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**The City of New York
Community Board 8 Manhattan
Zoning and Development Committee
Tuesday, January 26, 2021 - 6:30 PM
*This meeting was conducted remotely via Zoom***

Minutes:

Present: Elizabeth Ashby, Co-Chair; Anthony Cohn, Co-Chair; Gayle Baron; Michele Birnbaum; Alida Camp; Barbara Chocky; Felice Farber; Ed Hartzog; Craig Lader; May Malik; Valerie Mason; Jane Parshall; Rita Popper; Elizabeth Rose; Barry Schneider; Tricia Shimamura; Marco Tamayo; Adam Wald; Elaine Walsh; Shari Weiner

The meeting was called to order at 6:30 p.m. by new Zoning & Development Committee Co-Chair Anthony Cohn who recognized Elaine Walsh, recently removed committee co-chair who had expressed a wish to speak at the outset of the meeting. She graciously spoke to her continued commitment to preserving and protecting our neighborhood zoning although she will not be co-chair moving forward. The current co-chairs, Mr. Cohn and Ms. Ashby, then both expressed their appreciation and admiration for Dr. Walsh, and her long, determined and successful service to the Committee, the Community Board, and the community at large. Throughout the meeting, speaker after speaker echoed the co-chairs' comments, and expressed their dismay at Dr. Walsh's removal as co-chair of the committee. Attendance throughout the meeting hovered around 125 participants. Among them were representatives from the offices of Assemblyperson Rebecca Seawright, Councilman Keith Powers, and Manhattan Borough President Gale Brewer.

1. New York Blood Center – Update and Discussion

Co-chair Elizabeth Ashby announced that both the New York Blood Center and Northwell Lenox Hill declined to appear at the meeting: the former on account of having to work on the scoping documents, and the latter due to COVID issues. Co-chair Ashby introduced the first agenda item: the New York Blood Center proposal to rezone the site to allow the construction of a 16-story 334-foot-tall building mid-block which is currently zoned R8B residential use where the height limit is 75 feet.

She indicated that the Blood Center had once again declined the invitation to attend stating that review of the scoping questions generated last month took precedence over meeting with the Committee. Co-chair Anthony Cohn described the project status as we know it. The scoping hearing and question period ended on December 31, and there appears to be no fixed statutory limit on the elapsed time between the question closing and the final scope document, upon which the project DEIS (Draft Environmental Impact Statement) will be based.

Several members of the public spoke:

1. Rachel Levy from Friends of the Upper East Side Historic Districts once again expressed her opposition to the NYBC project, and added an important detail relating to the type of research to be performed in the commercial laboratories. This underlines the risk inherent in large commercial laboratories in a residential neighborhood. The labs will be designed to a BSL-3A standard, which is defined by the CDC:
 - a. From: *Biosafety in Microbiological and Biomedical Laboratories*, (HHS Publication No. (CDC) 21-1112 Revised December 2009, p 38). “Biosafety Level 3 is applicable to clinical, diagnostic, teaching, research, or production facilities where work is performed with indigenous or exotic agents that may cause serious or potentially lethal disease through the inhalation route of exposure. Laboratory personnel must receive specific training in handling pathogenic and potentially lethal agents, and must be supervised by scientists competent in handling infectious agents and associated procedures.”
The full publication is available here:
<https://web.archive.org/web/20160409233223/http://www.cdc.gov/biosafety/publications/bmbl5/BMBL.pdf>
 - b. Ms. Levy also noted that with this change commercial laboratories could be built in C2 districts throughout the city, which increases the potential for this to be more than a one-off project, as the applicants have suggested.
2. Bill Angelos, Board President at 301 E 66th Street, spoke on the apparent silence and acquiescence of the Friends of St. Catherine’s Park, who have apparently not voiced an objection to the much increased shadows that will be cast on the park.
3. Evan (no last name, but using Sam Longair’s zoom account) clarified the definition of a BSL-3 lab by contrasting its pathogens (like HIV or COVID-19) to those typically found in a BSL-4 lab, like Ebola.
4. Board Member Marco Tamayo stressed the possibility of use groups and uses utterly incompatible with residential neighborhoods coming onto the site should the laboratory project fail to be profitable. These uses belong on major commercial streets, not in the midblock of a residential neighborhood. As a follow-up comment, he expressed support for the NYBC, but continued opposition to the commercial portion of the project.
5. Board Member Shari Weiner brought up the recent news that Rockefeller University is creating what looks to be a similar facility (although much smaller) on its campus just a stone’s throw away.
6. Board Member Alida Camp suggested/proposed letters from the Committee to the City requesting an accounting (location, size) of the BSL labs in New York, and one to the applicant requesting a full description of the labs proposed for the NYBC site. Ms. Camp also described in greater detail the comments and questions contained in the CB8 response to the draft scoping document.
7. Board Member Rita Popper exhorted the neighborhood groups to organize and begin legal opposition to the NYBC. She illustrated the need through previous examples of successful community activism.
8. Board Member Ed Hartzog emphasized the lack of disclosure and transparency in the City’s dealings with Land Use, and the relative impotence of Community Boards in their “advisory” role.
9. Board Member Michelle Birnbaum echoed the concerns over the unintended use consequences of a midblock rezoning, and the dangerous precedent set by partial dismantling of an R8B zone. At a follow up comment, Ms. Birnbaum suggested that the

Committee invite the Friends of St. Catherine's Park to its next meeting, which the co-chairs agreed was a good idea.

10. Jennifer Ratner, a member of the public, spoke in favor of the NYBC, while regretting their absence at the meeting. She described the poor condition of the building and expressed her wish that the Community Board work with the NYBC to help them get a new facility.
11. Kathy (no last name offered), a member of the public, reiterated opposition to the commercial aspects of the proposal, suggesting that if the NYBC needed money to build the project, they could find other sources.
12. Board Member Elaine Walsh summarized the arguments against the zoning change, focusing on the alternative sites. She also criticized the NYBC's failure to appear, and why the underlying financial arrangements are important, although irrelevant.
13. Marty Bell, a member of the community, spoke briefly to the finances and general feasibility of the project. Speaking to the current funds of the NYBC, Mr. Bell cited information indicating the NYBC's robust health, and reminded the Committee that it is not tasked with figuring out how an applicant finances its project, just with its appropriateness as regards zoning.

2. Northwell/Lenox Hill Hospital – Update and Discussion

The Northwell/Lenox Hill Hospital Expansion proposal was the second agenda item. Anthony Cohn summarized the current project status, as was known at the time of the meeting: the Borough President's Task Force concluded their meetings with a series of presentations by community opponents and their consultants. Since that meeting in October, seemingly no further materials from the applicant have been forthcoming, and they have declined to meet with the CB8M Zoning and Development Committee. Their city application process appears to be behind the NYBC, but the project timeline is not clear.

1. Linda Cornelius, a member of the public, the East 77th St. Block Association, Board Member of 205 East 77th Street and the Borough President's Task Force, remarked that most of the attention of the community has been on the Lenox Hill Hospital campus between Park and Lexington, while the Third Avenue project has apparently moved ahead without comment or discussion. We know that Northwell plans for an ambulatory Care Facility built as-of-right, 12-14 stories tall, about 200,000 SF, with no parking and retail on the ground floor. Construction is supposed to begin toward the end of 2021, and be completed in 2024. Northwell has agreed to meet with the community to discuss. Among the questions are: what is the timing, appearance, layout of the building? Also, what are the environmental impacts of three years of construction in a residential neighborhood? Will the retail space become another empty storefront given the neighborhood trends?
2. Committee Co-Chairs Anthony Cohn and Elizabeth Ashby commented on Northwell's lack of transparency, unwillingness to engage with the community, and arrogance in believing they can stonewall to their preferred solution. It may be appropriate legally to have no parking in this facility (nor, indeed at the Park/Lexington site), but ambulatory care facilities without internal parking have drop off and pick up demands that will tax an already stressed traffic pattern. Furthermore, the Third Avenue block front is a bus lane.
3. Jordan Wouk, a member of the public, cited traffic issues based on his ambulatory care experiences at the E 74th street MSK facility.
4. Betty Cooper Wallerstein and Evelyn Finster, both members of the Community, seconded the outrageous lack of transparency, and suggested that the elected officials

have to act to protect the community. Ms Wallerstein also suggested that an apparent difference of opinion within the Community Board as to the merits of this plan allows the applicant to speak with only those Board Members who agree with them and support this expansion.

5. Board Members Gayle Baron, Ed Hartzog, Valerie Mason, and Alida Camp all spoke to the disingenuous, arrogant and dismissive attitude of the Northwell/Lenox Hill representatives. Ms. Mason highlighted their lack of neighborliness, and Ms. Camp noted their PR ploy of describing the building as being a 15-story structure, when in fact that does not take into account the extraordinary height of each patient floor nor does it include the huge mechanical floors required to heat, cool and service the 450 foot tall tower.
6. Board Member Elaine Walsh reminded the meeting that Northwell promised they would return to the committee after the conclusion of the BP Task Force in October, but have refused to appear since then. It took ten months, according to Dr. Walsh, for the applicants to appear the first time: their explanation this month was that they were all too busy fighting COVID. Northwell responded to every question and criticism with a recitation of their program demands, while ignoring the underlying zoning issue. The applicants believe they have a right to bend the law to their will. The precedent that will be set by this project (and the NYBC) will have an effect throughout the city. Its impact will make zoning itself irrelevant.
7. Board Member Rita Popper used the example of community driven, anecdotal parking studies to emphasize the importance of engagement and of not trusting expert testimony generated by the applicant.
8. Board Member Marco Tamayo reiterated that no one is against the hospital or the NYBC, but in favor of reasonable development.
9. Board Member Michelle Birnbaum suggested that input as-of-right development ought to be part of the Community Board's role in development oversight. She also lamented the absence of parking requirements for certain size buildings, and linked that absence to a utopian vision of a city without cars.
10. Board Member Billy Freeland spoke briefly on both projects, describing them as "zoning for dollars". This process, obtaining a zoning change so that the applicant can reap a profit constitutes a city subsidy – corporate welfare. These Upper East Side issues are, in fact issues for the entire city.

3. Old Business

Co-chair Anthony Cohn brought up two new/old business items. There appear to be several issues related to zoning that have arisen from Goddard Riverside's Safe Haven project proposed for East 91st Street. These will be taken up at the next Z&D meeting. Speaker of the City Council Corey Johnson has proposed a comprehensive development plan for the City. More of a legislative framework and timeline than a list of specific actions, it was released in mid-December, with a season-appropriate lack of fanfare. Mr. Cohn urged the attendees to read the proposal, as it will be a topic at future meetings. The full proposal can be found at: <http://council.nyc.gov/wp-content/uploads/2020/12/Planning-Together-Final-Report-December-16-2020.pdf>

4. New Business - NONE

Elizabeth Ashby and Anthony Cohn, Co-Chairs