

**COMMUNITY BOARD 7/MANHATTAN**  
**Full Board Meeting Minutes**  
**November 1, 2011**

The full board of Community Board 7/Manhattan met on Tuesday, November 1, 2011, at St. Luke's-Roosevelt Hospital Center, 1000 Ninth Avenue, in the District. The meeting was chaired by CB7 chair Mark N. Diller, who called the meeting to order at 6:39 pm after determining that a quorum was present. The following topics were discussed and actions taken.

*Approval of minutes from previous full board meeting.*

Ian Alterman- Commented on the October full board minutes. Given specific dissenting nature of his comments at the October full board meeting, he requested a line acknowledging them in October minutes. After members expressed unwillingness to approve minutes with this insertion sight unseen, the vote was deferred to the December full board meeting.

*Chair's Report*

*Mark Diller*

Thank you to new executive board for a great start and all the work that lies ahead

Neighbor of the Month: Doreen Wohl and the West Side Campaign Against Hunger volunteers

Presented by Mark Diller and Peter Arndtsen (District Manager of the Columbus-Amsterdam BID):

- For 32 years, WSCAH filled a need many recognize but are unsure how to combat
- Nearly 1/3 children live in poverty, call to immediate attention needs
- WSCAH operates a supermarket-style pantry
- Staffed by volunteers including its clients, providing food w/ dignity.
- Also provides links to counseling, advocacy, and social services
- Job training w/ chef
- Doreen Wohl: Accepts on behalf of more than 100 client-volunteers. One-stop social service program empowers customers to find solutions.
- Seeking support for the federal Farm Bill, which allocates funding for food stamps and TEFAP – crucial to WSCAH clients.

Recognition of outgoing chair, Mel Wymore, presented by Mark Diller

- Indebted to his vision and tireless service on behalf of our community.
- Difficult job done incredibly well, both in big projects (Riverside Center) and the day-to-day work of the Board.
- Mel. Wymore: A great honor to serve, and to be succeeded by the new executive board.

New co-chairs of the Youth, Education & Libraries Committee are Marisa Maack and Gabrielle Rowe.

Barbara Van Buren and Madge Rosenberg, co-chairs of the Health & Human Services Committee, to give a brief summary of the committee's October discussion of the effects of budget cuts on community programs. In November, they will discuss will discuss actions that MCB7 can take.

- October meeting analyzed in depth the effects of the latest budget cuts on community programs.
- Need to reframe issues to address problems not symptoms.
- Need to coordinate with other community boards to facilitate a common solution.
- Welcome everyone to next meeting to share ideas to implement these ideas and others.

Community Session

Joe Eastman - Citizens Committee for NYC:

- Grant program “Love Your Block” provides up to \$1000 for block/street rehabilitation/beautification.
- Deadline is November 8. Looking for grassroots volunteer groups. Up to 25% can go to stipends for student volunteers. A more beautiful block is a safer block. 212-822-9578 [jeastman@citizensnyc.org](mailto:jeastman@citizensnyc.org).

Belina Anderson - President of Cathedral Gardens Condominium:

- Concern re joint ownership of co-operative residence with Barnard College, including under-utilized ground-floor community facility space.

Sheldon Fine - Regional director of the Borgen Project:

- Works to reduce poverty globally. Predominantly deal with legislation.
- Without grassroots support very little will happen. Beginning a push to contact representatives.

Alan Ando - Eastern Mountain Sports’ marketing manager:

- Glad to be back on the UWS. Have already begun partnerships with neighborhood groups.

Brad Taylor - 1<sup>st</sup> Vice-Chair MCB9:

- Concern re need for board due diligence when developers promise benefits.
- E.g. the expectation that a nonprofit day care could be developed at Cathedral Gardens was unrealistic.

Peter Arndtsen - Columbus-Amsterdam BID:

- Columbus-Amsterdam BID November events calendar is full.

Jane Thompson - 736 West End Avenue:

- Lives next to construction at 732. Last month wall on construction site fell.
- Toxic site on adjacent, upstream lot.
- Construction will block up 36 windows at Williams Senior Residence

Rasha Dalbah - Henry Street Settlement:

- Recruiting youth 18-24 of age for subsidized internship opportunity.

Reports by Legislators

Gale Brewer – City Council Member, 6<sup>th</sup> District:

- Town Hall with UWS elected officials on 11/21 at 8pm at the JCC.
- West-Park Presbyterian Church needs a new boiler. Fund raiser 11/10 at the Belnord.
- 79<sup>th</sup> Street Boat Basin – Nov 16<sup>th</sup> hearing on fee increases for residents of the boat basin.
- Affordable DayCare targeted for service cuts.
- On-line ballot to be available in advance of general election via Board of Elections and DoITT.
- Food Trucks – time/place/manner controls needed. We need a task force.

Jessica Silver - Manhattan Borough President’s Office:

- Community Board renewal applications due 12/30; new applications due 1/13/12.
- Currently offering important training sessions for new members. Chair emphasized the value of and professional presentations at theBP’s training sessions.
- 11/28 reception at the Metropolitan Museum for Manhattan Community Board members.
- 11/18 conference “Transportation 2030: 5 Boro Blueprint.”
- MBP press conference about hiring practice discrimination vs those with credit history or unemployed.

Brian Miller - Assembly Member Richard Gottfried’s Office:

- Fall open enrollment for Medicare is 10/15-12/7.
- Signed onto legislation creating independent redistricting process.

Ben Shachter- State Senator Adriano Espaillat’s Office:

- Moving UWS satellite office hours to Tuesdays at Council Member Brewer’s office, 563 Columbus.
- Public hearing re raw sewage dumping notification after recent storms overwhelmed Harlem plant.
- Organizing End-to-End march for 99% from Washington Heights to Zucotti Park on Monday 11/7.

Paul Sawyer - Assembly Member Linda Rosenthal’s Office:

- Having hydrofracking hearing on 11/2 at B’nai Jeshurun.
- End-to-End March will meet up at Verdi Square at 1:30PM on 11/7.
- 11/10 DHCR MBR hearing at 9:30 AM at 22 Reade Street

- PCBs continue to be a major issue in community schools.
  - Testified at 10/25 final LPC hearing on proposed WEA historic district
- Jared Chausow - State Senator Tom Duane's Office:
- End-to-End will meet up at Union Square between 3-3:30 PM on 11/7.
  - 11/15 public forum on medically assisted torture.
  - Tenants' conference 11/5.

Dominic Lee – Assembly Member Daniel O'Donnell's Office:

- Annual health fair a success. Free flu shots available 11/1.

Jessica Dennison - NYC Comptroller John Liu's Office:

- Reforms to pension system announced 10/27.
- Aggregating 5 funds into 1 to be run by appointed investment office to de-politicize and streamline.

*Business Session*

### **Transportation Committee**

**Andrew Albert and Dan Zweig, Co-Chairpersons**

1. Resolution to approve the Lincoln Square BID plans for the November 28, 2011, Winter's Eve celebration. After deliberation, the resolution to approve the plans was approved:  
VOTE: 37-0-0-1.

Mr. Albert: 72<sup>nd</sup> Street connection between Riverside Drive and Riverside Boulevard is open.

### **Land Use Committee**

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

2. Resolution to disapprove application #142-11-BZ to the Board of Standards and Appeals by The Philippe for a special permit to construct a 14-story building at 207 West 75<sup>th</sup> Street.

Co-chairs Richard Asche and Page Cowley:

- BSA variance sought – requires the Board to find that all 5 factors have been met/satisfied.
- Burden of proof is on the Applicant.
- Board will consider and vote on each factor individually and then on the overall project.

#### Applicant's Presentation:

Caroline G. Harris, Goldman Harris, attorneys for the applicant:

- Principal variance sought is the Sliver Law, which limits new construction at the site to 71'.
- Seeking 14 stories at 141'8" (no FAR variance needed for this bulk).
- Also requesting variances from setback requirements and lot coverage.
- Five Findings required for a BSA variance are met:
  - Particularly small, narrow (25') lot, only bldg on the block to which the sliver law applies.
  - Bldg will not be taller than 215 West 75<sup>th</sup>.
  - Cannot obtain a reasonable return on investment without variance; can earn a modest 6.3% return with variance.
  - Scale and design are in keeping with the neighborhood.
  - Hardship is not self-created and this is the minimum variance needed.
- Blocked views from the neighboring buildings are not protected and some will be lost. Quality of commercial tenant not up to neighborhood standard.

#### Morris Adjmi, Applicant's Architect:

- Practices primarily in historic districts and with landmark buildings.
- Proposed building is in scale with neighborhood. Uses appropriate materials (zinc finish).
- Arch motif suggests adjacent individual landmark garage details.

Presentation by 215 West 75<sup>th</sup> (Adjacent building to the West):

Steven Barshov, Sive, Paget & Riesel, attorneys for 215 West 75th:

- Uniqueness: no physical condition on the property that creates an unusual impediment to development.
- Existing structure is not obsolete, commercial space on two floors has been continuously occupied.
- Developer's hardship analysis did not study keeping the building the same.
- Many mistakes in Applicant's hardship methodology. Assumed luxury development costs and compared to standard/non-luxury potential returns for the as-of-right building, but compared luxury costs to luxury returns for the building with the proposed variance.
- In an apples-to-apples comparison, the Applicant could make a profit within the range deemed acceptable at BSA.
- Proposed building would have a devastating effect on the character of the neighborhood. Would block light and air for 41 units in the adjacent building.
- Real estate appraiser concluded that one apt in 215 West 75 would lost 15% of its value if proposed building blocked its light, air and views (documents submitted).
- Value of existing building's units would be literally sucked into proposed building.

Hardship was indeed created by the Applicant.

Community Comment: Each of the following community speakers made one or more of the following points. Speakers included Pat Kiernan (co-op president at 215 West 75<sup>th</sup>); Jeffrey Walker (215 West 75<sup>th</sup>); Melvin Miller; Sally Martell (The Laureate/2150 Broadway – back-lot adjacent); Margaret Mallone (215 West 75<sup>th</sup>); Dan Freudenberger (The Laureate); Heather Smith (The Laureate); Dorothy Greenberg; Neil Matticks (215 West 75<sup>th</sup>); Faith Steinberg (153 West 75<sup>th</sup>); Jim Ewing (215 West 75<sup>th</sup>); Jon DiCold (215 West 75<sup>th</sup>):

- Proposed building is double the size of the as-of-right building.
- Variances should be rarities based on unusual circumstances; conditions here are common-place.
- Will destroy small-scale, lower-rent retail on side streets.
- Blocking light and air and views. Minimal clearance for neighboring windows. Light pollution.
- Return analysis skewed by selective exclusion of fees and real costs.
- Real-world return (not how BSA measures it) is extraordinary and unwarranted.
- Wrong location for a luxury building.
- Will interfere with the Beacon Theater across the street.
- Applicant could have avoided the hardships they now complain of.

Co-Chair Richard Asche:

- Applicant must satisfy each of the 5 required findings; failure on any one finding defeats the application.

**Finding A.** *That there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular #zoning lot#; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located.*

Resolution regarding Finding A: Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING A of Zoning Resolution 72-21.

*Committee: 9-0-0-0. Board: 3-0-0-0.*

Board Comments:

- Question of a unique physical condition on this site is a complete non-starter.
- The developer had full knowledge of the limitations of the lot, so no hardship.
- An example of a unique physical condition that might satisfy this finding would be if there were an unknown stream or unusual substance or configuration.
- Applicant is seeking three variances:
  - Doubling the height (requires a variance from the Sliver Law);

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- Relief from front and back setback requirements;
- Lot coverage (proposal would exceed 30% coverage limit by 2% as proposed).

After deliberation, the resolution that Finding A is not met was adopted:

VOTE: 41-0-2-0.

**Finding B.** *That because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization.*

Resolution regarding Finding B: Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals does **not** meet Finding B of Zoning Resolution 72-21. The developer has presented an economic analysis which indicates that construction of an as-of-right building will result in a loss. Neighboring residents have presented an economic analysis showing that an as-of-right building can achieve a reasonable rate of return under several scenarios including leaving the existing structure intact, constructing a residential building and constructing a mixed used residential and commercial building. The neighbors' economic analysis, which is closely reasoned and contains numerous citations to construction cost authorities, points out several areas of error in the developer's analysis. It is not feasible for Community Board 7, without access to technical resources, to select between the competing analyses, and it is certainly not possible to conclude that the developer has met his burden on this finding. CB 7 thus refrains from making a positive finding on the hardship issue with the observation that objections to this finding do not appear to be frivolous or arbitrary.

*Committee: 7-0-0-0.*

Co-Chair Richard Asche:

- We had only the developer's financial projections to base our discussion on.
- The neighbors hired their own consultant. That report was received this morning. It contradicted a number of the assumptions from the developer's report.
- It concluded that a healthy profit could be made from the existing building and an extraordinary profit from a larger building.
- The committee concluded that based on the two reports we could not find that the requirement had been met, in part because we did not possess the technical expertise needed, and in part because the applicant bears the burden of proof and the neighbors' non-frivolous objections demonstrated that the finding could not be made.

Board Discussion:

- Concern that a lack of Committee or Board expertise should result in our abstaining.
- Friendly amendment limiting "B" finding resolution to an abstention was not accepted.
- Developer must prove his point to get the variance, and has not made the case. Don't abstain.
- Board's inability to analyze or determine the merits of the competing rate of return analyses is evidence that the applicant's presentation was not sufficiently convincing, so Board should feel free to vote.

After deliberation, the resolution that the applicant failed to satisfy Finding B was adopted.

VOTE: 40-1-1-0.

**Finding C.** *The variance, if granted, will not alter the essential the character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.*

Resolution regarding Finding C: Community Board 7/Manhattan finds that the proposed building would "substantially impair the appropriate use or development of adjacent property" and therefore that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING C of Zoning Resolution 72-21.

*Committee: 8-0-1-0. Board: 3-0-0-0.*

Board Comment:

- Commend the urban planning student who brought to light the issue of losing side street retail. We cannot afford lose two more stores, now or in the future.

After deliberation, the resolution that Finding C is not met was adopted.

VOTE: 36-1-0-0.

**Finding D.** *Practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.*

Resolution regarding Finding D: Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals **meets** FINDING D of Zoning Resolution 72-21.

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

Board Comment:

- If there were hardships, they were not created by the developer.
- Hypothetical example of owner subdividing lot and then being unable to build – no such issue here.
- Applicant’s knowledge of hardships is alone insufficient to hold that Finding D was not met.

After deliberation, the resolution that Finding D is met was adopted:

VOTE: 39-0-2-0.

**Finding E.** *That within the intent and purposes of this resolution the variance, if granted, is the minimum variance one necessary to afford relief; and to this end, the board may permit a lesser variance than that applied for.*

Resolution regarding Finding E: Community Board 7/Manhattan finds that application #142-11-BZ to the Board of Standards & Appeals does **not** meet FINDING E of Zoning Resolution 72-21. This finding has not been met. The developer has failed to include in his application any economic analysis of whether a less variance will relieve its alleged hardship. The competing analysis submitted by the neighbors, whether or not accurate in all respects, casts sufficient doubt on the developer's analysis, that CB 7 cannot say with confidence that the proposed building will yield only a 6.3 % return, or that some more modest variance would not produce a reasonable return. In this connection we also note an issue alluded to but not emphasized in the neighbors' analysis, viz. that the building the developer proposes will yield a profit of more than four million dollars over acquisition and construction costs. If 80% of the projected \$25 million cost is borrowed by the developer, his profit will be 80% of invested equity over two years, or 40% per annum return on equity. This may well be a minimum reasonable return in some universe, but it calls into question the methodology employed in connection with this and, perhaps, other variance applications.

*Committee: 7-0-0-0.*

Board Discussion:

- The burden of proof is on the developer and the developer did not meet this requirement.
- Rate of return calculation is based on total costs (even if borrowed), not owner’s invested capital.
- Applicant’s analysis included debt service costs, will use borrowed funds (typical).
- Applicant disputes rate of return calculations.
- BSA method of calculating returns relevant to the revenue stream of rentals versus sales of co-ops.

After deliberation, the resolution that Finding E is not met was adopted:

VOTE: 43-0-0-0.

Resolution to disapprove entire application #142-11-BZ to the BSA.

After deliberation, the resolution to disapprove the entirety of the application was adopted.

VOTE: 43-0-0-0.

### **Health & Human Services Committee**

#### **Madge Rosenberg and Barbara Van Buren, Co-Chairpersons**

3. Resolution re New York City’s Requirement that City Residents Applying for Food Stamps be fingerprinted.

Co-Chairs Madge Rosenberg and Barbara Van Buren:

- New York City families have lost hundreds of thousands of dollars in food relief dollars because of this law.
- New York is one of only two states that require fingerprinting as a condition for food benefits.
- City Council should review this procedure and determine if it is in the best interests of the City.
- New York State opposes fingerprinting policy.

Proposal: Split resolution “therefore” clauses into two – one calling for a City Council investigation, and a second calling for the elimination of fingerprinting.

Board Discussion:

- Concern regarding the method for calculating the amount of money lost and over what time period.
- Should ask instead for cost-benefit analysis.
- Practice should be rejected as inhumane. Only NYC and Arizona require fingerprinting
- Resolution should be phrased to eliminate fingerprinting unless the City Council comes up with reasons to retain the practice.
- Substitute Motion: The City Council should formulate legislation to eliminate fingerprinting; and furthermore continue its investigation of reasons for the disparity in treatment across States.
- Friendly Amendment to Substitute motion – limit only to call for elimination of fingerprinting. ACCEPTED
- Concern that calling for the elimination of the practice include a statement of reasons to do so.
- Concern about potential for fraud.

After deliberation, the substitute motion was approved.

Vote on substitute motion: 34-5-2-0.

After deliberation, the (substitute) resolution was adopted.

VOTE: 35-6-3-0.

**Business & Consumer Issues Committee**

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

4. Resolution to disapprove Application to the State Liquor Authority for a two-year liquor license by Papisito Midtown Corp, Inc., d/b/a Papisito Mexican Grill and Agave Bar at 2728 Broadway.

Ruby Krijick- 245 West 104<sup>th</sup> Street:

- Extremely loud and potentially violent crowds meet outside Papisito late night/early morning.
- Regularly disturbing sleep and safety. After 3 am, crowds noisily fill the sidewalks.

Board Discussion:

- Applicant continues to place planters, sandwich boards outside café footprint even after warnings.
- Friendly amendment: straight disapproval rather than “without prejudice”

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

VOTE: 40-0-0-0.

5. Resolution to approve the application to the SLA for a two-year liquor license by 144 West 65<sup>th</sup> Street (Broadway) Ford Transfer Co and The Film Society of Lincoln Center, Inc., d/b/a Indie Food & Wine.

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

VOTE: 40-0-0-0.

5A. Resolution to disapprove the application to the SLA for a two-year liquor license by 487 Amsterdam Avenue (West 83<sup>rd</sup> Street) Hey Mambo Inc., d/b/a To be Determined, unless the applicant, Mr. Tuvia Feldman, agrees to add the following stipulations to their Method of Operations: (1) Prior to using rear yard, applicant must submit rear yard use plans to the Department of Buildings for approval; (2) Upon DOB approval, applicant agrees to close rear yard by 10:00 PM, last seating by 9:00 PM; (3) Total occupancy of the restaurant and rear yard combined, including staff and customers, cannot exceed 74.

- Correcting committee report – resolution to disapprove was not due to applicant’s failure to appear.

- Applicant was required to commit to certain practices in its method of operation, and has agreed to the stipulations required by the Committee. Following SLA practices, the resolution must be submitted as a disapproval.
- Applicant to assume formerly problematic Blue Donkey bar site.

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

VOTE: 28-0-1-0.

6. Resolution to approve the following unenclosed café renewal applications:

- 355 Amsterdam Avenue (West 77<sup>th</sup> Street.) Renewal application DCA# 1246104 to the Department of Consumer Affairs by DLS Chicken Corp., Chirping Chicken, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 32 seats.
- 359 Columbus Avenue (West 77<sup>th</sup> Street.) Renewal application DCA#0953473 to the Department of Consumer Affairs by 359 Columbus Avenue, LLC, d/b/a Isabella's, for a two-year consent to operate an unenclosed sidewalk café with 28 tables and 74 seats.
- 2724 Broadway (West 104<sup>th</sup> Street.) Renewal application DCA#1132659 to the Department of Consumer Affairs by Hot Bread of 104th Street, Inc., d/b/a Hot & Crusty, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 30 seats.
- 364 West 110<sup>th</sup> Street (West 109<sup>th</sup> -110<sup>th</sup> Streets.) Renewal application DCA# 1039389 to the Department of Consumer Affairs by Spoonbread, Inc., d/b/a Miss Mamie's, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Board Discussion:

- Concern that applicants' delivery staff-ride bicycles are on sidewalks.
- Committee reviews detailed requirements with each applicant, including Chirping Chicken.
- Need for police enforcement.

After deliberation, the resolution to approve the renewal applications was adopted.

VOTE: 39-0-1-0.

7. Resolution to approve the following enclosed café renewal applications:

- 2020 Broadway (West 69<sup>th</sup> Street.) Renewal application DCA# 0769760/ ULURP#N110004ECM to the Department of Consumer Affairs by First 69th Street Realty Corp., d/b/a Westside Restaurant, for a two-year consent to operate an enclosed sidewalk café with 17 tables and 34 seats.
- 2636 Broadway (West 100<sup>th</sup> Street.) Renewal application DCA #1169442/ ULURP#N110002ECM to the Department of Consumer Affairs by PS Brothers Gourmet, Inc., d/b/a Indus Valley Restaurant, for a two-year consent to operate an enclosed sidewalk café with 9 tables and 19 seats.

Alan Flax: Indus Valley is a good neighbor.

After deliberation, the resolution to approve the applications for enclosed café renewals was adopted.

VOTE: 28-9-0-0.

8. Resolution to approve the renewal application DCA# 1147364/ ULURP#N110071ECM to the Department of Consumer Affairs by Hillview Specialty Foods, Inc., d/b/a 107 West Restaurant Bar & Lounge, for a two-year consent to operate an enclosed sidewalk café with 13 tables and 26 seats, at 2787 Broadway.

- This is one of the oldest enclosed cafes. Wonderful restaurant.

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

VOTE: 29-8-3-0.

9. Resolution to approve the renewal application DCA# 1186113 to the Department of Consumer Affairs by Flej, Inc., d/b/a Pomodoro Rosso, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats, at 229 Columbus Avenue.

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

VOTE: 38-1-1-0.

10. Resolution to approve the renewal application DCA# 0929109 to the Department of Consumer Affairs by Gilli, Inc., d/b/a Al Dente, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 19 seats, at 417 Amsterdam Avenue.

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

VOTE: 39-1-0-0.

### **Parks & Environment Committee**

#### **Klari Neuwelt and Elizabeth Starkey, Co-Chairpersons**

11. Resolution to approve the Central Park Conservancy proposed reconstruction of the Reservoir East Landscape, located near the east side of the Reservoir, between West 85<sup>th</sup> and 96<sup>th</sup> Streets and the bridle path and the perimeter wall along Fifth Avenue.

- Atypically straight road in Central Park - limited space between the reservoir and Fifth Avenue.
- Changing grading to provide separation of roadway and walkway, adding trees.

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

VOTE: 39-0-0-0.

12. Resolution seeking ban on hydrofracking in NYS under new rules proposed by Governor Mario Cuomo at least until safety concerns can be fully addressed.

#### Public speakers:

##### Bob Wyman:

- Supports; Disappointed it didn't go farther. Should address national as well as local concerns.
- Not inconsistent to seek ban on fracking and continued conversion to natural gas.

Peter Jenkins: Supports the resolution.

##### Christian Bray:

- Fracking pollutes 20% more than coal over 20 years. Seniors and children will be most affected.
- Highly radioactive. Would like to submit BP Springer's statement (supplied). Too dangerous.

Jonathan Ruben: Supports resolution as written. The toxic ingredients in the water are too dangerous.

#### Board Discussion:

- Will present the resolution to A-M Linda Rosenthal's forum 11/2/11. DEC hearing 11/30.
- Calling for outright ban rather than banning until process proved safe – we know it is not.
- Outright ban not strategically viable.
- Friendly amendment - ban at this time "unless and until" safety proved. Accepted.

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

VOTE: 33-0-1-0.

### **Preservation Committee**

#### **Lenore Norman and Gabrielle Palitz, Co-Chairpersons; Jay Adolph presented the resolutions.**

13. **115 West 69<sup>th</sup> Street:** Resolution to disapprove the application to the Landmarks Preservation Commission to modify a previous permit to change a window to a door on the existing 4th floor elevation to include changing from 2 double-hung windows and one door to 3 pairs of glass swing doors with lights between each set of doors, and to change the approved masonry parapet with a railing to a masonry parapet without a railing.

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

VOTE: 28-0-2-0.

14. **67-73 West 71 Street:** Resolution to approve the application to the Landmarks Preservation Commission to the Landmarks Preservation Commission for rear-yard extensions from the 1<sup>st</sup>-3<sup>rd</sup> floors on 67 and 69 West 71<sup>st</sup> Streets, and new awnings, brownstone caps on the storefront parapets, and new lighting fixtures on the fronts of the buildings.

After deliberation, the resolution to approve the application was adopted.  
VOTE: 30-0-0-0.

**15. 220 West 79<sup>th</sup> Street:** Resolution to approve application #12-3185 to the Landmarks Preservation Commission to construct a rear-yard addition.\

After deliberation, the resolution to approve the application was adopted.  
VOTE: 29-1-0-0.

16. Resolution to approve the Manhattan Borough Board resolution regarding community board review of landmarks applications.

After deliberation, the resolution to approve the application was adopted.  
VOTE: 30-0-0-0.

### **Housing Committee**

**Victor Gonzalez and Nick Prigo, Co-Chairpersons**

17. Resolution re New York City's uncollected millions in property taxes.

Chair Nick Prigo:

- Collecting property taxes is a means to save city jobs, save services, without raising taxes.
- Example of collecting taxes when former non-profit or religious use changes – cannot rely on taxpayer to self-report change of use.
- Exemptions grew from \$17.5 bill to \$40 billion in 10 years; enforcement staff declined.

Board Discussion:

- Purpose is good; concern over means. Concern re union advocacy for members through resolution.
- Need for accountability regarding lapsed exemptions.

Substitute resolution proposed: Strike second half of resolution with specific solutions.

After deliberation, the substitute resolution was **not** adopted.

VOTE: 5-21-0-0.

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

VOTE: 23-4-0-0.

### **Steering Committee**

**Mark Diller, Chair**

18. Resolution to approve the proposed CB7 priorities for the Fiscal Year 2013 NYC capital budget.

- After consultation with Parks Department, concern that discreet, finite, specific and “doable” Parks Department projects that could be financed are ranked too low to get attention.
- Substitute resolution: move up two Parks-oriented priorities by four rungs (not seconded).

After deliberation, the resolution to approve the proposed CB7 capital budget priorities was adopted.

VOTE: 26-0-1-0.

19. Resolution to approve the proposed CB7 priorities for the Fiscal Year 2013 NYC expense budget.

- Same concern for Parks-oriented priorities in the expense budget.

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

VOTE: 27-0-1-0.

20. Resolution re the Manhattan Borough Board Resolution regarding NYC Public Payphone Contract.

Alan Flax: This is a hodgepodge and makes no sense. The details seem to have no proof.

Board Comments:

- Concern over hodgepodge recitations in resolution.
- Friendly Amendment accepted: add support for miniaturization and combining phones with other street furniture.

After deliberation, the resolution was adopted.

VOTE: 25-1-0-0.

Adjourned: 10:55 pm.

**Present:** Mark Diller, Jay Adolf, Andrew Albert, Linda Alexander, Ian Alterman, Richard Asche, Issac Booker, Elizabeth Caputo, Louis Cholden-Brown, Hope Cohen, Kenneth Coughlin, Page Cowley, Mark Darin, Robert Espier, Miki Fiegel, Sheldon J. Fine, Paul Fischer, Marc Glazer, Phyllis E. Gunther, Joanne Imohiosen, Ulma Jones, Blanche E. Lawton, Marisa Maack, Lillian Moore, Klari Neuwelt, Michele Parker, Nick Prigo, Anne Raphael, Oscar Ríos, Suzanne Robotti, Haydee Rosario, Madge Rosenberg, Helen Rosenthal, Evan Rosing, Gabriella Rowe, Roberta Semer, Ethel Sheffer, Eric Shuffler, Elizabeth Starkey, Barbara Van Buren, Thomas Vitullo- Martin, Cara Volpe, Mel Wymore, George Zeppenfeldt-Cestero and Dan Zweig. **Absent:** Brian Byrd, Victor Gonzalez, Lenore Norman and Gabrielle Palitz.

**Transportation Committee Meeting Minutes**  
**Andrew Albert and Dan Zweig, Co-Chairpersons**  
**November 8, 2011**

**1. Presentation by Department of Transportation on Bike Share program.** Jon Orcutt, Senior Policy Advisor at DOT, outlined the coming bike share program, which on its initial rollout will consist of 10,000 bikes and 600 parking stations in Manhattan south of 79th Street and parts of Brooklyn. Orcutt presented a timeline that will culminate in system installation around July 2012. Alta Bike Share won the contract to operate the system, which will run at no cost to taxpayers. The system will employ Alta's "London Bike," also called the "Bixi Bike," a sturdy, three-speed, 40-pound vehicle. Orcutt emphasized the bike's safety features: it can't go very fast due to weight and gearing, has front and back lights that are on at all times, and the basic rules of the road will be displayed on the handlebars. Orcutt noted that other cities with such systems have found that crashes are less frequent on bike share bikes than on private bikes.

Users will be able to purchase an annual pass (\$90-\$95), a weekly pass (about \$25) or a daily pass (\$8-\$10). After that, the first 45 minutes on the bike will be free, with an escalating fee charged for each additional half-hour, starting at about \$1. Credit cards will be the normal form of payment, although DOT is looking into other alternatives. "We don't want credit card ownership to be a barrier," Orcutt said.

The parking stations will be of the type used in Boston and Washington, D.C.'s bike share systems and will not require any excavation. Installation takes about one hour, Orcutt said. DOT will be qualifying sites in our district for locating the parking stations according to its technical criteria, copies of which were distributed. The agency will identify three to four times more locations than will actually be needed and then let the community select among them. DOT, in conjunction with elected officials and CB7, will hold community planning workshops early next year to select locations.

Although Alta Bike Share will hold the city harmless for any liability resulting from use of the bikes, committee member Blanche Lawton and CB chair Mark Diller suggested the need for additional insurance for bike renters, similar to the optional collision damage waiver that car renters may purchase. Orcutt said DOT is already looking into such an option. Committee member Mark Darin suggested that NYC residents be given a price break compared to out-of-town users, perhaps being able to obtain free membership. Orcutt said DOT expects tourists to account for the bulk of the revenue and that it may be able to drop costs for local users down the road.

Questions were also raised about the system's susceptibility to credit card fraud. DOT is in discussions with the NYPD about installing ATM-style cameras at all kiosks.

The bike's frames will be made in Quebec and the docking stations upstate.

DOT will be working with the NYPD about returning damaged bikes.

Lisa Sladkus of the Upper West Side Streets Renaissance Campaign expressed the hope that the advent of bike share will jump-start the creation of more protected bike lanes in our district.

There was some discussion of whether helmets should be mandatory for bike renters. Orcutt said a helmet requirement is a barrier to use, and that the one bike share system that requires it -- Melbourne, Australia -- has low ridership compared with other systems. He said more cyclists on the streets has been found to be the key to safer streets for cyclists. A member of the public echoed this, saying "more people on bikes and better infrastructure make it safer" for riders. For more details on the new bike share program, visit: <https://a841-tfpweb.nyc.gov/bikeshare/>

2. **'5 to Ride' bike safety campaign.** George Matthews, a board member of the Stuart Gruskin Family Foundation, described the group's bike safety campaign, an effort to get businesses that deliver by bicycle to sign a pledge promising to educate their delivery personnel about the rules of the road and safe riding. Signers pledge to always: 1. Put pedestrians first; 2. Stop at every red light; 3. Ride in the direction of traffic; 4. Stay on the asphalt, off the sidewalk; and 5. Pick a lane and stick with it.

The program is the first major initiative of the Gruskin Foundation, which was created in memory of Stuart Gruskin, a husband and father who was struck and killed by a bicycle delivery rider going the wrong way on a Midtown street. The program has started in Tribeca and so far more than 50 businesses have signed the pledge. Matthews said "we need help to take 5 to Ride to other neighborhoods," as currently the program is being spread by three volunteer board members.

3. **Discussion of West 107th Street residents regarding the Ascension School play street** that operates approximately from April through November. Tony Vellela, a resident of W. 107th St., spoke for a group of residents of that street complaining of the closing of the block between Amsterdam and Broadway many weekdays between 11 am and 1 pm so it can be used as a play street for the school's students. CB7 approved the block closing in 2009. The complaint of Vellela, who is disabled, and others is access; he claimed that Access-a-Ride vehicles, taxis and deliveries cannot get on the block when barriers are up, posing an extreme hardship for him and other block residents. Vellela also claimed that he and others had no warning of the 2009 hearing on the block closing.

Father Duffell, pastor of Ascension Church, said that there is one adult for every 10 kids who use the block as a playground (about 50-60 kids at any one time) and that someone is usually available to open the barrier for vehicles, and if not,, block residents simply have to call the church, preferably in advance. Vellela said that "this system doesn't work." Fr. Duffell claimed the real issue isn't access but noise, and indeed several block residents followed Vellela to complain about the noise they endure for two hours midday. One resident, who works from home, said he cannot schedule business calls when the street is being used as a play area. Committee member Ken Coughlin observed that based on Fr. Duffell's statements, the block is used as a play area only about 100-120 days a year, given vacations and inclement weather. He also noted that before the advent of the automobile, every block in the city was effectively a play street.

Other residents of the block and neighborhood spoke in favor of the play street, saying that it didn't pose a particular hardship. Committee member Oscar Rios said the children come first. Immediate-past CB7 Chairman Mel Wymore said it is important to remember that our streets do not belong to any individuals or user groups and that a decision on their best use is a community decision.

Committee co-chair Andrew Albert said he will make an unannounced site visit to the block and he encouraged other committee members to do so as well. In the meantime, Father Duffell pledged to commit to stationing an adult at the barricade at all times and he gave out the phone number for residents to call if they have a complaint or know in advance that a vehicle will need access to the street: 212-222-0606. He also said he would look into moving the group of children up and down the block on different days so no one group of residents must bear the brunt of having to listen to children at play.

4. **Presentation on curb-cut survey.** Community resident Stan Solomon presented the results of his recent survey of "dysfunctional" curb cuts on the major avenues between 62nd Street and 96th Street, accompanied by photographs of egregious examples. Mr. Solomon, who uses a wheelchair to get around, identified 16 curb cuts that are dangerous and another 17 that should be repaired immediately. (If it's any consolation, he said curb cuts on the East Side are in even worse shape.) Mel Wymore said the board should consider make repairing the curb cuts a budget priority. A member of the public questioned whether there are any objective standards that such curb cuts must meet to comply with the ADA and suggested that lawsuits could be mounted on that basis. The list of dysfunctional curb cuts and the accompanying pictures will be submitted to DOT.

**5. Discussion of CB8's resolution on power-driven bicycles.** Committee members and members of the public were largely supportive of this resolution, which requests that the City Council and State Legislature classify any power-assisted vehicle other than wheelchairs as motor vehicles and require their licensing and registration. Coughlin said the resolution as written encompasses even bicycles with battery assists, which are growing in popularity among seniors and others who have difficulty climbing hills under their own power. He suggested limiting the resolution to vehicles used in commercial enterprises, but the proposal was not taken up. The original CB8 resolution was voted on with the insertion of "other than power-assisted wheelchairs" following "with or without pedals" in the "Be it resolved" section.

The committee approves: 8-0-1-0

Non-committee board members: 2-0-1-0

**6. Update on CB7's mobile food vendor survey.** The co-chairs distributed copies of a proposed form to be used in the upcoming survey of food carts and trucks, a joint project of the Transportation and Business and Consumer Issues committees. Committee members suggested sufficient changes that it was decided to redo the survey form, with the final form to be e-mailed to committee members.

**7. Discussion of proposed CB7 working principles.** The committee began reviewing the proposed CB7 working principles as they relate to transportation but decided to postpone discussion. Committee members will send their proposed changes to Roberta Semer, who will merge the suggested changes into a master document that will be discussed as the first agenda item at the committee's December meeting.

**Present:** Andrew Albert, Dan Zweig, Ken Coughlin, Mark Darin, Ulma Jones, Blanche Lawton, Lillian Moore, Oscar Rios and Roberta Semer. **Board Member:** Mark Diller, Mel Wymore, Ian Alterman and Louis Cholden-Brown. **Absent:** Anne Raphael.

**Preservation Committee Meeting Minutes**  
**Gabrielle Palitz and Lenore Norman, Co-chairpersons**  
**November 10, 2011**

Presentations:

**1. 151 W 72<sup>nd</sup> St.**

Presenter Mary Dierckx

Application for legalization of a violation for a 2 story storefront. Presenter stated that the perimeter wood would be kept while the second floor molding and the ornamentation would be removed. The wood would be painted a limestone color (instead of the existing green). Specifically, the larger molding surrounding the store front would be removed entirely. The remaining wood painted and the existing lighting would be reduced in the number of fixtures but not in the type of fixture already present/

Motion to approve: 4-0-0-0

**2. 214 W 72<sup>nd</sup> Street.**

Presenters: Tiffany Ma, Esq., Richard Lobel, Esq. and Gilbert Dias engineer

This is our second meeting regarding this structure. The applicant is requesting that this building be removed from proposed historic designation. They argue as follows: This building which is at the very end of the district on this block and not in the original proposed historic district, has been substantially damaged by the new building that was constructed next door to it. At one time, prior to the new construction this building and one which was destroyed to its east shared a party wall. The construction caused severe damage to the Ma building but the building is not condemned. Repair would be very expensive. The Ma family, owners of the building, state they cannot afford to make all the necessary repairs but that they could obtain a loan to replace the damaged building with a 12 story building which is an as of right development. The committee's concerns were twofold:

- a. Did the damage to the building demand a change of the proposed district thereby cutting out the building at 214 so that a new building could be erected and therefor was the request to cut the property out of the proposed historic district the only remedy and
- b. Would the property immediately adjacent, # 216, be negatively affected by any demolition and construction at @214 thus beginning a domino effect on the block.

Presenters argued through their engineer that the demolition would be done by hand to ameliorate any damage and that what is basically a steel cage would be erected around and under the building at #214 that would protect #216 from the work going on. They further stated that since these two buildings, unlike the destroyed #212 and damaged 214 do not share a party wall which means that the structure at 216 would not suffer the same kind of damage as 214.

Assembly Member Linda Rosenthal, whose office is on that block, sent a representative to the meeting. Her preference would be to keep the building, if at all possible.

After a lengthy discussion, a motion to approve the cut out was brought to the floor. The committee vote was 2-2-0-0. Thus there could be no decision. It was then decided that since this was a serious matter that needed the input of all of the committee as well as the full board, that the matter would be held over until the full board meeting in December at which time the Preservation Committee would meet prior to full board so that a more substantial decision could be reached. The matter would then be brought before the full board for its determination.

**3. 291 Central Park West, the Dwight School.**

Presenter: Barbara Marks, Architect.

Application to revise school entrance at 17 W 88<sup>th</sup> St including installing steps from basement to sidewalk to improve emergency egress, installing awning above existing ramp and proposed steps, installing distinctive sidewalk. Also, installing new basement windows at the W 88<sup>th</sup> St façade and lot line windows on the west exterior wall

Presenter stated that the revised entry would be a better means of egress from the building. The steps lead to the lower school. They would be adding steps to street from the front door area on the west side of the entry. There is a ramp already in place on the east side of the entry. A rigid grey awning is proposed to give shelter to the steps and the ramp. Additionally, 2 new windows would be added to the front façade under the new awning. These windows would be a natural aluminum matching the 2 identical windows above.

In the rear, they propose 2 double hung windows and 1 smaller window on the 17 W 88<sup>th</sup> St side, facing into the donut. These windows are the same as the windows on 22 W 89<sup>th</sup> St and are double glazed low e glass. They are ceramic glass with steel frames.

Public comments are as follows:

1. Karen Craig of 23 W 88<sup>th</sup> St complains about the light being emitted from the school, particularly in the evening and into the night, which is disturbing the neighbor's quality of life. More windows would mean more disturbing light.
2. Jim Lachner, an architect appearing for the Holwell's, who are also neighbors, stated the following:
  - a. they did not want the awning feeling it was inappropriate to a residential neighborhood
  - b. they objected to the herringbone sidewalk
  - c. there was light pollution all night long from the school
  - d. front windows might be okay
  - e. he believed the west lot line windows were illegal
  - f. there was a loss of privacy
  - g. there was a lack of notice of the meeting for the neighbors

Dwight school now has a property manager who is on site and will deal with the neighbor's concerns and will be available on an on-going basis. There is a meeting set with Landmarks West and the school to get together to resolve the issues of light and loss of privacy. School also states that there are now light sensors which automatically turn off lights when no one is in the rooms.

A motion was made to accept the proposal as submitted but divided in to 2 sections: a. front faced and b. rear façade.

Part a. motion to approve 4-0-0-0

Part b. motion to approve 4-0-0-0

Respectfully submitted,  
Miki Fiegel

**Present:** Gabrielle Palitz, Jay Adolf, Miki Fiegel and Marc Glazer. **Board Chair:** Mark Diller. **Absent:** Lenore Norman, Brian Byrd and Blanche E. Lawton.

**Housing Committee Meeting Minutes**  
**Victor Gonzalez and Nick Prigo, Co-Chairpersons**  
**November 14, 2011**

Meeting called to order by Nick Prigo at 6:40pm at Community Board 7 conference room

1. Panel discussion on keeping rents affordable for seniors and the disabled. Opening statements from panelists:

- a. Molly Krakowski, Director of Legislative Affairs, JASA
  - i. Helps hundreds of seniors apply.
  - ii. Application process should be changed and fixed to make smoother.
  - iii. Used to do education and outreach, now that part has been cut due to budget cuts
  - iv. Many seniors do not know they qualify
  - v. Lobbied to get DRIE passed
  - vi. Use of 311 is a problem. Used to be a person responsible for senior issues.
  - vii. Comptroller Lieu's office report has disturbing information
  - viii. Note assembly hearing on Nov 22nd at 250 Broadway at 11:30 am.
- b. Sondra Daniels, Outreach Worker at Stein Sr Center
  - i. Therefore in contact with many clients applying for SCRE
  - ii. Rosemary Cruz at SCRE takes Sandy's calls and helps.
  - iii. Ex. Cashed out her stocks and put it into her other account. Because of the transaction it was income. Therefore was out of SCRIE for a year.
  - iv. Married people often list only one name. After death of that person, the surviving spouse has to re-apply
  - v. Lease: SCRE will go to prior lease and freeze it at that. So
  - vi. Biggest problem don't send in all papers at one time. SCRIE send entire doc back if papers are missing and have to be re-submitted.
  - vii. 311 does not have the information and gives out confusing information.
- c. Joseph Condon, Community Housing Improvement Program (CHIP)
  - i. SCRIE program was transferred to dept of finance 2 years ago.
  - ii. A prob that owners have: most properties did not receive SCRIE tax credit in time to pay taxes so property taxes were incorrect. Difficult to maintain budget with
  - iii. As of today, no credits have been applies to Jan 2012 tax bill
  - iv. Tax Credits = rent differential
  - v. SCRIE delayed in program approvals, six month grace period. If not resolved, rectified or leaves apt owners lose that money because tenant is responsible for back unapproved rent credit. Tenants are responsible to pay the back money, but collection is a problem.
  - vi. Tax Abatement Credit Report breakdown on tenant by tenant basis. Owners don't get the report so they have no way of knowing who is receiving what amount of support.
  - vii. Effecting change through 311 impossible. 311 operators have no authority and no access to information.
  - viii. Lost documents are common and frustrating.
  - ix. All income of everyone in the apt should be counted. Often not reported. This defrauds the City. Then when senior leaves the occupant left behind has succession rights to apt. He is working to create rules to prevent that abuse.

- x. Working to create contact person for SCRIE, create a computerized system for SCRIE so lost documents are fewer, SCRIE does not accept information on tenant from the owner which causes some blocked recertifications because of missing documents.
2. Questions for Panelists & Public Comment
- a. Public comment: Transferring from DRI to SCRIE is impossible.
  - b. To Molly: How do people find out about SCRIE and DRIE?
    - i. Underutilized, social workers know of it. Many people eligible who don't know.
    - ii. Mandate to post SCRIE and DRIE programs is being considered
    - iii. With budget cuts they lost the people in the program who did consumer outreach.
    - iv. Applications are not available in every language
  - c. Public comment: Assembly Bill A1231 to remove SSI and SSA from income criteria for SCRIE and DRIE
  - d. Senate Espiallat's office says companion bill in the Senate's aging committee
  - e. Public comment: Any recourse for citizen who, through bad advice, did not apply until rent was higher. Can it get rolled back?
    - i. Consensus answer: Only if she'd applied, then if denied could appeal.
  - f. Jesse Bodine, Council Member Gale Brewer's office –
    - i. Acknowledge the transition from Dept of Aging to Dept of Finance has been rough.
    - ii. Lack of personnel at the Dept of Finance has been a significant problem. SCRIE staff has been cut from 25-30 (at the Dept of Aging) down to a low of 8 at the Dept of Finance. Currently has 13 staff.
3. CB7 Questions/Comments:
- a. Comptroller Liu's report addresses issues of financial stability of owners. The owners should get the credits before their taxes are due.
  - b. We need to show clarity and priority of committy in the resolution.
  - c. Why was the program moved from Aging to Finance?
    - i. Answer: SCRIE is a property tax credit program so streamlines process, Finance has easier access to financial records
  - d. Ideas for action/advocacy
    - i. Issue of 311 not assisting applications or advocates
    - ii. Staffing at DoF
    - iii. Epidemic of lost documents
    - iv. Lack of outreach and education
      - 1. Advertise program
      - 2. Include with lease
      - 3. On con-ed bill
  - e. Mark Diller - request that Nick report in summary on this issue at the Full Board meeting. Request other members come with their ideas.
  - f. How to reach out to our seniors? Ad Council? Flyer on the back table at meetings? Must find a way to get to those who don't come to Community Board meetings
  - g. Important for the system to work so that the landlord and tenant's interests are aligned. If the landlord's credits come in so late that they cause cash flow problems and tax refiling issues then landlords won't welcome SCRIE as they should (since it is guaranteed payments for landlord).

4. Public Comment: Request to consider the issue of very high rent increases for rent control and the pass along of energy costs. There is a perception that rent control is very cheap, many are paying a very high price. Rent control tenants tend to be seniors.
5. Discussion on proposed Housing working principles & committee goals
  - a. Principles and goals will be required from the borough president soon.
  - b. The Working Principles are very broad, can we narrow it for our committee's purpose and agenda. What is our parameter of influence, what specific issues can we be effective on?
  - c. Motion to accept Housing Working Principles as drafted. Passed: 6-0-1-0
  - d. How to work with elected officials? Will they report to the committee about the top ten issues for the upcoming year? Should we ask for it in writing?
  - e. Agreed to ask elected officials to give us in writing top five issues very briefly.
6. Next month's agenda: Let's circle back and revisit the issues that we have covered in the past year.
  - a. SCRIE
  - b. MCI and energy efficient bills
  - c. Tax Abatement
  - d. NYCHA

**Present:** Nick Prigo, Louis Cholden-Brown, Marisa Maack, Lillian Moore, Oscar Rios, Suzanne Robotti and Cara Volpe. **Board Member:** Mark Darin, Phyllis E. Gunther and Barbara Van Buren. **Absent:** Victor Gonzalez, Linda Alexander and Robert Espier.

**Manhattan Community Board 7**  
**Steering Committee Meeting Minutes**  
**Mark Diller, Chair**  
**November 15, 2011**

Chair Mark Diller called the meeting to order at 6:33 PM.

1. Request for leave of absence

Community boards are required to vote on leave requests both as Steering and full board per the MBPO General Counsel.

The board policy is to grant 3 month leaves beginning with the next full board meeting and reevaluate after that expires, if need be. In evaluating these requests, distinction is made between personal and professional requests. This request, from Lenore Norman, is personal in nature

A motion was made, and seconded, to grant Lenore Norman a 3-month leave

VOTE: 13-0-0-0, non-committee: 2-0-0-0.

2. ULURP re: storefront rezoning

We have had 2 informational presentations on this. Community north of 96th has asked to be included in rezoning; plan exempts urban renewal area. DCP has reconfigured proposal to include Amsterdam to 110<sup>th</sup>; individual blocks have advanced proposals for individual exemptions.

Certification is anticipated on 1/3, public hearing at Land Use (joint w/ BCI) in January and a final vote expected at February Full Board.

Preliminary materials will be posted to website.

Character and maturity of retail on Columbus is markedly different than that on Amsterdam, starting with the vacancy rate.

Owner support for proposal was not unanimous though largely in favor; REBNY and National Bank Assoc have given DCP pushback- have argued it is a violation of federal law to treat banks differently.

3. Transition discussions w/ JHL & PWV

Chair Diller has now met with developer and tenants' association, who are approaching process with skepticism. He committed to continuing to engage them.

He is working with the BP to determine exact nature of application- whether "as of right" or not.

Roof of 808 Columbus is considered open space.

Chetrit is filing for an 8A/8B rezoning at 106th as requested.

Question of who gets to enforce rights if legal obligations are not met.

JHL is reaching out to area schools to support them in mitigating traffic and congestion.

An unsigned MOU exists laying out responsibilities to community and surrounding buildings.

Board needs to be responsive to community, which includes JHL; the precise form that takes will be informed by designation as "as of right" or not.

4. Review of December Full Board Agenda

a. Papisito might turn into a lengthy presentation by both community + applicant. Longest application in committee history. Bought this site without doing due diligence on community. Exceedingly loud noises on residential block, vile odors permeating coop next door, there has been police activity there. Uptown location received a summons for underage drinking. Committee has problems with the patting down of patrons. Have asked to stop serving alcohol at 1AM, want to retain right to serve until 4AM.

b. Preservation will hold a pre-meeting on a carve-out to the proposed west end avenue historic district

c. YEL may hold PCB resolution until January

d. During chair's report, Housing will present on SCRIE/DRIE meeting.

5. Environmental forum planned for February 2012

Chair emeritus Wymore is working w/ many groups to develop forum w/ CB7 as sponsor. Will be presentation by 3 speakers: Paul Reale, Mark Gordon and Isabel Silverman

6. Update on Twitter and Facebook
  - a. Outreach committee met to discuss Facebook outreach- it's live but lowly-subscribed. Once elected officials "like" the page, it'll hopefully increase traffic. Going forward w/ have discussions about opening the wall.
  - b. The desire to hold a mini-social media training was expressed by steering members.
  - c. At October borough board, a press training was held for those present.
  - d. Hashtags can serve to differentiate issue areas so that community members only interested in particular topics can track those and not others.
  - e. Issue of content, following vs. being followed- follow elected officials, government, community non-profits but not political clubs or contentious organizations.
  - f. Trying to coordinate social media platforms to not replicate information.
  - g. Need to develop guidelines then training on use of platforms at future steering.
  
7. Consideration of moving Steering
  - a. HHS was asked to move from 3<sup>rd</sup> Tuesday to 4<sup>th</sup> two years ago, difficult to maintain attendance with constant shifting
  - b. Several members noted that they have already preplanned for next several months and cannot make the proposed dates.
  - c. No immediate change, Penny and Mark will work on mapping out problem months and consider adjusting accordingly.
  
8. Roundtable
  - a. Issues of note
    - i. Preservation- only 2 things this month. 214 W 72<sup>nd</sup> was significantly damaged by construction of the Corner (at 72<sup>nd</sup>). Can't afford to rehab building, seeking to tear down and construct 12 story building in its place. Last building in the current WEA historic district proposal, seeking carve-out to pursue this plan. Willing to enter into a restrictive declaration to support the development methods discussed even if a third party becomes owners. When CB7 voted to endorse district, that proposal didn't include side-streets so a vote in approval would do no violence to our precedent.
    - ii. YEL- holding a PCB hearing tomorrow at the O'Shea Complex (MS 44). Reps of SCA, EPA and (hopefully) DOHMH will be in attendance. City Council has hearings on related issues on Friday- reporting on remediation process and DOE responsibility to identify schools.
    - iii. HHS- have been overwhelmed by cuts in government services to needy. Last meeting addressed issue of what can be done on this issue- advocacy, education. New DHS ruling on shelter eligibility, that if you know anyone in NYC you need to stay on their couch, was just shared last week; it has been delayed by suit by Partnership for the Homeless. DHS will appear at committee meeting next Tuesday.
    - iv. Miki and Mark met with Governor's community liaison to board and LGBT community. Discussed education, millionaire's tax and hydrofracking.
    - v. BCI- planning Business to Business networking sessions prior to committee meetings. Looking to capture those restaurants that have beer/wine licenses and bike deliveries; will assemble them all on one date for 'review'.
    - vi. Transportation- discussed mobile food vendor survey- there is varying legislation in council about this language. Need to revisit riverside blvd black car zones. Have an ongoing problem with Ascension school play-street; have asked school to provide person at Amsterdam entrance to allow necessary vehicles through- will move towards only approving for test periods going forward.
    - vii. Housing- discussed the SCRIE/DRIE meeting held and the desire to develop a resolution out of that discussion
  - b. Working principles
    - i. Several committers require December meetings to hash thru language and/or content. It will thus probably appear on January Full Board agenda.

c. Café guidelines

Only received one response to circulated draft with minor comments accepted as friendly. Are planning to add component addressing “bike parking” in front of restaurants. Bike stands were added as an obstruction listed in CB7 regs subsection. Discussion ensued about the propriety of outlawing smoking in outdoor cafes; cmtte chairs hold that self-regulation keeps the level down. Will use chair’s report to remind ppl of proposal and ask for additional comment by 12/14 to be brought for fb vote in January.

John Jay College and Council Member Brewer made proposals to MCB4 and MCB7 to host a holiday party; considering a January doldrum party.

Upon motion made and duly seconded, meeting adjourned at 8:14PM.

**Present:** Mark Diller, Andrew Albert, Elizabeth Caputo, Louis Cholden-Brown, Miki Fiegel, Marisa Maack, Gabrielle Palitz, Michele Parker, Nick Prigo, Gabriella Rowe, Barbara Van Buren, George Zeppenfeldt-Cestero and Dan Zweig. **Board Members:** Ian Alterman and Roberta Semer. **Absent:** Richard Asche, Page Cowley, Victor Gonzalez, Klari Neuwelt, Lenore Norman, Suzanne Robotti, Madge Rosenberg, Elizabeth Starkey.

**Land Use Committee Meeting Minutes**  
**Richard Asche, Page Cowley, Co-Chairs**  
**November 16, 2011**

1. **(E) Designation Text Amendment (N 1200090 ZRY).** Department of City Planning proposed city-wide text amendment to streamline and improve zoning regulations governing Environmental (“E”) designations. E designations are environmental controls placed on potential development sites by the lead agency for the Environmental Quality Review (CEQR) of a zoning map amendment.

Adam Meagher, from the NYC Department of City Planning, Manhattan Office, made a presentation and described the purpose and reason that this text amendment had been drafted to update Section 11-15 and related sections of the Zoning Resolution governing Environmental (“E”) designations. The purpose is to allow the city to assign hazardous (E) designations to an applicant controlled property for properties that are part of a proposed rezoning, make the the process for tracking this classification of a property more transparent and streamline the process for establishing t environmental requirements related to hazardous materials, air quality and noise on certain sites identified during CEQRR and proposed re-zonings. The text modifications are also clarifications of existing zoning regulations and would remove obsolete and redundant references.

There followed a discussion about how the actions of the text amendment will be administered by the Office of environmental Remediation (OER), and what type of projects would fall under this regulation. Several questions and scenarios were raised. Only two questions required clarifications. The first one, asked by Jay was why did the rules single out hazardous materials (E) designations of applicant controlled properties as being assignable by the city and not air quality and or noise. The clarification provided by Adam at the meeting and confirmed via the CB7 office was that the air quality and noise regulations are already specified and enforced by other city agencies. The second question posed by Page was the duration for ongoing monitoring in the event that a Certificate of Occupancy did not change and a building was constructed or occupied.

Based on the material provided and presented, courtesy of Adam Maegher, the Land Use Committee has considered the key changes and supports the (E) designation text amendments as proposed. The following resolution was drafted as follows:

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the Department of City Planning proposed city-wide text amendment (N 1200090 ZRY) to streamline and improve zoning regulations governing Environmental (“E”) designations.

Committee: 7-0-0-0

2. Discussion of proposed CB7 working principles related to Land Use and Preservation

Roberta Semer gave a summary of the work done to date to revise the different aspects of the working principles. There was a discussion about the some of the specific language and wording related to new development and the statement regarding vacant and underused “ spaces, storefronts and lots.” After a rigorous debate, a series of revisions were proposed. Roberta agreed to share our committee’s comments with Gabby Palitz, an author of this revised version and representing the concerns of the Preservation Committee, as the statements have been produced as a joint effort. The attached Working Principles for Land Use and Preservation as proposed by our committee have been agreed to and the resulting document is provided below. With many thanks to Roberta for taking on this assignment.

### **Land Use and Preservation:**

All land uses, including housing, shops, work places, light manufacturing, schools, cultural institutions, parks, and civic facilities essential to the daily life of residents, are integrated into the fabric of the immediate community.

The fabric, character, and historic significance of the built environment are recognized, honored, protected, and/or reflected in the architecture, landscape, and scale of its existing buildings and in their alterations.

Respect and protect open space, including air shafts, sky views, rear yards and side yards.

New development is encouraged where infrastructure, especially mass transit, is available.

Redevelopments are designed to connect with and enhance the streetscape, increasing foot traffic and enlivening street life.

New developments that increase the built density of the neighborhood provide for open space that is clearly public, accessible to a broad spectrum of users, available for a wide range of uses, and designed to maximize penetration of natural light and fresh air.

Vacant, underused and unused buildings and lots whether publicly or privately owned are minimized.

All plans that intend to change the use of land are made available and accessible to the public for timely review before they are approved or implemented.

New building construction is sustainable.

There being no further business the meeting was adjourned.

**Present:** Page Cowley, Jay Adolf, Hope Cohen, Sheldon J. Fine, Joanne Imohiosen, Roberta Semer and Tom Vitullo-Martin. **Absent:** Richard Asche, Helen Rosenthal and Ethel Sheffer.