

## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Parks & Environment**

**Re: Riverside Park. The Department of Parks & Recreation's reconstruction of, and changes to, the active recreation area adjacent to the West 102<sup>nd</sup> Street Field House in Riverside Park.**

**Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present**

**Committee: 6-0-0-0. Non-Committee Board members: 2-0-0-0**

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

The Department of Parks & Recreation is in the final stages of renovating the West 102nd Street Field House, transforming it into a space for programming and special events, a Department maintenance office, sports equipment storage, and a year-round public restroom facility, with an expected completion date of late summer 2019. To the immediate west of the Field House is a small active recreation area that includes a basketball court and two concrete volleyball/multi-use courts. This area is currently in disrepair, and the volleyball courts are reportedly little used.

The Department of Parks & Recreation proposes to renovate this active recreation area. Among the planned changes:

- The volleyball courts will be eliminated and the single basketball court will be expanded to two courts as the area is currently underserved for basketball (the closest basketball courts are at 110th Street in Riverside Park).
- Modular and moveable seating will be added to the area in front of the Field House, allowing for a variety of stage and seating configurations.
- Cafe tables and benches will be introduced and locked inside the Field House after hours, making the area accessible to multiple community visitors and suitable for events and programming.
- A hi-low drinking fountain with a water-bottle filler will be installed.
- Decorative pavement will be installed that will replicate the Robert Moses-era palette
- The canopy of London plane trees will be assessed by an arborist to look for surface roots; the pavers in the tree pits will not be removed.

The overlook terrace will not be affected by the construction, as a waterproofing membrane was previously installed to prevent leaking and damage.

The location is currently not in a flood zone or in a 50-year flood zone projection area.

The project is fully funded by the Riverside Park Conservancy.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan approves the request by Department of Parks & Recreation for renovations to the recreational area immediately adjacent to the West 102nd Street Field House. This work, it is noted, must also gain the approval of the Landmarks Preservation Commission.

## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Transportation**

**Re: Newsstand, SEC Broadway & West 85<sup>th</sup> Street.**

**Full Board Vote: 26 In Favor 2 Against 5 Abstentions 0 Present**

*Committee: 7-0-1-0. Non-Committee Board Members: 1-0-1-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application # 18507-2018-ANWS to the Department of Consumer Affairs by Madiha Shahid to construct and operate a newsstand on the Southeast Corner of Broadway and West 85<sup>th</sup> Street.

**RESOLUTION**

**Date: April 2, 2019**

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

**Re: 44 West 63<sup>rd</sup> Street** (aka 1889 Broadway)

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new applications to the SLA for a two-year liquor license by Boucherie Lincoln Center LLC, d/b/a Boucherie Lincoln Center.

## RESOLUTION

**Date: April 2, 2019**

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

**Re: 239 West 105<sup>th</sup> Street (Broadway)**

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new applications to the SLA for a two-year liquor license by Miss Ye Food Service Inc, d/b/a Szechuan Garden.

## RESOLUTION

**Date: April 2, 2019**

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

**Re: 917 Columbus Avenue (West 105<sup>th</sup> Street)**

**Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

The applicant did not attend the meeting;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the Class Change Application to the SLA for a two-year liquor license by Tien Giang Restaurant Corp., d/b/a Mekong, to upgrade to full on-premises license.

## RESOLUTION

**Date: April 2, 2019**

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

**Re: Renewal Unenclosed Sidewalk Cafés:**

**Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present**

**Committee: 7-0-0-0.**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following Renewal Unenclosed Sidewalk Café Applications:

- **428 Amsterdam Avenue** (West 80<sup>th</sup> – 81<sup>st</sup> Street.) Renewal application # 2036320-DCA to the Department of Consumer Affairs by Upper West Hospitality, LLC. d/b/a Crave Fishbar, for a four-year consent to operate an unenclosed sidewalk café with 12 tables and 20 seats.
- **494 Amsterdam Avenue** (West 84<sup>th</sup> Street.) Renewal application #1207810-DCA to the Department of Consumer Affairs by PQ West 84<sup>th</sup>. Inc.. d/b/a Le Pain Quotidien, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 6 seats.
- **2479 Broadway** (West 92<sup>nd</sup> – 93<sup>rd</sup> Street.) Renewal application #1278350-DCA to the Department of Consumer Affairs by Katouna. Inc.. d/b/a Perfecto Pizzeria, for a four-year consent to operate an unenclosed sidewalk café with 12 tables and 48 seats.
- **201 West 95<sup>th</sup> Street** (Amsterdam Avenue.) Renewal application #1282774-DCA to the Department of Consumer Affairs by 201 Rest. 95<sup>th</sup> St Corp. d/b/a Buceo 95, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.
- **2607 Broadway** (West 98<sup>th</sup> – 99<sup>th</sup> Streets.) Renewal application #1345744-DCA to the Department of Consumer Affairs by Workhorse Restaurant, Inc., d/b/a Regional, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.
- **2745 Broadway** (West 105<sup>th</sup> – 106<sup>th</sup> Streets.) Renewal application #1025180-DCA to the Department of Consumer Affairs by Grillo, LTD. d/b/a Henry's. for a four-year consent to operate an unenclosed sidewalk café with 21 tables and 62 seats.
- **936 Amsterdam Avenue** (West 106<sup>th</sup> Street.) Renewal application #2042354-DCA to the Department of Consumer Affairs by Amsterdam GS Cooperation, d/b/a The Ellington, for a four-year consent to operate an unenclosed sidewalk café with 26 tables and 56 seats.

## RESOLUTION

**Date: April 2, 2019**

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

**Re: Sidewalk Cafe Renewal/Modifications:**

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following Unenclosed Sidewalk Café Renewal/Modifications Applications:

- **960 Amsterdam Avenue** (West 107<sup>th</sup> – 108<sup>th</sup> Streets.) Renewal/Modification application #1275484-DCA to the Department of Consumer Affairs by Thai Market, Inc.. d/b/a Thai Market, for a four-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.
- **1018 Amsterdam Avenue** (West 110<sup>th</sup> Street.) Renewal/Modification application #2050848-DCA to the Department of Consumer Affairs by Madrel, LLC, d/b/a Marlow Bistro, for a four-year consent to operate an unenclosed sidewalk café with 30 tables and 58 seats.

**RESOLUTION**

**Date: April 2, 2019**

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

**Re: 412 Amsterdam Avenue** (West 79<sup>th</sup> – 80<sup>th</sup> Streets.)

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application #1307-2019-ASWC to the Department of Consumer Affairs by Bettola NYC. Corp., d/b/a Bettola, for a four-year consent to operate an unenclosed sidewalk café with 13 tables and 26 seats.





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## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Steering**

**Re: Rental Demonstration Program (RAD) at NYCHA.**

**Full Board Vote: 29 In Favor 0 Against 4 Abstentions 0 Present**

*Committee: 18-0-0-0. Non-Committee Board Members: 4-0-0-0.*

The New York City Housing Authority (NYCHA) was created in 1934 in response to a citywide housing crisis. NYCHA is the largest public housing agency in the United States with over 179,000 apartments across 334 developments. It is the City's largest landlord. Nearly all of the developments were built with Federal funding from the US Department of of Housing and Development (HUD) and rely on HUD for capital maintenance and repairs.

There are 8 developments that receive no direct Federal funding, these are referred to as unfunded units. These units, originally funded by City and State, cost about \$23 million per year to operate and now have \$1 billion in capital needs. They are Murphy, Baychester, Independence Towers, Williams Plaza, 344 East 28<sup>th</sup> Street, Wise Towers, Boulevard and Linden.

During the decade following 2001, Federal funding fell short of expected levels. By 2013, the cumulative operating subsidy loss was \$1 billion.

HUD funds NYCHA through Section 9 of the United States National Housing Act (Section 9) of 1937. Section 9 is a funding source that is used solely to fund Public Housing. NYCHA under this program is not allowed to tap into private funding sources.

HUD funds a rental housing assistance program for low-income households through payment vouchers to private landlords through Section 8 of the US National Housing Act of 1937. The Section 8 Housing Voucher Program (Section 8) is a funding source that allows that allows private landlords to charge rents at fair market rates to qualified low income tenants, by using a subsidy which pays the difference between the resident's responsibility (30% of their income) and the fair market rent.

In 2012 HUD created the Rental Assistance Program (RAD). RAD permits public housing authorities to convert the funding that supports a development from the public housing subsidy (Section 9) to the Section 8 Voucher Program.

The De Blasio administration's NYCHA 2.0 strategic plan created a new preservation initiative, the Permanent Affordability Commitment Together (PACT), to convert 62,000 units to alternative private management under Section 8 funding. NYCHA has issued a request for proposals (RFP) for financing, tenant-in-place rehabilitation, property management, and social services delivery to facilitate conversions from the public housing program. Once NYCHA selects a developer the two parties enter into a long-term lease agreement for the land and improvements, which must be approved by both the New York City Housing Development Corporation (HDC) and HUD. Under this lease agreement NYCHA participates in the ownership structure, reserves approval and removal rights, it also requires separate agreements to govern resident rights and to satisfy HUD regulations.

The RFP lays out the selection criteria and process to evaluate each proposal submitted by the deadline. However, the RFP does not state that tenant leaders or community stake holders, such as community based organizations located in NYCHA facilities, at the affected buildings will be given any say in the evaluation process. HUD states that resident input at this stage is permitted and residents and their leaders are the most qualified to speak about existing building conditions and what they want addressed by the selected developer.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests that NYCHA make the proposed evaluation and selection process transparent by actively consulting and surveying residents

250 West 87<sup>th</sup> Street New York, NY 10024-2706

Phone: (212) 362-4008 Fax:(212) 595-9317

Web site: [nyc.gov/mcb7](http://nyc.gov/mcb7) e-mail address: [office@cb7.org](mailto:office@cb7.org)

and local community stake holders including community based organizations located in the NYCHA facilities at the affected buildings giving them a say in the selection process.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan requests that NYCHA accept a statement of needs to be used when evaluating the bids which has been created with the active participation of residents and local community stake holders.

BE IT FURTHER RESOLVED that Manhattan Community Board 7 requests that NYCHA revises its current Manhattan **PACT** RFP into smaller bundles that are more neighborhood specific; for example, East Harlem, Central Harlem, West Harlem, Washington Heights, Upper West Side and Kips Bay. This is beneficial to the **PACT** program because it will 1) fulfill its commitment under the RAD Roundtable Agreement to fully engage with and listen to residents and community based organizations located in the NYCHA facilities throughout the process; and 2) is an opportunity to attract higher quality bidders with demonstrated experience in successfully completing complex, localized rehabilitation projects.

## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin:** Housing

**Re: Resolution Supporting the Housing Justice for All Campaign's Universal Rent Control Legislative Platform.**

**Full Board Vote: 28 In Favor 2 Against 3 Abstentions 0 Present**

**Committee: 7-0-0-0. Non-Committee Board Members: 2-0-0-0**

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

- Manhattan Community District 7 contained, as of 2016, 29,364 rent stabilized apartments;
- The current renter protection framework for the State of New York is commonly referred to as rent stabilization;
- Rent stabilization was established with the passing of the Emergency Tenant Protection Act in 1974;
- The Emergency Tenant Protection Act only allows local municipalities in Nassau, Westchester, and Rockland Counties and New York City to opt-in to the rent stabilization framework, geographically restricting many tenants across the state from the benefits of rent stabilization;
- In municipalities that have opted in, rent stabilization only applies to buildings with 6 or more units;
- Unlike market-rate tenants, rent-stabilized tenants have a right to a renewal lease, as well as limited rent increases as determined by the Rent Guidelines Board (RGB);
- Since the 2008 financial crisis, buildings are more commonly purchased as investments by large corporate landlords, and tenants who live in them are more at-risk of escalating rents and displacement;
- Since 1974, the rent laws have been weakened with loopholes that incentivize tenant harassment and permit sudden and permanent rent hikes for major capital improvements (MCIs) and individual apartment improvements (IAs); since 1994, the City has lost nearly 300,000 units of affordable, rent-stabilized housing;
- New York State's renter protection framework will expire in June of 2019;
- One such amendment to the rent stabilization laws allowed for vacancy decontrol, a loophole which allows landlords to permanently deregulate apartments once the rent reaches \$2,733 a month and the current occupant leaves the unit;
- Of the nearly 300,000 units of rent stabilized housing that have been lost citywide since 1994, 155,664 were due to high-rent vacancy decontrol;
- New York State Senate Bill S2591 and New York State Assembly Bill A1198 would eliminate vacancy decontrol;
- Under the current rent stabilization laws, landlords receive a 20% "statutory vacancy bonus" every time an apartment turns over. This bonus gives landlords a big incentive to harass and evict long-term tenants. New York State Senate Bill S185 and New York State Assembly Bill A2351 would eliminate the vacancy bonus;
- Under the current rent stabilization laws, landlords are entitled to offer a preferential rent;
- A preferential rent is a discounted rent that tenants pay when the legally registered rent exceeds the actual market value of the apartment;
- When tenants renew their leases, landlords can revert to the higher legal rent, leading to sudden and massive rent hikes. New York State Senate Bill S2845 and New York State Assembly Bill A4349 would mandate that landlords renew rent-stabilized leases with increases, if any, based upon the existing rent level the tenant pays rather than the legal rent;

Date: March 5, 2019

Committee of Origin: Housing

Re: Supporting the Housing Justice for All Campaign's Universal Rent Control Legislative Platform.

Full Board Vote: 28 In Favor 2 Against 3 Abstentions 0 Present

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- Under the current rent stabilization laws, landlords can pass the cost of major capital improvements (MCIs) and individual apartment improvements (IAIs) to their tenants through an additional and permanent charge on top of a tenant's base rent;
- Although in many of these building, systems repairs are necessary—either because the components of a building's infrastructure exceed their useful life as defined by the Division of Housing and Community Renewal or due to years of neglect by the landlord—many landlords often overstate the cost and extent of renovations because they can permanently pass the cost onto their tenants;
- New York State Senate Bill S3693 and New York State Assembly Bill A6322 would eliminates rent increase for major capital improvements and New York State Senate Bill S3770 and New York State Assembly Bill A6465 would repeal provisions of law relating to individual apartment improvement rent increases;
- As rent stabilization only applies to buildings with 6 or more units, tenants in buildings with fewer than 6 units do not have the right to a renewal lease at limited rents. New York State Senate Bill S2892A and Assembly Bill A5030 would extend the lease renewal provisions of rent stabilization to all tenants, and thus, would prevent landlords from evicting tenants without good cause;
- The aforementioned bills are bunched together with other legislative reforms that have not yet been introduced by a state legislator and referred to as “universal rent control,” a phrase popularized by the Housing Justice for All Coalition;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the passage of New York State Senate bills S2591, S185, S2845, S2892A, S3693, S3770; and New York State Assembly bills A1198, A2351, A4349, A5030, A6322, and A6465. We urge the Governor to sign them into law;

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan strongly urges that formerly rent stabilized units that were de-regulated using the aforementioned loopholes be re-regulated;

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan urges legislators in both chambers of the State legislature to draft a bill removing the geographic restrictions in the Emergency Tenant Protection Act, allowing any municipality across the state to opt-in to rent stabilization.

## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Preservation**

**Re: 334 West 84<sup>th</sup> Street (Riverside Drive – West End Avenue.) Modification of the application #LPC-19-35740 to the Landmarks Preservation Commission to construct a bulkhead and pergola, extend a chimney flue, and install an HVAC unit.**

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

**Committee: 4-0-2-0.**

This resolution is premised on the following facts:

The applicant's building is a three-story plus basement brownstone townhouse in a grouping that includes a mirror-image building immediately to the west.

In 2014, CB7 adopted a resolution approving a rooftop addition on this building, to be constructed of stucco with fenestration to the north and south, and with an extended stair bulkhead.

The applicant was advised that the original enclosed rooftop addition is not permitted to be built, and now seeks approval for an unenclosed pergola/shade structure and a stair bulkhead. The stair bulkhead is proposed to be built on the east side of the roof. The proposed pergola will consist of four posts at the corners of the original footprint of the previously approved rooftop addition that will be open to the north, west and south and flanked by the proposed stair bulkhead to the east.

The top of the pergola will consist of two sets of parallel slats forming louvers approximately 8 inches apart and at an angle toward the north to provide shade to the roof deck below. The footprint of the pergola below the shade structure will be clad in epay (ipé), a type of wood. A retaining knee wall will be constructed to the north, set back from the front façade cornice, also in epay (ipé). The rear roofline will include a simple metal post and rail fence set back from the rear façade.

The pergola will be constructed of aluminum beams and posts, and the structure and louvers will be a deep bronze. The stair bulkhead will be clad in stucco that will be a neutral tan color.

The pergola and stair bulkhead will not be visible from the front of the applicant's building, but will be visible through an alleyway between a corner apartment building on Riverside Drive and the first of a row of townhouses to the east.

The proposed pergola will be less intrusive than the previously approved enclosed rooftop addition.

The pergola structure and stair bulkhead are consistent with similar structures built on townhouses within, and are reasonably appropriate to the character of, the Historic District.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the application as presented as reasonably appropriate to the historic character of the Historic District.

## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Preservation**

**Re: 159 West 72<sup>nd</sup> Street, d/b/a Janovic Paints (Amsterdam – Columbus Avenues.) Application #LPC-19-26058 to the Landmarks Preservation Commission to install signage.**

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

**Committee: 6-0-0-0.**

This resolution is premised on the following facts:

The application concerns a two-story commercial building on the north side of West 72 Street amid a series of ground-floor commercial businesses to the east and west.

The existing condition includes a wide panel sign spanning nearly the width of the front façade and situated between the second story bank of casement windows and the top of the roof parapet above the second floor, as well as a smaller panel sign between the first and second floors and a pair of blade signs flanking the second story bank of casement windows. The existing signs prominently feature the Benjamin Moore paint manufacturers, using its signature red and white color scheme, and also include the name of the store's proprietors, "Janovic."

The proposal for new signage includes the following:

- Replacing the panel sign above the second floor with cut-out, back-lit white letters forming the name "Janovic" in sans-serif type.
- Replacing the panel sign between the first and second floors with cut-out white letters forming the name and logo of "Benjamin Moore" in its customary typeface.
- Replacing the blade signs flanking the second story windows with red panels with white letters that read "Benjamin Moore" and "Janovic" in their respective typefaces.

The proposed signs are less intrusive and an improvement over the existing condition, and are situated on a block with no coherent pattern to signage or typefaces.

The proposed signs are reasonably appropriate to the character of the commercial portion of the Historic District in which they are proposed.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the application for new signage as reasonably appropriate to the character of the Historic District.



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## RESOLUTION

**Date: April 2, 2019**

**Committee of Origin: Preservation**

**Re: 150 West 79<sup>th</sup> Street (Amsterdam – Columbus Avenues.) Application #LPC-19-28629 to the Landmarks Preservation Commission to establish a master plan governing the future installation of windows.**

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

**Committee: 6-0-0-0.**

This resolution is premised on the following facts:

The applicant's building is a 12-story apartment building built circa 1911 under the direction of Schwartz & Gross, architects.

The ground and second floors of the building are clad in smooth limestone with a detailed border with intricate stone carving surrounding the main entrance, with the same detailed border pattern also surrounding a bank of four tall thin windows immediately above the main entrance. An ornate pair of brackets support a ledge between the second and third floors immediately above the main entrance further framing it.

The third floor consists of a mix of common brick and limestone details surrounding the windows, with a limestone mini-cornice framing the top of the third floor façade.

The fourth through tenth floors of the façade are clad in common brick. The fenestration pattern for the façade from the third through the tenth floors consists of pairs of individual punched windows on the east and west sides of the façade, with tripartite sets of windows adjacent, and with a series of four punched windows in the center of the façade. From the fifth through ninth floors, the flanking pairs of punched windows at the edges of the façade lead to wrought iron Juliet balconies.

The eleventh and twelfth floors continue the fenestration pattern of the floors below, but are set apart by a mini terra cotta cornice detail between the tenth and eleventh floors, and by a commanding cornice at the roof line. The groups of windows are surrounded on the eleventh and twelfth floors by terra cotta detail that emulate pilasters between the windows, keystones above certain of the windows, as well as arched details above the top floor punched windows. The terra cotta detail below the cornice reprises the ornate bracket typology found above the main entrance. There are three wrought iron Juliet balconies on the twelfth floor. There are a total of 98 single windows and 22 tripartite windows on the main façade.

According to the designation report ca. 1990, the original windows on the main façade were six-over-one double-hung wood windows.

The existing condition and the condition at the time of designation were one-over-one double-hung aluminum windows in a deep bronze color. The current condition is the second generation of replacement windows on this façade. No original multi-light windows remain on the main façade of this building.

The proposal for the master plan is for one-over-one double-hung aluminum windows in a deep bronze color, to be manufactured by the Crystal company. The dimensions of the meeting rails and framing for the proposed windows is approximately the same as the current condition.

Insisting upon a master plan calling for true multi-light windows will likely lead to a mottled condition and disorganized appearance for generations since shareholders will likely hold out as long as possible before incurring the additional expense and reduction in light from such replacement windows. Requiring faux multi-light windows would be the least appropriate option conceivable.

The façade of the building includes fairly rich ornamentation and detail, including the terra cotta and limestone elements at the lower three and upper two floors, and the prominent horizontal groupings of floors created by the mini and main cornices and the ornate terra cotta surrounds of the main entrance and upper windows. While the elimination of multi-light windows would diminish the original historic fabric of this typical apartment building representative of the Historic District, such loss in the context of the overall façade is minimal.

NOW, THEREFORE, Community Board 7/Manhattan, in view of the remaining rich ornamentation and decoration on the main façade of the applicant's building, resolves to **approve** the proposed Master Plan for window replacement.

250 West 87<sup>th</sup> Street New York, NY 10024-2706

Phone: (212) 362-4008 Fax:(212) 595-9317

Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

**RESOLUTION**

**Date: April 2, 2019**

**Committee of Origin: Preservation**

**Re: 150 West 82<sup>nd</sup> Street (Amsterdam-Columbus Avenues.) Application to the Landmarks Preservation Commission for an enlargement of the 10<sup>th</sup> Floor.**

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 6-0-0-0.*

This resolution is premised on the following facts:

The applicant’s building is a nine-story-plus-penthouse apartment building built circa 1926 under the direction of George Pelham, architect.

The main façade consists of a limestone brick base at the ground floor, with red common brick and punched window openings surrounding the second through ninth floors, leading to a metal cornice with brackets and other details.

The application concerns the existing one-story penthouse/tenth floor. The existing condition includes a penthouse that is set back 23 feet from the front cornice, and 4.25 feet from the east side wall forming a side courtyard between the applicant and a neighboring building.

The proposal is to expand the footprint of the existing penthouse to within 15 feet of the front cornice, and to be flush with the east side wall above the side courtyard.

The proposal also includes reducing the height of the existing central roof addition used for a freight elevator bulkhead, and eliminating one existing chimney among the elements on the existing roof. The existing condition also includes a wood water tower and other elements typical of apartment building rooftops.

The proposal would change the fenestration of the existing penthouse, with new windows added and certain existing windows moved or filled.

The proposed new portions of the penthouse would be clad in yellow common brick to match the existing portions of the existing condition.

The existing penthouse fenestration and composition do not related or align in any way with the columns of windows or the scheme of decoration of the main façade, and is arranged to present a utilitarian counterpart to the main façade.

Neither the existing penthouse nor the proposed new additions to it would be visible from across the street. Certain portions of the existing penthouse are currently visible from a distance up and down West 82 Street, and the addition to the east portion of the penthouse would likewise be visible. The louvered enclosures to muffle the sound of mechanical equipment including HVAC condensers to be placed on top of the penthouse would not be visible from the public way.

The visible portion of the proposed addition to the penthouse will blend in with the utilitarian composition of the existing structures on the roof, which will continue to be dominated by the signature wood water tank, and is thus appropriate to the character of the Historic District.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the proposed enlargement of the tenth floor penthouse on this building as reasonably appropriate to the Historic District.