

RESOLUTION

Date: September 2, 2008

Committees of Origin: Land Use Joint and Parks & Preservation

Re: Application to the Board of Standards & Appeals by Mount Sinai Medical Center for variances to build a medical science center at East 102nd Street between Madison and Fifth Avenues.

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

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

Community Board 7/Manhattan has reviewed the resolutions of Manhattan Community Boards 11 and 8 which recommend disapproval of variances requested by Mt. Sinai Hospital in connection with the proposed construction of a research facility and attached residential tower between 101st and 102nd Streets on Madison Avenue and in the midblock between 5th Avenue and Madison Avenue on 102nd Street.

Community Board 7/Manhattan is in agreement with the conclusions reached by the other community boards that Mt. Sinai has not provided sufficient evidence to satisfy the findings required by the Zoning Resolution. While we are sympathetic with the need of Mt. Sinai to finance construction of its laboratory building by maximizing the value of development rights transferred to a developer of the residential tower, we do not believe that it is an appropriate use of the variance provisions of the Zoning Resolution for a not-for-profit owner to seek to exceed as of right limits for the sole purpose of funding its non-profit activity, particularly where the proposed variance would result of the construction of an intrusive structure out of all proportion to the buildings in the surrounding neighborhood.

Community Board 7/Manhattan has been presented with several similar variance requests over the years, and expects to review others in the future. We would not wish to encourage future applicants to solve their own financial needs by proposing structures which are oversized or otherwise objectionable where they are unable to satisfy the findings required by the Zoning Resolution.

Community Board 7/Manhattan also objects to the proposed variance insofar as it will lead to a building visible not only in the community board in which it is located, but from a significant portion of our Board area. The presence of the proposed structure on the skyline will be visually jarring and will cast shadows on Central Park as far West as the West Drive.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan disapproves the request for variances by the Mt. Sinai Hospital for the reasons set forth in the resolutions of Community Boards 11 and 8, and for the further reason that the proposed residential tower would have a negative visual impact on the skyline visible from the upper west side, and will cast unwanted shadows more than halfway across Central Park.

Joint Committees: 11-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: Winter's Eve.

Full Board Vote: 35 In favor 0 Against 0 Abstentions 1 Present

The Annual Winter's Eve celebrations are a well-attended, well-liked tradition;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application by the Lincoln Square BID to the Street Activity Permit Office to use various locations in and around Lincoln Square for the 2008 Winter's Eve Celebration on Monday, December 1st.

Committee: 9-0-1-0. Board Members: 6-0-0-0. Public Member: 1-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: Lincoln Center Tree Lighting.

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

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

The construction at Lincoln Center has made the annual tree-lighting ceremony unsafe & impractical, and this year Lincoln Center will be utilizing a "virtual" tree for their celebrations, projected onto a wall of the NY State Theater.

The traffic division of the N.Y.P.D. will control traffic, re-routing it down Broadway.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves**, for this one-time only, the application by Lincoln Center to the Street Activity Permit Office to close lanes on Columbus Avenue between West 62nd and 63rd Streets on Monday, December 1st for the annual tree lighting ceremony so that revelers may observe the "lighting" of Lincoln Center's tree.

Committee: 9-0-1-0. Board Members: 6-0-0-0. Public Member: 1-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: The Gateway School.

Full Board Vote: 33 In favor 2 Against 3 Abstentions 0 Present

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

The historical reasons for having most streets run eastbound has long since been made moot, and

Most odd-numbered streets in Manhattan run in a westbound direction, and whereas the Gateway School has asserted that it would be much safer for child drop-off & pick-up of children if West 61st Street between Amsterdam Avenue & West End Avenue ran in a westbound direction, therefore

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the change in direction of West 61st Street between Amsterdam Avenue & West End Avenue from eastbound to westbound.

Committee: 10-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: Newsstand on Broadway and West 70th Street.

Full Board Vote: 26 In favor 9 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #1287183 to the Department of Consumer Affairs by Shamsun Nahar to construct and operate a newsstand at the northeast corner of Broadway and West 70th Street.

Committee: 8-0-1-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: Newsstand on Broadway and West 98th Street.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #1289711 to the Department of Consumer Affairs by Anurag Maheshwari to construct and operate a newsstand at the southwest corner of Broadway and West 98th Street.

Committee: 10-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: 311 Amsterdam Avenue (74th – 75th Streets.)

Full Board Vote: 27 In favor 8 Against 1 Abstention 1 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1289619 to the Department of Consumer Affairs by Fusha Japanese Restaurant, Inc., d/b/a Fusha Japanese Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 20 tables and 61 seats.

Committee: 8-1-1-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: 461 Columbus Avenue (82nd Street.)

Full Board Vote: 27 In favor 9 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1290704 to the Department of Consumer Affairs by Mabu, LLC, Inc., d/b/a Madaleine Mae, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.
Committee: 8-1-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: 2728 Broadway (104th – 105th Street.)

Full Board Vote: 27 In favor 2 Against 6 Abstentions 0 Present

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

On July 8th, Community Board 7's Transportation Committee conditionally **approved** (9-1-0-0) renewal application DCA# 1221141 to the Department of Consumer Affairs by Tokyo Pop, LLC, d/b/a Tokyo Pop, for a two-year consent to operate an unenclosed sidewalk café with 17 tables and 34 seats, pending spot inspections over the summer and immediate removal of the sandwich boards outside the café.

These inspections have found the café is not in compliance with its permit and continues to place signs outside the café, blocking the sidewalk.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** renewal application DCA# 1221141 by Tokyo Pop.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Transportation

Re: 366 Columbus Avenue (77th - 78th Streets.)

Full Board Vote: 29 In favor 5 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new/Change of Ownership application DCA# 1282506 to the Department of Consumer Affairs by Shake Shack 366 Columbus, LLC, d/b/a Shake Shack, for a two-year consent to operate an enclosed sidewalk café with 12 tables and 34 seats.

Committee: 9-1-0-0.

RESOLUTION

Date: September 2, 2008

Committees of Origin: Transportation and Parks & Preservation

Re: Broadway Malls at West 79th, 86th and 91st Streets.

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

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

NYC Transit has proposed raising the grates in the Broadway Malls in three locations – West 79th Street, West 86th Street, & West 91st Street - to prevent flooding of the Broadway IRT West Side Line during heavy rainstorms.

This design also includes the placement of bicycle racks on the Broadway Malls over the existing gratings, and includes the placement of curved benches to accommodate wheelchair users.

The Broadway Mall Association has and continues to be opposed to the placement of bike racks and the curved benches, believing that the design does not complement the Malls, but rather, stands out as not in keeping with the traditional design.

Many community residents have expressed similar opinions.

The enlarged grate areas will result in less room at the intersections for the traditional benches.

The MTA is mandated to make ADA accessible any improvements or changes it makes to existing facilities.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan has no opposition to the raising of the grates at West 79th Street, West 86th Street, and West 91st Street in the Broadway Malls; and

BE IT FURTHER RESOLVED THAT Community Board 7 **disapproves** the design and placement of the bicycle racks and the curved benches for these locations; and

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan urges the MTA & the Department of Parks to work out a formula for straight benches at these three locations, incorporating the area encroached upon by the enlarged grates and curved benches into a formula whereby this area's square footage can be re-distributed at the end of the malls to allow for straight benches, allowing room for a wheelchair, if necessary.

Joint Committees: 13-0-2-0. Board Member: 0-1-0-0.

RESOLUTION

Date: September 2, 2008

Committees of Origin: Transportation and Parks & Preservation

Re: 39 West 76th Street (Central Park West-Columbus Avenue.)

Full Board Vote: 13 In favor 16 Against 5 Abstentions 0 Present – Resolution not adopted.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the change in the front area and railing of 39 West 76th Street so that it lines up with adjacent buildings on the block.

Joint Committees: 10-2-2-0. Board Member: 1-0-0-0.

Substitute resolution to disapprove not adopted: 17-12-7-0.

Therefore, no action was taken.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Parks & Preservation

Re: 116 West 71st Street.

Full Board Vote: 29 In favor 1 Against 1 Abstention 0 Present

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

The applicant did not present any proposed materials or color samples to the Parks & Preservation Committee of Community Board 7/Manhattan.

The proposed changes to the front façade of the building were too vaguely described, and too preliminary, and the drawings presented contained too many errors, for the Committee to reach a conclusion as to the appropriateness of the proposed façade changes.

The Committee believes that the proposed fenestration on the new rear extension, consisting largely of double and triple casement windows with transom-type glass panels above, all in wood frames, bears no relationship to the historic character of the building or of the Historic District, and consists of undistinguished architecture at best, but can be considered minimally appropriate solely because the rear façade is not visible from any public way.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **disapproves** the proposed renovation of the front façade of 116 West 71st Street, but **approves** the proposed rear-yard extension.

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

RESOLUTION

Date: September 2, 2008

Committee of Origin: Parks & Preservation

Re: 163 West 78th Street, Rodeph Sholom School.

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

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

The proposed rooftop addition is minimally visible from any public way and will be faced in a gray, cementitious-colored material that should minimize its visibility.

Several neighbors who attended the July, 2008 meeting of the Parks & Preservation Committee of Community Board 7/Manhattan at which the applicant presented its plans advised the Committee that 163 West 78th Street is one of eight townhouses that were originally built as a harmonious group, and that the front doors of four of those houses are intact, and the same as the pair of front doors currently in place at 163 West 78th Street.

The applicant represented to the Committee that if it could reasonably confirm that its current front doors match those used in the original design of the four neighboring houses, it would change the proposal for its front doors as presented to the Committee to provide that the front doors would be restored rather than replaced.

The Committee also requested that in such circumstances the applicant also replace the recently-installed front doors at its two contiguous buildings at 165 and 167 West 78th Street with matching historically accurate doors.

The Committee believes that the other proposed changes to the front façade, which are restorative, are appropriate to the historic character of the building and of the Historic District.

The Committee believes that the proposed rear-yard extension, which is not visible from any public way, including its fenestration and its “green wall”, while different from the historical rear-yard architecture of the building and of the Historic District, is well-designed and under the circumstances is reasonably appropriate to the building and to the Historic District.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan approves (except, consistent with the above, it approves restoration rather than replacement of the front door) the restoration of the front façade, replacement of front door, enlargement of existing penthouse addition to accommodate an indoor play space, enlargement of existing footprint of existing one-story gymnasium at 163 West 78th Street.

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

RESOLUTION

Date: September 2, 2008

Committee of Origin: Parks & Preservation

Re: 117 West 81st Street.

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

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

The applicant advised the Parks & Preservation Committee of Community Board 7/Manhattan, that it has received a Certificate of No Effect with regard to the proposed changes to the front façade, and accordingly the Committee takes no position with regard to those specific changes, though it applauds the applicant for restoring the stoop.

The applicant presented to the Committee several materials and color samples that the Committee considered appropriate for the proposed scope of work.

The applicant advised the Committee that the expanded penthouse on the roof will expanded toward the rear of the building, rather than toward the front.

Although the rear-yard extension will be visible from a public way because of the unusual street condition along West 82nd street where there is an open lot adjacent to the police precinct, and although it bears limited relationship to the historic character of the building and of the Historic District, the Committee believes that the materials are appropriate and that the design constitutes pleasing and well-thought out architecture reasonably appropriate to its location at the rear of the building.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **approves** the expansion of the penthouse level and roof terrace, exterior restoration and new windows on front façade and rear-yard addition at 117 West 81st Street.

Committee: 4-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 1900 Broadway (63rd-64th Streets.)

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

The applicant did not attend the Committee meeting.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application to the New York State Liquor Authority by Sushi A Go-Go Operating Corporation, d/b/a Sushi A Go-Go, for a two-year on-premises liquor license.

Committee: 6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 127 West 72nd Street (Columbus-Amsterdam Avenues.)

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

The applicant did not attend the Committee meeting.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application to the New York State Liquor Authority by Kaya NY Corporation, d/b/a Penang, for a two-year on-premises liquor license.

Committee: 6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 380 Columbus Avenue (78th-79th Streets.)

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

The applicant did not attend the Committee meeting.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application to the New York State Liquor Authority by Roma 380 Equities, d/b/a Kama Lounge, for a two-year on-premises liquor license.

Committee: 6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 170 West 75th Street, a.k.a. 311 Amsterdam Avenue.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by Fusha Japanese Restaurant Inc. d/b/a to be determined, for a two-year on-premises liquor license.

Committee: 4-0-1-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 226 West 79th Street (Amsterdam Avenue-Broadway.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by Bagicha NY Inc., d/b/a Bagicha Restaurant & Lounge, for a two-year on-premises liquor license.

Committee: 5-0-1-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 505 Columbus Avenue (84th-85th Streets.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan approves new application to the New York State Liquor Authority by Kefi LLC., d/b/a Loft Restaurant & Lounge, for a two-year on-premises liquor license.

Committee: 5-1-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 507 Columbus Avenue (84th-85th Streets.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by Japanese Restaurant, d/b/a to be determined, for a two-year on-premises liquor license.

Committee: 6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 924 Columbus Avenue (105th-106th Streets.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by Sasa's Lounge Inc., d/b/a to be determined, for a two-year on-premises liquor license.

Committee: 5-1-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 999 Columbus Avenue (109th-110th Streets.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by Soundslot Inc. , d/b/a La Negrita, for a two-year on-premises liquor license, pending an amendment to the application to include the type of music and if live music were offered, then the windows and doors had to be shut after 11PM.

Committee:6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 2425 Broadway (251 West 89th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by 2425 Broadway LLC, d/b/a name to be determined, for a two-year on-premises liquor license.

Committee:6-0-0-0.

RESOLUTION

Date: September 2, 2008

Committee of Origin: Business & Consumer Issues

Re: 392 Columbus Avenue (79th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application to the New York State Liquor Authority by JDM Partners, Inc., d/b/a name to be determined, for a two-year on-premises liquor license.

Committee: 6-0-0-0.