



NEW YORK STATE SENATOR

Thomas K. Duane

## May 2010 Community Report

THOMAS K. DUANE June 6, 2010

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Dear Neighbor:

The following is a summary of some of my office's activities since my last community report:

#### **Albany Update:**

##### *Environmental Protections*

I am pleased to report that on April 20, the State Senate passed a package of bills designed to strengthen environmental and citizen protections for a cleaner, greener and healthier New York. Bills in the package include:

- S3296-G, which prohibits the manufacture, distribution and sale of child care products such as pacifiers, bottles and sippy cups that contain Bisphenol.
- S6047A, which establishes a comprehensive State-wide electronic equipment reuse and recycling program.

- S5119, which reduces the State's waste by prohibiting the purchase and use of non-recyclable paper/mailing products.
- S4983C, which limits pesticide exposures for school and daycare aged children by prohibiting certain outdoor, non-essential applications on playgrounds, turf, and athletic or playing fields.
- S3593, which institutes a rechargeable battery producer and retailer sponsored take back program at no costs to consumers.

#### *Critical Victory for Low-Income New Yorkers with HIV/AIDS*

On April 27, the New York State Senate decisively passed my legislation that would cap at 30 percent of income the rent contribution of people receiving housing assistance from the New York City HIV/AIDS Services Administration (HASA). This legislation, for which I have advocated, will bring HASA into line with every other rental assistance program in New York State and will end the current mandate that HASA clients who receive shelter assistance and have other forms of income pay all but \$344 a month toward their rent. The bill will now go to Governor Paterson. Please see my statement on the bill's passage at <http://tinyurl.com/2epfjod>.

#### *Making it Easier to Become an Organ Donor*

On May 11, the New York State Senate unanimously passed my legislation that would make enrolling in New York State's organ donor registry easier by permitting prospective donors to register online. Currently, prospective donors have to mail a signed form to the New York State Department of Health. By easing the process, this bill, which was shepherded to passage in the New York State Assembly by Assembly Member Dick Gottfried, would increase the numbers of New Yorkers who make anatomical gifts. This is a vital public health

goal for New York State, which has one of the lowest organ donation rates in the country.

### **Remembering Harry Wieder at 6pm on June 20:**

As you may know, longtime disabled, theater, LGBT, transportation, and all-around community activist Harry Wieder was struck by a taxi and killed on April 27 as he left Manhattan Community Board 3's full board meeting. A group of Harry's friends is now organizing a community memorial event so that those who knew him can share their memories and honor his legacy. The event will be held at the Cooper Union Great Hall, 7 East 7th Street in Manhattan, on Sunday, June 20 at 6pm. There will be a program including invited speakers, live performances, and an open mic for reflections from the audience. It will be followed by a reception at which refreshments will be served.

### **Hosting an Educational Panel: What Are Our Options Post-St. Vincent's?**

In the wake of the devastating closure of St. Vincent's Hospital, I hosted an educational panel on what it would take to bring a full-service hospital back to Manhattan's Lower West Side, as well as how we can preserve and expand health care in our communities now. I am grateful that Manhattan Community Boards 1, 2, 3 and 4 co-sponsored this event along with New York City Council Speaker Christine Quinn, Manhattan Borough President Scott Stringer, U.S. Representative Jerry Nadler, New York State Senator Daniel Squadron, New York State Assembly Members Deborah Glick and Dick Gottfried and New York City Councilmember Margaret Chin. If political will and community support were all that were necessary to preserve a hospital on the Lower West Side, we would never have lost St. Vincent's, let alone be faced with fighting for a replacement. Unfortunately, that is not the case, but with a firm handle on the challenges we face, we can develop sound strategies to overcome them.

Approximately 200 lower Manhattan residents and St. Vincent's stakeholders attended the event, at which high-level hospital, health care and health policy experts addressed such questions as what the factors that led to St. Vincent's closure imply for a new hospital; financing for a new hospital; physical plant options; staffing considerations; the need for residency training programs; the role of primary care in meeting community health care needs; how we can help preserve St. Vincent's outpatient medical services and the importance of ensuring access to – and a single standard of – care for all.

Video footage of the forum is now available at [www.youtube.com/watch?v=FVC5sVNhSBo](http://www.youtube.com/watch?v=FVC5sVNhSBo) and a transcript is forthcoming. I look forward to working with lower Manhattan's Community Boards, my colleagues in government, advocacy organizations, concerned residents and other stakeholders to develop and implement an action plan, based upon what we learned at the forum, to ensure that we preserve and expand our communities' health care services now and ultimately bring a full-service hospital and emergency room back to Manhattan's Lower West Side.

## **Announcing a New UWS Elementary School**

On April 13, I submitted testimony before the New York City Department of Education (DOE), the District 3 Community Education Council, and affected School Leadership Teams in support of PS 452, a proposed new, three-section Upper West Side elementary school. I am pleased to announce that the Panel for Education Policy unanimously voted in favor of creating PS 452, which will open under the leadership of former PS 199 Assistant Principal Scott Parker on the M044 campus (100 West 77 Street) next fall. While this school will relieve some – but not all – of the severe overcrowding at nearby schools, I am continuing to press DOE to build or lease new classroom space in the area as part of a more comprehensive, long-

term solution. Please see my [testimony](#).

## **Fighting for a Contextual Ventilation Facility at Mulry Square**

On May 11, MTA New York City Transit (NYCT) presented to CB2 its final design for the Emergency Ventilation Facility it plans to build at Mulry Square (61 Greenwich Avenue at Seventh Avenue South). After years of dialogue with NYCT about the proposed facility and the need for a design that integrates with our historic neighborhood, I am very disappointed with NYCT's proposal. I remain committed to fighting along with CB2 and advocates for a more appropriate structure that is contextual to the Greenwich Village Historic District in which it is located.

## **Aiding Henry Phipps Plaza North Tenants in Preserving their Affordable Housing**

On March 24, 2010, a representative of my staff attended the New York State Division of Housing and Community Renewal (DHCR) rent determination hearing for Henry Phipps Plaza North (HPPN), a 200-apartment, State-supervised, middle-income housing development located at 331 East 29 Street. Based upon a review of the projected two-year cost/revenue analysis provided by HPPN management, DHCR had proposed a rent increase of \$15 per room, which would cost the average tenant an additional \$720 a year and push rents beyond the threshold of affordability for the many HPPN residents who live on fixed incomes.

At the hearing, the accountant for the Phipps Plaza North Tenants Association (PPNTA) raised the troubling fact that some of the financial information used to calculate the proposed increase was apparently inaccurate or missing. As a result of the accountant's objection as well as concerns raised by my staff and a representative of New York State

Assembly Member Brian Kavanagh, DHCR ruled that HPPN management must provide additional documentation, and also extended the comment period to allow PPNTA and its representatives to review that material. After HPPN management failed to provide that information within the specified period, my office successfully appealed to DHCR to again extend the comment period and to compel HPPN management to comply.

I am pleased to report that DHCR was persuaded by the additional information and approved a lower increase than initially sought: just \$5.50 per room. The PPNTA and its representatives are to be congratulated on their vigilance. I was very pleased to assist them and to help maintain increasingly rare middle-income housing in East Midtown Manhattan.

### **Advancing Community-Friendly Redevelopment of Bellevue's Former Psychiatric Building**

On April 15, 2010, the New York City Economic Development Corporation (EDC) and New York City Health and Hospitals Corporation (HHC) announced that New York City Department of Homeless Services (DHS) will continue using the former Bellevue Psychiatric Hospital for at least the next two years, apparently putting the building's redevelopment plans on hold. Although some see this news in a negative light, I see it as an opportunity for stakeholders to help shape a development that meets the needs of the community while respecting the historic nature of the building.

It was in this vein that I and other area elected officials decided to proceed with a long-scheduled conference call with the Director of the New York State Historic Preservation Office (SHPO) regarding the building's redevelopment, which is subject to a Memorandum of Agreement between SHPO, HHC and the City of New York. As you may recall, Assembly Member Brian Kavanagh and I spearheaded the request for the discussion to determine whether and how the building could be altered to satisfy the requirements of prospective

tenants and comply with Manhattan Community Boards 6's (CB6) 197a plan without jeopardizing the building's eligibility for listing on the State and National Registers of Historic Places.

SHPO's director clarified that SHPO does not dictate building uses, but rather promotes the upgrade of historic buildings and facilities in ways that both support functionality and preserve the most significant, character-defining elements to the fullest extent possible. She said that SHPO typically engages in a collaborative process and anticipates the agency will work with any non-profit or for-profit entity chosen to redevelop the building in a consultative, give-and-take manner. She also said that SHPO cannot give definitive answers on whether proposed renovations would affect the building's eligibility for listing on the National Register of Historic Places or the developer's eligibility for Federal Historic Preservation Tax Incentives, as these decisions are made by the U.S. Department of the Interior – National Park Service.

I was encouraged by this constructive, informative discussion and look forward to working with SHPO to accommodate a use that conforms to CB6's 197a plan when the redevelopment of the former Bellevue Psychiatric Hospital resumes.

### **Applauding the Scheduled LPC Vote on the Western Segment of the South Village Historic District**

I was thrilled to learn that on June 22, the New York City Landmarks Preservation Commission (LPC) will vote on whether to designate the Greenwich Village Historic District Extension II (the Extension), which is the western segment of the proposed South Village Historic District and includes the area West of Sixth Avenue loosely bordered by West 4th Street, 7th Avenue South, and West Houston Street. I, alongside our neighborhood's other

elected representatives, CB2, the Greenwich Village Society for Historic Preservation and other advocates, have long fought for the Extension's designation, and I want to thank LPC for moving forward to preserve this crucial part of the South Village. While I am excited that we are so close to securing the Extension, I will continue to urge the commission to move expeditiously to designate the entirety of our long-sought South Village Historic District.

### **Moving Forward with Community Review of Columbus Ave. Bike Lanes**

On May 11, the New York City Department of Transportation (DOT) will present to CB7 a proposal for Class 1 ("protected") bike lanes along the east side of Columbus Avenue from West 77 Street to West 96 Street. As you may recall, I have long supported protected bike lanes with the proviso that DOT pursue community consultation at the earliest stages of planning and consider the needs of all those potentially affected, including residents, businesses, senior centers, non-profit organizations and uniformed services. On April 28, DOT engaged a number of stakeholders at CB7's District Service Cabinet meeting, including local police precincts, NYPD Traffic Enforcement, the New York City Fire Department, the New York City Department of Sanitation and many affected business owners. In fact, prior to the meeting, members of my staff visited every business along the entire stretch of the proposed bike lanes and distributed CB7's flyer inviting owners and managers to attend. I look forward to continuing this crucial community discussion regarding protected bike lanes as we work together to preserve the Upper West Side as a special neighborhood in which to live, work, and visit.

### **Defeating Ill-Conceived Plan for Tennis Court Bubbles in Central Park**



On April 28, I joined New York State Senators Liz Krueger, Eric Schneiderman, and Jose Serrano, in sending a letter to the New York City Department of Parks and Recreation in opposition to the controversial proposal to construct four inflatable bubbles over tennis courts located in Central Park between the North Meadow and the Reservoir. I am pleased that the agency heard our concerns and the concerns of many residents of the communities that border Central Park and subsequently withdrew its proposal. Please click [here](#) to see our letter as a .pdf file.

## **Celebrating Victory! Tour Bus Bill Passed by NYC Council**

On April 29, the New York City Council voted to pass legislation requiring a five-year phased-in implementation of headphone-limited sound reproduction systems in all open-air sight-seeing buses. I want to thank the bill's sponsor, City Council Member Gale Brewer, and City Council Speaker Christine Quinn, for shepherding this vital bill to passage. I also congratulate the community members and advocates, and particularly the members of Our Streets Our Lives, who have long fought for this tremendous victory, which will lead to a better quality of life for residents across the 29th Senate district and the City at large. Please see my [letter](#) to New York City Council Speaker Quinn supporting this legislation.