

The Park West Tenant

Vol. 32, No. 2

The Newsletter of the Park West Village Tenants' Association

May 2007

COMMUNITY BOARD 7 DISAPPROVES OWNERS' VAULT APPLICATION

On Tuesday night, May 1st, the Community Board 7 disapproved the owners' application for retail and parking use of the sidewalk vaults* for 808 Columbus Avenue. The Board resolved that their approval would be contingent on the owners' presentation to them in 30 days of acceptable plans for addressing the problems of traffic congestion and safety at 97th Street that would result from the loading and unloading of huge trailer trucks needed to service not only a super-sized Whole Foods Market outlet, but also other retail businesses to come. Also required by the Board would be a design for a venting system that would not adversely affect residents or passersby on the street.

Initially, the Transportation Committee of CB7 recommended approval of the application. Members of the audience who had signed up to speak were then called to the microphone. We were represented by member of the Park West Village Tenants' Association (PWVTA) who persuasively presented their opposition, citing our many concerns — including traffic congestion, safety, noise, pollution, venting, etc. Among the speakers were Lois Hoffmann, PWVTA president; Emily Margolis, treasurer; Paul Bunten, and Win Armstrong. Albina DeMeio brought in very graphic "then and now" pictures which were passed around to the members of the Community Board. Jean Green Dorsey, from Westgate, who is vice-president of the Coalition to Preserve West Park North, also made a strong case against approval of the owners' application. They listened and subsequently disapproved the application.

*NOTE: A sidewalk vault is the space underneath a sidewalk that is usually used for storage. The owners could use the vault for storage, but not for retail or parking, which requires additional approval from the City's Department of Transportation. The Community Board 7 disapproval is in an advisory capacity.

The following is information learned at previous Community Board 7 Transportation Committee meetings:

VEHICLE ACCESS—The horseshoe driveway to 788 will be eliminated and a street between 100th and 97th Streets will be created for access to the three Columbus Ave. buildings. The decision of whether this will be a one- or two-way road may be up to the discretion of the PWVTA. Discussions are still ongoing. The fire department would proba-

bly require that the entrance be from 100th Street to 97th Street to allow for speedier access to all buildings.

RETAIL—Whole Foods will be coming in on the 97th Street corner, taking up two stories of retail space, one level below ground and one above. The store will be about four times the size of C-Town. The parking garage will be on two levels below the retail space. There is no information at this time about any other retail outlets.

CONSTRUCTION COORDINATING COMMITTEE—Penny Ryan, the CB7 District Manager, suggested that a Construction Coordinating Committee be set up to meet on a monthly basis to discuss issues that relate to City agencies. Included would be members of the Department of Transportation (DOT), Department of Buildings (DOB), Department of Environmental Protection (DEP), members of the PWVTA, and representatives of the owners. Peter Rosenberg, the owners' project manager for the construction, agreed to this, and members of the CB7 Transportation Committee backed this proposal. ■

First Construction Coordinating Committee Meeting Held

On April 5th, the first meeting of the Construction Coordinating Committee was convened and chaired by Penny Ryan, Community Board 7 district manager. Present were: representatives of the owners/developers; PWV residents (including 3 PWVTA officers); Gotham Construction; city agencies DOB, DOT and DEP; and the district leader from Community Free Democrats. These meetings will be scheduled on a monthly basis.

Gotham distributed work schedules (excavation, chopping, concrete pouring, soldier beams installation) for the first two weeks in April and agreed to provide a schedule for the balance of the month. DOB summarized 21 complaints made to 311, while DEP reported more than 50 complaints, calling Gotham to task on many issues. Gotham promised to remedy these.

(continued, next page)



*The PWVTA welcomes the support and
participation of the Park West Village condo
owners who have joined us!*



First Construction Coordinating Meeting Held (cont'd)

Among the issues discussed were mufflers to abate noise; the need for two sweepers to clear mud from all passageways and crossings all day; and hosing the areas while excavating and chopping to reduce the dust. (When we left the meeting, most of the mud had been removed.) DEP violations will be issued to Gotham and subcontractor drivers for not following procedures—for example, idling trucks and machinery start-ups before 7:00 a.m. The 788 curbside wheelchair ramp is to be restored. Developments are being monitored, and dialogues have begun with the developer, Gotham, PWVTA, area residents, CB7 and other tenants' groups.

Each of us must do something! This is your neighborhood. Attend announced open meetings. Continue to observe the site, call 311 to submit complaints and, if you have email, send your docket number (which 311 will give you) to call311@earthlink.net.

PWVTA HOLDS ANNUAL MEMBERSHIP MEETING

The annual PWVTA Membership Meeting took place at the Ryan Health Center on March 15th and featured our State Senator Bill Perkins as guest speaker. Senator Perkins spoke of "unity." This was a particularly fitting message for an evening that was packed with concerned PWV residents, many of whom had questions about the demolition and construction along Columbus Avenue, what actions are being taken by the PWVTA and, ultimately, what the future holds for our neighborhood.

The meeting began with the election of officers. This year there were no opposition candidates, and all of the incumbent officers were re-elected: Lois Hoffmann, president; Francine Brewer, vice president; Emily Margolis, treasurer; Dorri Jacobs, secretary; and Miriamne Spector, membership secretary.

PWVTA President Lois Hoffmann spoke about the creation of the Construction Coordinating Committee, organized by Penny Ryan of CB7, which will open the lines of communication among city agencies, the construction company (Gotham Construction), the developers and PWVTA. One tenant asked whether any specific actions can be taken against the landlord/developers for the tremendous disruption to our living environment: Dean Heitner, chair of the Legal Committee, responded by outlining a number of actions that tenants can take individually (see "*Legal Remedies for Reduced Amenities and Health Problems*" in this issue).

The proposed constitutional amendment establishing an associate membership for PWV condo owners was passed. Associate members dues were set at \$35 for this year. ■

➤➤➤➤ The PWVTA Board usually meets on the third Monday of the month. Any member of the Association is welcome to attend. If you have something to contribute, call the PWVTA hotline at 212-662-2610 in advance to be put on the agenda under new business.

Make 311 Work for You!

If you see or hear (or smell!) a violation at the Columbus Avenue construction site, file a complaint by calling 311. Some examples: diesel fumes; road blockages; construction work beginning before 7 a.m. or continuing after 6 p.m.; construction any time on the weekends; excessive noise; dust; failure to keep the walkways and sidewalks clear, safe and wheelchair accessible; the destruction of street trees. Please report these and any other problems by doing the following:

1. Call 311, describe the problem, and be sure to get a complaint/docket number.
2. If you have email, send an email message to CALL311@earthlink.com, adding your complaint/docket number to our list

Reporting problems matters! (See this issue's article, "First Construction Coordinating Committee Meeting Held.") ■

Time-Warner's Cable Rate Hikes: Ouch!

Is anyone else bothered by the fact that there is no end to the raises that Time-Warner gives itself for cable? PWV management is dedicated to working with them, even though RCN—which services the buildings on the east side of Columbus Ave.—is cheaper. Could we at least petition Park West Village management to negotiate a better deal with Time-Warner on our behalf? If you agree, please send an email to franhand2@aol.com. ■

History Corner

The extraordinary Bierkenstock painted windows that have graced Trinity Lutheran Church on 100th Street for 100 years have been removed in anticipation of the blasting soon to start next door on Amsterdam Avenue. When and if they can be restored is in question, due to lack of funding.

Pictures and a history of the windows will be available from Trinity Church on a VCR/DVD within a few weeks. The church's website is: www.trinitylutherannyc.org

LEGAL REMEDIES FOR REDUCED AMENITIES AND HEALTH PROBLEMS

The excavation at 808 Columbus Avenue has reduced the amenities of all the tenants in 784, 788 and 792. Air pollution from the excavations has also impaired the health of some tenants. Many tenants have asked whether they might obtain redress or compensation through legal actions.

Tenants who are rent-stabilized may apply to the Division of Housing and Community Renewal (DHCR), the state agency that administers rent regulations, for a reduction in rent to compensate for a reduction in services or amenities. Some examples of reduced amenities are the loss of playgrounds, benches, and some building entrances, and possibly a balcony made unusable by debris and pollution. Tenants may apply to DHCR individually or as a group. It takes DHCR a long time to process complaints. The application process does not require a lawyer.

The Warranty of Habitability entitles all tenants, rent-stabilized and non-stabilized, to a safe, sanitary, hazard-free residence. If the landlord breaches that warranty, tenants may withhold rent and, when the landlord sues and seeks to evict them for nonpayment, counter-sue for breach of the warranty. The landlord's liability, if any, is determined by a judge in Housing Court.

A tenant might also withhold rent and, in response to the landlord's eviction action, seek redress in Housing Court on the basis of a claim of "constructive eviction"—a claim that some or all of the rented space has been made unusable. For example, a tenant with a balcony might claim that air pollutants from excavation have made the balcony useless. Tenants who seek redress in Housing Court should have a lawyer to assist them.

Legal actions, while sending a message to the owner, will probably not affect the construction process at 808 Columbus. Making the owners modify their plans and change their excavation and construction practices will require political pressure, tenant actions, and complaints through 311 of building and environmental code violations. These complaints, through 311, must be made regularly and repeatedly. ■

Wanna Do a Show?

It's been suggested that, since there's so much talent in Park West Village, we put on a show as a fundraiser. Problem! We may have tap shoes, but we don't have an uncle with a barn.

Do you have any affiliation with someone — a local church, maybe — that would be willing to donate the space to put it on? If so, please email franhand2@aol.com.

www.PWVTA.org

A new PWVTA website is currently being designed for and by PWV residents. We want your feedback and welcome your input! Please email comments, information and suggestions to daisywright@nyc.rr.com or kernelchuck@pipeline.com.

Air Conditioners

Don't wait until the hot weather arrives! If you are renting your air conditioner from management, call the office now to have your air conditioner vacuumed and a new filter put in!

New York Is Our Home: AFFORDABLE RENT CAMPAIGN RALLY!!

WEDNESDAY, MAY 23rd

5:00-7:00 PM

Stuyvesant Town/Peter Cooper Village
First Avenue, betwn 14th and 23rd
Streets
Manhattan

(Directions: L to 1st Ave/M9, M14A, M 14D, M1
M21 bus to Stuy-Town)

Tenants, Advocacy Groups, Labor Unions, Elected Officials and the Working Families Party are uniting to remind Albany that *NEW YORK IS OUR HOME!*

We are fighting to:

- Repeal Vacancy Decontrol
- Restore Home Rule over Rent Laws
- Stop Unfair Rent Increases and Harassment
- Preserve Mitchell-Lama and Section 8 Housing
- Ensure State Funding for NYCHA Housing
- Limit Rental Payments for New Yorkers with HIV and AIDS

For more information:

Tenants & Neighbors

212-608-4320 ext. 404

info@tandn.org OR www.newyorkisourhome.org

Good news! Having lost its Columbus Ave. site due to the development, the TANDOORI Indian restaurant has just reopened! It is now located at 210 W. 94th St., between Broadway and Amsterdam Aves. ☺

PWV EXECUTIVE BOARD MEMBERS 2007

POSITION	NAME	EMAIL	PHONE	BUILDING	APT
President	Lois Hoffmann	bitobiscotti@netscape.net	222-1621	788	10A
VP	Francine Brower	frangail@earthlink.net	865-8979	372	10P
Treasurer	Emily Margolis	NONE	864-5996	400	12Y
Secretary	Dorri Jacobs	dorrija@aol.com	222-4606	784	1C
Membership Secretary	Miriamne Spector	mlscpw@aol.com	222-3266	372	6S
Legal Chair	Dean Heitner	deano10025@aol.com	865-8425	784	14E
Communications	Daisy Wright	daisywright@nyc.rr.com	222-2195	788	15O
Quality of Life	Albina De Meio	museumprof@juno.com	316-4014	788	7M
Action	Clare Dockery	claredock@earthlink.net	866-6061	792	11G

BUILDING REPRESENTATIVES/ALTERNATES

Rep	Florence Wagener	Flo784@aol.com	222-1877	784	17T
Rep	Mary Livingston	Marylivingston@worldnet.att.net	749-6651		5B
Rep	Daphne Myers	NONE	666-3615		1B
Alternate	Sylvia McBurnie	sylviamcburnie@peoplepc.com	222-5162		16P
Alternate	Donna Rainford	NONE	864-2434		4R
Alternate	Dan Dunbar	danieldu546@cs.com	865-0754		4E
Alternate	Judy Urrutia	NONE	866-3728		15R
Rep	Pat Loftman	cnm788@msn.com	749-0088	788	17O
Rep	Maureen Wilson	patriciauriel@verizon.net	865-7547		4R
Rep	Arthur Goldstein	NONE	666-1287		7E
Alternate	Paul Jones	jonesp2425@msn.com	749-3905		2C
Alternate	Carol Stanczak		666-0707		5N
Rep	Clare Dockery	claredock@earthlink.net	866-6061	792	11G
Rep	Kathy Bergman	kathleenstudyva@aol.com	662-5699		17R
Rep	Gail Bucksa		662-4249		16E
Alternate	Harvey Lichtman	lichtmanh@aol.com	666-1160		6E
Alternate	Cheryl Strong	clstrong200@yahoo.com	222-9666		7M
Alternate	Kathi Squillacioti	kvin@earthlink.net	917-670-4841		7C
Rep	Charles Berger	charlesbrgr@yahoo.com	865-7610	372	3K
Rep	Chuck Tice	kernelchuck@pipeline.com	662-2462		16X
Rep	Palmer Tome	bcousin1@aol.com	865-8538		15R
Alternate	Annie Muir	maira@verizon.net	663-6675		1P
Alternate	Ruth Spitz	r3spitz@aol.com	866-6977		19N
Rep	Pnina Bright	pninabright@yahoo.com	864-4096	382	6W
Rep	Evelyn Poole	evepoole@yahoo.com	864-6920	392	6S
Alternate	Bertha Resnick	NONE	794-5250		10E
Rep	Gloria Scorse	gscorse@rcn.com	749-9149		11C
Rep	Judi Bloch	judi400cpw@leapmail.net	663-4420	400	9D
Alternate	Selma Lewis	NONE	663-4199		17E
Alternate	Emily Margolis	NONE	864-5996		12Y



PLEASE RETURN THIS MEMBERSHIP / ASSOCIATE MEMBERSHIP COUPON TO YOUR BUILDING REPRESENTATIVE OR MAIL TO:

**Park West Village Tenants' Association
P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339**

NAME: _____ BUILDING: _____ APT.: _____ PHONE: _____

EMAIL: _____ Rent-stabilized tenant Market-rate tenant Renting from private owner Owner

Check for 2007 annual **membership** dues enclosed, payable to PWVTA. Amount: \$40 Other* \$ _____

Check for 2007 annual **associate membership** dues enclosed, payable to PWVTA. Amount: \$35

Check includes additional contribution to the PWVTA Legal Fund. Amount: \$ _____

**If you cannot pay the full \$40 annual dues, please pay what you can. Your membership card will be delivered to you.*