

May 2007 Resolutions

Date: May 1, 2007

Committee of Origin: Housing

Re: Re: 421-a Tax Abatement Program

Full Board Vote: 33 In favor 6 Against 2 Abstentions 0 Present

In reaching its conclusion below, Community Board 7 considered the following:

- The Mayor recently signed Local Law No. 58 of 2006, legislation that would, if converted into New York State Law, significantly amend the 421-a property tax incentive program.
- At the Feb. '07 CB7 Housing Committee meeting on 421-a, the Committee consulted with representatives of the New York City Council and the Office of the Manhattan Borough President and learned that:
 1. The NYC legislation proposes to expand the 421-a geographic exclusion area (that area in which developments are required to provide affordable housing in order to be eligible for 421-a tax benefits);
 2. The NYC legislation also proposes to abolish the negotiable certificate program (so that any property within the geographic exclusion area, in order to be eligible for 421-a benefits, would now be required to provide affordable housing within the same building and not off-site);
 3. Other amendments had been considered or proposed but not incorporated into NYC legislation, including a change in the ratio of market-rate to affordable housing required within the geographic exclusion area in order to make a development eligible for the 421-a tax benefits; as well as a change in the duration of the affordability of the affordable housing units created under 421-a.
- At the April '07 CB7 Housing Committee meeting, the Committee consulted with representatives of Assembly members Rosenthal and Gottfried and learned that:
 1. Proposed Legislation that had been sponsored in the Assembly requires a higher percentage of affordable housing units for a development to be 421-a eligible;
 2. The proposed legislation also mandates that the affordable housing units created under 421-a continue to be affordable for the life of the development.
- Extensive discussion at the April '07 meeting that included many non-Committee members culminated with a straw poll among all present that indicated the following:
 1. The highest priority was the establishment of permanent affordable housing units under 421-a.
 2. Also highly ranked was an increase in the percentage of affordable housing units required to make a development eligible under 421-a.

BE IT RESOLVED THAT Community Board 7/Manhattan urges the State Legislature and Governor to adopt New York State legislation during this legislative session to extend the life of the 421-a tax incentive program, and urges in particular that such legislation mandate the following:

- Affordable housing units created under 421-a continue to be affordable for the life of the development.
- Developments must build more than 20% of affordable housing units in order to be eligible for the 421-a benefits.

Date: May 1, 2007

Committee of Origin: Health & Human Services

Re: Intro. 359 of 2006, the Ready Access to Assistance Act, also known as REAACT.

Full Board Vote: 40 In favor 0 Against 1 Abstention 0 Present

Community Board 7/Manhattan gives its support to City Council Intro #359, which would provide access to representatives from not-for-profit agencies to public areas of offices at which the City administers public benefits programs. This access would be granted for the purpose of providing claimants with information and resources to help them understand, apply for, and establish eligibility for those benefits.

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

Date: May 1, 2007

Committees of Origin: Land Use and Youth, Education & Libraries

Re: 227 West 61st Street, The Beacon School (Amsterdam-West End Avenues.)

Full Board Vote: 41 In favor 0 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the New York City School Construction Authority's proposed acquisition of Block 1154, Lot 108, for continued use as an approximately 850-seat high school facility.

Land Use and Youth, Education & Libraries Committees: 8-0-2-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 808 Columbus Avenue (West 97th-100th Streets.)

Full Board Vote: 30 In favor 5 Against 1 Abstention 0 Present

WHEREAS, Stellar Management has applied to construct, maintain, and use vaults under the public sidewalks on West 97th Street and Columbus Avenue as part of the cellars under 808 Columbus Avenue, which will have retail and garage uses; and

WHEREAS, Stellar Management has stated that these vaults will be used for a small expansion of retail space and garage usage; and

WHEREAS, Stellar Management has met many times with Community Board 7/Manhattan as well as residents of Park West Village, to resolve issues pertaining to their development of the site and surrounding sites, with many issues still to be resolved; and

WHEREAS, Stellar Management warrants that they will continue the ongoing dialogue with CB7 and the Park West Village community, to discuss and resolve issues including, but not limited to:

- a) construction hours and noise
- b) dust amelioration
- c) parking issues
- d) resolution of the through-street
- e) venting of the garage
- f) truck loading/unloading of Whole Foods at 97th Street loading dock
- g) access to the Bloomingdale branch of the NY Public Library
- h) replacement of any street trees lost during or after construction; and

WHEREAS, CB7 is extremely concerned about the loading dock issues, believing there are traffic and possibly safety problems unless the trucks are housed wholly within the new complex, as well as issues dealing with the William F. Ryan Health Center, located on West 97th Street, and calls on Stellar Management to revise their loading/unloading plans to include total within-building loading docks, or underground loading and unloading; and

WHEREAS, the traffic and loading/unloading issues at the 100th Street end of the project remain unresolved, including the tenancy of the other large retail store; and

WHEREAS, there will be other buildings on the east side of Columbus Avenue associated with this development, creating their own retail/traffic/loading/unloading problems, as well as a new building and vault application on the east side of Amsterdam Avenue, all associated with this development; and

WHEREAS, many aspects of this entire project have not as yet been presented and prudent planning for the entire site would have been preferable to piece-meal applications for one or more sites; and

WHEREAS, CB7 remains extremely concerned about the numbers and sizes of the curb cuts on both 97th and 100th Streets, particularly with respect to pedestrian safety issues, as well as congestion on both streets should emergency vehicles need access; and

WHEREAS, CB7 nevertheless recognizes the spirit of Stellar's recent efforts in cooperation and dialogue with both the CB7 and the community;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for usage and maintenance of the vaults under Columbus Avenue and 97th Street, unless, within 30 days, the developer presents a memorandum of

understanding satisfactory to CB7 for (1) loading and unloading of trucks and (2) the rooftop venting of the retail space and garage uses; and if such an enforceable agreement is presented to and accepted by CB7's Steering Committee (at its regularly scheduled meeting on May 29, 2007), Community Board 7/Manhattan hereby **approves** the application; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on Stellar Management to present an overall curb cut plan for all their sites, as well as work with CB7 to develop an acceptable traffic plan for both the Columbus Avenue and Amsterdam Avenue sides of the site.

Date: May 1, 2007

Committee of Origin: Transportation

Re: West 59th Street between 9th and 10th Avenues.

Full Board Vote: 39 In favor 2 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** request by St. Paul the Apostle Parish Community to name secondarily West 59th Street between 9th and 10th Avenues "Fr. Isaac T. Hecker Place" in honor of church's 150th anniversary.

Committee: 6-0-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 485 Columbus Avenue (West 83rd Street)

Full Board Vote: 40 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1249725 to the Department of Consumer Affairs by Cilantro West, LLC, d/b/a Cilantro, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats, pending revised plans demonstrating a café depth no more than 9 feet.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 215 West 85th Street (Amsterdam Avenue.)

Full Board Vote: 41 In favor 0 Against 1 Abstention 0 Present

WHEREAS, the proposed café would be mid-block on a primarily residential side street, and Community Board 7 does not favor cafes on side streets;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application DCA# 1250443 to the Department of Consumer Affairs by 2350 Broadway Rest. Corp., d/b/a Dean's Pizzeria, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 6-0-0-0. Board Member: 0-0-1-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 519 Columbus Avenue (West 85th Street.)

Full Board Vote: 40 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1251454 to the Department of Consumer Affairs by Food 01 Corp., d/b/a Zeytin, for a two-year consent to operate an unenclosed sidewalk café with 21 tables and 42 seats, on the condition that the applicant remove the 4 additional tables and 8 seats on West 85th Street, which would result in 17 tables and 34 seats, and submit revised plans to the Board office before the May1st Full Board meeting.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 2726 Broadway (West 104th Street.)

Full Board Vote: 40 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA#1247774 to the Department of Consumer Affairs by McConner

Street Holding, LLC, d/b/a/ **MC 104**, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats, pending revised plans demonstrating a café depth no more than 9feet.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 267 Columbus Avenue (West 72nd Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1072082 to the Department of Consumer Affairs by Classic Food Inc., d/b/a Sido, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 316 Columbus Avenue (West 75th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application and petition to modify consent DCA# 0806050 to the Department of Consumer Affairs by 316 Restaurant Corp., d/b/a Pappardella, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 2161 Broadway (West 76th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0917301 to the Department of Consumer Affairs by Broadway 76 LTD, d/b/a Niko's Mediterranean Grill and Bistro, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 359 Columbus Avenue (West 77th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0953473 to the Department of Consumer Affairs by R.S.V.H, d/b/a Isabella's, for a two-year consent to operate an unenclosed sidewalk café with 28 tables and 74 seats.

Committee: 6-0-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 377 Amsterdam Avenue (West 78th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0926105 to the Department of Consumer Affairs by Miridula Restaurant Corp., d/b/a Shining Star Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 201 West 79th Street (Amsterdam Avenue)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1125981 to the Department of Consumer Affairs by Renolta, LLC, d/b/a Nice-Matin, for a two-year consent to operate an unenclosed sidewalk café with 24 tables and 68 seats.

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

Date: May 1, 2007

Committee of Origin: Transportation

Re: 417 Amsterdam Avenue (West 80th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0929109 to the Department of Consumer Affairs by Gilli, Inc., d/b/a Al Dente, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 19 seats.

Committee: 5-1-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 473 Columbus Avenue (West 83rd Street)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1008999 to the Department of Consumer Affairs by Club America, Inc., d/b/a Bistro Citron, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Committee: 5-1-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 517 Columbus Avenue (West 85th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** 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: 4-1-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 718 Amsterdam Avenue (West 95th Street.)

Full Board Vote: 41 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1099811 to the Department of Consumer Affairs by Iano Corp., d/b/a Acqua, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 40 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

Date: May 1, 2007

Committee of Origin: Transportation

Re: 2799 Broadway (West 108th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1102405 to the Department of Consumer Affairs by S & P 66, inc., d/b/a Lime Leaf, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 32 seats.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 225 West 86th Street, The Belnord (Amsterdam Avenue-Broadway.)

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

WHEREAS, the applicant -- the Belnord at 225 West 86th Street -- has received an LPC violation for the P.C. Richard storefront windows, as not being in conformance with the 1998 master plan for the storefronts at the Belnord; and

WHEREAS, the 1998 master plan cannot be followed exactly for practical reasons; and

WHEREAS, since the 1998 master plan was approved, three original first floor windows have been discovered, which provide a historic model, for modification of the master plan; and

WHEREAS, the windows in the P.C. Richard storefront are very close in design to the three original windows that have been discovered, which provide a historic model for modification of the master plan; and

WHEREAS, the windows in the P.C. Richard storefront are very close in design to those windows than any of the other storefront windows at the Belnord; and

WHEREAS, the Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed modifications to the master plan for the storefront windows, using the current P.C. Richard windows as the basic design for the storefront windows, are appropriate to the landmark building;

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed changes to the master plan for the storefront windows at the Belnord, 225 West 86th Street, but postpones acting with regard to the proposed. new security gates and rolling service door, pending receipt of sample materials and. more detailed plans, which the applicant has promised to provide to the Committee at its May, 2007 meeting.

Committee: 6-0-0-1.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 324 West 89th Street (West End Avenue.)

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

WHEREAS, there is only one window in the building at 324 West 89th Street with curved glass, the center window in the third floor bay, it appearing that the center window in the fourth floor bay either never was curved or was replaced with fiat glass; and

WHEREAS, replacement of the curved glass window will not be very noticeable and will not substantially change the appearance of the facade; and

WHEREAS, the proposed replacement window will match the other new replacement windows for the facade, which have not been presented for approval to the Parks & Preservation Committee of Community Board 7/ Manhattan, apparently because they are not subject to a Certificate of Appropriateness; and

WHEREAS, the Committee believes that the proposed new window with flat glass is reasonably appropriate to the historic character of the building and to the Historic District;

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the replacement of the curved glass window in the center of the third floor bay at 324 West 89th Street with a window with flat glass.

Committee: 6-1-0-0.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 50 West 76th Street (Columbus Avenue-Central Park West)

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

WHEREAS, numerous neighbors of the applicant opposed the proposed iron front gates on the ground that they will substantially change the character of the historic block; and

WHEREAS, although the applicant, after its presentation at the April, 2007 meeting of the Parks & Preservation Committee of Community Board 7/ Manhattan offered to eliminate the intercom on the gates, the Committee believes that the proposed iron gates (with or without the proposed intercom and locking mechanism) are inappropriate to the historic character of the building and of the Historic District; and

WHEREAS, the Committee believes that the return of the iron fence, perpendicular to the building, is also inappropriate; and

WHEREAS, the Committee believes that the high proportions and the cutouts in the "cheek" wall of the proposed stoop renovation are somewhat out of character for the building and the Historic District, and also believes that the applicant's security concerns can be met by lowering the cheek wall somewhat and eliminating the cutouts, which would result in a stoop that is fully appropriate; and

WHEREAS, the Committee believes that the proposed rear-yard extension is reasonably appropriate to the building and the Historic District, but believes that the windows present an unnecessary expanse of glass;

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the proposed front gates, including the locking mechanism and intercom; **disapproves** the remainder of the iron fence at 50 West 76th Street; recommends that the stoop renovation be altered to reduce the height of the cheek wall and eliminate the cutouts; **approves** the proposed rear-year extension, but recommends that the fenestration plan be revisited to provide more vertical divisions; and urges the applicant to remove the accretions of non-historic materials from the top two floors of the rear facade and to restore the brick on those floors of the rear facade.

Committee: 7-0-0-0.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 38 West 86th Street, Bard College (Central Park West-Columbus Avenue.)

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

WHEREAS, the proposed renovations by Bard College of the building at 36 West 86th Street will restore the facade of the building in a manner that the Parks & Preservation Committee of Community Board 7/ Manhattan believes is appropriate to the historic character of the building and of the Historic District; and

WHEREAS, the other proposed renovations will form a composition with the renovations to the twin building at 38 West 86th Street that were previously approved and carried out; and

WHEREAS, the Committee believes that the proposed renovations are reasonably appropriate to the historic character of the building and of the Historic District;

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed renovations by Bard College at 36 West 86th Street.

Committee: 7-0-0-0.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 304 West 91st Street (West End Avenue.)

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

WHEREAS, the proposed penthouse (rooftop) addition will be minimally visible from any public way; and

WHEREAS, the Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed penthouse is reasonably appropriate to the historic character of the Building and of the historic District;

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed rooftop addition at 304 West 91st Street, but encourages the applicant to paint the stucco facade of the addition a beige/gray/cement color that will minimize its visibility as against the stone church next door.

Committee Members: 7-0-0-0.

Date: May 1, 2007

Committee of Origin: Parks & Preservation

Re: 36 West 93rd Street, aka 33 West 92nd Street, Columbia Grammar & Preparatory School (Central Park West-Columbus Avenue.)

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

WHEREAS, the blockfronts of both the front and rear of the Columbia Grammar and Preparatory School are quite mixed, with a relatively minimal number of intact historic buildings; and

WHEREAS, the proposed roof lines at the two extensions on 93rd Street will pay homage to nearby historic buildings with Mansard roofs; and

WHEREAS, the applicant has agreed to use a dull metal, such as zinc in a blue/gray color for the metal portions of those two roofs and facades; and

WHEREAS, the Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed additions are reasonably appropriate to the Historic District;

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposed additions to the Columbia Grammar and Preparatory School at 36 West 93rd Street/33 West 92nd Street.

Committee Members: 7-0-0-0.

Date: May 1, 2007

Committee of Origin: Steering

Re: Enhancing the effectiveness of Community Board 7.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the recommendations in the "Enhancing the Effectiveness of Community Board 7." Committee: 13-0-0-0.