

LAND USE COMMITTEE – MEETING MINUTES

September 6, 2017

Committee Members Present

Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Isaiah Bing
Osi Kaminer
Jay Mazur
Angelina Ramirez
Steve Simon

Committee Members Absent

Wayne Benjamin, Chair (Excused)
Jason Compton
Jonathan Nunez
Carlos Sueros
Christopher Ventura

Board Members Present

Gerard Dengel
Sara Fisher

Public Member Present

Public Member Absent

Vivian Ducat (Excused)

Staff: Ebenezer Smith

Guests: Tom Schuler, Nina Bernstein, Marshall Douglas, Phil Simpson, Nancy Bruning, Rita Gorman, Allegra LeGrande, Bennett Melzak, Griffith Mann, Robert Bates.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:15 PM. Quorum was achieved at 7:53 PM. After Committee members introduced themselves, Committee Member Berlin proposed that the discussion of a draft resolution on the right to sunlight on district rooftops be added to the meeting agenda, and the Committee accepted this addition.
2. **Review of LPC Application re: The Met Cloisters’ Construction of a Botanical Greenhouse.** Griffith Mann, Michel David-Weill Curator in Charge, explained that when the Cloisters (the “Museum”) opened in 1938, its gardens were considered to be as important to the Museum as its art. Over the past five years, the Museum has put much effort into elevating the status of the gardens, which feature numerous rare and Old World plant species that are difficult to source. Currently, these plants are propagated and cared for at the Kykuit (Rockefeller Estate) greenhouse in Sleepy Hollow, NY, about 45 minutes from the Cloisters. To facilitate garden work, the Museum would like to add a small greenhouse to the facilities’ north-side courtyard. Representatives from the elected officials’ offices, the Parks Department, and Community Board 12 Manhattan (“CB12M”) have already walked through the site.

Robert Bates, Principal at Walter B. Melvin Architects LLC, has handled restoration projects at the Cloisters for 15 years. He made a presentation on the details of the proposed project, which is his first project involving new construction at the site.

- a. The proposed greenhouse was designed by Rough Brothers, Inc., a company with over 80 years of experience in greenhouse design, and will be located in the courtyard at the north side of the site, next to two modern air handling units. It will not be visible from any public road, or from inside the Museum.
- b. The greenhouse will include a concrete knee wall clad with Manhattan schist to blend with the surrounding garage bays. The roughly 400 sq.ft. structure will be situated in front of two of the four garage bays, with a cold frame buried in the ground in front of it to help maintain a natural environment for the plants. It will be surrounded by 8 cylindrical black bollards with rounded tops to protect it from the step vans and other vehicles that access the building’s loading dock from that courtyard.
- c. The greenhouse is designed to be removable; no stones will be removed from the building in order to construct it. The 1938 garage bay doors behind the greenhouse will also remain in place, with a wall separating them from the greenhouse.
- d. The greenhouse will be cooled by an evaporative cooling system featuring a slim-line waterfall on one side and a fan on the other to draw hot, humid air out of the greenhouse. It will also have a heating system for colder seasons, and passive vents that open in temperate weather. The structure

will include a subgrade catch basin and will drain to an existing scupper and terrace drains, but if sewer drainage is required for the interior, there is an existing bathroom in that area.

- e. The greenhouse will cost approximately \$280,000.

Comments and Questions:

- a. The community would appreciate a larger greenhouse that could be opened to schools, etc. for educational purposes. Could it be located in another area of Fort Tryon Park, or in Inwood Hill Park? It was noted that the museum already has educational programming in its gardens.
- b. There are no medieval greenhouses to model, but this design blends in as much as possible, and is located next to the air handling units anyway.
- c. The 4-acre footprint of the Cloisters is essentially separate from the rest of Fort Tryon Park, and the greenhouse will not be used for other park purposes, such as growing plants for the Heather Garden.
- d. The Museum is concerned about the potential impact of neighborhood rezoning on its protected views.

Because the presentation and discussion finished before quorum was achieved, a poll was taken to gauge support for the proposal. The results, which were to be passed along to the Executive Committee, were as follows:

Land Use Committee:	7 - 0 - 0
Other Board Members:	1 - 0 - 0
Members of the Public:	6 - 0 - 1

When quorum was achieved, a motion was made by James Berlin and seconded by Osi Kaminer to support the proposal.

The motion passed with the following votes:

Land Use Committee:	8 - 0 - 0
Other Board Members:	1 - 0 - 0
Members of the Public:	7 - 0 - 0

3. **Discussion of Draft Resolution on the Right to Sunlight on District Rooftops.**

Committee member James Berlin made a presentation on a draft of a resolution that will be considered further at the next Committee meeting.

- a. Premise: Aerial views of the district show that there are large areas in which all of the apartment buildings are the same height, with equal rooftop exposure to sunlight. As solar cell technology improves in efficiency and cost, these rooftops could eventually become a valuable resource that would be lost if new, taller buildings cast shadows on the existing roofs. A resolution protecting sunlight exposure could preserve this resource and set the sort of height limit that many in the community have indicated is desirable.
- b. Committee Member Osi Kaminer noted that the Board of Standards and Appeals (“BSA”) had once affirmed that an adverse impact on neighboring solar installations would be a consideration in evaluating an application for a zoning variance.
- c. A citywide study of rooftop sun exposure was completed, but CB12M’s jurisdiction on all matters is only within the district.
- d. There are currently numerous obstacles to the rapid promulgation of solar energy technologies, including 100-year old cables, inadequate power distribution systems, and rooftops that may not be able to support the weight of a solar array. Agencies such as ConEd and the Public Service Commission (“PSC”) have not made much effort to modernize the system in our district. At this moment, there are only two known solar installation in the district: 900 W. 190th Street, which has panels on a garage that is north of a playground, and a building at the corner of Payson St. and Dyckman St. (Park Terrace Gardens is currently looking into a solar installation that would power split system cooling for its elevator towers.)
- e. However, solar technologies have been getting cheaper, more efficient, lighter, and more flexible for years, and this trend is likely to continue. While a rooftop solar installation won’t supply all of a building’s power, it can be a useful part of a combination solar/conventional system. As legislation changes, new technologies such as solar roofing materials are commercialized, and other hurdles are cleared, we want to ensure that the sun is available for buildings that are ready to add solar energy to their power supply.

4. **Old/New Business**

Philip Simpson of United Inwood raised the issue of the Inwood Rezoning Proposal, a 174-page document that was released by the New York City Economic Development Corporation (“NYCEDC”) on August 11. This document proposes a rezoning for a portion of Inwood, and proposes the draft scope of work for an Environmental Impact Statement (“EIS”).

A quick review of the document shows that several critical issues do not appear to be included in the scope of work: for example, the impact of rezoning on the energy distribution system is not covered. Community members believe that this document requires careful review by CB12M and the community. However, despite the fact that the document came out in the summer, when CB12M is on hiatus and many people are away, a public hearing has been scheduled for September 14, with written comments due by September 25. (This has since been extended to September 29 to allow the full community board to discuss the issue at its September 26 General Meeting.)

On September 5, the CB12M Business Development Committee passed a resolution asking that the period for public review be extended by 90 days. A motion was made by James Berlin and seconded by Obie Bing to support the Business Development Committee’s resolution, and ask that the CB12M Executive Committee add the concerns of Land Use and other committees to the final resolution.

The motion passed with the following votes:

Land Use Committee:	8 - 0 - 0
Other Board Members:	1 - 0 - 0
Members of the Public:	7 - 0 - 0

Other comments:

- a. The deadlines for private development are stricter than those for city-driven projects. The city should be able to extend the deadline for these Scope of Work comments.
- b. Obie Bing: Our district has plenty of power transmission, but distribution is a major problem. Right now, Washington Heights and Inwood can’t handle more than 220MW of demand, and we are advised to cut back on air conditioner use, etc. on hot days. This needs to be considered in the EIS.
- c. Allegra LeGrande: NYCEDC’s ‘reasonable worst-case development scenario’ provides for 5,000 new units, 14,000 new residents, and more than 500,000 sq. ft. of new retail space. How will existing subway stations handle 14,000 new riders?
- d. Sara Fisher: A community study of the impacts of rezoning should be funded, and a CB12M task force should be formed to address rezoning-related issues. All committees are affected by this.
- e. The rezoning efforts will affect Washington Heights as well as Inwood.
- f. Jay Mazur: The new population isn’t greater than the number lost in the last census, and there were no complaints about overcrowding then. (Allegra LeGrande: the number of new housing units created will be on the same order as the number existing today and in 2000.)
- g. Angelina Martinez: This discussion should focus only on the district, and not what is happening in other parts of the city.
- h. Allegra LeGrande: CB12M should commit to factoring climate change considerations into rezoning and other discussions.
- i. Steve Simon: Mayor DiBlasio has already announced that New York is concerned with climate change, regardless of changes in federal regulations. Also, the extended consideration period should be used only for consideration of the Scope of Work for an EIS, and not the substantive issues in the EIS.
- j. Rita Gorman: A copy of the M29 transmission line report should be appended to CB12M’s response to the Scope of Work document, as that report outlines many of the power issues that the community faces.

The meeting was adjourned at 8:52 PM.

Submitted by Andrea Kornbluth.