

Russell Squire
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan
Full Board Meeting
PUBLIC HEARING
Wednesday, December 14, 2022 - 6:30 PM
Conducted Remotely via Zoom**

MINUTES:

Community Board Members Present: Mohit Agrawal, Bill Angelos, Vanessa Aronson, Elizabeth Ashby, P. Gayle Baron, Michele Birnbaum, Lori Bores, Taina Borrero, Loraine Brown, Alida Camp, Sarah Chu, Anthony Cohn, Saundrea I. Coleman, Lindsey Cormack, Rebecca Dangoor, Felice Farber, Edward Hartzog, David P. Helpert, Sahar Husain, Paul Krikler, Craig Lader, Addeson Lehv, Valerie Mason, John McClement, Evan Meyerson, Gregory Morris, Jane Parshall, Rita Popper, Margaret Price, Barbara Rudder, Abraham Salcedo, William Sanchez, Judy Schneider, Rami Sigal, Cos Spagnoletti, Russell Squire, Anju Suresh, Marco Tamayo, Carolina Tejo, Adam Wald, Chuck Warren, and Sharon Weiner

Community Board Members Absent: Bill Freeland (Excused), Wilma Johnson (Excused), John Philips, Sharon Pope Marshall (Excused), Lynne-Strong-Shinozaki (Excused)

Total Attendance: 44

Chairman Russell Squire called the meeting to order at 6:30 PM.

1. Public Session

- Evelyn David spoke about parking and in opposition to congestion pricing.
- Liz Daly representing the Frick Collection spoke about special exhibitions that the collection is exhibiting.
- Rachel Tretter spoke on behalf of the Nara Roesler Gallery in support of the Park Avenue Sculpture.
- Phyllis Weisberg representing 10 East 70th Street spoke in favor of the 828 Madison No Parking resolution.
- Milton Strom representing 10 East 70th Street spoke in favor of the 828 Madison No Parking Resolution.
- Matt Bauer representing the Madison Avenue Business Improvement District spoke on their latest updates.
- Emil Kleinhaus spoke in opposition of the 5G towers.
- Chelsea Formica representing Joe Formica spoke in opposition of the 5G towers.
- Sue Moss spoke in opposition of the 5G towers.
- Elizabeth Fox spoke in opposition to the 5G kiosks.
- James Bronstein representing the board of 15 East 91st Street spoke in opposition to the 5G kiosks.
- Yvette Pomeranz spoke in opposition to the Link NYC kiosks.
- Ellen Osuna spoke in support of the moratorium on the 5G poles.
- Julie Mardin spoke in favor of the transportation committee resolution on the 5G Link NYC kiosks.
- Ira Zecher representing 1050 Fifth Avenue spoke in opposition to proposed 5G Link NYC kiosks on the east side of Fifth Avenue.
- Andrew Fine spoke in opposition to the 5G towers and Intro-0632.
- Odette Wilkens representing Wired Broadband, Inc. spoke in favor of the moratorium on 5G monopoles.

- Lo van der Valk representing Carnegie Hill Neighbors spoke in opposition to 5G towers.
- Alida Camp, member of CB8, spoke about concerns of the two-way bike lane on Fifth Avenue.

2. **Adoption of the Agenda** – Agenda Adopted

3. **Adoption of the Minutes** – Minutes Adopted

4. **Borough President's Report**

Manhattan Borough President Mark Levine reported on his latest initiatives.

5. **Elected Officials' Reports**

- Council Member Julie Menin
- Council Member Keith Powers
- State Senator Liz Krueger
- State Senator Jose Serrano
- State Assembly Member Rebecca Seawright
- Manhattan DA Alvin Bragg

6. **Chair's Report – Russell Squire**

Chair Russell Squire gave his report.

7. **District Manager's Report – Will Brightbill**

District Manager Will Brightbill gave his report

8. **Committee Reports and Action Items**

A. Transportation Committee- Craig Lader and Charles Warren, Co-Chairs

TR-1: Item 1 –Approval

TR-2: Item 2 – Approval

TR-3: Item 3 – Approval

Item 1: Disapproval of new Link5G Kiosks within CB8

WHEREAS; New York City, through its Office of Technology and Innovation (OTI), has contracted with CityBridge to install and operate a citywide wireless communications network; and,

WHEREAS; CityBridge installed its LinkNYC network as the initial deployment of the citywide wireless communications network intended to replace outdated public pay phones; and

WHEREAS; LinkNYC provided free wireless internet connectivity using towers placed on sidewalks throughout NYC, many of which include electronic display screens; and

WHEREAS; Community Board 8 and constituents of its district have reported adverse impacts resulting from existing LinkNYC infrastructure, including visual impacts, inappropriate usage, impacts on sidewalk clearances, and rat infestation; and

WHEREAS; CityBridge is now in the process of upgrading its LinkNYC network to Link5G to accommodate technological upgrades that have recently become commonplace in cellular communications; and

WHEREAS; Link5G infrastructure is a 32' tall tower that is installed on sidewalks in the public right-of-way; and

WHEREAS; Link5G towers in commercial districts include electronic screens similar to those found on LinkNYC kiosks that display advertising and public information; and

WHEREAS; the design of the Link5G towers has been approved by the Public Design Commission;

WHEREAS; Link5G must adhere to siting requirements determined by NYC Department of City Planning, and must obtain Landmarks Preservation Commission approval if sited in historic districts; and

WHEREAS; CityBridge and OTI have proposed 18 sites across Community District 8;

WHEREAS; CityBridge and OTI have stated that the siting of proposed Link5G towers in Community District 8 are based on gaps in coverage and locations where excess demand for the network exists as determined by commercial cellular carriers; and

WHEREAS; 15 of the 18 sites proposed are in or near either the Upper East Side Historic District or the Carnegie Hill Historic District, where renowned architecture and iconic streetscapes would be interfered with if Link5G structures were installed; and

WHEREAS; locations proposed along Madison Avenue would be in conflict with strict guidelines for illuminated storefronts and signage, and would be in conflict with the Special Madison Avenue Preservation District's design standards that specifically prohibit illuminated advertising; and

WHEREAS; residents of Community District 8 have strongly objected to the design and the visual impacts that Link5G towers would have on streetscapes, both with and without screens; and

WHEREAS; there are widespread concerns that 5G towers will be constructed at distances considered too close to adjacent buildings, as has already occurred in front of 520 East 90th Street, and

WHEREAS; 10' of distance from a tower to a residence that is permitted is extremely insufficient and should be revisited as a policy; and

WHEREAS; Neither CityBridge nor the cellular network providers that Link5G service is intended to supplement have provided any evidence that dropped calls and limited capacity are present at the proposed Link5G locations;

WHEREAS; the proposed sites for Link5G don't include any locations in areas known to be potential digital deserts within Community District 8; and

WHEREAS; OTI and CityBridge have not provided detailed plans regarding the full build-out of Link5G, both within Community District 8 and in areas north of 96th Street and in the outer Boroughs; and

WHEREAS; there is a desire for any telecommunications infrastructure to be buried underground both for reliability purposes and to minimize visual impacts; and

WHEREAS; there have been questions raised by some residents as to whether sufficient research has been performed to fully assuage concerns that the radiation emitted by 5G infrastructure won't have any long-term impacts on public health or the environment, including young children, seniors, people with medical implant devices, pets, plants, and parks;

WHEREAS; the community-at-large has expressed their views that Link5G is unnecessary and unwanted in Community District 8 at present and until many of the issues identified have been resolved;

WHEREAS; New York City is in control of this process through its contract with the provider;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan **disapproves** the proposal as presented to install Link 5G towers in Community District 8; and

BE IT FURTHER RESOLVED, that a moratorium be placed on construction and planning of Link5G poles and devices in Community District 8 Manhattan.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 40 in favor, 2 opposed, 0 abstentions and 0 not voting for cause.

Item 2: No Parking Zone Change Request for 828 Madison Avenue

WHEREAS; a request has been made by Maxime's at the Westbury Hotel, located at 828-850 Madison Avenue, to change 80' of curbside parking regulations on the west side of Madison Ave. between 69th Street and 70th Street from 2-hour Metered Parking to No Parking Anytime; and

WHEREAS; the parking request change was the result of extensive discussions between Maxime's and other nearby stakeholders, including the Co-Op at 10 East 70th Street and the East 70th Street Block Association; and

WHEREAS; nearby residents have expressed concerns about congestion and double parking that would be exacerbated without these proposed changes from being made; and

WHEREAS; the proposed change in parking regulations will encourage deliveries, trash collection, arrival and departure of patrons, and other activities related to Maxime's operations to occur on Madison Avenue in the No Parking Zone rather than on the more narrow East 70th Street;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan approves the request by Maxime's to change 80' of curbside parking regulations on Madison Avenue in front of their business from 2-hour metered parking to No Parking Anytime, and requests that New York City Department of Transportation install the requested signage.

Item 3: Ambulette Only Parking Change request for 993 Park Avenue

WHEREAS; a request has been made to change parking regulation in front of the medical office of Dr. Karan Johar, located at 993 Park Avenue, from general parking to Ambulette Parking only from 7AM to 7PM seven days a week; and

WHEREAS; the ambulette parking would encompass one parking space immediately in front of the front entrance to the medical office; and

WHEREAS; the request for one space of ambulette parking would benefit patients at a Class C anesthesia facility, which is the highest level of anesthesia administration and is required for certain types of spinal surgeries performed at this medical practice; and

WHEREAS; the specialization of this medical facility and type of anesthesia administered that requires patients to be accompanied by a chaperone to be discharged justifies the request for ambulette parking;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan approves the request to change parking regulations for one space in front of the medical office at 993 Park Avenue from general parking to Ambulette Parking Only from 7AM to 7PM, including Sundays.

Community Board 8 Manhattan approved this resolution by a vote of 24 in favor, 18 opposed, 0 abstentions and 0 not voting for cause.

B. Congestion Pricing Task Force- Alida Camp and Craig Lader Co-Chairs

CP-1: Item 1 –Approval

Item 1: Identification of policy recommendations to City and State Agencies Regarding Parking Issues pertaining to Congestion Pricing

WHEREAS; New York State established a Central Business District Tolling Program, enacted into law in the FY 2020 New York State Budget; and

WHEREAS; the Congestion Pricing Environmental Assessment acknowledges that there may be some increase in parking demands immediately north of the toll zone boundary; and

WHEREAS; residents of Community District 8 have concerns that parking demand will increase near subways and in other areas within Community District 8, particularly near express subway stops; and

WHEREAS; the Congestion Pricing Environmental Assessment further found that increases in parking demand Community District 8 would be accommodated by existing off-street parking, and through upward adjustments to parking garage fees if capacity constraints were to occur; and

WHEREAS; there has been a recent reduction in the number of garage parking spaces in Community District 8, in the lower East 60s, due to facilities being sold, torn down, or being converted to other uses; and

WHEREAS; the Congestion Pricing Environmental Assessment noted that it was unlikely that new garages would be built north of 60th Street due to a lack of available sites, a decades long trend toward lower parking demand, and zoning that doesn't require most developments north of 60th Street to include off-street parking; and

WHEREAS; residents of Community District 8 have expressed concern that there will be an influx of new vehicles entering and looking for parking in Community District 8 to avoid paying the toll; and

WHEREAS; there are existing parking facilities with one-way entrances and exits that would make it impossible to avoid crossing the toll zone boundary;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan supports the following policies to address issues related to parking that will result from implementation of congestion pricing:

1. The MTA and/or NYCDOT should annually measure and report to CB8 the number of street and garage spots, the number of vehicles registered to addresses, and the prices of monthly garage spaces on each of the following sets of blocks: 60th to 69th Street, 70th to 79th Streets, 80th to 89th Streets and 90th to 96th Streets;
2. If for any set of blocks monthly garage rates increase by more than the citywide average, or if the ratio of vehicles registered compared to garage spots increases, then the MTA shall present solutions to improve parking availability that do not rely on further increases to monthly garage price rates;
3. The MTA shall present exemptions from the congestion fee for individuals that enter parking garages that have entrances on one side of the toll zone boundary and exit onto the other side of the toll zone boundary.

Community Board 8 Manhattan approved this resolution by a vote of 34 in favor, 9 opposed, 0 abstentions and 0 not voting for cause.

C. Landmarks Committee – David Helpert and Jane Parshall, Co-Chairs

LM-1: Item 1 – Approval

LM-2: Item 2 – Approval

Item 1: **16 East 79th Street (Metropolitan Museum Historic District)** - *Design Primitives LLC* - A Neo Georgian style building designed by Warren & Wetmore and constructed in 1901-03. Application is for window replacement at the front elevation.

WHEREAS 16 East 79th Street is a neo-Georgian style town house designed by Warren & Wetmore and constructed in 1901-1903;

WHEREAS Warren and Wetmore was one of the most successful and prolific architectural practices in America during the first three decades of the twentieth century, whose major commissions included the design for Grand Central Station;

WHEREAS the applicant proposes to change the existing windows at the front elevation to 6 over 6 and 9 over 12 double hung windows made of aluminum clad with wood so that the windows present as neo-Georgian; multipaned windows are more typical of the neo-Georgian style;

WHEREAS at the basement, 3rd and 4th floors, the windows are now double hung; with casement windows on the 1st and 2nd floors;

WHEREAS the historic windows present as casement windows;

WHEREAS the applicant presented a very thoughtful set of window details as part of the applicant's premise that since the house is "neo-Georgian", it needs "neo-Georgian" style windows;

WHEREAS the original casement windows better serve the Warren and Wetmore design for the house;

WHEREAS the introduction of "historical" elements where they have not existed or the dividing up of the windows into small panes goes against the historical nature of the building;

WHEREAS 16 East 79th Street with its original casement windows speak to the "Modern French" antecedents so characteristic of the design and so much of Warren and Wetmore's work;

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

Community Board 8 Manhattan approved this resolution by a vote of 41 in favor, 2 opposed, 0 abstentions and 0 not voting for cause.

Item 2: 5G Link NYC Kiosks in Historic Districts

WHEREAS New York City, through its Office of Technology and Innovation (OTI), has contracted with CityBridge to install and operate a citywide wireless communications network;

WHEREAS the Transportation Committee of Community Board 8 had an extensive hearing with public participation on the benefits and drawbacks of the proposed towers;

WHEREAS the Landmarks Committee of Community Board 8 had a subsequent hearing with public participation on the benefits and drawbacks of the proposed 5G towers;

WHEREAS the towers are to be placed on sidewalks in historic districts;

WHEREAS the towers are 32 feet high and, therefore, out of scale with the buildings in historic districts;

WHEREAS the modernist design of the towers is unrelated to the architectural characters of buildings in historic districts;

WHEREAS the towers can be placed ten feet from an individual landmark building or a building in a historic district, thereby detracting from the presence of the historic structure;

WHEREAS the screens on kiosks or towers conflict with the Special Madison Avenue Preservation District's design guidelines;

WHEREAS 5G transmission cables can be placed fully underground, connect directly to buildings, and have no visual impact on the streetscape;

WHEREAS each 5G Tower proposed for installation within a historic district must first receive a Certificate of Appropriateness from the Landmarks Preservation Commission

WHEREAS 5G towers are not appropriate and contextual in historic districts and should not be approved by the Landmarks Preservation Commission in historic districts;

WHEREAS the Landmarks Committee of Community Board 8 has reviewed the resolution prepared by the Transportation Committee of Community board 8;

WHEREAS the Landmarks Committee of Community Board 8 supports the resolution prepared by the Transportation Committee;

THEREFORE, BE IT RESOLVED that the installation of Link 5G towers in historic districts in Community Board 8 is disapproved;

BE IT FURTHER RESOLVED, that a moratorium be placed on construction and planning of Link5G towers and devices in Community District 8 Manhattan.

Community Board 8 Manhattan approved this resolution by a vote of 42 in favor, 2 opposed, 0 abstentions and 0 not voting for cause.

D. Parks and Waterfront Committee – Felice Farber and Judith Schneider, Co-Chairs

P&W1: Item 1 – Approval

P&W2: Item 2 – Unanimous Approval

Item 1: Temporary Public Art Proposal for the Park Avenue Mall at 68th Street by Raul Mourao

WHEREAS the structure will be monitored by the Americas Society

THEREFORE, BE IT RESOLVED Community Board 8 approves the installation of Raul Mourao sculpture

Community Board 8 Manhattan approved this resolution by a vote of 42 in favor, 1 opposed, 1 abstention and 0 not voting for cause.

Item 2: Million Trees Initiative

WHEREAS, trees help improve the livability of the city by cleaning the air of pollutants, reducing the impacts of climate change, cooling city streets and buildings, absorbing stormwater, serving as habitats for wildlife, adding beauty, and promoting human health and well-being, and;

WHEREAS, the majority of trees on public lands are not protected from being removed and there is no sufficient budget for their long-term care, and no coordinated vision or plan for their management and without these policies in place, our urban forest and its many benefits are at risk, and;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan Supports the five Borough Presidents' goal of planting one million more trees by 2035, with an emphasis on increasing equity in canopy distribution by expanding tree canopy in the most heat vulnerable communities, and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 8 endorses the NYC Urban Forest Agenda and supports the implementation of that agenda including: funding for education of tree stewardship programs and encouraging urban forestry careers and work force.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 44 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

E. Street Life Committee – Abraham Salcedo Chair

SL1: Items 1A-2A - Unanimous Approval

SL2: Item 3 – Approval

Item 1A : 1638 Pizza Corp, 1638 Third Avenue (Between 91st and 92nd Streets) - New Application for Wine, Beer & Cider

WHEREAS this is a New application for a Wine, Beer, and Cider License; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED**, subject to: the stipulations above.

Item 1B: Green 71 LLC, dba Green Kitchen, 1325 Second Avenue (Between 69th and 70th Streets) – New Application and Temporary Retail Permit for Liquor, Wine, Beer & Cider

WHEREAS this is a new application for a Liquor, Wine, Beer, and Cider License; and

WHEREAS no one from the public objected, but a member of the public did express concern about the street seating and that it may interfere with the resident building; and

WHEREAS, the applicant agreed that it would work with the building prior to setting up their street seating to ensure that there would be no disruption to the building; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED**, subject to: The stipulations above

Item 1C: : Limanaki Inc, dba Tinos, 17478 First Avenue (Between 90th and 91st Streets) – New Application and Temporary Retail Permit for Liquor, Wine, Beer, & Cider

WHEREAS this is a new application for a Liquor, Wine, Beer, and Cider License; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED**, subject to: The stipulations above

Item 2A: Tuscan Provisions dba Poppi, 20 East 69th Street (Between Madison and Fifth Avenues) – Class Change Application for Liquor, Wine, Beer & Cider

WHEREAS this is a class change application upgrade to a Liquor, Wine, Beer, and Cider License; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

BE IT RESOLVED that the application is **APPROVED**, subject to: The stipulations above

Community Board 8 Manhattan unanimously approved these resolutions by a vote of 44 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

Item 3: **Cannabis Licensing and Regulations**

WHEREAS Community Board 8 (CB8) is very concerned with the safety of its neighborhood and residents; and

WHEREAS CB8 is very troubled by the rise and prevalence of illegal sales of marijuana and edibles by unlicensed establishments, such as smoke shops; and

WHEREAS CB8 is very concerned by the lack of enforcement to stop this illegal activity; and

WHEREAS CB wants this type of illegal activity to be stopped immediately; therefore

BE IT RESOLVED that CB8 calls on the State of New York and/or New York City to immediately identify and empower an agency to oversee the aforementioned enforcement and shut down establishments operating illegally

Community Board 8 Manhattan approved this resolution by a vote of 40 in favor, 2 opposed, 2 abstentions and 0 not voting for cause.

9. **Old Business** - No items of Old Business were discussed

10. **New Business**

- a. Sharon Weiner informed all present that the Voting Reform Task Force is meeting on January 26th to discuss the proposed New York State Assembly maps.
- b. Valerie Mason informed all present that Betty Cooper Wallerstein has been very ill. If you are interested in more information, you can contact Assembly Member Seawright's office.
- c. Rami Sigal thanked the members of the board and the community for the opportunity to serve as secretary.

11. **Executive Session** – Approval of the hiring of a new Community Associate.

A motion was made to move to Executive Session to discuss hiring a new Community Associate.

The board approved the hiring of Kevin Wu as a Community Associate.

The meeting was adjourned at 9:56 PM

Russell Squire, Chair

