

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 300 Amsterdam Avenue (West 74<sup>th</sup> Street.)**

**Full Board Vote: 26 In favor 2 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1218880 to the Department of Consumer Affairs by American Specialty Foods, Inc., d/b/a Josie's, for a two-year consent to operate an enclosed sidewalk café with 11 tables and 27 seats.

*Committee: 8-1-0-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 44 West 63<sup>rd</sup> Street (Columbus Avenue - Broadway.)**

**Full Board Vote: 20 In favor 13 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** renewal application DCA# 1229629 to the Department of Consumer Affairs by ERS Enterprises, Inc. d/b/a P.J. Clarke's, for a two-year consent to operate an enclosed sidewalk café with 22 tables and 46 seats, unless the food odor condition entering neighbors' apartments is corrected.  
*Committee: 8-1-0-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 2061 Broadway (West 71<sup>st</sup> Street.)**

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

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1223566 to the Department of Consumer Affairs by Café 71, Inc. d/b/a Café 71, for a two-year consent to operate an enclosed sidewalk café with 9 tables and 29 seats.  
*Committee: 8-1-0-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 2290 Broadway (West 82<sup>nd</sup> – 83<sup>rd</sup> Street.)**

**Full Board Vote: 18 In favor 14 Against 3 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1119642 to the Department of Consumer Affairs by Westside Deli, LLC d/b/a Artie's Delicatessen, for a two-year consent to operate an enclosed sidewalk café with 26 tables and 54 seats.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 502 Amsterdam Avenue (West 84<sup>th</sup> Street.)**

**Full Board Vote: 27 In favor 7 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1146560 to the Department of Consumer Affairs by Romagica Corp. d/b/a Celeste Restaurant, for a two-year consent to operate an enclosed sidewalk café with 4 tables and 10 seats.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 2483 Broadway (West 92<sup>nd</sup> – 93<sup>rd</sup> Street.)**

**Full Board Vote: 25 In favor 8 Against 2 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0916146 to the Department of Consumer Affairs by Hussien Environmental, Inc., d/b/a Cleopatra's Needle, for a two-year consent to operate an enclosed sidewalk café with 9 tables and 16 seats.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Transportation**

**Re: 221 Columbus Avenue (West 70<sup>th</sup> Street.)**

**Full Board Vote: 18 In favor 14 Against 2 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new/change of ownership application DCA# 1275517 to the Department of Consumer Affairs by Amber Japanese Restaurant Inc. d/b/a Amber Asian Cuisine, for a two-year consent to operate an enclosed sidewalk café with 11 tables and 22 seats.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Parks & Preservation**

**Re: 67, 69, 71 & 73 West 71 Street (Columbus Avenue – Central Park West.)**

**Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present**

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

This is a combined lot that is zoned for commercial use.

The rear-yard extension of two of the buildings at 67 and 69 West 71<sup>st</sup> Street would be to the rear lot lines, would leave a very small grade level opening surrounded by commercial buildings and would not be visible from any public way.

The architect, on behalf of the applicant, represented to The Parks & Preservation Committee of Community Board 7/Manhattan that he would change the proposed store front windows from those presented to the Committee to remove the off-center posts dividing the each group of windows.

The Parks & Preservation Committee believes that the proposed façade remodeling, as modified as described above, is reasonably appropriate to the historic character of the buildings, and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed façade remodeling 67, 69, 71 & 73 West 71<sup>st</sup> Street, subject to the change in the design agreed to by the architect as described above.

*Committee: 9-2-1-0, and*

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** the proposed rear-yard extension of the two buildings at 67 and 69 West 71<sup>st</sup> Street, but recommends that the roofs of the two buildings be landscaped.

*Committee: 10-0-1-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Parks & Preservation**

**Re: 428 Columbus Avenue (West 80<sup>th</sup>-81<sup>st</sup> Streets.)**

**Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present**

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

The proposed altered and expanded rooftop addition will be of materials and design considerably more appropriate to the historic character of the building and of the Historic District than the existing rooftop addition.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed alteration and expansion of the rooftop addition at 428 Columbus Avenue.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Parks & Preservation**

**Re: 258, 260 & 262 West 88<sup>th</sup> Street (West End-Broadway.)**

**Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present**

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

The architect agreed on behalf of the applicant to withdraw its request to the LPC at this time for the façade renovations and to return to The Parks & Preservation Committee of Community Board 7/Manhattan at a later time to present potentially revised drawings for the façade renovations.

The proposed rooftop additions at the front facades of 258 and 260 West 88<sup>th</sup> Street will not be visible from any public way, and they will be generally of a style and materials consistent with the rooftop addition at 262 West 88<sup>th</sup> Street that was previously approved by the Committee and the LPC and constructed on that building.

The proposed rear-yard addition will not be visible from any public way, and is a reasonably symmetrical design that would replace a hodgepodge of non-historic accretions to the three rear facades.

The architect represented to the Committee that the drawing of the proposed rear façade presented to the Committee did not accurately show the fenestration at the fourth floor, and that the plans presented to the LPC would show double-hung windows without divided lights, and similarly undivided glass door panels, at the fourth floor.

The Park & Preservation Committee of Community Board 7/Manhattan believes that the proposed front rooftop additions and the proposed rear-yard additions are reasonably appropriate to the historic character of the buildings and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed front rooftop additions and the proposed rear-yard additions at 258, 260, 262 West 88<sup>th</sup> Street, and **takes no action** regarding the proposed façade renovation, based on the applicant's agreement to withdraw that portion of its application pending reappearing before the Committee with potentially revised designs for the façade.

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

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Parks & Preservation**

**Re: 303 West 90<sup>th</sup> Street (West End Avenue.)**

**Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present**

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

The applicant did not appear as scheduled at the September 2008 meeting of The Parks & Preservation Committee of Community Board 7/Manhattan, nor submit any materials in support of its application.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the proposed rear-year and rooftop additions at 303 West 90<sup>th</sup> Street, without prejudice to reconsideration if the applicant appears before the Committee and presents its application.  
*Committee: 11-0-0-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Parks & Preservation**

**Re: 190 Riverside Drive (West 91<sup>st</sup> Street.)**

**Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present**

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

190 Riverside Drive is a classic Beaux Arts apartment building of 1909 with a particularly notable and prominent cornice.

The proposed rooftop addition would be substantially visible from Riverside Park and from various points on other public ways.

The Parks & Preservation Committee of Community Board 7/Manhattan believes that the proposed two-story rooftop addition, with facades primarily of glass that would be considerably closer to the building parapets than the facades of the existing one-story rooftop addition, is too bulky, lacks connection to its context, has no relevant precedent on the Upper West Side and is 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 rooftop addition at 190 Riverside Drive.

*Committee: 11-0-0-0.*

**RESOLUTION**

**Date: October 7, 2008**

**Committee of Origin: Youth, Education & Libraries**

**Re: School Overcrowding in District #3.**

**Full Board Vote: 22 In favor 0 Against 2 Abstentions 0 Present**

This resolution is premised upon the following facts:

*Overcrowding*

Many elementary and middle schools located within Community Board District 7/Community School District 3 (referred to as the “District”) have enrollments that significantly overtax the facilities and resources available in the school buildings in which those schools and programs are currently located.

The overcrowding threatens the ability of the subject schools to ensure that all children in each school receive the best possible education, including requiring certain schools in the District to eliminate art rooms, science labs and other essential elements of a balanced and well-rounded education in favor of core classrooms.

The Department of Education plans no new seats in its current proposals for the Capital Plan, despite the on-going boom in residential construction throughout District and the expectation that such construction will exacerbate the overcrowding, as ably documented by the Manhattan Borough President (“Crowded Out: School Construction Fails to Keep Up With Manhattan Building Boom”), the Comptroller of the City of New York (“Growing Pains: Reforming Department of Education Capital Planning To Keep Pace with New York City’s Residential Construction”), and the on-going work of the District 3 Community Education Council (“D3CEC”) and its dedicated Space Committee.

At the request of the D3CEC, the Department of Education (“DoE”) has prepared two proposals concerning rezoning portions of the catchments of the elementary schools in the District.

The issue of overcrowded schools reaches beyond the impact on the current generation of elementary school-aged children, as it not only affects the ability of schools to accommodate differences in learning styles, paces and approaches, but also impacts the likelihood that the affected generations will want to settle, raise families in, and otherwise enrich our community as adults.

*The Proposals: Overview*

The DoE proposals continue to refuse to call for the construction or addition of new seats for elementary school students in the District, even though the developers of the Riverside South

*Resolution*

*Date: October 7, 2008*

*Committee of Origin: Youth, Education & Libraries*

*Re: School Overcrowding in District #3.*

*Full Board Vote: 22 In favor 0 Against 2 Abstentions 0 Present*

complex set aside space in the master plan for the addition of a public school.

The DoE Proposals are based on the assumption and will have the effect of eliminating out-of-catchment enrollment, through which many schools in the District achieve greater economic, ethnic and racial diversity than would otherwise exist.

The proposals are based on DoE metrics concerning the increase in enrollment anticipated from new construction, which metrics are not subject to review by the Community Board, the D3CEC, the State Legislature, or other independent bodies, and are not adjusted for cyclical downturns in the economy that may alter the assumptions about use of public vs. private schools.

The proposals will have as-yet undetermined effects on programs valued by the community, including dual language/dual immersion programs, “gifted & talented” programs, and Citywide programs resident in the District, and these effects were intentionally omitted from the proposals presented to the community.

Neither of the proposals addresses the imperative to reduce class size to the levels mandated by the State Legislature, nor is coordinated with the DoE funding schemes that continue to require schools to group children in unacceptably large classes in order to afford basic necessities.

The Proposals would not guarantee that newly admitted kindergarteners would attend the same school as older siblings, making it unnecessarily difficult for families to get all children to school on time, and threatening the ability of families to volunteer or take part in the life of either school.

Despite its admission of a multi-year lag time between the decision to add new seats (whether by construction, lease or otherwise), the DoE stated categorically that it would not add new capacity to the District unless and until the anticipated enrollment actually occurred, meaning that by its own measure, nearly a full cycle of elementary school children would proceed through elementary school in facilities that exceed the DoE’s, and certainly the community’s standards for overcrowding.

*Proposal No. 1*

This proposal fails to address anticipated enrollment from new construction and existing buildings.

For example, under Proposal no. 1, PS 163, which currently teaches students in trailers intended to be a temporary solution, would add significantly to its catchment zone (approximately 36 residential buildings including portions of the Douglas Houses) while losing only one square block (with three existing and one newly constructed residential building), despite the looming presence of additional residential buildings in Park West Village aimed at families with children.

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*Re: School Overcrowding in District #3.*  
*Full Board Vote: 22 In favor 0 Against 2 Abstentions 0 Present*

Similarly, PS 75's catchment would add and subtract approximately equal areas under Proposal no. 1, and would add one oversized newly constructed residential tower.

The expansion of the catchment zone for PS 87 and other schools in the District would lead to a reduction in out-of-catchment enrollment, which in turn would threaten the ability to attract and retain students needed for dual language and dual immersion programs requiring balanced enrollment across ethnic lines.

*Proposal No. 2*

The core premise of this proposal, using perceived excess capacity at IS 44 to house the Anderson K-8 school, ensures that the space crisis will endure in that it uses middle school space to solve the current elementary school overcrowding problem even though, by the time it is phased in, the same population will face exactly the same overcrowding in middle schools.

The proposal ignores the need for additional middle school programs in the District by consuming space available for such programs to grow.

Mixing an elementary school population into a predominantly middle school building poses logistical and safety issues that the proposal does not address.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the Department of Education to include in any proposal to address the current overcrowding in District 3:

1. the addition of new seats in the District, in the near-term by lease or re-allocation of non-school space, and in the longer term by new construction including utilizing the space set aside in Riverside South; and
2. plans to retain out-of-catchment enrollment to permit and promote greater diversity; and
3. solutions aimed at addressing overcrowding and utilization on a school-by-school basis rather than a "target zone utilization" rate or other heretofore unknown concepts; and
4. adequate facilities to accommodate the anticipated enrollment from on-going and future new construction; and
5. the retention of at least as many seats as are presently available for dual immersion/dual language, special education, "gifted & talented" and other programs in schools where they are currently successful that meet the needs of segments of our District population.