

RESOLUTION

Date: March 7, 2017

Re: 91 Central Park West (West 69th Street.) Application to the Landmarks Preservation Commission for the organization of some of the stained glass on the 16th floor and the 17th floor of Penthouse A.

Full Board Vote: 26 In Favor 12 Against 3 Abstentions 0 Present

Committee: 5-0-0-0.

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

- There are seven “special” windows and doors on the 16th floor and two “special” windows in the 17th floor tower.
- The intricate design details of these windows limit the views out. They are also single-paned glass, so are energy inefficient.
- On the sixteenth floor, the existing windows and doors contain extensive leaded glass detailing in varying patterns (diagonal grids, orthogonal grids with diamond corners), with small panes of clear or faintly colored mottled glass. A portion of these windows and doors also incorporate decorative stained glass figural medallions and square panels.
- The proposal for the 16th floor is to install new energy efficient replacement windows which generally approximate the sizes and methods of operation of the existing doors and windows, but which in most instances eliminate the leaded glass gridding to provide larger unbroken expanses of clear glass. The plan is to re-install the original stained glass medallions and panels at their original locations within these new insulated glass windows and doors, although the actual construction details had not yet been designed.
- On the seventeenth floor, in the large tower windows, the proposal is to retain the existing stained glass and leaded glass windows in the east-facing window, but to completely remove all the stained glass elements in the north-facing window, re-using them as decorative elements within the apartment interior. This north-facing window would be extended down to create a new door opening, and would incorporate the leaded gridding with clear glass throughout.
- While none of the proposed changes are visible from the public way, the Committee believes that the proposal to eliminate the gridded leaded glass component of these original “special” windows alters the relationship of the stained glass elements within the windows. The Committee also expressed concern about the lack of detail describing the actual method of reinstalling the original single pane stained glass units within the new thermally designed replacement windows.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan believes that only retaining the original stained glass elements of the “special windows”, while eliminating the original leaded glass component is inappropriate to the historic character of these special windows within the building and the Historic District.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **disapproves** the elimination of the leaded glass and the reorganization of some of the stained glass in the proposed replacement windows and doors on the 16th floor and the 17th floor of Penthouse A.

RESOLUTION

Date: March 7, 2017

Re: 248 West 71st Street (Broadway-West End Avenue.) Application to the Landmarks Preservation Commission for façade restoration, window replacements, roof-top addition, and reconfiguration of the rear-yard extension.

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

Committee: 5-0-0-0.

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

Front facade restoration work includes the following:

- Removal of the existing brick cladding surrounding the existing street level front door, recladding this area with new brownstone material to match existing, including adding a new decorative oval detail replicated from those at the cornice.
- Extending the decorative door framing details from the existing parlor floor opening down to the street level.
- Replacing the existing front door with a new painted paneled wood door.
- Extending the parlor floor windows down to recreate the original door opening, and addition of a new “Juliette” balcony at the parlor floor opening with new metal railing modeled on the existing decorative metal window guards.
- Replacement of existing one-over-one wood windows with new energy efficient one over one wood windows, painted dark grey or dark brown to match the new windows proposed for the new rear yard addition. At curving bay, replacement windows to be curved in plan, matching original curved windows.
- Retention of all the decorative metal window guards.

Rear yard addition work includes the following:

- Removal of the existing three story partial width addition.
- Construction of a new three-story full-width addition, extending eight feet beyond the rear façade to maintain the required 30-foot setback.
- Rear facade to be almost entirely glazed, set within narrow 12” wide masonry wing walls at the outer edges of the addition. Wing walls to extend 2-10” beyond plane of the rear addition. Masonry to be ochre brown or tan Roman brick. Addition side walls to be clad in same ochre brown or tan Roman brick.
- Fenestration to be tall glazed doors with shallow Juliet balconies at the center, flanked by large uninterrupted glass panels, all set within dark gray or dark brown metal framing. Horizontal metal C-channels horizontally articulate the three separate floor levels within.

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- Existing rear façade at top floor to remain. Openings to be relocated to create even spacing between the two side windows and new terrace door.

Rooftop addition work includes the following:

- New rooftop addition to be located approx. 9 feet back from the front façade, approx. 10 feet back from the rear façade. It will not be visible from the public way.
- Addition to have glass and steel end facades, similar to the design of the rear yard addition, with similar Roman brick cladding at the east and west side walls.

With respect to the design of the rear yard addition, the Committee expressed concern that the two masonry wing walls appeared to be too narrow. The applicant agreed to widen the masonry wing walls at the sides of the proposed rear yard addition to be 14" wide.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed front façade restoration work, including window replacement, the design of the rear yard addition as modified to have 14" wide wing walls, and the rooftop addition, in not being visible from the public way are 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 façade restoration work, window replacements, roof-top addition, and reconfiguration of the rear-yard extension.

With respect to the proposed double-hung windows at the front façade, the Committee strongly urges the applicant to further investigate the configuration of the original double-hung windows, since several other rowhouses in this original ten-unit grouping contained multi-paned upper sashes above a single-pane lower sash. The Committee also recommends the applicant paint the new windows the original paint color.

With respect to the design of the fenestration of the rear yard addition, the Committee strongly urges the applicant to consider adding an additional set of horizontal lines at the top of each of the three floors' floor-to-ceiling glazing in a "transom" position, adding a layer of detail to help modulate the large, mostly unbroken glazing panels.

RESOLUTION

Date: March 7, 2017

Re: 151 Central Park West, #1W (West 75th Street.) Application to the Landmarks Preservation Commission for window replacement.

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

Committee: 4-0-1-0.

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

- The existing courtyard-facing windows within the first floor apartment will all be replaced by new tilt and turn windows, black finish.
- Proposal is to replace the single “special” leaded glass window with similar black tilt and turn unit.
- Existing leaded glass window is set deep within the building’s courtyard, not visible from the public way. It is in poor condition.
- While originally, this leaded glass window was part of a vertical column of similar windows, most in the line have been replaced over the years.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the proposed replacement window, in not being visible from the public way, 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 replacement window.

RESOLUTION

Date: March 7, 2017

Re: 235 West 75th Street (Broadway-West End Avenue.) Application to the Landmarks Preservation Commission for installation of a wheelchair ramp.

Full Board Vote: 38 In Favor 1 Against 1 Abstentions 0 Present

Committee: 4-1-0-0.

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

- An ADA accessible ramp is proposed to access the westernmost commercial unit on 75th Street, which is located three steps up from the street.
- Proposal is to remove the curved section of the existing stone curb wall surrounding the existing metal-grated areaway, as well as the stub wall and decorative metal railing at the western side of the entrance landing in order to install a sloping ramp within the existing areaway. The decorative metal newel post at street edge of stub wall will remain.
- New simple black metal railing to be installed on top of existing stone curb, with sloping metal handrails. The design of the metal enclosure railing will be modelled on the metal grid pattern at entry doors.
- Ramp and landing to be paved in bluestone.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the wheelchair ramp 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 design of the wheelchair ramp.

RESOLUTION

Date: March 7, 2017

Re: 80 Riverside Drive (West 80th-81st Streets.) Application to the Landmarks Preservation Commission for installation of a new energy efficient environmental compliant ductless heat pump system, new front doors, and reinstallation of recreated decorative urns at the building's cornice.

Full Board Vote: 38 In Favor 0 Against 0 Abstentions 0 Present

Committee: 5-0-0-0.

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

Mechanical rooftop work includes:

- In lieu of numerous existing, seasonally-installed window air conditioners, a new energy efficient environmentally compliant ductless heat pump will be installed throughout the building.
- As part of the heat pump system, six condensers will be installed on top of the existing bulkhead above the 18th floor penthouse. The penthouse is set back from the main brick facades of the building, and the bulkhead is located at the northeast corner of the penthouse roof.
- The new condensers will be fully concealed behind a 7 foot high, sound-attenuating screen of black horizontal louvers, blending in with the black paint finish of the 18th floor penthouse cladding.
- As a vertical extension of the existing penthouse bulkhead, the screen enclosure will be partially visible from the public way.

Other proposed work includes:

- New decorative urns, based on the design of an original architectural element will be replicated in fiberglass and installed at the top of the existing 17th floor penthouse parapet at the building perimeter.
- The building's existing front doors will be replaced with new glass doors with decorative metal grilles, based on the original door design.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rooftop condenser enclosure, although partially visible from areas of the public way, will blend in with the 18th floor penthouse enclosure, and be seen within the context of taller existing rooftop elements, including the building's adjacent, taller water tower. Therefore, the Committee believes that the proposed rooftop condenser enclosure, as well as the new front doors, and the recreated decorative urns reinstalled at the building's cornice are 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 rooftop condenser enclosure, new front doors and recreated urns.

RESOLUTION

Date: March 7, 2017

Re: 137 Riverside Drive (West 85th-86th Streets.) Application to the Landmarks Preservation Commission for a wheelchair stair lift in the moat along West 86th Street.

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

Committee: 5-0-0-0.

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

- In order to provide ADA access to the building, the existing metal staircase located in the areaway to the east of the front doors on 86th Street will be replaced with a new code-compliant, metal staircase, designed to support a battery operated platform lift.
- When not in use, the new lift will store at the bottom of the areaway.
- The new railing will be simple in design. It will be visible from the street, consistent with the existing areaway metal enclosure.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the wheelchair stair lift 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 wheelchair stair lift.

RESOLUTION

Date: March 7, 2017

Re: 150 Riverside Drive (West 87th Street.) Application to the Landmarks Preservation Commission for an entrance canopy; two signage panels at the 87th Street corner, and replacement of wall sconces at the entrance.

Full Board Vote: In Favor Against Abstentions Present

Committee: 5-0-0-0.

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

- A new metal and glass entrance marquee is proposed over the entry doors, the center of three arched openings.
- The new marquee will be 14 feet wide x 13 feet deep, ending short of the sidewalk street curb. It will be supported by two metal tension rods, anchored to the building's steel frame through the center of the two existing diamond-shaped panels at the center of two existing blind windows at the second floor.
- The marquee to be white glass and dark bronze finish metal framework and lettering.
- Recessed LED lights will be incorporated into the canopy at its perimeter.
- Two existing lighting fixtures flanking the front door to be refinished to match the dark bronze of marquee.
- To increase visibility of the building from Riverside Drive, two LED-backlit signage panels are proposed at the corner of 87th Street and Riverside Drive. Signs to be 7'-0" high x 2'-2" wide, projecting 4-1/2" off the building's limestone-clad street level facades.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the entrance marquee, and the repainting of the existing lighting sconces are reasonably appropriate to the historic character of the building and of the Historic District. However, although the Committee believes that some smaller scale, unilluminated signage might be appropriate at the building corner, they find that two aspects of the proposed design - its large size and its being illuminated - are inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT the Preservation Committee of Community Board 7/ Manhattan **approves** the marquee and the lighting sconces, but **disapproves** the proposed design of the corner signage.

RESOLUTION

Date: March 7, 2017

Re: 275 Central Park West (West 87th-88th Streets.) Application to the Landmarks Preservation Commission to raise a portion of an existing elevator bulkhead on the roof, install a new copper-clad elevator vestibule, and the addition of metal railings on top of the building parapet.

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

Committee: 4-0-1-0.

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

- In order to extend the existing elevator up one story to provide roof access, the elevator bulkhead needs to be extended 10'-10" up. In addition, a new elevator vestibule will be required.
- The elevator bulkhead extension will be clad in the same buff brick as the bulkhead below.
- The new elevator vestibule will be a horizontal rooftop addition to the existing stair bulkhead, approx. 11 feet tall (shorter than the stair bulkhead.)
- The elevator lobby will be clad in natural (unpatinated) copper, with fixed glazing at one end and metal and glass doors on the side, green color to match the copper.
- The bulkhead extension will be partially visible from the public way.
- At the building perimeter, new metal railing will be installed above the top of the existing masonry parapet wall to bring railing height up to code.
- The new railing will be attached to the inside face of the brick parapet.
- The horizontal bar railing design and black color are modeled on existing railings at lower building terraces.

The Preservation Committee of Community Board 7/ Manhattan believes that the while the proposed bulkhead extension will be partially visible from the public way, since it will be seen against the larger mass of a similarly buff-brick clad double elevator bulkhead and the taller mas of the buff-brick clad water tower, the new bulkhead will blend in with the context of the other rooftop projections. Therefore, the Committee believes that the design of the elevator bulkhead extension, the new copper-clad elevator vestibule, and the new metal railings installed on top of the existing building parapet are 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 elevator bulkhead extension, new elevator vestibule and new metal railings.

RESOLUTION

Date: March 7, 2017

Re: 36 West 94th Street (Central Park West-Columbus Avenue.) Application to the Landmarks Preservation Commission for a glass canopy over an entrance door.

Full Board Vote: 38 In Favor 1 Against 0 Abstentions 1 Present

Committee: 4-1-0-0.

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

- Several years ago, a semicircular metal and glass canopy with radiating ribs was installed at the building's main entrance at 26 West 94th Street.
- A new metal and tinted glass awning is proposed for this secondary administrative entrance.
- New canopy design to be a scaled-down version of the semi-circular metal and glass canopy at the main entrance, with similar radiating ribs. The new canopy will be black to match adjacent black grillework. Glass in the canopy will be translucent rather than tinted.

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

RESOLUTION

Date: March 7, 2017

Re: Community Board 7/Manhattan Resolution to Demand Repeal of Executive Order 13,769.

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

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

The 45th President of the United States of America has expressly stated in a new Executive Order dated March 6, 2017 that the United States government should bar entry to immigrants from six predominantly Muslim nations and suspend the acceptance of refugees from any nation. An immigration ban based on nationality and religion runs counter to our nation's core principle of freedom and equality among regions. At the same time, a closing of our borders to all refugees stains our proud history as a place of refuge for the world's most vulnerable; and

New York City is historically one of the many significant gateways to our country and continues to be a refuge for all immigrant populations; and

The district that Community Board 7/Manhattan serves on the Upper West Side has been celebrated and honored as a haven and destination for worldwide immigrant populations, from the 1600s to the present day; and

The Upper West Side has been a bastion for immigrants who have enriched the fabric of our community through their contributions in all aspects of our lives, including: the arts, education, social justice, food, industry and business.

The Charter of the City of New York mandates community boards to consider the needs of its district and advise elected officials on any matter relating to the adverse welfare of the residents within our district; and lastly

The Upper West Side demonstrates "the triumph of the spirit over the obstacles often faced by immigrants"¹ who have found refuge and a home in our district;

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan protests, denounces, and rejects President Donald J. Trump's Executive Order of March 6, 2017 "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES" and demands its full repeal.

Given the suspension of the previous similar order by a Federal district court and the Court of Appeals to the 9th District and the overwhelming public opposition, we trust that you will consider our resolute comments and withdraw this order and refrain from ordering any further immigration ban based on nationality or religion.

¹ Time Magazine, October 7, 1957

RESOLUTION

Date: March 7, 2017

Re: City Council Intros 0938, 0939, and 0940 re construction and renovation occurring in occupied residential buildings.

Full Board Vote: 40 In Favor 0 Against 1 Abstentions 0 Present

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

The Committee has consider the following facts and principles in making its recommendation:

- Construction and renovation occurring in occupied residential buildings can be highly disruptive and sometimes dangerous to the health and safety of existing tenants; and
- Construction work that is performed with disregard for existing residents can be a harsh form of harassment that can push residents to involuntarily vacate; and
- Too many landlords and owners indicate to the Department of Buildings that the building within which the construction is to occur is not occupied and/or does not contain any stabilized units; and
- Existing fines and penalties are not sufficiently high to significantly deter frequent violators of such falsified work permit applications; and
- The City's Charter may indicate that DOB's purpose is to "facilitate development", but such must occur only under safe conditions for all existing tenants, contractors, and the community-at-large, and thus inherent in DOB's power is the requirement to ensure safe conditions through proper management and enforcement; and
- DOB's budget and structure may need to be revised to retain the appropriate staff and resources to run efficient and effective permitting and enforcement units; and
- All DOB approved construction work within an occupied building must include a Tenant Protection Plan (TPP) indicating how the construction work will be conducted without harming the safety and well-being of existing tenants; and
- Despite the TPP requirements, there is minimal enforcement and too many tenants are never notified of construction and/or related work and are neither provided nor know where to find TPPs if such do exist for their building; and
- Individual tenants experiencing construction harassment who call 311 are instructed that an inspector will investigate the complaint within 40 to 90 days, a timeframe totally inadequate; and
- Community Board 7/Manhattan has experienced a sharp decrease in all levels of "affordable housing" within its district and can attest to the negative impact illegal and unsafe construction has had on existing tenants of buildings where such has occurred; and
- City Council Members Chin, Espinal, Johnson, Garodnick, Kallos, Levine, Menchaca, Mendez, Reynoso, and Rosenthal, have sponsored various bills directed at reforming the NYC Department of Buildings approach and enforcement as per the attached document listing the 12 proposed bills. (See Attachment One.)

- Seven of these proposed bills have already had an initial public hearing and the remaining five are yet to be scheduled for a hearing.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan:

- a. Supports the intent of Intros 0926, 0931, 0936, 0938 and 0960, and urges City Council to hold hearings on these proposed bills within the next two months;
- b. Requests the Council support and move to vote on the remaining bills (Intros 0918, 0924, 0930, 0934, 0939, 0940 and 0944);
- c. Urges DOB to immediately create a prominent link on its website that identifies the steps and timeframe DOB takes upon receiving a tenant complaint from the City's 311 system and reduce the time it takes for an inspector to visit the site when tenant safety is a concern;
- d. Urges DOB to immediately require contractors to post on every floor of an occupied building for which construction is planned to occur the Tenant Protection Plan. Such posting should be required to remain posted continuously throughout construction and a minimum of one week prior to the start of any work.
- e. Requires any contractor(s) found to currently be in violation of working without a permit or falsifying that a building is unoccupied in any other residential building within the five boroughs be denied a permit for a minimum of ten days and until a Tenant Protection Plan has been delivered via certified mail to each resident within the application building;
- f. Coordinate with the Department of Buildings to establish a timeframe for implementing the approved legislation; and
- g. Work with DOB to ensure the Department has adequate resources to implement efficiently and effectively the approved legislation.

RESOLUTION

Date: March 7, 2017

Re: 103 West 70th Street FRNT 1 (Columbus Avenue.)

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

Committee: 7-0-0-0

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the SLA for a two-year liquor license by New Amber 103 INC, d/b/a To be Determined.

RESOLUTION

Date: March 7, 2017

Re: 50 West 72nd Street (Central Park West.)

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

Committee: 7-0-0-0

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the Renewal application #2010310-DCA to the Department of Consumer Affairs by 50 West 72nd REST, LLC, d/b/a Riposo 72, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

RESOLUTION

Date: March 7, 2017

Re: 469 Columbus Avenue (West 82nd – 83rd Streets.)

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

Committee: 7-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the Renewal application #2009330-DCA to the Department of Consumer Affairs by Lenwich 83rd LLC., d/b/a Lenwich, for a four-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

RESOLUTION

Date: March 7, 2017

Re: 886 Amsterdam Avenue (West 103rd – 104th Streets.)

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

Committee: 7-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the Renewal application #2004738-DCA to the Department of Consumer Affairs by 886 Amsterdam Avenue Corp., d/b/a Arco Cafe, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 20 seats.

RESOLUTION

Date: March 7, 2017

Re: 345 Amsterdam Avenue (West 76th Street.)

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

Committee: 7-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the New application #599-2017-ASWC to the Department of Consumer Affairs by Chop't Creative Salad Company LLC, for a four-year consent to operate an unenclosed sidewalk café with 10 tables and 20 seats.

RESOLUTION

Date: March 7, 2017

Re: City Council bills that would place restrictions on and revamp the processes of the Board of Standards and Appeals.

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

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

Several members of the City Council have drafted 10 proposed resolutions amending the New York City Charter intended to improve the performance of the Board of Standards and Appeals in reviewing and communicating with the public applications for zoning variances and special permits. The texts of the proposed amendments are attached to this resolution.

Community Board 7/Manhattan has examined the proposed amendments and has the following comments:

Intro 282:

This proposed amendment would require BSA to itemize all arguments or evidence submitted by any "party" (undefined), and to state the extent to which the board has considered such arguments or evidence. This seems like a cumbersome and unnecessary procedure which would require BSA to acknowledge and address issues which are not germane or are frivolous. In practice, BSA does address substantive objections to applications and, where appropriate addresses them.

Accordingly, Community Board 7 recommends rejection of the proposed amendment.

Intro 418:

This proposed amendment would apply in cases where BSA rules against the position taken by the affected Community Board, and requires BSA to explain why it has rejected the Community Board's position.

Community Board 7 recommends the adoption of this proposed amendment.

Intro 514:

This proposed amendment attempts to address instances in which a variance is for a specific term and the Applicant has not obtained a renewal by the expiration date. It provides for a \$500 fine for the first six months of unauthorized use, to increase by \$500 for each successive six month period.

Community Board 7 believes it is appropriate to penalize applicants who are in default in applying for renewal of their variances. However, the proposed resolution is confusing and in some respects unfair to the applicants. It would penalize applicants who filed requests for renewal prior to the expiration date but whose requests are delayed without any fault of the applicant.

Community Board 7 believes that a better approach to this issue would be to tie penalties to the filing date of an application for renewal rather than the approval date. The filing date should be set several months in advance of the expiration date.

Intro 691:

This proposed amendment would extend from one month to four months the statute of limitations for filing a petition with a court to overturn a decision by BSA. Most BSA decisions grant the requested variance or special permit, and accordingly, most petitions filed in court are filed by opponents. Opponents claim that they require more than one month to gather information sufficient to file a detailed petition. Conversely, applicants claim that it is an unnecessary hardship to require that they wait four months before commencing construction and that they should know promptly whether or not there will be a challenge to BSA's ruling.

Community Board 7 recommends that to satisfy both Opponents and Applicants, the statute of limitation for filing a petition be extended to four months but that notice of intent to file a petition be provided within 30 days of the BSA action.

Intro 1200:

This proposed amendment would require BSA to notify Council members for the relevant Council District within five days that an application for a variance or special permit has been received by BSA.

Community Board 7 recommends adoption of this proposed amendment, but suggests that it include a requirement to notify the relevant Community Board.

Intro 1390:

This proposed amendment would require the City Planning Commission to appoint a "Board of Standards and Appeals Coordinator" who would be required to attend all meetings of the Board.

Community Board 7 does not support the appointment of a citywide coordinator at City Planning. City Planning responsibilities are broken up by borough, and different individuals at City Planning are responsible for coordinating City Planning activities with respect to variances and special permits.

The proposed amendment would also require a posting on the City Planning website of each BSA hearing at which City Planning presents testimony and a copy of any testimony. Community Board 7 supports the posting of City Planning testimony on its website, but we are informed that this practice is already in effect.

Intro 1391:

This proposed amendment would require BSA to hire a full time appraiser to analyze claims that Applicants cannot obtain a reasonable return and therefore require a special permit. BSA has objected to the proposal because there are too few applications which would require forensic analysis. Community Board 7 recommends that BSA maintain a short list of approved independent forensic accountants or appraisers who would be retained by the applicants on a rotating basis, and at applicants' expense. This would provide the necessary expertise and avoid any suggestion that an Applicant's handpicked expert might be biased in favor of the Applicant.

Intro 1392:

This proposed amendment to the Charter contains several sections:

1. The proposed amendment would require applications to BSA to be certified under penalty of perjury by the Applicant, the property owner, and the preparer of any document accompanying the application. Community Board 7 approves this proposed amendment.
2. The proposed amendment would require an Applicant to provide information regarding each lot within a 400-foot radius, setting forth the dimensions of the lot, description of any non-complying buildings, description of environmental hazards, description of geotechnical issues (such as groundwater, shallowness, subway structures, soil conditions, bedrock irregularities), and any prior decision of BSA in connection with such lot. Community Board 7 believes that this proposed amendment amounts to overkill. Most of the information sought would be irrelevant to applications, and compliance would be unduly costly and time-consuming, particularly with respect to applications for single or two-family home owners, which form the bulk of BSA applications.

There may well be conditions prevailing on neighboring lots which bear on a special permit application. For example, if an applicant claims "uniqueness" of its lot and all of the other lots on the block have the same condition, this would be relevant. To the extent not already required by BSA, the resolution should provide that information relevant to an application be provided for lots within a 300 foot radius.

3. Intro. 1392 also proposes to list the information to be provided with respect to the B finding (reasonable rate of return). The enumeration of information required seems appropriate, if incomplete, as it omits any information concerning actual out-of-pocket outlay. The proposed law then purports to define overall return differently for rental properties and for condos-coops. For rental properties, the return is calculated by dividing net operating income by total development costs (e.g., if a building costs \$100,000,000 and the net operating income is \$10,000,000, the rate of return would be 10%). For coops or condos return is calculated by dividing net profit (i.e., on the sale of units) by total development costs. These formulas ignore a significant factor in determining fair rate of return: generally, a developer will borrow all but a small fraction of the funds needed to develop a property. If, for example, the property costs \$100,000,000 to develop and build, his out-of-pocket cost might hypothetically be \$25,000,000. The developer's real out-of-pocket rate of return would be the ratio of net income (after deducting mortgage costs) divided by the out-of-pocket development costs. For a co-op or condo, a developer might invest \$25,000,000 of its own money and borrow the rest. Assuming hypothetically, that the condo or coop is worth \$125,000,000 when completed, but that because the condo or coop would assume the developer's \$75,000,000 mortgage, the developer would net only \$50,000,000, the developer has still doubled his money in a very short period of time.

Community Board 7 believes that a distinction should be made between an Applicant who has owned property for several years and acquired it at a low cost, and an Applicant who has recently purchased his property. At present, actual purchase prices are disregarded, and current value is used. This method provides a windfall to long-time property owners who acquired their property at low cost.

In summary, Community Board 7 suggests that the method by which reasonable return is calculated be revisited.

Intro 1393:

This proposed amendment would require reports approximately every six months concerning BSA applications and approvals or rejections. Community Board 7 approves the proposed amendment but suggests the changes set forth on the attached sheet.

Intro 1394:

This proposed amendment to the City Charter would require the maintenance by BSA of an interactive zoning map showing variances and special permits. Community Board 7 approves this proposed amendment in concept but suggests that, due to the cost of creating an interactive map, that the Council and BSA explore the possibility of “piggybacking” on already existing maps maintained by other City agencies.

General Suggestion:

The proposed amendments deal with the application process. We believe that if there is to be a comprehensive review of the procedures for variances and special permits, two additional topics need to be addressed:

1. Community Boards should be promptly informed of any amendments to an application for a variance or special permit.
2. A method should be developed to review projects as to which a variance or special permit is granted to determine whether the Applicant has complied with the terms of the special permit or variance.

RESOLUTION

Date: March 7, 2017

Re: 1873 Broadway, Newsstand on SWC of Broadway and West 62nd Street. Application #934-2017-ANWS to the Department of Consumer Affairs by Imran Kahn to install and maintain a newsstand on the southwest corner of Broadway and West 62nd Street.

Full Board Vote: 38 In Favor 1 Against 0 Abstentions 1 Present

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

The applicant advised the Board that he was withdrawing the application and did not attend the committee meeting;

He did not provide a written withdrawal, as requested;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** application #934-2017-ANWS to the Department of Consumer Affairs by Imran Kahn to install and maintain a newsstand on the southwest corner of Broadway and West 62nd Street.