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The City of New York
Manhattan Community Board 8

FULL BOARD MEETING
WEDNESDAY, JUNE 20, 2012
Stanley Isaacs Neighborhood Center
415 East 93rd Street
Dining Room
6:30PM

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

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, Christine Donovan, representing NYC Community Emergency Response Team (CERT) Upper East Side, spoke on hurricane shelter information from the NYC Office of Emergency Management.
- Member of the public, Hannah Diaz, representing CIVITAS, spoke on the "Reimagining the Waterfront Manhattan's East River Esplanade" museum exhibition and public programs coordinated by CIVITAS and exhibited at The Museum of the City of New York.
- Member of the public, Peter Folsom, representing Panorama Windows, Ltd, and the Carlyle House, spoke on the landmarks application.
- **Presentation on Safe Urban Cycling for food delivery cyclist by Nancy Gruskin, Founder of the Stuart C. Gruskin Family Foundation-**Ms. Gruskin will discuss the foundation and its main initiative, the 5 to Ride PEDAL program which encourages restaurant owners to educate its delivery riders in the five rules that would keep everyone safer.

2. Adoption of the Agenda – Agenda adopted.

3. Adoption of the Minutes – May Land Use and Full Board meeting minutes adopted.

4. Manhattan Borough President's Report:

Kristen Ellis, a representative for Manhattan Borough President Scott Stringer's office (MBPO) reported on his latest initiatives. She announced that the MBPO is still hosting community board member training sessions. On June 25th, Conflicts of Interests and Equal Employment Opportunity, at One Centre Street location, June 21st, Land Use Planning and Development and ULURP, at 163 West 125th Street location, June 26th, Land Use, at One Centre Street location. The MBPO is also coming out with a new senior guide which will be a comprehensive guide listing seniors issues that will include long-term care, benefits and entitlements, housing, food programs, etc. In you are interested in reserving a free guide call the MBPO at 212-669-8300. The senior guides will also be distributed to senior centers. She also encouraged everyone to pick-up the MBPO newsletter which reports on Borough President Stringer's other community initiatives.

5. Elected Official's Reports:

- Lolita Jackson, a representative from Mayor Michael Bloomberg's office, reported on his latest initiatives. Lolita spoke about the City's portion of the Second Avenue Subway (SAS) project. The City does a walk through with the Manhattan Transit Authority (MTA) and all City agencies including the 19th Precinct every 3-5 weeks through the entire SAS project area which includes E. 68th St- East 97th St. Since all City agencies are involved they can address the issues immediately and holistically. The City also conducts monthly meetings with all City agencies and the MTA. Lolita meets monthly with all 5 SAS contractors to address issues and make sure that rules are being enforced. The City is also making sure that sanitation guidelines are adhered to, rodent problems are being addressed, and summons are issued for infractions. The City is doing sign surveys to make sure all signage is appropriate.
- Christina Parisi, a representative from Congress Member Carolyn Maloney's office, reported on her latest initiatives. Representative Maloney hailed the inclusion of \$123,384,621 for the Second Avenue Subway and \$215,000,000 for the East Side Access project connecting Long Island Railroad to Grand Central Terminal in the House Transportation, Housing & Urban Development (HUD) appropriation proposed for fiscal year 2013. Christina thanked all the East Side community residents and elected officials that rallied against the East River garbage station citing threats to public safety and the environment. The Congresswoman released letters that she and other East Side elected officials are sending to two federal agencies expressing their concerns over the City's proposed siting of the garbage transfer station. The first letter to the Federal Aviation Administration (FAA), cited the 91st Street site's 3-mile proximity to LaGuardia Airport and the City's violation of FAA guidelines prohibiting the siting of large garbage facilities within 5 miles of major airports. The second letter was sent to the National Oceanic and Atmospheric Administration (NOAA) and urged the NOAA to carefully weigh environmental factors before granting federal permits for the City's application to construct a greatly expanded "footprint" in the environmentally sensitive East River. The Congresswoman along with fellow Representatives Jerrold Nadler and Peter King who are the House sponsors of the James Zadroga 9/11 Health & Compensation Act, commended the proposal by Dr. John Howard, Director of the National Institute for Occupational Safety & Health and the administrator of the World Trade Center Health Program, that the Program accept the entire set of recommendations issued previously by its Science/Technical Advisory Committee (STAC) to provide coverage for certain types of cancer resulting from exposure to toxins released at Ground Zero.
- Patrick Madigan, a representative from State Senator Liz Krueger's office, reported on her latest initiatives. He wanted to address the Rose Group issue regarding the liquor license issue. Much to the dismay of Senator Krueger the bill that changes the 200 foot rule between a religious institution and an establishment serving liquor did pass in the Senate. She is hoping that this bill will not pass in the Assembly.

On June 27th the Mass Transit Authority (MTA) will be hosting their 3rd Second Avenue Subway Community Workshop. It is open to all community residents and if you would like to attend or get more information you can e-mail Claudia Wilson, who is the Community Liaison for the Second Avenue Subway construction project at Claudia.Wilson@2avesubway.com On the issue of delivery bikes Senator Krueger is still pushing for the bill she has sponsored S419C which establishes vicarious liability between the delivery cyclist and the business owner.

- Damaris Olivo, a representative from Senator Jose Serrano's office, reported on his latest initiatives. Senator Serrano thanked Assembly Members Kellner and Quart and Council Members Lappin and Garodnick for co-sponsoring the Free Mammogram Van Program. Women over the age of 40 received free mammogram screenings at both the Stanley Isaacs Neighborhood Center and Roosevelt Island sites. Damaris announced that Senator Serrano's Office is offering tips to beat the heat this summer and there were hand-outs with a listing of resources for the community which include information regarding the Senior Pool Day at Thomas Jefferson Pool located at East 112th Street and First Avenue. Senator Serrano is promoting literacy through the Summer Reading Program. Students and their parents can log on to www.nyread.com and create a profile, record reading progress, share books on Facebook and earn a certificate from the Senator.
- Helen Ohw, a representative from Assembly Member Kellner's office, reported on his latest initiatives. Helen Ohw introduced herself as the new Community Relations Director for Assembly Member Kellner's office. The Assembly Member's office is handing out eco-friendly "Green Bags" as a way of reusing and recycling. Feel free to stop by the office at 1365 1st Avenue (between 73rd & 74th St) and ask for one. The Assembly Member is collecting signatures from concerned parents all over the Upper East Side calling on the Chancellor to open a greatly needed new academically rigorous public middle school that will open its doors in September 2012. Governor Cuomo's administration recently proposed limiting hydrofracking to communities throughout New York which support the technology and request drilling to be done in their respective areas. Assembly Member Kellner does not support the Governor's plan and has sponsored a bill which calls for a health study on the effects of hydrofracking. This bill passed the Assembly this week.
- Matthew Walsh, a representative from Assembly Member Dan Quart's office, reported on his latest initiatives. On a community note, the Assembly Member was pleased that Dunkin' Donuts has removed the excessive signage at its 84th Street store location. On a legislative note, the Assembly Member is aware of the urgency of the 200 foot rule bill that is being presented to the Assembly and his is doing everything in his power to lobby his colleagues against this bill.
- Genevieve Michel, a representative from Council Member Daniel Garodnick's office reported on his latest initiatives. Council Member Garodnick has written a letter and is working closely with Chairman John B. Rhea of the New York City Housing Authority (NYCHA) to ensure that NYCHA residents install guards below their air conditioners as required by NYCHA regulations. This was done as a result of an incident that occurred on May 29th when an air conditioner fell from 1780 First Avenue to the Holmes Towers Eisman Nursery playground. Fortunately, no one was hurt in the incident but parents are reasonably worried about allowing their children to utilize the playground. The Council Member joined by colleagues, child advocates, and parents is fighting to preserve 7 Beacon programs that have been cut by the Mayor's budget. The Beacon Programs serve 5,600 students and adults and the Council Member is calling on the Mayor to restore the funds for these crucial programs. The Council Member is very pleased to announce that the Department of Education extended the deal with the United Federation of Teachers (UFT) to allow teachers aids to work in the class rooms. CB8M's Youth & Education Committee has been very supportive of this issue.
- Cullen Barrie, a representative from Council Member Jessica Lappin's office, reported on her latest initiatives. Council Member Lappin introduced legislation that requires the MTA to provide air quality data from the Second Avenue Subway construction sites to be posted on-line. You can view the air quality monitoring reports by visiting www.mta.info/sasair Due to the Department of Education (DOE) mismanaging Upper East Side rezoning the schools are faced with overcrowding for years. In response to this issue, the Council Member has written a letter along with other East Side officials urging the DOE to find a better solution.

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

Chair Nicholas Viest gave his report. Nick announced that on June 25th CB8M will be hosting the Taste of Summer Soiree, a social event to introduce CB8M's newest members to the community. The event is being held at Café Greco, located at 1390 2nd Avenue between E. 71st & 72nd Street. The pre-fixe menu costs \$25.00 and includes the tax and tip but no alcoholic drinks. Everyone is invited to come. Those interested please get in touch with the Board Office. Nick also announced that he will have a discussion regarding the 200 foot rule later on in the meeting during the old business/new business session. He mentioned that in about a week or so he will be in touch with committee co-chairs to have a mid-year discussion to get a sense of the co-chairs' priorities.

7. Committee Reports and Action Items:

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

Re: A request for the installation of a pedestrian ramp at the SW corner of East 69th Street and First Avenue

WHEREAS there is no pedestrian ramp at the southwest corner of East 69th Street and First Avenue;

WHEREAS members of the community have expressed their desire for a pedestrian ramp at this corner;

WHEREAS the Department of Transportation has indicated that the presence of a catch basin and a signal light would necessitate a complex pedestrian ramp at this location, and that DOT intends to install such a ramp within the next few years;

WHEREAS the absence of a pedestrian ramp at this corner makes it difficult for some members of the community to safely cross the street;

THEREFORE BE IT RESOLVED that Community Board 8M calls on the Department of Transportation to prioritize the installation of a complex pedestrian ramp at the southwest corner of 69th Street and First Avenue.

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

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

Re: Further discussion of the NYC Planning Dept.'s proposed revisions to the NYC Waterfront Revitalization Program

After review of each issue of the revitalization plan, the Parks Committee unanimously passed a resolution urging the City to prioritize the refurbishing of the East River Esplanade. The committee also made recommendations, included in the following resolution, for each policy issue covered in the City's Waterfront Revitalization Plan.

RESOLUTION 1:

WHEREAS the East River Esplanade in the CB8M district is badly deteriorated and in need of urgent repair and refurbishing; and,

WHEREAS this deterioration has created dangerous conditions for users of this esplanade; and

WHEREAS the Dept. of City Planning has proposed revisions to the NYC Waterfront Revitalization Program; therefore,

BE IT RESOLVED that Community Board 8 Manhattan, urges the Dept. of City Planning to make refurbishing the East River Esplanade in the CB8M district a priority in its Waterfront Revitalization Plan.

RESOLUTION 2:

WHEREAS the Dept. of City Planning has submitted proposed revisions to the NYC Waterfront Revitalization Program; and

WHEREAS the City will be soliciting public feedback on the revisions it has proposed to its waterfront revitalization plan; and

WHEREAS CB8M wishes to add a number of specific recommendations involving the CB8M district to the City's proposed waterfront revitalization; therefore,

BE IT RESOLVED that Community Board 8, Manhattan, urges the Dept. of City Planning to incorporate into its proposed Waterfront Revitalization Program the attached list of recommendations that apply to the CB8M district.

The New York City Waterfront Revitalization Program
Proposed Revisions for Public Review

CB8M recommendations for the policy areas covered in the City's waterfront revitalization program:

1. Residential and Commercial Redevelopment:

Limit commercial development along the waterfront in the CB8M district to the possible creation of a suitable restaurant or café, possibly on the pier.

2. Maritime and Industrial Development:

Prevent industrialization of the East River waterfront in the densely populated CB8M district.

3. Waterways Usage:

Create ferry service, both to Randall's Island for general use of this recreational area, and to other points in the city.

4. Ecological Resources Protection:

Clean up polluted waterways to improve the fishing environment.

5. Water Quality:

Institute studies of water quality that result in increased marine life.

6. Flooding and Erosion:

Repair the crumbling sea walls in the CB8M district to prevent flooding.

7. Hazardous Material:

Remove any hazardous materials, which could be released in case of hurricanes or floods.

8. Public Access:

Quickly repair the surface of CB8M's East River Esplanade to promote safe walking and biking.

9. Visual Quality:

The East River Esplanade should be redesigned to create an inviting and enhanced parkland environment,

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

Re: Status of Repairs Along the East River Esplanade

RESOLUTION:

WHEREAS the non-profit organization, New Yorkers for Parks, has proposed to undertake an assessment of the

amount and types of parkland on Manhattan's Upper East Side, using the group's Open Space Index; and

WHEREAS the group, New Yorkers for Parks, has asked CB8M to write a letter to Council Members Daniel Garodnick and Jessica Lappin supporting its plan to index open space on Manhattan's Upper East Side; and

WHEREAS results of this assessment would be presented at the CB8M Parks Committee's forum on the need for more public open space on Manhattan's Upper East Side; and

WHEREAS CB8M would express support only for the New Yorkers for Parks' plan to carry out open space indexing in the CB8M district; therefore,

BE IT RESOLVED that Community Board 8 Manhattan approves of New Yorkers for Parks' request that Community Board 8, Manhattan, write a letter to Council Members Daniel Garodnick and Jessica Lappin in support of its plan to index open space on Manhattan's Upper East Side using the group's Open Space Index.

LETTER:

Dear Council Members Garodnick and Lappin,

Community Board 8, Manhattan, wishes to express its support of a plan by New Yorkers for Parks to conduct an open space assessment of Manhattan's Upper East Side using the group's Open Space Index.

We know that parks are essential to the health of New Yorkers, the livability of its neighborhoods and the economic development of the City. Yet, Manhattan Community Board 8 is extremely lacking in parks and open space. In order to address that problem, we need the detailed data about open space quality, maintenance, access, variety and environmental sustainability that NY4P's Open Space Index will provide.

With this tool, we will all be able to champion for the green spaces our community needs. Therefore, we urge you to back the plan by New Yorkers for Parks to carry out its open space indexing of the Upper East Side of Manhattan. Sincerely,

Manhattan Community Board 8 approved the resolution by a vote of 32 in favor, 3 opposed and 6 abstentions.

- **Landmarks Committee** – David Helpern and David Liston, Co-Chairs

Re: 63 East 92nd Street (between Madison and Park Avenues) – Expanded Carnegie Hill Historic District -
Brendan Coburn, Architect – A rowhouse built in 1886 and altered in the neo-Colonial style by Edward Webber in 1928. Application is to construct rooftop and rear yard additions and alter front and rear facades (revisions).

WHEREAS the rooftop addition is set back from the façade only 3'-6",

WHEREAS the blank, side wall of the rooftop addition creates a visual obstruction,

WHEREAS the rear yard extension extends deeply into the rear yard, well beyond the facades of the adjoining houses,

WHEREAS the rear extension replaces an existing curved extension which is more appropriate to the architecture of the house than the proposed extension,

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

Manhattan Community Board 8 approved this recommendation by a vote of 35 in favor, 4 opposed, and 1 abstention.

Re: 50 East 77th Street (between Madison and Park Avenues) [The Carlyle] – Individual Landmark –
Panorama Windows, Ltd. – An Art-Deco style building built in 1930 and designed by Bien & Prince. Application is to alter color of exterior windows.

WHEREAS all the double hung windows are currently bronze in color and all of the steel divided light windows are currently black;

WHEREAS the master plan calls for bronze colored double hung windows to be replaced with black double hung windows and black colored steel divided light windows to be replaced with black divided light windows;

WHEREAS the applicant wants to replace bronze colored double hung windows with bronze colored double hung windows;

WHEREAS the applicant represented that the master plan was filed by mistake with bronze windows to be replaced with black windows;

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

Manhattan Community Board 8 approved this recommendation by a vote of 23 in favor, 14 opposed, and 4 abstentions.

Re: 737 Park Avenue (between 71st and 72nd Streets) - Upper East Side Historic District -
Malay Shah, Architect and Michael F. Doyle, Architect - A Classicizing Art-Deco style apartment building built in 1940 and designed by Sylvan Bien. Application is to replace windows.

WHEREAS the applicant proposes to replace a variety of window configurations with a uniform window configuration of a one panel transom over a double casement, using black metal frames;

WHEREAS the proposed configuration would impinge the verticality of the current windows as originally intended;

WHEREAS the use of black metal frames, as compared to the white metal frames that currently predominate on the building, would be at odds with the original design and overall character of the building;

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

Manhattan Community Board 8 approved this recommendation by a vote of 40 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

Re: 1030 Fifth Avenue (at 84th Street) – Metropolitan Museum Historic District –
James Trimble, Architect - An apartment building designed by J.E.R. Carpenter and built in 1924-25. Application is to construct a rooftop addition at the penthouse.

WHEREAS the proposed rooftop addition is at the rear of the building,

WHEREAS the proposed addition is 180 square feet,

WHEREAS the easterly wall is set behind a permanent trellis to continue the theme of planting on the roof,

WHEREAS the addition blocks the view of the original masonry enclosure of the water tower as one approaches the building from the east,

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

The motion to disapprove this application failed with a vote of 15 in favor, 22 opposed, and 4 abstentions. A substitute motion to approve this application also failed with a vote of 21 in favor, 19 opposed, and 2 abstentions. Thus, Community Board 8 takes no position on this application.

Re: 1050 Fifth Avenue (at 86th Street) – Carnegie Hill Historic District – Alberto Foyo Escribano, Architect - A Modern style apartment building designed by Wechsler & Schimenti and built in 1958. Application is to create a new window opening.

WHEREAS the proposed window would be consistent in size and shape to the other nearby windows and with the building's master plan for replacement windows,

WHEREAS and the proposed window would be almost entirely hidden from public view by an existing panel in front of where the window will be and is barely visible from Central Park,

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

Manhattan Community Board 8 approved this recommendation by a vote of 39 in favor, 0 opposed, and 0 abstentions.

Re: 117 East 72nd Street (between Park and Lexington Avenues) – Upper East Side Historic District Extension - Halsted Welles, Architect – A Colonial Revival style apartment building designed by Kenneth M. Murchison and built in 1927-28. Application is to perform exterior work including the addition of a trellis and pergola for the penthouse garden.

WHEREAS the trellis and pergola for the penthouse garden will be at the rear of the building and will be seen from East 73d Street;

WHEREAS the trellis is 6'-0" high and the pergola is 9'-0" high;

WHEREAS the trellis and pergola will partially obscure the standard wood water tower;

WHEREAS the trellis and pergola will be made of aluminum and mahogany;

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

Manhattan Community Board 8 approved this recommendation by a vote of 39 in favor, 0 opposed, and 0 abstentions.

- **Second Avenue Subway Task Force Committee** – Barry Schneider and Patrick Stewart, Co-Chairs

Re: Construction equipment and other materials occupying space in our community but no longer needed by the contractors.

WHEREAS there are several pieces of very large construction equipment and other material in places adjacent to the active work zones. and

WHEREAS many of those pieces of equipment and material are no longer needed for the project,

THEREFORE BE IT RESOLVED that Community Board 8 urges MTA Capital Construction Corp. to survey the 2nd Avenue Subway work zone for equipment and material that is in place in our community and that is no longer needed and to remove all such equipment and material as promptly as practical.

Community Board 8M APPROVED the resolution by a vote of 42 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

9. Old Business:

No old business discussed.

10. New Business:

RE: New York State Liquor Authority's 200 Foot Rule

Whereas the "200 ft rule" was originally enacted in the 19th Century,

Whereas Community Board 8 is very concerned about changing a law which has provided a separation between schools and places of worship and establishments serving liquor,

Whereas the bill S7686 passed the NY State Senate with no public review,

Whereas there has been no public input from communities that could be impacted by the change,

Therefore Be It Resolved that Community Board 8 opposes this proposed change to the 200 ft rule.

Manhattan Community Board 8 adopted the resolution by a vote of 39 in favor, 0 opposed, and 2 abstentions.

With no further business the meeting was adjourned at 8:30PM.