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

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee co-chairs to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

Resolutions for Approval:

Item 1: Disapproval of Revocable Consent Request for 1083 Fifth Avenue

Item 2: Approval of Open Street Request – Allen Stevenson School (unanimous)

Minutes

Present: Elizabeth Ashby, Lori Bores, Alida Camp, Juno Chowla-Song, Rebecca Dangoor, Craig Lader, Valerie Mason, John McClement, Jane Parshall, Rita Popper, Judy Schneider, Charles Warren, Peter Borock (public member) Stephanie Reckler (public member)

Absent (Excused): Michele Birnbaum, Billy Freeland, Paul Krikler, Rebecca Lamorte, Sharon Pope-Marshall

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

Item 1: PUBLIC HEARING: Revocable consent application to construct, maintain and use Walled-in area, including planters at 1083 Fifth Avenue (between 89 and 90th Streets), block 1501, lot 4, in the Borough of Manhattan (for Ogden Codman LLC)

Brian Connolly, an architect from the firm Zivkovic Connolly Architects P.C. representing 1083 Fifth Avenue on their project to restore and renovate the property, presented a revocable consent application to construct, maintain and use a walled-in area, including planters. The townhouse was formerly a public institution, and was sold to private interests that are converting the building back to residential space.

The project would create a new limestone wall, railing and planting to serve as a “transitional space” which acts as the buffer zone between the private space on the property and the public street. Mr. Connolly stated that the proposal is consistent with the history of other enhancements fronting other residential buildings nearby on Fifth Avenue, and displayed various photos and depictions of the history of 1083 5th Avenue to demonstrate the history of stoops and planted areas along much of the block that he suggested create precedents for this revocable consent request.

The application calls for a walled-in area up to 10’6” wide, resulting in an effective sidewalk width of 14’6”; the sidewalk along 5th Avenue is 25’ wide. Nearby along 5th Avenue, sidewalk clearances for pedestrians after accounting for planters and other incursions range from 17’ 6” to 5’9”; the proposal would extend about 3’10” beyond the adjacent property at 1085 5th Avenue, but the clearance is wider than 1085 5th Avenue due to the presence of planters alongside both the building and sidewalk. The height of the wall would be 3’6” at

its highest point; the masonry wall would be up to 30". The width of the property is 27'7"; the metal entry gate would encompass 7' and the walls on each side would be just under 10'4".

Mr. Connolly also noted that Sam Schwartz Engineering was hired to perform an analysis, and issued findings suggesting that the proposed project would result in Level of Service "C" or better at all times; a "C" means that space is sufficient for normal walking speeds, and for bypassing other pedestrians in primarily unidirectional streams. It was further noted that the conversion of the property to a residential use would further reduce sidewalk congestion as compared to when it was a public institution that attracted visitors on a regular basis.

The low wall received LPC preliminary approval on March 1, 2022, but they can't give final approval until after NYCDOT approves the revocable consent request. Community Board 8's Landmarks Committee had previously discussed the proposed renovation (including the items addressed in the revocable consent request), which resulted in CB8's board opposing the Landmarks request. Mr. Connolly noted that the adjacent Church of the Heavenly Rest has submitted a letter in support of the revocable consent request, along with some other testimony in support that was given at the Landmarks Preservation Commission.

There was considerable opposition to the proposal that was conveyed by the public and CB8 members, including Carnegie Hill Neighbors. There were objections raised related to design and visual aspects and appropriateness from a landmarks perspective, along with more general objections to revocable consent requests that some perceive as a taking of public space to private interests without tangible public benefits.

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

WHEREAS; 1083 Fifth Avenue is seeking a revocable consent to construct, maintain and use a walled-in area, including planters; and

WHEREAS; the proposed walled-in area would reduce the effective sidewalk space to 14' 6", over 10 feet less than the 25' sidewalk width of Fifth Avenue, and extend nearly 4 feet more from the building than the adjacent property; and

WHEREAS; the proposal put forward by 1083 was also part of a project that was previously presented to Community Board 8 as a Landmarks item that was unanimously opposed; and

WHEREAS; there is continued opposition to design-related aspects of the revocable consent request; and

WHEREAS; the proposed walled-in area was perceived as providing minimal public benefit and as a giveaway of public space to private interests;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan disapproves the revocable consent request of 1083 Fifth Avenue to construct, maintain and use a walled-in area, including planters.

Yes (8+1): Ashby, Camp, Chowla-Song, Mason, McClement, Parshall, Popper, Schneider, Reckler (public member)

No (3): Bores, Lader, Warren

Abstain (0): None

Item 2: PUBLIC HEARING: Open Street Application - Allen Stevenson School (East 78th Street from Park Avenue to Lexington Avenue) From 7:30am to 8:30am and 2:30pm to 3:30pm, Monday through Friday

Chris Acerbo, Director of Security at Allen Stevenson School, presented the school's application to the NYCDOT Open Street program. The application for the 2023-24 school year is a significant downscaling from the 2022-23 school year when the street was closed throughout the duration of the school day, which

generated extensive disruption to many residents, doctors and businesses along East 78th Street between Park and Lexington Avenues. Mr. Acerbo emphasized that the proposed hours would only cover morning arrival and afternoon dismissal to expedite and improve safety of the process for students, and that there would be no access restrictions for residents, deliveries, and visitors during open street hours; he also noted that it would be a staff member rather than a contractor directing entrants, which will further ensure that the needs of neighbors are being communicated directly to school officials. He noted that the rooftop play area is now complete, further eliminating the need for the open street during school hours.

Mr. Acerbo stated that he has been working with neighbors, and that the current proposal has the support of the President of the Block Association. Most of the meeting attendees who spoke on the topic also expressed support and appreciation that the proposal is downscaled and more sensitive to the needs of the residents. One couple who lived right across from the school provided comments disagreeing with statements describing the extensive outreach the school performed, and questioned whether there was complete support among neighbors.

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

WHEREAS; Allen Stevenson School has applied to operate an NYCDOT Open Street on East 78th Street between Park Avenue and Lexington Avenue; and

WHEREAS; the requested open street is for school days between the hours of 7:30AM and 8:30AM and 2:30PM and 3:30PM, coinciding with student arrival and dismissal; and

WHEREAS; the requested open street hours is significantly reduced from the prior school year, which was opposed by neighbors due to the disruption it caused; and

WHEREAS; Allen Stevenson School has worked extensively with neighbors, and obtained the support of the Block Association and other neighbors for maintaining the open street only during student pick-up and drop-off times; and

WHEREAS; Allen Stevenson School will have a staff member managing access during the hours of the open street, and will ensure that neighbors, visitors and deliveries will be able to access other addresses on the block;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan approves the application from Allen Stevenson School, as presented, to operate an NYCDOT Open Street from 7:30am to 8:30am and 2:30pm to 3:30pm, Monday through Friday.

Yes (9+1): Bores, Camp, Chowla-Song, Lader, Mason, McClement, Popper, Schneider, Warren, Reckler (public member)

No (0): None

Abstain (0): None

Item 3: PUBLIC HEARING: Request to modify curbside parking regulations in front of 21 East 61st Street (between Madison Avenue and Fifth Avenue) from Truck Loading zone between 7 am – 7 pm, except on Sundays to either No Standing or No Parking

Representatives from 21 East 61st Street, including Board President Marty Burger and Tabot Eneme, Traffic Engineer for Sam Schwartz Engineering (who was retained to conduct an analysis of the situation by 21 East 61st Street's Property Manager Extell Corp.) presented a request to modify the curbside parking regulations in front of their 68-unit condo.

It was described how the current parking regulation, which is commercial vehicle parking 7AM to 7PM except Sundays, presents safety concerns for those who are being picked up and dropped off in front of their building, as such persons must cross over a bike lane and a parking lane that are often inhabited by large

vehicles that don't have any limitations on how long they may park. It was also reported that larger vehicles create a blind spot for vehicles exiting the adjacent parking garage, threatening cyclists that may not be visible. It was further noted that the bike lane was introduced in the post-pandemic period, and that the situation has become worse since its introduction as it effectively reduced the street to one moving lane and causes any stopped vehicle conducting a delivery or passenger pick-up or drop-off to block the street.

Mr. Eneme referenced the daily No Standing from 7AM and 7PM regulations on the other (south) side of the street, and the no standing anytime further to the east on the south side of the street. He noted that other nearby blocks largely have commercial or other regulations to restrain long-term parking, but on 61st street some of the truck delivery vehicles will park for a long time with limited turnover. He recommended that the parking regulations be swapped to shift the commercial parking zone to the south side of the street, and that the more stringent no standing be in place on the north side, which would benefit pick-up and drop-off activity at 21 East 61st Street and also move the commercial parking to the same side of the street where businesses are located, such as the Pierre Hotel that has expressed support for this solution. An alternative approach also acceptable to 21 East 61st Street would be to change the commercial parking regulations to No Parking, which would allow short duration deliveries to take place.

The proposal didn't generate significant support. There were concerns expressed about lack of communication to other nearby stakeholders and neighborhood groups, and there was hesitation to support changing regulations before giving the 19th Precinct an opportunity to conduct enhanced enforcement of parking regulations on the block. It was also noted that the bike lane is meant to be parking protected, and a change to No Standing would remove that protection for cyclists and be in conflict with the intended design and benefits that a parking protected bike lane provides.

No action was taken on this item. It was suggested that the building management work with the 19th Precinct to try to address the illegal parking occurring, and that another request be made to the Committee to revisit this matter in the future.

Item 4: Discussion of Proposed NYCDOT Rules - Pedal Assist Commercial Bikes

On August 13th, NYCDOT issued a notice of proposed rules regarding pedal assist commercial bikes and a public hearing to be held on September 13th on the topic. The Committee felt this topic warranted a discussion in the event that it wished to provide formal testimony.

The proposed rules expand the current pilot program that have permitted cargo bikes to operate in bike lanes since 2019. The purpose of cargo bikes is to reduce the amount of deliveries occurring by truck, as NYCDOT has found that two cargo bikes can provide the same productivity as one box truck. The city's long-standing goal is to open the door for companies to unleash an armada of more than 2,000 cargo bikes by 2026, following up on the success of the current pilot program that generated over 130,000 trips that delivered over 5 million packages.

The proposed rules would permit the use of four-wheeled pedal assist e-bicycles up to 48 inches wide, an increase over the current maximum of three wheel bikes up to 36 inches wide. There is some question regarding whether New York State law would permit a fourth wheel, which is why NYCDOT is seeking to promulgate a rule that would make it legal locally. The proposed rules would cap the length of the cargo bays at 10 feet in length, which is controversial because it could restrict companies such as Amazon from using cargo bikes that it has already deployed. It would also allow NYCDOT to add cargo bike loading zones as a curbside regulation, and allow cargo bikes to briefly park on sidewalks to perform deliveries.

There were a wide variety of comments that followed divided between supporters and opponents of expansion of bike infrastructure programs, however, there was consensus that cargo e-bikes should not be allowed to park on sidewalks and potentially interfere with pedestrians and risk their safety, and there was concern regarding the proposed increase in width that would be permitted under the new rules and the safety

implications to other users of bike lanes. Given the timing of the public hearing and deadline to submit comments, the Committee agreed that the Chairs would write a letter to be submitted highlighting safety concerns of 48 inch-wide bikes and allowing parking on sidewalks.

Item 5: NYCDOT Updates

There were no updates provided by NYCDOT

Item 6: Old and New Business

A Committee member discussed multiple bus stops on northbound York Avenue and the signage for the M31 and the Cornell Bus.

A member discussed safety and noise concerns regarding vehicles that are racing at high speeds on the FDR Drive.

There being no further business, the meeting was adjourned at 8:55 PM.

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

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**The City of New York
Community Board 8 Manhattan**

September 13, 2023

Ydanis Rodriguez
Commissioner
Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

RE: Proposed Amendment to DOT's Traffic Rules Regarding the Operation of Pedal-assist Commercial Bicycles in New York City.

Dear Commissioner Rodriguez,

We are writing on behalf of Community Board 8 Manhattan to offer comments on the Department's draft regulations authorizing the use of larger pedal-assist cargo bicycles in dedicated bike lanes and allowing those bikes to temporarily park on the sidewalk while making deliveries.

Community Board 8 has serious safety concerns about the use of larger cargo bikes, possibly up to 48 inches wide, more than 12 inches wider than allowed under existing regulations. Senator Liz Krueger has stated in her letter of September 7th that the regulations allowing bikes up to 48 inches likely violate state law which limits these types of bikes to 36 inches. We are concerned that bikes this large will cause safety problems if they are allowed to be in bike lanes. There are already problems with regular bikes in those lanes and the larger bikes would exacerbate those problems.

Additionally, we have a problem with allowing pedal-assist commercial bikes to be temporarily parked on a sidewalk, while attended or unattended, for the purpose of loading and unloading commercial property. Today, commercial bikes many times ride on the sidewalk in order to reach their place of pickup or delivery. This is a danger to pedestrians under present conditions and allowing these larger cargo bikes to park on the sidewalk will create an even bigger problem. We believe it is ill advised to make this change. There will be places where the commercial cargo bikes can park and make pickups and deliveries without aggravating the situation of bikes on the sidewalk.

We hope you will give serious consideration to our comments when finalizing these regulations.

Please advise us of any action taken on this matter.

Sincerely,

Russell Squire

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Chair

Craig Lader and Charles Warren

Craig Lader and Charles Warren
Co-Chairs, Transportation Committee

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York

Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District