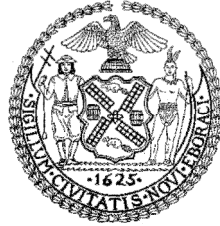


Nicholas D. Viest
Chairman

Latha Thompson
District Manager



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The City of New York

Manhattan Community Board 8

FULL BOARD MEETING
WEDNESDAY, JANUARY 18, 2012
Ramaz School
125 East 85th Street
Auditorium
6:30PM

Community Board Members Present: Elizabeth Ashby, Kenneth Austin, Michele Birnbaum, Molly Blayney, Matthew Bondy, Lori Ann Bores, Roy Carlin, Barbara Chocky, Sarah Chu, James Clynes, Christina Davis, Jeffrey Escobar, Susan Evans, A. Scott Falk, George Fuchs, Edward Hartzog, David Helpert, Lorance Hockert, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Jacqueline Ludorf, Domenico Minerva, Laurence Parnes, Jane Parshall, Mary Boresz Pike, Margaret Price, Hattie Quarnstrom, David Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart Marco Tamayo, Debra Teitelbaum, Nicholas Viest, Elaine Walsh, Charles Warren, Hedi White

Community Board Members Absent (Excused) Deirdre Breslin, Ruth Halberg, David Liston, Ellen Polivy, Rita Lee Popper

Community Board Members Absent (Unexcused):

Total Attendance: 43

Chair Nicholas D. Viest called the meeting to order at 6:30PM.

1. Public Session:

- Member of the public, Bruce Frummerman, spoke in favor of reopening Ruppert Playground.
- Member of the public, Chiorlenti-Torres, representing Ruppert House, spoke in favor of saving Ruppert Playground.
- Member of the public, Howard Goldman, representing Ruppert House, spoke on the Ruppert Playground.
- Member of the public, Arthur Schwartz, spoke in opposition to the construction of tall apartment house.
- Member of the public, Mike Weiss, spoke in opposition to City & Suburban 64th-65th Street demolition.
- Member of the public, Elizabeth McCracken, representing Friends of First Avenue Estate, spoke in opposition to City & Suburban Homes, First Avenue Estate, 429 East 64th Street & 430 East 65th Street.
- Member of the public, E.R. King, spoke in opposition to City & Suburban Homes.
- Member of the public, Jerry Bunting, representing 429 East 64th Street, spoke in opposition to demolishing landmark.
- Member of the public, C.C. January, spoke in opposition of the change of landmark status.
- Member of the public, Howard Blumer, representing 440 East 62nd Street Owners Corp., spoke in opposition.
- Member of the public, Chris Kossifos, representing 440 East 62nd Street, spoke in opposition to the MSK construction.

- Member of the public, Mary Lou Scott, representing 440 East 62nd Street, spoke in opposition to MSK.
- Member of the public, Robert Sacks, representing 440 East 62nd Street, spoke in opposition to the MSK application for bulk variances.
- Member of the public, Donna Stein, spoke in opposition to the MSKCC bulk variance request.
- Member of the public, Sandra Bachrach, spoke in opposition to Memorial Sloan-Kettering proposal.
- Member of the public, Mark Maurer, spoke in opposition to Memorial Sloan-Kettering.
- Member of the public, Rhoda Keller, spoke in opposition to Memorial Sloan-Kettering proposal.
- Member of the public, Cathi Stoler, spoke in opposition to MSK building.
- Member of the public, Adam Zeligler, spoke in opposition to Sloan-Kettering construction.
- Member of the public, Curtis Sawyer, spoke in opposition to MSK York Avenue project.
- Member of the public, Barbara Kaufman, representing 440 East 62nd Street, spoke in opposition to MSK.
- Member of the public, Chris Wright, representing 440 East 62nd Street Owners Corp., spoke in opposition to Sloan-Kettering.
- Member of the public, Cabot Marks, spoke in opposition to MSKCC.
- Member of the public, Alex Zimmer, spoke in favor of the new facility.
- Member of the public, George Verrone, spoke in opposition.
- Member of the public, Mark Monroe spoke.
- Member of the public, Mark Maurer spoke in opposition to the MSK building.
- Member of the public, Ross Mallor, representing 440 East 62nd Street, spoke in opposition to MSKCC.
- Member of the public, Nicole Deiko, representing 440 East 62nd Street, spoke.
- Member of the public, Debbie Parmet Sondock, spoke in favor of 1133 York.
- Member of the public, Martha Welsh, representing Memorial Sloan-Kettering, spoke in favor of the new building.
- Member of the public, Gillian Begelman, spoke on pro-Ruppert Playground and anti-development.
- Member of the public, Verna Bloom Cocks, representing Food and Water Watch, spoke in opposition to new DEC problem regarding water.
- Member of the public, Abby Altman, spoke in favor of open space.
- Member of the public, Lo van der Valk, representing Carnegie Hill Neighbors, spoke in favor of First Avenue Estates.
- Member of the public, Tara Kelly, representing Friends of the Upper East Side, spoke in opposition to First Avenue Estate.
- Member of the public, Joy Kieras, spoke in opposition to 429/430 First Avenue Estate York Avenue.
- Member of the public, Kaitlin Guff, representing First Avenue Estate Hardship Opposition, spoke in opposition to hardship application.
- Member of the public, Jane Griffin, representing First Avenue Estates, spoke in opposition to Landmarks Report.
- **Public Hearing: BSA Calendar No. 183-11-BZ; CEQR No. 12-BSA-045M, Memorial Hospital for Cancer and Allied Diseases-1133 York Avenue, Block 1456, Lot 21**-Application for bulk variances pursuant to NYC Zoning Resolution Sec.72-21 with respect to the proposed construction on the site of a new Memorial Sloan Kettering Outpatient Surgical Center. The proposed 261 ft tall new building will exceed the maximum floor area permitted for community facility building in a c1-9 district by FAR 1.97; does not provide a rear yard in the interior portion of the zoning lot; does not comply with the maximum height of a front wall and the required front setback regulation applicable in a C1-9 district on both York Avenue and East 61st Street; and does not comply with curb cut and signage regulations.
Manhattan Community Board 8 made the motion to defer BSA Calendar No. 183-11-BZ to a Task Force Public Hearing so the community and Memorial Hospital for Cancer and Allied Diseases-1133 York Avenue, Block 1456, Lot 21 can discuss the application in more detail. After the Task Force Public Hearing the application will be discussed and voted on during the February 8th Land Use Meeting.

- Public Hearing: N 120132 ZRY, Zone Green Text Amendment**-The Department of City Planning is proposing a city-wide Zone Green Text Amendment to remove zoning barriers to green building features in the City of New York. The proposed text amendment would facilitate retrofitting of existing buildings and construction of new buildings with features that help reduce energy consumption and carbon emissions, generate clean and renewable energy, manage storm water on site, reduce urban heat island effect through vegetation on roofs, and otherwise promote a healthy and green city. This action is not subject to the Uniform Land Use Review Procedure (ULURP).
Due to meeting time constraints this application will be discussed during the next Manhattan Community Board 8 Full Board Meeting on February 15th.
- Public Hearing: Ruppert Playground Large Scale Special Permit Modification**- Representatives from Ruppert House, the campaign to save Ruppert Playground and NYC Park Advocates are concerned about new development plans and are making the following request: If "Related Companies is to do any development on the current site of Ruppert Playground they would need to make some form of modification to the 1971 Ruppert Brewery Large Scale Development Plan that is still in effect and is non-expiring. Therefore based on the extreme density and lack of open space within the surrounding area, we would ask Community Board 8 strongly recommends that any proposal to modify the Ruppert large-scale special permit to allow the development of the playground (Parcel 4A) be subject to full public review under ULURP. This is consistent with the intent of Section 197-c of the City Charter and will allow the Community Board, Borough President and City Council the opportunity to participate fully in this significant land use determination."
Whereas, Representatives from Ruppert Hour, the campaign to save Ruppert Playground and NYC Park Advocates are concerned about the new development plans and
Whereas, if Related Companies is to do any development on the current site of Ruppert Playground they would need to make some form of modification to the 1971 Ruppert Brewery Large Scale Development Plan that is still in effect and is non-expiring,
THEREFORE BE IT RESOLVED that Community Board 8M strongly recommends that any proposal to modify the Ruppert large-scale special permit to allow the development of the playground (Parcel 4A) be subject to full public review under ULURP. This is consistent with the intent of Section 197-c of the City Charter and will allow the Community Board, Borough President and City Council the opportunity to participate fully in this significant land use determination.
Community Board 8M approved the resolution by a vote of 34 in favor, 7 opposed and 1 abstention.

2. Adoption of the Agenda – Agenda adopted.

3. Adoption of the Minutes – November and December Full Board meeting minutes adopted.

4. Manhattan Borough President’s Report:

Due to time constraints no report was made.

5. Elected Official’s Reports:

- Council Member Jessica Lappin reported on her latest updates. She discussed Related Co.’s Urban Renewal Plan to use the Ruppert Playground space for a Large-Scale Plan and believes that this plan should be subject to the ULURP process, review by the Community Board, the Borough President, the City Planning Commission and the City Council. The Council Member also feels that the Memorial Sloan-Kettering - 440 East 62nd Street bulk variance request deserves to be further discussed so that the community can express concerns regarding the height and bulk of this project. She is also very much for preserving the First Avenue Estate - 429 East 64th and 430 East 65th Street landmark status and is appealing to the Landmarks Preservation Committee to reject the owner’s hardship application in order to demolish these landmarked buildings to make room for high-rise apartments.

- Council Member Daniel Garodnick reported on his latest updates. He wished everyone a Happy New Year and congratulated Nicholas Viest on becoming the new Chair of Manhattan Community Board 8. He spoke on the Second Avenue Subway construction air quality issue and told the community that he has just gotten the Air Quality Monitoring Study from the MTA. His office will scrutinize that report and he looks forward to being present at the upcoming Second Avenue Subway Task Force Committee meeting. The Council Member along with the help of area residents who want to save Ruppert Playground will be working to get Related Companies to have their Large Scale Plan processed through ULURP, as he feels this is a major modification which needs public review, review by City Planning and review by the Council. As Chair of the Consumers Affairs Committee, he reported that he held a dozen hearings in 2011 which reviewed consumer complaints such as used car dealerships and on-line ticketing. He announced that the next Consumer Affairs Hearing is being held on Thursday, January 26th, 10AM and will highlight home improvement contractor complaints which are the number 2 source of Consumer Affairs complaints in New York City.

6. Chair's Report – Nicholas D. Viest:

Due to time constraints no report was made.

7. Committee Reports and Action Items:

- **Transportation Committee** – A. Scott Falk and Charles S. Warren, Co-Chairs

Re: Discussion of the 92nd Street Bus Layover

WHEREAS, the existing bus layover zone on the north side of 92nd Street from First to York Avenue is not adequate for the MTA's needs, therefore

BE IT RESOLVED, that Community Board 8 requests that the bus layover zone on 92nd Street between First Avenue and York Avenue for 250 feet east of First Avenue be changed to 7 a.m. to 12 midnight seven days a week

Community Board 8M adopted the resolution by a vote of 40 in favor, 3 opposed, 0 abstentions and 0 not voting for cause.

- **Parks Committee** – Margaret Price and Barbara Rudder, Co-Chairs

Re: Plans for an Older Adults Recreation Area in John Jay Park

WHEREAS the creation of an Older Adults Recreation Area in John Jay Park will expand the free outdoor activities available to older adults, which is a growing segment of the community; and

WHEREAS plans for the recreation area include adding game tables, picnic benches, adult exercise equipment safety surfacing underneath, an exercise mat and new plantings; and

WHEREAS these new facilities should increase the usage of this area of John Jay Park; therefore,

BE IT RESOLVED that Community Board 8, Manhattan approves of the Parks Department's plans for an Older Adults Area in John Jay Park.

Manhattan Community Board 8 approved the resolution by a vote of 40 in favor, 3 opposed and 0 abstentions.

Re: Proposed Exhibition of Sculptures by Rafael Barrios in the Park Avenue Malls

WHEREAS the Art Nouveau gallery in conjunction with the NYC Parks Dept. has proposed a four-month exhibit of sculptures by prominent artist, Rafael Barrios, in the Park Avenue Mall; and

WHEREAS the project has the support of the NYC Parks Dept., the Fund for Park Avenue and the Dept. of Transportation; and

WHEREAS the Parks Dept. ensures that the structure will not interfere with plantings in the Park Avenue Mall; therefore,

BE IT RESOLVED that Community Board 8, Manhattan, approves of plans to install 10 sculptures—4 of which would be located in the Community Board 8M district—by Rafael Barrios in the Park Avenue Mall from March 1 to June 30, 2012.

Manhattan Community Board 8 approved the resolution by a vote of 39 in favor, 2 opposed and 2 abstentions.

- **Landmarks Committee** – David Liston and Jane Parshall, Co-Chairs

Re: 62 East 91st Street (between Madison and Park Avenues – Carnegie Hill Historic District – David Bae, Architect, PLLC. Application is for a new rear elevation and for a rooftop addition.

WHEREAS, 62 East 91st Street is a Renaissance Revival style rowhouse designed by Gilbert A Schellenger and constructed in 1887-88.

WHEREAS, 62 East 91st Street is at the midblock and on the south side of the street.

WHEREAS, 62 East 91st Street was constructed at the same time as time at 60 East 91st Street; the houses were designed as a pair and are twins except for the parlor floor.

WHEREAS, the applicant proposes to fill in two existing setback terraces at the 3rd and 4th floors.

WHEREAS, the applicant proposes to extend out the penthouse to align it with the current cornice line at the 4th floor below; the new rear elevation will present as coming straight up from the ground floor with no setback terraces. This will contradict the existing pattern of the other houses that form the donut that all have setback terraces at the top floors.

WHEREAS, the overall height of the house will increase by 3 ‘; the house now contains 5,216 sq. ft – with the filled-in terraces and the penthouse extension, it will contain 5, 934 sq. ft.

WHEREAS, at the rear, at the 1st floor and at the 2nd floor, the applicant proposes fenestration/glazing that extends from the ground to the top of the 2nd floor and takes up most of the width of the first and second floors and presents as a very large single window with mullions.

WHEREAS, the proposed work is not visible from any public way and there will be no increase in the existing building’s footprint.

WHEREAS, the penthouse extension is too tall and will be visible from neighboring rear gardens.

WHEREAS, proposed new rear elevation is overscaled, particularly the proposed fenestration/ glazing which is uncharacteristic of historic district rear facades; it would be better to have a more deferential rear elevation that is more in keeping with the house’s twin at 60 East 91st Street.

WHEREAS, the penthouse addition should be scaled back; the cornice line at top of the 4th floor will be overwhelmed by the proposed extension to the penthouse.

WHEREAS, the neighbors and the community expressed concern about the lack of proper notification since the applicant did not advise the Community Board office about their Jan. 24th hearing date at the Landmarks Preservation Commission until about 6 days before Monday’s Landmarks Committee meeting.

THEREFORE BE IT RESOLVED that this application is disapproved as presented.

Manhattan Community Board 8 adopted this recommendation by a vote of 42 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

Re: 825 Fifth Avenue, Apt. 17A and 17B (between 63rd and 64th Streets) -- Upper East Side Historic District – Ike Kilgerman Barkley Architects, P. C.. Application is to replace the windows.

WHEREAS, 825 Fifth Avenue is a neo-Classical style apartment building designed by J. E. R. Carpenter and constructed in 1926.

WHEREAS, Fifth Avenue is a 23-story building; approximately half of the windows have divided lights and the other half are large panes of glass.

WHEREAS, the 17th floor apartment contains a mix of windows, some with divided lights and some with clear glazing.

WHEREAS, the applicant proposes that all the windows of the 17th floor apartment have clear glazing and no mullions so that all the windows are the same.

WHEREAS, 6 over 6 windows were original to the building – over time many of these divided light windows were replaced with single pane glazed glass windows.

WHEREAS, the original fenestration adds to the architecture of this very prominent J. E. R. Carpenter building.

WHEREAS, the proposed single pane glazed glass windows are inappropriate within the historic district and inappropriate for a J. E. R. Carpenter apartment building.

WHEREAS, the Committee recommends that the building implement a Master Plan for the windows that would replicate the original fenestration.

THEREFORE BE IT RESOLVED that this application is disapproved as presented.

Manhattan Community Board 8 adopted this recommendation by a vote of 42 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

Re: 150 East 72nd Street -- Upper East Side Historic District Extension – Malay Shaw, Architect and Valerie Campbell, Kramer Levin Naftalis & Frankel LLP. Application is to construct an addition within the courtyard and to install mechanical equipment.

WHEREAS, 150 East 72nd Street is being restored for residential condominium use and retaining the existing retail use on the ground floor.

WHEREAS, the proposed window restoration to the original 9 over 1 windows has been approved at the staff level at the Landmarks Preservation Commission.

WHEREAS, the applicant is proposing a 650 sq. ft. “recreation room” at the ground floor which will be built out into the courtyard and invisible from the public way.

WHEREAS, the applicant proposes to install a series of 6’ x 10’ mechanical platforms extending up the building for 10 floors to provide heating and cooling units for apartments on each floor. These platforms will present as a fire escape. (The top two floors of the building will be serviced from the roof; the unit serving them will be set behind the 4’ parapet wall.)

WHEREAS, the platforms will be invisible except from the gate at the street that leads from the alley-way to the courtyard at the rear of the building where the platforms will be constructed.

WHEREAS, the application proposes minimal additions to 150 East 72nd Street and provides a sophisticated, environmentally correct solution for heating and cooling the building.

THEREFORE BE IT RESOLVED that this application is approved as presented.

Manhattan Community Board 8 adopted this recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

Re: 429 East 64th Street/430 East 65th Street (between First and York Avenues) – City and Suburban Homes Company, First Avenue Estate – INDIVIDUAL LANDMARK – Paul Selver, Kramer Levin Naftalis & Frankel LLP. Application is to demolish the buildings, pursuant to RCNY 25-309 on the grounds that they generate an insufficient economic return.

WHEREAS, 429 East 64th Street/430 East 65th Street consist of two six-story walk-up apartment buildings which are located on the west side of York Avenue, between East 64th Street and East 65th Street.

WHEREAS, In April 1990, the Landmarks Preservation Commission landmarked all of the residential buildings on the block, more for their cultural and historical significance than for their architectural importance. [The complex known as the First Avenue Estate.]; this designation was modified in August, 1990 so that the two above buildings were excluded from designation. However, in November, 2006, the two buildings were once again included as part of the individual landmark.

WHEREAS, the applicant claims hardship based on the fact that the income from the two buildings was less than a net annual return of six percent and thus imposed an economic hardship on the applicant.

WHEREAS, this “lack of a reasonable return” is based on the applicant’s findings including arguments that the apartments have not been renovated and do not support modern usage and do not contain amenities necessary to meet current market requirements which has meant that many apartments have remained vacant.

WHEREAS the applicant hired Cushman and Wakefield to make an independent analysis of this “lack of reasonable return” and also to suggest ways that the buildings could be brought into full occupancy by upgrading the units within the buildings. The Cushman and Wakefield findings claim that, even with money spent on upgrading the buildings, the applicant’s conclusion is correct that the buildings are incapable of earning “a reasonable return” as defined under the Landmarks Law.

WHEREAS the committee finds these claims to be specious.

WHEREAS there is documented evidence that the applicant’s opposition to preservation began over two decades ago, including getting the original Landmarks designation overturned by the old Board of Estimate in 1990, defacing the buildings by stripping them of their architectural details, failing to maintain the buildings and by filing lawsuits that they lost at every level of the court system, including at the Court of Appeals.

WHEREAS the Cushman and Wakefield report provided by the applicant to support the applicant’s hardship application” has a number of questionable assertions --including low “market rate” rent, the unusually high cost of renovating existing units, and an artificially created scenario of both vacancy rates for apartments and market rates for apartments on the Upper East Side – and thus presents a very self-interested view of what constitutes a “hardship”.

WHEREAS this is only the 18th hardship application that has been submitted to the Landmarks Preservation Commission since the Landmarks Law was enacted in 1965 –the bar must not be lowered on what constitutes a “hardship” by approval of this application.

THEREFORE BE IT RESOLVED that this application is disapproved as presented.

Manhattan Community Board 8 adopted this recommendation by a vote of 42 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

- **Street Life Committee – Domenico Minerva and Cos Spagnoletti, Co-Chairs**

Manhattan Community Board 8 made a motion to send a letter to the State Liquor Authority with their recommendations regarding the applications.

8. Old Business:

No old business discussed.

9. New Business:

No new business discussed.

With no further business the meeting was adjourned at 9:45PM.