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**The City of New York
Community Board 8 Manhattan
Transportation Committee**
Wednesday, June 7, 2023 6:30 PM
Conducted Remotely on Zoom

Minutes

Present: Michele Birnbaum, Lori Bores, Rebecca Dangoor, Paul Krikler, Craig Lader, Marco Tamayo, John McClement, Rita Popper, Barbara Rudder, Abraham Salcedo, Judy Schneider, Robin Seligson, Cos Spagnoletti, Adam Wald, Charles Warren, Peter Borock (public member), Stephanie Reckler (public member), Judith Berdy (Roosevelt Island Committee public member)

Absent (Excused): Billy Freeland, Rebecca Lamorte, Valerie Mason, Sharon Pope-Marshall

Resolutions for Approval:

Item 2: 63rd Street Subway Tunnel Fixation Project – Additional Alternate Transit Service Requests (unanimous)

Item 3: Disapproval of request to move the bus stop in front of 1045 Madison Avenue (unanimous)

Item 4: Approval of Buckley School Open Street Request (unanimous)

Item 5: Support for Framework of Proposed NYC Council Bill Intro 31a-2022 – Permanent Open Restaurants Program (unanimous)

The meeting was called to order at 6:33 PM.

Item 1: New York City Transit Presentation: Proposed M57 rerouting and elimination of M57 Bus Stop at 60th Street/First Avenue

Laura Azze-Singh, Principal Transportation Planner in the Operations Planning Department of New York City Transit, presented a proposal to reroute the M57 Bus Route. The route currently terminates at 60th Street/First Avenue, and lays over on the north side of 60th Street between First Ave. and York Ave.

Due to operational challenges, including roadway congestion and a difficult turning movement of eastbound M57 buses from 57th Street to First Avenue, a request was made by Community Board 6 to reroute it to continue eastbound to York Ave., and then loop around via 55th Street and First Avenue before resuming its current westbound route at 57th Street/First Avenue. This would take the M57 entirely out of Community District 8.

The impacts of this proposed change will be minimal. The bus stop at 60th Street/1st Avenue will continue to serve the M15 stop, and the layover on 60th Street will be returned to NYCDOT to determine the appropriate street parking regulations. About 125 passengers on a typical weekday alight at 60th Street/1st Avenue; they will be able to use as an alternative the M31 Route that also traverses 57th Street and stops at 60th Street/York Ave. For passengers who board at the Sutton Place/58th Street stop, they can also use the M31, but there will be slightly longer waits for a bus with the M57 no longer serving the stop. The rerouting is anticipated to be implemented in September 2023.

There were no comments of substance from the Committee or public attendees, and no concerns raised. It was determined that no resolution was necessary.

Item 2: New York City Transit Presentation: Updated Schedule for 63rd Street Tunnel Direct Fixation Track Project (Joint Item with Roosevelt Island Committee)

Josh Rosenberg, a Director in the Operations Planning Department of New York City Transit (NYCT), presented a revised schedule and plans for performing a direct fixation track project for the 63rd Street Tunnel used by the “F” Train that serves Roosevelt Island and 63rd Street/Lexington Avenue within Community District 8. The project had previously been presented to the Transportation Committee in March 2023 by NYCT, and was originally slated to begin May 2023 and result in extended periods of time in which one track would be out of service, which would have resulted in single direction subway service for two separate 2-month periods. As explained by Mr. Rosenberg, the direct fixation project couldn’t commence operationally until certain milestones were achieved for a similar track rehabilitation project on the Queens Blvd. line, delaying the 63rd Street project and allowing for concerns raised in regards to the initial plan to be addressed and incorporated into the revised plan.

Mr. Rosenthal indicated that the 63rd Street project is now anticipated to begin in the later portion of August 2023, depending on the progress of the Queens Blvd. project. He again explained what direct fixation is, and why it will require more extensive track shutdowns than other types of track rehabilitation. He then presented the current and tentative service plan for the various phases of the project that will impact service within Community District 8:

- “F” trains will be detoured between 57th Street in Manhattan and 36th Street in Queens, and will operate along the Queens Blvd. Line/53rd Street.
- A shuttle train will be operated along the 63rd Street line connecting 63rd Street/Lexington Avenue, Roosevelt Island and Queensbridge during all dayparts except for the overnight period;
- Shuttle trains will operate every 20 minutes 7 days a week during daytime and evening hours; due to signal limitations and time needed to reverse directions, it is not possible to operate shuttles more frequently with only one track available for use;
- During overnight periods (likely between Midnight and 5AM), in order to support trackwork and debris removal, shuttle trains will not be operating. A bus shuttle will operate during these times between Roosevelt Island and Queens Plaza where passengers can transfer to E/F/R trains.
- There will be some weekends when track work will necessitate full closures of the 63rd Street Tunnel and no Shuttle Train service;
- Due to track constraints, there will be reduced E/F/M service during rush hours; there will be added R train service to compensate;
- The 57th Street/6th Avenue station will be out of service on weekends;
- There will be certain weekends where the shuttle train will not be operational; bus shuttles between Roosevelt Island and Queens Plaza will be provided during such times.

The estimated timeframe for the project is approximately 6 months.

Mr. Rosenberg indicated that the key difference from the original is that there will now be a shuttle train that eliminates the need for Roosevelt Island passengers to have to backtrack in one direction during various phases of the project, and allow passengers to connect at 63rd Street/Lexington Ave. to Q trains that connect to other subway lines further south. It also is a much simpler plan to understand, and is largely the same on weekdays and weekends.

Lucille Songhai, Assistant Director of Government Affairs for NYCT, explained the outreach process that will include signage, brochures, online information dissemination, press releases, and governmental outreach, and in-person support at stations during the first week of the project. She noted that the Roosevelt Island Operating Corp. has been briefed on the revised plan and that coordination is taking place to avoid tram closures from coinciding with the 63rd Street Tunnel project. She also said that NYCT has met with Coler Hospital and Cornell Tech staff, and that NYCT will be meeting with the Roosevelt Island Safety Committee in July. Ms. Songhai also said that NYCT is inquiring with NYC Ferry about possible increases to ferry service on Roosevelt Island.

The response from those who commented was mixed. While this plan was viewed as significantly easier to understand and there was appreciation for a shuttle train providing a direct connection to Manhattan being devised, there was frustration that the shuttle train would operate so infrequently. There was also concern that 20-minute shuttle service would result in overcrowding during peak travel periods. There were various comments regarding the lack of shuttle bus service except for overnight periods, especially among speakers who were not destined to Manhattan and would need to backtrack to get to points east of Queensbridge. Some speakers described the need for bus service to serve the same stops as the Red Bus, including by Coler Hospital. Due to the popularity of Roosevelt Island among tourists, the in-person support from NYCT staff was viewed as insufficient and requested to be extended.

The following resolution was then put forward by Community Board 8:

WHEREAS; New York City Transit’s 63rd Street Line Direct Fixation Track Rehabilitation Project, impacting the F Line serving Queens, Roosevelt Island and Manhattan, is now anticipated to begin in August 2023; and
WHEREAS; an updated service plan has been developed by NYCT that includes shuttle train service during daytime and evening hours connecting Roosevelt Island to 63rd Street/Lexington Avenue and Queensbridge every 20 minutes and a shuttle bus connecting Roosevelt Island to Queensbridge and Queens Plaza during overnights;
WHEREAS; The large majority of Roosevelt Islanders and its visitors, students and workers use the F train as primary means of transit may still face overcrowding on the shuttle train and will face longer trips due to the infrequent shuttle train service; and
WHEREAS; additional capacity is needed on other transit modes serving Roosevelt Island throughout the 63rd Street Direct Fixation Project to accommodate increased demand from subway passengers that may seek alternatives to the infrequent shuttle trains and limited bus shuttle service; and
WHEREAS; the MTA’s Q102 bus route connects Roosevelt Island to Queens Plaza where transfers to subway lines serving Queens are available; and
WHEREAS; the revised service plan doesn’t sufficiently address passengers who aren’t destined for Manhattan, and will require a lengthy and inconvenient shuttle train to shuttle bus connection to Queens Plaza; and
WHEREAS; shuttle buses are not planned to serve key destinations north of the Roosevelt Island Bridge such as Coler Hospital; and
WHEREAS; overnight transit service to Manhattan will be challenging and inconvenient as it will require a shuttle bus trip to Queens Plaza;
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;

THEREFORE BE IT RESOLVED, that Community Board 8 requests the following actions be taken to support Roosevelt Island residents and visitors who rely on public transportation and will be significantly impacted by reduced subway service throughout the 63rd Street Direct Track Fixation Project:

1. More frequent NYCT Q102 Bus Service connecting Roosevelt Island and subway lines serving Queens Plaza
2. An “F” shuttle bus connecting Roosevelt Island to Queens Plaza during all dayparts, including when the shuttle train is running;
3. Extending the shuttle bus to serve Coler Hospital;
4. 24 hour/7 days per week Roosevelt Island Tram Service to provide a direct connection to Manhattan during overnight hours when the shuttle train is not operating;
5. NYC Ferry operating the largest model of ferry vessels on the Astoria Route serving Roosevelt Island with the most seating capacity.

Yes (14+3): Birnbaum, Bores, Dangoor, Krikler, Lader, McClement, Popper, Rudder, Salcedo, Schneider, Seligson, Tamayo, Wald, Warren, Borock (public member), Reckler (public member), Berdy (Roosevelt Island Committee public member)

No (0): None

Abstain (0): None

Item 3: A request by residents of 1045 Madison Avenue to relocate the Madison Avenue/79th Street bus stop serving New York City Transit Routes M1/M2/M3/M4

Hugh MacKay, Vice President -Acquisitions & Counsel at Naftali Group, presented a request on behalf of the Benson Condominium, located at 1045 Madison Avenue between 79th and 80th Streets, to relocate the existing New York City Transit M1/M2/M3/M4 Bus Stop adjacent to the Benson's front entrance 40' to the south.

Mr. MacKay summarized a recent consultant study performed on the Benson's behalf that looked into the feasibility of relocating the bus stop and found the impacts to be "neutral to positive". He described the existing conditions along the block, including the presence of the Manhattan-Bronx express stops on the northern half of the block, the frequency in which buses arrive at the bus stops along the stop, and ridership data on an hourly basis that can exceed 50 people per hour. The study claimed that moving the stop 40' would not interfere with more than one bus at a time accessing the stop, nor would it impede with pedestrian access, while providing space adjacent the Benson to allow for passenger pickups and drop-offs, delivery trucks to serve the Benson, and to eliminate sidewalk congestion in front of the Benson's entrance. The study also claimed that moving the stop would shorten the walking distance for passengers transferring to/from the M79 route, and would result in less walking along the relatively steep slope of that block on Madison Ave.

Lucille Songhai, Assistant Director of Government Affairs for NYCT, responded to the request by condemning the Benson for placing concrete planters along the curbside directly in front of the bus stop adjacent to their front entrance, which was not acknowledged in the presentation by Mr. MacKay. This resulted in passengers being impeded when trying to enter and exit the bus; Ms. Songhai noted that it was not a neighborly action, and done entirely to suit the purposes of a luxury building's residents without regard to the community or bus passengers, including those in wheelchairs and with strollers, and also all pedestrians who traverse that block and had to navigate an unsanctioned sidewalk impediment. She confirmed that the bus stop has been in situated at that precise location continuously since records started to be maintained in 1974, except when moved temporarily due to construction projects, such as when the Benson was being built, and that NYCT's policy is to always restore bus stops to their original location after construction ends.

Robert Thompson, a Director in the Operations Planning department of NYCT, provided further reasoning as to why the request to move the bus stop was not feasible from an operational standpoint. He noted the frequency in which both local, limited and express buses stop, necessitating the use of the entire block for bus activity. He explained that the routes that operated as limited-stop service do result in multiple buses being scheduled to make stops at the same time, and that it is inevitable that even if bus bunching was minimized that space for multiple express and local buses would be required for the block. He added that even if the MTA were to consider relocating bus stops on the block, the most likely change would be to shorten the express bus stop, but not to move the stop pole directly in front of the Benson. He added that many buildings would prefer to not have bus stops in front of their entrances, and thus it is not the policy of NYCT to move bus stops because a building doesn't like it.

The reaction of most speakers responding to the presentation and NYCT comments was largely in opposition to the Benson's request, emphasizing how disingenuous, cynical and inappropriate it was for the building to create an obstruction by putting up the concrete planters. A photo and video were displayed depicting how the planters made it extremely difficult for passengers to enter and exit the bus from both the front and rear doors. It was noted that this building has only 16 units, and thus it is a small number of residents that are affected by the presence of the bus stop. A committee member brought to light that the bus stop was indeed discussed in the Benson's offering plan, and that the building's developers chose not to provide a setback that would have created more sidewalk space that they complain is being congested by passengers waiting at the bus stop. There were also speakers representing neighboring buildings including 39 and 49 East 79th Street that expressed opposition to moving the bus stop. There were a few speakers who were more sympathetic to the needs of the Benson's residents and spoke of the need to reduce bus bunching.

In regards to the concrete planters, NYCDOT Senior Borough Planner and Liaison to CB8M Colleen Chattergoon explained that NYCDOT sent inspectors to the site and issued an encroachment notice to the property owner. It

was her understanding that the planters had since been removed. (Note – after the meeting, it was determined that they were moved to alongside the building, which may require a revocable consent that is not in place at this time).

The following resolution was then put forward by Community Board 8:

WHEREAS; 1045 Madison Avenue, also known as the Benson, is a 16-unit condominium that has requested the relocation of the M1/M2/M3/M4 Bus Stop at Madison Ave./79th Street to a location 40’ to the south; and

WHEREAS; representatives of 1045 Madison Avenue have made the bus stop relocation request in the hopes of accommodating their residents’ ability to easily access vehicles for pickup and drop activities, and to address sidewalk congestion related to bus stop passenger activity; and

WHEREAS; the current location of the M1/M2/M3/M4 Bus Stop at Madison Ave./79th Street has been in existence since at least 1974, except for temporary relocations due to construction projects; and

WHEREAS; the policy of New York City Transit is to deny requests to move bus stops in the absence of operational or safety issues necessitating such changes; and

WHEREAS; NYCT’s own analysis confirms that moving this bus stop would not be feasible from an operational standpoint, as the current stop is needed to accommodate the frequent bus stop activity from M1/M2/M3/M4 trips; and

WHEREAS; the Benson installed illegal concrete planters along the curbside directly in front of the bus stop, which created hazards and obstructions that interfered with bus boarding and alighting and for pedestrians on Madison Ave; and

WHEREAS; New York City DOT issued an encroachment notice to the Benson and demanded removal of the concrete planters; and

WHEREAS; the actions of the Benson to install concrete planters to dissuade usage of the the M1/M2/M3/M4 Bus Stop at Madison Ave./79th Street were disingenuous, cynical and inappropriate;

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan disapproves the request by 1045 Madison Avenue (the Benson) to relocate the M1/M2/M3/M4 Bus Stop at Madison Ave./79th Street;

BE IT FURTHER RESOLVED, that Community Board 8 Manhattan demands the immediate removal of the concrete planters installed by 1045 Madison Avenue at the M1/M2/M3/M4 Bus Stop at Madison Ave./79th Street if it has yet to be removed;

Yes (14+2): Birnbaum, Bores, Dangoor, Krikler, Lader, McClement, Popper, Rudder, Salcedo, Schneider, Seligson, Tamayo Wald, Warren, Borock (public member), Reckler (public member)

No (0): None

Abstain (0): None

-- NOTE: Following the meeting, representatives of the Benson asked for this request to be withdrawn. --

Item 4: Public Discussion: Buckley School Open Streets Application (E. 73rd from Lexington Ave. to Park Ave.)

Terence O’Toole, Security Manager for the Buckley School, presented an application for an open street on their block encompassing East 73rd Street between Lexington and Park Avenue. It is a continuation of the existing program that has been in place, and would resume upon the commencement of the 2023-24 school year in early

September (though the application said it would begin in July). The hours of the open street will be 9AM to 2PM on school days only; there is security at both ends of the street and in the middle of the street to help manage it. The open street is used for recreation for the students. It was emphasized that it is open to the public, and that there are no restrictions to on-street parking or to access for deliveries that need to occur during the hours or to allow car passengers to be picked up or dropped off. Mr. O'Toole did note that there are currently 3 construction projects taking place on the street.

It was clarified by Ms. Chattergoon that the Open Streets program for schools is the successor program to the previous play streets program; since this is an application for the school component of open streets, the uses are limited to operations, recess, and outdoor learning. Mr. O'Toole also noted that the program has been in effect for at least 3 years, and that there have been no issues or complaints received in regards to the Open Street on this block. He noted that there are 2 school buildings on the street serving grades 1 through 9 and that there are a limited number of spaces available for recreation in these buildings. The buildings on this block serve 320 students; another 40 students and the gymnasiums are located in a building on East 73rd Street between 2nd and 3rd Avenues, but there isn't enough time for students to be able to access the other building for recess purposes.

The following resolution was then put forward by Community Board 8:

WHEREAS; the Buckley School has applied for an Open Street on East 73rd Street between Lexington and Park Avenue; and

WHEREAS; the open street is specific to full closure-school uses, and will be primarily for the purpose of in-school recess activities for students; and

WHEREAS; the open street application is for school days only between 9AM and 2PM; and

WHEREAS; the open street has been in place since 2020, and has not generated any complaints from the community;

THEREFORE BE IT RESOLVED, that Community Board 8 approves the Buckley School's application, as presented, for an Open Street on School Days Only between 9AM and 2PM on East 73rd Street between Lexington Ave. and Park Ave.

Yes (13+2): Birnbaum, Bores, Krikler, Lader, McClement, Popper, Rudder, Salcedo, Schneider, Seligson, Spagnoletti, Tamayo, Warren, Borock (public member), Reckler (public member)

No (0): None

Abstain (0): None

Item 5: Discussion of Draft City Council Legislation (Intro 0031-2022) - Permanent Open Restaurant Program (Joint Item with Street Life Committee)

In May 2022, CB8M passed a package of seven substantive resolutions that originated in the Transportation Committee regarding the Board's recommended framework for a permanent Open Restaurants Program. In May 2023, it was announced that the NYC Council and the NYC Mayors' office reached an agreement on a legislative framework for such a program; this framework is spelled out in NYC Council Bill Intro 0031-2022 Version "B". As there were indications that this bill may be acted on by the City Council as early as June 2023, it was determined that a discussion of the draft bill would be warranted.

Transportation Committee Co-Chair presented a powerpoint highlighting the key elements of this draft legislation, including the following policies and details:

Overarching Policies established in Intro 0031-2022 Version "B":

- The Permanent Open Restaurants Program will be administered by NYCDOT;

- Sidewalk cafes would be permitted “in an area immediately adjacent to its premises” with a license and revocable consent;
- Any enclosed sidewalk café in existence prior to 3/16/2020 would be grandfathered into the new program if it had been lawfully operating at some point in time between 3/16/16 and 3/16/20; if a restaurant wanted to modify their sidewalk café, they would need to apply under the new permanent program;
- Sidewalk cafes other than permissible enclosed cafes shall be open-air and shall contain only readily removable tables, chairs and other removable decorative items as set forth in rules to be promulgated by NYCDOT;
- Roadway cafes will require a license and revocable consent
- Roadway cafes shall be open-air and contain readily removable tables, chairs and other removable decorative items and be permitted in the roadway adjacent to the curb in front of such ground floor restaurant”;
- The roadway café program will be seasonal - no roadway cafes will be permitted between November 1st and March 31st;
- A restaurant may establish both a sidewalk and roadway café;
- No license or revocable consent shall be granted for a sidewalk cafe or roadway cafe which obstructs the means of egress from any portion of a building
- Alcohol consumption will be permitted in accordance with NYS law
- No advertising permitted
- All existing roadway structures to be removed no later than 11/1/2024
- Hours in which sidewalk cafes are permitted are limited from 10AM to 12 Midnight
- Unenclosed sidewalk cafes and roadway cafes not permitted before 10AM on Sundays

NYCDOT shall promulgate rules through NYC’s formal rulemaking process to support the overarching policies of the Open Restaurant Program, including those related to:

- Granting of licenses and revocable consents;
- The design of the roadway or sidewalk café;
- Prioritizing among applicants for a license covering the same area on a sidewalk or a roadway;
- The operation and maintenance of any sidewalk cafe or roadway cafe to prevent undue obstruction of the street, to ensure good order, public safety and the general welfare and to secure the beneficial purpose of opening streets to outdoor dining
- Ensuring that boundaries for sidewalk and roadway café areas are clearly delineated, with rules establishing specific requirements for roadway barriers to protect diners

Policies regarding Landmarks/Historic Districts:

- Any sidewalk or roadway located in a historic district, on a landmark site or adjacent to a landmark (or an improvement containing an interior landmark) must obtain LPC Approval
- Like other sidewalk cafes and roadway cafes, they will also require a revocable consent, and must include work or improvements for which such approval is required
- LPC must make a determination on the application within 10 days of a complete application
- An LPC public hearing shall be required if LPC determines the proposed café may have an effect on the exterior architectural features of a landmark or a building or buildings within a historic district

Licenses & Fee Schedule and Policies for both Sidewalk and Roadway Cafes:

- \$1,050 fee for license
- \$1,050 for each subsequent license period
- These fees are in addition to fees to be paid for upon revocable consent approval
- 4-Year term of license
- Licensee shall provide adequate service to maintain the tables in the sidewalk cafe or roadway cafe and the adjacent street in a manner that ensures good order and cleanliness
- Licenses are personal to applicants for the specific site, and thus non-transferrable

Roadway Café Revocable Consent Policies:

- Terms shall be concurrent with license periods
- Revocable Consent Petitions shall include:
 - An Accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and other permitted objects (but no requirement for the applicant to procure a professional architect or engineer to develop the drawing)
 - Roadway Cafes will include annual fees for revocable consents per square foot of roadway requested, based on the geographic “sector” in which the applicant is located.
 - Manhattan from 125th Street and South (including Community District 8) will be in either Sector 3 with a fee rate of \$14 per square foot, or Sector 4 at a fee rate of \$25 per square foot;
 - DOT will “provide notice of a petition for a revocable consent for a roadway cafe to the affected community board and council member”
 - “To the extent practicable, DOT will provide an opportunity for both the community board and council member to submit comments as prescribed in NYCDOT Rules”

Sidewalk Café Revocable Consents Fees/Policies & Community Board Review Process:

- Revocable Consent Petitions shall include:
 - An Accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and other permitted objects (but no requirement for the applicant to procure a professional architect or engineer to develop the drawing)
 - Roadway Cafes will include annual fees for revocable consents per square foot of roadway requested, based on the geographic “sector” in which the applicant is located.
 - Manhattan from 125th Street and South (including Community District 8) will be in either Sector 3 with a fee rate of \$18 per square foot, or Sector 4 at a fee rate of \$31 per square foot;
 - Grandfathered enclosed sidewalk cafes will continue paying their prior annual fees until the law goes into effect.
 - On 1/1/28 and every 4 subsequent years, DOT may increase or decrease fees
- Revocable consent petitions to be forwarded to community boards for review within 5 days of filing;
- Community Boards will have 40 days to:
 - Notify the public of the petition;
 - Conduct a public hearing
 - Submit a recommendation
 - Waive the public hearing process if it wishes to do so
- If a Community Board submits a recommendation after the 40 day period lapses, it will be at the discretion of DOT whether to accept the Community Board recommendation.
- If the Community Board denies the applicant’s petition, or approves an application with “substantial modifications or conditions”, DOT shall hold a public hearing

Enforcement Details

- Fines for unlicensed operators of sidewalk and roadway cafes: \$500 for first violation, \$1,000 for subsequent violations
- Fines for licensed operators violating DOT rules: \$200 for first violation, \$500 for subsequent violations
- Upon a rules violation, DOT shall license holder and provide 30 days to take corrective action
- DOT may after providing notice and an opportunity to be heard, suspend or revoke a license to operate a roadway or sidewalk café and order its removal for:
 - 3 or more of the same violation within 2 years
 - 6 or more of any violation within 2 years
- Decision to suspend or revoke a license shall be waived if, upon the submission of satisfactory proof, DOT determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee’s instructions in committing such violations;
- DOT Commissioner may order the removal of any furniture, equipment, structure or other obstruction

In response to the presentation, there were a series of questions asked by meeting participants and board members regarding enforcement powers; Ms. Chattergoon noted that NYCDOT is working on an inter-agency enforcement task force to address abandoned and egregious open restaurants setups that will include NYPD, DSNY and the Mayor's office. She also mentioned that NYCDOT will conduct further outreach with Community Boards as it initiates the rulemaking process. There were also further comments and questions raised regarding the following:

- Graffiti removal;
- Whether 40 days for Community Boards to act on revocable consent requests for restaurants applying for sidewalk cafes is sufficient;
- Will a restaurant wishing to maintain both a sidewalk and roadway café require separate licenses?
- Will platforms be permitted in roadway cafes, or will the roadway furniture be required to be placed directly on the pavement? There were concerns that platforms are where rats congregated;
- Will heating elements be permitted to be used?
- Will the areas adjacent to bike lanes be able to be used for roadway dining?
- The mandated clearances that will be required and established in NYCDOT rulemaking process
- The specific details of the protective barriers that will be required

In general, most comments were supportive of the proposal, as it was viewed as a good compromise that addresses the most egregious concerns raised in regards to the temporary Open Restaurants Program that was established as a pandemic response. It was agreed upon that a letter could be written to the City Council and NYCDOT to further detail some of the outstanding questions and issues that were raised, and the need to ensure that they are sufficiently addressed either via a markup to the legislation or the NYCDOT rulemaking process.

The following resolution was then put forward by Community Board 8:

WHEREAS; the New York City Council has introduced Intro 31-2022 Version “B” to establish permanent Open Restaurants program; and

WHEREAS; the details contained within Intro 31-2022 Version “B” are the result of a compromise agreement between the City Council and the Mayor's office of the framework of a permanent Open Restaurants program; and

WHEREAS; Intro 31-2022 Version “B” incorporates many of the key policy recommendations that were passed in a package of resolutions by Community Board 8 Manhattan in May 2022 regarding a permanent Open Restaurants Program, such as the roadway café program being seasonal, permanent structures not being permitted and needing to be removed if they are not compliant with NYCDOT rules, and only sidewalk cafes established pre-pandemic period being grandfathered into the proposed permanent program; and

WHEREAS; Intro 31-2022 Version “B” empowers NYCDOT to promulgate rules regarding many specific policies regarding design, safety and enforcement of sidewalk and roadway cafes under a new permanent Open Restaurants program; and

WHEREAS; certain details would be better addressed up front in Intro 31-2022 Version “B”, such as enforcement matters;

THEREFORE BE IT RESOLVED, that Community Board 8 supports the framework of Intro 31-2022 Version “B”, establishing a NYCDOT administered Open Restaurants; and

BE IT FURTHER RESOLVED, that in light of ongoing concerns and questions regarding enforcement and other key policy details that Intro 31-2022 Version “B” empowers NYCDOT to address through rulemaking promulgation, Community Board 8 Manhattan requests that the New York City Council should to the fullest extent practicable incorporate specific enforcement measures into Intro 31-2022 Version “B”, along with the creation of an inter-agency enforcement task force; and

BE IT FURTHER RESOLVED, that Community Board 8 Manhattan will be further communicating with NYCDOT on ongoing areas of concern and uncertainty regarding yet-to-be-established rules through a letter in advance of the next round of NYCDOT outreach on the permanent Open Restaurants program.

Yes (12+1): Birnbaum, Bores, Krikler, Lader, McClement, Popper, Rudder, Salcedo, Schneider, Seligson, Tamayo, Warren, Reckler (public member)

No (0): None

Abstain (0): None

Item 6: NYCDOT Updates

Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to CB8M, reported the following:

- NYCDOT will performing a York Avenue Traffic Study, which had been long-requested by Community Board 8 Manhattan. There will be a walkthrough for stakeholders held on June 15th.
- In advance of the upcoming implementation of a bus lane and bike lane on 3rd Avenue, NYCDOT will be resurfacing the segment of 3rd Avenue between 79th and 96th Streets. Letters were provided to restaurants with Open Restaurant Structures that they would need to remove any roadway impediments to enable the resurfacing to be performed.

Item 7: Old and New Business

A resident spoke about concerns regarding signage that is placed near construction zones, and how to distinguish between NYCDOT signs and those put up by the contractor that may not be official.

There being no further business, the meeting was adjourned at 10:13 PM.

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