

RESOLUTION

Date: February 7, 2012

Committees of Origin: Steering, Land Use and Health & Human Services

Re: 125 West 97th Street, Jewish Home Lifecare (Columbus-Amsterdam Avenues.)

Application by Jewish Home Lifecare ("JHL") for a certification by the Department of City Planning pursuant to section 22-42 of the Zoning Resolution concerning 125 West 97th Street, Block 1852, Lot 5, Application No. 120043 ZCM.

Full Board Vote: 37 In favor 0 Against 4 Abstentions 0 Present

This resolution is based on the following facts:

Section 22-42 of the Zoning Resolution provides as follows:

*22-42 Certification of Certain Community Facility Uses
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10*

In all #Residence Districts#, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located:

- (a) the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or*
- (b) a scarcity of land for general community purposes exists; or*
- (c) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.*

If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use# or #enlargement#, #extension# or change in #use# is to be located, a special permit pursuant to Section 74-90 shall be required.

The Department of City Planning referred JHL's application under section 22-42 to Community Board 7/Manhattan for comment.

CB7 held a public hearing on this application on January 17, 2012, in the auditorium of PS 163, which is adjacent to the site which is the subject of JHL's application.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan finds that:

(1) To the best of CB7's knowledge and understanding, the condition identified in subsection (a) of section 22-42 of the Zoning Resolution does not currently exist in Community District 7/Manhattan [*Vote of Combined Committee Members: 19-6-0-0; Vote of Non-Committee Board Members: 1-1-1-0*]; and

(2) The condition identified in subsection (b) of section 22-42 of the Zoning Resolution does exist in Community District 7/Manhattan, in that there is a scarcity of land in this District for general community purposes [*Vote of Combined Committee Members: 15-6-5-0; Vote of Non-Committee Board Members: 4-0-1-0*]; and

(3) To the best of CB7's knowledge and understanding, the condition identified in subsection (c) of section 22-42 of the Zoning Resolution does not currently exist in Community District 7/Manhattan [*Vote of Combined Committee Members: 25-0-1-0; Vote of Non-Committee Board Members: 4-0-1-0*]; and

(4) Therefore a special permit under section 74-90 of the Zoning Resolution is required in connection with this application and project.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Health & Human Services

Re: Manhattan Borough Board resolution on NYPD's Stop and Frisk Program.

Full Board Vote: 33 In favor 7 Against 0 Abstentions 0 Present

This resolution is based on the following facts:

The Manhattan Borough Board, under the aegis of the Manhattan Borough President, has formulated a resolution that addresses the use of stop & frisk by the New York City Police Department, and highlights certain concerns about the manner in which those practices are employed and the results and consequences of those practices;

Community Board 7/Manhattan shares the concerns raised by the Borough Board resolution;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan endorses the Borough Board resolution concerning stop & frisk practices in the City of New York and its calls for related reforms.

Committee: 5-3-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Parks & Environment

Re: Central Park Conservancy on the proposed reconstruction of the Tots Playground, located near 67th Street and Central Park West, adjacent to the Adventure Playground.

Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusions:

The Tots Playground is not original to Central Park. It was a mid-Twentieth Century addition to the park that has no design relationship to the surrounding scenic landscapes and is furthermore badly in need of renovation to meet today's user needs and design standards.

The Parks & Environment Committee of Community Board 7/Manhattan believes that the proposed design for the reconstruction of the Tots Playground is far more appropriate to the historic character of the Park as a whole and of the project site area than the existing playground, believes that the design of the play features is appropriate to today's and anticipated future needs, and applauds the inclusion in the playground site area of the "soft" landscapes surrounding the proposed circular-shaped formal playground.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the preliminary design for the proposed reconstruction of the Tots Playground near 67th Street and Central Park West in Central Park, but urges that the designers explore limiting the amount of paved path areas that provide access to the Tots Playground in favor of soft-surface paths where practicable, and urges the designers to explore providing the most direct sight lines and if possible pathway between the adjacent Adventure Playground, which serves older children, and the Tots Playground.

Committee: 9-0-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Parks & Environment

Re: Central Park Conservancy on the reconstruction the North Harlem Meer landscape, shoreline, and playground.

Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusions:

Community Board 7/Manhattan approved the preliminary design for the proposed reconstruction of the North Harlem Meer landscape, shoreline and playground by a resolution at its meeting on December 6, 2011.

The final design presented to the Parks and Environment Committee is consistent with the preliminary design and provides further detail with regard to an excellent design addressed to user needs today and in the anticipated future. Community Board 7 again applauds the inclusion of the “soft” landscape area surrounding the built playground within an expanded designated play area.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the final design for the reconstruction of the North Harlem Meer landscape, shoreline and playground.

Committee: 9-0-0-0. Non-Committee Board Members: 3-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Preservation

Re: 173 West 78th Street, dba Sugar and Plumm, (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for replacement of the existing storefronts, installation of new signage, new fabric awnings, decorative exterior lighting, installation of new display windows in previously existing openings.

Full Board Vote: 32 In favor 5 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed storefront design, consisting of:

- Restoring all original storefront openings along Amsterdam Avenue to their original height, and re-opening the original storefront on 78th Street.
- New storefronts made of tempered clear glass with “leaded” clear prismatic glass transoms above, set within light gray powder-coated aluminum frames, on a “marble-looking” dark granite base. Fenestration to incorporate horizontal and vertical mullions for added visual texture.
- Setting the storefront window plane back 2” from the masonry façade and creating more deeply recessed doorway openings, similar to those found in the building’s original storefronts.
- Patching and repair of existing masonry façade material surrounding the storefront openings.
- New brushed stainless steel signage lettering with integral halo backlighting, pin-mounted to the masonry above the front door.
- New hand-painted menu boards on framed antiqued mirrors mounted on piers to either side of the front door.
- New brushed metal picture lighting over the menu boards,
- New retractable, purple and mauve striped fabric awnings – alternating between striped-with-graphics and simply-striped - is reasonably appropriate to the historic character of the buildings and of the Historic District.

Regarding the proposed installation of three condensing units on the roof of the 15-story apartment building, the Preservation Committee of Community Board 7/ Manhattan believes that, in not being visible from the street, their installation is reasonably appropriate to the historic character of the buildings and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the new street-level storefront design, and the rooftop installation of three condensing units.

Committee: 6-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Preservation

Re: 101 West 87th Street (Columbus Avenue.) Application # 126926 to the Landmarks Preservation Commission to alter the facade and to install a marquee.

Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed alteration to the previously-approved façade, and the new marquee design, consisting of

- Revised color palette at the fiber-reinforced concrete cladding materials of the two-storey addition: charcoal gray “cornice” and lower horizontal band bordering red-tone spandrel and pilaster cladding
- Renovations to the existing ground floor façade, including:
 - i. Facing all existing red brick cladding in charcoal gray porcelain ceramic tiles.
 - ii. Stripping, refurbishing, staining and sealing existing wood storefronts along Columbus Avenue and around the corner on West 87th Street. Wood stain color to be charcoal gray.
 - iii. New charcoal gray awnings at storefronts.
 - iv. Replacing the doors and windows at the existing residential entrance on West 87th Street with new multi-paned doors and fixed sidelights, bronze finish to match existing bronze-tone bay windows above. Entry doors to be clear glass. Fixed sidelight glazing to be frosted, mirror-backed opaque glass.
- New marquee awning to be bronze finish, incorporating recessed downlights.
- Color modifications to top two floors, as well as ground floor façade renovation and new marquee all inspired by design of buildings with similar components within the District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the façade alterations and new marquee.

Committee: 6-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Housing

Re: Senior Citizen Rent Increase Exemption (SCRIE):

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

A) To make improvements to administrative practices.

On November 14th, 2011 the Housing Committee of Manhattan Community Board 7 held a meeting dedicated to problems with the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs, where we heard from experts and community members alike regarding their experiences. The following information was presented:

- The 311 phone system is a significant barrier for SCRIE/DRIE applicants. Prior to the move to 311 it was possible for the public to contact the staff administering SCRIE/DRIE to ask questions and make inquiries on the status of applications and payments. Today, the operators at 311 have no ability to answer questions or determine the status of applications.
- The ability to determine the status of applications and address problems now relies upon the personal relationships that large social service groups have with particular staffers at the Department of Finance, a connection that average New Yorkers do not possess.
- In 2009, oversight of SCRIE was transferred from the Department for the Aging to the Department of Finance. The goal of the transfer was to streamline the administration of SCRIE and improve efficiency. However, the staff overseeing SCRIE has dropped from a high of 30 people to the current level of 13. At present, only 2 staffers are designated to liaise with applicants and owners citywide.
- While the Department of Finance stipulates that application forms are available in multiple languages, they acknowledge that at present reapplication and supplemental forms are only available in English, excluding many potential applicants from receiving benefits.
- Logistical issues, poor administrative processes, and insufficient resources have resulted in high levels of bureaucratic mistakes. All panelists reported that application documents submitted to the Department of Finance were routinely lost causing delays and unnecessary hardship on applicants.
- The poor administrative processes result in owners not getting tax credits in a timely manner, pitting them against tenants and incentivizing harassment.
- On December 9, 2011, Councilmember Dominic Recchia introduced Intro 731-2011 to establish quarterly reporting by the Commissioner of Finance of the total number of outstanding applicants, the average time for an application to conclude the process, for each application that concluded the application process in more than six months, reasons for such delay.
- Further the Commissioner is instructed to designate multi-lingual departmental employees to respond to inquiries regarding the SCRIE program and to answer a dedicated phone line, whose number is mandated to be included in all communiques.
- Also on a quarterly basis, the commissioner of the department of finance shall mail to the landlord, a document that provides information regarding the tax abatement credits due to the landlord on behalf of each landlord's tenant receiving a senior citizen rent increase exemption including the rent calculations for the tax abatement credits; the effective date of the tax abatement credits; the exemption amount; (d) the amount each tenant is responsible to pay; and

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(e) the date the tax abatement credits were electronically transferred to the landlord's senior citizen rent increase exemption statement of account, or other property tax bill account that reflects tax abatement credit or debit activity.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan urges the Department of Finance and Mayor Bloomberg to: 1) address the barrier that 311 has become in allowing New York City residents to successfully access the SCRIE and DRIE programs, as well as the language barriers engendered by both the 311 system and the unavailability of all applicable forms in appropriate languages, 2) improve administrative performance through the creation of an electronic system that allows tenants, owners, and social workers to track the progress of applications and the SCRIE tax credits their building will receive, and 3) dedicate additional staffing to liaise with owners and applicants and track paperwork from filing to decision; and

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan, in pursuit of the mitigations elaborated above, strongly endorses Intro 731-2011 and calls for the New York City Council to duly hear and ratify said legislation.

Committee: 8-0-0-0. Non-Committee Board Member: 1-0-0-0.

B) To change the way social security income is treated in calculating eligibility.

On November 14th, 2011 the Housing Committee of Manhattan Community Board 7 held a meeting dedicated to problems with the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs, where we heard from experts and community members alike regarding their experiences. The following information was presented:

- Social Security payments are presently considered income for the purpose of determining eligibility for SCRIE.
- Testimony was received that if a change was made to eliminate such payments from consideration, many more rent controlled tenants who are struggling to get by would be able to access the program, hugely increasing the chance that they will be able to continue to afford their apartment.
- A1231/S1251 would amend SS467-b & 467-c of the Real Property Tax Law to exclude social security payments and supplemental security income from the definition of "income" for the purposes of determining eligibility under SCRIE.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan calls upon the New York State Assembly and Senate to pass and Governor Andrew Cuomo to sign A1231/S1251.

Committee: 8-0-0-0. Non-Committee Board Member: 1-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 36 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following unenclosed café renewal applications:

- **2020 Broadway** (West 69th Street.) Renewal application DCA# 1308014 to the Department of Consumer Affairs by Tapas Food and Wine, Inc., d/b/a BarCibo Enoteca, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 22 seats.
Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **249-251 Columbus Avenue** (West 71st – 72nd Street.) Renewal application DCA# 1103658 to the Department of Consumer Affairs by CMR, Corp., d/b/a Gitana, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 19 seats.
Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **267 Columbus Avenue** (West 72nd – 73rd Streets.) Renewal application DCA# 1072082 to the Department of Consumer Affairs by Classic Food, Inc., d/b/a Sido Falafel & More, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.
Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **441 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 1283635 to the Department of Consumer Affairs by JPS Ventures, Inc., d/b/a St. James Gate, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 8 seats.
Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **442 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 0953744 to the Department of Consumer Affairs by 442 Amsterdam Restaurant Corp., d/b/a Gin Mill, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 14 seats.
Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **2340 Broadway** (West 85th Street.) Renewal application DCA# 1000314 to the Department of Consumer Affairs by Broadway Desserts. LTD, d/b/a French Roast, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 48 seats.
Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **517 Columbus Avenue (West 85th Street.)** Renewal application DCA# 0812902 to the Department of Consumer Affairs by Re Spec Corp., d/b/a Jackson Hole, for a two-year consent to operate an unenclosed sidewalk café with 25 tables and 48 seats.
Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.
- **584 Amsterdam Avenue** (West 88th - 89th Streets.) Renewal application DCA# 1247422 to the Department of Consumer Affairs by T.B. 584 Amsterdam Rest. Corp.,

COMMUNITY BOARD 7 Manhattan

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Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 36 In favor 0 Against 0 Abstentions 0 Present

Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.

- **2450 Broadway** (West 90th – 91st Streets.) Renewal application DCA# 0940252 to the Department of Consumer Affairs by Carmines Broadway Feast, Inc., d/b/a Carmine's, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 22 seats.

Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.

- **2665 Broadway** (West 101st – 102nd Street.) Renewal application DCA# 1189644 to the Department of Consumer Affairs by Kieffer & Norell, LLC, d/b/a Picnic Market Cafe, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 23 seats.

Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.

- **2737 Broadway** (West 105th Street.) Renewal application DCA# 1109932 to the Department of Consumer Affairs by The Westside of Broadway Rest Group Inc., d/b/a Toast, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats.

Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Business & Consumer Issues

Re: 180 Columbus Avenue (West 68th Street.)

Full Board Vote: 26 In favor 6 Against 4 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 0895625/ ULURP# N110267ECM to the Department of Consumer Affairs by Mafra Restaurant Corp., d/b/a II Violino, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 36 seats.

Committee: 8-0-0-0. Non-Committee Board Members: 1-0-1-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Business & Consumer Issues

Re: 474-476 Columbus Avenue (West 83rd Street.)

Full Board Vote: 36 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1415817 to the Department of Consumer Affairs by Spring Natural Corp., d/b/a Spring Natural Kitchen, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.

Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Business & Consumer Issues

Re: 247 West 72nd Street (Broadway – West End Avenue.)

Full Board Vote: 22 In favor 10 Against 4 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1379700/ ULURP# N110190ECM to the Department of Consumer Affairs by My Most Favorite 72nd St. Corp., d/b/a My Most Favorite Food, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 27 seats, on the condition that the applicant installs a sign reading “NO LOITERING” in the alcove and submits a photo prior to the February 7 full Board meeting.

Committee: 8-0-0-0. Non-Committee Board Members: 1-0-1-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Transportation

Re: DOT Weekend Walks Program - Manhattan Valley Family Days.

Full Board Vote: 32 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application to the NYC Department of Transportation by the Columbus Amsterdam BID for street closures on Amsterdam Avenue from West 106th -110th Streets on four Sundays, May 6th and 20th and Sept 9th and 16th, from 11am-5pm (set up and breakdown 9am-6pm.)

Committee: 5-0-0-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Transportation

Re: Making West 59th Street permanently one-way westbound – Request to DOT by John Jay College.

Full Board Vote: 36 In favor 0 Against 0 Abstentions 0 Present

This resolution is based on the following facts:

The temporary one way traffic pattern implemented during construction on West 59th Street between Amsterdam and West End Avenues resulted in no more congestion, 20% fewer accidents, and 40% less injuries than when it previously had two-way traffic.

Several residents of the area representing large apartment buildings have expressed a desire to maintain the one-way traffic on West 59th Street.

Community Board 7 will be making recommendations regarding the direction of other streets between West 59th & 70th Streets.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan recommends that West 59th Street permanently remain one way westbound between Amsterdam and West End Avenues after construction is completed.

Committee: 9-0-1-0. Non-Committee Board Members: 4-0-1-0.

RESOLUTION

Date: February 7, 2012

Committee of Origin: Transportation

Re: Making West 59th Street permanently one-way westbound – Request to DOT by John Jay College.

Full Board Vote: 36 In favor 0 Against 0 Abstentions 0 Present

This resolution is based on the following facts:

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Several residents of the area representing large apartment buildings have expressed a desire to maintain the one-way traffic on West 59th Street.

Community Board 7 will be making recommendations regarding the direction of other streets between West 59th & 70th Streets.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan recommends that West 59th Street permanently remain one way westbound between Amsterdam and West End Avenues after construction is completed.

Committee: 9-0-1-0. Non-Committee Board Members: 4-0-1-0.



RESOLUTION

Date: February 7, 2012

Committees of Origin: Land Use and Parks & Environment

Re: Zone Green Text Amendment, ULURP Nos. N120132ZRY

Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

Citywide zoning map and text amendments that seek to modernize the Zoning Resolution to remove impediments to the construction and retrofitting of greener buildings. Based on the work of the Green Codes Task Force, the Department of City Planning has formulated a proposed amendment to the Zoning Resolution with the aim of removing certain zoning impediments to the construction and retrofitting of greener buildings (the "Zone Green Text Amendment").

This resolution is based on the following facts and joint committee discussions and comments received since the initial presentation by Monika Jain from the Department of City Planning on January 30, 2012.

The proposal provides for energy efficient construction, the installation of exterior sun control devices, the installation of solar panels and wind turbine assemblies, as well as for different types of roof surfaces for renewable energy, collection of grey water and the placement of boilers and cogeneration facilities, and lastly, a provision for roof top features on contextual and non-contextual buildings and roof top greenhouses only for schools, industrial or commercial uses.

The promotion of energy conservation and sustainable environmental policies are consistent with Community Board 7/Manhattan's (CB7) Core Principles. This City Planning initiative is welcome and the energy efficiency is equally desirable for financial, health and environmental reasons.

Given the variety and age of the building stock within our district, there are some text provisions that will affect the external appearance and shape of our avenue skylines. Those provisions promote energy efficiency by retrofitting solutions that can be applied over the existing facades on contextual buildings or on top of both new and existing buildings and these may require some revision.

The following concerns were raised which we trust the Department of City Planning will consider before the Zone Green Text Amendment is approved city-wide.

1. High Performance Building Envelope

For non-designated building stock constructed primarily of brick, stone and terracotta, the application of exterior applied insulation material up to eight inches (8") thick may alter not only the appearance but also the ability to maintain and keep the structure sound and waterproof. CB7 believes that the criteria for determining the amount of exterior insulation to be applied to a building should also consider the existing architecture and context of a block or street. While the standards and definitions are admirable as stated in the text amendment, basing the insulation

installation solely on thermal performance should be only one of two criteria; the other is the appearance of the building.

The definitions are:

“Thermal resistance (R-value) of at least 1.5 per inch;

Or

Where such wall thickness is within an exterior wall constructed after (date of adoption), equal to the amount that such wall is greater than eight inches in thickness provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC)...”

If exterior applied insulation is to be permitted to exterior walls and to visible, sloping, or pitched roof coverings, CB7 requests that applications for this type of modification be provided to the Community Board for review for two reasons: first, so neighbors can determine or advise if the alteration could have an impact on their property; and second, to evaluate that the change does not impact the visible appearance by changing the color texture and material, and thereby gradually altering the context and character of the neighborhood. Upgrading flat roofs, either concealed behind parapets, or that are not visible from the street, could be exempted from the public review.

2. Rooftop Features

There were two issues raised about the addition of permitted mechanical and energy saving systems and devices on roofs. The first concerns the type of equipment that can be placed above the parapet, in particular wind turbines, and extensive elevated solar panels. Both constructions, while providing alternate energy sources for one building, could have an adverse effect on adjacent or neighboring properties. Those opposed to the installation of wind turbines have concerns about the excessive height required for this type of alternate energy source if it were to function correctly. As wind turbines are not often located in dense urban areas, it is unknown if there would be increased noise; and if noise is a design factor, how the noise could be mitigated. There needs to be coordination with other agencies that regulate and monitor equipment noise from alternate energy equipment. In a dense neighborhood, with a relatively uniform height, these types of construction could be detrimental to the character and skyline of the community. The second issue concerns the placement of raised solar panels that could prevent a neighboring structure from installing their own alternate roof top energy source. For these reasons, as with item 1 above, CB7 would request that applications for wind turbines and raised solar energy panels, be reviewed by the Community Board.

3. Placement of Bulkheads

Removing the sky exposure plane criteria under which roof top mechanical equipment can be located is a necessary change to accommodate the variety and placement of new energy saving systems. The modification to allow an increased bulkhead based on either a proportional area of the street-wall setback or a proportional area of the roof is problematic. The rationale for the height should be based on environmental and energy measures needed to accommodate the alternate energy sources and devices and not on a mathematical calculation for the largest bulkhead feasible. Additionally, bulkheads could be accepted if there is elevator access to the roof and if there is passive recreational space on the roof.

CB7 believes that the component of the Zone Green Text Amendment permitting the height and configuration of rooftop bulkheads should be revised to condition any additional bulkhead height to the needs of specific green initiatives being provided. The proposed rooftop alteration should, as with other substantial exterior changes, be reviewed by the community board.

4. Referral to Community Boards

The initiatives that can be incorporated into new construction do not have the same considerations as retrofitting existing buildings, or where buildings may be occupied during the energy upgrade installations. The proximity of any proposed alternate energy sources or changes in the building envelope can affect adjacent owners and residents. Notwithstanding the importance of any single energy improvement or a combination of several of the proposed energy initiatives, CB7 believes that a neighborhood is the best judge to determine the extent of change and whether an adverse effect exists to neighboring residents and owners. CB7 requests that any certification for any roof top features (including enlarged bulkheads), and alterations to the building envelope made by the Department of City Planning under the Zone Green Text Amendment should include a referral to and opportunity for comment from the relevant Community Board, when such green modifications are proposed that affect the exterior or silhouette of a property.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the DCP Zone Green Text Amendment to encourage sustainability and energy conservation in New York City with the considerations detailed above.