

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, March 15, 2023 - 6:30 PM
Conducted Remotely via Zoom**

MINUTES:

Community Board Members Present: Mohit Agrawal, Bill Angelos, Vanessa Aronson, Elizabeth Ashby, Michele Birnbaum, Lori Bores, Taina Borrero, Lorraine Brown, Alida Camp, Sarah Chu, Anthony Cohn, Saundra I. Coleman, Lindsey Cormack, Rebecca Dangoor, Felice Farber, Edward Hartzog, David P. Helpern, Sahar Husain, Wilma Johnson, Paul Krikler, Craig M. Lader, Addeson Lehv, John McClement, Evan Meyerson, Gregory Morris, Jane Parshall, John Philips, Rita Popper, Margaret Price, Abraham Salcedo, William Sanchez, Judy Schneider, Rami Sigal, Russell Squire, Marco Tamayo, Carolina Tejo, and Charles Warren

Community Board Members Absent: P. Gayle Baron (Excused), Billy Freeland (Excused), Rebecca Lamorte, Valerie Mason (Excused), Sharon Pope-Marshall (Excused), Elizabeth Rose (Excused), Barbara Rudder (Excused) Cos Spagnoletti (Excused), Lynne-Strong-Shinozaki (Excused), Anju Suresh, Adam Wald, Shari Weiner

Total Attendance: 37

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

1. Public Session

- Robert Brinberg representing the owners of 65 East 93rd Street spoke in opposition to the 63 East 93rd Street landmarks Application.
- Liz Daly representing The Frick Collection provided updates from The Frick Collection.
- Judith Berdy spoke in opposition to the F train repairs.
- Evelyn David spoke in opposition to congestion pricing.
- Andrew Fine, representing the Coalition in Opposition to Congestion Pricing, spoke in opposition to congestion pricing.
- Stephanie Reckler spoke in opposition to congestion pricing.
- Rafael Urena spoke about the upcoming Verde NYC application.
- Christina Arez spoke about the upcoming VERDE NYC application.
- Lo van der Valk representing Carnegie Hill Neighbors spoke about the 63 East 93rd Street application.
- Claire Brinberg representing 65 East 93rd Street spoke in opposition to the 63 East 93rd Street landmarks application.
- Saundra I. Coleman, member of Community Board 8 spoke in opposition to infill at NYCHA campuses.
- Brandon Wison spoke about illegal package sorting blocking access to a Con Edison plant.

2. **Adoption of the Agenda** – Agenda Adopted
3. **Adoption of the Minutes** – Minutes Adopted
4. **Manhattan Borough President’s Report**

Manhattan Borough President Mark Levine reported on his latest initiatives.

5. **Elected Officials’ Reports**

- Representative Jerry Nadler
- Council Member Julie Menin
- State Senator Liz Krueger
- Council Member Keith Powers
- State Assembly Member Alex Bores
- State Senator Jose Serrano
- State Assembly Member Rebecca Seawright

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. **Landmarks Committee – David Helpern and Jane Parshall, Co-Chairs**

LM-1: Item 1 Part A

LM-2: Item 1 Part B –Motion to Disapprove, failed by a vote 14 in favor, 21 opposed, 1 abstention and 0 not voting for cause

LM-3: Item 2

LM-4: Item 3

LM-5: Item 1 Part B – Substitute Motion to Approve

LM-6 Item 4

Item 1: **972 Fifth Avenue INDIVIDUAL LANDMARK (Upper East Side Historic District)** - *Stephanie Gerard* presenting for Architectural Preservation Studio. Application is for installation of “The Little Prince” sculpture on the entrance wall to the garden/courtyard along the 5th Avenue sidewalk and for the installation of exterior glass sculptures with lighting behind on the front elevation.

THIS APPLICATION IS DIVIDED INTO TWO PARTS: Part 1 — the proposed sculpture of "The Little Prince", Part 2 — the installation of exterior glass sculptures with lighting behind on the front elevation.

Part A: The proposed sculpture of "The Little Prince"

WHEREAS 972 Fifth Avenue, the Payne Whitney house, is a high Italian Renaissance style building designed by McKim, Mead & White and constructed in 1902-1906;

WHEREAS 972 Fifth Avenue is the home of Cultural Services of the French Embassy, also known as “Villa Albertine”;

WHEREAS the applicant proposes that a sculpture of “The Little Prince” by Jean-Marc de Pas and sponsored by the American Society of le Souvenir Francais be installed on the stone wall near the entrance gate to the courtyard adjacent to 972 Fifth Avenue;

WHEREAS the proposed sculpture is 4 1/2’ high, 1 1/2’ wide and 1 1/2’ deep; 4 stainless steel pins to attach the sculpture would be drilled into the top of the non-historic stone wall;

WHEREAS the applicant also proposes an 8” x 10” bronze plaque to educate the public about the book, *The Little Prince*, and its author, Antoine de Saint-Exupery, who lived on Central Park South when he wrote *The Little Prince*;

WHEREAS Antoine de Saint-Exupery left New York before the book was published in 1943 and 15 months later disappeared while on a reconnaissance mission for the US Air Force; while there are memorials honoring him all over the world, there are none in Manhattan;

THEREFORE, BE IT RESOLVED THAT Part A of this application be approved as presented.

Community Board 8 Manhattan approved Part A of this application by a vote of 34 in favor, 0 opposed, 1 abstention, and 0 not voting for cause.

Part B: The Proposed Exterior Lighting

WHEREAS the proposed exterior lighting is designed by BOA Light Studio with offices in New York and Vincennes, France;

WHEREAS Nadir Benkhelifa presented this part of the application for BOA Light Studio;

WHEREAS the applicant proposes to create a light installation for night illumination of the front elevation; a secondary purpose of the installation would be to express or create a relationship to the fine arts-related activities inside French Cultural Services;

WHEREAS the applicant proposes thin glass modernist sculptures that present as vertical rods placed between the columns on the front elevation with lighting behind; the lighting would be programmed to provide movement that presents as abstract for the thin glass sculptures;

WHEREAS the lighting behind the sculptures would create the movement; to express the movement, the lighting will be programmed with very slow moving lights that will not change color;

WHEREAS 4 lights would be placed on each floor of the west elevation and one light would be placed on each floor of the south elevation to emphasize the corner;

WHEREAS the glass rod-like sculptures with lights behind will be fixed onto a hanging system; each fixture will be hung from the upper and lower part of the sculptures;

WHEREAS the fixing system will drill into the joints between the stones; the fixing system will be easy to remove;

WHEREAS the glass sculptures with the lights behind will range in size from 16’ at the first floor to 6 1/2’ at the 4th floor; there will be 20 glass sculptures/lights altogether; each with a width of 4 3/4” and a thickness of 1 1/4”;

WHEREAS the applicant did not present a timeframe for the installation;

WHEREAS the applicant stated that 45 holes would be drilled into the joint mortar as part of the hanging system to support the glass sculptures with the lighting behind;

WHEREAS the applicant's proposal is innovative -- the intervention of the modernist thin glass rods with the lighting behind does not interfere with the magnificent High Renaissance style of the front elevation of the individual landmark;

THEREFORE, BE IT RESOLVED, that Part B of this application is approved as presented.

Community Board 8 Manhattan approved Part B of this application by a vote of 31 in favor, 6 opposed, 0 abstentions, and 0 not voting for cause.

Item 2: **40 East 72nd Street (Upper East Side Historic District)** - *Barry Rice, Rice Architects* - A neo Classical Style building designed by Robert B. Lynd and constructed in 1881. Application is for canopy extensions.

WHEREAS 40 East 72nd Street requires a canopy for protection from the weather;

WHEREAS there is a hydrant in front of the building that precludes a canopy with posts;

WHEREAS the building has brick façade;

WHEREAS the building has a nominal 12'-0" wide central masonry opening framed with a brick piers and a shallow curved brick arch;

WHEREAS the entrance within the masonry opening is composed of a pair of glass doors with bronze frames and glass panels with bronze frames either side of the doors;

WHEREAS the glass in the doors and the side panels have a diamond pattern with bronze tracery;

WHEREAS the canopies on the street and in the neighborhood are typically of canvas;

WHEREAS canvas is considered the appropriate material and the material of choice for a residential canopy;

WHEREAS the major material for the proposed canopy will be canvas;

WHEREAS the proposed canopy follows the curve of the arched opening;

WHEREAS the proposed canopy extends 4'-0" from the face of the building;

WHEREAS the proposed canopy has a bronze frame and bronze tube tie backs either side of the canopy;

WHEREAS the three-quarter inch diameter bronze tubes are connected to six-inch diameter bronze plates;

WHEREAS the address number of the building is centered on the front fascia of the canopy;

WHEREAS the green color of the canopy will be adjusted and finalized by the architect together with the Landmarks Preservation Commission and the Board of the Building;

WHEREAS the underside of the canopy will be white;

WHEREAS there will be no light fixtures within the canopy;

WHEREAS the proposed canopy is contextual and appropriate within the Historic District;

THEREFORE, BE IT RESOLVED, that this application is approved as presented.

Community Board 8 Manhattan approved this resolution by a vote of 35 in favor, 2 opposed, 0 abstentions, and 0 not voting for cause.

Item 3: **63 East 93rd Street (Expanded Carnegie Hill Historic District)** - Resolution: 4 Architecture – A renaissance revival style building designed by A.B. Ogden & Son and constructed in 1891. Application is for proposed rear yard and rooftop penthouse addition

WHEREAS 63 East 93rd Street is a Renaissance revival-style building designed by A.B. Ogden & Son and constructed in 1891;

WHEREAS the applicant is proposing a 4-story rear yard addition as well as a penthouse at the roof;

WHEREAS both the rear yard addition and the penthouse are visible from a public courtyard;

WHEREAS at the rear, the proposed 4-story brick clad addition would measure 15' x 15 with casement windows on 3 floors and French doors with casement lights at the ground level;

WHEREAS the rear yard is now 45' deep; after addition, the rear yard would still be 30' deep;

WHEREAS the proposed penthouse would be 15' wide x 18' long and 11' high at the midpoint of its sloping roof; rooftop mechanicals increase the overall height by an additional 5 1/2';

WHEREAS the addition of the penthouse would cover two adjacent lot line windows at the west elevation at 65 East 93rd Street;

WHEREAS the windows are part of the historic fabric of the Extended Carnegie Hill Historic District and the apartment building where the windows are located is named in the designation report;

WHEREAS the addition of the penthouse will bring a whole new element to the composition of the streetscape where 63 East 93rd Street is located; the neighboring adjacent houses to the west do not have penthouses;

WHEREAS there is a very unusual privately owned public space (POPS) or courtyard at the rear of 40 East 94th that cuts through from 94th to 93rd Streets;

WHEREAS the plaza was created to allow for bonus floors at 40 East 94th Street;

WHEREAS the plaza/courtyard is behind 63 East 93rd Street and is considered a public way; all additions — both at the rear and at the roof — will be highly visible and intrusive from the plaza/courtyard;

WHEREAS the applicant's proposed additions at the roof and at the rear not meant to be seen from the public way; the rooftop addition is not contextual and the addition at the rear should be stepped back as it rises;

WHEREAS while lot line windows are not legal, in this situation, the lot line windows are part of the fabric of the historic district and must be retained;

WHEREAS the rear at 63 East 93rd Street is not part of a closed donut hole; normally rear yard additions are within a closed donut hole -- the plaza/courtyard at 40 East 94th Street prevents this and allows for both additions to be highly visible and obtrusive from the public way

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

Community Board 8 Manhattan approved this resolution by a vote of 35 in favor, 0 opposed, 1 abstention, and 1 not voting for cause

Item 4: : **167 East 73rd Street (Individual Landmark)** - *Jattuso Architecture* - A two story building designed by George L. Amoroux and constructed in 1903-04. Application is for the installation of one sign and two flags serving the Consulate General of the Slovak Republic.

WHEREAS the former carriage house is occupied by the Consulate General of the Slovak Republic;

WHEREAS the Consulate General requires identification;

WHEREAS other consulates nearby have two flags;

WHEREAS two flags are proposed for the building for the Consulate General of the Slovak Republic;

WHEREAS one flag is of the Slovak Republic and the other flag is of the European Union;

WHEREAS the two flags are supported on bi-parting flag poles from one mounting;

WHEREAS the flag poles are 10'-0" long;

WHEREAS the flag poles extend 7'-0" from the façade of the building because they angle outward and upward;

WHEREAS the flag poles will be steel, painted brown to match the color of the windows;

WHEREAS the escutcheon plate for mounting the double flag poles will be on top of the projected stone sill over the central entrance to the building and will not be visible;

WHEREAS the flags are 4'-0" by 6'-0" – smaller than the 6'-0" by 8'-0" flags on the nearby consulates;

WHEREAS the flags are proportioned for the two-story building;

WHEREAS the proposed sign will be the size of the sign that will be replaced;

WHEREAS the proposed sign will be on the brick pier on the east side of the central entrance, in the same position as the former sign;

WHEREAS the sign will be a stainless steel plaque with etched letters filled with black paint;

WHEREAS the sign will be about 10" high by 24" long;

WHEREAS the proposed flags and the sign are contextual and appropriate for the landmark building;

THEREFORE, BE IT RESOLVED, that this application is approved as presented.

Community Board 8 Manhattan approved this resolution by a vote of 36 in favor, 1 opposed, 0 abstentions and 0 not voting for cause.

B. Street Life Committee – Abraham Salcedo – Chair

SL-1: Items 1A-B, D-F, 3A – Unanimous Approvals

SL- 2: Item 1C

SL-3: Item 2A

Item 1A: **1018 Lex Inc., dba Grace Deli & Café, 1018 Lexington Avenue (Between East 72nd and East 73rd Streets)** New Application and Temporary Retail Permit for Beer & Cider

WHEREAS this is a new application for a 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 that it will provide a valid public assembly permit;

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

Item 1B: **Pizza 78 LLC., dba Salvo’s, 1477 York Avenue (Between East 78th and East 79th Streets)** New Application and Temporary Retail Permit 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 and that it will provide a valid public assembly permit;

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

Item 1C: **Eliaas Group LLC, 1436 Lexington Avenue (Between East 93rd and East 94th Streets)** New Application and Temporary Retail Permit 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 it will ensure that establishment is compliant with ADA requirements; therefore

WHEREAS the applicant has agreed to Community Board 8’s stipulations concerning delivery bikes and bar crawls and that it will provide a valid public assembly permit;

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

Item 1D: **Macte Animo Corp., dba San Matteo Pizza, 1716 Second Avenue (Between East 89th and East 90th Streets)** New Application and Temporary Retail Permit for 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 1E: **Milan Craft Corp., dba PENDING 1113 First Avenue (Between East 61st and East 62nd 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 DBA is pending; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed to the following stipulations: Filing an alteration application with the Department of Buildings for changes to the restaurant to comply with ADA; the front doors will be closed by 10:00 PM; the restaurant will only play soft jazz music;

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 1F: **Legends Boathouse LLC, (East 72nd Street at Park Drive)** 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 filing in the Department of Buildings for interior renovation;

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

Item 2A: **ESM Group 1415 LLC., dba Bread N Wine, 1415 Lexington Avenue (Between East 92nd and East 93rd Streets)** Class Change Application for Wine, Beer and Cider

WHEREAS this is a class change 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 3A: **The Sherry-Netherland Inc., dba The Sherry Netherland Hotel , 781 Fifth Avenue (Between East 59th and East 60th Streets)** 30 Day Waiver Renewal Application for Liquor, Wine, Beer & Cider

WHEREAS this is a renewal 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 the above resolutions by a vote of 37 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

C. Transportation Committee – Craig Lader and Chuck Warren, Co-Chairs

TR-1: Items 1, 3, 5 - Unanimous Approvals

Item 1: **Impacts of "F" Train/ 63rd Street Tunnel Construction**

WHEREAS; the MTA's 63rd Street Line Direct Fixation Track Rehabilitation Project, impacting the F Line serving Queens, Roosevelt Island and Manhattan, is to be performed in the Spring, Summer and Autumn of 2023; and

WHEREAS; F train service will be significantly impacted by the 63rd Street Line Direct Fixation Track Rehabilitation Project, including two months apiece in phases 1 and 3 when trains will only operate in one direction, and on 5 weekends when both directions of service will be suspended; and;

WHEREAS A large majority of Roosevelt Islanders use the F train as primary means of transit; and

WHEREAS the F train is also a primary mode of transportation for visitors, students and workers who travel to Roosevelt Island; and

WHEREAS Users of the Roosevelt Island F Train Station will be disproportionately impacted by the project, as they will face additional travel time required for Roosevelt Island subway passengers of at least 20 minutes in order to backtrack through Queens or Manhattan;

WHEREAS Persons with disabilities and other passengers who rely on subway stations with elevators will require even more additional travel time, as they will have to travel 3 additional stops through Queens to Jackson Hts./Roosevelt Avenue when traveling through Queens since the closest available transfer at Steinway St. is not ADA accessible, and one additional stop through Manhattan to 47-50 St./Rockefeller Center as 57th St./6th Avenue is not ADA Accessible;

WHEREAS Roosevelt Island is also served by the Roosevelt Island Tram and NYC Ferry's Astoria Route, which are likely to see much more passenger activity throughout the track rehabilitation project; and

WHEREAS even during times when F train service is operating normally, the Roosevelt Island Tram often encounters long lines and overcrowding, requiring passengers to wait for the next available tram during peak travel periods; and

WHEREAS it is anticipated that Roosevelt Island Tram overcrowding will be exacerbated during the track rehabilitation project when many F train passengers will find the Tram as their fastest option, especially during warmer weather months when tourists flock to the Tram to visit Roosevelt Island; and

WHEREAS the Roosevelt Island Tram has not yet been upgraded to the MTA's OMNY fare payment system, and requires use of MetroCards in order to for passengers to obtain a free transfer to NYC Transit Subways and Buses; and

WHEREAS NYC Ferry is not an affiliate agency of the MTA for fare payment, and thus doesn't use MetroCard/OMNY and doesn't allow free transfers to/from the Roosevelt Island Tram or NYC Transit Subways and Buses;

WHEREAS no current timeline for OMNY to be installed for the Roosevelt Island Tram has been provided by the MTA; and

WHEREAS Roosevelt Island F Train users who use the Tram as an alternative during the track rehabilitation project will need to revert to the antiquated MetroCard, losing the convenience, features and improved user experience that OMNY has provided;

WHEREAS MetroCard Vending Machines located on Roosevelt Island have a history of being unreliable and are often out of service, and when operational often have long lines of both residents and visitors waiting to purchase a MetroCard or add value to their cards; and

WHEREAS any potential maintenance on the Roosevelt Island Tram that may impact levels of service would further cause overcrowding while the track rehabilitation project is occurring;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan requests that New York City Transit provide shuttle buses from Roosevelt Island to Queens and Manhattan for the entire duration of the MTA's 63rd Street Line Direct Fixation Track Rehabilitation Project;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan requests that New York City Transit should provide more frequent service on the Q102 bus route, linking Roosevelt Island to Queens, for the duration of the track rehabilitation project;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan requests that the Roosevelt Island Operating Corporation (“RIOC”) commit to operating the Roosevelt Island Tram at maximum levels of service for the duration of this rehabilitation work;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan requests that RIOC ensure that any essential maintenance of the Tram should be scheduled to avoid to the fullest extent possible the timeframe in which one direction of Roosevelt Island subway service is suspended;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan requests that MTA expeditiously address any MetroCard vending machine malfunctions or outages at both sides of the Roosevelt Island Tram and keep them in full working order for the duration at all times throughout the duration of the track rehabilitation project.

BE IT FURTHER RESOLVED that Community Board 8 Manhattan requests that the MTA expedite the implementation of the MTA’s OMNY Fare Payment System at both stations of the Roosevelt Island Tram, and that the MTA work with RIOC to formalize all agreements to enable this to occur before the beginning of Phase 1 of the Track Rehabilitation Project on May 1, 2023.

Item 3: Use of Bus Stop at 5th Ave. bet. 61st/62nd Streets by Aurora Tourism Services

WHEREAS the NYC Office of Technology and Innovation (NYCOTI) is required to inform Community Boards of proposed 5G street pole attachment locations only if they are proposed within 10 feet of nearby buildings; and

WHEREAS Aurora Tourism Service LLC proposes using double decker buses that would serve the bus stop every two hours between 8AM and Midnight; and

WHEREAS the bus stop at 5th Avenue and 61st street proposed for use by Aurora Tourism Services LLC is currently only used by MTA Bronx-Manhattan Express Buses for passenger drop-off only; and

WHEREAS NYCDOT will ensure that any future services that may utilize this bus stop will not conflict with scheduled departure times for Aurora Tourism Services LLC buses;

THEREFORE BE IT RESOLVED that Community Board 8 approves the use of the bus stop on 5th Avenue immediately north of 61st Street for use by Aurora Tourism Services LLC to operate sightseeing buses every two hours between 8AM and Midnight.

Item 5: Opposition to 5G Street Pole Attachments within 10 feet of adjacent buildings

WHEREAS the NYC Office of Technology and Innovation (NYCOTI) is required to inform Community Boards of proposed 5G street pole attachment locations only if they are proposed within 10 feet of nearby buildings; and

WHEREAS NYCOTI has notified Community Board 8 of three locations where installation of 5G street pole attachments are proposed within 10 feet of nearby buildings, and provided 15 business days to be provided; and

WHEREAS 15 business days to respond to such requests doesn’t allow for sufficient time for Community Boards to notify residents and other potentially impacted stakeholders of such proposals; and

WHEREAS Residents of Community District 8 have previously raised concern about previously installed 5G street pole attachments without prior notification at locations such as at 520 East 90th Street; and

WHEREAS the appropriateness of the siting of 5G infrastructure locations must be fully considered by Community Boards; and

WHEREAS the size of the 5G street pole attachments are wide enough to have visual impacts; and

WHEREAS Community Board 8 has taken a strong position against other 5G infrastructure being installed without proper notice and hearings; and

WHEREAS 5G street pole attachments 10’ or less from nearby buildings is perceived as being too close, regardless of the proposed location; and

THEREFORE BE IT RESOLVED that Community Board 8 disapproves the NYCOTI proposed locations for 5G street pole attachments within 10 feet of buildings at the following locations

- A. East 60th Street between Madison and Fifth Avenues
- B. East 65th Street between Madison and Fifth Avenues
- C. East 74th Street between First and York Avenues

BE IT FURTHER RESOLVED, that Community Board 8 opposes any location within 10’ of buildings that NYCOTI seeks to install 5G street pole attachments;

BE IT FURTHER RESOLVED, that Community Board 8 requests that NYCOTI provide notification and the ability to comment on any proposed 5G street pole attachment location, regardless of its proximity to existing buildings

Community Board 8 Manhattan approved these resolutions by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

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

CP-1: Item 2

Item 2: **Policy recommendations related to MTA transparency, accountability, and oversight in regards to Congestion Pricing operations**

WHEREAS; the FY 2020 New York State budget law states that “for purposes of establishing a central business district toll or tolls the board shall, at minimum, ensure annual revenues and fees collected under such program, less costs of operation of the same, provide for sufficient revenues into the central business district tolling capital lockbox fund, established pursuant to §553j of the New York State Public Authorities Law necessary to fund \$15 billion dollars for capital projects for the 2020 to 2024 MTA capital program, and any additional revenues above that amount to be available for any successor programs; and

WHEREAS; §553j also specifies the uses of the revenues generated by Congestion Pricing are solely for use to support the construction and operations of the Central Business District Tolling Program and the 2020-2024 MTA Capital Program, and further requires readily available reporting of all receipts and expenditures of the program; and

WHEREAS; concerns have been raised about how effective the MTA will be in managing congestion pricing revenues and adhering to the requirements described in §553j, even with a lockbox in place; and

WHEREAS; it is well documented that the MTA has struggled with internal bookkeeping, managing project costs and efficient project delivery, and at times, has allegedly created different sets of books for different recipients; and

WHEREAS; Phase 1 of the Second Avenue Subway project, constructed almost entirely within Community District 8, exemplifies how the MTA has failed in the past to deliver projects on time and on budget as evidenced by its extremely high cost-per-mile to construct, and has been ineffective in performing contractor oversight; and

WHEREAS; the recently completed East Side Access project, completed over a decade late and billions of dollars in excess of its project budget, raises concerns that projects that will be funded with Congestion Pricing revenues will suffer from similar mismanagement; and

WHEREAS; there has been no information made available thus far by the MTA regarding the use of funds generated through the Congestion surcharge fees already being assessed on passengers of for-hire vehicles south of 96th Street and through other fund-raising methods; and

WHEREAS; the MTA has provided no details regarding how monies that will be generated by vehicles being tolled to cross the toll zone boundary at 60th Street will be allocated and expended; and

WHEREAS; the MTA, along with any local, state or federal governmental entity, must be accountable to taxpayers, especially to constituents bearing a large portion of the financial burden such as Community District 8 residents that will be assessed fees through the congestion pricing law; and

WHEREAS; responsible governmental entities should perform after-action reviews and make public reports identifying mismanagement and inefficiencies in project delivery and recommendations to ensure such mistakes are not repeated; and

WHEREAS; in order to generate confidence in the pending congestion pricing program, the MTA should make clear to constituents and taxpayers that it has addressed past mistakes and will be able to avoid them on future projects that may be recipients of congestion pricing funding; and

WHEREAS; the Central Business District is defined by New York State law as the area south of and inclusive of 60th Street in Manhattan, except for the FDR Drive, except for the FDR Drive, and New York State Route 9A (aka the “West Side Highway”) including the Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West St.;

THEREFORE BE IT RESOLVED, to ensure that Congestion Pricing is operated properly and efficiently, and to ensure that the MTA is held accountable and spends funds effectively and that projects are performed within budgetary constraints, Community Board 8 requests the MTA achieve the following by November 30, 2023 ahead of the start date of Central Business District Tolling:

1. Perform after-action reviews of recent megaprojects such as Phase 1 of the Second Avenue Subway and East Side Access/Grand Central Madison to identify errors in accounting, budgeting, and project design, and issue such a report so the MTA can immediately implement practices to avoid them from occurring on future projects including Phase 2 of the Second Avenue Subway;
2. Provide a list of audit and accounting procedures to the public to improve its transparency;
3. Develop a webpage dedicated to Congestion Pricing reporting that identifies specific funding streams generated by the program and the amounts being provided to specific projects in the 2020-2024 Capital Program (and successor programs) that the funding is being used for.

Community Board 8 Manhattan approved this resolution by a vote of 36 in favor, 1 opposed, 0 abstentions, and 0 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 8:45 PM

Russell Squire, Chair

