

RESOLUTION

Date: March 3, 2009

Committee of Origin: Land Use

Re: 40 West 68th Street (Central Park West-Columbus Avenue.) Application to the Board of Standards & Appeals by York Preparatory School for a lot coverage variance to allow the expansion of the school.

**Full Board Vote: 16 In favor 11 Against 6 Abstentions 2 Present
(The resolution was not adopted.)**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application by York Prep Realty, LLC for a lot coverage variance at 40 West 68th Street.

Committee: 4 3-1-2. Board Members: 0-1-1-1.

York Prep Realty LLC ("Realty"), the owner of the real property located at 40 West 68th Street, New York, New York on which York Preparatory School is located, has applied for a BSA variance to permit the construction of 2,427 square feet on its zoning lot. The addition would not be visible from a public street but would 11 in currently vacant triangular areas on either s of the existing school. A plan showing the proposed addition is annexed to this resolution.

The purposes of the proposed addition, according to the applicant, are to (1) provide on-site space for the operation of the school's "Jump Start" program, which is offered to approximately 25% of the school's students with special educational needs; (2) to provide a nurse's office, which presently does not exist; and (3) to provide a small grandstand area for spectators within its gym.

The project is opposed by neighbors, including one or more neighbors in the building immediately to the west of the school, who have terraces which would about the proposed addition; and neighbors at 27 West 67th Street, one or more of whom have windows and/or a yard facing the rear of the proposed addition.

In order to approve a variance, BSA is required to make five separate findings and CB7 has recorded separate votes with respect to each finding, as well as a vote with respect to approval of the variance. The votes are as follows:

Full Board Vote on Finding A: 23 In favor 5 Against 4 Abstentions 2 Present

Be it resolved that the applicant has the requirements of Finding A, that there are unique physical conditions, including irregularity, narrowness or shallowness, etc.

Committee: 6-0-2 2. Board Members: 0-1-1-0.

Full Board Vote on Finding B: 18 In favor 10 Against 5 Abstentions 2 Present

The text of the required finding reads, in pertinent part, that "because of such physical conditions, there is no reasonable possibility that the development of the zoning lot with strict

conformity to the provisions of this resolution will bring a reasonable return." CB7 believes that the variance will substantially further the educational mission of York Prep by providing on-site facilities for the substantial portion of York Prep's students with special education needs, but defers to SBA with respect to the legal conclusion as to whether this satisfies the requirements of Finding B.

Committee: 6-0-2-2. Board Members: 0-1-2-0.

Full Board Vote on Finding C: 17 In favor 10 Against 6 Abstentions 2 Present

Finding C: Be it resolved that the Applicant has met the requirements of Finding C, "that the variance as granted will not alter the essential character of the neighborhood and [will] not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare."

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

Full Board Vote on Finding D: 18 In favor 8 Against 7 Abstentions 2 Present

Be it resolved "that the Applicant has met the requirements of Finding D, "that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or a predecessor of title..."

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

Full Board Vote on Finding E: 20 In favor 6 Against 6 Abstentions 2 Present

Be it resolved that the Applicant has met the requirements of Finding E "...the variance, if granted, is the minimum... necessary to afford relief..."

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

RESOLUTION

Date: March 3, 2009

Committee of Origin: Transportation

Re: 480 Amsterdam Avenue (West 83rd Street.)

Full Board Vote: 31 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1307588 to the Department of Consumer Affairs by 480 Rest Amsterdam, Inc., d/b/a Soldier McGee, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Committee: 6-2-1-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Transportation

Re: 722 Amsterdam Avenue (West 95th Street.)

Full Board Vote: 32 In favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1307957 to the Department of Consumer Affairs by Best Boat Seafood restaurant, Inc., d/b/a Charm Thai Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Committee: 7-1-1-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Transportation

Re: 423 Amsterdam Avenue (West 80th Street.)

Full Board Vote: 32 In favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application and Petition to Modify DCA# 0981250 to the Department of Consumer Affairs by BSWR Corp., d/b/a Sarabeth's, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Committee: 8-1-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Transportation

Re: 476 Amsterdam Avenue (West 83rd Street.)

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1218332 to the Department of Consumer Affairs by Upper West Restaurant Corp., d/b/a Fred's, for a two-year consent to operate an unenclosed sidewalk café with 22 tables and 44 seats.

Committee: 9-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Transportation

Re: MTA services cuts.

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

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

New Yorkers in general and Upper West Siders in particular, rely on public transportation as one of the basic services that makes their lives economically viable, as well as convenient and pleasurable, and

Our subway and bus routes are our equivalent of private automobiles, and

Due to declining subsidies over many years from the City & State of New York, the MTA finds itself in a fiscal crisis, with declining revenues and spiraling pension costs as well as debt service, and

New York has 2/3 of the transit users in the entire United States, with everyone benefitting from a robust, frequent, reasonably-priced transportation system, including automobile users, and

The MTA has proposed slashing many important services throughout the transit system, including many in Community Board 7, including elimination of the M10 bus route, elimination of overnight service on the M66, M79, M96, severing the M104 at Times Square, cutbacks on spans of service of the M104, M20, M11, revision of subway loading guidelines to 125% of seated load in off-peak hours, resulting in less-frequent service and more packed trains, change in overnight subway service from every 20 minutes to every 30 minutes (50% cut in service), and many more city-wide which will affect every subway & bus user, and

In addition, it is proposed to eliminate many station customer agent (SCA) positions, which will endanger the lives of many subway users, as well as remove the eyes and ears of a human presence in many stations, encourage fare evasion, vandalism & crime, as well as make it impossible to enter with wheelchairs, luggage, or oversized packages.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan abhors these proposed service cuts as attacks on the New York way of life, and demands that our State & City legislators come up with a package of proposals to eliminate any service cuts, as well as lessen any proposed fare hikes, either by means of the Ravitch Commission recommendations, or a combination of the Ravitch Commission recommendations, in conjunction with a return of the commuter tax, an improved congestion pricing plan, or Comptroller Thompson's weight-based charge on vehicles, and

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan decries the attack on our most vulnerable citizens who utilize Access-a-Ride, and demand that any increase in the cost of the paratransit system be commensurate with any increase in the fare for all other citizens utilizing our transit system.

Committee: 9-0-0-0. Public: 33-0-0-0 (sense of the room)

RESOLUTION

Date: March 3, 2009

Committee of Origin: Business & Consumer Issues

Re: 380 Columbus Avenue (West 78th Street.)

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application to the SLA for a two-year liquor license by P&G Café LLC, d/b/a P&G Bar & Grill.

Committee: 6-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Parks & Preservation

Re: Riverside Park South - Pier I Cafe.

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/Manhattan believes that the proposed final design for the accessory service/comfort station building for the Pier I Café in Riverside Park South at 70th Street is appropriate to its location and reasonably designed for its intended functions.

The Committee urges the concessionaire and the Department of Parks & Recreation (DRP) to take all possible steps to connect the accessory service/comfort station building, most particularly the comfort station, to the New York City sewage system, rather than permanently relying on on-site storage of waste and periodic pumping of the waste.

At the presentation of the proposed final designs to the Committee at its February, 2009 meeting, representatives of Riverside Park South management and members of the Committee expressed concerns about safety issues arising from the proposed design of a long metal scrim, intended as a sun screen, approximately eight feet in front of the food service building, which, as presented, would be open at both ends. DPR, as the applicant for the project, with the assent of the concessionaire, agreed and committed to the Committee that it would revise the design for the scrim to include permanent barriers at either end, in materials consistent with the materials of the scrim and of the food service building, that can and would (along with the sliding doors in the scrim) be closed when the café is closed for the day or for the season, in order to protect park user safety. DPR and the concessionaire also agreed to return, if necessary, to the New York City Design Commission, to present this change and seek its permission for it. With that change in design, the Committee believes that the food service building is appropriate to its location and reasonably designed for its intended functions.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed final design for the accessory service/comfort station building at the Pier I Café, Riverside Park South.

Committee: 7-0-0-0.

BE IT FURTHER RESOLVED THAT, based on, and in reliance on, the design change with regard to securing the scrim element of the food service building described above, Community Board 7/Manhattan **approves** the proposed final design for the food service building at the Pier I Café, Riverside Park South.

Committee: 7-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Parks & Preservation

Re: 56 West 66th Street, ABC Armory (Columbus Avenue.)

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

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

Community Board 7/Manhattan, previously, in May, 2006, approved the existing cooling tower equipment that had been installed by ABC as an emergency measure.

The Parks & Preservation Committee of Community Board 7/Manhattan, believes that lowering the existing equipment by 26 inches is very desirable. The Committee also believes that either of the two proposed finish colors proposed for the equipment – a “rotary” finish on the existing steel, or new gray paint – is, under the specific circumstances presented, reasonably appropriate to the historic character of the building, which is an Individual Landmark, as is the proposed modification as a whole.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed modifications to the HVAC cooling tower at the ABC Armory at 56 West 66th Street.
Committee: 7-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Parks & Preservation

Re: 118 West 79th Street, Apt #15AB (Columbus Avenue.)

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

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

The proposed windows will be of the same color and materials as existing replacement windows on the building's primary façade, and will be double-hung, as are such other existing windows on the primary façade, and as are the windows that they will replace.

The proposed windows and through-the-wall air conditioners are on a secondary façade.

The Parks & Preservation Committee of Community Board 7/Manhattan, believes that the proposed windows and through-the-wall air conditioners are 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 proposed window replacements and through-the-wall air conditioners at 118 West 79th Street.

Committee: 6-0-1-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Parks & Preservation

Re: 49 West 94th Street (Columbus Avenue – Central Park West.)

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/Manhattan, believes that the beige paint on the façade of the building, with white trim, and the similarly painted raised flowerbed, and the replaced lantern-type lighting, are reasonably appropriate to the historic character of the building and of the Historic District.

The applicant agreed and committed to the Committee at its February, 2009 meeting to repaint the window sash on the façade black (from the recently painted white), which the Committee believes is appropriate to the historic character of the building and the Historic District.

THEREFORE, BE IT RESOLVED THAT, based on, and in reliance on, the design change with regard to repainting the window sash in black described above, Community Board 7/Manhattan **approves** the proposed paint colors of the façade, raised flowerbed and replaced lighting.

Committee: 7-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Steering

Re: Request for Leave of Absence by Daniel Meltzer.

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request for a Leave of Absence from Full Board meetings from March through May 2009 by Daniel Meltzer.
Committee: 13-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Steering

Re: Request for Leave of Absence by George Zeppenfeldt-Cestero.

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request for Leave of Absence during March 2009 by George Zeppenfeldt-Cestero.
Committee: 13-0-0-0.

RESOLUTION

Date: March 3, 2009

Committee of Origin: Business & Consumer Issues

Re: 100 West 72nd Street (Columbus Avenue).

Full Board Vote: 31 In favor 0 Against 0 Abstentions 1 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the Department of Consumer Affairs for a new cabaret license and change of name by Green Mountain Productions, LLC., d/b/a Columbus 72.

Committee 5-0-0-1.