Valerie S. Mason
Chair

Will Brightbill
District Manager

505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

The City of New York
Community Board 8 Manhattan
Transportation Committee
Wednesday January 10, 2024 6:30 PM
Conducted Remotely on Zoom

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

Minutes

Present: Michele Birnbaum, Lori Bores, Alida Camp, Juno Chowla-Song, Rebecca Dangoor, Craig Lader, John McClement, Rita Popper, Abraham Salcedo, Charles Warren, Stephanie Reckler (public member)

Absent (Excused): Billy Freeland, Paul Krikler, Rebecca Lamorte, Valerie Mason, Peter Borock (public member)

Approximate Number of Public Attendees: 23

Resolutions to be voted on:

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

Item 2 – Approval of Revocable Consent Request for 1143 Fifth Avenue

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)

Michael Pressel, presented an updated revocable consent application request to construct, maintain and use a walled-in area, including planters at 1083 Fifth Avenue (between 89 and 90th Streets). The application for this revocable consent was originally presented to the Transportation Committee in September 2023, and was not approved at the time. The areaway was previously approved by the Landmarks Preservation Commission in March 2022.

Mr. Pressel indicated that NYCDOT sent a letter from Carnegie Hill Neighbors requesting modifications to the proposed fenced in area in October 2023; in November, the architect revised the design to address those comments, which divided the clear path and moved the walls back so they would be closer to the building; this would result in a 15' 1" sidewalk clearance, and the walled in area extending 7'1" from the property line/building façade, which is a 7" change from the previous application. He indicated that Sam Schwartz Engineering was hired to assess the impact of the proposal on sidewalk operations and pedestrian flow, and that they found it would not result in adverse impacts.

Lo Van Der Velk, President of Carnegie Hill Neighbors, clarified that the revised plans did not fully address the concerns raised. He indicated that their compromise which was indicated in the letter to NYCDOT was to pull back the proposed walled-in area by 1.5', that they were calling for the extension to be no more than 8.5 feet,

which would be the average of the planters of the neighboring adjacent apartment building and not the 10' that the property owner was seeking.

The committee members generally opposed the updated proposal, as they continued to be sympathetic to the concerns raised by Carnegie Hill Neighbors and concerns about the loss of the public right-of-way.

The following resolution were 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; 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.

Yes (8+1): Birnbaum, Bores, Camp, Chowla-Song, Dangoor, McClement, Popper, Salcedo, Reckler (Public Member)

No (1): Warren

Abstain (1): Lader

Item 2: Public Hearing: Revocable Consent Application to construct, maintain and use a planted area including a fence at 1143 Fifth Avenue (between 95 and 96th Streets), block 1507, lot 4, in the Borough of Manhattan (for 1143 Fifth LLC).

Daria Tutko, an architect with Dominik R. Pilla, presented a revocable consent application to construct, maintain and use a planted area at 1143 Fifth Avenue, between 95th and 96th Streets. The area would include a concrete curb and metal fence. She noted that both adjacent buildings have similar gardens. The proposed planted area would be 10' 8.25" wide, it would be 7' deep to provide continuity with its neighbors, one of which has a 9' 6" garden and the other with one that is less than 7'. The effective sidewalk width will be 12' 6.5", and the fence will be 18 inches high including the concrete curb. It has been approved by LPC and FDNY as there is an existing fire station connection.

The reaction to the application was mixed. Carnegie Hill Neighbors expressed support, while some Committee members were less enthusiastic and questioned the need for the fenced in area. It was noted that a garden was part of the original building when built in 1923; it was likely built over in the 90s when the French Government owned it. The tree pit wasn't original. The Parks Department just allowed illumination of trees, so the tree pit would be kept for a smaller garden of shrubs, as there are water valves in that location.

A motion to disapprove the application for the revocable consent request for 1143 Fifth Avenue to construct, maintain, and use a fenced-in planted area, was made and seconded. The vote was 4 yes, 6 no, 1 abstain, and thus failed. The vote was as follows:

Yes (3+1): Birnbaum, Chowla-Song, McClement, Reckler (Public Member)
No (6): Bores, Dangoor, Lader, Popper, Salcedo, Warren
Abstain (1): Camp

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

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.

Yes (7+1): Bores, Dangoor, Lader, McClement, Popper, Salcedo, Warren, Reckler (Public Member)

No (1): Birnbaum,

Abstain (2): Camp, Chowla-Song

Item 3: City of Yes for Economic Opportunity - Discussion of Goal 3 Proposal 13 (Reduce conflicts between auto repair shops and pedestrians

In advance of CB8's January 2024 Land Use meeting at which the Full Board will be considering items proposed as part of the City of Yes for Economic Opportunity, the Transportation Committee held a pre-discussion on Goal 3 Proposal 13, which seeks to reduce conflicts between auto repair shops and pedestrians. The proposal would create two separate land uses to separate light and heavy vehicle repair and maintenance shops, which is intended to reduce incidences of vehicles being stored on sidewalks and retail streets.

George M. Janes, an urban planner who provides consulting services to CB8, submitted an assessment of each City of Yes for Economic Opportunity proposal, which noted that this proposal is favorable to car ownership, as it would allow light uses to locate in most commercial districts with a BSA special permit, thus providing a pathway to allow gas stations to be permitted in most commercial districts; it would also allow current auto repair shops that are now considered non-conforming uses to be able to expand.

Discussion on this proposal focused around the limited nature in which this proposal would impact CB8's district, as there are only a few auto-repair shops that currently exist. While some members appreciated the intent, and were supportive of local businesses that are family owned and have been operating for decades, there were concerns about the ability for any vehicle repair shop to expand as-of-right. It was determined that the Committee would not take a position on this proposal, and would defer to the full Board to make a determination on whether to support or oppose it.

Item 4: City of Yes for Economic Opportunity - Discussion of Goal 3 Proposal 14 (Encourage safe and sustainable deliveries with micro-distribution)

Similar to Item 3, the Committee also discussed City of Yes' Goal 3 Proposal 14, which encourages safe and sustainable deliveries with micro-distribution. This proposal would create a new zoning use to allow retail spaces in certain commercial land use districts to become micro-distribution centers, in which e-commerce delivery operations would take place. These spaces would be limited to 2,500 square feet of ground floor space in C1/C2 districts, and 5,000 square feet of ground space in C4-C7 districts; BSA approvals would be needed for larger spaces.

George M. Janes, in his commentary, noted that there is clearly a demand for such uses, and few places in Manhattan where such facilities could currently legally locate, but also noted that CB8 should consider trade-offs between the current issues that exist with delivery trucks that perform warehousing activities in moving lanes and on city sidewalks, and the impacts that having retail space frontage that would not be used for customer-facing retail.

Discussion on this proposal resulted in speakers acknowledging the severity of the problem witnessed on a regular basis within Community District 8 with e-commerce delivery trucks creating unsafe conditions, congestion, and disruption when they block lanes and sidewalks, but also skepticism that this activity is best suited for retail spaces that would perhaps be better used by small businesses that serve the public and add to the local economy. It was determined that the Committee would not take a position on this proposal and would defer to the full Board to make a determination on whether to support or oppose it.

Item 5: NYCDOT Updates

Colleen Chattergoon, NYCDOT Senior Borough Planner and Liaison to Community Board 8, was unable to attend due to a meeting conflict and thus did not have an update from NYCDOT.

Item 6: Old and New Business

A member of the public commented on safety concerns regarding e-bikes and mopeds that have created unsafe conditions for pedestrians. There was discussion highlighting the discussions that have occurred at recent Committee meetings and the resolutions reported out that have passed by the Full Board related to additional enforcement needs and suggested actions by the State Legislator since some of the relevant laws are those of the State. There were some suggestions to have further discussions regarding safety initiatives that could be further addressed perhaps at the City Council level.

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

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