

LAND USE COMMITTEE – MEETING MINUTES

September 7, 2016

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
Isaiah Bing
Osi Kaminer
Jonathan Reyes
Steve Simon

Committee Members Absent

James Berlin
Jason Compton
Karen Taylor

Board Members Present

Mary Anderson
Gerard Dengel

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Deborah Blow

Guests: Chris Ventura, Pat Courtney, Frances Escano, Judy Espinal, Marshall Douglas, Candie Montoro, Martin Collins, Rita Gorman, Keisy Duran, Sara A. Fisher, Martia Gordon, Thomas Schuler, Michael Dominick, Jonathan Kirschenbaum

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:03 PM. Quorum was achieved at 7:13 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. **Presentation on Application to Make Cloisters Banners Permanent (Thomas Schuler, Metropolitan Museum of Art (“Met Museum”) Government Affairs Dept., and Michael Dominick, Met Museum Buildings Management Dept.):** The Met Museum has been testing new entrance banners at the Cloisters, installed with temporary construction methods designed to not damage the building when they are removed. The temporary banners are held in place with large steel weights on the ground underneath. The test was deemed a success, with more visitors finding it easier to locate the entrance to the museum, so the Met Museum would like to switch to a permanent installation of the banners, and has submitted an application to the Landmarks Preservation Commission (“LPC”) to that effect.
 - a. The permanent installation will use a total of 6 stainless steel eye bolts for each banner (2 at the top and 1 at the bottom of the left and right sides). Anchored harnesses will be located behind the parapet. The banner itself will be made from a 30% air flow material, and will be attached to cables connected to the eye bolts. The banners can be dropped easily in the event of a hurricane, and there will be an additional sacrificial elastic band designed to break in high winds (the system is rated for winds of up to about 70 mph). The LPC has already approved the use of this system at the New York Public Library and the main Met Museum building on Fifth Avenue, and the Cloisters project will be carried out by the same contractor that handled the Met Museum installation.
 - b. The LPC will be concerned with the penetration of the building façade, but this installation can be reversed without harming the façade. No epoxy will be used, and schist and grout will be used to plug the holes. The eye bolts and turn buckles will be visible around the banners, but Chair Benjamin noted that the LPC prefers that modern additions not be made to look as though they had always been there.
 - c. An advantage to the system is that it doesn't require the currently-used steel weights, which are rusty and unattractive, and potential targets of mischief.
 - d. A motion was made by Obie Bing and seconded by Vivian Ducat to support the application for a permanent installation of banners at the Cloisters. The motion passed with the following votes:
Land Use Committee: 6 – 0 – 0
Other Board Members: 2 – 0 – 0
Members of the Public: 7 – 0 – 3

3. **Presentation of Design Concept to Make Front Entrance Renovation of 801 Riverside Drive ADA-Compliant (Candie Montoro, resident):**

- a. 801 Riverside is a condominium located within the Audubon Park Historic District. The building's only entrance does not comply with the Americans with Disabilities Act ("ADA"); the building owners propose to renovate the entrance to make it ADA-compliant. A version of the proposed renovation, which introduced a ramp that filled nearly the full width of the entry courtyard, was approved by the LPC in 2011, but that design had been produced by the sponsor and managing agent and submitted without homeowner input. The building subsequently underwent board and management company changes, and it was decided that homeowners should be included in the decision-making process. 80% of the homeowners approved a design scenario that includes a ramp and stairs. Since this design option differs from the original proposal approved by LPC, a new application must be submitted to the LPC.
- b. At this time, a temporary ramp is in place. The building plans to use materials that are suitable to the building and the neighborhood. The project team has been working with the LPC, which has indicated approval of the various elements of the design. However, no architect or contractor has been selected at this point, and the LPC has not reviewed a formal design. Chair Benjamin pointed out that the LPC usually reviews the architect's design before it is presented to the community board, but Ms. Montoro replied that the building has been working with a graphic designer with a background in architecture, and that the LPC seems to be satisfied with the designs that it has seen so far.
- c. A staff-level LPC approval would be quicker than a commission-level approval, but if the renovation will be visible from the street, commission-level approval (including a public hearing) will likely be required.
- d. Because the design has not yet been finalized, a motion was made by Obie Bing and seconded by Anita Barberis to support the design concept in principle now, and revisit the matter when the final design is scheduled for LPC's approval. The motion passed with the following votes:

Land Use Committee: 7 – 0 – 0

Other Board Members: 1 – 0 – 0

Members of the Public: 13 – 0 – 0

4. **Review of BSA Application re: 2420 Amsterdam Avenue (no representatives present):** This site (the "Site") is located on Amsterdam Avenue between 180th and 181st Streets, and is currently zoned for heavy automotive uses (C8-3). The Committee and Community Board 12M ("CB12M" or the "Board") have in the past asked the Department of City Planning ("DCP") to review these zones, several of which exist in our district (including some mapped over existing residential buildings in the 1960s), but no action has been taken. The C8 zoning does not provide for residential or general commercial development, and the new owner of the site has filed an application with the Board of Standards and Appeals ("BSA") for a zoning variance to allow a large mixed-use project to go forward. Because no representatives were present the Committee could not discuss the specifics of the application [subsequent to the Committee meeting District Manager Ebenezer Smith advised that the applicant contacted him to state that no representative attended the September LU meeting because it had not yet submitted the application to BSA], and a general discussion followed:

- a. Regarding the past request for a DCP review of C8 zones, the various sites would likely be considered on an individual basis. The existing zoning surrounding the areas where C8-3 zoning is mapped is R7-2 and R8, each medium-density height-factor zoning districts. LU and CB12-M has advocated for contextual zoning with height limits instead of height-factor zoning. The Site is large and fronts on to two major 2-way streets, so it could support a higher-density project.
- b. Jonathan Kirschenbaum, Project Manager at BSA, answered questions about BSA variances:
 - i. A BSA variance is a discretionary action, and does not bypass the need for an environmental review. (The Site, a former gas station, is a Brownfield, and an investigation is underway to determine the extent of the remediation required and how it would be done.)
 - ii. A developer wouldn't be exempt from MIH if it was otherwise required, but the BSA does have the ability to reduce or eliminate the affordable unit requirements if excessive hardship is demonstrated.

- iii. It is the applicant's responsibility to notify the public of relevant BSA hearings, but the BSA will provide that information to anyone who contacts them to ask about it. The Committee has had problems in the past with lack of information about upcoming hearings. In one instance, a CB12M member who happened to learn of a hearing attended and was able to get the matter tabled, as no reference was made to the resolution that the Board had submitted.
 - iv. Community Board resolutions are included in every application file, and are read carefully by all 5 members of the BSA review committee.
 - v. Regarding the difference between a BSA variance and ULURP, a variance asks for relief regarding a specific problem, such as piercing the sky exposure plane, etc., without changing the underlying zoning. The ULURP process changes the underlying zoning.
 - c. Our community's antiquated subsurface infrastructure is a topic of great importance to any consideration of new development in the area, but it is not within the purview of either BSA or DCP. The agencies responsible for infrastructure could be the Department of Environmental Protection ("DEP"), or Con Ed.
 - i. Obie Bing noted that the Board has spoken with both DEP and Con Ed, and according to him, Con Ed has indicated that it can't upgrade our subsurface systems for at least 6 years. Without changing the antiquated electrical distribution cables that are not sufficient for the current population, it doesn't make sense to build large new buildings in the area – it's not simply a matter of adding new wires around the new building.
 - ii. Chair Benjamin commented that we need to consider productive ways to advance the objective of upgrading our infrastructure, rather than using the issue just to bolster opposition to a particular development. The CB12M Infrastructure Task Force that was formed several years ago should be revived.
 - iii. A Board resolution on what we want to see improved could be more effective than a Board resolution asking for a moratorium on new development until infrastructure issues are resolved.
 - iv. Other parts of the city ask developers for infrastructure contributions when they want to build large projects. A system-wide approach would be preferable to this piecemeal approach, but this is still better than nothing.
 - d. A community member asked about the proposed development at 4566 Broadway, at Nagle Avenue. No formal application has been received, but plans for a 19-story residential building were announced in March, 2016. Steve Simon recalled that the site was a brownfield, and that the cleanup was based on plans for a 2-story building. It will be necessary to determine whether a 19-story building would require any additional cleanup work.
5. **Old Business – 4452 Broadway:** The Committee and the Board passed a resolution opposing approval of the application for a BSA variance in September 2015, citing significant alteration of the essential character of the neighborhood among other reasons. The applicant has resubmitted its application with seemingly minor revisions.
- a. The Committee would like more information on how BSA handles such applications, and how our resolution was taken into account. The revision still asks for a building with twice the density permitted by zoning, and reduces building height by just 5 feet.
 - i. The Committee will invite the Deputy Director of the BSA to the October or November Committee meeting for a general conversation about such questions, and about the various planning tools that BSA has at its disposal.
 - b. The Committee will submit a list of questions about the revised application to the applicant, with a copy to Jonathan Kirschenbaum of the BSA. The matter will be discussed further at the Committee meeting following receipt of the applicant's response.
6. **Old business – other:**
- a. Community members can contact the Department of City Planning ("DCP") with questions about the Resolution Requesting that the DCP Commence Contextual Rezoning in Washington Heights and Inwood that was first submitted in 2012 and revisited and resubmitted in June 2016.
 - b. No action has been taken regarding the preservation of the Seaman-Drake Arch, discussed at the June 2016 Committee meeting, but the issue has not been forgotten by Committee members.

7. **New business:** Graham Ciraulo of Northern Manhattan is Not 4 Sale asked if it would be possible for the Board to consider a resolution asking the NYC Economic Development Corporation (“NYCEDC”) to extend the stakeholder working group process to make sure that groups such as community service organizations and businesses located in the affected areas are included, and to hold meetings in Spanish if possible. The rezoning project will soon enter the scoping phase – rather than adding more meetings, Chair Benjamin suggested that it would be more effective to review the scoping guidelines, especially the chapter on impact on jobs and businesses, so that objections can be added to the record in the appropriate language. Committee Member Reyes asked Mr. Ciraulo to elaborate more specifically upon what adding working group meetings would achieve and which stakeholders were not included in the planning process. Mr. Ciraulo was asked to summarize problems with the proposed plan (i.e., what wasn't considered, what was considered too narrowly, etc.) and present them to the Committee at its October meeting.

The meeting was adjourned at 9:02 PM.

Submitted by Andrea Kornbluth.

LAND USE COMMITTEE, COMMUNITY BOARD 12-MANHATTAN

September 7, 2016

RESOLUTION: SUPPORTING EXTERIOR BUILDING ALTERATIONS PROPOSED TO MAKE THE ENTRANCE OF 801 RIVERSIDE DRIVE ACCESSIBLE

Whereas: 801 Riverside Drive (“801 RSD” or the “Building”) is a residential condominium building located at West 157th Street and Riverside Drive in the Audubon Park Historic District (“Audubon Park”). Built in 1919, it is an Arts and Crafts style apartment house designed by noted architect George F. Pelham. Given its location in Audubon Park, alterations to the Building must be reviewed and approved by the Landmarks Preservation Commission (“LPC”); and

Whereas: The Building’s only entrance does not comply with the Americans with Disabilities Act (“ADA”). Wheelchair access is currently provided by a temporary wooden ramp. The Building owners propose to renovate the entrance to make it accessible. In 2011 LPC approved a design proposal for an ADA-compliant ramp that would occupy nearly the full width of the Building’s entry courtyard. However, that design proposal was produced by the condominium sponsor and its managing agent without homeowner input and was not implemented. A revised design (the “Revised Design”) approved by 80% of the homeowners is now proposed. The Revised Design introduces an ADA-compliant ramp, steps, planters and lighting within the entrance courtyard; and

Whereas: The Revised Design was presented to the Land Use Committee on September 7, 2016 by a resident homeowner of 801 RSD. The design concept takes cues from the materials and architectural details of 801 RSD and from the material and details of neighboring buildings in Audubon Park. The Committee was advised that the Revised Design is not finalized but has been reviewed by LPC, which seems satisfied with the design approach; and

Whereas: The Revised Design will enhance the accessibility of 801 RSD in a manner that is sensitive to the architectural character of Audubon Park; now, therefore, be it

Resolved: Community Board 12-Manhattan supports in principle the revised design scenario proposed to renovate the entrance of 801 Riverside to achieve accessibility and looks forward to reviewing the final design when it is ready to be scheduled for LPC’s consideration.

The Resolution passed with the following vote:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members:	7	0	0
Board Members:	1	0	0
Members of the Public:	13	0	0

LAND USE COMMITTEE, COMMUNITY BOARD 12-MANHATTAN

September 7, 2016

RESOLUTION: SUPPORTING THE INSTALLATION OF PERMANENT BANNERS AT THE ENTRANCE TO THE MET CLOISTERS MUSEUM

- Whereas:** The Met Cloisters Museum (“The Cloisters”) is a branch of the Metropolitan Museum of Art located in Fort Tryon Park and built in the 1930s incorporating parts of five cloistered abbeys of Catalan, Occitan and French origins. The medieval European buildings were disassembled brick-by-brick, shipped to New York between 1934 and 1938 and reassembled in Fort Tryon Park. The area around The Cloisters was landscaped with gardens planted according to horticultural information obtained from medieval manuscripts and artifacts, and the building also includes cloistered herb gardens. Since The Cloisters has been designated as an individual landmark by the Landmarks Preservation Commission (“LPC”), alterations to the building must be reviewed and approved by LPC; and
- Whereas:** Earlier this year temporary banners were installed flanking the entrance to The Cloisters as a test to determine if they would help to raise the visibility of the museum and direct visitors to its entrance. The temporary banners are suspended from cables anchored at the building’s parapet and held in place with large steel weights located at grade. The temporary banners have succeeded in making it easier for visitors to locate the entrance to the museum. The Cloisters now seeks to install permanent banners, eliminating the aesthetically unappealing steel weights that also are a potential tripping hazard; and
- Whereas:** The permanent banners will be installed using stainless steel eye bolts and cables to secure the banners to the building’s façade with anchored harnesses at the roof level, concealed behind the parapet. The banners will be made from a material that allows air to flow through 30% of their surface area, will be rigged so they can be dropped easily in the event of high winds and will also have a “sacrificial elastic band” designed to break in high winds; and
- Whereas:** Representatives of The Cloisters presented the proposal for the permanent banner installation to the Land Use Committee on September 7, 2016. The Committee was advised that LPC has already approved the use of this system at the main New York Public Library and the Met Museum’s building on Fifth Avenue, and that the Cloisters project will be carried out by the same contractor that handled the Met Museum installation; now, therefore, be it
- Resolved:** Community Board 12-Manhattan supports the proposed installation of permanent banners at the entrance to the Met Cloisters Museum.

The Resolution passed with the following vote:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members:	6	0	0
Board Members:	2	0	0
Members of the Public:	7	0	3