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THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

**Manhattan Community Board 6
Land Use and Waterfront Committee
May 28, 2019, 6:30 PM
433 1st Avenue (NYU School of Dentistry), Room 210**

Meeting Minutes

Committee Attendance:

Present: Sandro Sherrod (Chair), Kathleen Kelly, Sandra McKee, Gene Santoro, Lawrence Scheyer, Lou Sepersky, Letty Simon

Excused: Adam Hartke (Vice Chair), Jim Collins, Ann Seligman, Elaine Tai

See attached list for additional attendees.

Call to Order and Adoption of the Agenda/Previous Meeting's Minutes

Sandro Sherrod, Chair of the Land Use & Waterfront Committee, called the meeting to order at 6:36 PM, the agenda was adopted, and so were the minutes from the April 22, 2019 committee meeting. Mr. Sherrod led the meeting, which also included a public hearing on the East Side Coastal Resiliency Project which the Parks, Landmarks & Cultural Affairs Committee, Pam Vassel, Chair, participated in.

Agenda Item 1

TSI East 41 LLC, doing business as New York Sports Club (NYSC), requested a 10-year extension of the term of a previously granted special permit allowing the operation of a physical culture establishment at 633 3rd Avenue - BSA Calendar Number: 200-98-BZ, waiver of Rules of Practice and Procedure for a late filing, and an extension of time to obtain a Certificate of Occupancy.

Frederick A. Belkin, Esq., appeared for the Applicant which started its physical culture establishment there after receiving its original 10-year special permit September 15, 1998. (It was renewed once before, on September 14, 2010.) The term of the most recent special permit expired April 30, 2018, and the applicant explained that the tardy renewal application was due to internal ministerial problems and a change in architect, but, in extending the term there would be no change in operations and no adverse or detrimental impact on the area (a mixed-use residential and commercial neighborhood). The committee voted to approve a resolution of no objection (subject, however, to the committee's long-standing policy of requesting that the special permit only be issued for a term of 5 years) by a vote of:

5 For; 0 Against; 0 Abstaining; 0 Not Entitled to Vote.

Agenda Item 2

English Speaking Union of the United States, owner of 144 East 39th Street, a 3 story building, sought to reinstate and extend for 10 years an expired zoning variance to permit office use to continue on the third floor of their building (BSA Application: 2019-81-BZ), a waiver of Board of Standards and Appeals' Rules of Practice and Procedure for a late filing, and a one-year extension of the time to obtain a Certificate of Occupancy.

Eleanore C. Martins, Esq. of Akerman, LLP appeared for the Applicant, along with Matt Barhut, Architects. The first two office floors are also used for offices (Zoning District R8B Use Group 6), pursuant to continuous non-complying office use. A variance allowing for office use of the 3rd Floor was granted in 1954. It expired in 1980, was reinstated in 1997, and in 2001 it was amended to allow for changes which included a greenhouse. It most recently expired April 8, 2007. The applicant advised that when it acquired ownership of the building it was unaware of the variance's expiration. It came to light in connection with their applying for a new Certificate of Occupancy related to obtaining a building alteration permit (Application No. 102977816). The applicant stressed the hardship of trying to continue to operate its English language educational programming in these premises without the requested variance, noting that the BSA may, in its discretion, take the requested actions in spite of the expiration of the variance. The committee voted to approve a resolution of no objection (subject to the committee's long-standing policy of asking for a limitation on the term of the variance to 5 years) by a vote of:

6 For; 0 Against; 0 Abstaining; 0 Not Entitled to Vote.

Agenda Item 3

Public Hearing on ULURP applications N 190356 ZRM & N 190357 PQM by the City of New York for the necessary land acquisitions and zoning changes required for the East Side Coastal Resiliency Project in Community District 6

Presentations, including a video simulation of a trip through the proposed project, were made and questions from the Land Use and Waterfront Committee and parks committee and members of the public in the audience were answered by representatives of the Department of Design and Construction (First Deputy Commissioner Jamie Torres Springer), Department of Transportation (Manhattan Borough Commissioner Ed Pincar), Department of Environmental Protection, Parks Dept., Mayor's Office of Resiliency, the Deputy Mayor for Operations, the project design team, and others. Formal oral testimony was received. Chair Sherrod advised that written testimony could be submitted, as well.

There was an overview of the project, its timeline, and the necessity for it to provide 100-year coastal flood and inland flood protection in light of the damage Superstorm Sandy had wrought. The project takes into account scientific projections for a 2 ½ foot sea level rise by 2050 as well as greater intensity of storms -- due to climate change. The focus at this meeting was on Project Area 2 located in Community District 6, north of 14th St., which includes the Con Ed buildings (as well as the adjacent East River Greenway pinch point along the FDR Drive), Murphy's Brother's Playground, Stuyvesant Cove Park, and Asser Levy Recreation Center, all of which will be protected by stationary flood walls, tidal gates, and rolling barriers to keep out a storm surge and resist underground hydrostatic pressure. But there will be openings in the

barrier when there is not an emergency (that can be shut by rolling gates) so that the public can access as they now do a reconstructed Stuyvesant Cove Park, (including the ferry landing therein), a new Solar One educational building, and rebuilt outdoor recreation facilities at Murphy's Brother's Playground and Asser Levy Recreation Center.

During construction, park closings will be staggered as much as possible, while access to ferries will be maintained at all times. To mitigate, partially, the loss of access to these parks, new "turf" fields would be opened at St. Vartans and Robert Moses Playgrounds in Community District 6 and at Tompkins Square Park in Community District 3. As part of the ESCR project, engineering work for the now-funded Con Ed pinch point "flyover bridge" will be performed and footings will be constructed. However, this bridge will not be finished when ESCR wraps-up, requiring a subsequent, follow-up project to complete the structure. At the north side of Asser Levy Recreation Center, a rolling gate will close-off an 80' wide opening that is the width of the former Asser Levy Place and physically connect to the VA Hospital's own new flood wall. The finishes on the concrete wall surfaces which the public sees would be a textured "basket-weave" pattern that cannot be climbed. Access to a new underground stormwater interceptor gate on E. 20th St. for construction, maintenance, testing and operation will be via an approximately 64' long and 10' high structure (now being designed) that would occupy approximately the width of traffic island in front of 610-620 E. 20th St., requiring removal of several trees and approximately 11 parking spaces. To allow for anticipated truck deliveries (although as much materiel as possible for the project, overall, will be shipped in by barge), traffic signals will be adjusted along E. 23rd St. The Project's preliminary designs are due in the fall, and shovels should be in the ground for the start of construction in March 2020. The flood barriers should be completed and ready use before the 2023 hurricane season.

The New York City Zoning Resolution's Uniform Land Use Review Procedure ("ULURP") is triggered for this project because easements are required from Con Ed and the Veterans Administration to allow the new ESCR flood walls to be connected to flood-protection barriers located on property owned by others, and to build upon, use and occupy a state-owned right-of-way (FDR Drive). A zoning text amendment is required to modify the waterfront zoning regulations applicable to Stuyvesant Cove Park. (Note: Stuyvesant Cove Park has not been mapped as a city park.) This ULURP application dovetails with the required New York State and local environmental reviews.

Concerns and suggestions relating to the details of the project that were brought up by members of the Land Use & Waterfront and Parks, Landmarks & Cultural Affairs committees, and by members of the public, included:

- Undercounting of pedestrians/bicyclists in Stuyvesant Cove Park in the DEIS report.
- Maintaining the contiguity of the north-south East Side Greenway, via public streets, while sections of it are closed for construction, and publicizing these alternate routings for the benefit of walkers, runners and cyclists.
- Improving the parkland/open space, and adding programming, at ConEd's former Waterside pier, and floating-in a "park" barge.
- Finalizing a plan to ensure access can be maintained for ambulances and other emergency vehicles to Waterside Plaza after rolling gates are closed.
- Creating a left turn at Ave. C & E. 18th St. from NB FDR drive (Exit 7) off-ramp, completing the interchange.

- Constructing a new crosswalk at the southerly entry to Stuyvesant Cove Park from Stuyvesant Town (which is also the closest point of access to the Stuyvesant Cove ferry landing and M9 bus stop) which will provide a safer and faster single road crossing. (This “shortcut” will eliminate the problem of people dashing across multiple lanes of traffic.)
- Requesting re-opening southbound FDR Drive’s Exit 6 entrance and exit ramps (closed since 9/11) to ease area traffic flow via E. 14th and E. 15th Streets east of Ave. C.
- Requesting wave-attenuating riprap be added.

Following the final public speaker, Chair Sherrod entertained a motion on behalf of the two committees, which was seconded, to support the proposed project, with stipulations. (Chair Sherrod asked for contributions of suggested language by members of both committees, with the expectation a final resolution would be discussed in caucus at the Full Board meeting). The vote:

Land Use & Waterfront Committee: 6 For; 1 Against; 0 Abstaining; 0 Not Entitled to Vote.

Parks, Landmarks, & Cultural Affairs Committee: 4 For; 0 Against; 1 Abstaining; 0 Not Entitled to Vote.

Chair’s Report

There was no Chair’s report.

Old/New Business

There was no old/new business.

Adjournment

Chair Sandro Sherrod adjourned the meeting at 8:40 PM.

Minutes submitted by: Lawrence Scheyer