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**The City of New York  
Community Board 8 Manhattan  
Transportation Committee**  
Wednesday September 2, 2020, 6:30 PM  
*Conducted Remotely on Zoom*

*Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.*

**Minutes**

*Present:* Lowell Barton, Michele Birnbaum, Lori Bores, Alida Camp, Brian Correia, Rebecca Dangoor, Felice Farber, Billy Freeland, Craig Lader, Rebecca Lamorte, Valerie Mason, Rita Popper, Elizabeth Rose, Barry Schneider, Cos Spagnoletti, Marco Tamayo, Charles Warren, Jack Zimmerman, Peter Borock (public member) Jordan Wouk (public member)

*Excused:* Tricia Shimamura,

**Resolutions for Approval:**

**Item 1: 106 East 78<sup>th</sup> Street Revocable Consent (unanimous)**

**Item 2: 16 East 94<sup>th</sup> Street Revocable Consent**

The meeting was called to order at 6:35 PM.

**Item 1: Revocable Consent Application Public Hearing (Revised Application): Proposed fenced-in area including steps, planters, together with snowmelt system in front of 106 East 78th Street.**

At the June 2020 Community Board 8 Manhattan Transportation Committee meeting, a revocable consent application for a proposed sidewalk extension and fenced-in area including steps, planters, together with snowmelt system in front of 106 East 78th Street was presented. The Committee approved the snow melt system request, but disapproved the proposed fenced-in area due to concerns expressed regarding the taking of public sidewalk for a private purpose, along with the narrowness of the sidewalk clearance in front of the property.

Anik Pearson, the architect representing the owners of 106 East 78<sup>th</sup> Street, presented a revised proposal that addressed the issues raised in June by the Committee. The new plans called for the areaway to be rebuilt in its current footprint rather than being expanded, providing 8' of clearance to the nearby tree pit. An existing planter within the fenced-in area will be expanded, and an additional planter will be installed. No changes were made to the proposed snow-melt system; the design of the fence also has not changed from past presentations to Community Board 8's Transportation and Landmarks Committees.

The following resolution was put forward by CB8:

**WHEREAS**, the property owner of 106 East 78<sup>th</sup> Street is requesting a revocable consent for a fenced-in area; and

**WHEREAS**, the proposed fenced-in area will not be extended into the sidewalk beyond its current footprint; and

**WHEREAS**, the proposed snow-melt system was approved by Community Board 8 Manhattan in June 2020;

**THEREFORE BE IT RESOLVED**; that Community Board 8 Manhattan supports the application, as presented, for a revocable consent for a proposed fenced-in area including steps, planters, together with snowmelt system in front of 106 East 78th Street

*Yes (16+2):* Barton, Birnbaum, Bores, Camp, Correia, Dangoor, Farber, Lader, Mason, Popper, Rose, Schneider, Spagnoletti, Tamayo, Warren, Zimmerman, Borock (Public Member), Wouk (Public Member)

*No (0):* None

*Abstain (0):* None

**Item 2: Revocable Consent Application Public Hearing: Proposed front yard expansion at 16 East 94th Street**

Alan Berman, Architect, and Marvin Mitzner, Land Use Attorney, presented on behalf of the owner of 16 East 94<sup>th</sup> Street a revocable consent application for a proposed front yard expansion 3 feet into the sidewalk. The extension, which was part of a broader building renovation approved by the Landmarks Commission in 2016, has already been constructed, though the owner has yet to move into the home. The original building had a short landing between the bottom step and front door, necessitating the project to extend the steps to the front of the building. The distance from the bottom of the stair to the front of the building was previously 1' 10', and was lowered by 13', adding two steps; this was intended to improve safety for those accessing the front entrance. The original design had called for a 6' extension, and was disapproved by Community Board 8 in 2016; this was reduced to the current 3' with a 3'8' landing that has been constructed.

Mr. Berman indicated that his team erred in not realizing that a revocable consent was needed prior to construction, and apologized for the mistake. His expediter stated that the original DOB plan examiner had failed to notify Mr. Berman of the need for a revocable consent; a new plan examiner in 2018 reviewing a subsequent improvement request noticed the missing revocable consent, following the completion of the front yard expansion.

Although the feedback on the physical aspects of the project was positive, a number of Members of the Committee viewed with alarm the breakdown in the process, both by the applicant's team and the various city agencies that failed to coordinate as necessary to flag the missing revocable consent approval before building approvals were provided. It was suggested that CB8's Landmarks committee include in their discussions with applicants that any proposals involving yard and fence expansions must also seek revocable consent approvals with the Transportation Committee.

A motion to support approval of the revocable consent request was defeated; the vote tally was as follows:

*Yes (7):* Lader, Popper, Schneider, Spagnoletti, Tamayo, Warren

*No (6+1):* Barton, Camp, Correia, Dangoor, Mason, Rose, Wouk (Public Member)

*Abstain (4+1):* Birnbaum, Farber, Lamorte, Zimmerman, Borock (Public Member)

The following resolution was put forward by CB8:

**WHEREAS**, the property owner of 16 East 94<sup>th</sup> Street is requesting a revocable consent on a front yard expansion that has previously been completed; and

**WHEREAS**, the applicant's original proposed front yard expansion design, which called for a 6' expansion, was disapproved by Community Board 8 and its Landmarks Committee in 2016; and

**WHEREAS**, a revised front yard expansion design with a 3' expansion did not obtain approval from Community Board 8, but proceeded to obtain approvals from the NYC Landmarks Commission and Department of Buildings; and

**WHEREAS**, the applicant has completed construction, including the 3' front yard expansion, without obtaining the necessary revocable consent from the Department of Transportation; and

**WHEREAS**, the applicant has acknowledged the errors that resulted the proper procedures not being followed, and should have known that a revocable consent was a critical component of the process;

**THEREFORE BE IT RESOLVED**; that Community Board 8 Manhattan disapproves the application for a revocable consent for a front yard expansion at 16 East 94<sup>th</sup> Street.

*Yes (9+1):* Barton, Birnbaum, Camp, Correia, Dangoor, Farber, Lamorte, Mason, Rose, Wouk (Public Member)

*No (6):* Lader, Popper, Schneider, Spagnoletti, Tamayo, Warren

*Abstain (1+1):* Zimmerman, Borock (Public Member)

### **Item 3: A request to change parking regulations on East 72nd Street east of York Avenue**

This item was brought to the attention of Community Board 8 by a constituent who has noted that illegally parked vehicles on East 72<sup>nd</sup> Street east of York Avenue are causing safety concerns, as emergency vehicles are unable to turn around in the cul-de-sac at the end of the block. This is exacerbated by for-hire vehicles using the block as a waiting area.

This item will be laid over until a future meeting, as no constituents from that block were in attendance.

### **Item 4: Parking Placards - discussion of continued prevalence of illegal/counterfeit placards and impacts on safety resulting from placard parking in no standing zones**

This item is a follow-up to prior discussions in March 2019, when Community Board 8 passed a resolution supporting draft legislation by the New York City Council. In the interim timeframe, some of the legislation supported by Community Board 8 has been enacted, along with other related measures promoted by the Mayor's office. However, there is little evidence that there has been much impact, as placard abuse appears to be continuing unabated.

The Committee decided to lay this item over until a future meeting to allow members to gain a better understanding of which policies have been enacted and what impacts the actions by the Mayor's office has had on the issue, including cuts to funding of the NYPD unit dedicated to enforcing placard abuse.

### **Item 5: NYCDOT Updates**

NYCDOT did not have staff present at the meeting, thus resulting in no formal update. In anticipation to questions regarding the temporary bike lanes being installed on 61<sup>st</sup> and 62<sup>nd</sup> Streets, NYCDOT staff provided some updates in writing that were shared with the Committee:

- The temporary bike lane will be on the north side of the street at all locations. Two of the restaurants that originally expressed concerns about the project (Amaranth and David Burke) do not currently have seating set up in the roadway, and indicated they don't anticipate setting up outdoor seating in the roadway in the future.
- Where floating parking cannot be accommodated, No Stopping Anytime regulations have been installed on the north side of the street. In many of these locations Commercial loading/Overnight Parking has been relocated to the south curb where there was previously No Standing during the day.
- Floating parking will be included on the 34-foot wide blocks, which include 61st St from 5th Ave. to Lexington Ave. Due to vehicular volumes and ongoing construction, NYCDOT is unable to accommodate floating parking on 61st St and 62nd St from York Ave to 2nd Ave, where the street is also 34-foot wide.
- Implementation is underway and is expected to be completed by the end the week of September 7th.

There were concerns raised regarding the bike lane east of 2<sup>nd</sup> Avenue and how it may impact traffic exiting the Queensboro Bridge. There were also concerns regarding the ability for vehicles to be able to conduct expeditious loading and unloading activity at the curbside due to the presence of the bike lane.

NYCDOT has committed to returning to the Committee prior to making the temporary bike lanes permanent to obtain feedback from the community and to provide time to assess how the temporary lanes are working.

### **Item 6: Old Business**

- A. East 91st Street between 2nd Avenue and 3rd Avenue (James Cagney Place) - update on street condition and repair of pavers

Discussion continued to determine a pathway forward to address the deteriorated street condition of James Cagney Place. A Committee member explained that it is suspected that this is a DEP issue, as the roadway is risen and sunken in certain places and it is quite possibly a result of a past sewer leak and repair. NYCDOT has indicated that they will not be replacing the pavers, and that the nearby buildings can replace the pavers. CB8 will be reaching out to DEP to inquire about how to address the roadway that has risen and sunken, and will reach out to local elected officials if DEP is unable to address the matter.

There was no other old business discussed.

### **Item 7: New Business**

- A member requested an update from New York City Transit on the implementation of OMNY, and how passengers that pay reduced fares will be able to utilize OMNY.
- A public attendee spoke in favor of the concept of river-to-river 2-way protected bike lanes on 72<sup>nd</sup> Street following action supporting such a bike lane on West 72<sup>nd</sup> Street by Community Board 7.
- A member noted the prevalence of defective benches that are peeling, and the need for improved cleaning of benches.

There being no further business, the meeting was adjourned 8:50PM.

Respectfully submitted, Charles Warren & Craig Lader, Co-Chairs