

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation

Re: Protected bike lanes on Amsterdam and Columbus Avenues.

Full Board Vote: 28 In favor 7 Against 2 Abstentions 0 Present

Protected bike lanes have brought measurable safety improvements to other neighborhoods in Manhattan.

Many members of the Upper West Side public, business community, and elected officials have all expressed support for protected bike lanes in petitions, surveys, letters, and public testimony.

Community Board 7 wishes to encourage safe responsible cycling in, to, and from this district.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the Department of Transportation's initiative to create protected bike lanes and requests that DOT prepare a proposal for Class 1 protected bike lanes on Amsterdam Avenue and Columbus Avenue (including information on projected impacts on: bike safety, pedestrian safety, business operations and interests, parking, truck traffic, etc.) that would be subject to review and comment by Community Board 7.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation

Re: Winter's Eve at Lincoln Square.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application to the Mayor's Office of Special Events by Lincoln Square Business Improvement District's for an event on November 30, 2009, Broadway & Columbus Avenue between West 58th – 68th Streets.
Committee: 10-0-0-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation

Re: 12 West 96th Street (Central Park West.)

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

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** request to the Department of Transportation by 12 West 96th Street Corp. to allow the building to have a 7-foot “No Parking” zone in front of building entrance.

Committee: 10-1-1-0. Board Members: 0-6-0-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation

Re: Columbus Avenue and West 61st – 62nd Street, NY Institute of Technology.

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the petition to the Department of Transportation by New York Institute of Technology requests a revocable consent to construct, maintain and use existing Empire City Subway outside conduit underground infrastructure to connect the NYIT location at 1855 Broadway to the new NYIT leasehold at 1871 Broadway for Network connectivity purposes.

Committee: 10-0-0-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Land Use

Re: 2162-2166 Broadway, New York Sports Club (West 76th – 77th Streets.)

Full Board Vote: 35 In favor 0 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application 1016-86-BZ to the Board of Standards and Appeals by Opera Owners Inc. for a special permit to allow the continued operation of a physical culture establishment / health club.

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

RESOLUTION

Date: October 6, 2009

Committees of Origin: Land Use joint with Parks and Preservation

Re: 161 West 78th Street (Columbus-Amsterdam Avenues.)

Full Board Vote: 29 In favor 6 Against 1 Abstention 0 Present

The owners of a five-story brownstone at 161 West 78th Street seek a bulk modification to permit the construction of a partial sixth floor addition. The proposed structure would sit back 15 feet from the building line on West 78th Street and 14.5 feet from the building line in the rear (44.5 feet from the property line). The roof of the structure would be approximately two feet higher than the top of the current stair bulkhead on the roof, but would occupy a larger footprint. A skylight in the proposed structure would extend another three feet in height.

The proposed structure would be invisible from any vantage point on the street on the 78th Street side. The rear faces a 15-story apartment building which is separated from the brownstone by 60 feet of combined rear yards. Thus, the proposed structure would be approximately 74.5 feet from the apartment building.

The applicant originally sought and obtained a building permit from the Department of Buildings. This was later revoked on the basis of the application by DOB to this situation of a recent decision of the Board of Standards and Appeals in a different case interpreting the so-called Sliver Law, which law had been enacted primarily to avoid aesthetically displeasing and out-of-proportion sliver buildings visible from the street. Following disapproval from the Department of Buildings, the applicant sought the present special permit under §74-711 of the Zoning Resolution, which requires findings by both the Landmarks Preservation Commission (“LPC”) and City Planning (“CPC”).

LPC required findings:

Under §74-711 (applicable to special permit requests in Historic Districts), the LPC must certify that a program has been established for continuing maintenance that will result in the preservation of the subject building ... and that ... such restorative work required under the continuing maintenance program, contributes to a preservation purpose. LPC must also issue a certificate of appropriateness (or other document) “stating that such bulk modifications relate harmoniously to ... buildings in the historic district ...”

Following the initial application to LPC, Community Board 7 (“CB7”) recommended against issuance of affirmative findings by LPC, principally on the grounds that the proposed maintenance plan was not extraordinary, that there did not appear to be a reasonable tradeoff for the additional bulk and that CB7 was concerned that the use of § 74-711 in this circumstance would invite its overuse

Subsequent to CB7’s determination, and prior to its final presentation to LPC, the applicant modified its preservation plan for the front facade, principally by switching from a stucco-type surface to replacement and resurfacing using brownstone-like materials similar to the original brownstone materials. With this change, LPC made the findings required by Section 74-711 and approved the bulk modification from a landmarks perspective.

Required CPC Finding:

In addition to findings required by LPC, in order to grant a §74-711 special permit, CPC must find that such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.

The applicant provided shadow studies at the joint meeting of the CB7 Land Use and Parks and Preservation Committees, and argued that there would be extremely limited, if any, incremental shadow impact by the proposed addition on West 78th Street or on the apartment building facing the rear of the subject brownstone. Residents of the apartment building informed CB7 that a garden previously constructed in the apartment house’s rear yard currently does not receive any substantial sunlight due to rooftop additions to

buildings east and west of 161 West 78th Street, including a building owned by Congregation Rodeph Sholom. These residents nevertheless opposed the proposed rooftop addition.

The rooftop addition would bring the height of 161 West 78th Street into approximate conformity with the height of several brownstones immediately to the east and west. Because of the minimal incremental shadow effect and the fact that the addition would be invisible to anyone standing in front of the building or on West 78th Street, Community Board 7 finds that the proposed modification would have a minimal adverse effect, as required by the Zoning Resolution.

a. THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application for a bulk modification pursuant to 74-711 at 161 West 78th Street; and

BE IT FURTHER RESOLVED, while Community Board 7 continues to be concerned about potential overuse of 74-711 in future situations, this approval is based on the unique circumstances of this application, as set forth above, and should not be taken as precedent for any future applications pursuant to this or other sections of the Zoning Resolution.

Joint Committees: 6-3-1-0. Board Member: 1-0-0-0.

b. BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #C 100012 ZSM to the City Planning Commission by 161 West 78th Street LLC for a special permit pursuant to ZR Section 74-711 to permit the construction of a setback one-story rooftop addition.

Joint Committees: 6-3-1-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Parks & Preservation

Re: 123 West 69th Street (Columbus Avenue –Broadway.) Application to the Landmarks Preservation Commission for façade restoration.

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

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

The Parks & Preservation Committee of Community Board 7/Manhattan, believes that the proposed cast brownstone balusters and railing for the front stoop are reasonably appropriate to the historic character of the building and of the Historic District.

The Committee applauds the applicant for restoring the stoop, but also suggests that the applicant refine the design of the balusters to more fully suggest the stone elements it attempts to replicate.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed balusters and railing for the stoop at 123 West 69th Street.

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

RESOLUTION

Date: October 6, 2009

Committee of Origin: Parks & Preservation

Re: 100 West 72nd (Columbus-Amsterdam Avenues.) Application to the Landmarks Preservation Commission for a roof-terrace.

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

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

The proposed penthouse addition will be minimally visible from any public way, and the material that will be visible is relatively unobtrusive.

The Parks and Preservation Committee of Community Board 7/Manhattan believes that the proposed roof terrace at 100 West 72nd Street 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 roof terrace at replacement windows at 100 West 72nd Street.

Committee: 7-0-1-0. Board Member: 1-0-0-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Parks & Preservation

Re: 115 West 85th Street (Columbus Avenue.) Application to the Landmarks Preservation Commission for a penthouse addition, a 2-story addition at rear yard, and an enlargement of the area-way at the street-front of the building.

Full Board Vote- A: 28 In favor 0 Against 0 Abstentions 0 Present

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

Full Board Vote- C: 22 In favor 12 Against 0 Abstentions 0 Present

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

The applicant committed to the Parks and Preservation Committee of Community Board 7/Manhattan to change the design of the proposed plant bed to recess it so that its top is at the sidewalk level, thus matching the level of the plant bed at 117 West 85th Street.

The proposed penthouse addition will be minimally visible from any public way, and the material that will be visible is relatively unobtrusive.

Some members of the Committee believe that the “conservatory” design of the fifth floor level of the rear-yard addition is an inappropriate amalgam of “conservatory” design and masonry design, and urged the applicant either to anchor that level of the addition with masonry corners or to more strongly emphasize its glass elements. Nevertheless, a majority of the Committee believe that the entire rear-yard addition is reasonably appropriate as presented.

The Committee thus believes that each element of the application is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT:

A. Subject to the commitment by the applicant as described above regarding the plant bed, Community Board 7/Manhattan **approves** the proposed changes to the areaway at 115 West 85th Street. *Committee: 8-0-0-0. Board Member: 1-0-0-0.*

B. Community Board 7/Manhattan **approves** the proposed penthouse addition at 115 West 85th Street. *Committee: 8-1-0-0. Board Member: 1-0-0-0.*

C. Community Board 7/Manhattan **approves** the proposed rear-yard addition at 115 West 85th Street. *Committee: 5-3-0-0. Board Member: 0-1-0-0.*

RESOLUTION

Date: October 6, 2009

Committee of Origin: Parks & Preservation

Re: 102 West 75th Street Apt #66 (Columbus-Amsterdam Avenues.) Application to the Landmarks Preservation Commission for a window replacement.

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 conclusion:

The applicant agreed to correct the drawing submitted to reflect that the head detail should match the jamb detail as drawn.

The proposed windows will match those on the adjacent apartment on the same floor, which is the only floor with curved top windows.

The Parks and Preservation Committee of Community Board 7/Manhattan, believes that the proposed curved top aluminum replacement windows, with wood brick moulds, 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 replacement windows at 102 West 75th Street.**

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

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation Committee

Re: Unenclosed Café Renewal Applications:

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

- **1900 Broadway (West 63rd -64th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0895613 to the Department of Consumer Affairs by Coastal at Lincoln, Inc., d/b/a Josephina, for a two-year consent to operate an unenclosed sidewalk café with 17 tables and 35 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **229 Columbus Avenue (West 70th-71st Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1186113 to the Department of Consumer Affairs by Flej, Inc., d/b/a Pomodoro Rosso, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **424 Amsterdam Avenue (West 80th – 81st Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1075283 to the Department of Consumer Affairs by Café Con Leche, Inc., d/b/a Café Con Leche, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **428 Amsterdam Avenue (West 80th – 81st Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1039396 to the Department of Consumer Affairs by Amsterdam Avenue Brother Jimmy's LLC, d/b/a Brother Jimmy's, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 20 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **473 Columbus Avenue (West 82nd-83rd Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1008999 to the Department of Consumer Affairs by Club America, Inc., d/b/a Assaggio, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **215 West 85th Street (Amsterdam Avenue – Broadway.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1250443 to the Department of Consumer Affairs by 2350 Broadway Rest. Corp., d/b/a Dean's Pizzeria Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

- **568 Amsterdam Avenue (West 87th – 88th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1273996 to the Department of Consumer Affairs by Mermaid 88, LLC, d/b/a Mermaid Inn, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

▪ **Re: 2724 Broadway (West 104th-105th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1132659 to the Department of Consumer Affairs by Hot Bread of 104th Street, Inc., d/b/a Hot & Crusty Bakery, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 30 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

▪ **Re: 1018 Amsterdam Avenue (West 109th-110th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1133929 to the Department of Consumer Affairs by Skipwell, Corp., d/b/a Bistro Ten 18, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 26 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.

▪ **364 West 110th Street (West 109th-110th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1039389 to the Department of Consumer Affairs by Spoonbread, Inc., d/b/a Miss Mamie's, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 11-1-0-0. Board Members: 4-0-0-0.



RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation Committee

Re: Enclosed Café Renewal Applications:

Full Board Vote: 28 In favor 8 Against 2 Abstentions 0 Present

▪ **269 Columbus Avenue (West 72nd – 73rd Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0695954 to the Department of Consumer Affairs by 269 Columbus Restaurant, Inc., d/b/a The City Grill, for a two-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.

Committee: 10-2-0-0. Board Members: 3-0-0-0.

▪ **320 Columbus Avenue (West 75th – 76th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0738544 to the Department of Consumer Affairs by 320 Columbus Avenue, Inc., d/b/a Mughlai Indian Cuisine, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 26 seats.

Committee: 10-2-0-0. Board Members: 3-0-0-0.

▪ **2161 Broadway (West 76th – 77th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0917302 to the Department of Consumer Affairs by Broadway 76 Ltd., d/b/a Niko's Mediterranean Grill & Bistro, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 30 seats.

Committee: 10-2-0-0. Board Members: 3-0-0-0.

▪ **477 Amsterdam Avenue (West 82nd – 83rd Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0885881 to the Department of Consumer Affairs by 83rd Amsterdam Restaurant Corp., d/b/a High-Life Bar & Grill, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.

Committee: 10-2-0-0. Board Members: 3-0-0-0.

▪ **2791 Broadway (West 107th – 108th Streets.)**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0735569 to the Department of Consumer Affairs by Indian Food International, Inc., d/b/a Indian Cafe, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 52 seats.

Committee: 10-2-0-0. Board Members: 3-0-0-0.

RESOLUTION

Date: October 6, 2009

Committee of Origin: Business & Consumer Issues

Re: 429 Amsterdam Avenue (West 80th 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 429 Amsterdam Ave LLC, d/b/a Taberna. *Committee: 5-0-0-0.*

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation Committee

Re: 226 West 79th Street (Broadway.)

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 Moo Life Corp, d/b/a Sunburnt Calf. *Committee: 5-0-0-0.*

RESOLUTION

Date: October 6, 2009

Committee of Origin: Transportation Committee

Re: 160 Freedom Place (West 66th 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 Jonah Phillips 160 Restaurant Concepts LLC, d/b/a “To Be Determined”.
Committee: 5-0-0-0.