

SEPTEMBER 2009

Full Board, Committee, and District Service Cabinet Minutes

Full Board Meeting Minutes

Helen Rosenthal, Chairperson

Jewish Home Lifecare, September 8, 2009

Steering Committee Meeting Minutes

Helen Rosenthal, Chairperson

October 05, 2009

1. Riverside Center

- Consultants have prepared draft reports on housing, traffic, parking, density.
- Ethel Sheffer spearheaded; will further summarize; will be available to members of the RSC Working Group in advance of 10/27 meeting.
- Reports to be presented at Working Group meeting on 10-27.
- Reports use City Planning's own criteria for good urban planning.
- Common themes among our experts' reports and those of other interested groups.
- Time for Board to articulate (with back-up) community's views on proposed project.
- Intend to send to City Planning and Extell.

2. JHL Land Swap Update

- Electeds want to move quickly on rezoning. Melissa Mark-Viverito intends to apply for rezoning of 106th Street property. MMV was the one who spearheaded the carve-out from the last rezoning.
- Danny, Melissa, Scott, Bill Perkins met.
- Early word is that the Borough President supports this action.
- Q for Corey: What process will be followed? Usually the City Council Land Use committee must vote to approve initiation.

- CB7 through WSFSH has hired the attorney to review the documentation proposed by JHL.
- Even though timing proposed by JHL is different than MMV action, actions would be complementary.
- Since there will be a delay between now and completion of rezoning, still utility to enter into R/D
- No contract has been signed between JHL and Chetrit.
- State has denied JHL's application for HEAL funding (unsure whether Bill Perkins' opposition may have swayed).
- JHL's position will not change since Chetrit deal may evaporate; would then need to apply for a BSA variance to stay at 106th Street.
- Net is that the proposed swap and new facility may not happen.
- Paul Bunton – Westsiders for Responsible Development (PWV based): HEAL was a tactic by elected to influence outcome of proposal.

3. Protected Bike Lane Resolution.

- Resolution about protected bike lanes adopted at Transportation after a long discussion.
- Helen: Discussion should focus on process.
- Marc: Board 4 & 5 representatives indicated that they initially opposed, but now think that they are a good thing.
- takes away 3 parking spaces every 2 blocks (for turning lanes).
- Dan: Request is for a "class 1" – protected such a bollards, or line of parked cars.

- Ken: Turning bays for “signal protected” class 1.
- Shelley: Major undertaking for large community. One meeting that was not billed as a public hearing should not be the sole basis for such a resolution. Should have more consultation process before taking up resolution.
- Barbara: Concern that issue of bike behavior violating traffic laws should be addressed before we give an advantage to bike riders. Pedestrians fear bikes more than cars.
- Elizabeth: A lot of research and planning has already been amassed (Columbus Ave BID survey).
 - best way to evaluate is to take the M11 bus and see how the bike lane works.
 - functions like a curb extension for pedestrians; protected place for pedestrians to pause while crossing streets.
 - bike lanes have appeared without any consultation with CB or anyone else (including 76th), or presented as fait accompli (as on CPW).
 - Process – resolution adopted by Transportation should not be withheld from Full Board by a Steering vote.
 - Not necessarily permanent – 9th Ave installed and then removed some features.
- Dan: Committee discussed the installation of a protected lane as a trial.
 - Testimony from other areas which now have protected bike lanes showed not only fewer accidents for car vs. bike, but safer for pedestrians.
 - creating separate lane engenders better behavior by bicyclists.
 - safer because it creates a place for delivery trucks to go.
 - Asking DoT to make a proposal for protected bike lanes for length of our District on north/south corridor.
 - open questions – how will this affect businesses, parking, truck route. DoT’s proposal will need to address these issues (and address with facts born of research from real-life examples).
 - should add to resolution that CB7 is asking DoT to make a proposal re protected bike lanes (different than current wording). Should also add language about ensuring pedestrian safety.

- Shelley: Should be discussed at a public hearing once a proposal is formulated (something more formal than a committee meeting).
- Marc: DoT was pressuring Transportation to tell Josh at DoT to
 - Bicycle Renaissance did a survey; supports bike lanes on Broadway!
 - Truck route --- Columbus is a truck route, just as is 9th Avenue
 - Adam Meagher – City Planning has agenda to created a bike lane to loop the island.
 - Concern re parking spaces – 3 for every 2 blocks (but have picked up more spaces via muni meters)
- Ken: DoT did study of bike behavior on 9th Avenue – bike lanes resulted in reduction of bikes on sidewalks by 80%.
 - giving bike riders own space makes sense (example of streets without sidewalks for pedestrians)
 - latent bike riders = unmet demand.
 - unprotected lanes not effective.
 - Barbara Adler (Columbus Ave BID) supports.
 - Community Boards to the south have supported.
 - appropriate for CB7 to take on this role.
- Lenore: Bike behavior can be scary – maybe lanes could
 - could bicyclists police themselves?
- Blanche: Cleaning up resolution for board consideration.
- Charles: proposing language. CB7 supports the DoT’s initiative to create protected bike lanes and requests that DoT prepare a proposal for protected bike lanes on Amsterdam Avenue and Columbus Avenue (including information on projected impacts on bike safety, pedestrian safety, parking, truck traffic etc.) that would be subject to review and comment by Community Board 7.

- Eliz and Blanche: Should Steering be revising or proposing amendments to a resolution that was voted out of a committee.
- Eliz: Revised language is a significant change
- Penny: On transportation agenda, topic was a general discussion of protected bike lanes, not specific routes.
 - makes sense to have a proposal that can be brought to stakeholders in the community.
 - Commr of DFTA – mentioned twice that seniors that bike lanes are anti-seniors; should be put into the mix.
- MND: Concerned about precedent of Steering revising a resolution that was duly voted out of committee.
- Dan: Concern that resolution as reported varies from the flavor of the discussion. Ordinarily resolution and minutes would have been vetted by chairs.
- Tom: Given disagreement among the members of the committee, and conflict between agenda and result, appropriate for this resolution to be referred back to committee. Steering should not be in the business of re-writing another committee's resolutions.
- Louis: If resolution presented tomorrow, it should be prefaced by recap of issues discussed here.
- Marc: Minutes were contemporaneously transcribed; sent w/l 24 hours; resolution text was nearly verbatim from notes taken and read at the meeting.
- Chair: Steering should not vote on this; encourages Transp to hold a pre-meeting to formulate which resolution should be presented.
- Eliz: Can always introduce an amendment at Full Board.
- Ken: should let Board vote.
- Eliz: "initiative" is not the same thing as being locked in to any one proposal.

• Penny: Transportation Alternatives will have strong presence at the meeting. Need to manage the meeting – small room.

4.DOT Presentation and Next Steps Recap of West side presentation.

5.New SLA CEO, Woody Pascal.

6.PWV Labor Dispute: Helen, Shelley, Mark, Penny met with Labor and Management. Ship has sailed – too late to switch back even if there were a will, which there is not.

Could do a resolution in support, but at risk of alienating a developer with whom we will continue to need to negotiate.

Support would be prevailing wage and benefits.

- Charles: alienating developer should not weigh in the decision. Chetrit should understand our desire to support.
- Lenore: has this been a practice of Board before?
- Helen – two other boards have spoken up about this.
- Barbara: Board never raised this issue re Saigon Grill.
- Paul: Chetrit dispute is about medical benefits, which is a topic of national debate at present. No sick leave. Plus not paying a living wage.
- MND: Concern about safety – board has spoken about such issues and right up our alley. If prevailing wage and benefits should find their way into the resolution, so much the better.
- Eliz: Board has taken stand on wages and benefits. Social justice committee.
- Charles: nice to tie to our official advisory function – safety, and then living wage and benefits. Broader than just this dispute – phrase in terms of addressing to a city agency .
- Penny: no violations on the job, no accidents. No data to support resolution – what are we asking
- Ken: in concept would support; part of the purview of the Board.
- Barbara: Many other businesses in our community don't pay decent wages, and place workers on the margin. Should be more general and not address just one business/industry/site.
- Dan: Supports personally and politically, but not within the purview of this Board. Many

viewpoints. Example Garden of Eden grocery – picketed by union shop, but Garden paying more.

- Paul: Developer not specific about plans for 106th Street; organization cannot be trusted. Must nail down what he intends to build – will take advantage.

- Blanche: Grapevine has it that Chetrit took action when bank pressed for cost cutting.

- Helen: no resolution; further consideration of a broader social justice .

7.Chabad Update:

- LPC approved a revised version, we will not see revisions. Possible that will come before City Council, but only if Gale Brewer pushes (and she is not likely to dos so here).

- Penny will pull together a construction committee if the developer cooperates.

- Use this as a way to track progress of our resolutions.

- Lenore will circulate summary of changes; has plans.

8.By-laws: Klari and Tom fixed language –

9.MCB1 Partnership – MND – difference between CB1 and CB7.

10. CBs in the 21st Century – looking at Boards & changes for Charter revision. Website under development. Mayor’s office appointed this commission.

Community Affairs Unit has stated that Mayor does not want to do away with CBs. Object is to strengthen and get better funding.

Business & Consumer Issues Committee Meeting Minutes
Michelle Parker and George Zeppenfeldt-Cestero, Co-Chairpersons
September 9, 2009 7:00 PM

Applications to the SLA for a two year liquor licenses:

1. 429 Amsterdam Avenue (West 80th), 429 Amsterdam LLC, d/b/a Taberna. Applicants, Gabriel Cullazo and David Santos (owners). “Tapas” style restaurant/bar with 22 tables and seating for 12 at bar. Open 7 days from 5:00 PM till 3:00 AM. Projected opening December, 2009.

Committee approves 5-0-0-0

2. 226 West 79th St. (Broadway), Moo Life Corp, d//b/a Sunburnt Calf. Applicants, Tim Harris and Heathe St. Clair.(owners). Australian-themed restaurant and bar. Seating for 100 on two floors with bar seating for 15. Open 7 days from 12:00 PM – 4:00 AM on weekends, with earlier closing during the week. Also present was Ms. Judith Kalamandre, a neighbor who expressed concerns about noise and cigarette smoke. Applicants agreed to direct smokers to an adjacent alley where there are no windows. Projected opening November 2009.

Committee approves 5-0-0-0

3. 160 Freedom Place (West 66th Street), 160 Restaurants Concepts LLC, d/b/a to be determined and submitted to CB7 prior to full board meeting. Restaurant to serve Asian and Italian cuisine. Applicants, Mr. Chris Phelan and Jonas Phillips (owners). Seating indoors for 52, plus 70 outdoor seats. (The restaurant faces a privately owned promenade). Hours of operation, 12:00 PM to 11:00 PM. Projected opening, February 2010.

Committee approves 5-0-0-0

4. New Business Discussion of Street Fair applications with regard to the non profit recipients of proceeds from said fairs. Committee member requested that applicants demonstrate that they are giving back a portion of their street fair profits to community-based non-profits by furnishing copies of the cancelled checks to the CB7 offices.

No vote was taken.

Present: Michelle Parker, George Zeppenfeldt-Cestero, Marc Glazer, Ulma Jones and Anne Raphael. Absent: Lindsey Boylan and Rosa Gonzalez.

Parks & Preservation Committee Meeting Minutes
Klari Neuwelt and Lenore Norman, Co-Chairpersons
September 10, 2009 7:00 PM

1. 20, 22, 24, 26, 28 and 30 W 94th Street. Colombia Grammar School.

Presentation by Peter Samton of Samton, Gruzen Architects.

This is a resubmission to the committee. Mr. Samton presented new plans that took into account objections from the committee and the public regarding the initial design. The changes included:

- a. Glass rear wall instead of solid wall for better light and safety in rear yard.
- b. Stairs right and left have shorter projections allowing for more play space and gardens.
- c. Third floor terrace for outdoor educational space.
- d. Roof top HVAC with lowest possible noise. No more window a/c units.
- e. Request for one additional story in buildings nos. 22, 24 and 26 which is not visible from the public way. Set back 19 feet.
- f. Rooftop with skylights and solar collectors also not visible.
- g. Rear orange paint removed and brick repointed
- h. Ground floor set back.
- i. Rear frittered glass wall covers connecting walkways; wall is energy efficient.
- j. Right stairs go to roof.
- k. Low lighting to respect neighbors.

Public comments: 10 neighbors spoke in opposition to project citing noise, loss of light, safety, loss of character to the street. Headmaster, Dr. Sorian, offered meeting with all neighbors to address the concerns raised.

Committee discussion:

- a. Not ready for LPD.
- b. Concerns about fenestration.
- c. Concern about rear glass windows. Possible operable windows?
- d. Concern that rear glass not appropriate usage in rear yard.
- e. Suggestion that "green wall" of plantings cover glass in rear yard.
- f. Another committee member liked the glass wall since it revealed the original built character of the buildings.
- g. Better design, more constrained.

No resolution. The applicant will come to the October 8 committee meeting.

2. 123 W 69th Street.

Presentation by Irene Platka, owner.

Presented baluster, railing and stoop restoration.

Ms. Platka brought wooden replica of cast stone baluster. Some on committee thought it was too narrow. Neighbors signed letter asking for approval

Vote: for approval 5-2-1-0 non-committee Board Members 1-0-0

3. 115 West 85th St.

This is an application to LPC for a rooftop (penthouse) addition, 2- story addition at the rear yard, and an enlargement of the street front areaway. Appearing were the architect/engineers Sarah Khan

and William Robinette from Agencie Group and the owner, Izi Yumurpa.

The building is currently undergoing substantial renovation\restoration and, when completed, will be a 9 unit rental. The owner described some of the restoration work (stained glass window, original woodwork, etc) which was received favorably by the committee members although it was not before the committee for a vote.

1st item discussed was the street front areaway. The proposal is to create a recessed area from a current street level area which will contain garbage cans and will be fronted by a street level planter. The result would be similar to the neighboring buildings. It cannot be identical because this building has a "hatch" in the affected area which is a means of egress and must remain. After discussion with, and suggestions from, committee members, the owner agreed to recess the planter in similar fashion to the building's neighbor.

2nd item discussed was the rooftop addition. The addition (per a mockup as demonstration) was below the sightline from across the street and "barely" visible from 170' east. The building is across the street from the Brandeis H.S. building. In materials and design the rooftop addition, while barely visible, will replicate the floor below. There was minimal discussion from the committee and general acceptance of the proposal.

3rd item discussed was the 2 story rear yard addition. There is currently a 3-story "bumpout" and the proposed 2 story addition would not change the footprint. The new 4th floor addition would match the existing 3 stories (brick, windows, etc.) and the 5th story addition would be a glass walled "solarium". Most of the discussion focused on the solarium with Page and Gaby suggesting redesigning it to give it a more "solid" look. Brick corners were suggested as one method to accomplish this. The presenters responded that the design being proposed was largely the result of discussions w/ LPC staff, which preferred configuring the glass to closely reflect the window configuration of the existing extension. Ms. Neuwelt made the point that notwithstanding that, our disapproval would send a message to LPC to reconsider.

After some discussion it was decided to vote on each piece of the proposal separately.

Resolution #1 to approve the streetfront expansion w/ agreement to lower the planter was passed:

Committee: 8-0-0-0, non committee bd.: 1-0-0

Resolution #2 to approve the rooftop addition was passed: Committee: 8-0-0-0; non-committee bd.: 1-0-0

Resolution #3 to approve the rear yard addition was passed: Committee: 5-3-0-0; non committee bd. 0-1-0

4. 102 West 75th St.

Application to LPC for window replacement. Appearing was Stewart Ackerman of Panoramic Windows. The application is to replace the existing windows (square top aluminum) with arched aluminum double hung in one apartment. All other windows in the building have already been replaced with similar windows. The floor in question is the only one with arched windows and the adjacent apartment's windows were similarly replaced. There was little discussion other than from Ms. Cowley who spent time discussing with the presenter whether the methodology of producing and installing the windows will be effective. Otherwise, there was unanimous acceptance of the proposal.

Resolution to approve was passed: Committee: 8-0-0; non committee bd. 1-0

5. 100 West 72d St.

Application to approve rooftop (7th floor) deck. Appearing was Stephen Lynch of Caliper Architects P.C. The proposal is to install a rooftop deck (stone floor) with a shade structure consisting of a steel frame and a louvered polycarbonate top. There will also be two steel fences w/ horizontal cedar slats for privacy from an adjacent apt's rooftop space and separation from rooftop mechanicals. The fences, because of varying roof top elevations, will range from 3'6"-6'. Only the top (steel frame) of the shade structure will be visible from a point east on 72d street approximately halfway down the block and from the north on Columbus Ave.

Resolution to approve was passed: Committee: 7-0-1-0; non committee bd. 1-0-0.

Present: Lenore Norman, Klari Neuwelt, Jay Adolf, Page Cowley, Mark Diller, Miki Fiegel, Molly Gordy and Gabrielle Palitz. Board Members: Paul Fischer and Thomas Vitullo-Martin. Absent: Lindsey Boylan, Phyllis E. Gunther and Blanche E. Lawton.

Land Use Committee Meeting Minutes
Richard Asche and Page Cowley, Co-Chairpersons
September 16, 2009 7:00 PM

1. 2162-2166 Broadway, New York Sports Club (West 76th – 77th Streets)

Fred Becker of the Office of Frederick A. Becker presented application #1016-86-BZ to the Board of Standards & Appeals (BSA) by Opera Owners Inc. for a special permit to allow the continued use of a physical cultural establishment / health club.

Outcome/Resolution:

BE IT RESOLVED THAT Community Board 7/Manhattan approves application #1016-86-BZ to the Board of Standards & Appeals by Opera Owners Inc. for a special permit to allow the continued use of a physical cultural establishment at 2162-2166 Broadway (West 76th – 77th Streets).

Committee: 8-0-0-0. Board Members: 2-0-0-0.

Joint with Parks & Preservation Committee, Klari Neuwelt and Lenore Norman, Co-Chairpersons

2. 161 West 78th Street (Columbus – Amsterdam Avenues.)

Applicants Michele Warman and Larry Hirshfield, owners, presented the application #C 100012 ZSM to the City Planning Commission by 161 West 78th Street LLC for a special permit pursuant to Section 74-711 to permit the construction of a setback one-story rooftop addition. This is the second (“land use”) stage in the two-step 74-711 application process, in this case for a modification of bulk requirements. MCB7 disapproved the first (“landmarks”) stage of the application, but was overruled by the Landmarks Preservation Commission (LPC).

In response to MCB7 concerns expressed during the landmarks stage, Ms. Warman stressed the expense and trouble of the 74-711 process to assure the joint committee that it is very unlikely indeed that community boards will be inundated with 74-711 applications following this precedent. Architect John Torborg presented boards showing the context of the brownstone building in question. Several brownstone buildings to the east feature rooftop additions similar to the one proposed in this application.

The applicants stated that the environmental assessment had determined that shadow impacts on open space are minimal (longest duration impact is one hour during December 21).

The applicants stated that the proposed rooftop addition would not be visible from any public way. Beth Berns, board president, testified on behalf of the co-op at 164 West 79th Street, the structure located immediately north of the project site. Ms. Berns expressed the co-op board’s objection to the project, particular with regard to the rooftop addition’s impact on the building’s rear yard and its garden.

Barbara Ramsey and Marilyn Stasio of 164 West 79th Street cited the steady eating away of the interior “doughnut” by the many other penthouses already built on other brownstones around the block.

Hope Cohen reiterated her first-stage objection to the use of 74-711 in cases like this application. She is concerned that such a precedent will encourage 74-711 applications for ordinary structures in historic districts city-wide.

Jay Adolf encouraged the joint committee to vote on the specific land-use question at stake in the second stage of the 74-711 process.

Richard Asche finds this particular case appropriate for the use of 74-711: site, set of brownstones,

preservation plan.

Outcome/Resolution:

The owners of a five-story brownstone at 161 West 78th Street seek a bulk modification to permit the construction of a partial sixth floor addition. The proposed structure would sit back 15 feet from the building line on West 78th Street and 14.5 feet from the building line in the rear (44.5 feet from the property line). The roof of the structure would be approximately two feet higher than the top of the current stair bulkhead on the roof, but would occupy a larger footprint. A skylight in the proposed structure would extend another three feet in height.

The proposed structure would be invisible from any vantage point on the street on the 78th Street side. The rear faces a 15-story apartment building which is separated from the brownstone by 60 feet of combined rear yards. Thus, the proposed structure would be approximately 74.5 feet from the apartment building.

The applicant originally sought and obtained a building permit from the Department of Buildings. This was later revoked on the basis of the application by DOB to this situation of a recent decision of the Board of Standards and Appeals in a different case interpreting the so-called Sliver Law, which law had been enacted primarily to avoid aesthetically displeasing and out-of-proportion sliver buildings visible from the street. Following disapproval from the Department of Buildings, the applicant sought the present special permit under §74-711 of the Zoning Resolution, which requires findings by both the Landmarks Preservation Commission (“LPC”) and City Planning (“CPC”).

LPC required findings:

Under §74-711 (applicable to special permit requests in Historic Districts), the LPC must certify that a program has been established for continuing maintenance that will result in the preservation of the subject building ... and that ... such restorative work required under the continuing maintenance program, contributes to a preservation purpose.

LPC must also issue a certificate of appropriateness (or other document) “stating that such bulk modifications relate harmoniously to ... buildings in the historic district ...”

Following the initial application to LPC, Community Board 7 (“CB7”) recommended against issuance of affirmative findings by LPC,, principally on the grounds that the proposed maintenance plan was not extraordinary, that there did not appear to be a reasonable tradeoff for the additional bulk and that CB7 was concerned that the use of § 74-711 in this circumstance would invite its overuse

Subsequent to CB7’s determination, and prior to its final presentation to LPC, the applicant modified its preservation plan for the front facade, principally by switching from a stucco-type surface to replacement and resurfacing using brownstone-like materials similar to the original brownstone materials. With this change, LPC made the findings required by Section 74-711 and approved the bulk modification from a landmarks perspective.

Required CPC Finding:

In addition to findings required by LPC, in order to grant a §74-711 special permit, CPC must find that such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.

The applicant provided shadow studies at the joint meeting of the CB7 Land Use and Parks and Preservation Committees, and argued that there would be extremely limited, if any, incremental shadow impact by the proposed addition on 78th Street or on the apartment building facing the rear of the subject brownstone. Residents of the apartment building informed CB7 that a garden previously constructed in the apartment house’s rear yard currently does not receive any substantial sunlight due to rooftop additions to buildings east and west of 161 West 78th Street, including a building owned by Congregation Rodeph Sholom. These residents nevertheless opposed the proposed rooftop addition.

The rooftop addition would bring the height of 161 West 78th Street into approximate conformity with the height of several brownstones immediately to the east and west. Because of the minimal

incremental shadow effect and the fact that the addition would be invisible to anyone standing in front of the building or on 78th Street, CB7 finds that the proposed modification would have a minimal adverse effect, as required by the Zoning Resolution.

Therefore, be it

RESOLVED, that Community Board 7 approves the application for a bulk modification pursuant to 74-711 at 161 West 78th Street; and be it further

RESOLVED, while CB7 continues to be concerned about potential overuse of 74-711 in future situations, this approval is based on the unique circumstances of this application, as set forth above, and should not be taken as precedent for any future applications pursuant to this or other sections of the Zoning Resolution.

Joint Committee Members: 6-3-1-0. Non-Committee Board Members: 1-0-0-0

BE IT RESOLVED THAT Community Board 7/Manhattan approves application #C 100012 ZSM to the City Planning Commission by 161 West 78th Street LLC for a special permit pursuant to ZR Section 74-711 to permit the construction of a setback one-story rooftop addition.

Joint Committee: 6-3-1-0

Joint with Parks & Preservation Committee

3. Exploratory discussion on courtyards in historic districts.

Evan Mason of Landmark West! discussed the trend of building into the rear yards, especially by community facilities. Is interested in coming up with a more universal approach to addressing it – landmark mechanism, zoning change, political coalition, etc.

Richard Asche suggested that brownstone owners unite to achieve whatever it is they want to achieve on this question.

Jesse Bodine of Council Member Brewer's office and Brian Cook of Manhattan Borough President Stringer's office advised the committee and public to figure out exactly what problem they want to solve before trying to solve it.

There being no further business, the meeting was adjourned.

Land Use Committee Members Present: Richard Asche, Page Cowley, Jay Adolf, Hope Cohen, Mark Diller, Paul Fischer, Roberta Semer, John Mark Warren

Land Use Committee Members Absent: Miki Fiegel, Victor Gonzalez, Lawrence Horowitz, Dan Meltzer, Lillian Moore, Ethel Sheffer, Tom Vitullo-Martin

Parks & Preservation Committee Members Present: Klari Neuwelt, Lenore Norman, Jay Adolf, Page Cowley, Mark Diller.

Parks & Preservation Committee Members Absent: Lindsey Boylan, Miki Fiegel, Molly Gordy, Phyllis Gunther, Blanche E. Lawton, Gabrielle Palitz.

Youth, Education & Libraries Committee Minutes

Mark Diller, Chairperson

September 17, 7:00PM

The Youth, Education & Libraries Committee of Community Board 7/Manhattan met on September 17, 2009 at 7 pm at the offices of the Community Board, 250 West 87th Street in Manhattan. Committee members Louis Cholden-Brown, Michele Parker, Sharon Parker-Frazier, John Mark Warren, and Mark Diller (co-chair) were present. The following topics were discussed.

1. Substitute School Aides.

(a) As a result of a grievance from either the UFT or DC37, the DoE took the position during FY09

that parents associations would no longer be permitted to hire non-professional staff to work alongside teachers as part-time assistants. The parents associations and PTAs in many of the schools in our District raise funds and hire such staff, which is especially important in early childhood grades with large class sizes.

(b) As a result of a compromise reached between the UFT, the DoE and parents, arrived at through a meeting with the Chancellor at the urging of City Council Member Gale Brewer and others, PAs and PTAs may again hire non-professional part-time staff to assist with certain classroom day functions under the supervision of a licensed teacher, provided that the staff is hired through an approved DoE vendor.

(c) Using the DoE vendor adds approximately 20% to the cost of the staff. Of that, only 3% is a fee to the vendor. Since many schools already paid withholding, state disability payroll taxes, FICA and similar amounts, the 20% added by the vendor to the staff's hourly rate represented no net increase in costs to parents other than the vendor fee.

(d) Parent groups are now required to pay the estimated cost of this staff up front in semester installments, which represents a change and may limit the ability of some groups to hire staff.

(e) Parent groups are now required to ensure that staff meets eligibility requirements, including DoE fingerprint/background checks. Schools represented at the meeting reported that their parent groups already required such scrutiny, so the new arrangement did not alter their expectations or practices.

(f) The compromise was reached only for FY10, and a permanent solution must still be found.

2. Overcrowding in District 3 Elementary Schools.

(a) Many more schools in CSD3 are at or beyond capacity in FY10 than were in FY09. For example:

i) PS 87 has gone from 6 K sections in FY08 to 7 K sections in FY09 to 9 K sections in FY10. Representatives of the school report that the school can only accommodate 6 sections per grade, and thus a solution must be reached before FY11 (September 2010).

ii) PS 199 went from 6 K sections in FY08 to 7K sections in FY09 to 8 K sections in FY10, with comparable increases in other grades as the cohort moves through the program. Going forward, the school can only accommodate 6 sections per grade. The school is only able to function at this size this year (FY10) due to the move of the Center School from the building effective September 2009.

iii) PS 9 increased from 5 K sections to 6 in FY10, but is able to manage the increase this year due to the net increase in space from the move out of the Anderson School and the move-in of the Center School, a smaller program. Going forward, the school stands to lose once again the cluster space it just recovered to classroom space.

iv) PS 166 maintained its 4 K sections, but in part due to capping.

v) PS 163 currently maintains its optimal number of sections in K and upper grades, but class sizes within the sections are increasing, and the onslaught of new development surrounding the building is a constant reminder that the experience of PS 199 with Riverside South will be repeated unless action is taken.

vi) Many CSD3 schools reported needing to create a waiting list for in-catchment students, with the frustration and uncertainty that created for parents and administrators alike.

(b) Noah Gottbaum, the president of the District 3 Community Education Council, reported that the CEC was engaging with John White, DoE's CEO of the office of portfolio development, the organization dealing with facilities and capacity. Among other things, the CEC will explore whether

to re-open the zone line changes adopted in FY09 and slated to take effect in FY11.

(c) The DoE continues to argue against the need for an immediate creation of a new school, claiming that PS 191 and PS 145 are under-enrolled. Efforts are underway to confirm the expectation that the amount of under-enrollment at these schools is insufficient to meet even the current excess enrollment, let alone the impact of future development, even if the excess enrollment were proximate to those buildings.

(d) CB7 has been paired with CB1 (Lower Manhattan) to share ideas and practices. CB1 is currently incubating 2 new elementary schools until construction can be completed on their new permanent homes. The model of incubating a new school should be pursued in CSD3, since a new school at Riverside South, should it be created, would not solve the immediate needs of overcrowded schools.

(e) PAS 163 continues to hold classes in "temporary" structures (trailers), which were intended to be a stopgap for a short term, but have been on site for more than 10 years.

(f) Capacity issues are exacerbated by rental buildings, since historically, rental buildings turn over more quickly than owner-occupied units, but once a child is admitted to a zoned school, the DoE does not typically require the child to leave the zoned school.

(g) The overcrowding evident in the District must not be resolved by further eroding middle school or high school space available in the District, since the current cohort will overtax the available middle school space within 5-6 years.

(h) CB7 will monitor these developments, and will consider whether to recommend a resolution on this issue to the full Board.

Meeting adjourned at 8:35 pm

Present: Mark Diller, Louis Cholden-Brown, Michele Parker, Sharon Parker-Frazier and John Mark Warren. On-Leave: Alberto Cruz. Absent: Cara Volpe.

Transportation Committee Minutes
Andrew Albert and Dan Zweig, Co-Chairpersons
Wednesday, September 30, 7:00 PM

1. Discussion with NYC Department of Transportation on proposed reuse of parking meter poles on Columbus Avenue between West 67th and 86th Streets and Amsterdam Avenue between West 60th and 86th Streets as bike racks.

Presentation of new style of rack, with description of how they will be attached to the meter poles. CB7 is awaiting presentation of the actual prototype. DOT to work with the BIDs and other board members on placement locations. .

2. Presentation by the NYC Department of Transportation on protected bike lane designs and possible locations in CB7. Several examples presented of the various types of lanes available with special attention to "protected" bike lanes. Meeting was well attended and most people were in favor of them. Of special note was the presence of Transportation Committee members from CB4 and CB5 who now have protected bike lanes in their districts. While both boards had initial reservations, they feel that the lanes are a success and have in fact alleviated a number of traffic and pedestrian related issues.

RESOLUTION

Whereas, protected bike lanes have brought measurable safety improvements to other neighborhoods in Manhattan,

Whereas, many members of the Upper West Side public, business community, and elected officials have all expressed support for protected bike lanes in petitions, surveys, letters, and public testimony,

Whereas, Community Board 7 wishes to encourage safe, responsible cycling in, to, and from this district, it is

Resolved that Community Board 7 supports the Department of Transportation's initiative to create protected bike lanes on Amsterdam Ave and Columbus Ave., and looks forward to more information and guidance from the Department of Transportation.

Committee Approves 6-2-0-0 2-0-0-0 9-1-0-0

3. Winter's Eve at Lincoln Square. Application to the Mayor's Office of Special Events by Lincoln Square Business Improvement District's for an event on November 30, 2009, Broadway & Columbus Avenue between West 58th – 68th Streets.

Committee Approves 10-0-0-0

Enclosed Café Renewal Applications:

4. 320 Columbus Avenue (West 75th – 76th Street.) Renewal application DCA# 0738544 to the Department of Consumer Affairs by 320 Columbus Avenue, Inc., d/b/a Mughlai Indian Cuisine, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 26 seats.

Committee Approves 11-1-0-0 4-0-0-0

5. 2161 Broadway (West 76th – 77th Street.) Renewal application DCA# 0917302 to the Department of Consumer Affairs by Broadway 76 Ltd., d/b/a Niko's Mediterranean Grill & Bistro, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 30 seats.

Committee Approves 11-1-0-0 4-0-0-0

6. 477 Amsterdam Avenue (West 82nd – 83rd Street.) Renewal application DCA# 0885881 to the Department of Consumer Affairs by 83rd Amsterdam Restaurant Corp., d/b/a High-Life Bar & Grill, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.

Committee Approves 11-1-0-0 4-0-0-0

7. 359 Columbus Avenue (West 76th – 77th 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.

Applicant not present, no vote was taken

7. 417 Amsterdam Avenue (West 79th-80th Street.) 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.

Held Over, No vote taken

8. 424 Amsterdam Avenue (West 80th – 81st Street.) Renewal application DCA# 1075283 to the Department of Consumer Affairs by Café Con Leche, Inc., d/b/a Café Con Leche, for a two-year

consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.
Committee Approves 11-1-0-0 4-0-0-0

9. 428 Amsterdam Avenue (West 80th – 81st Street.) Renewal application DCA# 1039396 to the Department of Consumer Affairs by Amsterdam Avenue Brother Jimmy's LLC, d/b/a Brother Jimmy's, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 20 seats.
Committee Approves 11-1-0-0 4-0-0-0

10. 473 Columbus Avenue (West 82nd-83rd Street.) Renewal application DCA# 1008999 to the Department of Consumer Affairs by Club America, Inc., d/b/a Assaggio, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
Committee Approves 11-1-0-0 4-0-0-0

11. 215 West 85th Street (Amsterdam Avenue – Broadway.) Renewal application DCA# 1250443 to the Department of Consumer Affairs by 2350 Broadway Rest. Corp., d/b/a Dean's Pizzeria Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
Committee Approves 11-1-0-0 4-0-0-0

12. 568 Amsterdam Avenue (West 87th – 88th Street.) Renewal application DCA# 1273996 to the Department of Consumer Affairs by Mermaid 88, LLC, d/b/a Mermaid Inn, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
Committee Approves 11-1-0-0 4-0-0-0

13. 2724 Broadway (West 104th-105th Street.) Renewal application DCA# 1132659 to the Department of Consumer Affairs by Hot Bread of 104th Street, Inc., d/b/a Hot & Crusty Bakery, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 30 seats.
Committee Approves 11-1-0-0 4-0-0-0

14. 1018 Amsterdam Avenue (West 109th-110th Street.) Renewal application DCA# 1133929 to the Department of Consumer Affairs by Skipwell, Corp., d/b/a Bistro Ten 18, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 26 seats.
Committee Approves 11-1-0-0 4-0-0-0

15. 355 Amsterdam Avenue (West 109th-110th Street.) Renewal application DCA# 1246104 to the Department of Consumer Affairs by DLS Chicken Corp., d/b/a Chirping Chicken, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 32 seats.
Held over, no vote taken

16. 364 West 110th Street (West 109th-110th Street.) 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.
Committee Approves 11-1-0-0 4-0-0-0

Enclosed Café Renewal Applications:

17. 269 Columbus Avenue (West 72nd – 73rd Street.) Renewal application DCA# 0695954 to the Department of Consumer Affairs by 269 Columbus Restaurant, Inc., d/b/a The City Grill, for a two-

year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.
Committee Approves 10-2-0-0 3-0-0-0

18. 320 Columbus Avenue (West 75th – 76th Street.) Renewal application DCA# 0738544 to the Department of Consumer Affairs by 320 Columbus Avenue, Inc., d/b/a Mughlai Indian Cuisine, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 26 seats.
Committee Approves 10-2-0-0 3-0-0-0

19. 2161 Broadway (West 76th – 77th Street.) Renewal application DCA# 0917302 to the Department of Consumer Affairs by Broadway 76 Ltd., d/b/a Niko's Mediterranean Grill & Bistro, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 30 seats.
Committee Approves 10-2-0-0 3-0-0-0

20. 477 Amsterdam Avenue (West 82nd – 83rd Street.) Renewal application DCA# 0885881 to the Department of Consumer Affairs by 83rd Amsterdam Restaurant Corp., d/b/a High-Life Bar & Grill, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.
Committee Approves 10-2-0-0 3-0-0-0

21. 2791 Broadway (West 107th – 108th Street.) Renewal application DCA# 0735569 to the Department of Consumer Affairs by Indian Food International, Inc., d/b/a Indian Cafe, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 52 seats.
Committee Approves 10-2-0-0 3-0-0-0

Newsstand Applications:

22. Application #1329447 to the Department of Consumer Affairs by Amina Hossain to construct and operate a newsstand at the southwest corner of Broadway and West 63rd Street.
Applicant not present, no vote was taken

23. Application #1329450 to the Department of Consumer Affairs by Mohammed Hossain to construct and operate a newsstand at the southwest corner of Broadway and West 90th Street.
Applicant not present, no vote was taken

24. 12 West 96th Street (Central Park West.) Request to the Department of Transportation by 12 West 96th Street Corp. to allow the building to have a 7-foot "No Parking" zone in front of building entrance.
Resolution to disapprove
10-1-1-0 0-6-0-0

25. Columbus Avenue and West 61st – 62nd Street, NY Institute of Technology. Petition to the Department of Transportation by New York Institute of Technology requests a revocable consent to construct, maintain and use existing Empire City Subway outside conduit underground infrastructure to connect the NYIT location at 1855 Broadway to the new NYIT leasehold at 1871 Broadway for Network connectivity purposes.
Committee Approves 10-0-0-0

Present: Andrew Albert, Dan Zweig, Linda Alexander, Ken Coughlin, Paul Fischer, Marc Glazer, Ulma Jones, Bobbie Katzander, Blanche E. Lawton, Lillian Moore, Anne Raphael and Oscar Rios.
Absent: Barbara Keleman and Roberta Semer.

MCB7 District Service Cabinet Minutes
Penny Ryan, District Manager
September 23, 2009

Welcome to Assistant Chief Philip Banks, Commanding Officer, Patrol Borough Manhattan North. Comments: Former commanding officer of the Central Park precinct. His plan is to act as a mentor to his precinct commanders to help develop leadership qualities. The Chief will institute the police ride along program in his precincts in order to foster a better understanding of day-to-day police work. He wants the community to become familiar with precinct commanding officers. He requested that residents send him suggestions on how to improve their community and communication with police. He can be reached by email at philip.banks@nypd.org

Agency Reports and Requests for Follow-Up
DOB:

- Demolition at 732-734 West End Avenue (95th-96th Streets): Demolition is scheduled to begin September 29. They have the demolition permits. DOB's BEST squad will be there everyday once they begin. A community group will be meeting with agencies and owners on October 1. Scheduled for sixty-day demolition.
- Park West Village construction at 775,795, and 805 Columbus Avenue (West 97th-100th Streets): site safety, after-hours variances. Applications for variances are under scrutiny to see whether area is busier on weekends versus weekdays and how the residents feel about the work. Variances for after-hours work on Saturday or on weekdays until 8PM are being considered.
- DOB's Development Challenge Process is now operational. Click on "My Community" on the DOB website to see new applications. This system was developed by DOB to allow a 45-day public comment period prior to the permit going into effect.

CAU, NYPD, DCA, DPR, PEP, CBs 4, 5, and 7:

An inter-agency meeting reviewed the non-permitted bike rental operations from West 57th-62nd Streets, including in and around Columbus Circle. The bike rentals are not permitted under DCA's general merchandise vending rules, and the operators do not follow safety regulations. NYPD and PEP have been issuing c-summons on a regular basis, but storage of confiscated vehicles is limited. There is also a question about who conducts this business. Parks has a model concession for bike rentals at Merchant's Gate in Central Park. This will expand to five locations. DOT is considering a city-wide bike sharing program. Follow-up from the DSC meeting:

- Investigation is needed to find out who the owners of these non-permitted businesses are.
- 20th Pct and Parks Dept each have been confiscating bicycles and pedicabs, but both have a storage problem. More bicycles can be confiscated once the storage issue is resolved.
 - i. The Chief will look into the storage problem.
- The Mayor's office requested that Manhattan North and South work together in pedicab and bicycle enforcement.
 - i. Chief Banks will discuss with Chief Diaz.

DCA:

- Pedicab regulations are in effect. Owner and driver must have a license to operate. Licensing will continue for two months, followed by an 18-month test period. Pedicabs must follow all vehicle traffic and parking regulations; licenses must be displayed on the outside of the vehicles and prices, which are not regulated, must be posted on the inside. They cannot operate in bike lanes, bridges, tunnels or on sidewalks. Pedicab "stations" will be set up in parks and other locations.

DDC:

Catch basin replacement. A map of all scheduled catch basin work in District 7 was distributed. The DM will attend a DDC briefing on September 30 and pass along construction schedules and contacts.

Goddard Riverside:

Homeless conditions and outreach in CD7: West-Park Presbyterian Church; Broadway malls and new World's Fair benches; Riverside Park.

- Goddard placed 157 individuals. Twenty-one identified individuals still remain on the street and some are missing. It has been difficult to motivate them to go into housing but efforts continue.
- Council Member Brewer and all agencies involved will meet with the head of the West-Park Presbyterian Church, Rev. Robert Brashear, to stress the importance of ending the homeless encampment on the steps.
- Department of Parks new world's fair benches on the Broadway Malls present a problem – homeless can lie down on them. Parks will look into the installation of ornamental dividers, similar to the ones on West 77th Street at Theodore Roosevelt Park.

DOT:

- Update on DOT's West Side Traffic Study.

Data presented at the September 22 community meeting on traffic and transportation conditions between West 55th and 86th Streets will be reviewed with the DSC representatives from NYPD, DSNY, and FDNY. The next phase of the study will be the formulation of recommendations of ways to address problems.

- DOT will look into the status of the MuniMeter request on Columbus and Amsterdam Avenues from West 97th to 100th Streets, and when meters will be installed above 100th Street.
- Doctors are parking in 'No Standing' area on West 97th Street reserved for Ryan Center ambulances, creating loading problems for Whole Foods. DOT and CB7 will look into the needs of Ryan and the existing regulations; NYPD will enforce the No Standing regulations when they are clarified.
- Abandoned temporary signal light pole in concrete on Manhattan Avenue between 105th and 106th Streets. DOT is responsible, and will remove.

Construction Updates: DOB

- Audit report on 230 West 78th Street (Broadway.)
- 508-510 WEA, no movement.

Agency Reports

24th Pct – Had two robberies at gunpoint in Riverside Park; overall sixty-three fewer robberies than last year. Crime was down 55% for the week.

Transit District#1 crime down 46%.

Riverside Park

- The storm event on 8/18/09 caused major tree damage from 97th – 110th Streets. Over 100 trees were lost.
- The red tail hawks successfully bred, one fledgling survived.
- The 87th Street stairs were completed.
- DEP is working at 96th Street and 80th Street installing meters to monitor sewage.

DSNY Supt. Hancock has been assigned as the superintendent for Manhattan#7. Major issue is overflowing litter baskets due to the loss of Sunday basket trucks. DSNY will provide a schedule of the letter basket pick-ups. The DOE Fund has fewer people working in CD7 due to budget cuts.

DOHMH – Announced that at nyc.gov/flu you could see where the City will be giving shots. Electronic updates will be sent to the CB offices for distribution to their constituents.

Parks Summer basketball tournaments were successful. There is an intense rat abatement program in malls and parks.

PSA6 even in crime, enforcement up tremendously. Cameras are very successful together with the trespass program in arrests. Theodora Brown is the new manager at Wise Towers/DeHostos, and Juan Bello is the new manager at Frederick Douglass Houses.

Present: Penny Ryan, District Manager, John Martinez, Asst. District Manager; Det. John Ramos, PSA 6; DI Spadaro, PO Clark Tiger, Lt. Crescitelli, 20th Pct; Vincent Durante, DI O'Reilly, 24th Pct; Capt. Brian McGuire, NYPD TD1; Leah Donaldson, DOB; Lolita Jackson, Mayor's office; Monique Mangum, , DSNY; Joselinne Minaya, DA's Office; Michael Congo, DOHMH; Maria Collado, DEP; Josh Orzeck, DOT; Mark Vaccaro, Parks; Paula Sanders, CCHR; Jesse Bodine, Council Member Gale Brewer's office; Sarah Meier-Zimlber, Sen. Duane's office; Corey Peterson, MBP Stringer's office; Krista Carmody, Parks; Sarena Lewit, Kristen Oates, Goddard Riverside; Marjorie Cohen, WCPP; Peter Arndtsen, Columbus-Amsterdam BID; Richard Juliano, Tim Devlin, LS BID, Stephanie Kinlack, ConEd.

Green Committee and Housing Committee Meeting Minutes
Mel Wymore and Elizabeth Starkey, Co-Chairpersons, Green Committee
Victor Gonzalez and Charles Simon, Co-Chairpersons, Housing Committee
September 29, 2009

1. **Morningside Heights/West Harlem Sanitation Coalition:** Joan Levine and Sarah Martin, co-chairs, and Cynthia Doty, community organizer, spoke about the highly successful sanitation/recycling program they organized in the West Harlem neighborhood, working primarily in Grant Houses and Morningside Garden Co-op. The coalition was organized in 1994 when a group of neighbors determined that sanitation concerns presented the neighborhood's most pressing problems. A survey showed that lack of decent recycling bins for storage of recyclables was one of the problems, as well as frequent elevator problems. At the same time as they worked to get proper recycling bins, they began a program of educating the tenants about recycling. This program involved floor-by-floor, door-to-door meetings with all the tenants, showing exactly what and how to recycle. An added incentive was the color-coded plastic recycling bags for each apartment, donated by NYCHA. Over the years, this persistent education and advocacy program has produced outstanding results, 30% reduction in garbage with a comparable increase in the amount of recycled products. The Coalition's work has expanded its program to pest management, use of alternative green cleaning products, electronic recycling and reuse of textiles. As part of NYCHA's interest in expanding the program to other NYCHA housing, the Coalition will work with Victor Gonzalez, President of the Wise Towers Tenants Association, and CB7 to implement the program at Wise in the near future.

2. **New Business:** Reminder that DOT would be presenting protected bike lanes in CB7 on Sept. 30.

3. Next meeting: Wednesday, October 28. Focus on committee's action agenda.

Present: Mel Wymore and Elizabeth Starkey, Co-Chairs, Green Committee; Victor Gonzalez, Co-Chair, Housing Committee; Housing Committee member Sharon Parker Frazier; Green Committee member Hope Cohen; Green Committee Public Members: Paul Reale, Olive Freud, Cynthia Doty, and Parvati Devi.