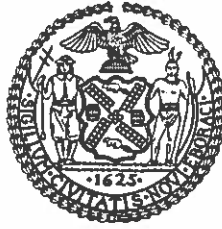


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**The City of New York
Manhattan Community Board 8**

ZONING & DEVELOPMENT COMMITTEE

Tuesday, May 22, 2018 – 6:30PM
Lenox Hill Hospital, Carmel Room
170 East 77th Street

MINUTES

Committee Members Present: Elizabeth Ashby Co-chair, Barbara Chocky, Craig Lader, Valerie Mason, Rita Popper, Marco Tamayo, Elaine M. Walsh Co-chair

Community Board Members Present: Michele Birnbaum, Anthony Cohn, Peter Patch, Adam Wald

1. Northwell/Lenox Hill Hospital plans for 3rd Avenue, East 76th-77th Streets

Northwell/Lenox Hill Hospital did not send a representative to the meeting. At their request, the following statement was read:

“Northwell Health is constantly exploring ways to maintain and elevate the exceptional level of health care it provides for hundreds of thousands of New Yorkers. We are excited about the potential to provide additional non-ER services through expanding our footprint at this site on the Upper East Side, where we have been deeply invested in the local community for decades. While it’s too early to detail our plans at this time, as we move further along in the process we will certainly keep this community board and our neighbors informed.”

The community requested that, when the property is sold and plans are initiated, they come back to the committee.

2. Local business and Retail Space: What the issues are and the actions to be taken

This item was to be a joint item with the Small Business Committee. At the last moment neither of the co-chairs were available, though a member of the committee did attend. There is great concern about the preservation of small businesses in the city and several initiatives are currently under consideration. The “Small Business Jobs Survival Act” was first proposed many years ago and was recently reintroduced in the City Council. Its approach is to “[create] a small business lease program for establishing an environment for fair negotiations in the commercial lease renewal process in order to determine reasonable lease terms.” A Special Enhanced Commercial District, for Amsterdam and Columbus Avenues, was approved in 2017. Its provisions included ground floor restrictions, ground floor frontage restrictions, transparency/glazing requirements, and minimum number of stores per block. The change on the Westside from when Manhattan Borough President Gale Brewer was a City Council Member was discussed. We had examined this in the past and were asked to wait until the implementation of the legislation was done.

The City Council has undertaken a policy initiative to support retail diversity. Among its many recommendations are: collection and analysis of retail data, storefront vacancy reporting, the study and mitigation of the impact of e-commerce, the reform and expansion of commercial overlay, expanded use of special enhanced commercial districts that require retail space on the ground floor and restrict the size of storefronts, restrictions on chain stores and restaurants, elimination of special permits for gyms and health clubs, financial incentives for affordable commercial leases, and reform of the commercial rent tax.

The community’s concerns regarding vacant retail property were numerous and there was much discussion as to landowner’s responsibilities. Concerns included: public safety - no lights or very dim lights, sidewalks not kept clean or shoveled after snow storms, rodent infestation, and broken sidewalks. The decrease in foot traffic due to vacant shops

impacts residents and the remaining stores. The community asked that fines and other actions be taken to deal with the long term vacancies.

3. Discussion of Zoning Regulations for retail space in-C-1 -9 zoning areas; proposed Target on Third Avenue

The Target store proposed for the Upper East Side would be on the east side of Third Avenue, between 69th and 70th Streets. It would have 22,600 square feet of space. Target's representatives told CB8 that it would be considered a "Variety Store" under the Zoning Resolution and would be as-of-right. Variety Stores have a maximum floor area of 10,000; Target's representatives said that it would comply because the excess above 10,000 would be below ground and would, therefore, not count. Under the Zoning Resolution, "floor area" counts in "basements" and doesn't count in "cellars." Community Board 8 will challenge Target's Application(s) at the Department of Buildings; a letter will be written quickly because Target's representatives self-certify.

A letter will be sent requesting an audit of the project, particularly around the filing for alteration #2 when it should be #1. A letter challenging the Dept. of Building decisions based on the application will also be sent upon the remaining filings. The community voiced concerns about traffic, loading and unloading, hours for delivery, parking, and signage - as well as the general disbelief that the NYC Department of Buildings was ignoring zoning regulations, was not considering the needs of the community, and was putting a Department Store in a residential area without any review.

4. Discussion and identification of sites being developed or being purchased for development

The numerous assemblages and possible building sites were discussed. Members of the public were asked to keep the Community Board informed of any possible future development sites. Concern was raised as to the numerous properties that are being vacated or emptied by landlords in order to build taller buildings. The sites are generally on the eastern avenues where there are no height limits. The residents were asked to notify the community board when they hear or see any sites being emptied. The community is losing its current affordable housing; it will not be replaced.

There was great concern expressed as to how the transfer of air rights is given and received. The development on Roosevelt Island was raised as the developer seems to be able to transfer tax credits or air rights off Roosevelt Island, which negatively impacts the rest of CB8. Questions were raised as to the role of RIOC and how its land development does not have to go through any approval process that involves CB8. The consensus was that the application to the Department of City Planning to restrict height limits to 210 feet must proceed with great urgency.

5. Illegal signage

The proliferation of illegal signage and the failure of DOB to respond to requests to review reports and issue violations were discussed. CB8 and other community groups have submitted lists of violators but there has been no enforcement from the DOB. The community was asked to review some of the signage regulations and call 311 to report infractions and get a complaint number. If no action was taken, members of the community were asked to contact their elected officials and CB8 with the complaint number to be followed up.

6. Discussion of responses from city agencies to Community Board 8 concerns

No representative of the Department of Buildings attended the meeting; two representatives of the DCP were present. Both agencies were asked to send representatives. Both Board Members and members of the public expressed concern about a lack of response to the problem of vastly too-tall buildings. The representatives of the DCP stated that the Department was considering packing the bulk, voids, and the misuse of mechanical spaces. The DOB has never sent their liaison to a meeting since the current administration came into office. Both city agencies do not respond in a timely manner to our letters and basically ignore the concerns of the community. Representatives from DOB did participate and they heard our concern regarding DOB decisions including the loopholes that developer's use to get taller building. DCP staff stated that they would inform their commissioner of our concerns and of the lack of responsiveness to the community. The focus of concern was on DOB decision making. Again, the issue of the tall buildings and of DOB ignoring zoning regulations and not communicating with the community arose. Even when challenged, DOB reviews and stands by its rulings - even in the face of legal challenges.

There being no Old Business or New Business, the meeting was adjourned at 8:30 PM.

Submitted by,

Elizabeth Ashby and Elaine Walsh, Co-Chairs