

## **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Land Use, Youth and Parks**

**Re: 101 West End Avenue**

**Full Board Vote: 28 In Favor 14 Against 4 Abstentions 0 Present**

**WHEREAS, the City Planning Commission on March 31, 1993 approved applications (C 920650 ZMM and C 920651 ZSM) for a zoning map change and special permit involving a mixed-use development at 101 West End Avenue (Block 1171, Lots 60 and 62) contingent on a Restrictive Declaration (D-143); and**

**WHEREAS, TST 101 West End, LLC has submitted an application (M 920650 (A) ZMM) to modify the Restrictive Declaration D-143 regarding the environmental mitigation in Section 3.01; and**

**WHEREAS, New York City Department of Parks & Recreation (NYC Parks) has not adequately consulted with Community Board 7/Manhattan, Community Board 4/Manhattan, or with the community of West 59th Street Recreation Center users concerning plans for improving the West 59th Street Recreation Center pursuant to the Restrictive Declaration D-143;**

**BE IT RESOLVED that Community Board 7/Manhattan approves the proposed amendment to Restrictive Declaration D-143 to substitute for the original requirement that the developer of 101 West End Avenue restore the outdoor pool at the West 59th Street Recreation Center (i.e. the scope of work defined in Exhibit C to Restrictive Declaration D-143), a new requirement that the developer of 101 West End Avenue make payment into an interest-bearing Trust & Agency account in the amount of \$2,657,570 to allow NYC Parks to construct Alternative Open Space Improvements at the West 59th Street Recreation Center; and**

**BE IT FURTHER RESOLVED that Community Board 7/Manhattan disapproves the scope of work for Alternative Open Space Improvements currently proposed in the application to amend Restrictive Declaration D-143; and**

**BE IT FURTHER RESOLVED that the scope of work for the Alternative Open Space Improvements at the West 59th Street Recreation Center will be developed by NYC Parks in close consultation with the community of West 59th Street Recreation Center users and Community Board 7/Manhattan, and approved by Community Board 7/Manhattan; and**

**BE IT FURTHER RESOLVED that Community Board 7/Manhattan and other representatives of the community of West 59th Street Recreation Center users will, between now and 1 August 2001, aggressively seek any funding beyond the \$2,657,570, needed to complete the approved Alternative Open Space Improvements; and**

**BE IT FURTHER RESOLVED** that Community Board 7/Manhattan and other representatives of the community of West 59th Street Recreation Center users will develop and approve a more limited scope of work (i.e. within the budget of \$2,657,750) for Alternative Open Space Improvements to be implemented beginning 1 September 2001, in the event that additional funds have not been allocated to the capital improvement of the West 59th Street Recreation Center by 1 August 2001.

Land Use, Youth and Parks Committees: 5-1-0-0. Board Members: 2-0-0-0.

#### **RESOLUTION**

Date: June 6, 2000

Committees of Origin: Land Use

Re: 455 Central Park West

Full Board Vote: 22 In Favor 15 Against 4 Abstentions 1 Present

**BE IT RESOLVED THAT** Community Board 7/Manhattan approves the application #744-89-BZ to the Board of Standards & Appeals by Jay A. Segal, Esq. for West Park Partners, LLC, for minor amendments to a previously approved variance for 455 Central Park West (105th-106th Streets), a.k.a. The Towers Nursing Home, to allow for market-rate residential use and 58 permitted accessory parking spaces in the cellar and sub-cellar.

Committee: 5-1-0-0. Board Members: 1-0-1-1. Public Members: 1-0-1-0.

#### **RESOLUTION**

Date: June 6, 2000

Committees of Origin: Land Use

Re: 18 West 89th Street, The Dwight School

Full Board Vote: 40 In Favor 1 Against 1 Abstentions 1 Present

**FINDING "a"**

**WHEREAS, the applicant has failed to demonstrate unique conditions peculiar to or inherent in the zoning which create practical difficulties or unnecessary hardships; and**

**WHEREAS, the ability of the owner to build to the permitted FAR is a function not of the uniqueness of the sit but of the special status of the applicant as a school;**

**BE IT RESOLVED THAT Community Board 7/Manhattan finds that finding 72-71(a) cannot be made and should therefore be denied.**

**FINDING "b"**

**WHEREAS, the Zoning Resolution (Section 72-71) requires, among other things, that an applicant for variances (other than non-profit entities) demonstrate that the owner of the property is unable to realize a reasonable return from the zoning lot; and**

**WHEREAS, the property on which the variance as requested is currently owned by a for-profit entity, the Franklin Holding Company, and leased to a non-profit entity, The Dwight School; and**

**WHEREAS, the Dwight School Foundation, currently neither owns nor occupies the property; and**

**WHEREAS, the existing building will continue to be occupied and operated by the for-profit entity; and**

**WHEREAS, no effort has been made to satisfy the financial hardship requirement of the Zoning Resolution;**

**BE IT RESOLVED THAT Community Board 7/Manhattan finds that finding 72-71(b) cannot be made and should therefore be denied.**

**FINDING "c"**

**WHEREAS, the proposed addition will substantially impair the appropriate use of adjacent property, and threatens to destroy the essential character of the district which is characterized by brownstones with open rear yards;**

**BE IT RESOLVED THAT Community Board 7/Manhattan finds that finding 72-71(c) cannot be made and should therefore be denied.**

**FINDING "d"**

**Community Board 7/Manhattan finds that there is no self-created hardship, but reserves its right to comment if the applicant seeks to satisfy the "d" finding.**

**FINDING "e"**

**Community Board 7 cannot comment on the "e" finding because the applicant has attempted to justify the variance on non-economic grounds which do not apply to a for-profit applicant.**

**Committee: 3-0-0-0. Board Member: 1-0-0-0. Public Members: 7-0-0-0.**

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Land Use**

**Re: 254 West 72nd Street, Sugar Bar**

**Full Board Vote: 37 In Favor 4 Against 1 Abstentions 0 Present**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application DCA# 1003589 to the Department of Transportation by Sugar Bar, Inc., d/b/a Sugar Bar at 254 West 72nd Street (Broadway – West End Avenue) for a one-year consent to operate an unenclosed sidewalk cafe with 4 tables and 12 seats.**

**Committee: 5-1-0-0. Board Members: 3-0-1-0.**

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Land Use**

**Re: 2452 Broadway, Mary Ann's Mexican Restaurant**

**Full Board Vote: 39 In Favor 1 Against 0 Abstentions 0 Present**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application DCA# 0907818 to the Department of Transportation by Mary Ann's Mexican Restaurant Inc., d/b/a Mary Ann's Mexican Restaurant**

at 2452 Broadway (West 91st-92nd Streets) for a one-year consent to operate an unenclosed sidewalk cafe with 14 tables and 28 seats.

Committee: 5-1-0-0. Board Members: 3-0-1-0.

#### **RESOLUTION**

Date: June 6, 2000

Committees of Origin: Land Use

Re: 366 Columbus Avenue, Spazzia

Full Board Vote: 30 In Favor 7 Against 2 Abstentions 0 Present

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application DCA# 1001640 to the Department of Transportation by the Greenhill Group, LLC, Spazzia at 366 Columbus Avenue (West 76th-77th Streets) for a five-year consent to operate an enclosed sidewalk cafe with 14 tables and 36 seats.**

Committee: 5-1-0-0. Board Members: 3-0-1-0.

#### **RESOLUTION**

Date: June 6, 2000

Committees of Origin: Land Use,

Re: 451 Amsterdam Avenue, Burritoville

Full Board Vote: 34 In Favor 1 Against 3 Abstentions 0 Present

**WHEREAS, the applicant does not currently have waiter service in the takeout shop to which the proposed sidewalk café would be attached; and**

**WHEREAS, the applicant currently uses only disposable dishware and silverware;**

**BE IT RESOLVED THAT Community Board 7/Manhattan disapproves the new application DCA# 1028803 to the Department of Transportation by West Burritoville Inc., d/b/a Burritoville at 451 Amsterdam Avenue (West 81st-82nd Streets) for a one-year consent to operate an unenclosed sidewalk cafe with 6 tables and 24 seats.**

**Committee: 4-0-0-0. Board Members: 2-1-0-0.**

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Land Use**

**Re: 460 Amsterdam Avenue, Famous Original Ray's Pizza**

**Full Board Vote: 36 In Favor 5 Against 1 Abstentions 0 Present**

**WHEREAS, the applicant has agreed to reduce the depth of the café on the 82nd Street side to 9 feet (i.e. by replacing three 4-seat tables with 2-seat tables), and has agreed to submit to Community Board 7/Manhattan plans revised to document this reduction and stamped by the NYC Department of Consumer Affairs; and**

**WHEREAS, the applicant has agreed to remove the table under the fire-escape ladder, and has agreed to submit to Community Board 7/Manhattan plans revised to document this reduction and stamped by the NYC Department of Consumer Affairs; and**

**WHEREAS, the applicant has agreed to install a dishwashing machine and hire waiters in advance of opening the café;**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the new application DCA# 1029848 to the Department of Transportation by the 462 Amray Pizza Inc., Famous Original Ray's Pizza at 460 Amsterdam Avenue (West 82nd Street) for a one-year consent to operate an unenclosed sidewalk cafe with 13 tables and 46 seats.**

**Committee: 2-2-2-0. Board Members: 3-1-1-0.**

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Housing Committee Joint with Land Use**

**Re: Block 1846: Lots 9, 11 on West 109th Street, and Lot 56 (aka 352 Cathedral Parkway) on West 110th Street**

**Full Board Vote: 22 In Favor 2 Against 4 Abstention 2 Present**

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: 17 West 67th Street**

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

**WHEREAS, neither the architect nor the owner appeared before the Landmarks Committee;**

**BE IT RESOLVED THAT Community Board 7/Manhattan disapproves application #006107 to the Landmarks Preservation Commission for a master plan governing the installation of through-the-wall air conditioning units, without prejudice.**

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

#### **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: 80 Riverside Drive**

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

**WHEREAS, the proposal seems to improve the general appearance of the rooftop; and**

**WHEREAS, the extent of the visibility of the rooftop addition will not be increased; and**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves application #993453 to the Landmarks Preservation Commission to construct a rooftop addition and raise the parapet.**

#### **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: 20 West 75th Street**

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

**WHEREAS, this brownstone previously was subdivided into apartments and will now be a one family house; and**

**WHEREAS, the proposed changes will both unify and improve the building substantially; and**

**WHEREAS, the changes will reduce the bulk of the building; and**

**WHEREAS, there will be no further intrusion on the rear yard; and**

**WHEREAS, materials being used are appropriate to the building;**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves application #004448 to the Landmarks Preservation Commission to restore the building and to construct a rear yard addition.**

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

#### **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: 484 Amsterdam Avenue, d/b/a Flor de Mayo**

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

**WHEREAS, the owner proposes to legalize the removal of an awning and to improve the signage; and**

**WHEREAS, the owner has agreed to provide back-lit lettering on a painted wood sign and to paint the frontage a light color;**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves application #005522 to the Landmarks Preservation Commission to legalize the installation of a storefront without permits and to install a sign.**

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

#### **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: 102 West 86th Street, d/b/a La Mirabelle Restaurant**

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

**WHEREAS, the existing façade is a jumble of materials with no aesthetic value; and**

**WHEREAS, the simulated brownstone greatly improves the appearance of the façade; and**

**WHEREAS, the wood trim will be painted a neutral color to complement the brownstone color;**

**BE IT RESOLVED THAT Community Board 7/Manhattan approves the design but urges the architect to contract the building owner about upgrading the entranceway to the apartments above so that it matches the new design**

**Committee 4-0-0-0. Public 1-0-0-0.**

## **RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: P.S. 166**

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

**WHEREAS, P.S. 166, 132 West 89th Street) is one of the few remaining 19th century institutional buildings one the Upper West Side; and**

**WHEREAS, P.S. 166 was designed by CBJ Snyder, a leading Architect of school design; and**

**WHEREAS, this structure is considered a good example of Collegiate Gothic style architecture**

**BE IT RESOLVED THAT Community Board 7/Manhattan supports the Landmarks Preservation Commission's proposal to designate P.S. 166 as a New York City landmark.**

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

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Landmarks Committee**

**Re: Certificate of Commendation**

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

**WHEREAS, the Landmarks Committee has voted to give Certificates of Commendation to buildings within Community District 7 that have restored their buildings;**

**BE IT RESOLVED THAT Community Board 7/Manhattan will recognize the Dakota at 1 West 72nd Street for cleaning and restoring the building's facade.**

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

**RESOLUTION**

**Date: June 6, 2000**

**Committees of Origin: Uniformed Services Committee**

**Re: Filming in Community District 7**

**Full Board Vote: LAID OVER**

**WHEREAS, the Mayor's Office of Film and Theater issues permits to film companies without community review; and**

**WHEREAS, in the past few years, Community Board 7 has received many complaints about the taking of parking and general inconvenience associated with the filming of major movies and TV series in CD7; and**

**WHEREAS, community residents have complained most recently about filming in CD7 on religious holidays, specifically from April 26-28, 2000, and during the hours of midnight to 7:00 AM;**

**BE IT RESOLVED THAT Community Board 7/Manhattan requests the Mayor's Office of Theater and Film not to issue permits for filming in CD7 on major religious holidays and to limit permits on all other days to 7AM to midnight.**

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

## RESOLUTION

Date: June 6, 2000

Committees of Origin: Steering Committee

Re: Proposed amendment to CB7 By-Laws regarding disclosure of affiliations/

interests.

Full Board Vote: LAID OVER

**BE IT RESOLVED THAT Community Board 7/Manhattan adopts the following amendment, which addresses disclosure of possible conflicts of interest by Board members, of the Board's By-Laws:**

**"Any member affiliated with an organization having a position on a matter before the Board shall disclose his or her relationship with said organization before speaking or, if not speaking, before voting on the matter. For purposes of this subsection, affiliation shall include, but not be limited to, being a volunteer or paid officer, director or employee of, or professional or other service provider to, the organization."**

Not consider by full board on 6/6/00

**WHEREAS, the City Planning Commission on March 31, 1993 approved applications (C 920650 ZMM and C 920651 ZSM) for a zoning map change and special permit involving a mixed-use development at 101 West End Avenue (Block 1171, Lots 60 and 62) contingent on a Restrictive Declaration (D-143); and**

**WHEREAS, TST 101 West End, LLC has submitted an application (M 920650 (A) ZMM) to modify the Restrictive Declaration D-143 regarding the environmental mitigation in Section 3.01; and**

**WHEREAS, New York City Department of Parks & Recreation (NYC Parks) has not adequately consulted with Community Board 7/Manhattan, Community Board 4/**

**Manhattan, or with the community of West 59th Street Recreation Center users concerning plans for improving the West 59th Street Recreation Center pursuant to the Restrictive Declaration D-143;**

**BE IT RESOLVED that Community Board 7/Manhattan disapproves the proposed amendment to Restrictive Declaration D-143 to substitute for the original requirement that the developer of 101 West End Avenue restore the outdoor pool at the West 59th Street Recreation Center (i.e. the scope of work defined in Exhibit C to Restrictive Declaration D-143), a new requirement that the developer of 101 West End Avenue make payment into an interest-bearing Trust & Agency account in the amount of \$2,657,570 to allow NYC Parks to construct Alternative Open Space Improvements at the West 59th Street Recreation Center.**

**Land Use, Youth, and Parks Committees: 5-1-0-0. Board Members: 2-0-0-0.**