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

November 26, 2024

Edward F. Pincar
Manhattan Borough Commissioner
Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10038

RE: Birch Wathen Lenox School Open Street Application Resolution (77th Street between 2nd and 3rd Ave)

Dear Commissioner Pincar,

At the Full Board meeting of Community Board 8 Manhattan held on November 20, 2024, the board approved the following disapproval resolution by a vote of 36 in favor, 2 opposed, 4 abstentions, and 0 not voting for cause.

WHEREAS; the Birch Wathen Lenox School has been approved by NYCDOT to participate in their Open Streets program; and

WHEREAS; the open street will be in effect between 9AM and 2PM on school days starting in January 2025 ending when the school year has ended; and

WHEREAS; the open street will be used by students for recess activities, which are currently restricted to one grade at a time on the small rooftop of the school; and

WHEREAS; East 77th Street traffic runs west and is a direct ambulance access route to Lenox Hill Hospital; and

WHEREAS; Birch Wathen Lenox staff would maintain the open street to ensure that any vehicles requiring access, including first responders, are able to access the street and in a manner that ensures safety for all; and

WHEREAS; many members of the East 77th Street neighborhood from Third Avenue to Second Avenue attended the Full Board meeting and indicated that they had not received notice of the November 6, 2024 Transportation Committee meeting at which the application was initially heard and therefore could not attend to voice their opposition to the application at that time; and

WHEREAS; the notice from DOT about the application was only received by the Board office at the last minute, with no time available to send out notice of the application to the neighborhood; and

WHEREAS; according to those who spoke at the Board meeting, contrary to what was represented at the Committee meeting, Birch Wathen Lenox staff did not reach out to neighbors to inform them of the plan, as required by DOT in the application process; and

WHEREAS; the Committee was previously informed that Council Member Julie Menin supported this application, but that information was incorrect and Council Member Menin was actually opposed to the application as submitted to the DOT and CB8; and

WHEREAS; members of the public on the affected 77th Street block, including doctors and business owners almost unanimously objected to the application as detrimental to their quality of life and adversely affecting businesses' customers and doctors' patients;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan **disapproves** the Birch Wathen Lenox School participation in the NYCDOT Open Streets Program between 9AM and 2PM on school days.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

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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 Jerrold 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
Honorable Diana Ayala, NYC Council Member, 8th Council District