

**Joint Preservation and Transportation Committees  
Community Board 7/Manhattan  
Resolution Concerning Streetscape Design for Columbus Avenue between 76th-77th Streets  
July 9, 2012**

**Full Board Vote: 34 In Favor 0 Against 0 Abstaining 1 Present**

This resolution is premised upon the following facts:\*

The play yard of the Department of Education's O'Shea Complex occupies the streetscape on the west side of Columbus Avenue between West 76th to 77th Streets. The sidewalk is bordered by a chain-link fence enclosing the play yard. The fence is in serviceable but visually poor condition.

The block is included in the Upper West Side-Central Park West Historic District.

The Columbus Avenue Business Improvement District has developed a master plan to improve the appearance and appeal of the avenue within the borders it serves. Phase One of the master plan involves improvements to the streetscape in front of the play yard fence at the O'Shea Complex.

The streetscape improvement proposed by the Columbus Avenue BID includes:

- new planting beds along the fence side of the sidewalk on this block, in an undulating/curved pattern, to be planted with a mix of shade and other trees as well as other plantings;
- seating placed within the recessed portion of the curved planting beds, part of a Department of Transportation initiative to install similar benches at locations around New York City;
- solar-powered lighting recessed into and installed flush with the sidewalk and aligned to follow the curve of the planters;
- expanded planting areas and plantings within the existing tree pits on the curb side of the sidewalk;
- Two 5' x 20' "bioswales" at the north and south ends of the block, designed to help capture and manage storm water on-site.

The plantings along the fence will not materially interfere with the ability of parents, police and others to see into the play yard.

The Columbus Avenue BID will continue to maintain the planting beds, bioswale and expanded tree pits along with the other plantings it manages along the run of the avenue in its district.

The elements of the proposed streetscape design are sufficiently appropriate to the character of the Historic District, and will be a visual improvement over the current condition that will enhance the overall appearance and appeal of the block.

NOW, THEREFORE, Community Board 7/Manhattan approves phase one of the Columbus Avenue BID's streetscape design and improvement of the west side of Columbus Avenue between West 76th and West 77th Streets, and finds that it is reasonably appropriate to the Upper West Side-Central Park West Historic District.

Full Board vote: 34-0-0-1

Vote of combined Preservation and Transportation Committees: 10-0-0-0

Vote of non-committee board members at the joint committee meeting: 4-0-0-1

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Housing**

**Re: NYS Supreme Court Appellate Division decision in Denza v. Independence Plaza Associates allowing the deregulation of rent-stabilized units upon retroactive repayment of J-51 benefits.**

**Full Board Vote: 22 In Favor 5 Against 2 Abstentions 0 Present**

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

- In 2005, the Independence Plaza North Tenants Association filed suit against their landlord in which they argued that hundreds of units were illegally deregulated while they continued to receive J-51 benefits.
- In 2010, a State Supreme Court Justice found that all tenants who had moved into Independence Plaza before March 2006 were rent-stabilized.
- On April 3, 2012 an appellate division court reversed the lower ruling and held that soon as an owner takes a building out of Mitchell-Lama or a similar program, any J-51 tax benefits end along with the tenants' J-51 stabilized rents.
- The tenants are now seeking permission from the NY State Courts of Appeals to appeal that ruling.
- Recent pleadings in London Terrace Gardens LP v. the City of New York et al. have sought guidance from the courts to clarify the J-51 laws in light of the IPN and Roberts v. Tishman Speyer Properties LP rulings.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan urges the New York Court of Appeals to hear these pending appeals on the grounds that this case represents an issue of vital importance that is worthy of finality and clarity for the sake of all parties involved.

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

**RESOLUTION**

**Date: July 9, 2012**

**Committees of Origin: Transportation and Youth, Education & Libraries**

**Re: Department of Design and Construction school safety project at MS54, Ascension School, and Collegiate School.**

**Full Board Vote: 28 In Favor 0 Against 0 Abstentions 0 Present**

The following facts were taken into account:

- The Department of Design & Construction and the NYC Department of Transportation identified 135 schools that had the most accidents involving children and had the greatest need for safety travel corridors.
- Three of these schools, located in MCD7, were selected for the first phase of design implementation: IS54 - Booker T. Washington School, Ascension School, and Collegiate School. All will have curb extensions and school crosswalk markings installed at 12 nearby intersections to improve safety for students traveling to and from school.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the DDC/DOT proposal, as presented, and

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan asks DDC/DOT to involve MCB7 earlier in the process of selection and design of future school safety implementations associated with this initiative in order to improve future designs and to allow community input.

*Joint Committees: 13-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committees of Origin: Transportation and Youth, Education & Libraries**

**Re: 160 West 78<sup>th</sup> Street, PS 87 William T. Sherman (Columbus-Amsterdam Avenues.)**

**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 temporary play street will provide students with the much-needed opportunity to be out-of-doors on school days while the PS87 school yard is closed due to reconstruction.
- PS87 parents and staff have done extensive notification to the block about the committee and full board hearings.
- The school agrees that those operating the barriers will have cell phones or other devices to communicate with a central number at the school that residents can call when an Access-a-Ride van or other vehicle needs access to the block.
- The school agrees to disseminate widely the designated phone number for this to block residents.
- Community Board 7 will work with the Department of Sanitation on street cleaning schedules.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** request to the NYC Department of Transportation by PS87 for a temporary play street during portions of school days from 11:00AM until 2:15PM, starting in September 2012 and continuing through the end of the construction in the West 77<sup>th</sup> Street school yard, expected to be completed in or about January 2013.

*Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Land Use and Preservation**

**Re: 159 West 78<sup>th</sup> Street (Columbus-Amsterdam Avenues.) Application to the Board of Standards & Appeals for a Multiple Dwelling Law waiver to permit the construction of a rooftop addition.**

**Full Board Vote: 29 In Favor 0 Against 0 Abstentions 0 Present**

This resolution is based on the following facts:

- a.** The application seeks to add a rooftop addition that would be appurtenant to and enlarge an existing 4<sup>th</sup> floor apartment at the 159 West 78<sup>th</sup> Street (the "Site"). The building as currently configured is a four-story plus basement non-fireproof structure built as a single-family townhouse ca. 1900, which was converted to a multiple dwelling with five apartments (one per floor).
- b.** A waiver from BSA under Section 310 of the Multiple Dwelling Law ("MDL") is required because the proposed addition would violate Section 171.2(f) of the MDL in that the enlargement exceeds 25% of the 4<sup>th</sup> floor. The Department of Buildings has determined that the proposed addition would not violate the Sliver Law, and there is sufficient FAR to allow the enlargement.
- c.** The proposed project would enhance certain safety features of the building, including installing: (a) sprinklers on the 4<sup>th</sup> and proposed rooftop floors, adding to the sprinkler system that covers the common areas; (b) non-combustible gypsum cement board cladding on all stair treads and risers throughout the building; (c) porcelain tile flooring in hallways; (d) fire-resistant gypsum board on the underside of existing staircases and landings; (e) fireproof self-closing doors to all apartments and the cellar.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan:**

- 1. Finds that the fire and other safety improvements included in the proposal are consistent with the spirit and intent of the MDL and would enhance and preserve public health, safety and welfare and substantial justice; and
- 2. Takes **no position** on whether the current conditions satisfy the statutory requirement that "compliance with the strict letter of this chapter causes any practical difficulties or unnecessary hardships."

*Preservation and Land Use Committees: 9-0-0-0. Non-Committee Board Member: 0-0-0-1.*

**RESOLUTION**

**Date: July 9, 2012**

**Committees of Origin: Preservation and Land Use**

**Re: 159 West 78<sup>th</sup> Street (Columbus-Amsterdam Avenues.) Application to the Landmarks Preservation Commission for construction of a rooftop addition; front façade, fourth floor window replacement; and rear façade, fourth floor window replacement.**

**Rooftop - Full Board Vote: 29 In Favor 0 Against 0 Abstentions 0 Present**

**Front façade and window disapproval - Full Board Vote: 25 In Favor 0 Against 3 Abstentions 0 Present**

**Rear façade and window - Full Board Vote: 26 In Favor 1 Against 2 Abstentions 0 Present**

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

**a. Rooftop addition.**

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

- The roof of the addition sits 16'-10" back from the front façade and 4 feet back from the rear façade.
- The addition's front and back facades are clad in medium gray cement board resembling wood siding, framing large single-pane aluminum-framed windows and sliding doors.
- The rooftop addition is not visible from the street.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rooftop addition 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 rooftop addition.

*Preservation and Land Use Committees: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**b. Front façade, fourth floor window replacement.**

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

- The three existing double-hung wood windows are nine-over-one. Although not original to the building, they match all the other existing windows in the front façade.
- The proposed replacement windows are one-over-one double-hung wood windows.

The Preservation Committee of Community Board 7/ Manhattan believes that, in the absence of a Master Plan to replace all of the front façade windows to one-over-one double-hungs, the proposed design of the replacement windows for the fourth floor front is not reasonably appropriate to the historic character of the building and of the Historic District. The Committee strongly recommends that the building develop a Master Plan for window replacement

Date: July 9, 2012

Re: 159 West 78th Street (Columbus-Amsterdam Avenues.) Application to the Landmarks Preservation Commission for construction of a rooftop addition; front façade, fourth floor window replacement; and rear façade, fourth floor window replacement.

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THEREFORE, BE IT RESOLVED THAT, in the absence of a Master Plan for front facade window replacement, Community Board 7/ Manhattan **disapproves** the proposed fourth floor front replacement windows.

*Preservation and Land Use Committees: 6-2-1-0. Non-Committee Board Member: 1-0-0-0.*

**c. Rear façade, fourth floor window replacement.**

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

- The rear façade is composed of a mixture of window and door types, including nine-over-nine double-hung, tri-partite single pane windows, and single-pane glass doors.
- The replacement windows will be aluminum-clad single pane wood casement windows, white in color to match the other existing rear façade windows.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design of the replacement windows for the fourth floor front 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 fourth floor rear replacement windows.

*Preservation and Land Use Committees: 5-2-2-0. Non-Committee Board Member: 0-0-1-0.*



**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Preservation**

**Re: 25 Central Park West (West 63rd Street.) Application to the Landmarks Preservation Commission for revised window master plan for installation of through-wall air conditioners.**

**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:

- There will be two widths of through-wall air conditioners, small (36" wide) and large (42" wide) to be installed under smaller and larger windows at specified locations.
- The position of each new through-wall air conditioner opening will be consistent within each vertical row of windows, as specified in the overall design.
- The air conditioner grilles will be frameless "architectural" style, horizontal linear grilles. They will be installed flush with the outer face of the building.
- The grilles will be aluminum with a baked-enamel finish, colored to match the specific area of brick within the façade.
- There will be different sections of the architectural grilles to match the different sections of the façade masonry. Grilles will be flat when they are installed within flat brick or cast stone, shaped (i.e. moving in and out) when they are installed within shaped brick.
- All new air conditioners will be installed through-wall.
- As existing window air conditioners require repair, they will be removed, replaced with new through-wall air conditioners.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed installation of new through-wall air conditioners 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 revised window master plan for the installation of through-wall air conditioners.

*Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0.*



## RESOLUTION

**Date: July 9, 2012**

**Committee of Origin: Preservation**

**Re: 43 West 70<sup>th</sup> Street (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission for reconstruction of the front stairs and entry, extension of the rear portion of the lowest three floors, and a rooftop addition.**

**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 conclusion:

- The existing multi-unit building will be returned to a single family dwelling.
- a. Front façade and front stoop:**
- The three upper floors of the front facade will be stripped of peach-colored paint, re-faced in brown stucco to recreate the original brownstone details.
  - The missing architectural detail will be restored and the brownstone repaired at the bottom two floors, modeled on neighboring buildings of the same original design.
  - All existing one-over-one double hung wood windows will be replaced with new one-over one wood windows, painted black.
  - An L-shaped stoop will be constructed of concrete faced in brown stucco, to match the design of the original stoop.
  - The original Parlor Floor entry will be recreated. A new pair of glazed front doors will be installed, using re-claimed or new pair to match the original doors.
- b. Rear façade and rear yard:**
- The bottom three floors will be extended out 4 feet to the 30-foot setback line. The three story extension will be clad in red brick.
  - The existing rear-yard addition will remain. It will be re-clad in matching red brick, with a vertical band of light grey limestone at the inner corner. The existing window openings will be enlarged at the rear and side.
  - The fourth floor rear façade will remain in its original plane, with the masonry stripped and repointed.
  - All rear facade windows will be aluminum-clad wood casements and doors, off-white/light gray in color.
  - A “temporary” greenhouse, already approved by DOB, will be installed at the Basement level, extending out into the rear yard.
  - The Cellar will be excavated 3’-7” down to increase the headroom of both the Basement and Cellar floors. Excavation work and concrete pours will be done in phases to minimize the possibility of damage to adjacent structures.

Date: July 9, 2012

Re: 43 West 70<sup>th</sup> Street (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission for reconstruction of the front stairs and entry, extension of the rear portion of the lowest three floors, and a rooftop addition.

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- The Cellar area will be extended to the rear by excavating the rear yard out to 4 feet from the rear property line.
- The rear yard will be paved, with plantings at the rear and in around the sides.

**c. Rooftop addition:**

- A small stucco-faced rooftop addition (the bulkhead to a large stair landing) will be constructed, with a rear deck with hot tub, and roof-mounted air conditioning units.
- The addition will not be visible from the street.
- The front roof will be leveled, raised 1'-6", but still concealed behind the existing street façade's cornice.

The Preservation Committee of Community Board 7/ Manhattan believes that the design for the reconstructed front stairs and entry, the extension of the rear portion of the lowest three floors, and the rooftop addition are all 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 reconstruction of the front stairs and entry, extension of the rear portion of the lowest three floors, and the rooftop addition.

*Preservation Committee: 5-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Preservation**

**Re: 53 West 88<sup>th</sup> Street (Central Park West-Columbus Avenue.) Application to the Landmarks Preservation Commission for approval of a new stoop that has been constructed.**

**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 conclusion:

- The existing building is part of a 16-unit brownstone developer's "terrace", comprised of 6 different façade designs arranged in a complicated rhythm. 14 of the original units remain, in varying condition.
- The LPC Designation Report description states that number 53 was one of four units designed in its particular style. Number 43 was designed in the same style.
- The existing stoop was modeled on the design of the existing stoop at 43 West 88<sup>th</sup> Street.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new stoop 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 new stoop as constructed.

*Committee: 4-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Preservation**

**Re: 63 West 89<sup>th</sup> Street (Central Park West-Columbus Avenue.) Application to the Landmarks Preservation Commission for replacement of three windows on the basement and first floor with a combination of one double door and windows and replacement of one window enlarged in the rear.**

**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 conclusion:

- At the existing Basement and Parlor Floor levels, the two existing pairs of double-hung windows and brick cladding sections below will be removed to create a single large opening, extending down to the ground. The width of the new opening will remain the same.
- The original limestone lintel at the Parlor floor will be retained.
- New steel-clad French doors, with fixed and operable window units above will be installed within the enlarged opening. Each door or window unit will be multi-paned, separated by horizontal muntins.
- An existing window opening at the side of the existing rear yard addition will be extended down to the ground. A new black steel window of similar design with “doggy door” will be installed.
- The railing on top of the existing rear yard addition will be replaced with glass panels on a stone or cast stone coping.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new windows in the rear façade 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 rear window replacement.

*Committee: 4-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Business & Consumer Issues**

**Re: 722 Amsterdam Avenue (West 95<sup>th</sup> Street.)**

**Full Board Vote: 31 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application to the State Liquor Authority for a two-year liquor license by Opai Thai Inc, d/b/a Opai Thai.

*Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Business & Consumer Issues**

**Re: 994 Columbus Avenue (West 109<sup>th</sup> Street.)**

**Full Board Vote: 32 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license by d/b/a To Be Determined.

*Committee: 7-0-0-0. Non-Committee Board Members: 3-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Business & Consumer Issues**

**Re: Unenclosed Café Renewal Applications.**

**Full Board Vote: 0 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following unenclosed café renewal applications:

- **433 Amsterdam Avenue** (West 81<sup>st</sup> Street.) Renewal application DCA# 1027125 to the Department of Consumer Affairs by Haru Amsterdam Avenue, Corp., d/b/a Haru, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 22 seats.  
*Committee: 6-1-0-0. Non-committee Board Members: 4-0-0-0.*
- **570-572 Amsterdam Avenue** (West 88<sup>th</sup> Street.) Renewal application DCA# 1419343 to the Department of Consumer Affairs by Rancho Vida, LLC, d/b/a Mamajuana Café, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.  
*Committee: 7-0-0-0. Non-committee Board Members: 4-0-0-0.*



**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Business & Consumer Issues**

**Re: 269 Columbus Avenue (West 72<sup>nd</sup> – 73<sup>rd</sup> Street.)**

**Full Board Vote: 25 In Favor 3 Against 3 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new application DCA# 1423787 to the Department of Consumer Affairs by 72<sup>nd</sup> & Columbus Restaurant, LLC, d/b/a Columbus Tavern, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats, on the condition that the restaurant must adhere to the 9-foot café depth.

*Committee: 5-2-0-0. Non-Committee Board Members: 2-0-2-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Business & Consumer Issues**

**Re: 426 Amsterdam Avenue (West 80<sup>th</sup> – 81<sup>st</sup> Street.)**

**Full Board Vote: 31 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1428051 to the Department of Consumer Affairs by Lukes Lobster III, LLC, d/b/a Lukes Lobster, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.

*Committee: 6-1-0-0. Non-Committee Board Members: 4-0-0-0.*

**RESOLUTION**

**Date: July 9, 2012**

**Committee of Origin: Health & Human Services**

**Re: NY City Council Res. No. 687.**

**Full Board Vote: 30 In Favor 0 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **supports** the NY City Council resolution 687 urging the NYC Congressional Delegation and the President to stop cuts to the Community Services Block Grant Program.

*Committee: 5-0-1-0.*