

## RESOLUTION

July 5, 2017

Committee of Origin: Business & Consumer Issues

Re: 36 West 106<sup>th</sup> Street (Central Park West.)

Full Board Vote: 32 In Favor 0 Against 3 Abstentions 0 Present

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

**BE IT RESOLVED THAT** Community Board 7/Manhattan **disapproves** the new application to the SLA for a two-year beer and wine license by 36 West 106<sup>th</sup> Street Venture, d/b/a Jazz on the Park, for the following reasons:

1. **This location has an R8 residential zoning designation with no commercial overlay.** Placing a licensed premises open to the general public in a block and neighborhood with a distinctly residential character is not permitted and is inconsistent with zoning and the reasonable expectations of the applicant's neighbors. We understand that NYSLA practice and regulations do not grant liquor licenses in residential areas of this sort for many of these same reasons.
2. **The immediate community spoke in opposition to the application.** The BCI committee of CB7 held three meetings to discuss this application, and several dozen members of the community were present at each meeting, many of which represented entire buildings. They complained of noise, smoke, and litter caused by the applicant's hostel. They complained the management is already unable to contain or manage their guests, and is disrespectful of the community around the hostel. The neighbors also complained by email. The Duke Ellington Boulevard Neighborhood Association (DEBNA) also collected and voiced many of these objections on behalf of their neighbors. They believe such a license will only add to the problems as there was no offer to change or train the management or resolve the current quality of life issues. In short, there was an overwhelming objection by the community to this application.
3. **The Department of Buildings classifies the premises as Single Room Occupancy Restricted.** The applicant's property is used as a transient hotel – specifically as a hostel. CB7's research on the Department of Buildings' website and other sources revealed that the subject premises is classified as a Single Room Occupancy residence. An SRO cannot be used as a transient hotel.
4. **License would not be "Accessory"**. At the BCI hearing, the applicant produced a copy of a certificate of occupancy that appeared to permit use of the subject premises as a hotel. Assuming without deciding that the applicant's proffered certificate of occupancy is correct and a hotel use is permitted, applicable zoning and related restrictions would limit a commercial use such as the eating and drinking establishment and related performance space in the subject premises that are the subject of the current application to those that are "accessory" to the primary use of the premises as a hotel. In this context, an "accessory" use is limited to serving the guests of the hotel and/or residents of the SRO. The applicant conceded at the BCI hearing, as he must, that the applicant intends to serve beer and wine to the public; those who walk into the venue as well as

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those from the public who attend theatre performances in the lower level of the venue. The applicant would not limit service to the registered guests of the hostel/SRO. Therefore, the license should not be granted because this type of use is not "accessory" and therefore not permitted.

5. **DOB Stop Work Order.** The Department of Buildings website reflects that there is a stop work order from 2011 imposed because the applicant's premises is an "illegal hotel." The applicant offered no proof on how this stop work order was corrected.
6. **After four public hearings on this issue,** including three committee meetings and our full Board, we are confident that we have thoroughly vetted this application and resolved to disapprove it. The final BCI committee vote to deny the application was unanimous.

We respectfully ask the SLA to disapprove this wine, beer & cider new application by 36 West 106<sup>th</sup> Street Venture, d/b/a Jazz on the Park, 36 West 106<sup>th</sup> Street, New York, NY for the reasons we have identified above. We would welcome the opportunity to provide testimony or elaborate on our and the community's concerns if the SLA would find such follow-up useful.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Land Use**

**Re: 584 Columbus Avenue (West 88<sup>th</sup> – 89<sup>th</sup> Streets.)**

**Full Board Vote: 24 In Favor 7 Against 5 Abstentions 0 Present**

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

The Fitting Room, 584 Columbus Avenue (between 89th and 89th streets, West side) has applied to the Board of Standards and Appeals for a special permit to operate a physical culture establishment. Before obtaining the permit, the owner fully built the space and commenced operations. Community Board 7/Manhattan places high importance on transparency of storefronts at the ground level on Amsterdam Avenue. Storefronts enliven the streetscape and enhance security. We have worked diligently with both the BSA and the Department of City Planning to return the Upper West Side Renewal Area from blank masonry walls to a vibrant and interesting retail and pedestrian friendly streetscape.

Our Land Use Committee first reviewed the project at our Land Use Committee Meeting in May, with no clarification that this application was in fact, a legalization. The applicant graciously agreed to return in June with updated paperwork and responses to our committee's concern regarding the transparency of the retail storefront. At the May and June Land Use Committee meetings, the owner's attorney represented that the wall in front of the exercise area was necessary to insure adequate soundproofing, and that a glass panel (similar to a broadcast studio glass window) could not be placed in the wall to afford a view of the inside. The hearing was adjourned until June 5, so that the owner could explore other solutions, which would provide visual access to the inside of the facility.

As neither the owner nor the Architect were available at these two meetings, no resolution could be provided.

The following facts were taken into consideration during our reviews.

1. That the applicant constructed the interior without any approvals in place.
2. Several neighbors have voiced their concerns about the negative impact that the obscured frontage has had on this block and may possibly influence other retailers to follow this prototype.
3. The space is on the ground floor and has approximately forty-four (44) linear feet of glass frontage on Columbus Avenue.
4. A small portion of the glass frontage allows an unobstructed view into a reception area in the interior of the space; however, no view is provided into the remaining approximately 75% of the frontage.

5. A portion of the view is blocked by a floor to ceiling partition to conceal the handicapped access lift apparatus, and the remainder by an opaque coating and partition set behind the storefront glass, approximately two feet recessed from the window, and obstructing the view of the interior exercise area. The handicapped lift was not shown on the initial plans presented to the Land Use Committee.
6. Two members of the Land Use Committee made a visit to the premises that suggested that an interior partition between the exercise area and the reception area was composed of clear glass. It was not known if this glass wall was constructed of sound-proof materials, but it looked similar to the storefront window construction being framed in black metal with large glass panels.

The Land Use Committee convened a third time, before our Full Board Meeting on July 5<sup>th</sup> at which time, this awful situation was discussed with the Owner, Architect and Attorney present.

CB7 places a high priority on maintaining transparency along the retail streets for both streetscape and security; **the Owner agrees to commit to changing the project design as follows:**

Recognizing that not all small retail businesses require transparency and in this case some patron privacy is needed for the exercise space;

That the owner has made a **public commitment to modify the handicapped lift support partition reducing the height from full floor to ceiling to the minimum height permissible by the manufacturer at about the height of the unit access doors and railings** based on the manufacturer's specification provided to the Land use Committee that will entail the removal full height partition built along side and parallel to the storefront window restoring greater transparency along the southern retail unit;

And that **the northern retail unit will be modified within the cavity between the glass and the interior partition will be re-designed to incorporate lighting and install decorative/ motivational graphics unique to the Fitting Room franchise on the blank wall;**

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan 7 **approves** this application to Board of Standards & Appeals by the Fitting Room for a special permit to permit a physical culture establishment on the first floor of an existing 9-story building, **subject to the applicant adhering to these commitments and providing revised plans confirming these changes to the CB7 Offices.**

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Preservation**

**Re: 23 West 69th Street (Central Park West – Columbus Avenue.) Application to the Landmarks Preservation Commission to extend rear façade by 2 ½' and make façade all glass, replace windows on front façade, expand penthouse, add elevator bulkhead on roof.**

**Full Board Vote: 35 In Favor 1 Against 0 Abstentions 0 Present**

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

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

--At the front façade, existing double-hung one over one metal windows to be replaced in kind with new wood windows, painted black. At Parlor level, heads of new windows to be arch-top to follow the arch-shaped window openings.

--At the rear, remove existing rear façade, and expand building envelope 2'-3-5/8" back into the rear yard, to the 30 foot setback line. Rear façade to be full curtain wall construction – glass panels set within black metal structural frames, extending the full width of the new rear façade. Sides of extension to clad in black metal panels.

--At the existing three story rear yard addition, replace masonry cladding and punched windows with same black metal and glass curtain wall enclosure.

--At the roof level, expand existing penthouse, with new elevator bulkhead above. Neither penthouse addition nor bulkhead projection is visible from the public way. New portions of rooftop enclosure to be clad in "Okoskin" cementitious rainscreen. Dark gray.

The Preservation Committee of Community Board 7/ Manhattan believes that the front façade window replacement, the rooftop addition and HVAC unit locations are all reasonably appropriate to the historic character of the building and of the Historic District. However, the Committee believes that the design of the rear façade extension and the renovated rear yard addition - in being completely clad in curtain wall; losing the corbelled brick detailing at the rooflines of the rear yard addition and original rear façade; and in eliminating the typical top story masonry with punched window opening vocabulary - is inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the front façade window replacement, rooftop additions and HVAC unit locations, and **disapproves** the rear façade extension and rear yard addition renovation work.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Preservation**

**Re: 122 West 73<sup>rd</sup> Street (Amsterdam – Columbus Avenues) Application to the Landmarks Preservation Commission for a rear extension and 4<sup>th</sup> and 5<sup>th</sup> story addition.**

**Full Board Vote to disapprove: 35 In Favor 1 Against 0 Abstentions 0 Present**

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

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

- This 4-story (3-story plus basement) rowhouse is the center unit in a three-building grouping.
- Front façade work includes the restoration of the front stoop and street level entry court, restoration of existing brownstone cladding, and replacement of windows.
- At the building rear, construct new three-story full-width rear yard addition extending 11 feet out, with additional “greenhouse” structure extending an additional 5’-6” out into the rear yard.

Rear yard façade and addition work includes the following:

- i. Rear façade of rear yard addition to have large central multi-story glass and black anodized aluminum storefront system fenestration, within narrow brick frame. Side facades to be clad in light beige stucco.
  - ii. “Greenhouse” to have fully glazed rear facade, solid brick side walls, structural glass roof to function as a roof deck.
  - iii. At top floor of the original structure, existing brick façade with corbelled cap to remain, with new double-hung replacement window and new glazed door in opening with lowered sill, to access roof terrace with glass railing.
  - iv. There is minimal visibility of the rear yard addition from the public way, through a building service court opening.
- At the building roof, construct two story penthouse addition. By reducing the interior floor to ceiling height of the existing top floor, the finished height of new top floor aligns with height of nearby five story row house grouping to the east.
- i. New structures to have light beige stucco cladding.
  - ii. With the exception of the required chimney extensions, the new additions are not visible from the public way.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design of the three-story full width rear yard addition with garden level “greenhouse”, and the two story rooftop addition is overscaled to the size and mass of the original building. The Committee finds the sum of both additions to be inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the proposed three-story rear yard addition and two-story rooftop addition.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Preservation**

**Re: 113 West 77<sup>th</sup> Street (Amsterdam – Columbus Avenues) Application to the Landmarks Preservation Commission for legalization of 2<sup>nd</sup> and 3<sup>rd</sup> floor windows, and an areaway hall.**

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

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

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

- The applicants are owners of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of this small co-op.
- The existing replacement windows were installed circa 2000 by a previous owner.
- A violation on the replacement windows installed in the arch-headed openings at the second (Parlor) and third floors was issued in 2011. The top sashes of these windows have straight heads rather than arched heads.
- Per the applicant, the cost of replacement windows with arch heads is quite expensive, approximately \$20,000.
- The owner of the 3<sup>rd</sup> floor unit is engaged in renovation scheduled for the school break of her 2 small children and has rented an apartment until the work can be completed
- The violation relating to the illegal window installation must be cleared in order for the renovations to proceed.
- Both owners are willing to commit to replacing the windows within a reasonable time period.
- In order to proceed with construction, the owners, per LPC rules, would have to escrow 3 times the value (cost) of replacement (approximately \$60,000 each).

The Preservation Committee of Community Board 7/ Manhattan believes that the existing replacement windows installed at the second (Parlor floor) and third floors are inappropriate to the historic character of the building and of the Historic District. However, the Committee believes that requiring immediate replacement of these violating windows and/or requiring escrow of 3X the replacement cost would create an undue hardship

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the legalization of the second and third floor windows. The Committee, however, **strongly recommends** that the applicant be given 15 months to change the windows, and that the amount required to be held in escrow pending the replacement be set at one half of the lowest bid.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Preservation**

**Re: 169 West 85<sup>th</sup> Street (Amsterdam – Columbus Avenues) Application to the Landmarks Preservation Commission for rear extension with a green roof and a new stoop to match stoop at 167 West 85<sup>th</sup> Street.**

**Full Board Vote to disapprove: 29 In Favor 5 Against 2 Abstentions 0 Present**

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

- The existing building entrance is at street level.
- Some internal renovation work to the building is being proposed in order to create a new retail space at the street level, and to shift the building's residential entrance up one story, to the Parlor Level.
- A new stoop will be created modelled on the stoop at 167 West 87<sup>th</sup> Street, part of the original brownstone grouping.
- The front door of the new residential entrance to be wood, with glass above decorative recessed panels.
- The sills at the existing street level window pair will be lowered to create a new door opening to the new street level retail space. The proposed design is for a single leaf door with a matching full-height fixed sidelight, allowing them to appear as a pair of doors – fully glazed, with narrow stiles and rails. The Committee requested that the door and sidelight design be modified to be consistent with the more historically appropriate design of the wood and glass Parlor level entry doors. The applicant agreed to this modification.
- A new one story rear yard addition will be constructed at the garden level, extending back to the property line.
- New rear yard addition to be 12 feet tall. Walls to be clad in common red brick, with cast stone coping. Rooftop terrace to have simple black metal railings and a planted section.

Whereas the Preservation Committee of Community Board 7/ Manhattan believes that the design of the recreated stoop with new Parlor level entry doors, the new street level storefront entry door and fixed sidelight **as modified**, and the new full depth rear yard addition with green roof are all reasonably appropriate to the historic character of the building and of the Historic District, the Committee voted to **approve** the application **as modified, 4-0-1-0**.

However, the Full Board of Community Board 7/Manhattan found the proposed changes to the front façade to create the new retail entrance and the full-depth rear yard extension to be inappropriate to the historic character of the building and of the Historic District and voted to **disapprove**.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Preservation**

**Re: 6 West 95<sup>th</sup> Street (Columbus Avenue – Central Park West.) Application to the Landmarks Preservation Commission replacement of windows and doors, rebuilding the rear extension, adding rooftop skylights, relocating roof hatch and condensing units.**

**Full Board Vote: 35 In Favor 1 Against 0 Abstentions 0 Present**

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

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

--The building is one of two remaining rowhouses from a three-unit grouping (4-8 West 95<sup>th</sup> St.)

--Front façade work includes the cleaning and restoration of the existing limestone façade; replacement of the existing windows with new Marvin Ultimate double-hungs, one over one, pebble gray finish; and replacement of existing warped front door with new mahogany front door modelled on neighboring front door at 8 West 95<sup>th</sup> Street, with solid lower panel, glazed upper panel.

--Rear yard work includes the following:

i. Within existing openings, replacement of top story window with new double-hung one over one; and with new wood and glass door pair. Brick to be patched and repainted as required. Existing articulated brick cornice details to remain.

ii. Replace existing three story partial width rear yard addition with new three story full width rear yard addition, internally retaining 14" of original masonry rear façade wall at each side. Addition extends 6'-6" out into rear yard. New addition to be clad in brick, painted to match existing painted brick rear façade, with new large central glazing – a combination of glazed doors, fixed glass panels and casement windows. Dark bronze finish aluminum, by Skyline. Rear yard addition is minimally visible through service court of adjacent apartment building at 350 CPW.

iii. Rear portion of Cellar to be excavated down to 10 feet, with underpinning and a structural haunch for structural reinforcement.

--Rooftop work includes the installation of a new roof (to abate asbestos), a relocated roof-access hatch, new skylights, new exhaust vents, and new condensing units, none visible from the street; condensing units are minimally visible from the 350 CPW service court.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new front door and replacement windows at the front façade; the design of a new three-story

full width rear yard addition, and the rooftop work is all reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the replacement of windows and doors at the front facade, the design of a new rear yard extension, the addition of several rooftop skylights, the relocation of a roof hatch and new condensing units.

**RESOLUTION**

**Date: July 5, 2017**

**Committee of Origin: Transportation**

**Re: S/E/C Broadway and West 88<sup>th</sup> Street.**

**Full Board Vote: 33 In Favor 1 Against 1 Abstentions 0 Present**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application #5359-2017-ANWS to the Department of Consumer Affairs by Muhammad Amjad to construct and operate a newsstand on the southeast corner of Broadway and West 88<sup>th</sup> Street.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Transportation**

**Re: NYC DOT notification regarding Citibike operations.**

**Full Board Vote: 31 In Favor 0 Against 2 Abstentions 0 Present**

*Committee 7-0-0-0.*

The following facts were taken into account when drafting this resolution:

- Citibike stations move and/or change in size without any notification to the Community Board.
- When a station closes or is moved there is no signage directing riders to the nearest station and/or when it would be re-established.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan asks Motivate (or DOT) to notify Community Boards 45-days in advance of any changes, moves, new stands, or removal of stands, and to post notices at the former station location and on the online app giving the reason for the closure and the expected date of it being restored.

## RESOLUTION

**Date: July 5, 2017**

**Committee of Origin: Transportation**

**Re: Driveway safety issues on West 97th Street (Amsterdam – Columbus Avenues.)**

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

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

The following facts were taken into account when drafting this resolution:

- There are seven garage driveways on West 97<sup>th</sup> Street between Columbus and Amsterdam Avenues.
- With the wide sidewalks on the block and garage ramps, cars and trucks entering and leaving pick up speed rather than move carefully through pedestrian traffic.
- The driveways accommodate trucks and rental cars, both of which are likely to have drivers unfamiliar with the street.
- There are many school children on the block due to P.S. #163, as well as seniors. Indeed, all pedestrians can be in danger when crossing these driveways.
- None of the garage entrances are protected - i.e. no warning devices, lights, barriers, etc.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests our elected officials to enact legislation which will mandate these protective devices on all driveways/garage entrances/exits that empty onto the public streets of New York City.

**RESOLUTION**

**Date: July 5, 2017**

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

**Re: New applications to the SLA for two-year liquor licenses.**

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

*Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0*

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

- **267 Amsterdam Avenue** (West 72<sup>nd</sup> Street.) M.O.A. Sabry Corp, d/b/a Utopia Diner.
- **2735 Broadway** (West 105th Street.) Serafina 2735 Corp., d/b/a Serafina.
- **2758 Broadway** (West 105th Street.) ISG Restaurant LLC, d/b/a Il Gatto Nero.

**RESOLUTION**

**Date: July 5, 2017**

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

**Re: 929 Columbus Avenue (West 105<sup>th</sup> Street.)**

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

*Committee 8-0-0-0. Non-Committee Board Members: 2-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the renewal application to the SLA to extend hours to 4AM, on Thursdays – Saturdays, by 929 Columbus Ave, LLC, Bob's Your Uncle.

**RESOLUTION**

**Date: July 5, 2017**

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

**Re: New Unenclosed Sidewalk Cafés.**

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

*Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following new applications for unenclosed sidewalk cafes:

- **189 Columbus Avenue** (West 68<sup>th</sup> Street) New application #6814-2017-ASWC to the Department of Consumer Affairs by VLC Upper West, LLC, d/b/a Vive La Crepe, for a four-year consent to operate an unenclosed sidewalk café with 4 tables and 8 seats.
- **416 Amsterdam Avenue** (West 80<sup>th</sup> Street) New application #6360-2017-ASWC to the Department of Consumer Affairs by Ain Jupiter LLC, d/b/a La Sirene UWS, for a four-year consent to operate an unenclosed sidewalk café with 5 tables and 10 seats.
- **480 Amsterdam Avenue** (West 83<sup>rd</sup> Street) New application #7833-2017-ASWC to the Department of Consumer Affairs by Two Melons LLC, d/b/a JG Melon, for a four-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
- **489 Columbus Avenue** (West 83<sup>rd</sup> – 84<sup>th</sup> Streets) New application #7821-2017-ASWC to the Department of Consumer Affairs by Shivhari, Inc., d/b/a Ashoka, for a four-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
- **532 Columbus Avenue** (West 85<sup>th</sup> – 86<sup>th</sup> Streets) New application #7062-2017-ASWC to the Department of Consumer Affairs by VLC Upper West, LLC, d/b/a Vive La Crepe, for a four-year consent to operate an unenclosed sidewalk café with 7 tables and 17 seats.
- **566 Amsterdam Avenue** (West 87<sup>th</sup> – 88<sup>th</sup> Streets) New application #7399-2017-ASWC to the Department of Consumer Affairs by La Petit Amelie LLC, d/b/a Amelie, for a four-year consent to operate an unenclosed sidewalk café with 4 tables and 8 seats.