

October 2007 Resolutions

COMMUNITY BOARD 7/ MANHATTAN OCTOBER 2007 RESOLUTIONS

Date: October 2, 2007

Re: 120 West 106th Street, Jewish Home & Hospital for the Aged and Jewish Home & Hospital Housing Corporation.

Full Board Vote: 35 In favor 2 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan approves the September 17, 2007 Memorandum of Understanding between Community Board 7 and Jewish Home & Hospital for the Aged and Jewish Home & Hospital Housing Corporation.

Date: October 2, 2007

Committee of Origin: Health & Human Services

Re: 319 West 94th Street, Lantern Group's program.

Full Board Vote: 32 In favor 9 Against 3 Abstentions 2 Present

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

Affordable housing with supportive services for low income people has been disappearing from on the Upper West Side and has been Community Board 7's first capital budget priority since 2005;

The Lantern Group seeks approval for its proposal to preserve low income housing in St. Louis Hall, located at 319 West 94th St. in a safe, renovated building with supportive services;

The Lantern Group will receive public funding as described in their proposal to house and provide services for a maximum of 60 referrals meeting the criteria of the NY/NY3 program and approximately 32 low-income working single adults, in addition to the 52 present SRO tenants;

The Health and Human Services Committee has held numerous public meetings and conducted site visits to St Louis Hall during which the Lantern Group's plans for the project were questioned and examined;

All present SRO tenants will be offered studio apartments in the building at the rent they currently pay or less and will enter into a Memorandum of Understanding with the Lantern Group guaranteeing their rights as tenants;

Fountain House will be responsible for on-site supportive services for NY/NY3 tenants and other tenants deemed in need of supportive services as well as offering off-site day service programs designed to encourage independent living;

The Lantern Group has agreed convene a functioning, inclusive, Community Advisory Board to meet monthly beginning in November, 2007;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the programmatic aspect of the Lantern Group's proposal to renovate St. Louis Hall, in order to provide permanent affordable housing with on-site supportive services in partnership with Fountain House.

Committee: 8-0-0-0. Board Member: 4-0-0-0. Public Members: 3-1-1-0.

Date: October 2, 2007

Committee of Origin: Land Use

Re: 319 West 94th Street, Lantern Group application to the Board of Standard & Appeals.

Full Board Vote: 26 In favor 16 Against 3 Abstentions 2 Present

Date: October 2, 2007

Committee of Origin: Land Use Committee

Richard Asche and Page Cowley, Co-Chairpersons

Re: 319 West 94th Street, Lantern Group application to the Board of Standard & Appeals.

The Lantern Group has applied to the Board of Standards and Appeals for certain zoning variances in connection with a proposed interior demolition and reconstruction at 319 West 94th Street (the ABuilding@). The Lantern Group proposal contemplates maintaining all current residents in the Building during reconstruction and creating 141 affordable housing units, including 60 units for individuals with mental illness.

The variances sought by the Lantern Group are as follows:

1. A waiver of "rear-yard" requirements. The existing structure already encroaches on the rear yard at Floors Ground through Six, and the waiver application would extend the encroachment to Floors 7-9.

2. A waiver of street wall height, set back and sky exposure plane requirement. The proposed structure would exceed the permissible street wall height by three feet.

3. A waiver of Zoning Resolution Section 50-41 (to the extent necessary), to permit interior demolition in excess of 75% of the current floor area, such demolition being required to replace wooden floor joists with fireproof metal joists antiquated plumbing, electrical, fire alarm and sprinkler systems and install internal fire stairs and a code compliant elevator. As the floors are upgraded, it is understood that the floor framing will be replaced with fire-rated material. It is expected that the majority of the secondary framing members will be replaced. floor framing. This clarification is to confirm that although 75% of the building will be upgraded or replaced, the tenants remaining in residence during construction will be continue to have services and life safety systems in place until they are relocated to upgraded and completed portions of the rehabilitated building.

The variance application originally sought a variance with respect to floor area ratio, but as a result of negotiations with the Community Board and others, the floor area ratio variance request has been withdrawn.

The Health and Human Services Committee and the Land Use Committee of Community Board 7 have held several public hearings with respect to the application, and a full board hearing was held at the Board's September meeting, at which time the application was referred back to the committees for further review. A site inspection by members of both committees occurred on September 17, and both committees held additional hearings in September.

At its September meeting, the Health and Human Services Committee voted (Committee Members 8-0-0-0; non-Committee Board members 4-0-0-0; Public members 3-1-1-0) to approve the Lantern Group plans as amended for permanent affordable housing with supportive services to be provided in partnership with Fountain House. In connection with its approval, the Health and Human Services Committee noted the following:

1. The Lantern Group is seeking to preserve St. Louis Hall as a resource for low income housing in a safe, renovated building.

2. All present SRO tenants will be offered studio apartments in the Building at the rent they currently pay or less and will enter into a Memorandum of Understanding with the Lantern Group guaranteeing their rights as tenants.

3. The Lantern Group will receive public funding as described in their proposal to house and provide services for a maximum of 60 DHS referrals

meeting the criteria of the NY/NY3 program and approximately 31 low-income working single adults, in addition to the 52 present tenants.

4. Fountain House remains responsible for supportive services for DHS-referred tenants and other tenants.

The Land Use Committee voted to recommend approval of the proposed zoning variance [8-0-0-0; 3-0-0-0; 1-0-0-0], having found that:

1. There are unique conditions, including physical conditions peculiar to and inherent to the zoning lot which create hardship and practical difficulties in complying strictly with the zoning resolution.

2. The requested variances will not alter the essential character of the neighborhood or impair the use and development of adjacent property or be detrimental to the public welfare.

3. The hardship was not created or imposed by the owner or a predecessor in interest to the owner.

4. The proposed variances are not greater than necessary to provide reasonable relief.

The Land Use Committee, however, was most concerned with the process by which the reconstruction of the interior of the Building will affect the existing tenants. The plan will provide that all tenants will be moved to the rear portion of the Building while the front facing 94th Street is reconstructed, and will then be moved to the front of the Building while the rear portion is reconstructed. The Community Board is concerned for the safety and convenience of the tenants; the continued provision of essential services including heating and plumbing; the continued provision of essential fire prevention mechanisms and emergency egress; as well as annoyances such as excessive dust and noise; and pest control.

At the hearings, both the Lantern Group and a representative of the New York City Department of Housing Preservation and Development ("HPD") assured the Committee that any plans for staging the reconstruction would require approval by the Buildings Department and HPD; that there would be regular inspections by both agencies; that the Fire Department would similarly approve a fire safety plan and would continue periodic inspections; and that a mechanism would be established for complaints by affected tenants and neighbors. The representative from HPD represented to the Committee that HPD would be the agency ultimately responsible for assuring the safety of the tenants and neighbors.

As a condition of the Committee's approval of the proposed variances, the Committee insisted, and the Lantern Group and HPD agreed, that a Community Advisory Board ("CAB") will function prior to and during reconstruction, and that HPD and the developer would meet regularly with the CAB and would make available to the CAB and the Community Board in advance of the approval and in advance of construction all plans for staging construction, fire safety plans and other documents relevant to the safety and convenience of tenants and neighbors during construction.

The Land Use Committee was also concerned that the proposed renovation meet the reasonable objectives of current tenants to improve their living conditions, have security with respect to rent and continued tenancy, and minimum disruption during construction. As of the date of this resolution, negotiations are ongoing between the tenants and the Lantern Group, but no memorandum of understanding has been executed. The approval of Community Board 7 is conditional upon the execution of a memorandum of understanding between the existing tenants and the Lantern Group.

For the foregoing reasons, and subject to the conditions set forth above, it is
RESOLVED, that Community Board 7/Manhattan **approves** the application for variances with respect to street wall height, set back and sky exposure plane; rear-

yard; and reconstruction, to allow the construction of a nine story community facility building, with Mansard treatment, the ninth story to be set back from the street wall; the building to retain all tenants currently residing in the building who wish to remain; and the reconstructed building to be dedicated to affordable housing units, as contained in the proposal by the Lantern Group previously distributed to the Community Board; and

BE IT FURTHER RESOLVED THAT CB7 urges HPD and the Lantern Group to consider alternative internal configurations which increase the ratio of bathrooms to residents; and

BE IT FURTHER RESOLVED THAT HPD reconfirm with the New York Commissioner of Health and Mental Hygiene and other appropriate city agencies that a concentration of up to 60 permanent residents with mental illness is appropriate and that the staffing proposed by Fountain House is adequate; and

BE IT FURTHER RESOLVED THAT Community Board 7 Manhattan **approves** this application provided that a Memorandum of Understanding is fully executed and enforceable prior to the Board of Standards and Appeals Hearing on October 23, 2007. Failure to do so will result in a disapproval of this application by Community Board 7/Manhattan.

Date: October 2, 2007

Committee of Origin: Land Use

Re: 155 West 66th Street and 1965 Broadway, The Phillips Club.

Full Board Vote: 38 In favor 0 Against 1 Abstention 1 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #C 080054 ZSM to the Department of City Planning for a special permit pursuant to Section 82-311 to allow commercial floor area in excess of 100,000 square feet on a zoning lot within Sub-district A of the Special Lincoln Square District.

Date: October 2, 2007

Committee of Origin: Parks & Preservation

Re: 143 West 69th Street (Broadway.)

Full Board Vote: 37 In favor 0 Against 2 Abstentions 0 Present

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

While the Parks & Preservation Committee of Community Board 7/ Manhattan finds the proposed glass elements of the new below-grade storefronts and other elements of the façade renovation to be reasonably appropriate, the Committee is aware of no precedent in the Historic District for the proposed "pony wall" consisting of glass panels set in limestone borders, and the majority of the Committee believes that that element of the proposed design would be inappropriate to the historic character of the building and of the Historic District;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application #07-8825 for a new storefront and alteration of the façade and areaway at 143 West 69th Street.

Committee Members: 5-3-0-0. Board Members: 1-2-0-0.

Date: October 2, 2007

Committee of Origin: Parks & Preservation

Re: 102 West 75th Street (Columbus Avenue.)

Full Board Vote: 37 In favor 0 Against 2 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed arched replacement windows are appropriate to the historic character of the building and of the Historic District;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed installation of eleven true-round arched windows in the 6th floor corner apartment at 102 West 75th Street.

Committee Members: 7-0-0-0. Board Members: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Parks & Preservation

Re: 175 West 76th Street, a/k/a 341 Amsterdam Avenue.

Full Board Vote: 37 In favor 0 Against 2 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan, believes that the proposed arched replacement windows are appropriate to the historic character of the building and of the Historic District;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed installation of twelve arch-headed windows at 175 West 76th Street.

Committee Members: 7-0-0-0. Board Members: 2-0-0-0.

Date: October 2, 2007

Committee of Origin: Parks & Preservation

Re: 249 Central Park West (West 85th Street.)

Full Board Vote: 37 In favor 0 Against 2 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed infill elements in the rear yard at the western end of the building are appropriate to the historic character of the building and of the Historic District, though some members of the Committee are concerned about the enlarged archway and proposed curb cut; and

The Committee believes that the need to heighten the chimneys is an unfortunate result of the proposed rooftop addition, but believes that the proposed rooftop addition will be minimally visible and of appropriate materials, and therefore reasonably appropriate to the historic character of the building and of the Historic District;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application #08-0289 to construct rear-yard and rooftop additions at 249 Central Park West.

Committee Members: 5-2-0-0. Board Members: 2-0-0-0.

Date: October 2, 2007

Committee of Origin: Parks & Preservation

Re: 293 Central Park West (West 89th Street.)

Full Board Vote: 37 In favor 0 Against 2 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan believes that while the proposed glass canopy is reasonably appropriate to the historic character of the building and of the Historic District, the use of stainless steel for the other elements of the application, in the immediate context of the replacement of non-original marble side panels with new marble, an aluminum window frame and other disparate materials, is inappropriate, particularly given the non-historical character of stainless steel in the building and the Historic District;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for several new elements at the entrance to 293 Central Park West.

Committee Members: 4-2-1-0. Board Members: 0-2-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: Broadway, West 58th - 68th Streets, "Winter's Eve at Lincoln Square."

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application to the Mayor's Office by the Lincoln Square BID for various street closures from West 58th to 68th Streets on Monday, November 26, 2007, from 8:00 AM until midnight.

Committee: 7-0-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 2642 Broadway (West 100th Street.)

Full Board Vote: 42 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application #B01743 to NYC Taxi and Limousine Commission by Two-Way Black Cars & Radio Group Transportation, Inc. at 2642 Broadway for a For-Hire base station license.

Committee: 7-0-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 2537 Broadway, Symphony Space (W.95th Street.)

Full Board Vote: 36 In favor 0 Against 1 Abstention 2 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** request to Department of Transportation by Symphony Space for two temporary no parking spaces on south side of West 95th Street, immediately west of Broadway, during construction of the West 96th Street IRT station.

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

Date: October 2, 2007

Committee of Origin: Transportation

Re: 656 Amsterdam Avenue (West 92nd Streets.)

Full Board Vote: 40 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#1104296 to the Department of Consumer Affairs by Wing Li Long, Inc., d/b/a Yuki Japanese Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 7-0-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 320 Columbus Avenue (West 75th Street.)

Full Board Vote: 30 In favor 5 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#0738544 to the Department of Consumer Affairs by 320 Columbus Ave Inc, d/b/a Mughlai Indian Cuisine, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 26 seats.

Committee: 5-2-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 2161 Broadway (West 76th Street.)

Full Board Vote: 30 In favor 5 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#0917302 to the Department of Consumer Affairs by Broadway 76 LTD, d/b/a Niko's Mediterranean Grill & Bistro, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 30 seats.

Committee: 5-2-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 2791 Broadway (West 108th Street.)

Full Board Vote: 40 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA#0735569 to the Department of Consumer Affairs by India Food International, Inc., d/b/a India Café, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 52 seats.

Committee: 5-2-0-0. Board Member: 1-0-0-0.

Date: October 2, 2007

Committee of Origin: Transportation

Re: 2186 Broadway (West 77th-78th Streets.)

Full Board Vote: 40 In favor 0 Against 0 Abstentions 0 Present

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

The applicant did not attend the Committee meeting;

The proposed café is adjacent to a bus shelter;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application DCA#1262190 to the Department of Consumer Affairs by Cosí, Inc., d/b/a Cosí, for a two-year consent to operate an unenclosed sidewalk café with 4 tables and 10 seats.

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

Date: October 2, 2007

Committee of Origin: Transportation

Re: 427 Amsterdam Avenue (West 80th-81st Streets.)

Full Board Vote: 30 In favor 5 Against 3 Abstentions 0 Present

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

The applicant did not attend the Committee meeting;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application DCA#1265442 to the Department of Consumer Affairs by J of K Corp., for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 17 seats.

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

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 768 Amsterdam Avenue, Tucumana Corporation.

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 768 Amsterdam Avenue, Tucumana LLC, for a new liquor license for failure to submit application and for failure to appear before the committee. *Committee: 3-0-0-0.*

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 160 Riverside Blvd, Mosaico NYC SRL

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 160 Riverside Blvd, Mosaico NYC SRL, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will close its windows and doors by 11pm, and an effort will be made to keep the sidewalk clear of smokers and noise. *Committee: 3-0-0-0.*

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 2170-2178 Broadway, NS 77th Street LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 2170-2178 Broadway, NS 77th Street LLC, for a new liquor license.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 269 Amsterdam Avenue, Chipotle Mexican Grill of Colorado LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 269 Amsterdam Avenue, Chipotle Mexican grill of Colorado LLC, for a new liquor license.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 938 Amsterdam Avenue, 938 Amsterdam Rest Corp.

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 938 Amsterdam Avenue Rest Corp., for a new liquor license unless the following stipulation is added to their method of

operation, in their SLA application, that this will close its windows and doors by 11pm, an effort will be made to keep the sidewalk clear of smokers and noise, and will hire security to work the front door from 10pm until 3:30am closing.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 566 Amsterdam Avenue, JOS Hospitality Group, LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 566 Amsterdam Avenue, JOS Hospitality Group LLC, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will be a full service restaurant, not a bar, that it will close its windows and doors by 11pm, will not have live music and an effort will be made to keep the sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 635 Amsterdam Avenue, PB Empire II, Inc

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 635 Amsterdam Avenue, PB Empire II, Inc, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will close its windows and doors by 11pm, and an effort will be made to keep the sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 461 Columbus Avenue, Mabu LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 461 Columbus Avenue, Mabu LLC, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will close its windows and doors by 11pm, and an effort will be made to keep the sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 568 Amsterdam Avenue, Mermaid 88, LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 568 Amsterdam Avenue, Mermaid 88 LLC, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will close its windows and doors by 11pm, and an effort will be made to keep the sidewalk clear of smokers and noise.

Committee: 3-0-0-0.

Date: October 2, 2007

Committee of Origin: Business & Consumer Issues

Re: 951 Amsterdam Avenue, Rameats, LLC

Full Board Vote: 37 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 951 Amsterdam Avenue, Rameats LLC, for a new liquor license unless the following stipulation is added to their method of operation, in their SLA application, that this will close its windows and doors by 11pm, and an effort will be made to keep the sidewalk clear of smokers and noise.

Committee: 3-0-0-0.