

**Full Board Meeting  
Lawrence Horowitz, Chair  
November 6, 2002**

Chair Larry Horowitz called the meeting to order.

**Chair's Report**

Provided an update on the progress with Columbia University. Marsha Sells, Assistant VP Management, is working to uphold commitment and is focusing on outreach with printed materials and presentations. A letter will be sent to participants, school superintendents and elected officials.

**Election of Officers for 2002-2003**

The following board members were elected:

Lawrence Horowitz, Chair

Dan Cohen, First Vice-Chair

Doug Griebel, Second Vice-Chair

Sheldon Fine, Third Vice-Chair

David Harris, Co-Secretary

Bobbie Katzander, Co-Secretary

**Legislators' Reports**

Councilmember Phil Reed thanked the Board for its support regarding the Malibu Hotel. Discussed the proposed Council's budget. Announced the City will not be getting much Federal help for the \$5 billion shortfall and CB7 should have given him some ideas of what services are essential.

Councilmember Gale Brewer spoke on the budget and announced that the Council hearing on the Smoke-Free Workplace Act will be held on November 12<sup>th</sup>.

**Public Session**

1. Sheila Horgan, NYC Districting Commission, announced the next public hearing regarding the proposed council district lines would be held on November 19<sup>th</sup> at City College.
2. Rita Lennick, Neighborhood United Against KFC, discussed the invasion of fast food chains in the neighborhood.
3. Richard Bass, Nour Foundation, introduced his organization and spoke about their frequent concerts, art expos, lectures and seminars.
4. Lisa Neaner, American Cancer Society, presented a sample resolution regarding the Smoke-free Workplace Act.
5. Jay Barksdale spoke about his concern about advertising in the neighborhood.
6. Angel Flores, Maria Trinidad Sanchez, discussed ongoing problems on West 109<sup>th</sup> Street.
7. Maria Kumagay, Puerto Rican Family Institute, discussed her organization's mental health services, family support and free counseling services.
8. Ira Manhoff, Epicure World Foods, is a 20 years resident of Manhattan Valley. His business has received several summonses for a chalkboard frame sign and is against the a-frame sign enforcement.
9. Alan Flacks discussed Silver Moon Bakery sidewalk café. Stated they have a sign that says they charge extra for outside service to cover the city fees and wait service.
10. Dan Golub, Assemblyman Gottfried's Office, announce a Town Hall meeting on November 19<sup>th</sup> at 413 West 46<sup>th</sup> Street and a blood drive on November 24<sup>th</sup> at the Ryan Chelsea Clinton Center.
11. Bob Herrmann, Broadway Malls Association, stated 15-20 holiday trees would be in place from West 72<sup>nd</sup>-116<sup>th</sup> Streets.
12. Dan Cohen, 24<sup>th</sup> Precinct Council, announced that Deputy Inspector Raymond Spinella was promoted and replaced by Deputy Inspector James Dean. There was an increase in domestic violence and grand larcenies.

13. Dan Cohen, CB9 Liaison, stated that a request for development proposals for the Olympic Theatre site (West 107/Broadway) includes inclusionary housing, which could be built in CD7 or CD9.

### **Business Session**

#### **NYC Budget and Capital Planning Committee**

##### **Co-Chairs: John Howell and Helen Rosenthal**

Ms. Rosenthal explained the need, in light of the fiscal crises, to begin ranking the Board's budget priorities. After some discussion, the members agreed on the priority order of the expense and capital items.

1. Resolution to approve CB7 Priorities for the FY 04 NYC Expense Budget, as amended, was adopted: 25-4-0-0.
2. Resolution to approve CB7 Priorities for the FY04 NYC Capital Budget, as amended, was adopted: 25-4-0-0.

#### **Land Use Committee**

##### **Co-Chairs: Richard Asche and Hope Cohen**

3. Resolution to disapprove new application DCA#1119642 to the Department of Consumer Affairs by Westside Deli Inc., d/b/a Artie's Delicatessen at 2290 Broadway, for a one-year consent to operate an enclosed sidewalk café with 28 tables and 56 seats was adopted: 20-9-0-0.

Jeffrey Banks, owner, presented his reasons for requesting the café.

#### **Land Use and Sidewalk Task Force**

4. Hope Cohen reviewed the public review process for changes in the unenclosed sidewalk café regulations. The text amendment before the board was the first step in a three-part process. Concurrently, the City Council is considering Intro 294, which enables the Department of Consumer Affairs (DCA) to issue rules and regulations regarding the cafes. Following the ULURP and Intro approvals, DCA will promulgate the rules and regulations, which will be subject to public review and hearings. The Land Use Committee recommended approval of the text amendment with the understanding that the Board would have the opportunity to comment on the rules.

The resolution to approve Department of City Planning proposed text amendment #NO30119 ZRY to the Zoning Resolution relating to unenclosed sidewalk cafes was adopted: 20-0-1-0.

#### **CB7 Sidewalk Task Force**

##### **Chair: Hope Cohen**

5. Resolution to approve Administration's proposed Coordinated Street Furniture Franchise, which includes bus shelters, newsstands, and automatic pay toilets was adopted: 25-0-0-0.

#### **Transportation Committee**

##### **Co-Chairs: Andrew Albert and Dan Zweig**

Elizabeth Starkey presented the resolutions. She announced that Resolution #6 to approve the request by the Lincoln Square Business Improvement District to the Mayor's Office to close West 63<sup>rd</sup> Street adjacent to Dante Park on Monday, December 2, 2002, for the 3<sup>rd</sup> Annual *Winter's Eve at Lincoln Center* was withdrawn.

7. Resolution to disapprove Department of Transportation's proposed sites for bike rack installations in CD7, until certain conditions were met, was adopted: 24-0-0-0.

8. Resolution to disapprove possible increase in bus and subway fares was adopted: 24-0-0-0.

#### **Landmarks Committee**

##### **Co-Chairs: Lenore Norman and Patricia Stevens**

9. Resolution to approve application #005635 to the Landmarks Preservation Commission for a master plan governing the future installation of through-the-wall air conditioning units at 336 Central Park West (West 93<sup>rd</sup>-94<sup>th</sup> Streets) was adopted: 23-0-0-0.

10. Resolution to approve application #011516 to the Landmarks Preservation Commission for the installation of a bracket sign at 370 Columbus Avenue, d/b/a Potion Lounge (West 77<sup>th</sup>-78<sup>th</sup> Streets) was adopted: 23-0-1-0.

11. Resolution to disapprove application #031857 to the Landmarks Preservation Commission to enlarge and to add a second story to an existing penthouse at 49 West 72<sup>nd</sup> Street (Central Park West and Columbus Avenues) was adopted: 21-1-0-0.

**Parks, Cultural Affairs and Libraries Committee**

**Co-Chairs: Barbara Adler and Bob Herrmann**

12. Resolution to approve Department of Parks and Recreation's plan for the restoration of the pedestrian area along Riverside Drive between West 79<sup>th</sup> and 87<sup>th</sup> Streets, Riverside Park was adopted: 23-0-0-0.

**Board Members Present:** Larry Horowitz, Barbara Adler, Linda Alexander, Richard Ashce, Annette Averette, Peter Bailey, Dan Cohen, Hope Cohen, Sheldon Fine, Georgette Gittens, Guillermo Gonzalez, Doug Griebel, Phyllis Gunther, Marlene Guy, David Harris, Robert Herrmann, Joyce Johnson, Ulma Jones, Betty Katz, Bobbie Katzander, Marc Landis, William Meyers, Eric Nelson, Klari Neuwelt, Lenore Norman, Sharon Parker-Frazier, Oscar Rios, Barry Rosenberg, Helen Rosenthal, Ethel Sheffer, Elizabeth Starkey, Patricia Stevens, Evelyn Tamarin, Melanie Wymore.

**Board Members Absent:** Andrew Albert, Janet Alvarez, Beth Berns, Jean Green-Dorsey, John D. Howell, Barbara Keleman, Melanie Radley, Hector Santana, Barbara Van Buren, Tom Vitullo-Martin, D. Maria Watson, George Zeppenfeldt-Cestero, Daniel Zweig.

**Uniformed Services/Environmental Committee**  
**Co-Chairs: Melanie Radley and Hector Santana**  
**November 13, 2002**

**1. Discussion of Intro. 256 to amend the administrative code to prohibit smoking in public places and places of employment.**

A presentation of Intro 256 to amend the administrative code to prohibit smoking in *all* public places and in *all* places of employment was made by Dr. Colin McCord, Assistant Commissioner of The Department of Health who is also a lung surgeon. Dr. McCord stated that tobacco and related diseases are the number one health problem in New City, citing studies and displaying charts as evidentiary material.

He was questioned about the problems of enforcing such a ban, acknowledging that establishment owners and their patrons would need to be the whistle-blowers.

Michael Oleva, a bar owner, concurred, as did the American Cancer Society's Director of Tobacco Control for Manhattan and the Bronx, and residents of the CB7 District.

Speaking in opposition were: Richard Lipsky, Chairman of Night Life, an organization representing many of the 13,000 bars, night clubs and lounges in the five boroughs and two local bar owners.

***With the specific exceptions of Bars, Night Clubs and Lounges,*** the Committee voted 5-1-0-0 to support Intro 256 to amend the above administrative code.

**Committee Members Present:** Melanie Radley, Sheldon Fine, Guillermo Gonzalez, Barbara Katzander, Oscar Rios. **Committee Members Absent:** Hector Santana, Georgette Gittens, Ulma Jones, Marc Landis.

**Transportation Committee**  
**Co-Chairs: Andrew Albert and Dan Zweig**  
**November 12, 2002**

**1. Memorial Streets Program**

Adolph Wald appeared on behalf of his son, Victor Wald, who was killed in the WTC tragedy on 9/11/01. There is a new city-wide program to honor those lost on 9/11/01 by secondarily naming streets in the five boroughs. This proposal would add the name of Victor Wald to the block of 81st Street between West End & Broadway. Although Victor lived several blocks north of here, he was, perhaps, best known on 81st Street. Additionally, his parents would see the sign every day.

Vote in favor of secondarily naming West 81st Street.

Comm: 3-0-0-0

NCB : 1-0-0-0

Pub : 0-1-1-0

**2. Discussion with NYC Transit representatives:**

Bus Service/Routing Discussion with NYC Transit (Ted Orosz appeared on behalf of NYC Transit)

The problems of the M96, M106 laying over on West 97th Street bet. Broadway & West End Avenue were discussed. Buses are supposed to layover on 96<sup>th</sup> Street east of West End Ave. Jim Smith, a resident of the affected building on West 97th Street told the committee that the condition had not improved over the past month. Buses continue to idle, turn off/on their engines in the middle of the night, use 97th Street as a rest stop, etc, instead of moving to 96th Street, where the official layover is. Ted will contact the road manager for Manhattan, and arrange spot inspections.

Bus problems at Broadway & 106th Street were also discussed, especially where the M116, M60, & M104 stops are.

The bus stop has been lengthened at the SE corner of 79th Street & Riverside Drive to allow for articulated buses to serve the stop. Previously, the space allotted was not large enough for an artic to stop. The steep slope of 79th Street is another reason for the enlarged stop.

**M72 Route Change**

Buses are on a temporary route now during the rebuilding of Freedom Place. Ted Orosz stated that it was likely the buses would not go back to their exact old route (serving 66 St), as the M66 somewhat duplicated the M72 route, and is faster & more frequent for those who live in the 66 Street vicinity. However, the stops can be changed on the M72 to provide better access to residents of Lincoln Towers, such as moving the N bound M72 stop further south from 71 St, and to use the M5 stop on 72 St. east of West End Ave. The proposal to re-route the M5 down West End Avenue will be revisited.

**M104 Terminal Change**

The M104 currently ends at 129th St. & Amsterdam Avenue (Amsterdam garage) due to an old trolley route! Since the depot is moving to 132nd St. & Broadway, the M104 will be re-routed to the 125th St. pier, and possibly to the uptown Fairway market at 133rd Street. (giving Westsiders the first Fairway to Fairway bus!!)

M86

Too many buses are congregating on 86th Street between Broadway & West End Avenue, including double-parked buses, so Transit is considering making 86th Street E of Broadway the first stop on the route. This would allow buses to advance to the east side of Broadway, freeing up space on the Bway/West End block, where riders board & cause other buses to be delayed.

Local/Limited bus sign confusion

CB7 will send a letter stating that the current color designations on the M5 local & limited buses are confusing, and should be changed. (M5 only a limited south of 72 St/Broadway, yet signs remain the limited color)

### **3. Taco Truck**

Truck at the SW corner of Broadway & 96 Street has failed health inspections three times! 24<sup>th</sup> Pct has been frustrated by the entire situation. Borough Commissioner Margaret Forgione will be contacted to see if truck is violating any D.O.T. regulations.

### **4. New Business**

The NE corner of 96th & Broadway has been overtaken by newsboxes, mailboxes, etc. & has become impassable. Photos were shown to the committee verifying this condition.

**Committee Members Present:** Andrew Albert, Klari Neuwelt, Oscar Rios. **Committee Members Absent:** Dan Zweig, Joyce Johnson, Bobbie Katzander, Barbara Keleman, Marc Landis, Elizabeth Starkey, Barbara Van Buren, Tom Vitullo-Martin.

**Parks, Cultural Affairs and Libraries Committee**  
**Barbara Adler and Bob Herrmann, Co-Chairs**  
**November 14, 2002**

Co-Chairs Barbara Adler and Robert Herrmann convened the meeting at 7:15 p.m.

The following issues were discussed:

1. Review of the Department of Parks and Recreation's Request for Bids for the Operation of a Newsstand near the Northwest corner of West 72nd Street and Amsterdam Avenue.

The newsstand would be located in the park near the new 72nd Street Subway station.

After reading the RFP, the Committee made the following recommendations:

- a. No cigarettes should be sold nor cigarette ads displayed at the stand.
- b. The stand's General Liability Insurance should be raised to \$1 million from \$500,00.

2. Update on CB 7 Libraries - Dean Smith, West Side Regional Librarian

The budget for FY 2003 remains the same as for this year when it sustained a 14.5% cut.

The minor renovations for the Riverside Library will begin on December 17, 2002 and be completed in two months.

The book sale at the St. Agnes Library was successful. The proceeds from all sales are used to purchase materials.

3. The Use of Wireless Technology in NYC Parks - Anthony Townsend, NYC Wireless

NYC Wireless, a non-profit company, which was incorporated this year, is offering free wireless Internet access for people who want to use their laptop computers in the City's parks. The five partners have donated their labor to provide this amenity.

Committee members' concern about unsightliness of poles and wires were satisfied with the description of the installation in Bryant Park of a minimal number of T-1 line antennas, measuring around 2 feet high and ½ inch width, which can be easily obscured if need be. The cost for this park's installation ranged between \$20,000 and \$25,000 and was assumed by the Bryant Park Business Improvement District (BID). This covered the telephone line connection, a welcome page and DSL. Users need a \$50 modem to use the service. About 4000 logons were made during the summer at Bryant Park.

Discussion of its use in Riverside Park, especially in South end and around the pier, was discussed with Riverside Park Administrator KC Sahl and Riverside Park Fund Director Jim Dowell. Access to connections and sources of funding would have to be explored, which they considered "not inappropriate". After exploring how it can be implemented, they will come back to the Committee. Public Member Alan Flacks made reference to the difficulty of getting wireless emergency telephones in the Riverside Park. An update provided that six cellular phones have been installed.

Committee member Linda Alexander recommended that Theodore Roosevelt Park, behind the American Museum of Natural History, is an ideal spot for this service since students are often there. The Committee concurred with the recommendation and Mr. Townsend will follow up with the appropriate people at the Museum and the Parks Department.

**Committee Members Present:** Barbara Adler, Bob Herrmann, Linda Alexander, Dan Cohen, Phyllis Gunther, Betty Katz, Klari Neuwelt, D. Maria Watson. **Committee Members Absent:** Douglas Griebel, Joyce Johnson.



**Landmarks Committee**  
**Co-Chairs: Lenore Norman and Patricia Stevens**  
**November 21, 2002 7:00 PM**

**40 West 68<sup>th</sup> Street, York Preparatory School** (Central Park West and Columbus Avenue).

The application to build a rear yard addition by the York Preparatory School at 40 West 68<sup>th</sup> Street had been held over by the CB 7 Landmarks Committee from October 17. The Committee felt that insufficient time and notice had been provided by the applicant to its neighbors and immediate community.

At both meetings the school was represented by Horowitz Immerman Architects PC. The architects presented the application with the pertinent architectural drawings and photographs and were the sole respondents to questions asked by the committee and community residents. The school did not send a representative.

Harold Rubino, representing the Board of Trustees of the Stephen Wise Synagogue, York School's contiguous neighbor to the west, stated the synagogue was giving unanimous support York School application.

Paul Taylor, an architect and resident of 27 West 67<sup>th</sup> Street, (the school's neighbor to the south) expressed deep concern for preserving the integrity of the century-old rubble wall that sits on the property line dividing the two properties. He presented the wall as an eligible for designation.

Other residents and representatives of 27 West 67<sup>th</sup> Street made several statements about lack of fire egress that might be created by the rear yard addition.

The Committee resolved to both approve the application ***and*** to recognize the Rubble Wall as a structure to be preserved.

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

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

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

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

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

**8 West 70<sup>th</sup> Street (Central Park West). Application #03-2628 by Congregation Shearith Israel the Landmarks Preservation Commission to demolish the existing community house and construct a new 14-story building on properties adjacent to the synagogue.**

Peter Neustadter, President: Gave a detailed history of the synagogue and congregation. The congregation has already donated \$6 million for restoration but more is needed.

Steve Tilly, Architect: Building has problem with "flows": water, traffic and capital. Congregation will not be the developer. The selected developer will pay for construction and proceeds will be given to the synagogue as units are sold. A scope of preservation must be met before the units will get certificate of occupancy.

Elise Quasebarth: Reviewed the history of the site.

Sam White, Architect: New community building will have 2 floors below ground and 4 above. Floors 1-5 will be set up against the synagogue; the top 10 floors will be set back. The height of the building is 157' from street level; 178'2" with mechanicals. One unit per floor with windows facing Central Park. A discussion of the materials followed: zinc top, stone of different color than the synagogue, painted metal windows with clear glass.

Shelly Friedman summarized the zoning changes that would be needed (see attached.)

Assemblyman Richard Gottfried – Project was in development for two years without community consultation; no assurance proceeds will be used for preservation; 74-711 provides only maintenance requirements; developer may change project; does not meet finding of “harmonious relationship with historic building and with historic district”.

Norman Marcus – proposed building trashes contextual plans and historic district; sets precedent.

Mark Liebow – proposed building would overshadow synagogue and result in CPW building on mid-block.

Peter Janovsky – inadequate consultation with neighbors during two years project was developed.

Alan Sugarman – asked for shadow studies.

Irwin Sigelstein – invited committee to come to his building for a site visit in order to really understand the impact of the project.

Simeon Banchoff, Historic Districts Council – need more specifics on preservation goals; project doesn't use all of the air rights.

Miles Weintraub – requested more time to review project.

Diedre Stanforth – project ruins CPW profile.

Grace Flock – cited inappropriateness of building and quoted the historic district report on the consistency of the row houses on the side streets.

Bret Haber – the new building is not the only way the synagogue can raise funds. If your property is in a historic district you must abide by the laws.

Michael Marsh – project “shames” the neighborhood; also cited the consistency of streetscapes preserved by the historic district.

Jay Greer- building out of character with neighborhood.

Ann Farley – building is not harmonious with neighborhood.

Chris Cockfield – project is a “fund raiser” not a preservation project.

David Nathan - spoke on behalf of the synagogue.

George Bulow, member of congregation - cares about both the synagogue and the community. The synagogue is open to community- noted that things change over time.

Mark Daniel, 18 West 70: this is not a CPW bldg it is a 70th Street bldg.

Diane Carr: Asked that synagogue be visionary.

Kate Wood, Landmark West! Spoke about the Board's role in preserving the site.

The following members of the community also voiced opposition:

Ann Farley, 101 CPW; Mark Hartnet, Kurt Walgren, Laverne Mooney, Ron Prince, of 18 W 70<sup>th</sup> Street.

The Committee voted unanimously to disapprove the application.

*WHEREAS, Congregation Shearith Israel is an individual landmark and also located in the Central Park Historic District; and*

*WHEREAS, the Synagogue proposes to demolish its community house, also within the historic district, and replace it with a 14-story building; and*

*WHEREAS, the proposed building is two times the height of the allowable buildings on the block; and*

*WHEREAS, the building has a negative impact on the synagogue and does not relate harmoniously to other buildings in the district; and*

*WHEREAS, the effect on Central Park where the building is clearly visible over the landmark and appears to overpower it is also negative; and*

*WHEREAS, the building is being developed by a private developer with no guarantee that the terms of the project won't change; and*

*WHEREAS, there are many institutions along Central Park West that are in need of funds, this project is precedent setting;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #03-2628 to demolish the existing community house and construct a new 14-story building at 8 West 70<sup>th</sup> Street. Committee: 6-0-0-0. Board Members: 3-0-0-0, Public Member: 1-0-0-0.*

**8 West 70<sup>th</sup> Street (Central Park West), Application #03- 2652 (Joint with Land Use Committee.)**

The application is dependent on the approval of the certificate of appropriateness for the new building, and the committee disapproved said application.

The committee voted unanimously to disapprove the application.

*WHEREAS, Community Board 7/Manhattan finds the proposed building does not relate harmoniously with the subject landmark or with the surrounding buildings in the Central Park Historic District; and*

*WHEREAS, Community Board 7 has **disapproved** application #03-2628 for a certificate of appropriateness for the proposed building at 8 West 70<sup>th</sup> Street;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application #03-2652 by Congregation Shearith Israel to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a special permit to allow the construction of a 14-story building adjacent to the synagogue.*

*Committee: 6-0-0-0. Board Members: 3-0-0-0. Public Member: 1-0-0-0.*

**117 West 70<sup>th</sup> Street, Stratford Arms (Columbus-Amsterdam Avenue). Application #032454 to the Landmarks Preservation Commission to install an entrance canopy.**

The applicant did not attend the meeting. No action was taken.

Present: Lenore Norman, Patricia Stevens, Bobbie Katzander, Marlene Guy, Ulma Jones, William Meyers. Board Member Klari Neuwelt. Co-chair of Land Use Committee Hope Cohen. Public Member Michelle Kidwell-Cohen.

**Land Use Committee**  
**Co-Chairs: Richard Asche and Hope Cohen**  
**November 20, 2002**

**1. 384 Columbus Avenue**

The Committee adopted the following resolution:

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA# 0954896 to the Department of Consumer Affairs by 384 Columbus Avenue Association LLC, d/b/a Ocean Grill at 384 Columbus Avenue (West 78<sup>th</sup> Street) for a five-year consent to operate an unenclosed sidewalk cafe with 16 tables and 35 seats.*

Committee Member vote: 7-0-0-0

Board Member vote: 1-0-0-0

**2. 384 Columbus Avenue**

Simon Oren, President, Riven Oren, Vice President and Robert Bookman, attorney, presented the application for a unenclosed sidewalk café for a new 100 seat restaurant at the Lucerne serving breakfast, lunch and dinner. The restaurant will wrap around the northwest corner of Amsterdam Avenue and West 79<sup>th</sup> Street. Although this is a new restaurant, the owners already operate French Roast on the upper Westside and Le Monde and Deluxe. The owners noted that a telephone on Amsterdam Avenue will be moved to accommodate the sidewalk café. In response to the request of the Committee, the applicant agreed to modify the plans to:

- eliminate 8 tables and the associated 16 seats from the outer edge of the café along West 79<sup>th</sup> Street
- chamfer the corner of the café
- Reduce the depth of the café along Amsterdam Avenue from 9'3" to 9'.

The Committee adopted the following resolution:

*WHEREAS the applicant has agreed to change the configuration of the proposed sidewalk café to 24 tables and 68 seats and to reduce its depth along Amsterdam Avenue to 9 feet and to chamfer the corner of the café; and*

*WHEREAS the applicant has agreed to submit to Community Board 7/Manhattan plans revised to document these changes and stamped by the NYC Department of Consumer Affairs;*

*BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application DCA# 1125981 to the Department of Consumer Affairs by Renolta LLC, d/b/a Nice-Matin at 201 West 79<sup>th</sup> Street (Amsterdam Avenue) for a one-year consent to operate an unenclosed sidewalk cafe with 24 tables and 68 seats.*

Committee Member vote: 7-0-0-0

Board Member vote: 1-0-0-0

**3. Informational presentation on land use aspects of the Shearith Israel project**

Shearith Israel will be seeking to apply for bulk variances under Section 74-711 of the Zoning Resolution. This would require the Landmarks Preservation Commission (LPC) to join as co-applicant to the Department of City Planning (DCP). If LPC does not agree to join as co-applicant, Shearith Israel will pursue the same variances through the Board of Standards & Appeals (BSA). In either case, such an application would come before this Committee and the Full Board (probably sometime during the winter of 2003).

The applicant proposes to build a 157 ft building including 10 or 11 condominium apartments and a rebuilt 3 story community building using the space now occupied by the current community house, a vacant lot west of the community building and the transference of air rights from the landmark sanctuary and parsonage on Central Park West. As the application is complex, Shelly Friedman, lawyer for the applicant, the restoration architect, and the President of the Temple, met with the Committee for a technical informational session as a prelude to the Landmarks Committee Meeting on November 21.

Gene Martashoi and Arlene Simon said that the community had not been informed properly of this session and argued that because the proposed building would have a tremendous impact on the CPW neighborhood, they should have a right to address questions and comments to Mr. Friedman and the speakers from the Temple. Hope Cohen said this was an information hearing only and that the community would have the

opportunity to address the landmark issues at the Landmarks Committee and the variance issues at Land Use, once a variance application was received by CB7.

Mr. Friedman proceeded to explain the 74-711 process and the content of the necessary variances. In the 74-711 procedure, the applicant requests that Landmarks Commission issue the certificate of appropriateness and become a partner in applying to BSA for necessary variances. For Landmarks to enter into the partnership, the applicant must not only meet the stringent requirements for a certificate of appropriateness, it must demonstrate that an agreed upon scope of restoration work will be completed on the landmark site which will be outlined in a restrictive declaration. Before valid certificate of occupancies are issued for any of the units in the new building the agreed upon restoration work must be completed no matter what the cost to the applicant. If LPC does not agree to participate as a co-applicant under 74-711, the applicant can go directly to BSA for the required variances without the additional burden of restoration.

Mr. Friedman then explained that the Temple had already completed \$6 million of emergency restoration work to the roof to make the building watertight and to preserve the Louis Tiffany interior but extensive renovations are necessary. A restoration master plan will be developed as part of the application to LPC. Funds raised by selling the condominium rights to a developer who will agree to develop the building according to the temple plans will be used to rebuild the three story community building, complete the restoration, and establish a fund for continuing maintenance.

Mr. Friedman then explained the configuration of the zoning lots and the variance that would be requested. The building will be in 2 zoning districts R10A (CPW, i.e. easterly portion) and R8B (westerly portion). The R8B portion is 172 feet deep and midblock surrounded by other non-complying structures. The building, which will have a 70<sup>th</sup> Street address, has an as-of-right building height of 75 feet in the R8B section. Some surrounding buildings have heights of 100 ft. Mr. Friedman acknowledged that the side wall of 101 CPW, the tallest neighboring building is on the north side of 70<sup>th</sup> Street. Height in an R10 is permitted to 125; the building spanning both zoning lots and three sites will be 157 to the parapet. Buildings to the west which now look out over the empty lot and the community building will have their views compromised. Only as-of-right windows will be at risk for the building directly west of the proposed structure. On the issue of bulk 8.38 is permitted as of right for the transference of air rights from a landmark site on R10 zoning. The average FAR of the building on the combined zoning lots will be 3.9. The rear yard will only be slightly compromised. Currently, the rear yard is 30 feet. The 3-story community building will reduce it to 20 feet, as of right, and it will remain at 30 feet for the condominium units. A lot coverage waiver will not be necessary.

#### **4. 223-227 West 60<sup>th</sup> Street**

Attorney Howard Weiss presented the application for a set of variances to bulk requirements. The application is being made to the Board of Standards & Appeals (BSA) by Touro College LLC, an organization of trustees of the college, but is not yet calendared there. Because of the complexities of the application described below, and the lack of an immediate deadline for CB7 to comment, the Committee ultimately requested that the applicant return to the December meeting of the Committee. Mr. Weiss was accompanied by Akiva Kobre, VP of Administration & Operations for Touro College, architect Alfreda Radzicka of Gruzen-Samton Architects, and Jack Freeman, who prepared the economic analysis required by BSA.

The college seeks to build a teaching facility for the Lander Women's Division, which is currently located in Murray Hill. The facility there is inadequate for instructional purposes and inconvenient to the dormitory located at Amsterdam Avenue & 85<sup>th</sup> Street. Touro requires large floorplates for appropriate educational layouts and a gymnasium; the college also seeks a location convenient to the dormitory. Because of other building activities under way at its campuses nationwide, it cannot take on further debt to build this facility. It is also prohibited from using New York State Dormitory Authority funds for this project, as it is already using such funds elsewhere.

Thus, Touro trustees purchased the subject property and found a developer to build their facility into a new market-rate residential (condominium) building. The variances requested are claimed to be the least necessary for the developer to profit from this project (i.e. creating the envelope for Touro's new facility).

This midblock lot is zoned R8, which would allow a residential FAR of 6.02. Variance #1 (Section 23-142) would increase this to 8.62 and decrease required open space from 8085 ft<sup>2</sup> to 5817 ft<sup>2</sup>. Associated with this increase is Variance #3 to increase dwelling units to 101 from the permitted 71 (Sections 24-20 and 24-16). The college facility is considered a 'community facility', for which R8 zoning would allow 6.50 FAR. Variance #2 (Section 24-11) would increase this to 10.89. The remaining variances would further increase the bulk of the building by reducing setbacks from what is required and increasing obstruction of the rear yard. The proposed building is 19 stories high (207 ft.).

#### Board discussion

The Committee had many questions and concerns about this application.

Hope Cohen was puzzled by the organizational structure of the applicant. Is this a for-profit or not-for-profit application? It is being presented as a for-profit application, complete with an economic alternatives analysis that examines a case that does not include Touro College. She requested more 'logical' alternatives to be presented that would demonstrate how the school might otherwise meet its programmatic needs (e.g. selling the property at Amsterdam Avenue & 85<sup>th</sup> Street and building dormitory space in this facility). Is it even appropriate to include market-rate residential dwellings in the college building?

Ethel Sheffer pointed out that the Department of City Planning is in the process of a rezoning plan for this area. The midblocks would specifically be zoned R8 (as this lot is) to prevent overly large structures. Coordinated planning is required and it would be counter-productive to approve variances at this point in time—especially with other potential projects in the pipeline that might seek to follow such a precedent.

Richard Asche was concerned about the size and design of the building. He also indicated that the combination of 'unique physical conditions' (i.e. slope of street, bedrock close to surface, contaminated soil, existence of an unusable manufacturing building that would have to be demolished) cited by the applicant are true of almost every other site in this immediate area.

Klari Neuwelt was concerned about the size of the building, but identified the potential for positive synergy between an educational institution and the 59<sup>th</sup> Street Recreation Center across the street from the site.

The Committee requested that the applicant return in December and address these issues.

There being no further business, the meeting was adjourned.

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**Land Use Committee Members Present:** Linda Alexander, Richard Asche, Hope Cohen, Doug Griebel, Lenore Norman, Melanie Radley, Ethel Sheffer, Maria Watson. **Land Use Committee Members Absent:** Janet Alvarez, Peter Bailey, Betty Katz.

**Board Members Present:** Klari Neuwelt.