

## RESOLUTION

**Date: May 7, 2019**

**Re: Community Board 7/Manhattan Charter Revision Task Force**

**Testimony for the Charter Revision Commission**

**Full Board Vote: 35 In Favor 0 Against 7 Abstentions 0 Present**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the following testimony.**

**BACKGROUND:** The 2019 Charter Revision Commission was created by Local Law 91, passed by the New York City Council on April 11, 2018. Community Board 7/Manhattan appointed a Task Force to study the Charter and make recommendations. This was done in the summer of 2018. The Charter Revision Commission's staff published their preliminary report in April 2019 where they made "recommendations to the Commission concerning ideas and proposals that should be further explored and about which addition public feedback should be sought."

1. **ULURP (Uniform Land Use Review Process):** Provide for pre-certification notification to local Community Board of proposed ULURP items at least 60 days prior to certification. Do not count the month of August in the 60 day period for Board review during ULURP.  
Any analysis of environmental, transportation, project mitigation, shadow studies or other assessments that have been prepared must be circulated to the Community Board as part of the ULURP application. Any and all modifications made during the review period by the applicant, must be provided to the affected Community Board(S) to allow full disclosure of relevant facts and revision to allow a comprehensive review and transparency.

Rationale: The proposal will allow meaningful input at the Community level before the ULURP item is finalized. Community Boards are not required to meet in August and this will enable the Boards to meet the time constraints.

2. **BOARD OF STANDARDS AND APPEALS (BSA):** Provide that when the BSA rejects a resolution of an affected Community Board on any matter, the BSA must put their rationale in writing for the Community Board. If a preliminary determination is made at the Staff level of BSA, the affected Community Board(s) must be given two weeks' notice prior to the determination becoming effective.

Rationale: This proposal ensures that the Community Board's input will be considered by the BSA and the concerns of the neighborhood most impacted is considered.

3. **DEPARTMENT OF BUILDINGS (DOB):** Provide that applications for building permits on projects in excess of 100,000 square feet.

A) Must be reviewed by a certified city planner at the buildings department; and  
B) All comments, modifications or other types of considerations along with the authorship of the commenting agency be forwarded to the affected Community Board at least two weeks prior to approval.

Rationale: The proposal is intended to avoid repeat of recent instances in which DOB either overlooked or misinterpreted aspects of the Zoning Resolution.

4. **197-A COMMUNITY DEVELOPMENT PLANS:** Provide that where a Community Board requests assistance in drafting a 197-A Plan or a Zoning Resolution amendment the City Planning Department must provide reasonable technical assistance and/or financial resources to enable the Community Board to fully develop the Plan. Once the Plan is presented to the City Planning Commission, the Community Board and the City Planning Commission will meet and confer concerning the adequacy and advisability of the Plan, and the Plan or any modification will be presented to the full Commission for review and public hearing.

Rationale: This proposal is intended to make 197-A a meaningful vehicle for planning at the Community Board level.

5. **COMPREHENSIVE PLAN:**

The Comprehensive Plan is not currently a coordinated plan per se but a series of multiple reports and documents that incorporate recommendations and revisions based on a variety of factors that are appropriate only to certain disciplines and document types. These reports that include sustainability, zoning and land use, flood mitigation, City Strategic Policy Statement, 10-year Capital Strategy, Statement of District Needs, Citywide Statement of Needs, Long Term Sustainability Plans, and any other plans developed by City Agencies and affecting land use

Once these documents and reports are finalized, they need to be collected and cross-referenced within one searchable, accessible on-line data base.

Rationale: Community Boards and residents will be able to reference and apply them for more effective planning for their community.

6. **EDUCATION:** NYC PANEL FOR EDUCATIONAL POLICY members should meet strict qualifications and accountability.

Rationale: This will ensure that the Panel members have the necessary skills to function effectively.

7. **BUDGET:** If the Mayor determines after the Budget is adopted that there is a deficit, the Mayor must resubmit to the City Council and does not have the right of a universal impoundment.

Rationale: This provision maintains a balance of fiscal responsibility

8. **BOROUGH PRESIDENTS' BUDGETS:** Provide independent budget for each Borough President.

Rationale: Maintains the independence of the Borough Presidents

## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Transportation**

**Re: 30 West 61st Street, permanent "No Standing" zone.**

**Full Board Vote: 41 In Favor 0 Against 2 Abstentions 0 Present**

*Committee: 8-0-0-0. Non-Committee Board Members: 1-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** request by 30 West 61st Street to make permanent the "No Standing" zone in front of its building to accommodate the fact that trucks backing into the receiving dock of 1865 Broadway will not be able to accomplish that maneuver without it. The zone is currently in place to accommodate the construction of 1865 Broadway.

**RESOLUTION**

**Date: May 7, 2019**

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

**Re: 519 Columbus Avenue (West 85<sup>th</sup> Street.)**

**Full Board Vote: 43 In Favor 0 Against 2 Abstentions 0 Present**

*Committee: 9-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new application to the SLA for a two-year liquor license by Consulate NYC LLC, d/b/a To be Determined.

## RESOLUTION

**Date: May 7, 2019**

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

**Re: 768 Amsterdam Avenue (West 98<sup>th</sup> Street.)**

**Full Board Vote A: 34 In Favor 2 Against 10 Abstentions 0 Present | Committee: 7-2-0-0.**

**Full Board Vote B: 40 In Favor 0 Against 2 Abstentions 0 Present | Committee: 9-0-0-0.**

After due deliberation regarding the Change to the Method of Operation of existing liquor license for the outdoor patio space, the resolution to **disapprove** was adopted **UNLESS**, the following stipulations are met and added to the Method of Operation:

- i. The patio closes Sunday through Thursday at 10pm, Friday and Saturday at 11pm.
- ii. A sound mitigating canopy or device must be installed in the patio before food and/or liquor can be served in the outdoor space. A sound engineer must submit a report certifying a demonstrable reduction in noise.
- iii. No music of any kind shall be allowed in the patio space. Any speakers must be removed.
- iv. Non-essential staff shall not hang out after hours in the space
- v. A manager must be on-premises during the hours of operation of the restaurant.

After due deliberation the resolution to **approve** the Corporate Change was adopted.

## RESOLUTION

**Date: May 7, 2019**

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

**Re: 413 Amsterdam Avenue (West 79<sup>th</sup> - 80<sup>th</sup> Streets.)**

**Full Board Vote: 43 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 9-0-0-0.*

The applicant did not attend the meeting;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** renewal application #1396587-DCA to the Department of Consumer Affairs by Flagship S B Amsterdam NY, LLC, d/b/a Saravana Bhavan, for a four-year consent to operate an unenclosed sidewalk café with 11 tables and 22 seats.

## RESOLUTION

**Date: May 7, 2019**

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

**Re: 485 Columbus Avenue (West 83<sup>rd</sup> – 84<sup>th</sup> Streets.)**

**Full Board Vote: 43 In Favor 0 Against 1 Abstention 0 Present**

*Committee: 9-0-0-0.*

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

## RESOLUTION

**Date: May 7, 2019**

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

**Re: New Unenclosed Sidewalk Cafes:**

**Full Board Vote: 44 In Favor 0 Against 1 Abstention 0 Present**

*Committee: 9-0-0-0.*

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

- **483 Amsterdam Avenue** (West 83<sup>rd</sup> Street.) New application #3003-2019-ASWC to the Department of Consumer Affairs by Pizza 84, LLC, d/b/a Marinara Pizza, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 20 seats.
- **217 West 85<sup>th</sup> Street** (Broadway – Amsterdam Avenue.) New application #2637-2019-ASWC to the Department of Consumer Affairs by 217 W85, LLC, d/b/a Elea, for a four-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.
- **2460 Broadway** (West 91<sup>st</sup> Street.) New application #2554-2019-ASWC to the Department of Consumer Affairs by Joe & The Juice New York, LLC, d/b/a Joe & The Juice, for a four-year consent to operate an unenclosed sidewalk café with 3 tables and 8 seats.
- **949 Columbus Avenue** (West 106<sup>th</sup> – 107<sup>th</sup> Streets.) New application #3267-2019--ASWC to the Department of Consumer Affairs by The Calaveras Group, Inc, d/b/a The Calaveras, for a four-year consent to operate an unenclosed sidewalk café with 3 tables and 8 seats.



## RESOLUTION

**Date: May 7, 2019**

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

**2020 Broadway** (West 69<sup>th</sup> -70<sup>th</sup> Streets.)

**Full Board Vote: 41 In Favor 1 Against 5 Abstentions 0 Present**

*Committee: 7-2-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** new application #2409-2019-ASWC to the Department of Consumer Affairs by Espresso Bookstore & Café Broadway, LLC, d/b/a Shakespeare & Co., for a four-year consent to operate an unenclosed sidewalk café with 7 tables and 19 seats, unless a revised architectural plan is submitted to CB7's board office that conforms to the "9' rule", was adopted. The applicant did not submit revised plans.

## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Land Use**

**Full Board Vote: 30 In Favor 7 Against 10 Abstentions 0 Present**

**Re: Assemblymember Linda Rosenthal's legislation to amend the multiple dwelling law, in relation to the definition of floor area (A05026).**

*Committee: 7-1-2-0. Non-Committee Board Members: 1-0-1-0.*

In the absence of effective City Planning Commission action to eliminate the phenomenon of too tall buildings incorporating multistory void spaces, Assemblyperson Linda Rosenthal has introduced a bill (A5026) to amend the State Multiple Dwelling Law, which is designed to address this issue. Following circulation of a draft resolution, Ms. Rosenthal has solicited and received comments from interested parties, including community boards. The resulting final draft of the resolution adequately addresses most of the concerns expressed by Community Board 7. As amended the resolution would provide that for spaces above the ground floor apartment ceiling heights, mechanical space heights, and open spaces under the highest apartment floor would count as additional floor area if in excess of 12 feet. Floor area count would double for spaces 12-24 feet in height, triple for spaces 24-36 feet in height, quadruple for spaces higher than 36 feet; and five times for heights in excess of 48'. Mechanical spaces up to 12 feet would be exempt from the floor area count and would be limited to 5% of the horizontal floor area of a building.

Community Board 7 believes that the proposed amendment will be helpful in limiting the height of buildings containing voids or excessive ceiling heights. Therefore,

Be it resolved, that Community Board 7, Manhattan, urges the adoption of the proposed amendment to the Multiple Dwelling Law to be submitted by Assemblyperson Rosenthal; however,

Community Board 7, Manhattan, questions whether it is advisable to impose the same floor area count for heights just above 12' as for heights just below 24'. Unless the floor area count is gradually increased above 12' a developer will have no incentive to limit ceiling heights below 24', accordingly,

Be it further resolved, that Community Board 7 suggests that the drafters of the proposed amendment consider a graduated increase in floor area for heights from 12-24', from 24-36', and above 36'.



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## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Preservation**

**Re: 400 West End Avenue #15AB (West 79<sup>th</sup> – 80<sup>th</sup> Streets.) Application to the Landmarks Preservation Commission for in-kind window replacement.**

**Full Board Vote: 40 In Favor 0 Against 4 Abstentions 0 Present**

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

This resolution is premised on the following facts:

The applicant's building is a 20-story apartment building with primary facades on the south and west facing West 79<sup>th</sup> Street and West End Avenue, and secondary facades facing north and east into an internal courtyard. The primary facades are clad in red brick with intentional mottled color variations; the secondary facades are clad in common yellow brick.

The primary facades feature setbacks above the 16<sup>th</sup> and 18<sup>th</sup> floors, each of which is defined by a limestone-colored horizontal detail. The bottom two floors of the building, including the surround of the main entrance on West End Avenue, are clad in contrasting stone in large blocks. There are three pilasters on the stone façade at the base, two flanking the main entrance, and one proceeding above the entrance, all of which conclude with a triangular cap just above the horizontal capstones of the ground floor stone cladding.

Apart from the details described at the ground two floors and the setback levels, the facades are brick elevations without significant decoration other than a striped brick effect between punched windows in the column above the main entrance.

The application concerns only the windows on the two primary facades on the applicant's apartment, which is located on the 15<sup>th</sup> floor of the building, one floor below the first set-back. The subject windows wrap around the entire West End Avenue façade and include approximately half of the windows on the 15<sup>th</sup> floor on the West 79<sup>th</sup> Street façade.

The original windows on the primary facades of this building were steel casement windows with a horizontal rectangular transom above and four tall thin columns of four individual panels each, with the center two columns operable and the flanking columns fixed.

None of the original windows remain on either of the primary facades.

The existing condition, and the condition at the time of designation, consists of 1,080 aluminum replacement windows of a deep bronze color, 90% of which are in a 1:1 configuration, and the remainder of which are tilt-and-turn single-pane windows.

The existing windows are believed to have been the result of a building-wide window replacement sometime in the 1980s. The existing windows are approaching or have passed their useful lives, and do not conform to current energy efficiency standards.

The applicant seeks leave to replace the existing windows in approximately the same configuration, with a more modern energy rating.

The building management and ownership is contemplating a master plan for window replacement. While the applicant anticipates that the master plan would call for windows similar in configuration, color, materials and overall effect to those proposed in the instant application, no application for a master plan is pending.

A single application could create an inconsistent or hodge-podge appearance on the primary facades of the building if the anticipated master plan varied from the configuration, color, materials and overall effect of the current application.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **disapprove** the application as presented because a potentially inconsistent appearance could materially detract from the appropriateness to the character of the Historic District of the proposed condition once a master plan is approved, and calls on the building management to submit an application for a building-wide master plan.



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## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Preservation**

**Re: 200 West 83<sup>rd</sup> Street, d/b/a Aimco (aka 468 Amsterdam Avenue.) Application to the Landmarks Preservation**

**Commission to install a gateway.**

**Full Board Vote: 41 In Favor 0 Against 2 Abstentions 0 Present**

*Committee: 4-1-0-0.*

This resolution is premised on the following facts:

The application concerns the ground floor of a 5-story red brick tenement-style apartment building, being one of a group of six similar buildings with main residential entrances on West 83 Street. The subject building features a granite lintels above punched windows on the Amsterdam Avenue façade, with contrasting-colored stone details uniting the sashes of the windows into a series of horizontal bands. There is a substantial cornice at the roof line on the Amsterdam Avenue and West 83 Street façades.

The subject building reduces to a single story to create an approximately 15-foot wide connection between that building and the neighboring tenement-style apartment buildings to the south, which are of a different style but of the same era as the subject building.

The subject building includes ground floor retail which, due to grade changes along the block, is partially below the sidewalk level.

The existing condition on the southern storefront is a below-grade 1970s-era storefront infill, one-half of which is standard bronze-colored aluminum framing with large glass panels, and one-half of which are rough-hewn wide wood slats mounted on the façade at a 45-degree angle, and which have not aged gracefully. There is an equally dated wood stockade fence at the roof of the one-story retail extension.

The applicant's proposal is to remove the storefront infill in its entirety, and to replace the portion of the storefront that is within the main 5-story façade with a new aluminum entrance in approximately the same opening; a three-panel aluminum and glass series of windows with a sign band above, and brick cladding to match the façade in place of the wood slats.

The proposal for the one-story extension is to create a stone tile façade composed of Pacific Basalt in a granite color with contrasting darker horizontal stone bands to align with the horizontal bands on the primary façade. The one-story extension would include a new aluminum and glass entrance to the building, with an operable door and an equal-sized fixed panel. The space within the one-story extension would become a building amenity space with a similar glass door and panel configuration on the interior, providing a view through the glass panels to the garden spaces in the donut beyond.

The proposal also includes a series of non-symmetrical, undulating steel tubes that create an undulating effect evocative of wild vines. The proposal is to include plantings that in season would grow along the steel vines.

On the Amsterdam Avenue storefront façade, the existing handicap accessible ramp leading to the southern storefront entrance is proposed to be surrounded by a simple rectilinear black steel tube railing. The sign band and storefront infill will be lit by non-invasive LED light bands.

The proposal also includes replacing the main entrance to the residential building on the West 83 Street façade with a new entrance that is visually and physically lighter in appearance, and with a door handle crafted to emulate the vine motif proposed for the garden-view door on Amsterdam Avenue.

The creation of an opportunity to view a portion of the rear-yard donut gardens behind the one-story extension harmoniously unites the interior and exterior characters of the Historic District.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the application as presented as being appropriate to the character of the Historic District, and **strongly urges** the applicant to carry forward the design motif of the vines surrounding the new entrance in the one-story extension to the railing on the handicap-accessible ramp for the storefront entrance.

## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Preservation**

**Re: 313 Columbus Avenue (West 75<sup>th</sup> Street.) Application to the Landmarks Preservation Commission for replacement of sidewalk and sidewalk vault for an accessible entrance to the ground floor.**

**Full Board Vote: 40 In Favor 0 Against 2 Abstentions 0 Present**

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

This resolution is premised on the following facts:

The applicant's building is a 6-story tenement-style apartment building with ground-floor retail in three separate bays facing Columbus Avenue. Each retail entrance requires a single step up into the store.

The proposal is to create a ramp that rises from the north and achieves a height sufficient to provide barrier-free access to each of the three separate storefront entrances in the building.

The ramp would be enclosed by a black steel tube railing only for the portion of the run on the incline, and again at the south end of the ramp.

The ramp would be composed of grey concrete on its rise and surface, with contrasting-colored granite cap stones at the top of the edge of the ramp. The cap stones would have a bumps to emulate the safety surface often installed at sidewalk curb cuts for handicap access, and would define the edge of the raised access to the storefronts.

The use of a single ramp to provide access to three stores will also help to unify the storefronts, which is in keeping with the character of the Historic District. The edge of the ramp/platform, however, should be further defined both for safety and aesthetic reasons by the use of a contrasting security color, the continuation of the metal railing at intervals along the raised surface, or some other means to unify the appearance of the ramp and provide additional safety.

NOW, THEREFORE, Community Board 7/Manhattan resolves to approve the application for a single handicap-accessible ramp to provide access to and unify the appearance of three storefronts in the subject building as reasonably appropriate to the character of the Historic District, provided that the applicant supplement the proposal to include further definition for safety and aesthetic reasons marking the edge of the ramp by the use of a contrasting security color, the continuation at appropriate intervals of the railing defining the edge of the ramp, or some other means to unify the appearance of the ramp and provide additional safety.

## RESOLUTION

**Date: May 7, 2019**

**Committee of Origin: Preservation**

**Re: 301 West 96<sup>th</sup> Street, dba Westside Pilates (West End Avenue.) Application to the Landmarks Preservation Commission for signage.**

**Full Board Vote: 41 In Favor 0 Against 1 Abstentions 0 Present**

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

This resolution is premised on the following facts:

The applicant's building is a five-story apartment building with primary façades facing West End Avenue and West 96 Street. The street slopes downward to the west, creating space for a storefront at the western end of the West 96 Street façade that is partially below grade. The steps leading up to the main residential entrance to the building partially obscure the view of the storefront from West End Avenue.

The proposal is to install a blade sign to be hung from a bracket at the level of the top of the first-floor residential window, where it could be seen from the avenue.

The application also calls for a second, panel sign at the top of the storefront infill.

The previous tenant in the commercial space, prior to designation, had multiple signs intended to overcome the poor visibility of the commercial space from the avenue and the main commercial corridor at the corner of Broadway.

The blade and panel signs are reasonably appropriate to the character of the Historic District, and necessary to sustain a viable presence on an otherwise moribund stretch of the street.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the installation of the blade and panel signs as reasonably appropriate to the Historic District.