

Valerie S. Mason  
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 24, 2024 - 6:30 PM**

**This meeting was conducted in a hybrid format in person and via Zoom  
Memorial Sloan Kettering's Rockefeller Research Laboratories  
430 East 67<sup>th</sup> Street - Auditorium**

**MINUTES:**

**Community Board Members Present:** Michael Anderson, Bill Angelos, P. Gayle Baron, Jennifer Bayer Michaels, Michele Birnbaum, Lori Ann Bores, Taina Borrero, Alida Camp, Juno Chowla-Song, Sarah Chu, Saundrea Coleman, Lindsey Cormack, Rebecca Dangoor, Felice Farber, Billy Freeland, Bradley Hershenson, David P. Helpern, Sahar Husain, Addeson Lehv, Valerie Mason, John McClement, Evan Meyerson, Jane Parshall, Sharon Pope-Marshall, Margaret Price, Elizabeth Rose, Barbara Rudder, Abraham Salcedo, Jack Sasson, Robin Seligson, Russell Squire, Marco Tamayo, Adam Wald, Charles Warren, and Sharon Weiner.

**Community Board Members Virtual:** Elizabeth Ashby (Health), Anthony Cohn (Health), Wilma Johnson (Health), Craig M. Lader (Travel), John Philips (Childcare), Rita Popper (Health), William Sanchez (Health), Judith Schneider (Caregiving), and Cos Spagnoletti (Emergency).

**Community Board Members Excused:** Paul Krikler and CJ Mossman.

**Community Board Members Absent:** Edward Hartzog and Rebecca Lamorte

**Total Attendance: 35**

**Chairman Valerie S. Mason called the meeting to order at 6:30 PM.**

**1. Swearing in of 2024 Community Board 8 Manhattan Officers**

**2. Public Session**

- Evelyn David spoke in favor of parking passes regarding the Central Business District tolling structure.
- Motoko Shoboji spoke about the high school admissions process in the Community District.
- Andrew Fine representing New Yorkers Against Congestion Pricing Tax spoke in opposition to the Central Business District tolling structure and representing the E-Vehicle Safety Alliance spoke in opposition to e-bikes.
- Elaine Wrightman spoke about her appreciation for Community Board 8 Manhattan.
- Ana Garcia representing Memorial Sloan Kettering Cancer Center spoke about the organization's upcoming event.
- Kimi Galang Villegas representing the Small Business Support Program spoke about that organization's services.
- Ellen Sills-Levy spoke in opposition to rodent infestations in the Community District's movie theaters.
- Stephanie Reckler representing the Committee to Protect Our Lenox Hill Neighborhood spoke in opposition to the construction of the Northwell Lenox Hill Tower.

- Jonathan Bing representing The Frick Collection spoke in favor of that organization's liquor license application.
- Leslie Samuels representing the East 70<sup>th</sup> Street Block Association spoke in favor of the stipulations agreed upon in regard to The Frick Collection's liquor license application.
- Martin Kaplan spoke in favor of The Frick Collection's liquor license application.
- Catherine A. Wang spoke in favor of The Frick Collection's liquor license application.
- Brittany Beyer Harwin spoke in favor of The Frick Collection's liquor license application.
- Margaret Civetta spoke in favor of The Frick Collection's liquor license application.
- Sara O'Dea spoke in favor of The Frick Collection's liquor license application.
- Sara Muskulus representing The Frick Collection spoke in favor of that organization's liquor license application.
- Alida Camp representing the Arts Committee of Community Board 8 Manhattan spoke about the upcoming crafts show.

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

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

### **5. Manhattan Borough President's Report**

Manhattan Borough President Mark Levine reported on his latest initiatives.

### **6. Elected Officials' Reports**

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

### **7. Chair's Report – Valerie S. Mason**

Chair Valerie S. Mason gave her report.

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

District Manager Will Brightbill gave his report.

### **9. City of Yes for Economic Opportunity Vote**

**WHEREAS**, Community Board 8 Manhattan (CB8M) has conducted a comprehensive review and engaged in discussions with relevant city agencies regarding the City of Yes for Economic Opportunity ("COYEO") zoning text amendment and engaged a land use and zoning expert to assist us in our review of COYEO;

**WHEREAS**, COYEO comprises 18 proposals of varying objectives, impact levels, and clarity, necessitating careful consideration and potential modifications;

**WHEREAS**, Community Board 8 Manhattan believes that in light of the sheer volume of COYEO changes and their complexity, the review period for COYEO should have been longer;

**WHEREAS**, COYEO proposes a myriad of changes to special zoning districts, in general but is not structured to accept comments to address the uniqueness of certain special districts which deeply concerns Community Board

8; we wish to make sure that these proposals do not have the effect of changing the unique character of our special districts, particularly the Special Madison Avenue Preservation District, and we request that the Department of City Planning engage in additional discussions with Community Board 8, our neighborhood groups, and our district's City Councilmembers to address our concerns and related possible modifications to the COYEO proposals;

**WHEREAS**, with respect to COYEO proposal number 8 regarding Life Sciences, Community Board 8 Manhattan would request that if it is enacted despite our “no” that the text amendment specifically acknowledge and respect the existing restrictive declaration with respect to the New York Blood Center re-zoning;

**WHEREAS**, with respect to COYEO proposal number 16, while Community Board 8 Manhattan does not believe this proposal is right for our district, and disapprove its application in Community District 8, we recognize that it might be more appropriate for other parts of the city. DCP has explained that it was developed with other areas in mind, and do not object to it being proposed or implemented specifically for those areas rather than city-wide;

**THEREFORE, BE IT RESOLVED** that Community Board 8 Manhattan expresses its **unqualified favorable “yes” opinion** for the following proposals of COYEO zoning text amendment:

- (2) **Simplify District Types**
- (6) **Use Terms**; additionally, we recommend that the term “Uses” be amended to specifically add shelters and safe havens and identified to the appropriate use group.
- (13) **Auto repair**
- (18) **New Loft-style district**;

**BE IT FURTHER RESOLVED** that Community Board 8 Manhattan expresses its **conditional favorable “yes” opinion** of the following proposals of COYEO zoning text amendment, contingent on the incorporation of the following modifications:

- (3) **Small-scale Production**: Conditional upon such use to the extent sited on the ground floor store front of a commercial district, it must also contain a retail component;
- (7) **Urban Agriculture**: Conditional upon (a) establishing (i) regulations to ensure minimum negative environmental impacts, including odors, rodents, and other negative impacts such as guardrails for water use and (ii) creation and maintenance of a specific and adequate enforcement team and meaningful enforcement of such regulations, and (b) such use only being permitted in commercial or manufacturing zones, and not in residential zones or mixed buildings in any zone.
- (9) **Nightlife**: Conditional upon (a) exclusion of special districts (including the Special Madison Avenue Preservation District) from the changes and (b) establishing adequate regulations to ensure mitigation of environmental impacts for surrounding neighbors, including, hours of operation, noise levels, and traffic (both vehicular and pedestrian), with an adequately staffed enforcement team and meaningful fines and penalties for non-compliance;
- (10) **Amusement**: Conditional upon the removal of the BSA special permit (ZR 73-181) and the CPC special permit (ZR 74-181) that would permit waivers of the proposed underlying size and supplementary use regulations with respect to indoor amusements; and “no” to outdoor amusements being permitted to be sited anywhere other than where they are in accordance with the current zoning resolution;
- (14) **Micro-distribution**: Conditional upon (a) such locations only being sited on avenues other than Fifth, Madison, and Park Avenues and not side streets, (b) not being permitted in special districts, and (c) the establishment of regulations to address sidewalk capacity (prohibitions on pallets and vehicles on the sidewalk) and vehicular traffic directly in front of the micro-distribution location, noise levels during quiet hours, the appearance of the storefront and other logistical impacts within residential

neighborhoods, together with the establishment of an adequately staffed enforcement team and meaningful fines and penalties;

**BE IT FURTHER RESOLVED** that Community Board 8 Manhattan expresses its **“no” unfavorable opinion** of the following proposals of COYEO zoning text amendment as follows:

- (1) **Reactivate Storefronts** (in addition, we would like the City to conduct a survey in the districts where there is currently no time limit on reactivation as to the effects, if any, on vacancies)
- (4) **Loading Docks**
- (5) **Upper Floor Commercial**
- (8) **Life Sciences**
- (11) **Home Occupations**
- (12) **Streetscape**; Community Board 8 Manhattan further requests that if this proposal is implemented, that it exclude special districts (including the Special Madison Avenue Preservation District) from the changes and (b) permit street abutting ground floor apartments, provided that there is appropriate provision for windows and ambient lighting of the streetscape (of the same type that is required by commercial businesses);
- (15) **Campus Commercial**
- (16) **Corner Stores**
- (17) **Better Waiver Process**

Community Board 8 Manhattan approved this resolution by a vote of 38 in favor, 3 opposed, 1 abstention, and 0 not voting for cause.

#### 10. Committee Reports and Action Items

##### A. Street Life Committee – Abraham Salcedo, Chair

SL-1: Item 1C, 1D Unanimous Approvals  
SL-2: Item 1A  
SL-3: Item 1B  
SL-4: Item 2A

Item 1C: **Abues LLC., dba American Bar, 1022 Lexington Avenue (Between East 72nd and East 73rd Streets) New Application and Temporary Retail Permit for Liquor, Wine, Beer and Cider**

**WHEREAS** this is a New application for a Liquor, Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

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

Item 1D: **Bayon Cambodian Restaurant Inc., 408 East 64th Street (Between York and First Avenues) New Application and Temporary Retail Permit for Wine, Beer and Cider**

**WHEREAS** this is a New application for a Wine, Beer, and Cider License and Temporary Retail Permit; 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; 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 42 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

**Item 1A: The Frick Collection and Hudson Yards Catering LLC dba pending, 1 East 70th Street (Between Madison and Fifth Avenues) New Application and Temporary Retail Permit for Liquor, Wine, Beer and Cider**

**WHEREAS** this is a New application for a Liquor, Wine, Beer, and Cider License and Temporary Retail Permit; and

**WHEREAS** the Frick met with residents of both East 70th Street and East 71st Street and reached agreement on the attached stipulations, which CB8 agrees with and incorporates as conditions of approval; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls and; 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 39 in favor, 2 opposed, 0 abstentions, and 1 not voting for cause.**

**Item 1B: Akimori UES LLC., dba Akimori, 858 Lexington Avenue (Between East 64th and East 65th Streets) New Application and Temporary Retail Permit for Wine, Beer and Cider**

**WHEREAS** this is a New application for a Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

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

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

**Item 2A: Fabers Arcade Inc dba Bad Maryjane., 799 Lexington Avenue (Between East 61st and East 62nd Streets) Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License**

**WHEREAS** this is a new application for a retail dispensary; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations; 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 29 in favor, 13 opposed, 0 abstentions, and 0 not voting for cause.**

**B. Transportation Committee – Craig M. Lader and Charles S. Warren, Co-Chairs**

TR-1: Item 1

TR-2: Item 2

Item 1: **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)**

**WHEREAS;** an application for a Revocable Consent to construct, maintain, and use a Fenced-in

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

**WHEREAS;** an earlier request for this revocable consent was disapproved by CB8's Transportation Committee in September 2023 due to concerns regarding both design related aspects and the lack of public benefits that it would generate; and

**WHEREAS;** the applicant has submitted a revised proposal that reduces the depth of the walled-in area by 7 inches and would provide 15' 1" of sidewalk clearance; and

**WHEREAS;** community concerns continue to exist regarding the application, including from Carnegie Hill Neighbors which had requested an additional 1.5 feet of sidewalk clearance be maintained, which would result in a walled in area that would extend past the property line by 8.5 feet, which is the average of the planters of the neighboring adjacent apartment building and less than the 10' that the property owner was proposing; and

**WHEREAS;** the applicant declined to further reduce the depth to adhere to the Carnegie Hill Neighbors request; and

**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.

**Community Board 8 Manhattan approved this resolution by a vote of 37 in favor, 5 opposed, 1 abstention, and 0 not voting for cause.**

Item 2: **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)**

**WHEREAS;** 1143 Fifth Avenue is seeking a revocable consent to construct, maintain and use a fenced-in area, including a fence; and

**WHEREAS;** the proposed fenced-in garden would restore a condition to the building when it was originally built in 1923; and

**WHEREAS;** the proposed fence would extend 7'; beyond the property line, which is less than the adjacent building with a garden that extends 9' 6" beyond the property line; and

**WHEREAS;** the proposed effective sidewalk width will be 12' 6.5";

**THEREFORE, BE IT RESOLVED,** that Community Board 8 Manhattan **APPROVES** a revocable consent to construct, maintain and use a planted area, including a fence.

**Community Board 8 Manhattan approved this resolution by a vote of 37 in favor, 4 opposed, 2 abstentions, and 0 not voting for cause.**

### C. Congestion Pricing Taks Force – Alida Camp and Craig M. Lader, Co-Chairs

CPTF-1: Item 1

Item 1: **That the MTA provide an easily accessible and user-friendly portal on its website devoted to congestion pricing that is updated regularly.**

**WHEREAS**, New York State established a Central Business District Tolling Program, enacted into law in the FY2019-2020 New York State Budget; and

**WHEREAS**, §1706 of the New York State Vehicle & Traffic Law, enacted as part of the 2019-2020 New York State Budget that included the language that enacted the Central Business District Tolling Program, requires the MTA Triborough Bridge and Tunnel Authority to issue a report on the effects of the program starting one year after the date in which operations begin; and

**WHEREAS**, the reporting requirements described in §1706 of the New York State Vehicle & Traffic Law include metrics, including reporting the effect of the central business district tolling program on traffic congestion in and around the central business district, on mass transit use and taxi and for-hire vehicle use (including the vehicle-miles traveled for each trip within the central business district for taxis and for-hire vehicles), and the current and historic volume of vehicles entering the central business district by vehicle type (including but not limited to trucks, transportation network companies, taxis, private cars, and tour buses), and;

**WHEREAS**, §1706 also requires reporting on environmental improvements, including but not limited to, air quality, and emissions trends in and around the central business district; congestion reduction measures; and transit ridership and average bus speeds within the central business district, and on all receipts and expenditures relating to the central business district tolling program; and

**WHEREAS**, CB8 previously approved a resolution requesting that the MTA 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; and

**WHEREAS**, CB8 also previously approved a resolution calling 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; and

**WHEREAS**, the Central Business District Tolling Program is on a trajectory that may result in congestion pricing tolling beginning as early as June 2024; and

**WHEREAS**, the MTA already has a performance dashboard on its website that reports key performance metrics for each of its public transit divisions that is updated as frequently as daily for certain categories of data; and

**WHEREAS**, full and immediate transparency from the MTA should be a core tenet for a program such as congestion pricing given the great interest both policy makers and the public will have in understanding the impacts of the program; and

**WHEREAS** the tolling infrastructure that has been installed will be generating the information necessary for the MTA to monitor traffic effects of congestion pricing on a regular basis (monthly or quarterly) as soon as tolling begins;

**WHEREAS**, timely reporting on Congestion Pricing should be made available in a public-facing manner on a frequent basis similar to the MTA's existing dashboards, as annual reporting that doesn't begin until after one year of operations is concluded lacks the needed immediacy, is too infrequent, and may not allow for the

identification of trends and effects to be fully discernable, including seasonal trends that may not be apparent with annual reporting; and

**WHEREAS**, the limited breadth of the reporting data that is required under §1706 focusing on inside the toll zone is not sufficient to provide a full picture of impacts on residents and businesses for areas bordering the toll zone such as in most of Community District 8; and;

**WHEREAS**, the reporting requirements described in §1706 of the New York State Vehicle & Traffic Law don't require reporting pertaining to fiscal matters, including operating and implementation costs of the program, and revenues generated from tolling; and;

**WHEREAS**, any future changes to the congestion pricing program, such as those that could be considered by elected officials looking to update the state law depending on the specific potential benefits and adverse impacts that may result, would need to be based upon a full understanding of the impacts of the program through data-driven analysis that necessitates reporting more frequently than on an annual basis;

**THEREFORE, BE IT RESOLVED**, that CB8 recommends strongly that the MTA provide an easily accessible and user-friendly portal on its website devoted to congestion pricing that is updated regularly (on at least a monthly or quarterly basis depending on the data set) and which shall contain a dashboard that includes the following information: revenue generated, construction/implementation and operating costs, traffic data specifically identifying volumes at each location where a toll zone entry exists, and a detailed breakdown of vehicles entering the zone by vehicle type, including passenger cars, taxis, for-hire vehicles, buses, large trucks, small trucks, and motorcycles.

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

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

LM-1: Items 1, 4

LM-2: Item 2

LM-3: Item 3

Item 1: **1080 Fifth Avenue (Carnegie Hill Historic District)** – *Wayne Turett, The Turett Collaborative* – A Neo Italian “Modern” style building designed by Wechsler & Schimenti and constructed in 1960-61. Application is to add a single window on the angled setback façade (south-facing) at the 16th floor, to match adjacent windows for size and detail.

**WHEREAS** 1080 Fifth Avenue is a neo-Italian style building designed by Wechsler & Schimenti and constructed in 1960-1961; the south-facing elevation looks out over The Guggenheim Museum;

**WHEREAS** 1080 Fifth Avenue is considered a “Modern” building in the designation report;

**WHEREAS** at the 16th floor on an angled setback facade the applicant is proposing a single new window measuring 4 1/2' wide x 5' 8" wide and matching the height of the window adjacent to it and matching the width of the door to the terrace below;

**WHEREAS** there is now a mix of tripartite and single pane windows on the building;

**WHEREAS** a single pane window rather than a tripartite window makes sense because the windows within the space (interior) are single pane windows; the proposed new window follows the horizontal design of the existing windows;

**WHEREAS** even though the window in the same location on the floor above the proposed new window is a tripartite window, the horizontal relationship of the proposed new window to the existing windows on the 16<sup>th</sup> floor is more important than the vertical relationship with the window above;

**THEREFORE BE IT RESOLVED THAT** this application is **APPROVED** as presented.

Item 4: **19 East 74th Street (Upper East Side Historic District)** – Steven Harris Architects LLP – A simplified Neo-Federal style building constructed in 1869 and altered by Schwartz & Gross in 1930. Application is an alteration to previously-approved rear façade windows at Ground Floor and Third Floor.

**WHEREAS** the alteration to this Neo-Federal style building was approved by the Community Board and the Landmarks Preservation Commission;

**WHEREAS** the construction for the alteration is underway;

**WHEREAS** a change on the interior would benefit by a change in the window arrangement on the third floor in the rear of the building;

**WHEREAS** the approved rear façade has multi-pane steel windows;

**WHEREAS** the approved windows on the third floor in the rear include a pair of windows and a single window;

**WHEREAS** the proposed change on the third floor in the rear is for a single, multi-pane window that incorporates the pair of windows and the single window into the equivalent of five multi-pane windows in one masonry opening;

**WHEREAS** the proposed window opening, with the equivalent of five individual windows side by side, matches the style and functioning of the steel windows on the fourth and fifth floors with a heavy, horizontal mullion defining the upper third of the windows;

**WHEREAS** the upper thirds of the new windows have operable transoms like the approved windows;

**WHEREAS** the windows in the rear façade were organized as five side by side doors and windows on the second floor and a pair of windows and a single window on the third through fifth floors;

**WHEREAS** the windows in the rear façade are to be organized as five side by side doors and windows on the second floor and five side by side windows on the third floor, and a pair of windows and a single window on the fourth and fifth floors;

**WHEREAS** the new window in the rear façade, the equivalent of five windows side by side, creates a new relationship of windows and doors that is well composed;

**WHEREAS** the proposed new window is appropriate and contextual within the historic district;

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

**Community Board 8 Manhattan unanimously approved these resolutions by a vote of 43 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

Item 2: **575 Park Avenue (Upper East Side Historic District)** – *Murdock Solon Architects*– A Neo-Renaissance style building designed by George F. Pelham and constructed in 1926-1927. Application is to add two awnings on the terrace of the apartment PH1607.

**WHEREAS** 575 Park Avenue has a rear wing that extends toward East 62nd Street;

**WHEREAS** Penthouse 1607 has a terrace on the rear wing facing south;

**WHEREAS** the terrace is 49'-11" wide by 10'-10" deep;

**WHEREAS** there are three 8'-9" wide openings spaced approximately at the third points of the wall facing the terrace;

**WHEREAS** the central opening has a window and the openings either side have sliding glass doors;

**WHEREAS** there is a retractable awning over the central window that is not visible from the street;

**WHEREAS** retractable awnings to match the existing awning are to be installed above the sliding glass doors;

**WHEREAS** the tops of the openings align, and the three awnings will align;

**WHEREAS** the awnings, when in the open position, extend about six feet from the face of the wall;

**WHEREAS** the eastern awning, when in the open position, will be visible from Lexington Avenue;

**WHEREAS** retractable awnings can be closed in windy or inclement weather;

**WHEREAS** the awnings add a functional and attractive element to the terrace;

**WHEREAS** the awnings are not visible in relation to the Park Avenue and East 63rd Street facades;

**WHEREAS** the awnings are appropriate and contextual 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 42 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.**

Item 3: **857 Fifth Avenue (Upper East Side Historic District)** – *Matthew Cordone Architect PLLC* – A building designed by Robert L. Bien and constructed in 1961-1963. Application is for a façade restoration of the natural stone only on the ground floor of the south elevation.

**WHEREAS** 857 Fifth Avenue is an apartment building designed by Robert L. Bien and constructed in 1961-1963;

**WHEREAS** the entrance to 857 Fifth Avenue is around the corner on East 67th Street;

**WHEREAS** at both the Fifth Avenue elevation and the East 67th Street elevation, the existing condition presents as an approximately 9' high red granite base with white brick above;

**WHEREAS** much of the red granite at the base of both elevations is badly deteriorated;

**WHEREAS** the applicant proposes to retain, where possible, the original red granite at the base on the Fifth Avenue elevation, using undamaged removed red granite from the 67th Street elevation to repair, where needed, damaged red granite on the front elevation;

**WHEREAS** on the 67th Street elevation, the applicant proposes to remove all of the red granite AND replace with a stone base that will approximate the color of the white brick used in the rest of the building;

**WHEREAS** the applicant stated that the red granite used in the base is not available; the applicant further stated that a similar red material for use at the base has not been located;

**WHEREAS** the Committee cannot support a departure from the original intent of the architect in color and texture — the polished red granite base with the white above presents a strong contrast to the building and provides visual interest;

**WHEREAS** the applicant’s proposal to change the color of the base at the 67th Street elevation only is inappropriate for both the building and within the historic district;

**WHEREAS** 857 Fifth Avenue requires its red base;

**THEREFORE BE IT RESOLVED THAT** this application is **DISAPPROVED** as presented.

**Community Board 8 Manhattan approved this resolution by a vote of 40 in favor, 1 opposed, 2 abstentions, and 0 not voting for cause.**

**E. Health, Seniors, and Social Services Committee – Rebecca Dangoor, Wilma Johnson, and Barbara Rudder, Co-Chairs**

HSS-1: Item 1

Item 1: **Approval of the amended Nuisance Abatement Bill as presented by Council Member Keith Powers.**

**WHEREAS:** There are about 1500 illegal Cannabis shops in the City, and;

**WHEREAS:** Currently the laws make it slow and difficult to close these stores; and;

**WHEREAS:** These stores sell illegal products, evade current laws about selling to minors, are a blight on our streetscape, and cause crime; and;

**WHEREAS:** The existing New York City Nuisance Abatement Law can be amended to facilitate quickly and easily shutting illegal shops;

**THEREFORE BE IT RESOLVED:** Community Board 8 Manhattan encourages a speedy passage of the amended Nuisance Abatement Law as outlined in Introduction 1243-2023 to:

- 1) Clarify that the distribution for sale, selling at wholesale or retail, or delivering to consumers of any cannabis, cannabis product, medical cannabis, or cannabinoid hemp or hemp extract product without the appropriate registration, license, or permit issued by New York State is a public nuisance subject to permanent and preliminary injunctions;
- 2) Create a new category of public nuisance involving the selling, delivery, or giving away of cannabis to any person under 21 years of age; and
- 3) Make the above-mentioned public nuisances subject to temporary closing orders and temporary restraining orders.

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

**F. Street Fairs Committee – Wilma Johnson and Barbara Rudder, Co-Chairs**

SF-1: Item 1

SF-2: Item 2

SF-3: Item 3

SF-4: Item 4

SF-5: Item 5

SF-6: Item 6

SF-7: Item 7  
SF-8: Item 8  
SF-9: Item 9  
SF-10: Item 10  
SF-11: Item 11  
SF-12: Item 12  
SF-13: Item 13  
SF-14: Item 14

**Item 1: Lexington Avenue Fair (Sponsored by 19th Precinct Community Council)** — Full Street Closure at Lexington Avenue between East 79th Street and East 86th Street, Sunday 04/28/2024, from 10:00 AM - 06:00 PM.

**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 2: Manhattan Chamber of Commerce 2nd Avenue Community Benefit Festival (Sponsored by Manhattan Chamber of Commerce)** — Full Street Closure at Second Avenue between East 66th Street and East 86th Street, Saturday 05/04/2024, from 10:00 AM - 06:00 PM.

**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 3: Lenox Hill Neighborhood House 1st Avenue Festival (Sponsored by Lenox Hill Neighborhood House)** — Full Street Closure at First Avenue between East 68th Street and East 79th Street, Saturday 06/01/2024, from 10:00 AM - 06:00 PM.

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

**Item 4: Bastille Day Festival (Sponsored by French Institute Alliance Francaise)** — Full Street Closure at Madison Avenue between East 59th Street and East 63rd Street and East 60th Street between Madison Avenue and Fifth Avenue, Sunday 07/14/2024, from 10:00 AM - 06:00 PM.

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

**Item 5: 3rd Avenue Community Benefit Festival (Sponsored by Manhattan Chamber of Commerce)** — Full Street Closure at Third Avenue between East 66th Street and East 86th Street, Saturday 09/07/2024, from 10:00 AM - 6:00 PM.

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

**Item 6: Lexington Avenue Festival (Sponsored by The Young Mens and Young Womens Hebrew Association)** — Full Street Closure at Lexington Avenue between East 79th Street and East 96th Street, Sunday 09/22/2024, from 10:00 AM - 06:00 PM.

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

**Item 7: Lenox Hill Farmstand (Sponsored by Council on the Environment Inc. dba GROWN NYC)** — Sidewalk and Curb Lane Closure at East 70th Street between First Avenue and Second Avenue, Fridays from 01/05/2024 to 12/27/2024, from 11:00 AM - 08:00 PM.

**Community Board 8 Manhattan approved this resolution by a vote of 41 in favor, 2 opposed, 0 abstentions, and 1 not voting for cause.**

Item 8: **82nd Street Greenmarket (Sponsored by the Council on the Environment Inc. dba GROWN NYC)** — Sidewalk and Curb Lane at East 82nd Street between First Avenue and York Avenue, Saturdays from 01/06/2024 to 12/28/2024, from 06:00 AM - 05:00 PM.

**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 9: **Family Day (Sponsored by The Episcopal School in the City of New York)** — Full Street Closure at East 69th Street between Madison Avenue and Park Avenue, Thursday 05/16/2024, from 03:30 PM - 05:30 PM.

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

Item 10: **MNS PS 290 - 2024 Rock The Block Spring Festival (Sponsored by Manhattan New School - PS 290)** — Full Street Closure at East 82nd Street between First Avenue and Second Avenue, Saturday 05/18/2024, from 11:00 AM - 04:00 PM.

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

Item 11: **The Dalton School Spring Fair (Sponsored by The Dalton School)** — Full Street Closure at East 91st Street between Park Avenue and Madison Avenue, Friday 05/24/2024, from 11:30 AM - 02:30 PM.

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

Item 12: **All Souls School Block Party (Sponsored by All Souls School)** — Full Street Closure at East 80th Street between Lexington Avenue and Third Avenue, Thursday 05/30/2024, from 02:30 PM - 06:00 PM.

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

Item 13: **60th Street Fair (Sponsored by German American Committee of Greater New York)** — Full Street Closure at East 60th Street between Madison Avenue and Fifth Avenue, Saturday 06/29/2024, from 10:00 AM - 06:00 PM.

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

Item 14: **60th Street Fair (Sponsored by East Sixties Neighborhood Association)** — Full Street Closure at East 60th Street between Madison Avenue and Fifth Avenue, Saturday 08/10/2024, from 10:00 AM - 06:00 PM.

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

#### **G. Roosevelt Island Committee – Paul Krikler, Chair**

RI-1: Item 1

Item 1: **Approval of the Application from Cornell Tech to the Public Design Commission to install four graphic/signage elements on its Roosevelt Island campus.**

**WHEREAS** Cornell Tech is seeking approval of four (4) visual elements to be installed on the campus exterior to enhance the University's presence and identity.

**WHEREAS** the proposed elements are: 1) metal banners on select existing lampposts; 2) a three-dimensional university seal at the campus northwest entry; 3) pin letters identifying the university at the existing terrace retaining walls at two buildings; 4) replacement of white LED bulbs with University red bulbs illuminating the louvers above building entry of the residential building.

**THEREFORE, BE IT RESOLVED** that Community Board 8 approves this application.

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

11. **Old Business** – No items of Old Business were discussed

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

The meeting was adjourned at 8:43 PM

*Valerie S. Mason, Chair*

[illegible]

## STIPULATIONS AS TO THE CAFÉ AT THE FRICK COLLECTION

**Hours of Operation.** The Café at The Frick Collection will be an amenity for visitors and Café hours will parallel museum hours, including where museum hours may be extended through evening hours on a particular night of the week and/or from time to time.

**Public Access During Café Hours:** As an amenity for museum visitors, the café will not be open to the general public during hours when The Frick Collection is not open to the general public, provided that the cafe will not be open later than 9PM under any circumstances. There will be a reasonable grace period for patrons to finish their meals and for restaurant staff to clean and shut down the restaurant after it closes to the public.

**No Live Music, No Dancing, Only Quiet Recorded Music.** The Café shall not play live music. Any music that is played in the Café shall be pre-recorded, piped in through a sound system with a sound limiter designed to provide ambient music in a café setting. There will be no dancing in the Café.

**Seats.** The Frick Collection Café anticipates that the café will have seating for approximately 68 patrons upon reopening of the museum.

**No Drink Specials.** The Café shall not offer “drink specials” allowing for discounts on alcohol, wine, beer or cider.

**Privacy and No Light Pollution.** Light pollution will be mitigated through the use of shades (or other window treatments) at the restaurant, shop, and the upper lobby reception hall on the 2<sup>nd</sup> floor level during the evening hours. The Frick Collection will use reasonable efforts to ensure that lights inside are turned off at night if spaces are not occupied or being used to the extent possible without interfering without limitation with security, housekeeping, maintenance, operations, or similar activities and safety of its staff, facility or collections. If practicable, if dimmed lights are used after Museum hours, they will be on motion sensors. Subject to the caveats of this paragraph, the glass walkway between the Mansion and the Art Reference Library will not be illuminated after dusk when the Museum is not occupied or being used.

**No Bicycle Deliveries.** The Frick Collection Café will not accept orders for delivery or make deliveries by bicycle or third-party delivery service.

## STIPULATIONS FOR THE FRICK COLLECTION

**Crowd and Traffic Controls.** The Frick will offer advance ticketing as well as timed entry when deemed appropriate by the Frick in its sole discretion to help minimize lines of visitors on the street. The Frick will have security or other appropriate personnel on the street to control any lines that might form during museum hours and before an event or any crowds following evening events. The number of crowd control personnel shall scale to the size of catered events, including such events accepting or releasing a large number of guests at the same time such as in the auditorium. The Frick Collection will assign a security guard to discourage idling or double

parking on East 70<sup>th</sup> and 71<sup>st</sup> Streets relating to catered events and will use traffic cones in front of the museum when necessary. Using signage, messaging on its website or other means of communication, including to third-party lessees, The Frick Collection will encourage event guests to be picked up following evening events on either Fifth Avenue or Madison Avenue, and will take reasonable steps to discourage parking of hired cars or taxis on either East 70<sup>th</sup> or 71<sup>st</sup> Streets before, during or after events. The Frick Collection will take reasonable steps to discourage buses, trailers, or RVs involved in catered events from parking or idling on East 70<sup>th</sup> or 71<sup>st</sup> Street.

**Noise and Odor Controls.** The Frick Collection will comply with all engineering plans to eliminate noise and odors from the kitchen and café. Cooking fumes and odors will be vented on the roof of The Frick Art Reference Library. The Frick Collection will keep the kitchen exhaust maintained and in good working order. While the Museum does not foresee any issues relating to kitchen exhaust because it vents above neighboring buildings, it will work with neighbors in the future to mitigate any concerns that may arise.

**Garbage Removal.** To address neighbor concerns around trash removal, The Frick Collection will undertake to negotiate in good faith with its garbage carter to come between 8:00AM and 9:00AM each day for trash removal. Garbage will be in containers with tops on. The Frick will take the garbage out when pickups are expected and will bring in the empty garbage containers in reasonably short order so that they will not be left on the sidewalks or street after pickup for extended periods. Subject to consultation with East 70<sup>th</sup> Street Block Association, The Frick will consider having its garbage collected from the current No Standing Zone on Fifth Avenue.

**Deliveries.** To address neighbor concerns regarding delivery vehicles, where feasible, the Frick will schedule deliveries between 8:00AM and 10:00AM. The Frick Collection will require trucks retrieving rental equipment from evening events to come between 8:00AM and 10:00AM the following morning. The Frick Collection will assign a security guard to ensure that caterer load-outs following evening events are done as quietly as possible and, whenever possible, in one batch.

**Loading and Unloading Zone.** Following the positive recommendation of its liquor license application by the Community Board, The Frick Collection will apply to the Community Board and the Department of Transportation for a dedicated use permitted under the current No Standing Zone under RCNY §4-08(3)(i) for Truck Loading on Fifth Avenue for the purpose of facilitating deliveries and pick-ups. The Block Association will support such application. Subject to consultation with East 70th Street Block Association, the Frick will consider having its deliveries and pick-ups from this location if approved.

**Acoustical Survey.** The Frick agrees to retain an acoustical engineer by March 1, 2024 to conduct an appropriate survey in order to identify potential noise issues and sound attenuation proposals and share the resulting report with East 70th Street Block Association before finalized.

## CATERED EVENTS IN THE GARDENS

**Outdoor Music in Fifth Avenue Garden during Catered Events.** Outdoor background music in the Fifth Avenue Garden during catered events will only be permitted until 8PM up to three (3) times per year and until 10PM up to three (3) times per year. The Frick will provide thirty (30) days' notice to its neighbors prior to the events for which it will have outdoor music until 10PM.

**Use of the 70th Street Garden for Catered Events.** The Frick Collection will only allow access to the 70th Street Garden in connection with catered events until 8PM. No bar shall be placed in the 70th Street Garden. No music shall be permitted in the 70th Street Garden during catered events.

## STIPULATIONS AS TO CATERED EVENTS

**Not a Catering Hall.** The Frick Collection affirms that its mission is not that of a catering hall.

**Indoor Music.** Live music or disc jockeys shall only be permitted during catered events indoors in locations within The Frick Collection that can and will be sealed with all windows and doors closed.

**Indoor Dancing.** Dancing shall only be permitted indoors within The Frick Collection.

**Conservation.** The Frick will not host events at which liquor is served that will interfere with the conservation of artworks and/or library collections.

**No Liquor Specials.** The Frick Collection will not allow third parties to offer "drink specials" allowing for discounted alcohol, wine, beer or cider. The Frick Collection shall not participate in a pub crawl.

## ADDITIONAL ITEMS

**Limitation on Bars.** Should The Frick Collection plan to use more than 10 bars at any catered event, which the Frick expects to be very rare, it will provide Community Board 8 Manhattan, the East 70<sup>th</sup> Street Block Association and other buildings on East 70<sup>th</sup> and East 71<sup>st</sup> Streets between Fifth Avenue and Madison Avenue specifically as determined by the Association at least ten (10) days advance notice of the event in which this number of bars will be used.

**Hours of Catered Events.** All Frick-catered events will end by 11PM on Sunday through Wednesday and by 12AM on Thursday through Saturday, with the exception of one event on a Thursday through Saturday that will end by 12:30AM. All third-party catered events will end by 11PM on Sunday through Thursday and by 12AM on Friday and Saturday. The Frick shall provide notice by hand to the East 70th Street Block Association and neighbors on East 70th and East 71<sup>st</sup>, and by e-mail to Community Board 8, Manhattan, no fewer than seven (7) days prior to hosting catered events for more than fifty (50) guests past 11PM.

**Establishment of Hotline.** Frick Security will have a dedicated phone number which will be made available to Community Board 8 Manhattan, the local police precinct, the East 70<sup>th</sup> Street Block Association and neighbors to communicate in the event of security or related issues during catered events with person(s) who will respond to calls.

**Quarterly Meetings.** The Frick Collection and East 70th Street Block Association and representatives from buildings on East 70th Street and East 71st Street (between Madison Avenue and Fifth Avenue) will meet quarterly to discuss any matters relating to the Stipulations and other matters of mutual interest.

**Auditorium Rental.** Doors shall open for entry before an Auditorium rental where liquor, wine, beer, or cider is served.

## STIPULATIONS FOR EAST 71<sup>st</sup> STREET

### **Use of Entrance and Ramp on East 71<sup>st</sup> Street.**

- A. While the Frick does not currently plan to use the East 71<sup>st</sup> Street entrance for catered events, it may do so for catered events taking place primarily in the Frick Art Reference Library (FARL) building or the Frick's education center, or if required for maintenance, safety or security reasons. If required for maintenance, safety or security reasons, the Frick will inform representatives from residential buildings on East 71<sup>st</sup> Street reasonably in advance.
- B. The Frick does not currently foresee using East 71<sup>st</sup> Street for garbage pick-up or deliveries, except for library deliveries and maintenance work in or around the FARL building. If the Frick wishes to use East 71<sup>st</sup> Street for garbage pick-up or deliveries (other than the enumerated exceptions) purposes in the future, however, it will consult with neighbors on East 71<sup>st</sup> Street and take reasonable steps to limit disruption to them.

**Staging Controls.** The Frick does not currently foresee having its vendors use East 71<sup>st</sup> Street as a staging area for catered events. If the Frick's vendors wish to use East 71<sup>st</sup> Street for such purposes (other than any enumerated exceptions stated in these Stipulations), it will discourage such use. If such use is necessary in the future, however, it will inform the neighbors on East 71<sup>st</sup> Street reasonably in advance and take reasonable steps to limit disruption to them.

**Loading Controls.** The Frick does not currently foresee applying for a loading zone on East 71<sup>st</sup> Street. If the Frick wishes to do so in the future, however, it will work in good faith with the East 71<sup>st</sup> Street neighbors to come up with ways to minimize disruption from the use of such loading zone. These stipulations do not affect the rights of the East 71<sup>st</sup> Street neighbors to engage with DOT concerning any planned DOT loading zone changes inconsistent with this paragraph.

**Hotline.** The Frick Collection will deliver information about the hotline once it is established to any East 71<sup>st</sup> Street building that requests such information.