

COMMUNITY BOARD 7/MANHATTAN December 2001 Resolutions

RESOLUTION

Date: December 4, 2001

Committee of Origin: Land Use

Re: 246 Columbus Avenue (West 71st -72nd Streets), China Fun.

Full Board Vote: 30 In favor 3 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application DCA#907221 to the Department of Consumer Affairs by DFA Corp., d/b/a China Fun, for a five-year consent to operate an enclosed sidewalk café with 6 tables and 11 seats.

Committee: 6-0-1-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Land Use

Re: 168-170 West 79th Street, aka 165-167 West 78th Street, (Columbus-Amsterdam Avenues) Congregation Rodeph Sholom.

Full Board Vote: 34 In favor 1 Against 0 Abstentions 0 Present

A) Special permit to allow the addition of approximately 1200 ft² of floor area by splitting the height of the existing gymnasium.

WHEREAS, Congregation Rodeph Sholom (i.e. the applicant) operates a Reform Jewish day school for students K-6 at properties it owns at 165-167 West 78th Street and 168-170 West 79th Street; and

WHEREAS, the applicant is proposing to split the height of its existing gymnasium to create a new floor that would include a new corridor and other floor area to improve circulation between the two properties comprising the school and to provide other needed space; and

WHEREAS, the proposed addition of floor area is entirely within the applicant's existing building envelope and should have no effect on the neighboring community except during the period of construction;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the application #BSA 258-01 BZ to the Board of Standards & Appeals by Congregation Rodeph Sholom for a special permit to allow the addition of approximately 1200 ft² of floor area by splitting the height of the existing gymnasium, thereby creating an additional floor and improving circulation between the applicant's properties on West 78th Street and West 79th Street; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan's approval of this application is not based on technical findings in accordance with Section 72-21 of the Zoning Resolution, but rather on the merits and non-intrusiveness of the specific proposal.

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

RESOLUTION

Date: December 4, 2001

Committee of Origin: Land Use

Re: 168-170 West 79th Street, aka 165-167 West 78th Street, (Columbus-Amsterdam Avenues) Congregation Rodeph Sholom.

Full Board Vote: 19 In favor 11 Against 6 Abstentions 0 Present

B) Special permit to allow the addition of approximately 2400 ft² of floor area by adding two stories.

WHEREAS, Congregation Rodeph Sholom (i.e. the applicant) operates a Reform Jewish day school for students K-6 at properties it owns at 165-167 West 78th Street and 168-170 West 79th Street; and

WHEREAS, the applicant is proposing to add approximately 2400 ft² by means of two stories (each 36' wide and 27' deep) added to the existing 15' encroachment into the rear yard associated with the West 79th Street buildings, to allow the school's expansion to include Grades 7 and 8; and

WHEREAS, the proposed addition would create walls 17' away from existing windows in apartments at 172 West 79th Street and 7' away from existing windows in apartments at 164 West 79th Street, significantly reducing light and air available to at least 9 apartments neighboring the school, and exposing residents of those apartments to the noise of classrooms and the curious glances of students; 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; rather, the applicant is seeking to increase its current non-compliance in order to expand its educational program**
- b) Not applicable to a non-profit organization such as the applicant**
- c) The applicant has not demonstrated that the structure for which the variance is being sought will not substantially impair the appropriate use of adjacent property and has not demonstrated that the structure will not be detrimental to the public welfare; rather the structure would significantly reduce the light and air available at least 9 apartments neighboring the school**
- d) The applicant has not created the difficulties and hardships that the applicant claims as ground for a variance**
- e) The application appears to be the minimum variance necessary to afford the relief the applicant seeks; and**

WHEREAS, award of a variance depends on an applicant meeting all five (or, in the case of a non-profit organization such as the Congregation Rodeph Sholom, all four) tests of Section 72-21 of the Zoning Resolution;

BE IT RESOLVED THAT Community Board 7/Manhattan disapproves the application #BSA 258-01 BZ to the Board of Standards & Appeals by Congregation Rodeph Sholom for a special permit to allow the addition of approximately 2400 ft² of floor area by adding two stories to the existing 15' encroachment into the rear yard associated with the West 79th Street buildings.

Committee: 4-2-1-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Landmarks

Re: 50 West 90th Street (Central Park West-Columbus Avenue).

Full Board Vote: 29 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, this is a 5-story brownstone with penthouse additions previously constructed; and

WHEREAS, the building is on the very edge of the historic district and the addition cannot be seen from within the district; and

WHEREAS, the proposed additional penthouses are minimally visible from the streets outside of the district;

BE IT RESOLVED THAT the Community Board 7/Manhattan approves application #020753 to the Landmarks Preservation Commission to construct rooftop additions at 50 West 90th Street.

Committee: 3-0-0-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Transportation

Re: Request for a bus shelter Broadway and West 106th Street.

Full Board Vote: 29 In favor 0 Against 0 Abstentions 0 Present

Community Board 7/Manhattan supports placing a bus shelter for the M-116 bus at the southeast corner of Broadway and West 106th Street.

Committee: 5-0-0-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Transportation

Re: 44 West 106th Street (aka 142 Manhattan Avenue).

Full Board Vote: 30 In favor 1 Against 0 Abstentions 0 Present

WHEREAS, the applicant has agreed to reduce the height of the fence to one and ½ feet and to enclose any garbage cans with greenery to obscure them; and

WHEREAS, the applicant has submitted revised plans to the Art Commission and the NYC Department of Transportation that incorporate the above and eliminate a bike rack;

BE IT RESOLVED THAT the Community Board 7/Manhattan approves the revised application to the Department of Transportation by 142 Manhattan Avenue, LLC for a revocable consent to construct a planted area with a fence and trash receptacle enclosure on city-owned property.

Committee: 6-1-0-0. Board Member: 1-0-0-0. Public Members: 5-0-1-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Uniformed Services

Re: Multi-block Street Fair for not-for-profits whose fairs were cancelled following September 11.

Full Board Vote: 24 In favor 4 Against 1 Abstention 0 Present

WHEREAS, the NAACP Mid-Manhattan Branch, Symphony Space, Concerned Citizens for Community Action and Safe Horizon (aka Victim Services) lost considerable revenue when their street fairs were cancelled in the aftermath of 9-11; and

WHEREAS, other Upper West Side organizations that depend on the 20 percent share distributed by these organizations were also affected; and

WHEREAS, the fund raising and economic environment for the remainder of 2001 and 2002 are predicted to be negatively affected by the continuing tragedy and the economic environment of New York City, and will have an adverse impact on booth rentals for street fairs during 2002 and thus on revenues these organizations can anticipate from their 2002 autumn fairs;

BE IT RESOLVED THAT Community Board 7/Manhattan recommends that the Mayor's Office of Street Activity Permits authorize a one-time only permit to these four organizations to jointly sponsor one twenty- block festival or two ten-block festivals during an available Sunday date(s) in the summer of 2002. These organizations would be expected to abide by all street fair rules in force during 2001 and contribute 20 percent of their proceeds to other West Side not-for-profits. This one-time event would be in addition to their scheduled 2002 fall street festivals.

Committee: 2-1-1-1; Public Members: 4-10-1-0.

RESOLUTION

Date: December 4, 2001

Committee of Origin: Uniformed Services

Re: Reduction of multi-block street fair sponsors' community contributions in 2002.

Full Board Vote: 19 In favor 4 Against 1 Abstention 2 Present

WHEREAS, Upper West Side not-for-profits are adversely affected in their ability to raise money and fund programs in the current economic crisis caused by 9-11, and at the same time, they are being asked to provide more services to their constituents; and

WHEREAS, the organizations that sponsor multi-block street fairs have become dependent on revenues derived from booth rentals to fund significant portions of their operations; and

WHEREAS, there are indications that fewer vendors will choose to participate in New York City street fairs during 2002;

BE IT Resolved THAT Community Board 7/Manhattan, in order to assist the not-for-profit sector in an economic recovery after 9-11, will require fair sponsors of fairs in 2002 to contribute 10 percent of their net profits, reduced from 20 percent (CB7 Multi-Block Street Fair Guidelines II.C.), to Upper West Side not-for-profits that have not held fairs. This reduction would be in effect only for 2002 fairs, with the exception of a one-time "super-fair" for the four organizations whose fairs were cancelled in 2001, whose sponsors would be required to contribute the usual 20 percent. Committee: 4-0-0-1. Public Members: 5-0-0-1.