

**RESOLUTION**

**Date: September 4, 2012**

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

**Re: The Department of Homeless Services placement of adult families in a transitional shelter at 316 and 330 West 95<sup>th</sup> Street.**

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

This Resolution is premised on the following facts:

- The Department of Homeless Services, without notification to the Community Board, made plans to place 200 Adult Families (at least 400 People) in two Single Room Occupancy Hotels at 316 and 330 West 95<sup>th</sup> Street, a narrow residential street that is a principal egress route from the Henry Hudson Parkway. This was done without adherence to the DHS protocol of working with the Community Board on placement of such programs in the District.
- The excuse given for the failure to engage the Community Board or the public was that an emergency situation existed and there was no time to adhere to normal procedures. The existence of an “emergency” was certified under the City Charter by the Comptroller, without notice to or an attempt to engage the Community Board or the community. This “emergency” has existed for decades, and the way the City has addressed the lack of affordable housing for low income residents is to utilize SROs, which are defined by the Building Code as permanent housing for low income tenants, and whose low rents are rent stabilized.
- The use of the “emergency” certification to allow DHS to install Housing Solutions USA / Aguila as the service provider and to place clients without the scrutiny and review ordinarily required under DHS’s open-ended RFP means that no “fair share” analysis was conducted in this instance. Since the Upper West Side is already home to numerous facilities run by City Agencies that serve thousands of members of vulnerable populations, it is likely that, had this shelter been vetted as required, it would not have been approved.
- Landlords are eager to make these SRO buildings available to City Agencies, at times at total costs to the Agency of more than \$3000 per unit per month for a single room often with a bathroom and kitchen down the hall.
- The challenges of living as a rent-paying tenant in a shelter frequently leads permanent tenants to leave, with the result that fewer permanently affordable units are actually used for the intended purpose of providing permanent low-income housing.
- The landlord has no plans to make the units which will still be empty after the 400 DHS clients have moved in available to serve tenants in need of low-income housing, or to let out units now occupied by existing permanent tenants should they leave.
- Placement of shelter clients in these buildings is expected to exacerbate rather than solve the homelessness problem it is intended to address, and will instead serve to vacate the remaining SRO tenants from these buildings.
- These SROs currently have 71 units occupied by permanent tenants. Although Housing Solutions/Aguila, the non-profit provider which will be managing the shelter, has an office in the

buildings, there were no meaningful discussions with the permanent residents of the new plans for the building prior to moving in DHS clients. There has been no planning of how the new people will be integrated into an existing community. Discussion has also not been held with the people in the neighborhood. The addition of 400 transitional people into a residential community, without any discussion among current community members about a public plan for support, will create conditions of destabilization. Support staff was hired at the same time that DHS clients arrived at the shelter, with little time to train the new staff before they were called upon to serve a vulnerable population.

- Increased security hired for the shelter has been aggressive in confronting permanent tenants, and disruptive on the narrow sidewalks outside the buildings.
- There is no plan to have workers who are trained to work with the many problems which bring about homelessness. There will be case managers who can make referrals to outside agencies.
- The landlords of these buildings recently agreed to pay \$600,000 in fines for operating illegal hotels and having multiple housing code violations. No description other than “Adult Families” has been given of the potential placements, although DHS is required to do an Intake Assessment, whose primary purpose is to establish eligibility for shelter services, not in-depth needs assessment or to ensure that the service provider will have appropriate services available. Requests for assurances that the needs of the clients referred to the shelter will match the services available on-site, and that DHS clients whose needs could not be met by the available on-site services would not be referred to this facility, were met with aspirational statements and generalities.
- The proposed shelter is across the street from a public school and other community facilities.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **opposes** the use of these SROs as Transitional Shelters for 200 Adult Families, and calls on the Department of Homeless Services Commissioner to halt the plan.

*Committee: 8-0-0-0.*

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Land Use**

**Re: 158 West 83<sup>rd</sup> Street (Amsterdam-Columbus Avenues.) Application #86-12BZ, 12-BSA 114M to the Department of Boards of Standards and Appeal for an enlargement that would increase the building's floor area by 1,366 feet (4.9% increase above the underlying district regulations.)**

**Full Board Vote: 31 In Favor 4 Against 1 Abstention 1 Present**

The owner of 158 West 83<sup>rd</sup> Street, New York, New York has applied to the Board of Standards and Appeal (“BSA”) for an enlargement of allowable floor area 1,366 feet above underlying district regulations (approximately 4.9%). The height of the proposed building (72.4 feet) will be compliant with existing as-of-right zoning.

This application was originally discussed at the May Land Use Committee meeting, at the June Land Use Committee meeting, and again at a Land Use Committee meeting preceding the July 9 full board meeting. On July 9, the Committee proposed to approve the application, subject to the owner’s satisfying the Board that acoustical issues created by a new HVAC system installed on the second floor roof would be adequately dealt with so as to address concerns of building neighbors, primarily to the south and east of the building.

The issue was again considered at the July 18 Land Use Committee meeting at which time several neighbors continued to express concerns about noise and vibrations from the five new HVAC units on the second floor, as well as the potential for additional noise from 22 proposed units on the seventh floor roof.

Representatives of the building owner stated that they acknowledged their obligation to comply with New York City noise codes, that they planned to construct buffer panels around the second floor units and, if necessary, to achieve compliance, buffer panels around the seventh floor units. Several of the neighbors expressed concern that they had not had an opportunity to consult with their engineer as to the efficacy of the proposed plans. Accordingly, the Land Use Committee adjourned its hearing until the evening of September 4 prior to the full board meeting to enable the Committee to continue to monitor the owner’s progress with respect to acoustical reports and the neighbors’ response thereto.

With respect to the merits of the specific application before the BSA, the Committee found that the proposed additional square footage would create more reasonably sized apartment dwellings, but that Floors 3-7 of the building would extend approximately five feet deeper into the lot at the rear than currently permitted.

If, in connection with the application, the owner is induced to ameliorate the noise and vibration conditions caused by the existing units on the second floor roof as well as the proposed 22 units on the new seventh floor roof, by either using quieter units or putting up a baffling wall, then the benefits of the proposed non-compliance would outweigh the detriments. Accordingly, the Committee requested, as a condition of approval, that the owner submit an acoustical performance report indicating sound transmission ratings in decibels, a detailed plan indicating the location and distances from adjacent structures and residences, and supplemental acoustical buffers and sound absorption installations to mitigate the transmission of sound, so as to ensure that the second and seventh floor HVAC units will not emit noise in any direction at a point three feet inside neighboring residents’ windows in excess of 45 DBS or the level of ambient noise.

On September 4, 2012, the developer submitted a report by Shen Milson Wilke, acoustic consultants, confirming that the existing units violate noise levels established by the New York City noise code. SMW proposed specific measures including louvers placed around and above the units on the second floor roof,

which if opened would reduce noise levels sufficiently to comply with the Noise Code. SMW also opined that because of the distance to the nearest neighboring window (78 feet), they did not foresee the need for additional noise reduction equipment.

The developer made a commitment to the neighbors and the Community Board to follow the consultant's recommendations and to take all necessary measures to assure that the Noise Code is complied with.

The Community Board requests that in the event issues arise concerning the noise emanating from HVAC units on the building, the Board office be promptly notified and that the Board can take appropriate action.

For the foregoing reasons, therefore, be it

RESOLVED, that Community Board 7/Manhattan **approves** the application of the owner of 158 West 83<sup>rd</sup> Street, insofar as it seeks the Board of Standards and Appeal approval for an enlargement of its existing building for an amount not exceeding 1,366 square feet of non-compliant floor area.

*Committee: 7-0-0-1.*



**RESOLUTION**

**Date: September 4, 2012**

**Committees of Origin: Housing, Land Use, and Youth, Education & Libraries**

**Re: Riverside Center, Building #2, 15 West End Avenue (West 61<sup>st</sup> Street.) Affordable Housing Plan Application Pursuant to the Inclusionary Housing Program to the Department of Housing Preservation & Development for 15 West End Avenue. The proposed building will be a rental containing 616 units with 127 unites (20.6%) affordable to low-income tenants.**

**Full Board Vote: 34 In Favor 1 Against 4 Abstentions 0 Present**

This Resolution is premised on the following facts:

A. In our July 2010 Report and Resolution concerning the Riverside Center project, Community Board 7/Manhattan identified the inclusion of mixed-income permanently affordable housing as one of the essential requirements for the development of the subject site, and called for such housing primarily to be integrated within the site rather than placed off-site. (*See Report and Resolution* at 5, 20.)

B. The right to develop the portion of the Riverside Center site identified in the Report and Resolution (and elsewhere in the ULURP associated with the proposal for the site) as "Building 2" (now also known as 15 West End Avenue) has been conveyed to Riverside Center Parcel 2 BIT Associates, LLC, the applicant seeking approval for its affordable housing proposal under the inclusionary housing program.

C. The restrictive declaration pertaining to the Riverside Center site requires, among other things, that 20% of the residential floor area included in the project be permanently affordable inclusionary housing, and that a prescribed minimum portion of such affordable housing be located on-site.

D. The applicant has demonstrated that 127 of the 616 units to be constructed in this rental building, or 20.6% of the total, will be designated as affordable under the inclusionary housing program.

E. The applicant has represented that the floor area associated with the units designated as affordable under the inclusionary housing program will constitute at least 20% of the applicable residential floor area of the building.

F. The applicant has demonstrated that the distribution of the apartments to be identified as part of the inclusionary housing program meets the distribution requirements under that program in that the percentage of studios, one-, two- and three-bedroom apartments designated for the inclusionary program is roughly equivalent to the distribution for the building at large; units are located on 72% of the floors

of the building (exceeding the 65% required threshold); and no more than 33% of the units on any floor are included in the program.

G. The applicant proposes that individuals and families whose income is 50% of AMI (Area Median Income) will be eligible for the inclusionary units.

H. The applicant has represented that the units identified as affordable under the inclusionary housing program will remain permanently affordable and that the inclusion of such units in the inclusionary housing program will not expire.

Therefore, Community Board 7/Manhattan, in explicit reliance on the representations of the applicant including without limitation that the units designated to fall under the inclusionary housing program will remain permanently affordable in perpetuity, that the floor area of the units designated as affordable under the inclusionary housing program will constitute at least 20% of the applicable residential floor area of the building, and that the distribution of units throughout the building as built will conform to the representations and plans submitted with this application, resolves to approve the applicant's inclusionary housing proposal for Riverside Center Building 2 a/k/a 15 West End Avenue. *Joint Committees: 14-3-1-0. Non-committee Board Members: 5-0-0-0.*

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Preservation**

**Re: 49 West 72<sup>nd</sup> Street (Columbus Avenue.) Application to the Landmarks Preservation Commission for a canopy on a residential apartment building.**

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

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

- Of the twenty apartment buildings on the block, the existing building is one of only three without a canopy.
- The building entrance is defined by a pointed arch-shaped recess set beneath a deep cornice resting on twisted pilasters and decorative flat framing bands. There is a stone coat of arms carved above the recessed front door
- The proposed canopy will follow the shape of the pointed arch, fit within the arched shape recess so none of the decorative framing bands are obscured, and so the two wall-mounted lanterns are not obstructed.
- The street end of the arch-shaped canopy will be horseshoe-shaped, permitting partial views back to the carved stone coat of arms from across the street.
- The canopy will be secured to the building using existing brackets remaining from a previously removed canopy.
- It will extend out 18 feet.
- The color of the new canopy material will be forest green, with white letters on the sides, white numbers on the end.
- The supporting poles will be brass finish.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new canopy 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 canopy.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Preservation**

**Re: 136 West 73<sup>rd</sup> Street (Columbus – Amsterdam Avenue.) Application # 13-1337 to the Landmarks Preservation Commission for a reconfigured rear-yard addition and façade restoration.**

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

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

- The existing L-shaped rear yard addition will be replaced with a full-width 3-story addition set 30 feet back from the rear property line.
- The new rear yard addition to be red brick to match existing rear façade.
- Fenestration at the new addition to be nearly full-width glazed openings framed by brick edge piers.
- Windows at top two floors of rear facade to remain “punched” openings within masonry. One opening sill to be lowered for installation of a new door.
- All new rear facade windows to be aluminum-clad wood.
- Existing decorative corbels (located at base of existing cast stone window surrounds of removed rear facade windows) will be “re-created” on new addition, placed beneath far ends of new, full-width window openings at top two floors..
- Existing decorative brick dentil detail at top of removed L-shaped addition will be “re-created” at top of new addition in longer section, same length as new windows.

The Preservation Committee of Community Board 7/ Manhattan believes that, because the “re-created” corbels and dentil molding seem tacked on to the new addition, the design of the reconfigured rear yard addition is only minimally appropriate to the historic character of the building and of the Historic District.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the reconfigured rear yard addition and façade restoration.**

*Committee: 3-1-0-0.*



**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Preservation**

**Re: 135 Central Park West (West 73rd – 74th Street.) Application # 13-1777 to the Landmarks Preservation Commission installation of "bluestone" steps from the sidewalk to a new bluestone landing, cast iron railing returns, doors to the professional spaces, and gates in the areaway.**

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

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

- The entries to the professional office spaces along the side streets were not original to the building.
- The design of these added entries is not in character with the rest of the building.
- Existing metal stairs will be replaced with new bluestone steps and landings, modeled on the step and paving details at the main building entrance on Central Park West.
- Existing lightweight infill metal railing returns and gates will be replaced by new cast iron railing returns and gates modeled on the building's original metalwork.
- New entrance doors to be wood, glass and decorative metal grilles, modeled on design of original main entrance doors.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the renovated side entries 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 steps, landings, railing returns, gates and doors.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Preservation**

**Re: 41 West 75<sup>th</sup> Street (Columbus Avenue – Central Park West.) Application # 12-4384 to the Landmarks Preservation Commission for enlargement of rear windows, addition of balconies, new rear parapet fence and piers, and basement excavation.**

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

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

- Several existing window openings in existing rear yard addition and main rear facade to be enlarged; one enlargement will cause the partial removal of an original corbel detail.
- Several new window openings to be added to addition's west (side) facade.
- New window openings to have cast stone surrounds with brick corbels, modeled on existing details at two "bay" windows on main rear facade.
- All rear facade windows to be replaced with aluminum clad wood windows and French doors, with single glass panes.
- New balconies to be created at top three floors, partially or fully cantilevered off main rear facade. Lower balconies project 4'-4"; topmost balcony projects 6'-3" from face of building.
- New balcony railings to be black metal, simple vertical bars with circles, modeled on existing railing at rear yard addition roof deck.
- New low parapet wall to be constructed at top of rear facade to conceal raised roof structure. New parapet wall to be copper clad, aligning in height with existing masonry parapet side walls.
- South end of Cellar to be excavated 2'-9" to increase headroom. Adjacent four feet of garden space to be excavated to 12'-8" to expand Cellar footprint and allow a skylight to be installed.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new and rear facade windows, new balconies, new rear parapet fence and piers, and basement excavation are reasonably appropriate to the historic character of the building and of the Historic District, but that the projecting balconies require more detailed structural analysis.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the enlarged windows, new windows, new balconies with further structural analysis, new rear parapet fence and piers, and basement excavation.**

*Committee: 3-1-0-0.*

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Preservation**

**Re: 101 West 87<sup>th</sup> Street (Columbus Avenue.) Application to the Landmarks Preservation Commission to modify the existing communication facility located on the rooftop.**

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

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

- The 16 existing antennae are currently surface-mounted on a frame structure on the existing penthouse bulkhead.
- The new communication facility will be installed on top of the new vertical penthouse extension, increasing the extension height an additional 6 feet.
- The communication facility will be constructed as a double wall. The outer wall will be in the same plane as the extended bulkhead, clad in a “radio-frequency-transparent” light grey fabric to match the color of the metal-clad bulkhead extension below.
- The antennae will be installed on a metal frame constructed behind the screen, visually masked by the outer enclosure.
- The new cables connecting the antennae down to the main equipment in the basement will be relocated from the exterior building surface to an interior chase within the communication facility shell.
- The additional 6 feet of penthouse bulkhead extension will be minimally visible from the street, as will be the new bulkhead extension.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the relocated communication equipment enclosure 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 modification of the existing rooftop communication facility.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Transportation**

**Re: West End Avenue Loading Zones**

**Full Board Vote: 32 In Favor 1 Against 0 Abstentions 0 Present**

This Resolution is premised on the following facts:

- Three "pilot" truck loading zones on West End Avenue focused on FedEx, UPS, and Time Warner trucks.
- In the Department of Transportation's estimation, many others were utilizing the loading zones, causing even more double-parking, with many staying for hours at a time. Videos were taken of the three loading zones, showing a misuse of the zones.
- DOT does not believe the pilot merits continuation and will remove the signage within two weeks or so.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan supports ending the pilot program, while urging DOT to continue to explore a way of reducing double-parking of trucks on West End Avenue.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Transportation**

**Re: Newsstand, N/W/C Amsterdam Avenue & West 59<sup>th</sup> Street.**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application # 1415850 by Robin Shish to the Department of Consumer Affairs for a proposed newsstand at northwest corner of Amsterdam Avenue and West 59<sup>th</sup> Street.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Transportation**

**Re: Newsstand, S/E/C Broadway & West 79<sup>th</sup> Street.**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves without prejudice** application # 1426353 to the Department of Consumer Affairs for a proposed newsstand at southeast corner of Broadway and West 79<sup>th</sup> Street.

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

**RESOLUTION**

**Date: September 4, 2012**

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

**Re: 2170 - 2178 Broadway (West 77<sup>th</sup> Street)**

**Full Board Vote: 32 In Favor 1 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** alteration application to active SLA license #1256471 for a two-year liquor license by NY 2178 Broadway Operating LLC & Highgate Hotels LP, d/b/a On The Ave Hotel, to include a newly constructed lobby bar.

*Committee: 6-0-0-0. Non-committee Board Members: 2-0-0-0.*

**RESOLUTION**

**Date: September 4, 2012**

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

**Re: 2170-2178 Broadway (77<sup>th</sup> Street)**

**Full Board Vote: 32 In Favor 1 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application to the State Liquor Authority for a two-year liquor license by RF Broadway LLC, d/b/a RedFarm, includes sidewalk café, subject to the applicant providing a lease or operating agreement

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

**RESOLUTION**

**Date: September 4, 2012**

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

**Re: 483 Columbus Avenue (West 83<sup>rd</sup> Street.)**

**Full Board Vote: 32 In Favor 1 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1432318 to the Department of Consumer Affairs by Ephesus NYC Corp., d/b/a Bellini Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.

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

**RESOLUTION**

**Date: September 4, 2012**

**Committee of Origin: Steering**

**Re: Manhattan Borough Board resolution in support of tidal surge preparedness.**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **supports** the Manhattan Borough Board resolution in support of tidal surge preparedness.

*Committee: 15-0-1-0. Non-committee Board Members: 3-0-0-0.*