

**Community Board 7/Manhattan  
January 2003 Resolutions**

**Community Board 7/Manhattan**

**Date: January 7, 2003**

**Committee of Origin: Land Use**

**Re: 2398 Broadway (West 88<sup>th</sup> Street), Aix.**

**Full Board Vote: 28 In favor 1 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1125321 to the Department of Consumer Affairs by Sigma Group Inc., d/b/a Aix at 2398 Broadway (West 88<sup>th</sup> Street) for a one-year consent to operate an unenclosed sidewalk cafe with 12 tables and 36 seats.

*Committee: 3-0-0-0. Board Members: 2-0-0-0.*

**Date: January 7, 2003**

**Committee of Origin: Land Use Joint with Housing**

**Re: 223-227 West 60<sup>th</sup> Street. Application #315-02-BZ to the Board of Standards and Appeals by Touro College on for bulk variances to allow the construction of a mixed-use building at 223-227 West 60<sup>th</sup> Street (West End-Amsterdam Avenues.)**

**Full Board Vote: BACK TO COMMITTEE**

WHEREAS,, Touro College LLC (i.e. the applicant) proposes to construct a mixed-use building at 223-227 West 60<sup>th</sup> Street; and

WHEREAS,, the applicant is requesting six variances from the Board of Standards & Appeals (BSA) concerning bulk, numbers of dwelling units, and open space requirements;

WHEREAS,, Community Board 7/Manhattan finds that the proposed structure is inappropriate, overwhelming, and out of scale with the neighborhood; and

WHEREAS,, Community Board 7/Manhattan makes these technical findings in accordance with Section 72-21 of the Zoning Resolution:

- a) The applicant has **not** demonstrated that there are unique physical conditions peculiar to and inherent in its zoning lot which conditions prevent the applicant from complying with the Zoning Resolution
- b) The applicant's financial analysis obscures the role of the not-for-profit applicant in the for-profit development, and Community Board 7/Manhattan is unable to assess its relevance or correctness regarding reasonable return on investment
- c) The applicant has **not** demonstrated that the application, if granted, will not alter the essential character of the neighborhood of the street on which the lot is located and will not be detrimental to the public welfare, and has **not** demonstrated that the structure for which the variance is being sought will not substantially impair the appropriate use of the adjacent property
- d) Community Board 7/Manhattan is not convinced that the applicant faces difficulties and hardships necessitating a variance, and so is unable to assess whether any such difficulties or hardships are the creation of the applicant
- e) The applicant has **not** demonstrated that the application is the minimum variance necessary to afford the relief the applicant seeks; and

WHEREAS,, award of a variance depends on an applicant meeting all five tests of Section 72-21 of the Zoning Resolution; and

WHEREAS,, Community Board 7/Manhattan finds that the applicant has not met findings a), c), and e);

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #315-02-BZ to the Board of Standards & Appeals (BSA) by Touro College LLC for six variances concerning bulk, dwelling units, and open space requirements to permit the construction of a mixed-use building at 223-227 West 60<sup>th</sup> Street (West End –Amsterdam Avenue).

*Land Use and Housing Committees: 7-0-1-0. Board Members: 3-0-0-1. Public Member: 0-1-0-0.*

**Date: January 7, 2003**

**Committee of Origin: Land Use Joint with Transportation and Youth**

**Re: Columbia University's faculty housing and school at Broadway and 110<sup>th</sup> Street.**

**Full Board Vote: WITHDRAWN**

WHEREAS,, over many months leading up to March 2001, Columbia University and Community Board 7/Manttan ("CB7") engaged in a dialogue and extensive negotiations concerning Columbia's plan for the construction and operation of a new, private school (K-8) at the southeast corner of 110th Street and Broadway (the "School"); and

WHEREAS,, as a result of that dialogue and those negotiations, Columbia made certain express commitments, and undertook certain express obligations, to CB7 and the community it serves, which commitments and undertakings were set forth in a letter dated April 13, 2001, from Emily Lloyd, Columbia's Executive Vice-President for Administration, to Eric M. Nelson, (then) Chairman of CB7 (the "Lloyd Letter"); and

WHEREAS,, the commitments and undertakings expressed in the Lloyd Letter provided the basis for a detailed resolution by CB7 at its meeting held March 6, 2001 pursuant to which (and notwithstanding substantial community opposition expressed both prior thereto as well as thereat) CB7 approved Columbia's application for six (6) variances necessary to implement its proposed plans for construction of the School at the aforementioned site (the "Resolution"); and

WHEREAS,, as a result of Columbia's application for, and CB7's approval of, the variances as stated in the Resolution, one or more construction permits were subsequently issued by the NYC Department of Buildings, and Columbia was thereafter able to commence, and has since continued, the construction of the School; and

WHEREAS,, since the date of CB7's approval of the Resolution, numerous further discussions have occurred between, on the one hand, various CB7 members, including its present and immediate past Chairmen, and on the other, various Columbia officials, including Emily Lloyd, Executive Vice-President for Administration, Larry Dais, Assistant Vice-President for Administration, Marcia Sells, and Gardner Dunnan, head of the School (collectively, "Columbia"), and Columbia has consistently and repeatedly reaffirmed the commitments and undertakings stated in the Lloyd Letter; and

WHEREAS,, notwithstanding all of the foregoing, Columbia has failed and refused and/or is failing and refusing as of the date hereof to honor certain of those commitments and undertakings in fact, including, most particularly, with respect to the process for recruiting and selecting non-Columbia-affiliated community children to be students of the School, and supporting them financially, if and where necessary, upon such selection;

BE IT RESOLVED THAT Community Board 7/Manhattan rescinds the Resolution, withdraws and revokes its approval of the aforementioned variances, and calls upon the Board of Standards and Appeals to rescind its approval of the variances, and the Department of Buildings to revoke any and all construction permits granted to Columbia and/or its developer(s) or other agents in connection with the construction of the School; and

BE IT FURTHER RESOLVED THAT Community Board 7 urges Columbia University to disclose promptly 1) the precise criteria to be utilized in determining which children chosen by lottery will nonetheless be denied admission to the school for educational reasons; and 2) the precise amount it has budgeted for scholarships to support its need-blind admission policy; and 3) the statistical analysis, including its income and other criteria for awarding scholarships, and its projections as to income profile of the prospective non-Columbia affiliated student population, underlying its claim that the amount budgeted for scholarships will be sufficient to assure that no student will be turned away on the basis of need.

*Land Use, Transportation and Youth Committees: 5-0-0-0. Board Members: 2-0-0-1.*

**Date: January 7, 2003**

**Committee of Origin: Uniformed Services and Environment**

**Re: Columbus Amsterdam BID Application for new street fair permit.**

**Full Board Vote: BACK TO COMMITTEE**

WHEREAS,, the Columbus Amsterdam BID as a new applicant for a street fair in CD7 has agreed to meet all the requirements set forth in CB7's Guidelines for street fairs and has received an approval for a street fair permit from the City of New York; and

WHEREAS,, the proposed street fair will be confined to a four block area on Columbus Avenue from the south side of West 97<sup>th</sup> Street to the north side of West 101<sup>st</sup> Street, which are bounded by Park West Village and are not through streets; and

WHEREAS,, this will be the first street fair above West 96<sup>th</sup> Street on any other thoroughfare than Broadway and will be an opportunity to introduce New Yorkers from outside the immediate neighborhood to merchants above West 96<sup>th</sup> Street;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the request by the Columbus Amsterdam BID for a street fair permit for Sunday, June 29, 2003.

*Committee: 4-0-1-0. Board Members: 2-0-1-0. Public Member: 0-0-1-0.*

**Date: January 7, 2003**

**Committee of Origin: Uniformed Services and Environment**

**Re: St. Matthew's and St. Timothy's for new street fair permit.**

**Full Board Vote: 25 In favor 5 Against 0 Abstentions 1 Present**

WHEREAS,, St. Matthew's and St. Timothy's is petitioning for a 5-block Street Fair Permit for the 12<sup>th</sup> of September on Amsterdam Avenue from West 76<sup>th</sup> Street to West 81<sup>st</sup> Street (to replace Safe Horizon no longer located on the Upper West Side) and will share a 10-block stretch of Amsterdam Avenue with the Concerned Citizens for Community Action under the management of Clearwater Production;

BE IT RESOLVED THAT Community Board 7/Manhattan approves St. Matthew's and St. Timothy's as a street fair sponsor.

*Committee: 4-0-0-0. Board Member: 1-0-0-0. Public Member: 1-0-0-0.*

**Date: January 7, 2003**

**Committee of Origin: Uniformed Services and Environment**

**Re: 2003 Multi-Block Street Fairs.**

**Full Board Vote: 25 In favor 5 Against 0 Abstentions 1 Present**

WHEREAS,, the Uniformed Services and Environment Committee met with the applicants and their representatives on December 11, 2002 and reviewed their submissions and the applicants have agreed to certain modifications requested by the committee and noted in this resolution; and

WHEREAS,, each applicant meets Community Board 7's requirements as a not-for-profit organization within CB7 and has previously sponsored a street fair that the committee has determined has met the agreed upon standards of the community; and

WHEREAS,, all fairs that originally were slated to begin on the north side of West 96<sup>th</sup> Street will now begin on the north side of West 97<sup>th</sup> Street on orders of the 24th Precinct;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the applications and dates with noted provisions of 22 organizations to be sponsors of street fairs on 13 Sundays during the period of April through October 2003, the majority of which are scheduled on contiguous blocks on Broadway, Amsterdam Avenue and Columbus Avenue under the management of the same production companies.

*Committee: 5-0-0-0. Board Members: 3-0-0-0. Public Member: 1-0-0-0.*

<b>Date</b>	<b>Organization Name</b>	<b>Fair Location</b>	<b>XStreet1</b>	<b>XStreet2</b>
4/27/03	Veritas Family & Children's Services	Broadway (east side)	W. 96 <sup>th</sup> Street	W. 104 <sup>th</sup> Street
4/27/03	Duke Ellington Blvd. Neighborhood Association	Broadway (east side)	W. 104 <sup>th</sup> Street	W. 108 <sup>th</sup> Street
4/27/03	24 <sup>th</sup> Precinct Community Council	Broadway (east side)	W. 108 <sup>th</sup> Street	W. 110 <sup>th</sup> Street
5/4/03	Strycker's Bay Neighborhood Council	Broadway (east side)	W. 93 <sup>rd</sup> Street	W. 96 <sup>th</sup> Street
5/4/03	Broadway Malls Center	Broadway (east side)	W. 86 <sup>th</sup> Street	W. 93 <sup>rd</sup> Street
5/11/03	Committee for Environmentally Sound Development	Broadway (east side)	W. 60 <sup>th</sup> Street	W. 65 <sup>th</sup> Street
5/18/03	West Side Chamber of Commerce	Amsterdam Avenue	W. 77 <sup>th</sup> Street	W. 96 <sup>th</sup> Street
5/25/03	Coalition for a Livable West Side	Broadway (west side)	W. 72 <sup>nd</sup> Street	W. 82 <sup>nd</sup> Street
5/25/03	Safe Haven West Side Basketball League	Broadway (west side)	W. 82 <sup>nd</sup> Street	W. 86 <sup>th</sup> Street
6/1/03	Mitchell-Lama Residents Coalition	Columbus Avenue	W. 91 <sup>st</sup> Street	W. 96 <sup>th</sup> Street
6/1/03	Westside Crime Prevention Program	Columbus Avenue	W. 86 <sup>th</sup> Street	W. 91 <sup>st</sup> Street
6/15/03	West Side Federation of Neighborhood and Block	Broadway (east side)	W. 72 <sup>nd</sup> Street	W. 82 <sup>nd</sup> Street

	Associations			
6/15/03	The Broadway Malls Association	Broadway (east side)	W. 82 <sup>nd</sup> Street	W. 86 <sup>th</sup> Street
6/22/03	Project Open at Lincoln Towers	Broadway (west side)	W. 66 <sup>th</sup> Street	W. 72 <sup>nd</sup> Street
6/22/03	Valley Restoration, LDC	Amsterdam Avenue	W. 97 <sup>th</sup> Street	W. 106 <sup>th</sup> Street
8/3/03	Lincoln Square Neighborhood Center	Columbus Avenue	W. 66 <sup>th</sup> Street	W. 72 <sup>nd</sup> Street
9/21/03	West Side Chamber of Commerce	Columbus Avenue	W. 66 <sup>th</sup> Street	W. 86 <sup>th</sup> Street
10/12/03	Concerned Citizens for Community Action	Amsterdam Avenue	W. 81 <sup>st</sup> Street	W. 86 <sup>th</sup> Street
10/19/03	NAACP Mid-Manhattan Branch	Broadway (west side)	W. 86 <sup>th</sup> Street	W. 90 <sup>th</sup> Street
10/19/03	Symphony Space	Broadway (west side)	W. 90 <sup>th</sup> Street	W. 96 <sup>th</sup> Street
10/26/03	One Stop Senior Services	Broadway (west side)	W. 106 <sup>th</sup> Street	W. 110 <sup>th</sup> Street
10/26/03	Bloomingdale Area Coalition	Broadway (west side)	W. 96 <sup>th</sup> Street	W. 106 <sup>th</sup> Street

**Date: January 7, 2003**

**Committee of Origin: Transportation**

**Re: Request by the Rosenthal Family to name West 72<sup>nd</sup> Street, Central Park West to Columbus Avenue.**

**Full Board Vote: 18 In favor 6 against 9 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan supports the request by the Rosenthal Family to the Department of Transportation for a memorial naming of West 72<sup>nd</sup> Street, Central Park West to Columbus Avenue, in honor of Josh Rosenthal who died in the WTC on September 11, 2001.

*Committee: 3-1-1-0. Public Member: 0-1-0-0.*

**Date: January 7, 2003**

**Committee of Origin: Transportation**

**Re: Request by Red Apple/Gristedes to the Department of Transportation for a loading zone at West 74<sup>th</sup> Street and Broadway.**

**Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present**

WHEREAS, Gristedes is operating a 24-hour store in the lower level of the Ansonia and has submitted a request to the NYC Department of Transportation for a truck loading zone; and

WHEREAS, at the December Transportation Comm. meeting Gristedes agreed to having the loading zone on Broadway, but then determined this would require significant reconstruction of the Broadway entrance; and

WHEREAS, DOT decided to grant, for a test period of six months, a loading zone and no standing zone on the south side of 74<sup>th</sup> Street from the corner of Broadway west to the Ansonia driveway, Monday through Saturday, from 7:00 AM to 10:00 PM;

BE IT RESOLVED THAT Community Board 7/Manhattan **strongly disapproves** a loading zone on West 74<sup>th</sup> Street, and urges DOT to take immediate steps to place the loading zone on Broadway; and

BE IT FURTHER RESOLVED THAT Community Board 7 urges Gristedes to immediately place all garbage for pickup on the Broadway side of the building, not on West 74th Street.

*Committee: 5-0-0-0. Public Members: 3-0-0-0.*

**Date: January 7, 2003**

**Committee of Origin: Transportation**

**Re: Request by Council on the Environment the Mayor's Street Activity Permit Office to operate the GreenMarket on West 97<sup>th</sup> Street, Columbus-Amsterdam Avenues, from January 10 through March 28, 2003.**

**Full Board Vote: 28 In favor 1 against 0 Abstentions 0 Present**

WHEREAS,, the 97<sup>th</sup> Street Greenmarket has requested an extension of their market, which was scheduled to end in December, to a year-round Market, and

WHEREAS,, the Greenmarket, for the winter months, will sell dairy products, apple cider, breads, herbs, & other produce,

BE IT RESOLVED THAT Community Board 7/Manhattan supports, **on a trial basis for this winter**, an extension of the Greenmarket's season.

*Committee vote: 4-0-1-0.*

**Date: January 7, 2003**

**Committee of Origin: Transportation**

**Re: MTA Arts for Transit proposal to install artwork in the 103<sup>rd</sup> and 110<sup>th</sup> Street IRT stations.**

**Full Board Vote: 28 In favor 1 against 0 Abstentions 0 Present**

WHEREAS,, MTA Arts for Transit has made a presentation for the 103rd & 110th St. I.R.T. stations, consisting of a timeline of the original IRT line along the walls, and

WHEREAS,, the Board was impressed with the attention to detail and choice of materials involved with this proposal, and

WHEREAS,, the 110th Street station is landmarked, but the 103rd Street station is not, and

WHEREAS,, the Community Board believes both stations are of equal quality in regard to tilework & moldings,

THEREFORE BE IT RESOLVED THAT Community Board 7/Manhattan does not support the placement of any art work on the walls of either of these two stations.

**Date: January 7, 2003**

**Committee of Origin: Landmarks**

**Re: 40 West 68<sup>th</sup> Street, York Preparatory School.**

**Full Board Vote: 27 In favor 0 against 1 Abstention 0 Present**

WHEREAS,, the proposed in-fill addition of 1400 square feet consisting of a cellar level and one story is not visible from the street; and

WHEREAS,, the addition will have a minimum impact on surrounding buildings and general area; and

WHEREAS,, the adjacent synagogue, which will lose some of its light on the western side of its building, is in support of the application;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #031139 by the York Preparatory School to the Landmarks Preservation Commission to construct a rear yard addition.

*Committee: 5-0-1-0. Board Members: 1-1-2-0. Public Member: 1-0-0-0.*

Original version. See amended version above.

WHEREAS,, at the December Transportation meeting, Gristedes agreed to having the loading zone on Broadway, but then determined this would require significant reconstruction of the Broadway entrance; and

WHEREAS,, DOT decided to grant, for a test period of six months, a loading zone and no standing zone on the south side of West 74<sup>th</sup> Street from the corner of Broadway west to the Ansonia driveway, Monday through Saturday, from 7:00 AM to 10:00 PM;

BE IT RESOLVED THAT Community Board 7/Manhattan supports a loading zone on Broadway; and

BE IT FURTHER RESOLVED THAT Community Board 7 will evaluate the West 74<sup>th</sup> Street loading zone three and six months from installation, and will advise DOT of any problems and community concerns.