

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, January 18, 2023 - 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, Anthony Cohn, Saundra I. Coleman, Lindsey Cormack, Rebecca Dangoor, Felice Farber, Billy Freeland, Edward Hartzog, David P. Helpern, Sahar Husain, Wilma Johnson, Paul Krikler, Craig Lader, Addeson Lehv, Valerie Mason, John McClement, Evan Meyerson, Gregory Morris, Jane Parshall, John Philips, Rita Popper, Margaret Price, Barbara Rudder, Abraham Salcedo, William Sanchez, Judy Schneider, Rami Sigal, Russell Squire, Anju Suresh, Marco Tamayo, Carolina Tejo, Adam Wald, Chuck Warren, and Sharon Weiner

Community Board Members Absent: Sarah Chu, Sharon Pope Marshall (Excused), Cos Spagnoletti (Excused), Lynne-Strong-Shinozaki (Excused)

Total Attendance: 45

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

1. Swearing in of 2023 Community Board 8 Manhattan Officers

2. **Public Session**

- Kate Madigan representing the Public Theater, informed the public about their upcoming programming.
- Matt Bauer representing the Madison Avenue Business Improvement District spoke on their latest updates.
- Liz Daly representing The Frick Collection provided updates on their exhibitions.
- Lauren Hauptman spoke about the need for sidewalk safety.
- Aliah Molczan spoke about public art.
- Martin Mehler representing Origine LLC spoke in favor of the Street Life Committee resolution relating to their application.
- Jeremy Mustakss representing Jean George spoke in favor of the of the Street Life Committee resolution pertaining to Origine LLC d/b/a/ JoJo.
- Dylan Jeronimo Kennedy spoke in support of street fairs.
- Phil Cogan spoke in opposition to congestion pricing.
- Melanie Gersten representing 160 East 91st Street spoke about the construction at 150 East 91st Street.
- Diane Forgione spoke in opposition to the construction project at 150 East 91st Street.
- Charles Howell spoke in opposition to the construction project at 150 East 91st Street.
- Manny Gordon spoke in opposition to the construction project at 150 East 91st Street.
- Alida Camp, member of CB8, announced that the arts committee will be hosting a crafts show.
- Evelyn David spoke in opposition to congestion pricing.

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

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

5. **Borough President's Report**

Manhattan Borough President Mark Levine reported on his latest initiatives.

6. **Elected Officials' Reports**

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

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

Chair Russell Squire gave his report.

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

District Manager Will Brightbill gave his report

9. Committee Reports and Action Items

A. Street Life Committee – Abraham Salcedo Chair

SL-1: Items 1A, 2B, 2C – Unanimous Approval

SL-2: Item 2A – Approval

SL-3: Item 3A – Unanimous Approval

SL-4: Item 3B - Unanimous Approval

Item 1A: **A Shapiro on Behalf of Entity, 174 East 82nd Street (Between Third and Lexington Avenues)– 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 and to ensure that the establishment is ADA compliant;

Therefore BE IT RESOLVED that the application is APPROVED, subject to the stipulations above

Item 2B: **Comic Strip Promotions Inc dba Comic Strip Live, 1568 Second Avenue (Between 81st and 82nd Streets) – Corporate Change Application for Liquor, Wine, Beer & Cider**

WHEREAS this is a corporate change 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 2C: The Jewish Museum & Fourth on Fifth LLC 1109 Fifth Avenue (Between 92nd and 93rd Streets) - Corporate Change Application for Liquor, Wine, Beer & Cider

WHEREAS this is a corporate change 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

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 2A: Origine LLC dba JoJo, 150 East 64th Street (Between Lexington and Park Avenues) - Corporate Change Application for Liquor, Wine, Beer & Cider

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

WHEREAS there was concern from the public regarding the outdoor dining structure in front of the establishment; and

WHEREAS the applicant has agreed to i) keep all sides of the outdoor dining structure clean from debris and trash, ii) install a gate on the outdoor dining structure prior to the full board meeting on January 18, 2023 when it is not being used by the establishment to prevent unauthorized use, iii) provide a contact phone number for the establishment's general manager or another authorized individual who can address any concerns the neighbors may have; and iv) to look into shutting off the power source to the electrical outlets in the outdoor dining structure; 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 approved this resolution by a vote of 42 in favor, 2 opposed, 0 abstentions and 0 not voting for cause

Item 3A: Community Board Role in Cannabis Licensing Approvals

WHEREAS, the purpose of the MRTA is to promote public health, public safety, and social equity through creating a well-regulated marketplace for the cultivation, production, and retail of recreational cannabis for responsible consumption by those who are 21 years of age or older;

WHEREAS, the OCM has released draft regulations regarding the siting of cannabis retailers and on-site consumption lounges for public comment;

WHEREAS, community boards have long played an important role in the siting of licenses pursuant to the SLA;

WHEREAS, community boards have deep knowledge of their districts that the City and the State do not have;

WHEREAS, community boards are responsive to the needs of their community; and

WHEREAS, community boards can play a vital role in the equitable and safe roll-out of cannabis licenses if properly empowered by the state's regulations.

THEREFORE BE IT RESOLVED that:

(1) Community Board 8 Manhattan calls on the OCM and CCB to include the following in the final regulations that will govern the use and sale of cannabis:

- The OCM shall identify a point person who is responsible for communicating with each community board and who is able to attend meetings when requested;
- CAURD licensees must submit to community board review;
- That a community board shall automatically receive a 30 day extension of time to review an applicant that notifies such community board less than 60 days before filing of an application of licensure with OCM;
- Establish that there be a separate distance based on radius rather than distance along the street within which the siting of licensees shall be denied. Such radius distances may be smaller than the straight-line distance along the street. For example:
 - 119.4 (a)(1) ... or within a 100 foot radius of a building occupied exclusively as a house of worship
 - 119.4 (a)(2) ... or within a 250 foot radius of school grounds
 - 119.4 (a)(3) ... or within a 250 foot radius of a community facility
- That the notification of an applicant to a community board or municipality include information regarding ownership and management of the location, information about other cannabis businesses owned by the same owners in the state, architectural drawings and site plans, and any details regarding traffic, noise, and odor;
- Allow community boards to require applicants to advertise their hearings, such as through flyering and online advertising. Such a requirement shall not be considered an impermissible fee;
- Clarify what types of limitations on signage are allowable by municipalities, and specify that municipalities may prohibit excessive use of green paint/lighting, use of a cannabis leaf, use of the words "cannabis" "marijuana" "weed" "hemp" and similar words, and use of the words THC and CBD in the signage of a retail facility;
- Clarify what types of restrictions may be imposed by municipalities and community boards for licenses seeking to site in a historical district;
- Pursuant to OCM's authority under Section 88 of MRTA, require the licensee to collect certain data over time to be reported to the municipality/community board, such as customer traffic and delivery traffic;
- That stipulations agreed to between the licensee and a community board be incorporated as conditions in the license from OCM;
- Amend the definition of "community facilities" to allow community boards, in addition to the City, to define community facilities in their own districts;
- Require applicants to seek community board review of their exterior signage

- Require applicants as a condition of licensure to engage with the community board in an on-going, good faith manner
- Allow community boards to require a plan for a licensee to safely manage delivery traffic, such as requiring off-sidewalk bike delivery parking locations; and

(2) The OCM and the City must improve their enforcement against unlicensed retailers subject to the stipulations above

Community Board 8 Manhattan unanimously approved this resolution by a vote of 45 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

Item 3B: **Cannabis Establishments Without Licenses**

WHEREAS, the purpose of the Marijuana Regulation and Taxation Act (MRTA) is to promote public health, public safety, and social equity through creating a well-regulated marketplace for the cultivation, production, and retail of recreational cannabis for responsible consumption by those who are 21 years of age or older;

WHEREAS, a number of retail facilities have opened in the district which sell cannabis;

WHEREAS, such facilities operate without licenses or oversight from the OCM;

WHEREAS, the source and safety of the cannabis products sold by these facilities is unknown;

WHEREAS, the time, place, and manner of these facilities is often inappropriate for the district;

WHEREAS, the existence of such facilities undermines the viability of retailers established under the MRTA;

WHEREAS, CB8 passed a resolution in December 2022 stating: “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,” but that such unlicensed retailers have continued to proliferate;

THEREFORE BE IT RESOLVED that the City or the State shall impose significant fines on landlords who enter into leases with cannabis establishments that do not have a provisional, full, or CAURD license from the OCM.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 45 in favor, 0 opposed, 0 abstentions and 0 not voting for cause

B. Transportation Committee- Craig Lader and Charles Warren Co-Chairs

TR-1: Item 2 –Approval

Item 2: Parking Placard Abuse and Enforcement

WHEREAS; parking placard abuse continues to be extremely problematic across Community District 8, especially in certain areas such as near hospitals; and

WHEREAS; continued insufficient funding for parking placard enforcement and limited staffing for traffic enforcement to expand their duties limits the extent to which parking placard enforcement activities can occur; and

WHEREAS; New York City passed a package of laws in 2019 intended to address parking placard abuse and illegal use; and

WHEREAS; the laws passed in 2019 regarding parking placards that are now in effect have yielded little to no public benefits due to insufficient funding and delays in accomplishing mandated actions, including the development of electronic databases that would allow tracking and enforcement activities to be easier to be performed;

WHEREAS; city agencies need to do a better job of implementing legally mandated requirements in regards to parking placard abuse; and

WHEREAS; deployment of electronic tracking systems would enable parking enforcement agents to perform enforcement of parking placard use as part of their daily duties;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan calls on New York City government agencies to put into effect protocols to enforce parking placard laws that already exist using an electronic method of enforcement that is linked to a centralized electronic database of placards that would allow agents to scan a placard and immediately identify whether the placard is legal;

BE IT FURTHER RESOLVED, that Community Board 8 Manhattan requests that parking enforcement agents that write tickets for parking meter violations be empowered and authorized to lead enforcement of illegal use of parking placards and identification of fake placards.

Community Board 8 Manhattan approved this resolution by a vote of 44 in favor, 1 opposed, 0 abstentions and 0 not voting for cause.

C. Congestion Pricing Task Force – Alida Camp and Craig Lader, Co-Chairs

CPTF-1: Item 1 – Approval

CPTF-2: Item 2 – Approval

Item 1: Reexamination and Amendment of FY 2020 New York State Budget related to the Central Business District Tolling Program

WHEREAS; New York State established a Central Business District Tolling Program, enacted into law in the FY2020 New York State Budget; and

WHEREAS; the Central Business District Tolling Program is classified as a NEPA Class III EA action in accordance with 23 Code of Federal Regulations (CFR Section 771.115), and thus required an Environmental Assessment to be prepared to determine if the project be likely to have a significant impact; and

WHEREAS; the Central Business District Tolling Program EA utilized census data to establish existing conditions using pre-pandemic data sets; and

WHEREAS; the federally-recognized Best Practices Model used to establish future conditions largely relies upon datasets inputs from the 2010 decennial Census; and

WHEREAS; significant changes to commuting patterns and the growth of remote and hybrid work resulting from the Covid-19 pandemic have occurred and raise questions as to the validity of the EA's findings based off of pre-pandemic data; and

WHEREAS; there have been significant changes to land use and development patterns within Manhattan Community District 8 in recent years, including new large-scale developments in the York Avenue hospital corridor that may not have been considered in the EA analysis; and

WHEREAS; EA findings referencing parking inventory are now outdated with recent tear-downs and conversions of garages in the area just north of the 60th Street toll zone boundary; and

WHEREAS; changes to the road network within Community District 8 resulting from policies such as open streets and open restaurants that did not exist before the pandemic may have impacts on congestion that were not assessed in the EA; and

WHEREAS; the implementation of Congestion Pricing may have unintended consequences that policy makers had not considered when the law was written and passed in 2019, including economic impacts on small businesses; and

WHEREAS; such unintended consequences would have impacts on residents and stakeholders in the and across Community District 8;

THEREFORE BE IT RESOLVED, that Community Board 8 calls upon elected officials in the State Legislature and State Senate to reexamine the language in the FY 2020 New York State Budget related to the Central Business District Tolling Program, and to amend it as necessary to address any policies and details that may now be outdated and may cause unjust impacts and other unintended consequences, including those resulting from the many ways in which the Covid-19 Pandemic has changed commuting habits and the built environment of New York City that may not have been considered in the Environmental Assessment.

Community Board 8 Manhattan approved this resolution by a vote of 25 in favor, 18 opposed, 1 abstention, and 0 not voting for cause.

Item 2: Amendments to Congestion Pricing Timeline, Goals, and Metrics

WHEREAS; Congestion pricing was passed into law with the intent of generating policy goals with a focus on congestion reduction, improvements to air quality, and revenue generation to support the Metropolitan Transportation Authority, and

WHEREAS; §1706 of the New York State Vehicle and Traffic Law, Chapter 71, Title 8 Article 44c specifies specific reporting requirements for the Central Business District Tolling Program that will, allow progress to be measured; and

WHEREAS; there has been a history of MTA projects not meeting financial goals; and

WHEREAS; a failure to achieve goals should require the program to be reconsidered;

THEREFORE BE IT RESOLVED, that Community Board 8 calls upon elected officials in the New York State Legislature and Senate to amend the Congestion Pricing law to include a timeline and process by which they will evaluate the success of the program, looking at certain goals and metrics if the measurable program goals related to congestion, air quality, revenue generation and other key metrics are not met within 3 to 5 years. Evaluations and suggested changes shall include a period for public comments.

Community Board 8 Manhattan approved this resolution by a vote of 41 in favor, 3 opposed, 0 abstention, and 0 not voting for cause.

D. Landmarks Committee – David Helpen and Jane Parshall, Co-Chairs

LM-1: Item 1A&B – Approval

Item 1: **60 East 93rd Street (between Madison Avenue and Park Avenue) INDIVIDUAL LANDMARK; Expanded Carnegie Hill Historic District)** Higgins, Quaesbarth, Kramer Levin, Steven Harris Architects. Application has two components: PART A: Alterations to rear elevation, infill, and modifications at the bulkhead and PART B: A request that the Landmarks Preservation Commission issue a report on a continuing maintenance program pursuant to Section 74-711 of the Zoning Resolution

to receive waivers from the Zoning Resolution to allow for a change from a commercial C of O to a residential C of O.

PART A - APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

WHEREAS 60 East 92nd Street is a classical revival-style residence designed by John Russell Pope;

WHEREAS 60 East 93rd Street became an INDIVIDUAL LANDMARK in 1968 and is also within the Extended Carnegie Hill Historic District;

WHEREAS the applicant proposes a complete restoration of both the front and rear elevations;

WHEREAS at the front elevation, the applicant proposes to clean, repair and repoint limestone, repaint the service entrance so that it blends in with existing limestone, repair and repaint historic windows, repair and refinish historic main entrance door, repair and repaint all existing historic metalwork including window guards and metal loggia above entrance, repair slate roofing and water proofing systems as needed;

WHEREAS at the rear elevation the applicant proposes to repair brickwork and metal trim, repair and repaint historic windows, repair slate roof and waterproofing as needed;

WHEREAS at the roof at the front elevation, the applicant proposes a door with ventilation louvers at existing mechanical equipment enclosure, louver door to replace the existing door and proposes two new wood double hung windows;

WHEREAS at the penthouse level at the front elevation the applicant proposes an existing window to be replaced in an enlarged opening, an existing window to be removed and a new wood casement door in a new masonry opening;

WHEREAS at the rear elevation at the roof at the existing mechanical equipment enclosure, the applicant proposes to modify the bulkhead by changing an existing door with a new ventilation louver;

WHEREAS at the penthouse level the applicant proposes new realigned double hung wooden windows in enlarged openings with details that match historic windows;

WHEREAS at the east elevation, the applicant proposes 2-story infill starting at 3rd floor and continuing using through 4th floor, for an existing non-visible light well;

WHEREAS at the rear elevation, the applicant proposes a new curved painted steel stair with a painted steel guardrail to connect the first floor west-facing terrace to the rear garden;

WHEREAS at the rear elevation at the ground level, the applicant proposes 3 walk-out openings that present as French doors;

WHEREAS the applicant's proposed changes are modest and do not detract in any way from the spirit of the original architecture;

WHEREAS the applicant is to be commended on the thoroughness of the presentation;

THEREFORE, BE IT RESOLVED, that Part A of this application be **APPROVED** as presented.

PART B - SPECIAL PERMIT

WHEREAS 60 East 93rd Street does not have a compliant rear yard; the rear yard is 20' to the rear lot line rather than the required 30' in an R8B zoning district; the windows at the rear elevation also do not meet the required 30' from the rear lot line;

WHEREAS a waiver is required from the City Planning Commission so that the existing windows at the rear elevation and the existing depth of the rear yard are allowed which will, in turn, allow the use to

change from a community facility (60 East 93rd Street was formerly a school and more recently an art gallery) to a single family house;

WHEREAS to allow for the change in use, the applicant is therefore requesting a special permit/waiver under Section 74-711 of the Zoning Code (see “Note” above); a special permit requires a continuing maintenance program enforced by a Restrictive Declaration that is binding on future owners and requires an inspection every 7 years;

WHEREAS the applicant is asking that the Landmarks Commission issue a report to the City Planning Commission that the applicant’s proposed modifications to 60 East 93rd Street are appropriate and that a continuing maintenance program has been established;

THEREFORE BE IT RESOLVED that Part B of this application is **APPROVED** as presented.

Community Board 8 Manhattan approved this resolution by a vote of 43 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

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

10. **New Business** – No items of New Business were discussed

The meeting was adjourned at 8:41 PM

Russell Squire, Chair

[illegible]