

RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: Proposal by Broadway Malls Association for exhibit of sculptures by Carole Eisner.

Full Board Vote: 36 In favor 0 Against 0 Abstentions 1 Present

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

Community Board 7/Manhattan welcomes temporary public art exhibits within its District, so long as the works do not present any issue of public safety.

The proposed exhibit of sculptures by Carole Eisner on the Broadway Malls, including several sculptures that would be placed at locations within Community Board 7/Manhattan's District, is scheduled for September 7 through November 30, 2009.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the installation of the sculptures by Carole Eisner on the Broadway Malls on the dates requested.
Committee: 8-0-0-0.

RESOLUTION

Date: May 5, 2009

Committees of Origin: Parks & Preservation and Land Use

Re: 15 West 68th Street (Central Park West). Application#09-3804 to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution

Full Board Vote: 32 In favor 1 Against 4 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 heard this application at three separate regularly scheduled monthly meetings. During the course of that time, the applicant returned with additional information and more detailed plans at the request of the Committee.

The building is larger and grander than a typical Upper West Side townhouse, employing substantial use of marble, decorative iron work and other vulnerable materials on its façade.

The front façade is virtually intact, though many of its elements are in need of restoration. Complete restoration, as essentially proposed by the applicant, would be very expensive and involve many specialized skills. The Committee believes the restoration plan proposed by the applicant exceeds the normal obligation of an owner in the Historic District.

The Committee believes that the proposed handicapped-accessible door opening at the eastern bay of the building (to be converted from a ground level window opening) is (subject to the applicant's agreement described below as to the exterior-mounted push-pad and door handle) reasonably appropriate to the historic character of the building and of the Historic District.

The Committee believes that the maintenance provisions of the proposed Restrictive Declaration are reasonable under the circumstances.

The Committee believes that, on balance, although this is not a typical application for use of the Section 74-711 device, Section 74-711 is appropriately applied to this situation.

Representatives of the applicant, on behalf of the applicant, committed to the Committee at its April 13, 2009 meeting to make the following changes in the proposed design and the proposed Restrictive Declaration respectively presented to the Committee at that meeting:

- (1) The exterior surface-mounted pad necessary for automatic operation of the outward-opening accessible door proposed for the eastern bay of the building will be mounted in a bronze frame and have a bronze push-pad (to the extent permitted by law), and the handle for the door will be bronze. (None of these elements is depicted on the drawings shown to the Committee.)
- (2) The applicant will use its best efforts to effect a change the language in the Restrictive Declaration with regard to "force majeure" to make it consistently clear that "force majeure" does include any condition or situation that is in part or whole the fault of or under the control of the Declarant.
- (3) The applicant will use its best efforts to effect a change in the language in Article IV, 2 ("Notices") of the Restrictive Declaration to add in substance the following language: "Copies of all notices, demands, requests, consents, waivers, approvals and communications given in connection with this Declaration shall be provided by the same means of transmission to Community Board 7/Manhattan, 250 West 87th Street, New York, NY 10024 (fax: 212 595-9317, mail@cb7.org) (or its then-official address, fax number and/or e-mail address).
- (4) The applicant will use its best efforts to effect a change in the language in Article II (e) of the Restrictive Declaration to eliminate Section 2(e)(i) in its entirety as not relevant to the proposed Special Permit use and to eliminate the reference to "tenant work" in Section 2(e)(ii) as also not relevant to the proposed Special Permit use.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request that the Landmarks Preservation Commission issue a report to the City Planning Commission under Section 74-711 of the Zoning Resolution subject to the agreements on behalf of the applicant described above.

Joint Committees: 7-0-3-0.

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RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: 15 West 68th Street (Central Park West). Application#09-7587 to the Landmarks Preservation Commission to modify a window opening to accommodate an at-grade entrance.

Full Board Vote: 34 In favor 0 Against 3 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 recognizes that the proposed use of the building for which the applicant seeks approval in its accompanying application under Section 74-711 of the Zoning Resolution would require providing a handicapped-accessible entrance.

Representatives of the applicant, on behalf of the applicant, committed to the Committee at its April 13, 2009 meeting to make the following changes in the proposed design for the new doorway presented to the Committee at that meeting: The exterior surface-mounted pad necessary for automatic operation of the outward-opening door will be mounted in a bronze frame and have a bronze push-pad (to the extent permitted by law), and the handle for the door will be bronze. (None of these elements is depicted on the drawings shown to the Committee.)

The Committee believes that the proposed new door, subject to the provisions that the applicant has agreed to as described above, is 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 handicapped-accessible door opening at 15 West 68th Street, subject to the provisions agreed to by the applicant as described above.

Committee: 8-0-1-0. Board Member: 1-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: 105 West 77th Street (Columbus Avenue.)

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

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

The Parks & Preservation of Community Board 7/Manhattan believes that the proposed ameliorations to the current existing condition – consisting of removing the roll-down gate, removing paint from the brownstone flanking the entrance, lowering and changing the design of the awing and facing the stairs with synthetic brownstone will all result in conditions that 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 design elements described above for the storefront at 105 West 77th Street.
Committee: 8-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: 22 West 89th Street, The Dwight School (Central Park West.)

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

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

A substantial number of neighbors of the applicant attended the April 13, 2009 meeting of the Parks & Preservation Committee of Community Board 7/Manhattan, and/or the Full Board meeting on May 5, 2009, and expressed their opposition to the bulk of the proposed rear-yard addition, and to the proposed rear-yard addition and rooftop structures as infringing on the “doughnut” of the buildings (primarily townhouses) on the blocks between Central Park West and Columbus Avenue on West 88th and 89th Streets. Some such neighbors also expressed concerns about proposed materials and design.

The Dwight School has a history of seeking and obtaining discretionary agency permission for successive additions to its properties (to which this townhouse is a recent contiguous addition), which history concerns the Committee, the Full Board and the members of the community who attended the April 13, 2009 meeting and/or May 5, 2009 meeting. It appears to have made representations in connection with such prior applications that it would keep its student population at approximately 350, which representations it appears to have violated by increasing its student population to approximately 500.

The Parks & Preservation Committee of Community Board 7/Manhattan believes that the materials, design and bulk of the proposed rear-yard addition and rooftop structures are inappropriate to the historic character of the building and of the Historic District, and is concerned about the substantial infringement on the “doughnut” of this block. The materials proposed, consisting primarily of an orange stucco façade with large windows on a stone base for the rear-yard addition, and orange stucco for the rooftop bulkhead, as well as a black chain-link fence at the roof, are not typical of historic materials in this context. Further, the “doughnut” in this block is largely intact, though it has been infringed by the prior Dwight School addition to the immediate east of this site. The proposed rear-yard addition, built full to all three lot lines, and effectively two above-ground stories, would carry that infringement further to the west, and would have a substantial negative effect on the immediate neighbors and negatively impact the entire doughnut.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the proposed rear-yard addition and rooftop structures (bulkhead and canopy) at the Dwight School, 22 West 89th Street.
Committee: 9-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: 315 Central Park West, Montessori School (West 91st Street.)

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:

The proposed access ramp will be on West 91st Street, which is not the building's primary façade. The ramp is proposed for a tenant school in the interior space.

The proposed ramp will have a granite base and decorative iron railing that will be of the same design vocabulary, but less ornate than, similar iron work at the Central Park West entrance.

The Parks & Preservation Committee of Community Board 7/Manhattan believes that the proposed ramp is reasonably appropriate to the historic character of the building and of the Historic District.

The Committee strongly recommends that the applicant replace the metal security gates at this entrance with a wrought iron gates of similar design to that of the proposed railing.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves the proposed access ramp at the 91st Street façade of 315 Central Park West.**

Committee: 9-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Parks & Preservation

Re: 230 West 103rd Street, the Marseilles (Broadway – West End Avenue.)

Full Board Vote: 33 In favor 1 Against 0 Abstentions 2 Present

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

This building, the Marseilles, is an Individual Landmark.

The windows were previously, in a 1980 alteration, replaced with metal windows, thus compromising to some extent the original designs.

The proposed designs, with their heavier extruded aluminum profile, while not in wood and not restoring the original appearance of certain of the windows, are less historically inappropriate than the existing replacement windows.

The Parks & Preservation Committee of Community Board 7/Manhattan believes that the proposed window replacements are reasonably appropriate to this Individual Landmark.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed window replacement at 230 West 103rd Street (the Marseilles).

Committee: 8-0-0-0.

RESOLUTION

Date: May 5, 2009

Committees of Origin: Transportation and Green

Re: West 75th Street Block Association.

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

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

The West 75th Street Block Association, wishing to promote pedestrian safety along their street and protect the many older residents and children who cross the intersections along West 75th St., have requested curb extensions on West 75th Street at every intersection between Riverside Drive and Central Park West.

Members of the Block Association and supporters of its proposal testified about number of accidents, including at least one fatality, as the result of speeding vehicles on the side streets and explained the ways they felt curb extensions would minimize those dangers by slowing down vehicular traffic, narrowing the intersections and allowing the crossing pedestrian more opportunity to see on-coming traffic and to be seen.

Representatives from NYC DOT stated that curb extensions are complicated and costly construction projects, requiring detailed surveys and planning.

The Transportation Committee wishes to study the larger community board district to determine other locations that could benefit from curb extensions, with special attention to dangerous intersections and those located near senior citizen centers and schools.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan endorses curb extensions as a way to promote pedestrian safety and encourages the West 75th Street Block Association to continue their community outreach and planning and discussions with DOT and the Committee, and

BE IT FURTHER RESOLVED Community Board 7/Manhattan requests DOT, in consultation with CB7 and the West 75th Street Block Association, to immediately begin putting in place the type of temporary improvements it is promoting in Times Square and Herald Square, including the use of composite gravel, planters and paint on the streets to outline the curb extension without major construction, and the implementation of increased "day lighting," at intersections, i.e., banning automobile parking within 10 ft. of the crosswalk and use of signage to slow down traffic and improve sight-lines for safety, and.

BE IT FURTHER RESOLVED Community Board 7/Manhattan will form a sub-committee to work with DOT to study and identify appropriate locations in CD7 where curb extensions would promote pedestrian safety, including but not limited to West 75th Street.

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

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 220 West 107th Street, Ascension School (Broadway – Amsterdam Avenue.)

Full Board Vote: 33 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request to the Department of Transportation by Ascension School for a street closure Mondays through Fridays, from 10:30am – 1:30pm during the school year on West 107th Street between Broadway and Amsterdam Avenue, with the condition that school personnel close and open the block, and monitor it when it is closed.

Committee: 10-0-0-1. Board Members: 4-0-0-0. Public Members: 4-0-0-0.

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 392 Columbus Avenue (West 79th 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# 1311855 to the Department of Consumer Affairs by JDM Partners, Inc., d/b/a Ducale Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 19 tables and 36 seats.

Committee: 8-0-0-0. Board Members: 2-0-0-0. Public Members: 2-0-0-0.

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 507 Columbus Avenue (West 84th – 85th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** assignment of Consent/Renewal application DCA# 1311949 to the Department of Consumer Affairs by Cheng Du, LLC, d/b/a Akai Lounge, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats. *Committee: 7-1-1-0. Board Members: 1-1-0-0. Public Members: 2-0-1-0.*

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

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

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1025224 to the Department of Consumer Affairs by Surtic, Inc., d/b/a Citrus, for a two-year consent to operate an unenclosed sidewalk café with 19 tables and 42 seats.

Committee: 8-0-0-0. Board Members: 2-0-0-0. Public Members: 2-0-0-0.

COMMUNITY BOARD 7  Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 485 Columbus Avenue (West 83rd -84th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1249725 to the Department of Consumer Affairs by Cilantro West, LLC, d/b/a Cilantro, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0. Public Members: 2-0-0-0.

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 2745 Broadway (West 105th Street)

Full Board Vote: 33 In favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** renewal application DCA# 1025180 to the Department of Consumer Affairs by Grillo, LTD, d/b/a Henry's, for a two-year consent to operate an unenclosed sidewalk café with 32 tables and 94 seats, with the condition that they stay within the café boundaries.

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 2020 Broadway (West 69th Street.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0769760 to the Department of Consumer Affairs by First 69th Street Realty Corp., d/b/a Westside Restaurant, for a two-year consent to operate an enclosed sidewalk café with 17 tables and 34 seats.
Committee: 6-1-0-0. Board Member: 1-0-0-0. Public Members: 2-0-0-0.

COMMUNITY BOARD 7 Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Transportation

Re: 2636 Broadway (West 99th –100th Streets.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1169442 to the Department of Consumer Affairs by PS Brothers Gourmet, Inc., d/b/a Indus Valley, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 20 seats.

Committee: 7-1-0-0. Board Members: 1-0-0-0. Public Members: 2-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Youth, Education & Libraries

Re: The Manhattan Borough President's proposal on reforming Community Education Councils.

Full Board Vote: 21 In favor 2 Against 7 Abstentions 0 Present

The State Legislature in 2002 enacted sweeping revisions to the Education Law, granting the Mayor and her/his designees broad power over the governance of New York City Public Schools. Community Board 7/Manhattan adopted a resolution at its February 3, 2009 meeting (the "CB7 Governance Resolution") calling for certain amendments in the State law "to introduce strong checks and balances against unilateral action by the mayor and her/his designees on matters of curriculum and policy," including that the Community Education Councils in each District (which replaced the former community school boards) "report to and be administered by [an] independent agency and authority, and not the DOE".

Manhattan Borough President Scott Stringer has advanced a proposal to reconfigure the CECs so that they report to and receive training and support from their respective Borough Presidents, and to establish uniform procedures for obtaining parent and community input on DOE decisions and initiatives modeled on Community Boards and the uniform land use review process, as explained in his report "A New Day for Parent Engagement" (March 2009).

The Borough President's proposal accomplishes one of the goals of the CB7 Governance Resolution by making the CECs more independent of the DOE while providing these volunteers with support and procedures worthy of their service.

The need for rigorous checks and balances, and greater accountability, called for in Governance Resolution cannot be accomplished solely through the reform and reconfiguration of the CECs, and requires additional action as called for in that resolution.

Based on these facts, be it resolved that Community Board 7/Manhattan:

1. Supports, and calls for the adoption of, the reform and reconfiguration of the CECs as proposed by the Borough President in his report "A New Day for Parent Engagement," and
2. Renews its call for additional legislative action as outlined in CB7's Governance Resolution.

Committee: 6-0-0-0.

RESOLUTION

Date: May 5, 2009

Committee of Origin: Steering

Re: Gun License Renewal.

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 New York State penal law requires that anyone who purchases a gun must obtain a license and NYS provides that license is valid for life, without need for renewal.

New York State requires vehicle drivers to renew their licenses every 8 years and masseuses to reregister annually. Barbers, cosmetologists and security guards have to renew their licenses every 2 years. The following professions/institutions require license renewals every 5 years or less: Nail Specialty, Natural Hair Styling, Waxing, Armored Car Carrier/ Armored Car Guard, Athlete Agent, Bail Enforcement Agent, Contractor, Hearing Aid Dispenser, Home Inspector, Notary Public, Pet Cemeteries, Private Investigator, Real Estate Professionals, Security or Fire Alarm Installer, Telemarketer Business, Ticket Reseller and Watch, Guard, or Patrol Agencies.

On this second anniversary of the Virginia Tech shooting, we are reminded that the shooter purchased guns without a background check which would have shown that the shooter had a documented history of mental illness.

New York City requires expiration and renewal of gun licenses every three years and this would not be pre-empted by the following laws.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports NYS Senator Eric Schneiderman's Bill S1598-A and the Assembly Bill A801-A, which require the expiration and renewal of certain firearms (handguns) outside NYC every 5 years, and

BE IT FURTHER RESOLVED THAT CB7 supports the Senate and Assembly Bill's 5-year expiration and renewal process which requires that, "...an investigation must be conducted by law enforcement officers to verify that all statements in the applicant's license application are true. Typically, the investigating officer interviews the references named in the application. In addition, records of the department of mental hygiene must be made available for inspection by such officer and fingerprints must be taken from the applicant in order to conduct a criminal history check," and,

BE IT FURTHER RESOLVED THAT Bills S1598-A and A801-A would not pre-empt the stronger NYC law.

Committee: 11-0-0-0. Board Members: 5-0-0-0.

COMMUNITY BOARD 7  Manhattan

RESOLUTION

Date: May 5, 2009

Committee of Origin: Steering

Re: Request for a leave of absence by Alberto Cruz.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request for a leave of absence by Alberto Cruz through August 2009.

Committee: 11-0-0-0. Board Members: 5-0-0-0.