on applicants to come back to the committee with revised proposals, since they are not technically required to as a matter of law. The attorney for the Apthorp is the same attorney who represented the Evelyn, which did return to the Committee with its revised application, so they are hopeful.
 - Transportation
 - o The Committee will be dealing with a voluminous resolution at its next meeting.



- An update on the Green Market—although it had been renewed for a year, they likely will only be in operation in its site through October 2014 due to the new location for JHL on 97th St.
 - The next meeting will include a discussion of parking meters, specifically whether there should be 1 or 2 hour meters, and whether such meters should be assigned by area or for the entirety of our community.
 - The Committee will hear a proposal for a Hampton Jitney stop in front of 2020 Broadway.
 - There will be an update from the DOT on the intersections at 72nd and Riverside and 79th and Riverside.
 - The Committee continues to review the Museum of Natural History's bus parking plan. They have all of the appropriate stakeholders involved.
 - YEL
 - While schools are closed for general elections, they remain open during primary elections and are used as polling sites regardless. This raises issues related to security, crowding and interfacing between particular schools and the Board of Elections. The Committee wants to facilitate a dialogue with the Board of Elections about these issues so that the school will be heard and perhaps the issues on primary day may be addressed.
 - The Committee will be trying to hold meetings at the Community's libraries and youth centers throughout the year.
 - The Committee will be working with BCI on the upcoming B2B.
6. New Business
- No new business was discussed.

The meeting adjourned at 6:53 p.m.



**Business & Consumer Issues Committee Meeting Minutes
Michele Parker and George Zeppenfeldt-Cestero, Co-Chairpersons
January 8, 2014 7:00 PM**

Unenclosed Café Renewal Applications:

- 1. 61 Columbus Avenue** (West 62nd Street) Renewal application DCA#1190070 to the Department of Consumer Affairs by West 62 Operating, LLC d/b/a Rosa Mexicana at Lincoln Center, for a two-year consent to operate an unenclosed sidewalk café with 26 tables and 50 seats.
Presenting: Doug Griebel, Owner, dgriebel@rosamexicano.com. Presented list of postings. Has three delivery bicycles. Café layout remains the same. Committee Approved: 8-0-0-0; 1-0-0-0
- 2. 2020 Broadway** (West 69th Street.) Renewal application DCA# 1308014 to the Department of Consumer Affairs by Tapas Food and Wine, Inc., d/b/a Bar Cibo Enoteca, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 22 seats.
Presenting: Steve Wygota (ssrw@aol.com). Presented list of postings. No deliveries. No changes to café layout. Committee Approved: 9-0-0-0; 1-0-0-0
- 3. 267 Columbus Avenue** (West 72nd – 73rd Streets.) Renewal application DCA# 1072082 to the Department of Consumer Affairs by Classic Food, Inc., d/b/a Sido, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.
Presenting: Emil Akleh, sido2k1@aol.com . Presented list of postings, but said some may have been torn down or missing due to inclement weather. No changes to café layout. Committee Approved: 9-0-0-0; 1-0-0-0
- 4. 283 Amsterdam Avenue** (West 73rd Street.) Renewal application DCA# 1321660 to the Department of Consumer Affairs by Nabucco, LLC, d/b/a Salumeria Rossi, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.
Presenting: Marc Glazer – disclosed representation and abstained from voting for cause. Presented list of postings and confirmed no changes in the café configuration.
George Zeppenfeldt-Cestero confirmed signage correctly posted. Added he would prefer the restaurant find another placement for strollers. Su Robotti commented on the flower boxes encroaching on the sidewalk slightly. Committee Approved: 8-0-0-1; 1-0-0-0
- 5. 316 Columbus Avenue** (West 75th Street.) Renewal application DCA# 1395732 to the Department of Consumer Affairs by Pappardella Rest Corp., d/b/a Pappardella, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats. Presenter not available and was missing paperwork, but informed committee in advance of meeting. Committee will reschedule for February session and Disapproved without Prejudice: 9-0-0-0; 1-0-0-0
- 6. 441 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 1283635 to the Department of Consumer Affairs by JPS Ventures, Inc., d/b/a St. James Gate, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 8 seats.
Presenting: Paul Finnegan, Owner, finnepaul@mail.com ; Configuration for outdoor seating remains the same. Presented list of postings. Committee Approved: 9-0-0-0; 1-0-0-0
- 7. 442 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 0953744 to the Department of



Consumer Affairs by 442 Amsterdam Rest., Corp., d/b/a The Gin Mill, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 14 seats.

Presenting: Michael Staff, theginmill@nycbestbars.com. No deliveries, no changes in café configuration, well-posted signage. Committee Approved: 9-0-0-0; 1-0-0-0

8. **475 Columbus Avenue** (West 83rd Street.) Renewal application DCA# 1382144 to the Department of Consumer Affairs by Il Rifugio, Inc., d/b/a Tarallucci E Vino, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Presenting: Luca DiPietro, owner, luca@tarallucciывino.com. No changes in configuration of café. He posted only on the restaurant window, but has agreed to post around the area and will send photos to District office prior to Full Board. Committee Approved: 9-0-0-0; 1-0-0-0

9. **2315 Broadway** (West 84th Street.) Renewal application DCA# 1341402 to the Department of Consumer Affairs by Donizetti LLC, d/b/a Five Napkin Burger, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 34 seats.

Presenting: Ryan Gray, bar manager, was sent over to inform committee that they did not receive application and would like to return next month. Committee Disapproved without Prejudice: 9-0-0-0; 2-0-0-0.

10. **517 Columbus Avenue** (West 85th Street.) Renewal application DCA# 0812902 to the Department of Consumer Affairs by Re Spec Corp., d/b/a Jackson Hole, for a two-year consent to operate an unenclosed sidewalk café with 25 tables and 48 seats.

Presenting: Vivian Kalogeras, owner, jacksonholewest@gmail.com. Has six delivery staff nightly but there have not been any complaints. No changes in café configuration. Signage well-posted. Committee Approved: 9-0-0-0; 1-0-0-0

11. **2340 Broadway** (West 85th Street.) renewal application DCA# 1000314 to the Department of Consumer Affairs by Broadway Desserts, LTD., d/b/a French R Roast, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 48 seats.

Presenting: Reuven Oren, owner, frut@chefdriven.com. Signage well-posted; nothing has changed in café configuration. Committee Approved: 9-0-0-0; 1-0-0-0

12. **584 Amsterdam Avenue** (West 87th - 88th Streets.) Renewal application DCA# 1247422 to the Department of Consumer Affairs by T.B. 584 Amsterdam Corp, d/b/a Bodrum, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.

Presenting: Huseyin Ozer, owner, huseyin@bodrumnyc.com; Nothing has changed in the café configuration. Has four delivery bikes and there have not been any complaints. Presented a comprehensive list of postings. Committee Approved: 9-0-0-0; 1-0-0-0

13. **584 Columbus Avenue** (West 88th – 89th Street.) Renewal application DCA# 0851262 to the Department of Consumer Affairs by New Bella Luna Inc., d/b/a The Bella Luna, for a two-year consent to operate an unenclosed sidewalk café with 13 tables and 25 seats.

Presenting: Huseyin Ozer, partner, huseyin@bodrumnyc.com; Brought comprehensive list of postings. No changes in café configuration. Committee Approved: 9-0-0-0; 1-0-0-0

14. **2450 Broadway** (West 90th – 91st Streets.) Renewal application DCA# 0940252 to the Department



of Consumer Affairs by Carmine's Broadway Feast, Inc., d/b/a Carmine's, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 22 seats.

Presenting: James Yacyshyn, GM, jyacyshyhn@carminesnyc.com. At a prior request of the Committee, Carmine's implemented security on weekends. All deliveries are by car. Café configuration has not changed. Signage was well-posted. Committee Approved: 9-0-0-0; 2-0-0-0

15. **2726 Broadway** (West 104th-105th Streets.) Renewal application DCA# 1247774 to the Department of Consumer Affairs by McConner Street Holding, LLC, d/b/a McDonald's, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.

Presenting: Martha Rodriguez, Area Supervisor, marthanj5@aol.com. No table service, but has clean-up staff present during all shifts. Café configuration remains the same, but as board member Christian Brey pointed out, the area is often dirty and tables are unstable over basement door. Ms. Rodriguez will check on the stability of the tables in the area. Signage was well posted. Committee approved: 9-0-0-0; 2-0-0-0

16. **2737 Broadway** (West 105th Street.) Renewal application DCA# 1109932 to the Department of Consumer Affairs by The Westside of Broadway Rest Group, Inc., d/b/a Toast, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats.

Presenting: Not Present – Committee Disapproved without Prejudice: 9-0-0-0; 2-0-0-0

17. **364 West 110th Street** (Columbus-Manhattan Avenues.) Renewal application DCA# 1039389 to the Department of Consumer Affairs by Spoonbread, Inc., d/b/a Spoonbread Too - Miss Mamie's, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Presenting: Not Present – Committee Disapproves without Prejudice: 9-0-0-0; 2-0-0-0

New Business:

- Visiting the board were Marisa Maack and Alberto Cruz to discuss Youth Employment as a possible theme for the next B2B Networking event.
- Michele and George are working on a new initiative with the MBPO to train other community boards on methods for organizing B2B events.
- Matt Holtzman will be assigning the signage posting reviews to committee members for restaurant applicants.
- Joanne Imohiosen and Linda Alexander explained the mission of the Cultural Affairs Committee.

Present: George Zeppenfeldt-Cestero, Michelle Parker, Linda Alexander, Paul Fisher, Marc Glazer, Matthew Holtzman, Joanne Imohiosen, Brian Jenks and Suzanne Robotti. **Chair:** Elizabeth Caputo. **Board Member:** Christian Bray. **Absent:** Anne Raphael.



**Transportation Committee Meeting Minutes
Andrew Albert and Dan Zweig, Co-Chairpersons
January 14, 2014**

Mark Levine, 7th District City Council, spoke about the recent pedestrian fatalities in CD7 – particularly concerning the 9 year old boy who was killed at W97th St and West End Ave. A summons was issued in this case for ‘failure to yield’. Mark said we need more enforcement, structural changes, perhaps a speed bump.

1. Symphony Space (2537 Broadway at 95th St). Request by Symphony Space for a change in metered parking regulations. Heard jointly with BCI Committee.

Primary discussion around the maximum duration permitted on the meters, i.e., extending the current 1 hour maximum to 2 hours. It was suggested that this occur along both sides of Broadway from W94th St to W96th St. Concern about which businesses in area might be affected adversely by such a change. BCI Co-chairs will look in this. Also suggested were graduated rates and higher rates for 2 hour maximum. DOT mentioned Park Smart used in other areas, not known if this could be done here. A resolution was introduced to ask DOT to institute 2 hour duration metered parking with graduated rates or higher rates if graduated not possible on Broadway between 94th St and 96th St. This resolution was placed on the table until the February meeting to allow various parties to obtain more information.

2. Greenmarket 97th St Application Renewal. Cathy Chambers testified that this was a renewal/extension with no changes in operation. Changes will be needed at the time that construction begins on 97th St. A revised plan will be submitted at that time. There were no known complaints for this operation.

Resolution to approve renewal was passed by the committee.

Committee: 9-0-0-0 Non-committee board: 3-0-0-0

3. M86 Bus Stop at Broadway – 1st Eastbound Stop -

This stop was recently moved to the East side of Broadway due to impending construction producing many complaints. Every effort is being made to work with the construction project and MTA Transit to bring this heavily used stop back to the West side of Broadway.

4. 96th – 97th St Corridor – Continuation of discussion of recent 96th and 97th St conditions, pedestrian fatalities, and possible remedies. Among possible solutions brought up: eliminate left hand turns at Broadway and 96th St, eliminate left hand turns onto and off of West End Ave, eliminate left hand turns on the entire West Side, Yield to Pedestrian signage at 97th and WEA, No Pedestrian Crossing signage (or a fence) at 96th and Broadway between malls, change timing of lights at B’way and 96th St so vehicles just making the light at Broadway will be unable to continue all the way across Broadway, changing timing of lights on 97th St from Columbus to West End so that vehicles cannot speed and make the lights all the way without stopping, change the timing of lights at 96th St and WEA such that vehicle turning left from 97th St onto WEA cannot make the light to turn right at 96th St to get to the highway without stopping, eliminate the northbound left turn lane on WEA at 97th St., provide more LPI and time for pedestrians to cross WEA at 97th St, request to NYPD to provide greater enforcement of failure to yield, red light, and speeding violations. A resolution was proposed by Roberta Semer to ask DOT and NYPD for all the short term stuff.

Committee: 7-0-0-0 Non-committee board: 3-0-0-0

5. New Business – Peter Arndtsen – Columbus-Amsterdam Ave BID – announced Family Walk days coming in the summer of 2014. Formal presentation for CB7 approval will be at a later date.

Meeting was adjourned.



Present: Andrew Albert, Dan Zweig, Ken Coughlin, Mark Glazer, Lee P. Kwan, Lillian Moore, Anne Raphael, Suzanne Robotti, Roberta Semer and Howard Yaruss. **Chair:** Elizabeth Caputo. **Board Member:** Mark N. Diller, Christian Bray and Michele Parker.



**Land Use Committee Meeting Minutes
January 15, 2014
Goddard Riverside Community Center**

1. **2523-2525 Broadway, New York Sports Club (West 93rd-94th Streets) Application #287-01BZ to the Board of the Standards & Appeals by TSI West 94 LLC** to allow and continue operation of a physical Culture establishment/health club at the subject premises

Representing the applicant was the attorney, Fred Becker, who explained that this application was a renewal of for a ten-year permit.

There were no Land Use Committee comments and no other CB7 Board Members present commenting. There were no members of the public commenting on this item.

THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** the request for continued operation of a physical Culture establishment/health club for New York Sports Club, at the above address.

Committee: 5-0-1-0. Non-Committee Board Members: 4-0-0-0.

2. **West 106th Street Rezoning** (Columbus-Amsterdam Avenues.) Application #C130208ZMM to the Department of City Planning by PWV Owner LLC for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street. The application is available at www.nyc.gov/mcb7.

It was noted that this meeting will serve as the ULURP hearing with respect to the application relating to West 106th Street zoning. A quorum of the Land Use committee was determined to be present. With respect to the ULURP hearing, 20% of the full Board members were also determined to be present.

Michael Sillerman, of Kramer Levin Naftalis, the land use counsel for the applicant vendee for the PWV Owners Corp LLC, c/o Stellar Management and The Chetrit Group LLC gave a summary of the rationale for the rezoning of the subject site from R7-2 with a C1-5 overlay to R8A(with no change in the commercial overlay and R8B in the southern portion of the site along 105th Street. The architects, Goldstein, Hill & West, LLP, which prepared the development scenarios that are part of the Supplemental information of the application, was represented by Alan Goldstein, AIA. Mr. Sillerman described what might be built on 106th St under the new zoning. He added that the current developer was committed to rezoning and intended to go forward with 106th St "whether there is redevelopment on 97th Street or not."

The current re-zoning of this area is necessitated as a result of a previous carve out of this site, the present location of Jewish Home Lifecare (JHL) that will be relocating to a new site on 97th Street. This carved out site was however included in the previous re-zoning of the area between 96th and 100th Streets, from Central Park West to Riverside Drive, that was passed by the City Council in 2007. While the focus of the meeting is this ULURP application, there were related comments from representatives from the many people who came to hear about the application and provide a statement. There was no representation from JHL.

There followed two-minute presentations by a number of people who had signed up and /or prepared written texts which were handed in and are on record with CB 7. Those that spoke are:

- **Glory Ann Kerstein**, president of the Duke Ellington Boulevard Neighborhood Association (DEBNA) and the Manhattan Valley Preservation Coalition noted their long work to bring about this zoning and ardently supported the Resolution and was delighted to



- revisit the wrong done 6 years ago.
- **Jean Jaworek**, treasurer for DEBNA stated that JHL continued to be a welcome neighbor on 106th Street and that if some variance were required to rebuild following the new zoning implementation, if JHL were to remain on 106th Street, neighborhood groups "wouldn't object to a reasonable request."
 - **Albina De Meio** of the Park West Village Tenants' Association (PWVTA) offered support to the Resolution as this will protect neighbors on West 106th Street from irresponsible development and asked when Park West Village would be similarly protected as a "tower in the park," as proposed is no longer appreciated and the open space should not be invaded.
 - **Julie Leek**, also of the PWVTA noted that commercial space should be similarly affordable and cited the inappropriateness of the proposed 97th St. much smaller site JHL is considering in PWV for both JHL's needs, for the next door school, the 97th already-congested traffic, and the closing up of the only remaining open space on the block.
 - **Donald McDonald**, agreed with previous speakers.
 - **Hillel Hoffman**, PWV resident and member of the PWVTA, does support the rezoning because PWVTA does not want the same fate to befall our neighbors on West 106. He noted that this rezoning, occurring simultaneous with the EIS being undertaken at 97th Street, in no way concedes that JHL can only build on 97 and could not re-build on 106. He recommended that the option of "No Build" was the preferred one in the current environmental review underway in New York State's SEQR process -- which would encourage JHL to continue where it is or locate elsewhere.
 - **Batya Lewton**, agrees with previous speakers.
 - **Rene Kathawala** of the P.S. 163 Task Force (the primary school adjoining the 97th St. site proposed for JHL) also noted the rezoning could not be used as rationale for JHL's moving to 97th St.
 - **Winifred Armstrong**, also with THE PWVTA, was in accord with the resolution under consideration only as to zoning, not in association with any particular project or use. Alternate plans for the 106 site could be proposed when the zoning carve out is made consistent with the rest of the neighborhood. West 97th Street proposal is not a done deal - will not address that tonight, but hope for a future opportunity to discuss, such as EIS, financing, and inchoate agreement stipulations. Lastly, requested that CB7 provide a supplemental letter or clarification that whatever vote on the rezoning is not attached to any particular project and asks for PWV when the time comes.
 - **James Langford**, a PWV resident, stated that the "elephant in the room" is the consequences of this application [and the land swap deal moving JHL to 97th Street]- which will include a traffic nightmare on West 97th Street. CB7 needs to think proactively, otherwise will need a Pulaski Skyway to get from Central Park to the Henry Hudson Parkway, Riverside Park creating a West Side nightmare and an ongoing "Domino effect."
 - **Jean Green Dorsey** of the Westgate Tenants Association (120-160 West 97th St) referred to the New York Times 1/4/2014 front-page story about Melissa Mark Viverito, which discussed the history of the JHL project. She counseled caution dealing with JHL and the political representatives on any deal. She offered general observations concerning JHL's rebuilding on 97th Street.
 - **Jeanette Rausch**, an Upper West Sider and a city planner, who originally supported for the 2007 contextual zoning, but noted that the question of where the best place for JHL to build should be considered. Her fear is that looking only at 106 without looking at 97th Street



will have consequences. Supports any stipulation to protect 106th and 97th Street communities. Similarly advised caution in dealing with parties that had previously shown bad faith.

- **Rene Kathewick**, a member of PS 163 Safe School Task Force cannot ignore consequence on 97th street of rezoning on 106th street. She also noted that the poorest students most impacted, as others will relocate.
- **Catherine Ursino**, a nursing home advocate and resident of Park West Village, observed that the proposed facility at 97th Street would not well serve patients by dint of its height and shut-in situation. Vulnerable populations, including nursing home residents, and the children of PS 163 and other schools, and all neighbors, all deserve protection and respect. The proposed 20-story nursing home for 97th Street is akin to a Riker's Island for old people. No one want to be stored away. She urged JHL to consider rebuilding at 106th St where its existing space is far larger and more suitable to JHL's fulfilling its historic mission. She also hopes that CB7 will write a letter regarding the 97th Street proposal to protect PWV residents.
- **D. Maria Watson** presented an alternate multi-use plan for the current JHL site, whereby JHL, apartments ranging from affordable to luxury, and other facilities could be built on 106th St. She referred to drawings she had and cited dimensions, possible funding sources, et al
- **Hope Cohen**, a former Land Use Committee member who was involved with the initial 2007 down-zoning, urged that the 106th Street site be down-zoned. She spelled out supportive considerations among them: that this is an opportunity to right a wrong, this is a question not just of land use but of public process, that righting this wrong does not say anything about what JHL can build or where. Lastly that there is no reason not to approve this rezoning out of concern of where JHL could build and urges the LU Committee and the Board to approve, and add a letter about other concerns.

End of Public Testimony

The Resolution before the Committee was solely to change the zoning on a parcel 106th-105th Streets and between Columbus and Amsterdam Avenues, presently occupied by JHL, from its current zoning classification to R8a/R8b. This would "downsize" the height of what subsequently may be built to be more in keeping with the contextual zoning approved for the rest of the neighborhood in 2007. It was the Resolution alone which was under consideration -- not any proposed building project on that site or elsewhere as what might be built under the new zoning category, with or without variances, did come under discussion. The following comments were made by LU Committee and CB7 Board members:

- **Page Cowley** agreed that CB7 should plug the hole and make the entire neighborhood contextual. That real estate market is often volatile and there is a risk if we don't fix the this site to conform with the neighborhood previously re-zoned. We also want to encourage growth and diversity and while there is a need to have "as of right" solutions to encourage growth, it does have consequences. Page suggested because of the unusual circumstances and because the current owner of this site, JHL, is relocating to a different neighborhood that has equally pressing pressures, preparing a parallel letter is appropriate to brief new and continuing electeds on the complexities relating to JHL on 97th Street.
- **Shelly Fine** stated that it was with a heavy heart that is being revisited after so long. He was part of the coalition that walked block-by-block. It should not have taken 6 years later to fix this, but that's history. This long process also subverts the good will and effort of the CAB to design the building - good efforts thrown away. This action completes what should



have happened before. He is also sympathetic to both communities re the difficulty of separating the 106 and 97 issues. Lastly, that he supports a letter that should state that we see no preemption of JHL building anywhere including 106 by taking this action tonight that brings final justice to an unjust situation.

- **Ethel Sheffer** cited the long and difficult history of this site on 106th Street as she served as Task Force chair when Shelly was at the time the CB7 chair. She will never forget meeting at Anshe Chesed where over 600 people attended with overwhelming broad community support, broad community indignation at the out of scale 100th Street and Broadway buildings, which caused the Community to organize and initiate contextual zoning for the entire area. Elected representatives, the community, and CB7 all worked together, and then were shocked by carve-out -- of one site. This resolution needs to be passed as the exception was wrong and should be righted now as the carve out was born of political deals that worked against the will of the constituents. Ethel further noted that PWV concerns are serious and enduring -- these are real issues and was sorry that JHL not here. We should listen to and work with the community, including sending an explanatory letter.
- **Mark Diller** confirmed that we should provide a statement about the various options in a supporting letter and also agrees with colleagues that this should be approved.
- **DeNora Getachew** also agrees with colleagues.
- **Roberta Semer** also agrees with colleagues with both an approval and a letter and remains concerned as “as of right” development projects are by their very nature, a constant source of concern.
- **Brian Jenks** agreed with both supporting a resolution to approve as well as a letter.
- **Suzanne Robotti**, agreed with both supporting a resolution to approve as well as a letter.
- **Barbara Van Buren** supports the rezoning and believes that it is appropriate to discuss other issues related to PWV. She also did not expect the correction of this zoning mistake would ever take place.
- **Lillian Moore** both CB7 Board member and PWV resident, agrees with colleagues. And also noted that she was concerned about any proposal that proposed warehousing seniors - this is our future too. She grieves when agreements made in good faith are changed -- we must keep vigilant.

A motion to approve rezoning was made with the anticipation that the full Board will likely vote on the Resolution at its next meeting Tuesday, Feb 4, 2014. This resolution will next be considered by the Manhattan Borough President before returning to the City Planning Commission, the City Council, and finally to the Mayor.

THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** the Application #C130208ZMM to the Department of City Planning for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street.

IN ADDITION TO THE ABOVE REOLUTION IS WAS ALSO AGREED that CB7 will prepare a companion clarifying letter to state the unusual circumstances about this site and that JHL is relocating to a different neighborhood that has equally pressing pressures development pressures, and that this letter is appropriate to brief new and continuing electeds on the complexities relating to JHL fitting in on 97th Street.
Committee: 6-0-0-0. Non-Committee Board Members: 8-1-0-0.

3. **157 Columbus Avenue (West 67th Street)** Application #228-13-BZ by the NYC Board of Standards



and Appeals by Herrick Feinstein LLP, on behalf of 45 West 67th Street Development Corporation / Cross Fit NYC, for a permit to operate a physical culture establishment at 157 Columbus Avenue.

It should be noted that this application is being revisited owing to information that was directed to CB7 via the attorney representing the 45 West 67th Street Residential Condominium -- principally that there was use of the space beyond what is permitted by zoning for a physical culture establishment, operation of the CrossFit Gym without approvals/permits, and concerns regarding the impact of this use on the building structure. Similar reports of non-compliant use and excessive noise and structural concerns were reported in other CrossFit franchises, one of which is in a lawsuit.

CB7 has received new documents from both the attorney, Simons & Wright LLC, representing the 45 West 67th Street Residential Condominium and from the applicant Herrick Feinstein, LLP, both are now present to help resolve any outstanding issues.

Mr. Richard Bass, Herrick Feinstein, representing the applicant spoke first and distributed an additional document that had not been previously sent to the Land Use Committee, but was prepared in response to the condominium concerns and submitted to the Board of Standards and Appeals dated January 14, 2014 which described events, and correspondence since the Land Use Committee originally heard and approved of this application in September 2013. Mr. Bass also reported that there had been two meetings - the first of which was postponed as there were complaints from the Residential Condominium that there was insufficient notice -- and the second, held on December 17th where no action was taken.

The issues and information which is now relevant to the legality and suitability of the use are:

- a. The basement space includes a portion of the site which is zoned R8. This zoning does not permit physical culture establishments.
- b. The space continues to be used in some manner and has scheduled classes since last fall to the present. However the owner of CrossFit has pledged at this meeting to cease use of this space until permits are provided.
- c. The condominium owners have requested that acoustic tests be performed, as there is concern with the type of equipment that is being used by the facility. [After this meeting CB7 was informed that the tests were agreed by both sides and scheduled, but the CrossFit team was not present].
- d. The condo asserts that the space has been partially built-out and includes the entirety of the basement area including the area that cannot be used as a physical culture establishment.

Mr. Bass, presented supporting material in his explanation as to the status of the application and the condition of the facilities. These exhibits did show that the space had a portion of the basement within the R8 zone. Mr. Bass said that this space was not being currently used, and that this would eventually be closed off. Photos were shown indicating the part of the basement that would not be used.

Mr. Bass also pointed to an acoustic report prepared by a consultant with observations only. No factual data was provided or the criteria used to assess noise or vibration levels. It was explained that the testing was carried out by the acoustic consultant retained by the 45 West 67th Street Residential Condominium and that this data had not been shared. Mr. Bass also explained that there were pressing time constraints and that use of this space proceeded and that this facility was no less legal in its use than 31 other physical culture establishments that were operating without a permit.

Mr. Wright, representing the 45 West 67th Street Residential Condominium stated that the applicant had misrepresented several facts about the use and fit out of the exercise build-out and use. Stating virtually the exact opposite for all statements presented by the applicant regarding the following: photographs were presented that showed the entirety of the basement space in use, schedules were presented taken from the



internet that indicated current training session and hours of operation, and further concerns about the extent of damage that is likely as a result of the equipment that the members use -- most importantly dropping heavy weights onto the floor ranging from 125 pounds to over 300 pounds (bench and bar-bell type). The other concern is that this application is no longer for a permit but for a legalization of the present use.

Key questions were asked of each:

For Mr. Bass:

- Is the establishment in operation? Answer: yes but only limited use. And the area within the R8 area is no longer in use. The applicant stated that they will cease use in the C4-7 area until they get a permit.
- What part of the CrossFit Gym is in the R8 zone? Answer: A diagram was shown indicating a large area to the east of the major space.
- Is the space fully fitted out and has any work been done? Answer: Only minimal work.
- When was the acoustic testing performed? Answer: The tests were done on Saturday, January 11, 2014. Note it was confirmed that the owner and a trainer were the only occupants other than those performing the tests, which were on the level above. The test was dropping a 125 pound weight onto a 4' "dense pad approximately 4'-0" X 4'-0"' that was on a flat floor mat that was approximately 1" dense closed cell foam type.

For Mr. Wright:

- Have any residents reported any noise? Answer: some but more bangs than noise.
- Are there any other complaints that CB7 should be made aware of? Answer: Only that the space is being used.
- Apart from noise do any of those present object to the proposed use? Answer: Jared Danzinger responded [presumably on behalf of those present], as a general rule, do not object to PCE (physical culture establishment), but this operator.

Several residents spoke about hearing unusual noises. Frank Hill who lives on the 7th floor on the Saturday at 9:45 am over weekend [presumed to be the time of the acoustical testing] felt a short "wham" – and thought strange. But did consider this to be the testing. Then I heard another wham-bang-bang, but I have also heard noises in the laundry room[also located in the basement too]. Hard to attribute. But the resident could not discern if this was from noise in the corridor, from construction work going on in the building or from Local law 11 work taking place on an adjacent building. His candor was appreciated but was considered credible because of the uniqueness of the noise type.

Jared Danzinger also reported that the operator conducts programmed running as part of workout that would use 67 Street as corridor to the Park, especially those carrying equipment. Frank Hill added that members of the CrossFit Gym were running up and down the sidewalk with hand weights that posed a hazard to passersby.

In addition to testimony, Jared Danzinger provided a video with composite clips showing the CrossFit Gym operated by the same applicant on 28th Street in Chelsea along with what appeared to be outtakes, were shown. This video was halted after a few moments and while this did show the type of exercise and numbers of persons in classes, it was not performed in the basement space relating to this specific application.



In order to advance a resolution and seek a solution, Page Cowley cited several disconcerting issues and the lack of factual information to reach any conclusion. The principal observations from the photographs and descriptions were:

1. The space is clearly in operation and being used.
2. The space has clearly had some work done, but is in no state of completion with little or no ventilation, lack of toilets and personal locker space and appears as one large exercise space with equipment lined up along the wall. While this may be a trendy décor, it does not say much in the way of hygiene, safety or amenity offered to the members that are currently using this space.
3. The acoustic tests performed had no criteria and were inadequate. The tests performed, what ever they were did not seem appropriate to testing impact, vibration and transmitted noise. What seems to have been tested was airborne noise, but as this had only a few people with one person exerting and demonstrating the lift and drop exercise.
4. The structural report is from the engineer that designed the building, but was the engineer provided with the weight of the weights and the frequency of percussive and hammering events? Probably not and this should be factored before stating a 10" slab is sufficient.
5. It was very distressing to see these leap-frog argumentative statements without any factual information coming from either side.

The consequence is that the application as presented on behalf of CrossFit Gym is inadequate, misleading and incomplete.

However, CB7 will work to seek a solution provided that the criteria and details of any acoustic testing is agreed by both parties in advance and conducted in a manner that helps to appreciate the actual impact of the exercise equipment and the number of occupants in the space. This needs to be conducted at peak and low times when the gym is expected to be in operation as any operation outside of normal work hours say 9 to 5 pm would be considered as periods when the residents should expect quiet enjoyment of their homes.

The Land Use and Board members commented as follows:

Ethel Sheffer: Troubled by the following: The acoustical report from the applicant is seven sentences long and the actual report is from applicant's consultant's observation of test and results by someone else's testing, for which applicant's consultant was present. Neighbors are not opposed to a gym, but this is not the everyday gym and our Board is generally receptive to health clubs and usually bend over backwards to provide that amenity. But this applicant has stretched common sense and neighborliness. Page is willing to help and my concerns run deep.

Roberta Semer: In addition to the drop of weights in other locations of CrossFit the exercise is performed to loud music to pump up music to meet the energy level, and this has not been taken into consideration here.

Mark Diller: We need a protective resolution but we must submit one if a further postponement is not possible. Mr. Bass confirmed that the BSA meeting would take place on January 28th regardless.

Shelly Fine: I am trying to foster a resolution and mediate in an on-going relationship. I would



like to add without prejudice.

A motion was presented and seconded due to a lack of cohesive and factual information.

THEREFORE, BE IT RESOLVED THAT the Land Use Committee **disapproves** of the Application #228-13-BZ by the NYC Board of Standards and Appeals for a permit to operate a physical culture establishment at 157 Columbus Avenue.

The reasons for this disapproval are threefold: inadequate and incomplete information regarding the impact of this particular type of gym and the exercises performed in this basement; a lack of detailed appropriate evaluation and analysis of acoustical concerns relating to hammering, percussive and transmitted vibration and noise that must consider both short and long-term impact on the building structure; mitigation measures needed to reduce airborne noise for this activity; and the numbers of persons engaging in this activity at any one time including but not limited to any protective flooring and equipment isolation pads or spacers that may be recommended to protect the building.

Committee: 5-0-1-0. Non-Committee Board Members: 4-0-0-0.

Respectfully submitted by Page Cowley

Present: Page Cowley, Sheldon J. Fine, DeNora Getachew, Brian Jenks, Roberta Semer and Ethel Sheffer.

Chair: Elizabeth Caputo. **Board Member:** Mark N. Diller, Christian Bray, Blanche E. Lawton, Lillian Moore, Suzanne Robotti, Madge Rosenberg and Dan Zweig. **Absent:** Richard Asche and Howard Yaruss.



**Land Use Committee Meeting Minutes
January 15, 2014
Goddard Riverside Community Center**

4. **2523-2525 Broadway, New York Sports Club (West 93rd-94th Streets) Application #287-01BZ to the Board of the Standards & Appeals by TSI West 94 LLC** to allow and continue operation of a physical Culture establishment/health club at the subject premises

Representing the applicant was the attorney, Fred Becker, who explained that this application was a renewal of for a ten-year permit.

There were no Land Use Committee comments and no other CB7 Board Members present commenting. There were no members of the public commenting on this item.

THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** the request for continued operation of a physical Culture establishment/health club for New York Sports Club, at the above address.

Committee: 5-0-1-0. Non-Committee Board Members: 4-0-0-0.

5. **West 106th Street Rezoning** (Columbus-Amsterdam Avenues.) Application #C130208ZMM to the Department of City Planning by PWV Owner LLC for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street. The application is available at www.nyc.gov/mcb7.

It was noted that this meeting will serve as the ULURP hearing with respect to the application relating to West 106th Street zoning. A quorum of the Land Use committee was determined to be present. With respect to the ULURP hearing, 20% of the full Board members were also determined to be present.

Michael Sillerman, of Kramer Levin Naftalis, the land use counsel for the applicant vendee for the PWV Owners Corp LLC, c/o Stellar Management and The Chetrit Group LLC gave a summary of the rationale for the rezoning of the subject site from R7-2 with a C1-5 overlay to R8A(with no change in the commercial overlay and R8B in the southern portion of the site along 105th Street. The architects, Goldstein, Hill & West, LLP, which prepared the development scenarios that are part of the Supplemental information of the application, was represented by Alan Goldstein, AIA. Mr. Sillerman described what might be built on 106th St under the new zoning. He added that the current developer was committed to rezoning and intended to go forward with 106th St "whether there is redevelopment on 97th Street or not."

The current re-zoning of this area is necessitated as a result of a previous carve out of this site, the present location of Jewish Home Lifecare (JHL) that will be relocating to a new site on 97th Street. This carved out site was however included in the previous re-zoning of the area between 96th and 100th Streets, from Central Park West to Riverside Drive, that was passed by the City Council in 2007. While the focus of the meeting is this ULURP application, there were related comments from representatives from the many people who came to hear about the application and provide a statement. There was no representation from JHL.

There followed two-minute presentations by a number of people who had signed up and /or prepared written texts which were handed in and are on record with CB 7. Those that spoke are:

- **Glory Ann Kerstein**, president of the Duke Ellington Boulevard Neighborhood Association (DEBNA) and the Manhattan Valley Preservation Coalition noted their long work to bring about this zoning and ardently supported the Resolution and was delighted to



- revisit the wrong done 6 years ago.
- **Jean Jaworek**, treasurer for DEBNA stated that JHL continued to be a welcome neighbor on 106th Street and that if some variance were required to rebuild following the new zoning implementation, if JHL were to remain on 106th Street, neighborhood groups "wouldn't object to a reasonable request."
 - **Albina De Meio** of the Park West Village Tenants' Association (PWVTA) offered support to the Resolution as this will protect neighbors on West 106th Street from irresponsible development and asked when Park West Village would be similarly protected as a "tower in the park," as proposed is no longer appreciated and the open space should not be invaded.
 - **Julie Leek**, also of the PWVTA noted that commercial space should be similarly affordable and cited the inappropriateness of the proposed 97th St. much smaller site JHL is considering in PWV for both JHL's needs, for the next door school, the 97th already-congested traffic, and the closing up of the only remaining open space on the block.
 - **Donald McDonald**, agreed with previous speakers.
 - **Hillel Hoffman**, PWV resident and member of the PWVTA, does support the rezoning because PWVTA does not want the same fate to befall our neighbors on West 106. He noted that this rezoning, occurring simultaneous with the EIS being undertaken at 97th Street, in no way concedes that JHL can only build on 97 and could not re-build on 106. He recommended that the option of "No Build" was the preferred one in the current environmental review underway in New York State's SEQR process -- which would encourage JHL to continue where it is or locate elsewhere.
 - **Batya Lewton**, agrees with previous speakers.
 - **Rene Kathawala** of the P.S. 163 Task Force (the primary school adjoining the 97th St. site proposed for JHL) also noted the rezoning could not be used as rationale for JHL's moving to 97th St.
 - **Winifred Armstrong**, also with THE PWVTA, was in accord with the resolution under consideration only as to zoning, not in association with any particular project or use. Alternate plans for the 106 site could be proposed when the zoning carve out is made consistent with the rest of the neighborhood. West 97th Street proposal is not a done deal - will not address that tonight, but hope for a future opportunity to discuss, such as EIS, financing, and inchoate agreement stipulations. Lastly, requested that CB7 provide a supplemental letter or clarification that whatever vote on the rezoning is not attached to any particular project and asks for PWV when the time comes.
 - **James Langford**, a PWV resident, stated that the "elephant in the room" is the consequences of this application [and the land swap deal moving JHL to 97th Street]- which will include a traffic nightmare on West 97th Street. CB7 needs to think proactively, otherwise will need a Pulaski Skyway to get from Central Park to the Henry Hudson Parkway, Riverside Park creating a West Side nightmare and an ongoing "Domino effect."
 - **Jean Green Dorsey** of the Westgate Tenants Association (120-160 West 97th St) referred to the New York Times 1/4/2014 front-page story about Melissa Mark Viverito, which discussed the history of the JHL project. She counseled caution dealing with JHL and the political representatives on any deal. She offered general observations concerning JHL's rebuilding on 97th Street.
 - **Jeanette Rausch**, an Upper West Sider and a city planner, who originally supported for the 2007 contextual zoning, but noted that the question of where the best place for JHL to build should be considered. Her fear is that looking only at 106 without looking at 97th Street



will have consequences. Supports any stipulation to protect 106th and 97th Street communities. Similarly advised caution in dealing with parties that had previously shown bad faith.

- **Rene Kathewick**, a member of PS 163 Safe School Task Force cannot ignore consequence on 97th street of rezoning on 106th street. She also noted that the poorest students most impacted, as others will relocate.
- **Catherine Ursino**, a nursing home advocate and resident of Park West Village, observed that the proposed facility at 97th Street would not well serve patients by dint of its height and shut-in situation. Vulnerable populations, including nursing home residents, and the children of PS 163 and other schools, and all neighbors, all deserve protection and respect. The proposed 20-story nursing home for 97th Street is akin to a Riker's Island for old people. No one want to be stored away. She urged JHL to consider rebuilding at 106th St where its existing space is far larger and more suitable to JHL's fulfilling its historic mission. She also hopes that CB7 will write a letter regarding the 97th Street proposal to protect PWV residents.
- **D. Maria Watson** presented an alternate multi-use plan for the current JHL site, whereby JHL, apartments ranging from affordable to luxury, and other facilities could be built on 106th St. She referred to drawings she had and cited dimensions, possible funding sources, et al
- **Hope Cohen**, a former Land Use Committee member who was involved with the initial 2007 down-zoning, urged that the 106th Street site be down-zoned. She spelled out supportive considerations among them: that this is an opportunity to right a wrong, this is a question not just of land use but of public process, that righting this wrong does not say anything about what JHL can build or where. Lastly that there is no reason not to approve this rezoning out of concern of where JHL could build and urges the LU Committee and the Board to approve, and add a letter about other concerns.

End of Public Testimony

The Resolution before the Committee was solely to change the zoning on a parcel 106th-105th Streets and between Columbus and Amsterdam Avenues, presently occupied by JHL, from its current zoning classification to R8a/R8b. This would "downsize" the height of what subsequently may be built to be more in keeping with the contextual zoning approved for the rest of the neighborhood in 2007. It was the Resolution alone which was under consideration -- not any proposed building project on that site or elsewhere as what might be built under the new zoning category, with or without variances, did come under discussion. The following comments were made by LU Committee and CB7 Board members:

- **Page Cowley** agreed that CB7 should plug the hole and make the entire neighborhood contextual. That real estate market is often volatile and there is a risk if we don't fix the this site to conform with the neighborhood previously re-zoned. We also want to encourage growth and diversity and while there is a need to have "as of right" solutions to encourage growth, it does have consequences. Page suggested because of the unusual circumstances and because the current owner of this site, JHL, is relocating to a different neighborhood that has equally pressing pressures, preparing a parallel letter is appropriate to brief new and continuing electeds on the complexities relating to JHL on 97th Street.
- **Shelly Fine** stated that it was with a heavy heart that is being revisited after so long. He was part of the coalition that walked block-by-block. It should not have taken 6 years later to fix this, but that's history. This long process also subverts the good will and effort of the CAB to design the building - good efforts thrown away. This action completes what should



have happened before. He is also sympathetic to both communities re the difficulty of separating the 106 and 97 issues. Lastly, that he supports a letter that should state that we see no preemption of JHL building anywhere including 106 by taking this action tonight that brings final justice to an unjust situation.

- **Ethel Sheffer** cited the long and difficult history of this site on 106th Street as she served as Task Force chair when Shelly was at the time the CB7 chair. She will never forget meeting at Anshe Chesed where over 600 people attended with overwhelming broad community support, broad community indignation at the out of scale 100th Street and Broadway buildings, which caused the Community to organize and initiate contextual zoning for the entire area. Elected representatives, the community, and CB7 all worked together, and then were shocked by carve-out -- of one site. This resolution needs to be passed as the exception was wrong and should be righted now as the carve out was born of political deals that worked against the will of the constituents. Ethel further noted that PWV concerns are serious and enduring -- these are real issues and was sorry that JHL not here. We should listen to and work with the community, including sending an explanatory letter.
- **Mark Diller** confirmed that we should provide a statement about the various options in a supporting letter and also agrees with colleagues that this should be approved.
- **DeNora Getachew** also agrees with colleagues.
- **Roberta Semer** also agrees with colleagues with both an approval and a letter and remains concerned as “as of right” development projects are by their very nature, a constant source of concern.
- **Brian Jenks** agreed with both supporting a resolution to approve as well as a letter.
- **Suzanne Robotti**, agreed with both supporting a resolution to approve as well as a letter.
- **Barbara Van Buren** supports the rezoning and believes that it is appropriate to discuss other issues related to PWV. She also did not expect the correction of this zoning mistake would ever take place.
- **Lillian Moore** both CB7 Board member and PWV resident, agrees with colleagues. And also noted that she was concerned about any proposal that proposed warehousing seniors - this is our future too. She grieves when agreements made in good faith are changed -- we must keep vigilant.

A motion to approve rezoning was made with the anticipation that the full Board will likely vote on the Resolution at its next meeting Tuesday, Feb 4, 2014. This resolution will next be considered by the Manhattan Borough President before returning to the City Planning Commission, the City Council, and finally to the Mayor.

THEREFORE, BE IT RESOLVED THAT the Land Use Committee **approves** the Application #C130208ZMM to the Department of City Planning for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street.

IN ADDITION TO THE ABOVE REOLUTION IS WAS ALSO AGREED that CB7 will prepare a companion clarifying letter to state the unusual circumstances about this site and that JHL is relocating to a different neighborhood that has equally pressing pressures development pressures, and that this letter is appropriate to brief new and continuing electeds on the complexities relating to JHL fitting in on 97th Street.
Committee: 6-0-0-0. Non-Committee Board Members: 8-1-0-0.

6. **157 Columbus Avenue (West 67th Street)** Application #228-13-BZ by the NYC Board of Standards



and Appeals by Herrick Feinstein LLP, on behalf of 45 West 67th Street Development Corporation / Cross Fit NYC, for a permit to operate a physical culture establishment at 157 Columbus Avenue.

It should be noted that this application is being revisited owing to information that was directed to CB7 via the attorney representing the 45 West 67th Street Residential Condominium -- principally that there was use of the space beyond what is permitted by zoning for a physical culture establishment, operation of the CrossFit Gym without approvals/permits, and concerns regarding the impact of this use on the building structure. Similar reports of non-compliant use and excessive noise and structural concerns were reported in other CrossFit franchises, one of which is in a lawsuit.

CB7 has received new documents from both the attorney, Simons & Wright LLC, representing the 45 West 67th Street Residential Condominium and from the applicant Herrick Feinstein, LLP, both are now present to help resolve any outstanding issues.

Mr. Richard Bass, Herrick Feinstein, representing the applicant spoke first and distributed an additional document that had not been previously sent to the Land Use Committee, but was prepared in response to the condominium concerns and submitted to the Board of Standards and Appeals dated January 14, 2014 which described events, and correspondence since the Land Use Committee originally heard and approved of this application in September 2013. Mr. Bass also reported that there had been two meetings - the first of which was postponed as there were complaints from the Residential Condominium that there was insufficient notice -- and the second, held on December 17th where no action was taken.

The issues and information which is now relevant to the legality and suitability of the use are:

- e. The basement space includes a portion of the site which is zoned R8. This zoning does not permit physical culture establishments.
- f. The space continues to be used in some manner and has scheduled classes since last fall to the present. However the owner of CrossFit has pledged at this meeting to cease use of this space until permits are provided.
- g. The condominium owners have requested that acoustic tests be performed, as there is concern with the type of equipment that is being used by the facility. [After this meeting CB7 was informed that the tests were agreed by both sides and scheduled, but the CrossFit team was not present].
- h. The condo asserts that the space has been partially built-out and includes the entirety of the basement area including the area that cannot be used as a physical culture establishment.

Mr. Bass, presented supporting material in his explanation as to the status of the application and the condition of the facilities. These exhibits did show that the space had a portion of the basement within the R8 zone. Mr. Bass said that this space was not being currently used, and that this would eventually be closed off. Photos were shown indicating the part of the basement that would not be used.

Mr. Bass also pointed to an acoustic report prepared by a consultant with observations only. No factual data was provided or the criteria used to assess noise or vibration levels. It was explained that the testing was carried out by the acoustic consultant retained by the 45 West 67th Street Residential Condominium and that this data had not been shared. Mr. Bass also explained that there were pressing time constraints and that use of this space proceeded and that this facility was no less legal in its use than 31 other physical culture establishments that were operating without a permit.

Mr. Wright, representing the 45 West 67th Street Residential Condominium stated that the applicant had misrepresented several facts about the use and fit out of the exercise build-out and use. Stating virtually the exact opposite for all statements presented by the applicant regarding the following: photographs were presented that showed the entirety of the basement space in use, schedules were presented taken from the



internet that indicated current training session and hours of operation, and further concerns about the extent of damage that is likely as a result of the equipment that the members use -- most importantly dropping heavy weights onto the floor ranging from 125 pounds to over 300 pounds (bench and bar-bell type). The other concern is that this application is no longer for a permit but for a legalization of the present use.

Key questions were asked of each:

For Mr. Bass:

- Is the establishment in operation? Answer: yes but only limited use. And the area within the R8 area is no longer in use. The applicant stated that they will cease use in the C4-7 area until they get a permit.
- What part of the CrossFit Gym is in the R8 zone? Answer: A diagram was shown indicating a large area to the east of the major space.
- Is the space fully fitted out and has any work been done? Answer: Only minimal work.

- When was the acoustic testing performed? Answer: The tests were done on Saturday, January 11, 2014. Note it was confirmed that the owner and a trainer were the only occupants other than those performing the tests, which were on the level above. The test was dropping a 125 pound weight onto a 4 “ dense pad approximately 4’-0” X 4’-”)’ that was on a flat floor mat that was approximately 1” dense closed cell foam type.

For Mr. Wright:

- Have any residents reported any noise? Answer: some but more bangs than noise.
- Are there any other complaints that CB7 should be made aware of? Answer: Only that the space is being used.
- Apart from noise do any of those present object to the proposed use? Answer: Jared Danzinger responded [presumably on behalf of those present], as a general rule, do not object to PCE (physical culture establishment), but this operator.

Several residents spoke about hearing unusual noises. Frank Hill who lives on the 7th floor on the Saturday at 9:45 am over weekend [presumed to be the time of the acoustical testing] felt a short "wham" – and thought strange. But did consider this to be the testing. Then I heard another wham-bang-bang, but I have also heard noises in the laundry room[also located in the basement too]. Hard to attribute. But the resident could not discern if this was from noise in the corridor, from construction work going on in the building or from Local law 11 work taking place on an adjacent building. His candor was appreciated but was considered credible because of the uniqueness of the noise type.

Jared Danzinger also reported that the operator conducts programmed running as part of workout that would use 67 Street as corridor to the Park, especially those carrying equipment. Frank Hill added that members of the CrossFit Gym were running up and down the sidewalk with hand weights that posed a hazard to passersby.

In addition to testimony, Jared Danzinger provided a video with composite clips showing the CrossFit Gym operated by the same applicant on 28th Street in Chelsea along with what appeared to be outtakes, were shown. This video was halted after a few moments and while this did show the type of exercise and numbers of persons in classes, it was not performed in the basement space relating to this specific application.



In order to advance a resolution and seek a solution, Page Cowley cited several disconcerting issues and the lack of factual information to reach any conclusion. The principal observations from the photographs and descriptions were:

6. The space is clearly in operation and being used.
 7. The space has clearly had some work done, but is in no state of completion with little or no ventilation, lack of toilets and personal locker space and appears as one large exercise space with equipment lined up along the wall. While this may be a trendy décor, it does not say much in the way of hygiene, safety or amenity offered to the members that are currently using this space.
 8. The acoustic tests performed had no criteria and were inadequate. The tests performed, what ever they were did not seem appropriate to testing impact, vibration and transmitted noise. What seems to have been tested was airborne noise, but as this had only a few people with one person exerting and demonstrating the lift and drop exercise.
 9. The structural report is from the engineer that designed the building, but was the engineer provided with the weight of the weights and the frequency of percussive and hammering events? Probably not and this should be factored before stating a 10” slab is sufficient.
10. It was very distressing to see these leap-frog argumentative statements without any factual information coming from either side.

The consequence is that the application as presented on behalf of CrossFit Gym is inadequate, misleading and incomplete.

However, CB7 will work to seek a solution provided that the criteria and details of any acoustic testing is agreed by both parties in advance and conducted in a manner that helps to appreciate the actual impact of the exercise equipment and the number of occupants in the space. This needs to be conducted at peak and low times when the gym is expected to be in operation as any operation outside of normal work hours say 9 to 5 pm would be considered as periods when the residents should expect quiet enjoyment of their homes.

The Land Use and Board members commented as follows:

Ethel Sheffer: Troubled by the following: The acoustical report from the applicant is seven sentences long and the actual report is from applicant's consultant's observation of test and results by someone else's testing, for which applicant's consultant was present. Neighbors are not opposed to a gym, but this is not the everyday gym and our Board is generally receptive to health clubs and usually bend over backwards to provide that amenity. But this applicant has stretched common sense and neighborliness. Page is willing to help and my concerns run deep.

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Shelly Fine: I am trying to foster a resolution and mediate in an on-going relationship. I would



like to add without prejudice.

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The reasons for this disapproval are threefold: inadequate and incomplete information regarding the impact of this particular type of gym and the exercises performed in this basement; a lack of detailed appropriate evaluation and analysis of acoustical concerns relating to hammering, percussive and transmitted vibration and noise that must consider both short and long-term impact on the building structure; mitigation measures needed to reduce airborne noise for this activity; and the numbers of persons engaging in this activity at any one time including but not limited to any protective flooring and equipment isolation pads or spacers that may be recommended to protect the building.

Committee: 5-0-1-0. Non-Committee Board Members: 4-0-0-0.

Respectfully submitted by Page Cowley

Present: Page Cowley, Sheldon J. Fine, DeNora Getachew, Brian Jenks, Roberta Semer and Ethel Sheffer.

Chair: Elizabeth Caputo. **Board Member:** Mark N. Diller, Christian Bray, Blanche E. Lawton, Lillian Moore, Suzanne Robotti, Madge Rosenberg and Dan Zweig. **Absent:** Richard Asche and Howard Yaruss.



**Youth, Education & Libraries Committee Meeting Minutes
Blanche Lawton and Eric Shuffler, Co-Chairpersons
January 16, 2014**

The Youth, Education & Libraries committee of Community Board 7/Manhattan met on Thursday, January 16, 2014, at the District Office, 250 West 87th Street. Co-Chairs Eric Shuffler and Blanche Lawton called the meeting to order at 6:35 pm. The following topics were discussed and actions taken.

Item 1: Discussion regarding the impact of primary day voting on local schools.

Jean Morland – PS 84

- Primary occurs when school is in session.
- Voting takes place in the cafeteria – so kids do not have a good place to have lunch.
- Alternatives include in the classroom, in the auditorium (with food in their laps).
- 60-65% of the kids receive free lunch – transporting the food to the kids becomes a significant issue.
- Security is also impacted – school keeps a tight control on access from outside.
- During primary day, only one entrance is open, but voters can then exit using multiple doors – using the most convenient exit, which can bring outsiders past kids, classrooms etc.
- No additional school safety officers. One police officer is assigned to the polling place itself, and is not a presence outside the cafeteria.
- Gym is on the second floor (not accessible) and is programmed throughout the day by the two schools in the building.
- School notified that it would be a primary polling place very late.
- School does not hold a bake sale during the primary (when school is open) – only during the general when the school is closed.
Using the school for the general is not an issue because the school is closed.
- Need to solve the school food problem.
- Could use extra security to force the adults in the building to vote to leave the way they came.

Isaac:

- Could set up a ground floor ADA accessible voting area, with the rest of the voting upstairs.

Ira – PS9

- Concerns:
- PS 9 is the same layout as PS 84. Experiences many of the same issues, except that its play yard is a school-only space, not shared with the DoE.
- Problems exacerbated because the primary was the second day of school – no chance to organize a bake sale.
- School knew there would be security issues, so brought in substitute teachers to help with the children.
- Police officer assigned to the polling place would not leave the voting area – security left to the school safety officers.
- No extra school safety officers.
- Voting machines were placed directly in front of the cafeteria food access, and Bd of Elections were completely inflexible about moving the machines to allow kids to get to and through the food line.
- Total of 16 EDs in the cafeteria – 16 tables, 16 voting machines, additional staff.



- Practically need a separate pair of rest rooms just for the election staff.
- Voting machines delivered at least the day before, so machines are a presence in the building during another school day.
- Suggestions:
- Host fewer EDs.
- Could DoE use primary days as staff development and not have kids in the building during primary days.
- Acknowledge that some years there is more than one primary.
- Please don't have the primary on the second day of school!

Q: (Blanche)

- Who does the Bd of Elections coordinate with?

A: Custodian opens the building, and the Principal has to fight for accommodations.

Jolie Golden – Anderson School PS 334

- Co-located with Computer School and PS 452.
- This is the rare meeting that the School Administration asked parents to attend – not only parent-led.
- Huge lunchtime disruption. Schools co-located are on a tight schedule.
- Anderson has only 1 hour total – split with elementary at lunch while middle school
- Bd of Elections makes unreasonable demands for space.
- Even though large room – Bd of Elections takes up most of the space, making it hard to serve the children breakfast and lunch.
- Concerns re safety with the public in spaces shared with students.
- Public acts inappropriately with school children, including profanity, and a general surprise by the public to see children in the building. Exacerbated by the school serving mostly elementary students.
- Also disrupts dismissal by bus – primary uses the same entrance that bus dismissal usually uses.
- Contrast with parent and community volunteers who must have background checks, training and multiple sign-ins with opening the building to a day of strangers.

John Decatur and Lorial Crowder – PS 75

- Echoes other schools' experiences.
- Bd of Elections takes a heavy-handed approach with the principal; threatened the principal with police action if staff did not cooperate more.
- Security issue – only ADA accessible entrance is on opposite side of building from cafeteria.
- Worse, the hallways (right angles) between the ADA accessible entrance and the cafeteria runs the length of the Kindergarten classrooms' hallways.
 - would need multiple security officers to secure this area.
- School is at the forefront of programs for children with Autism spectrum disorders – a student population particularly vulnerable to disruption.
- Cafeteria kitchen is smaller than usual – staff must prep meals in the cafeteria space itself. With the voting machines, that could not occur, so only cold sandwiches were offered for breakfast and lunch.
- No additional staff to get meals to kids; teachers had to personally ferry water and milk to kids eating elsewhere.



- Definitely make money at the general election bake sale.
- Would like to see the school closed for primaries.

Eric:

- PS 87 complained loudly – Bd of Elections moved the polling places.

Nick:

- Official reason differed.

Nick Prigo – both CB7 member and District Leader

- District Leaders involved in coordinating poll sites. Bd of Elections still in control, but work with District Leaders.
- Several schools heard tonight are poll sites for which Nick is responsible.
- First time considered the implications for primary poll sites.

- Background – if a facility receives public funding, MUST make space available to be a poll site – no choice.
- Too many poll sites disqualified because of ADA accessibility, so schools are extremely unlikely to avoid being a polling place regardless of opposition.

- Making that day a professional development day is a great solution.

- Primaries are not all scheduled well in advance.
- NYS primaries are set by NYS Legislature – often done at the very last minute.

DeNora:

- Opportunity for coordinated advocacy to get primaries scheduled well-enough in advance to allow planning of the type needed to allow professional development option.

Nick:

- Some advocacy groups are using ADA accessibility for polling places as a lever to make schools more accessible.

Cynthia Doty – District Leader

- As DL, have been responsible for poll sites in CSD3 including PS 9, 84 and 75.
- ADA issue is complicating the Bd of Elections approach. Center for Independent Disabled New York and others sued Bd of Elections – resolution was to require the most strict interpretation of ADA compliance.
-- e.g. Goddard-Riverside, which has hundreds of seniors every day come for programs and lunch – but because ramp is compliant only to a superseded standard, and despite wheelchairs can actually make the turn, Goddard cannot be a polling site.
- Survey of schools that have been disqualified to see if some were excluded improperly, or if an easy remediation could correct the condition and have more polling sites (making other polling places less crowded/fewer EDs per poll site).
- Another option being explored concerns facilities such as Columbia University, whose space is accessible and could take pressure off crowded poll sites.



- 67 and 69 ADs had the highest turnouts in Manhattan; possibly the entire City.
- Algorithm to create polling places per number of voters ignores that a much higher percentage of voters actually turn out to vote.
- Most crowded poll sites on UWS: PS 163, 84, 75, 9, 165. Includes 10-16 EDs in one space.
- Aware of security concerns re voters entering one side, but then can wander throughout the building or use a different exit.
- June 24 primary in 2014 (Congress). May also have September primary (NYS Assembly and Senate).
 - some Congress reps may not have primary opponents (Nadler); others may (Rangel).
- Propose that poll site department from Bd of Elections would come to a future meeting.
- Problem of finding accessible sites.

Mark:

- O'Shea voting – PTA set up a bake sale, and later was ordered to remove it after a few hours.
- Joe Lazarus happened to be present and negotiated with Bd of Elections and we moved the bake sale.
- So dialogue should include Bd of Elections and DoE Facilities.

Lauren Schuster – Chief of Staff to A-M Linda Rosenthal:

- Horrified by security issues raised.
- Likely to be an issue in September.
- Has heard of the call to close the schools on the primary day.

Marisa Maack – Chief of Staff to C-M Helen Rosenthal:

- Suggest having a UFT rep at any dialogue.
- Shares the significant concerns raised.

Item 2. YEL Priorities for committee work in 2014.

DeNora:

- Early childhood initiative – should invite providers to discuss their programs and where they have experienced successes.
- Examine the Early Learn program from both a user and a provider perspective.

Blanche:

- Give thought to the YEL committee's non-education mandates.
- E.g. the Youth initiative.
- Ella Ver, our Planning Fellow will return at the end of January and will update YEL at the February meeting.

Marisa:

- BCI B2B event on March 27, 2014, will have as its theme connecting guidance counselors and youth group coordinators with opportunities for seasonal employment and internships.
- C-M Rosenthal will help with outreach.
- Get youth-oriented organizations in the community to be present.



- Voter registration for HS students – before graduation.

Eric:

- Desire to meet outside the CB7 District Office – e.g. at libraries, youth centers.

DeNora:

- Dome Project – youth-based not-for-profit. Does a significant amount of work with kids in alternative corrections, but has many other programs.
- Significant constituency with Amsterdam Houses and Stryker’s Bay.

Gabe Rosen (Stuyvesant HS):

- YEL committee to reach out and actually visit schools with a goal of engaging with students.
- Suggestion that CB7 explore whether to take a position on expanding admissions criteria for Specialized HSs.

Elizabeth Caputo:

- BCI initiative – “get to know your commissioners” – inviting Chancellor Farina.

Adjourn: 8:15

Present: Blanche Lawton, Eric Shuffler, Isaac Booker, Mark N. Diller, Paul Fisher, DeNora Getachew and Genora Johnson. **Chair:** Elizabeth Caputo. **Board Member:** Mark N. Diller and Nick Prigo.