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**The City of New York
Community Board 8 Manhattan
Transportation Committee**
Wednesday March 2, 2022, 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: Lori Bores, Michele Birnbaum, Lorraine Brown, Alida Camp, Rebecca Dangoor, Billy Freeland, Paul Krikler, Craig Lader, Rebecca Lamorte, Valerie Mason, Sharon Pope-Marshall, Rita Popper, Barry Schneider, Russell Squire, Cos Spagnoletti, Charles Warren, Peter Borock (public member)

Absent (Excused): None

Resolutions for Approval:

Item 1 – Revocable Consent for a Sidewalk Planted Area with Lighting at 109 East 79th Street

The meeting was called to order at 6:32 PM.

Item 1: PUBLIC HEARING: 109 East 79th Street – Application for a new revocable consent to construct, maintain and use a new sidewalk planted area with lighting

Les Schmerzler, applicant of record, Dean Hartofilis, Project Manager at Domani Consulting, and Matt Jarrett, Landscape Architect at Rees Roberts and Partners, presented a request for a revocable consent to construct, maintain and use a new sidewalk planted area with lighting in front of 109 East 79th Street.

Mr. Schmerzler indicated that the planters are decorative containers that were designed in accordance with NYCDOT street design manual, and meets all required guidelines for sidewalk clearances. Mr. Jarrett showed renderings of the design, featuring pleached carpinus trees in the front of the building, along with 2 planters that are 6 feet in depth extending beyond the building line (one is 11' 10" wide, the other is 17' 1" wide), created by a granite curb that are planted into the ground and thus contains any drainage and run-off. Further east along the façade there is boxwood planting with evergreen shrubbery, which is also 6 feet in depth extending beyond the building line and 24' 9.5" wide. These planters provide 16' 6" in clearance to the curb, and 11' 6" clearance in sections where there are existing tree pits along the curbside. The placement of the planters are not symmetrical due to the locations of the main building entrance and a separate service entrance that dictated the locations; additionally, the location of the eastern-most planter was decided upon to provide as much clearance as possible from the Siamese fire connection required by FDNY; one member objected to the evergreen shrubbery planter as gratuitous.

Along the sidewalk, there will be one existing tree that will remain in place, and two new trees that were removed for construction that will be replaced; both NYC Parks and NYCDOT have approved the replacement tree. There were a few comments lamenting that the trees selected were not native trees.

The 2 planters adjacent to the main building entrance will contain soft lighting to silhouette the trees; a timer will be used to control illumination. There were questions regarding the timing and brightness levels of the lighting,

which the applicant will provide to CB8 in advance of the Full Board vote; it was emphasized that subtlety was preferred to prevent it from being distracting to neighbors.

NOTE: In a follow-up email sent to the Board Office in response to some of the questions posed by the Committee, Mr. Schmerzler provided the following information:

- *The lights are connected to the programmable lobby dimming device equipped with an astronomic time clock, and as per the energy code will occur automatically shut off after 12 Midnight; the lights can also be controlled manually.*
- *There are a total of 6 planter lights – 3 in each planter on either side of the main entry. The light source is a single LED MR16 bulb with an output of 435 lumens, which is equivalent to a 50w halogen bulb.*
- *The light source is directional with all light to be aimed at the building and trees.*
- *Compared to the prior condition, the proposed planters actually decrease the degree of encroachment and increase the effective walking path width.*

The following resolution was then put forward by CB8:

WHEREAS; a revocable consent is requested by 109 East 79th Street to, maintain and use a new sidewalk planted area with lighting; and

WHEREAS; each planter would extend 6 feet from the building line, providing 11’ 6” of clearance where tree pits are present and 16 feet of clearance to the curb; and

WHEREAS; two planters with pleached carpinus trees will be placed on both sides of the building entrance, with one being 11’ 10” wide and the other is 17’ 1” wide; and

WHEREAS; soft lighting will be installed to illuminate the pleached carpinus trees; and

WHEREAS; a boxwood planting with evergreen shrubbery will be placed on eastern end of the building with a width of 24’ 9.5”; and

WHEREAS; the location of the eastern-most planter was decided upon to provide as much clearance as possible from the Siamese fire connection required by FDNY; and

WHEREAS; one existing tree that will remain in place, and two new trees that were removed for construction that will be replaced; and

WHEREAS; NYCDOT has approved the plans for the requested revocable consent, and both NYCDOT and NYC Parks have approved the plan to replace the trees;

THEREFORE BE IT RESOLVED, that Community Board 8 approves, as presented, the request by 109 East 79th Street for a revocable consent to construct, maintain and use a new sidewalk planted area with lighting.

Yes (9+1): Bores, Brown, Lader, Mason, Pope-Marshall, Popper, Schneider, Spagnoletti, Warren, Borock (public member)

No (3): Birnbaum, Camp, Krikler

Abstain (0): None

Item 2: Discussion of redesigning Third Avenue in CB8 for enhanced safety and usability

In December 2021, during a Transportation Committee discussion of potential future protected bike lane corridors, some members suggested 3rd Avenue be looked into, noting that discussions were underway further

south within Community District 6 to implement a complete street approach that would provide more space for cyclists, pedestrians and bikes. CB8 Member Paul Krikler, who is one of the leaders of the efforts to re-envision 3rd Avenue between 24th and 42nd Streets, provided some further background. He noted that that the genesis of his work was that 3rd Avenue was a very intimidating, unwelcoming and unsafe street for pedestrians and cyclists. He then introduced his colleague Barak Friedman, who presented their work to gauge interest in whether such a vision may be of interest within Community District 8.

Mr. Friedman presented a 3rd Avenue Complete Street Boulevard proposal, which he described as a grass roots campaign. He began by describing existing conditions, explaining how 3rd Avenue has 7 vehicular lanes (5 moving lanes + 2 parking lanes), while sidewalks are comparatively narrow and also impacted by impediments such as tree pits, outdoor cafes and scaffoldings further restrict pedestrian space. He suggested that this street design results in a loud, polluted and dangerous roadway that adversely impacts residential neighborhoods, while noting that the majority of households in Manhattan do not own or have access to cars. He highlighted the fact that the M101/102/103 bus routes average barely over 4 MPH along 3rd Avenue, which is barely faster than typical walking speeds, and contrasted it with the Madison Avenue bus lanes that allow for faster bus travel times and a space for emergency vehicles to use if the general traffic lanes were congested. He spotlighted Crashmapper data, which showed the high incidence of crashes resulting in injuries and deaths to pedestrians, cyclists and motorists along 3rd Avenue, and noted the recent fatalities within Community District 8 as recently as January 2022.

Mr. Friedman highlighted a graphic taken from a proposal designed by the consulting firm WXY that was published on the website “Curbed” in November 2021 that depicted a reimagined the intersection of 33rd Street and 3rd Avenue that prioritized uses other than vehicular traffic by removing some travel lanes to allow for widened sidewalks with more trees and benches, a protected “cycle path” more protected from vehicular traffic than a typical bike lane, a dedicated bus lane, delivery zones, and widened crosswalks to make crossing the street safer for pedestrians. He suggested that 3rd Avenue in Community District 8 has the opportunity to benefit from such improvements, which can contribute to a more livable community, and that a 3rd Avenue Complete Street Design would be safer for all users and result in reduced emissions and noise pollution. In response to questions regarding how congestion would be impacted by the reduction of traffic lanes, he noted the concept of “induced demand”, and Mr. Krikler noted the related concept of “reduced demand” that holds true when lanes are eliminated, such as when the 14th Street Busway was introduced, where congestion that is feared doesn’t ensue.

Mr. Friedman also noted that Community Board 6 passed resolution in support of Complete Streets on 3rd Avenue between 26th and 32nd Streets, and has been working with Sam Schwartz Engineering, which did a separate study looking at many of the same concepts as what Mr. Friedman described. CB6, Mr. Friedman and Mr. Krikler have held meetings and walk-throughs with NYCDOT and elected officials, and they await a formal proposal from NYCDOT.

The ensuing discussion featured a wide range of opinions on the complete street concept presented. Among members of the public both representing residents of CB8 and people who visit or pass through the district, most were very enthusiastic and supportive of the proposal; these speakers tended to focus on the importance of improving safety for cyclists and pedestrians, speeding up buses, and their belief that street design should discourage vehicular traffic and prioritize uses that represent the manner in which the majority of people use the street. This view was also shared by some members of CB8. Other members of CB8, along with some public members, expressed strong opposition to the concept, mostly due to concerns regarding how removing traffic lanes could worsen congestion and interrupt commerce, questioning how the loss of parking would impact businesses and deliveries, and concerns that a “cycle path” would create more conflicts between pedestrians and bikes.

No action was taken regarding the 3rd Avenue Complete Street Boulevard proposal, as it was viewed as premature to further consider at this time. Since this was a vision rather than a formal plan being presented, there was some support from members to revisiting the discussion at a later date through the lens of discussing a potential need for NYCDOT to perform a formal study of 3rd Avenue in Community District 8. Such a study could include looking at safety, congestion, bus and bike lane opportunities and other design elements that could inform

whether an approach such as the 3rd Avenue Complete Street Boulevard proposal or an alternative plan would produce the outcomes with the most community benefits.

Item 3: Continuing discussion regarding how to support restaurants that wish to participate in the NYCDOT Open Restaurants Program, but are unable to due to conflicts with other uses or parking regulations

This item is a follow-up to a discussion held in January 2022, when the Full Board overruled the Transportation Committee's approval to change parking regulations in front of Amali Restaurant at 115 East 60th Street to provide an opportunity for it to participate in the permanent NYCDOT Open Restaurants Program. Following that discussion, numerous members sought to further discuss how CB8 can help support restaurants, such as Amali, where other street or sidewalk uses are unable to be modified to accommodate outdoor dining.

One of the Co-Chairs explained that NYCDOT is in the process of developing the policies that will eventually be presented to Community Boards, and thus are not ready to discuss the issue; it has been emphasized to NYCDOT that we wish to have them present to discuss the permanent Open Restaurants Program proposal as soon as possible, and they have committed to doing so. Additionally, the associated zoning text amendment proposal to remove outdoor dining restrictions from the zoning code was passed by the City Council in February.

Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to CB8, indicated that NYCDOT is looking at every aspect of the Open Restaurants Program, and that there will be many changes when compared to the emergency program implemented near the start of the Covid-19 pandemic. She advised that examples of changes to outdoor dining area along the curbside and on sidewalks that were depicted in associated zoning text public outreach presentations to Community Boards during were not entirely finalized, and didn't have any details to share regarding specific changes that ultimately be presented. She also emphasized that there NYCDOT enforcement of non-compliant Open Restaurant structures and spaces under the current program is continuing, and that delays in addressing non-compliant structures is due to there being so many inspections being made daily.

In regards to how to address the needs of specific restaurants that may face conflicts and barriers to participating in the permanent Open Restaurant Program, opinions ranged from promoting flexibility and making accommodations whenever possible, to more rigid approaches where no accommodations would be entertained. One specific remedy that generated some support was in regards to when Citi Bike docking stations were the barrier, and the possibility of moving such stations to nearby locations. Citi Bike stations were designed so as not to be permanent fixtures, and have been moved in other situations based on constituent feedback. Ms. Chattergoon noted that there is a formal process in place to move Citi Bike Stations, and that it would likely be unrealistic to move all stations that may interfere with Open Restaurants due to a lack of suitable relocation opportunities, and also that it was made clear when the emergency program went into effect that stations would not be relocated due to an open restaurant request. Based on the discussion, it appeared that any longer-term discussions between CB8 and NYCDOT regarding potential relocations of Citi Bike when the permanent program takes effect will occur a case by case basis.

It was suggested by a member that the Board Office should reach out to Amali restaurant and work to involve its owner in future discussions since this topic was heard in response to the issue specifically affecting their future operations.

Item 4: Continuing discussion of the criteria that CB8 should consider for future request for "No Parking" or "No Standing" signage in front of building entrances

Following up on discussions held in December 2021 and January 2022 in regards to parking regulations in front of 205 East 92nd Street, the Committee continued to discuss how to address future requests to change parking regulations in front of residential buildings to keep the curbside clear. In the past, the board had a general policy of not granting such requests, but is now expressing some willingness to be more open to such requests in certain situations. The members of the public who spoke supported flexibility, with one noting that there are situations such as by 158 East 92nd Street where a no parking zones are being used inappropriately as a loading zone for the

92nd Street Y and not for its intended use (an issue that CB8 tried to address in 2009 by rejecting a request to provide a trash bin at this location). CB8's District Manager indicated that there are ongoing discussions involving elected officials and the 92nd Street Y to address the issue.

In general, the majority of members of the Committee who spoke also supported a case-by-case approach rather than a rigid set of criteria, and that any request be addressed with "No Standing" rather than "No Parking". One member suggested rather than specific criteria that a framework for assessing requests be developed that includes factors such as the size of the building, unique features of the street, demand for the request, and other parking availability on the block. Going forward, it appears likely that the Committee will give attention to the specifics of any request being made, and look at some of the criteria that was used to assess the 205 East 92nd Street situation that resulted in a solution that ultimately generated widespread support.

Item 5: NYCDOT Updates

Ms. Chattergoon did not have any specific updates to report; she did indicate she would pass on the request. In response to a question regarding the status of the request to add a stop sign and improve crosswalks at the intersection of 78th Street and Cherokee Place, she indicated that the matter was assigned within NYCDOT. In regards to a question on the status of the conversion of the South Outer Roadway of the Queensboro Bridge to a pedestrian path, the project has always been projected to be completed after the upper roadway deck is fully replaced, which is now expected to be completed at the end of 2023, which means the pedestrian path is scheduled for 2024.

Item 6: Old Business

A member asked the status of the request for the speed bump study requested for 92nd Street between 2nd and 3rd Avenues. Ms. Chattergoon noted that such requests take a while to complete, as it requires certain conditions and specific times when traffic counts can be conducted as part of the study.

Item 7: New Business

One member described an enforcement issue regarding the 79th Street Bus Lane, as a mobile Covid testing van has been parking in the bus lane illegally, and the 19th Precinct has not taken action. A member explained a similar situation on 3rd Avenue just south of 86th Street at the bus stop.

There being no further business, the meeting was adjourned at 9:55PM.

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