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# THE BROADWAY DEMOCRATS

♦ District Leaders: Curtis Arluck, Paula Diamond Román ♦ President: Mary Peppito ♦

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## **April General Meeting: Neoliberalism – *What does it mean? Why does it matter?***

Adherents don't call themselves neoliberals, and politicians don't run as neoliberals. Even so, neoliberal tenets and influence are pervasive. Join us for a discussion of the political and economic philosophy that affects virtually every facet of our society.

*Guest Speaker*

### **Mitchell Cohen**

Mitchell Cohen is an author, essayist and critic. He is professor of political science at Baruch College and the CUNY Graduate Center. From 1991 to 2009, he was co-editor of *Dissent*; he is now an Editor Emeritus.

His most recent books are [The Politics of Opera: A History from Monteverdi to Mozart](#) and as editor, [Princeton Readings in Political Thought](#), both from Princeton University Press. His articles and reviews have appeared in publications such as the *New York Times Sunday Book Review*, the *London Times Literary Supplement* and *Esprit*. He holds a doctorate from Columbia, and has lived on the Upper West Side since the mid-1970s.

**Suggested reading before the presentation:**

What does it mean? ([Investopedia](#))

Why does it matter? ([George Monbiot/Guardian](#)) ([Economic Hardship Reporting Project](#))

**Please join us on Zoom  
Thursday, April 13**

**Club business 7:30pm**

**Forum 8:00pm**

**Register: [bit.ly/april2023forum](https://bit.ly/april2023forum)**

for more information: [DistrictLeaders@BroadwayDemocrats.org](mailto:DistrictLeaders@BroadwayDemocrats.org)

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Volume 48, Issue 4

April 2023

## President's Corner

### Governor Hochul's Hostage-taking of Budget Talks Over Bail Reform is Dangerously Wrong

Mary Peppito

Gov. Kathy Hochul's misguided attempt to make changes to the NY State Bail law is merely a political tactic aimed at garnering conservative support, but it is not supported by facts. I have been a practicing criminal defense attorney in Bronx County since 1993. I have witnessed first-hand the coercive and unjust effects of mass incarceration as well as the benefits of the bail reforms enacted in 2019. We should not go back to the bad old (and unconstitutional) days of guilty until proven innocent — unless you're wealthy enough not to go to Rikers to fight your case.

Bail reform laws were enacted in order to help reduce mass incarceration and address the inequities of poverty in the criminal justice system. Since 2020, when bail reforms went into effect, the bail laws resulted in a more just NYC, saving countless jobs, homes, and lives. Losing even a few days at a job while trying to raise money to gain one's liberty (even though constitutionally presumed innocent) usually results in losing a precious job, jeopardizing housing and the ability to support one's family.

It's easy to see how coercive the effects of cash bail are, when those who can't pay it make the decision to plead guilty even when they are not, in order to avoid not only Rikers but also losing a job and housing. The ability to fight one's case while at liberty is at the heart of our constitutional values and results in more just outcomes and less destabilization of an already vulnerable population.

Moreover, statistics do not back up the canard that pretrial release leads to recidivism. In fact, recent data shows that those released under the bail reform laws are *less* likely to get re-arrested, as recently discussed in [Gothamist](#) and the [NY Daily News](#). Rather, pretrial incarceration *leads* to recidivism. And that makes sense because pretrial

incarceration exacerbates the tenuous financial position of those who cannot afford bail and does nothing to address their needs once released, resulting in an endless cycle of poverty and re-offense, as described in Sen. Julia Salzaar and Assembly Member Latrice Walker's [persuasive and fact-based op-ed in City & State](#).

It should be noted that the bail reforms of 2020 have already been modified three times to address those who are accused of re-offending. Currently, judges are able to set bail on virtually *every* case where someone is accused of a second crime while at liberty on a prior offense. Thus, the Governor's fervent desire to eliminate bail reform laws to give judges more flexibility to set bail for re-offenders is unnecessary and redundant, [as the courts already have this authority](#).

Cash bail perpetuates racial and economic disparities of the criminal justice system since it is so destabilizing for those already living in poverty. Pretrial incarceration is dehumanizing, coercive and unjust. The false narrative behind the governor's attempt to change bail laws is not based in fact and is dangerous to the most vulnerable NYC communities.



## District Leader's Report

Curtis Arluck

### Petitioning Ending

The last day to sign a candidate petition for the June 27th Democratic primary is this Thursday, April 6th. If you haven't yet signed, contact us by Thursday and we'll get your signature. Petitioning has been going pretty well. We've been out several times with our young, activist candidates, Civil Court Judge Candidate Dana Catanzaro and City Council Member Shaun Abreu. Many of you have joined us on the streets or collected signatures around your buildings. The only ones who haven't cooperated are the Weather Gods. It was bad or threatening weather every Saturday, and often cold on Sundays. But we prevailed. Thanks for all your help.

## Trump Indicted

This just happened as I write this. Hopefully this is the beginning of the end for this monster. I'm increasingly optimistic that it will be. Millions of words have been said on this subject; millions more will be said. For tonight, all I will say is how very proud I am of our District Attorney Alvin Bragg, and how very scared I am of the torrent of racism, fascism and antisemitism that has been unleashed against Mr. Bragg and anyone who is committed to justice and democracy. We can take heart in the fact that few people in our city more capable of withstanding this onslaught, and achieving justice, than Alvin Bragg.

## Confusion Over Rezoning

In this and previous newsletters (see following article), we have seen different visions of if and how to rezone two parcels of land on Broadway between 108th and 110th Streets. This is a highly complicated issue to which we are planning to devote our May forum. For now, I would like to say:

1) The accompanying article in this newsletter discusses the proposed rezoning of our neighborhood as if it were one proposal, but it is not. There is very little neighborhood opposition to the proposed (mostly downzoning) plan for above 110th St., but considerable opposition or at least strong concern about the (upzoning) of the 108th-110th Street sites. And, below 110th is in a different Community Board District (7) than above 110th St. (9), so the review procedures are different.

2) Nevertheless, there is too much "us vs. them" going on here. Naturally, there is a tendency for people who live near the 108th-110th sites to wish that *nothing* will ever be built here: less density, more light. But at some point, something will be built, especially on the 109th-110th site currently occupied by CVS and a few other stores. Under the current zoning, a developer could build an approximately 16-18 story building as of right, with no requirement that there be any affordable housing. Proponents of the upzoning say that, while a new building would be somewhat higher, perhaps 22-24 stories, it would activate inclusionary zoning and other provisions which would insure a significant amount of affordable housing, perhaps around a third of the apartments. Might this be an acceptable tradeoff?

3) All of this is highly speculative. There are no actual proposals to develop the 108th-110th St. sites, it is far from clear if city agencies will approve any part of the rezoning plan. It doesn't seem likely that anything major will happen soon. But nevertheless, there is a lot of discussion in the air. Broadway Democrats will try to keep our community informed about all this at our May meeting.



## Green Sheets: My Take on Petitioning

Laura Danford Mandel, Vice President

The first time I saw one of those ridiculously long green sheets was when my friend and fellow dog mom, Mary Peppito (now the president of Broadway Democrats) asked me for a signature one morning in the Riverside Park dog run about five years ago. I asked, "What's it for?" and she explained that candidates have to get enough signatures to be placed on the ballots. Honestly, I had never thought about how candidates declare candidacy and the collection of signatures and honestly, I still wasn't sure I fully understood. As the years passed, I just kept signing when Mary asked me to sign.

And then I joined Broadway Democrats. What an eye-opener! Not only have I learned about the many different levels of local government by petitioning and many of our other activities, but the act of speaking with UWS strangers and neighbors I might only know by sight, has given me the opportunity to meet very interesting people and engage in great conversations.

During this petitioning period, I made my way outside every morning to the Riverside Park dog run carrying my petitions on my makeshift clipboard and a few pens. And now, I can finally explain the why of the petitions. I joined other club members and our Democratic District Leaders Curtis Arluck and Paula Diamond Romàn, running for re-election, at the Columbia University Farmers Market or in front of our local Westside Market. Sometimes, Broadway Democrats' endorsed candidates Shaun Abreu, Dana Catanzaro and Denise Dominguez joined us. I, along with several club members, have been seeking signatures to be included on the ballot as candidates for County Committee, a position that is hyper-localized by block in NYC (again, who knew?!?).

Side Note – I ran for student government every year from 5th grade until my senior year of high school. I never got enough votes! Maybe I'm trying to make up for it now ... 40 years later!



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## Morningside Heights Rezoning – Ensuring A Community That Thrives for All

Robert F. Stern and Dave Robinson

[Morningside Heights Community Coalition \(MHCC\)](#)'s strongest commitment is to preserve and expand affordable housing in our community. Community residents have identified affordable housing as their primary concern and we established a [JUST Housing committee](#) working to get our institutions, especially Columbia University, to contribute to alleviating our neighborhood's housing crisis.

An essential tool in our advocacy is the [Morningside Heights planning study](#). The plan it describes has won the enthusiastic support of our current and former Councilmembers, our current and former Borough Presidents, the current and former City Council Speaker and Community Board 9. Hundreds of neighborhood residents attended community meetings to demand rezoning and over a thousand have signed supportive petitions.

Due to limited affordable housing sites in Morningside Heights/Manhattan Community Board 9, City Council staff members included an area in the study at the southern border of our neighborhood. It is critically important to ensure all community members and other stakeholders understand the specifics of this inclusion as the rezoning process advances to address concerns expressed by individual residents and organizations based in this area, formally part of Community Board 7.

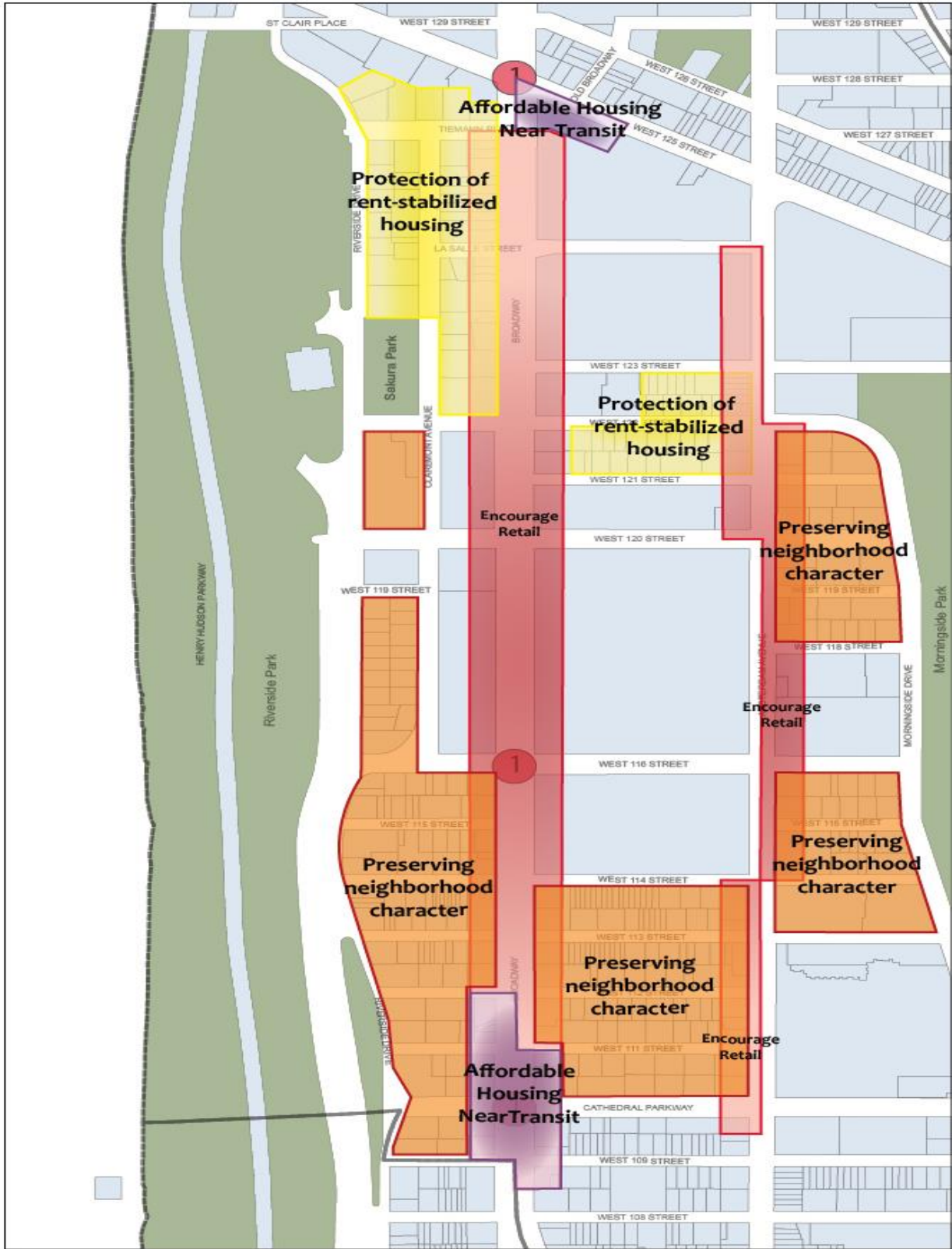
Without rezoning, which last occurred in Morningside Heights in 1961, our broader neighborhood will continue to be plagued by overdevelopment as seen most dramatically in the two recently constructed luxury condominium towers in the northern end of the neighborhood.

Below is a brief summary of the rezoning plan, as well as a response to concerns raised by our neighbors at Three Parks Independent Democrats and articulated by our State Committeeman Dan Cohen at the March Broadway Democrats meeting. We look forward to continued dialogue with our neighbors to ensure clear, shared understanding of the plan and discussions on ways of resolving concerns.

### Rezoning Plan

The major goals of the rezoning plan are to promote racial and economic diversity both by adding affordable housing at 125th St and near 110th St., and to preserve racial and economic diversity by protecting rent-stabilized tenants.

Below is a high-level view of the geographic area to be rezoned, and specific outcomes that the plan promotes.

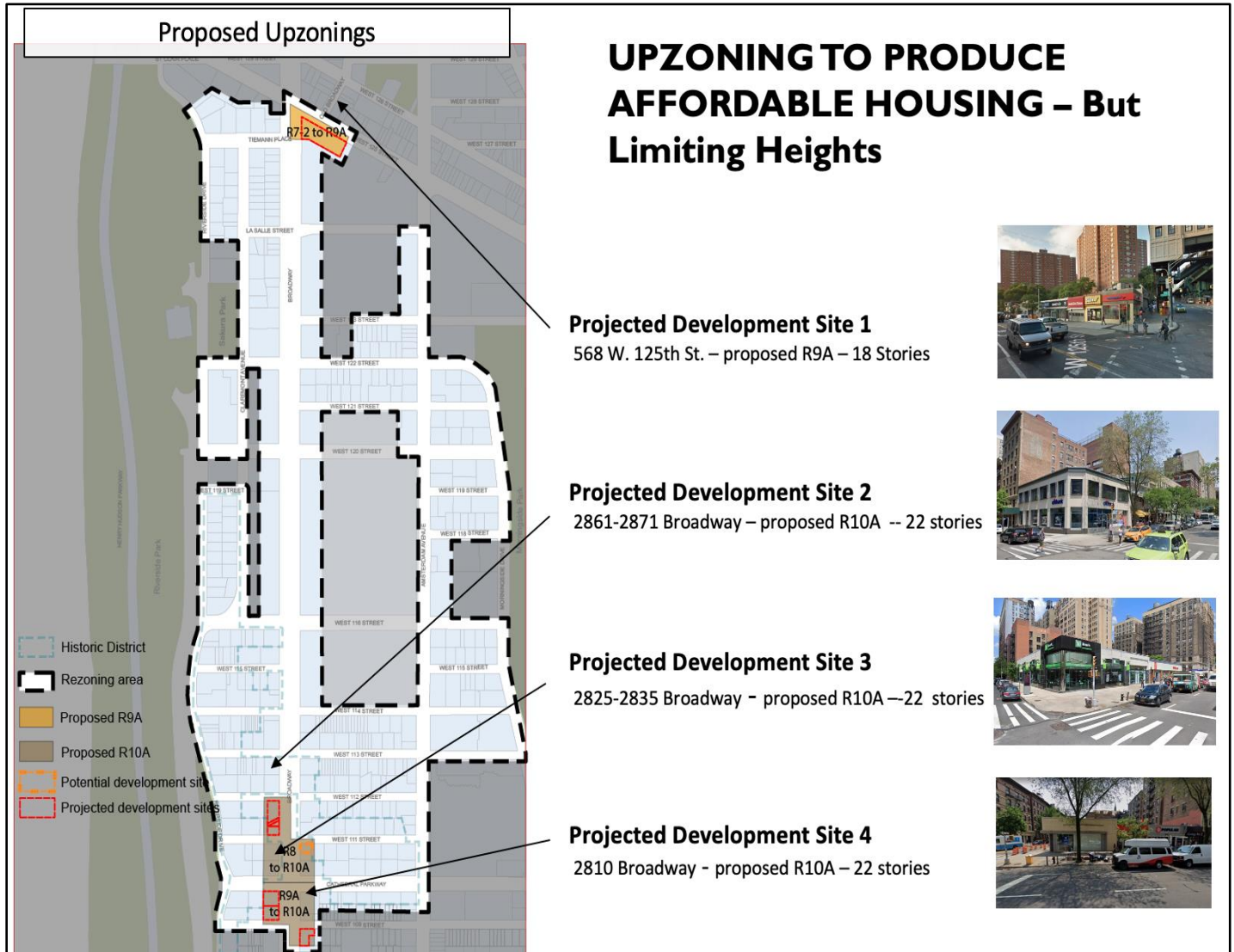


The rezoning goals include:

- Produce affordable housing near transit by creating zoning designations which apply height caps of around 22 stories and 18 stories near the 110th Street #1 subway station and the 125th Street #1 station. This upzoning would trigger a requirement to build 25-30% affordable housing under the City's Mandatory Inclusionary Housing program. We would encourage advocacy by our elected officials and the community to create greater and deeper affordability. That would occur in the context of a particular development project, of which there are none currently proposed for the sites south of 110th St.

- Minimize the risk of displacement by enforcing low-height limitations in areas with high concentration of an estimated 600 existing rent-stabilized units, primarily in the northern sections of Morningside Heights.
- Preserve contextual neighborhood character by mapping 12-story and 18-story caps for contextual zoning in the remaining areas.
- Encourage retail along Broadway and Amsterdam by mapping new commercial overlays on avenues.
- Greater transit accessibility through improvements to the 110th Street & Broadway and 125th Street subway stations of the Number 1 line.

Overall, the rezoning is projected to produce 1026 residential units, 257 of which would be permanently affordable. Specific areas would be “upzoned” to produce mandated affordable housing (see map below).



### Concerns Raised by the Inclusion of Development Sites South of 110th Street

We hope the answers below will allay concerns expressed by our neighbors.

**The Importance of Including Sites South of 110th Street:** Moving forward requires inclusion of sites below 110th Street in a rezoning plan focused on Morningside Heights, without which our plan likely would not advance, making this area ripe for overdevelopment.

It is necessary to include some sites south of 110th St. to provide a sufficient amount of affordable housing, largely due to the prevalence of so much institutional ownership of property from 110th to 125th Streets. We at MHCC, as well as the City Council, believe that this provides a timely opportunity to increase diversity of all kinds in our broader community. The proposed upzoning would trigger **mandatory** rather than the existing **voluntary** affordable housing, which would greatly increase the certainty that affordable units would be built, and encouraging such development by somewhat increasing the allowable height. The earlier rezoning south of 110th Street, relying on voluntary inclusionary housing, has failed to produce affordable housing.

An added benefit of rezoning is “Zoning for Transit Accessibility” improvement bonuses (where a developer might receive additional floor area when they fund and/or build transit accessibility improvements — such as subway elevators) would likely apply at any of the projected development sites sufficiently upzoned near a station. Therefore, there could be opportunities for fully accessible subway stations at 110th Street and 125th Street on the #1 line if buildings were developed close to those sites.

**Increased Percentages of Affordable Housing?** We at MHCC strongly believe that much more affordable housing is needed and this should be the priority in any new development. The current Mandatory Inclusionary Housing, with its limits of 25-30% of units affordable, is unfortunately the only available option we have for an area-wide zoning plan on sites owned by private developers. Even in its limited form, it will add to the racial and economic diversity of the area surrounding 110th Street.

**Off-site Development:** While the zoning text permits developers to build affordable units off-site, this is exceedingly rare. They are required to build 5% more affordable units (so on average 30% instead of 25%) and the units must be within the same Community District or within a half-mile of the development. Additionally, an off-site building solution would be considerably more costly.

## Conclusion

The community-led Morningside Heights Rezoning Plan promotes the inclusion of affordable housing to support a mixed socio-economic and racially diverse population within a gentrifying neighborhood -- where residents can take advantage of our beautiful neighborhood that offers nearby accessible transit, well-stocked supermarkets, good schools, and our three magnificent Parks – Central, Morningside, and Riverside – to ensure a community that thrives for all. MHCC, other community organizations, and our elected officials will continue to advocate for greater and more deeply affordable housing at every opportunity. Broadway Democrats’ assessment of and support for the rezoning plan described above would be an important step in reinforcing the community stability and diversity which are hallmarks of the plan. We respectfully request your input.

*Robert F. Stern and Dave Robinson are Board Members of the Morningside Heights Community Coalition*

*RS*

**Disclaimer:** unless otherwise indicated, items herein reflect the views of their authors only. They are published as a part of our club’s commitment to the free and open exchange of ideas on topics of interest, but their publication should not be construed as an endorsement by the editor, the Steering Committee, or the Broadway Democrats club.

*RS*

## A Good Plan Gone Bad

Daniel Zweig, Steering Committee Member

Without a doubt zoning in the Morningside Heights area has been overdue for many years with the area needing protection from sky-high overdevelopment as well as protection for existing affordable housing in the area.

And earlier versions of the plan were good to accomplish that purpose as are substantial portions of the latest plan.

Unfortunately, the attempts to resell the plan to change it from a preservation plan to an affordable housing solution have added flawed zoning components which may look good on paper but which will not achieve the intended purpose – particularly for the area south of W. 110th Street. In the marketplace it will decrease, not increase the amount of public benefit and affordable housing that could be achieved were Broadway south of W. 110th Street to be left as Community Board 7 smartly rezoned it in their prior rezoning of 96th-110th Streets.

In fact, the plan for south of W. 110th Street is so poorly conceived that the entire MHCC plan should be rejected unless, at a minimum, the portion south of W. 110th Street is carved out from the plan.

This is not to say that the sites from W. 108th to W. 110th Streets on Broadway should not be built upon. They just shouldn't be upzoned now.

Despite claims that the new zoning would provide onsite affordable housing, that is far from insured. In the marketplace for this area, the 5% increase for offsite mandatory affordable is no guarantee that the housing will be built on site. For those who know the marketplace, it is more likely that the onsite additional square footage from the MIH bonus will end up being additional luxury housing on the Broadway sites – not a desirable outcome for those who live and have planned in the Community Board 7 area. The affordable units are most likely to be off site, rehabbed not new construction, and likely not even in the Community Board 7 area which will be feeling the greatest impact.

Were the zoning in this location to be left as is, there would be much more leverage to negotiate with interested developers to guarantee on site affordable housing, provide larger percentages of affordable units than MIH provides, and to mandate transit improvements for the W. 110th Street 1 Train Station. These are all desirable outcomes. Upzoning to 10A in this plan would basically give away 33% more FAR\* without insuring anything other than maybe a handful of rehabbed units somewhere in the west Harlem area.

Leave plans for the Broadway 108th - 110th area to people in that community and to Community Board 7 to review. Involve the people south of W. 110th Street in the plans. Involve Community Board 7 in the plans.

We can do better than this for our neighborhood.

\* FAR, or Floor Area Ratio, is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot.



## **A Good Bill on Disability and Loans**

Peter Flom, Steering Committee Member

When a child is in a special education school, and the DOE has agreed that it is necessary, then they are obligated to pay for that education. And they do. There are two mechanisms for this: *Connors* funding and *Carter* funding. In *Connors* funding, which is for parents below a certain income, the DOE pays the school directly. In *Carter* funding, the parents pay tuition and then get reimbursed.

But the reimbursement is often delayed by a lot, often by a year or two and sometimes by much more. This means that either the parents or the school is "out" the tuition for a considerable time. For *Connors* funding families, this is obvious. But, since schools know how much their tuition is, they often accept children whose families are getting *Carter* funding and let the parents pay the tuition over time, so the school can be out money for those families as well.

But there is now a bill (Int. 0957) before the city council that would fix some of this. According to the legislative summary:

This bill would require the Department of Education (DOE) to establish a revolving loan fund to provide loans to eligible private schools supporting students with disabilities that are awaiting the issuance of a payment pursuant to a written settlement agreement or an order issued pursuant to an impartial due process hearing. The loans would be for a term of two-years and no interest would be charged so long as the loans are repaid in a timely manner.

In the current situation, many schools refuse to take *Connors* funded children, or limit the number of such families. This is understandable, because, after all, schools have to pay rent and salaries and so on time, and not two years late. But it means that many kids are denied the education they are entitled to. And many schools run a deficit each year because they are owed money. That means the schools need to borrow money (at interest) or raise funds (just to pay money they are owed) or, in the worst case, go bankrupt.

This is a good bill and our council member, Shaun Abreu, is a cosponsor. I've written to thank him.



***Congratulations  
to our  
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Assembly  
Member  
Ed Sullivan  
on his recent  
90th Birthday!***



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***☞***

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In order to vote in club elections (endorsements, elections of officers, judicial convention, amendments), you must be an eligible, voting member of the Broadway Democrats. You must have attended at least one of the previous nine monthly public meetings and you must pay your dues. Dues partially defray the costs of presenting forums and putting out this newsletter. Dues are \$25; senior dues are \$10.

Membership

# The Broadway Democrats Newsletter

## April 2023

FIRST

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