

RESOLUTION

Date: January 6, 2009

Committee of Origin: Land Use

Re: 150 Amsterdam Avenue (West 66th Street.)

Full Board Vote: 21 In favor 12 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #090132ZMM to the Department of City Planning by 150 Amsterdam Avenue Holdings, LLC for a change in the zoning map to extend the Existing Commercial Overlay 230 feet south to West 66th Street to facilitate ground floor retail in a mixed use building that is in construction.

RESOLUTION

Date: January 6, 2009

Committee of Origin: Health & Human Services

Re: Access to Reproductive Health Care Facilities.

Full Board Vote: 32 In favor 0 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan supports City Council Bill Int. No. 826, Access to Reproductive Health Care Facilities section of the Human Rights Law, and urges its swift passage.

Committee: 3-0-0-0. Board Member: 1-0-0-0. Public Members: 2-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committees of Origin: Parks & Preservation and Transportation

Re: IS44, Columbus Avenue and West 77th Street

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan believes that the fence surrounding the school yard needs to be replaced because of rusting and substantial gaps.

The funding for the fence is in place.

The proposed design is innovative and provides for “green screens”, which will act as a counterpoint to the industrial style fence.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the fence around the IS44 school yard.

Committee: 8-0-0-0. Board Members: 3-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committees of Origin: Parks & Preservation and Transportation

Re: Council on the Environment's proposal for a Sunday Greenmarket on Columbus Avenue.

Full Board Vote: 28 In favor 2 Against 0 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board believes that the Greenmarket is an amenity to the neighborhood outweighing some of the concerns expressed by some members of the Committee.

Locating the market at Columbus Avenue between West 77th and 79th Streets will allow the market to expand the number of vendors and to have increased visibility.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** a one-year trial period on the east side of Columbus Avenue between West 77th and 79th Streets, 46 weeks per year, with the other 6 weeks in the IS44 schoolyard.

Committee: 8-2-0-0. Board Members: 3-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Parks & Preservation

Re: 131 Riverside Drive, aka 365 West 85th Street.

Full Board Vote: 28 In favor 0 Against 0 Abstentions 0 Present

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

The Parks & Preservation Committee of Community Board 7/ Manhattan believes that the changes being proposed are in keeping with the overall historic design.

The addition of a shed will be barely noticeable from the street since is 55 feet back from the street and through an alley, and it will be made of brick to match the Apartment building.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the proposal to replace an iron ramp and stairs and alter masonry openings.

Committee: 9-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Parks & Preservation

Re: 104 West 70th Street (Columbus Avenue.)

Full Board Vote: 28 In favor 0 Against 0 Abstentions 0 Present

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

The parapet wall will be set back 16 feet from the roof.

It will be slightly visible from across the street but rises only 5.5 feet above the parapet wall.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to build a 12-foot stair addition to the roof of the building.

Committee: 9-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Youth, Education & Libraries

Re: District 3 Middle School Closings.

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

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

The Department of Education (“DoE”) has decided to close two middle schools in Community School District 3 (“CSD3”): MS 44, and PS/MS 241/Family Academy (the “Affected Schools”).

MS 44 is situated in the IS 44 building on West 77th Street, which building was the subject of significant attention as the new home proposed by the DoE for the Anderson School (PS/MS 333) as part of a multi-step rezoning process ultimately adopted by the CSD3 Community Education Council (“CEC3”) as a means to remedy the extreme overcrowding of several schools that resulted from the DoE’s failures to plan proactively for the consequences of a boom in residential development in CSD3 over the past ten or more years.

The DoE failed to advise CEC3, or the administration, faculty or parents of students in either of the Affected Schools that closing either of the Affected Schools was being considered until after the decision to close had been made.

With respect to MS 44, the possibility that one of the existing schools resident in a building at the center of a controversial discussion on rezoning was information that should have been made available to CEC3 and members of the community engaged in the rezoning process.

The DoE’s failures to engage or communicate with administrators, faculty, parents and the community in advance of its unilateral decision to close the Affected Schools undermines the community’s confidence in the DoE, and in its ability to build new programs that will be responsive to the needs of the displaced students and the community that seeks to support them.

The DoE decided to close the Affected Schools based on only two years’ results of a newly devised, primarily standardized test-driven process of “quality review” whose efficacy has not been determined, and on which the Affected Schools achieved only mixed results in the only two years such reviews were conducted (including reliance on outdated survey responses relating to past safety concerns, which subjective survey results already a part of the “quality review”).

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the DoE:

To improve upon its failures of communication with respect to the Affected Schools and all schools in CSD3 by engaging and communicating with all affected constituencies both before and after any future decision to close or fundamentally alter the structure of any other schools in our District; and

To base future decisions regarding the potential closing or fundamental alteration of the structure of any school on factors in addition to those embraced by the “quality review,” including without limitation the experiences, practices and suggestions that may be learned from a meaningful dialogue with the administrators, faculty and parents of the school under review prior to making any decision to close.

Committee: 5-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Youth, Education & Libraries

Re: Department of Education's 2010-2014 Capital Plan.

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

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

Community School District 3 ("CSD3") currently has at least 1,500 fewer elementary and middles school seats than would be required to adequately provide for its existing student enrollment (MBP "A Better Capital Plan").

The Borough of Manhattan has approximately 12,000 fewer high school seats than is currently required.

Since 2000, more than 25 new, large-scale residential buildings have been completed or begun construction in CSD3, adding thousands of family-friendly apartments to our District and creating overcrowding at many schools in CSD3, including PS 199, PS87, PS9, PS166, PS75, and PS163, threatening the ability of those and all schools in our District to continue to offer the high-quality educational opportunities for which they are rightly prized by the community.

The Department of Education ("DoE") and its predecessor has continuously failed, over more than a decade of a residential building boom and marked increases in population and enrollment in CSD3, to provide adequately for the needs of students in existing school facilities or to create new facilities to meet those needs.

As a result of the DoE's failures, CSD3's Community Education Council was forced to take drastic action, including relocating schools and altering catchment boundaries, at great expense to the sense of community in the District, the schools and the students affected.

Notwithstanding the CEC's efforts, the failure of the DoE to plan for the on-going building boom continues to threaten many CSD3 schools with overcrowded conditions, especially in the northern section of the District, which include the use over ten years of "temporary" trailers as classrooms.

The DoE's 2005-09 Capital Plan did not slate or build a single new seat for elementary, middle school or high school students in CSD3.

While the 2005-09 Capital Plan promised the addition of 63,000 new seats citywide, only 21,000 such seats were completed, 34,000 are still in progress and will be delayed years, and 8,000 seats have been deferred entirely until the next capital plan.

The DoE's proposed 2010-14 Capital Plan, despite allocating over \$2.7 billion for the creation of 17,000 new seats (plus the 8,000 seats deferred from the previous plan), again fails to add a single seat for elementary, middle school or high school students in CSD3.

The 2010-14 Capital Plan fails to address the class size reduction goals enshrined in the legislation enacted to resolve the Campaign for Fiscal Equity lawsuit.

The 2010-14 Capital Plan fails to offer any meaningful remediation of the overcrowding, and the over-taxing of common and shared facilities such as gyms, cafeterias and libraries, in schools in which the DoE has inserted Charter Schools or other new programs or schools,

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Committee of Origin: Youth, Education & Libraries

Re: Department of Education's 2010-2014 Capital Plan.

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

causing some students to eat lunch at absurdly early hours, to have limited or no access to gyms, and to lose the use of rooms formerly configured as science labs, libraries, art space and other essential attributes of a well-rounded education,

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the DoE, the City Council and the Mayor to revise the 2010-14 Capital Plan with respect to Community School District 3:

1. To approach providing additional capacity to mitigate overcrowding and class sizes larger than that targeted in the legislation implemented to resolve the Campaign for Fiscal Equity litigation; and
2. To include the creation of at least 1,500 new seats for students in CSD3, to alleviate current overcrowding and excessively large class sizes, to be allocated between at least one site in the southern portion of the District such as Riverside South, and at least one site in the northern portions of CSD3 such as the space currently occupied by temporary trailer classrooms at PS163; and
3. To plan proactively now to add additional new seats to accommodate new enrollment occasioned by continuing construction of new residential units in our District, including residential units planned or under construction on an as-of-right basis, to eliminate any lag time between an increase in enrollment and the creation of space to accommodate the students; and
4. To include in its analysis of available space and capital needs within schools the demands on common spaces such as gyms, cafeterias, science labs, art rooms and libraries, as such demands are created by additional enrollment or by the addition of Charter School or other programs in existing schools and buildings.

Committee: 5-0-0-0.

RESOLUTION

Date: January 6, 2009

Committee of Origin: Transportation

Re: 53 West 72nd Street (Columbus Avenue.)

Full Board Vote: 27 In favor 4 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1160306 to the Department of Consumer Affairs by PS Café, Inc., for a two-year consent to operate an enclosed sidewalk café with 13 tables and 26 seats.

Committee: 5-1-0-1. Board Members: 2-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Transportation

Re: 2787 Broadway (West 107th Street.)

Full Board Vote: 27 In favor 4 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1147364 to the Department of Consumer Affairs by Hillview Specialty Foods, Inc., d/b/a 107 West Restaurant & Bar, for a two-year consent to operate an enclosed sidewalk café with 13 tables and 26 seats.

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

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Transportation

Re: 2014 Broadway (West 69th Street.)

Full Board Vote: 28 In favor 3 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0960823 to the Department of Consumer Affairs by HDN Corp., d/b/a La Fenice, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.

Committee: 7-1-0-0. Board Members: 3-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Transportation

Re: 462 Amsterdam (West 82nd Street.)

Full Board Vote: 30 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1218320 to the Department of Consumer Affairs by Sol y Sombra, LTD, d/b/a Sol y Sombra, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Committee: 7-1-0-0. Board Members: 3-0-0-0.

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RESOLUTION

Date: January 6, 2009

Committee of Origin: Business & Consumer Issues

Re: Applications for 2009 multi-block street fairs.

Full Board Vote: 25 In favor 3 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the applications to the Street Activity Permit Office for the 2009 multi-block street fairs.

RESOLUTION

Date: January 6, 2009

Committee of Origin: Business & Consumer Issues

Re: 230 West 101st Street (Broadway.)

Full Board Vote: 25 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application to the New York State Liquor Authority by Bar 101 LLC, d/b/a to be determined, for a two-year on-premises liquor license.

RESOLUTION

Date: January 6, 2009

Committee of Origin: Business & Consumer Issues

Re: 217 West 85th Street (Broadway.)

Full Board Vote: 25 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the new application to the New York State Liquor Authority by 85 & Broadway LLC, d/b/a to be determined, for a two-year on-premises liquor license.

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RESOLUTION**Date: January 21, 2009****Committees of Origin: Land Use and Transportation****Re: Fordham University Master Plan****Full Board Vote: 31 In favor 0 Against 2 Abstentions 1 Present**

Fordham University seeks approval of a "Master Plan" for future construction on its Lincoln Center Campus. If approved, the Master Plan would authorize total construction (including existing buildings) on its site of approximately 3,020,480 square feet of floor area, the maximum amount allowed under the R-10 zoning applicable to the site. The Master Plan proposes the construction of private residences at the corners of Amsterdam Avenue and 60th and 62nd Streets, with heights of 572 feet to 600 feet and 661 feet, respectively; academic buildings at the corners of Columbus Avenue and 60th and 62nd Streets, with heights of 470 feet and 382 feet, respectively; academic buildings with heights of 342 feet, 319 feet and 155 feet, on 62nd Street, from Columbus to Amsterdam Avenues, and an academic building on the interior of the site of 161 feet. In order to finance the construction of the academic buildings, Fordham would sell development rights to the Amsterdam Avenue corner sites.

While the total floor area proposed does not exceed the as-of-right limit for an R-10 zone, several factors have combined to make the proposed Fordham construction more massive than the typical R-10 as-of-right site. First, the site includes a 60 foot x 550 foot swath running east to west which comprises a demapped 61st Street; the resultant increase in allowable floor area (after deducting floor area lost by the widening of 60th and 62nd Streets) is approximately 90,000 square feet. Second, the academic buildings on Columbus Avenue contain several floors with exceptional ceiling heights. Thus, while the floor area of these buildings is equivalent to that of 30-34 story buildings, the building heights are equivalent to 40-47 story buildings. As a result, these buildings would contain at least 25% more bulk than their floor area would ordinarily indicate. Third, the Master Plan is dependent on the approval of waivers of height and setback and sky exposure plane regulations which would otherwise operate as a failsafe brake on overly massive development. For example, the proposed buildings on the corners of Amsterdam and 60th and 62nd Streets could not be built without sky exposure plane waivers which more than triple the height of any structure which could practically be built on those footprints as of right. Fourth, the eastern two-thirds of the site would be devoid of any street level open space. The "open space" proposed on the site once Phase II is completed is solely a portion of an existing quadrangle built on a podium which is at least 15 feet above grade on all sides, accessible only by stairway and elevator; there would be no site lines through the site at ground level. New Yorkers know from experience (e.g the former plazas at the GM building and 55 Water Street,

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and the former configuration of Bryant Park), that open space does not benefit the community unless it is at or near grade level. People simply will not climb 15 foot-high stairways to gain access to Fordham's "open space." Fifth, the Master Plan contains no commitment as to the actual design of any buildings; thus, even if an imaginative design could mitigate somewhat the effect of the massiveness and height of the proposed buildings, no such design has been incorporated in Fordham's proposal. Indeed, it is likely that the Columbus Avenue buildings will not be designed for 15-25 years.

More than three years ago, in December 2005, Community Board 7 alerted both Fordham and the Chair of the Planning Commission of a multitude of objections to the then proposed Master Plan. In letters to the Chair we noted that it was doubtful that any meaningful progress could be made toward the creation of a reasonably proportioned campus so long as Fordham insisted on three immutable principles: 1) the retention of the "podium" and consequent elimination of any usable open space or site lines; 2) the sale of 701,000 square feet of development rights to a private developer; and 3) the utilization of the full 3,020,000 square feet of allowable floor area. Despite our comments and innumerable meetings with Fordham, only cosmetic changes were made in the plan prior to its certification in November 2008. Fordham refused to consider any change to the podium, refused to reduce the total proposed floor area and refused to change its plans to sell development rights.

The result of Fordham's desire to maximize everything would be a "superblock" without through passage or even sight lines at grade level, with buildings grossly out of scale with the rest of the Upper West Side. On four corners Fordham would tower over its neighbors to the west, north and east, and would extend an inhospitable midtown ambience to Lincoln Center. Indeed, the absence of through passage or sight lines at grade level would multiply the fortress effect of Fordham's campus. It is perhaps ironic that Fordham, which seeks to expand its Lincoln Center campus in order to present an education which includes an urban experience, will be instead be creating a campus which, in most of its particulars, radiates hostility towards its neighbors and isolates itself within the community.

Upon certification, the Master Plan was debated at a special meeting of CB7's Land Use Committee. We estimate that 250-300 people were in attendance, almost all of whom identified themselves as neighbors of Fordham who were opposed to the Master Plan. In addition to concerns about the project's bulk and the height of the proposed buildings, several residents expressed concern that the proposed private development would exacerbate an already overcrowded condition in the area public schools (as had the construction of the Trump buildings on the former Penn Yards site). With respect to this issue, it is noteworthy that representatives of Fordham were unable provide reliable information concerning the number of units which would be constructed in the private development buildings. (The EIS assumes a total of 856 units; Fordham "estimates" that the total will be less than 500 units, but Fordham has not even identified a developer for the 60th Street and Amsterdam site.)

More than a dozen professors and administrators of Fordham spoke in favor the plan, emphasizing Fordham's need for additional space; however, no details were offered as to how the precise number of required square feet was computed. The educators made a good case for expansion of present capacity, but did not provide details as to why a tripling of its current

facility is required. It appeared that Fordham's needs assessment was driven in substantial part by a calculation of how to divide the maximum allowable square footage between private development sites and academic sites so as to be able comfortably to finance the construction of the academic sites.

Following testimony by Fordham and members of the public, debate ensued among members of the Land Use Committee, who were unanimously of the view that while Fordham should be allowed to develop its site to further its laudable education aims, the project, as proposed, would result in substantial overbuilding without a corresponding demonstrated need. In particular, the committee was of the view that it would be irresponsible to approve a "Master Plan" for more than 2,000,000 square feet of new floor area, together with substantial height and setback and sky exposure plane waivers, without any idea of what the buildings when constructed would look like.

Section 82-33 of the Zoning Resolution, applicable in the Lincoln Square Special District, provides that in order to issue a special permit modifying height and setback regulations and other bulk restrictions, the City Planning Commission must find that the modifications are "necessary" to "facilitate good design." Community Board 7 finds that the proposed modifications are not "necessary" to "facilitate good urban design, and, indeed, are antithetical to good urban design. Moreover, given that the Master Plan does not include designs for a single building, and that the design of some of the buildings will not occur for decades, it is not possible to conclude that section 82-33 has been complied with. A further review and approval process is required when and as the buildings are designed.

Community Board 7 recognizes that a second tier review and approval process is, to some extent, unprecedented, but so too is the grant of special permits modifying height and setback and other restrictions for buildings which have not been designed. Since the problem is unique, a unique solution is required. What is absolutely certain, however, is that special permits of the scope of those requested here cannot be issued as blank checks to be cashed when and in the manner that a future generation of Fordham planners see fit.

THEREFORE, with respect to Application #C050260ZSM to the Department of City Planning by Fordham University to modify height and setback requirements; inner and outer court yard regulations; minimum distances between buildings; and minimum distance between legally required windows and zoning lot lines in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam and West End Avenues and West 60th and 62nd Streets,

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the specific applications for special permits and the proposed Master Plan for the Fordham site at Lincoln Center; and

BE IT FURTHER RESOLVED THAT the required finding set forth in section 82-33(a) that the requested modification in height and setback and other bulk regulations are "necessary" to "facilitate good design" cannot be made.

Vote of Land Use and Transportation Committees: 9-0-0-0.

Vote of Non-Committee Board Members: 2-0-0-0.

RESOLUTION

Date: January 21, 2009

Committees of Origin: Land Use and Transportation

Re: Fordham University Master Plan – Garage A

Full Board Vote: 17 In favor 13 Against 0 Abstentions 1 Present

With respect to Application #C050269ZSM for the grant of a special permit to allow an attended accessory parking garage with a maximum capacity of 68 spaces on the ground floor, cellar, and sub-cellar levels of a proposed mixed-use building (West 62nd Street, Site 4, Garage A),

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed Garage A for up to 35 percent of the number of units of the building, or 68 spaces, whichever is less..

Vote of Land Use and Transportation Committees: 10-2-0-0.



Date: January 21, 2009

Committees of Origin: Land Use and Transportation

Re: Fordham University Master Plan – Garage B

Full Board Vote: 29 In favor 1 Against 0 Abstentions 1 Present

With respect to Application #C090173ZSM for the grant of a special permit to allow an attended accessory parking garage with a maximum capacity of 265 spaces on the ground floor, cellar, and sub-cellar levels of a proposed mixed-use building (West 62nd Street, Site 5a/5, Garage B),

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the proposed Fordham Garage B, and recommends the projected space be used for educational purposes.

Vote of Land Use and Transportation Committees: 11-1-0-0.



RESOLUTION

Date: January 21, 2009

Committees of Origin: Land Use and Transportation

Re: Fordham University Master Plan – Garage C

Full Board Vote: 20 In favor 11 Against 0 Abstentions 1 Present

With respect to Application #C050271ZSM for the grant of a special permit to allow an attended accessory parking garage with a maximum capacity of 137 spaces on the ground floor, cellar, sub-cellar and 2nd sub-cellar levels of a proposed mixed-use building (West 60th Street, Site 3a/3, Garage C),

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed Garage C, provided that the number of parking spaces accessory to the private residence be limited to 35% of the number of units actually built in the residence, or 137 spaces, whichever is less; and with the further provision that up to 50% of these accessory parking spaces may be reserved for Fordham's accessory parking use

Vote of Land Use and Transportation Committees: 10-2-0-0.



RESOLUTION

Date: January 21, 2009

Committees of Origin: Land Use and Transportation

Re: Fordham University Master Plan – Text Amendment and Curb Cuts

Full Board Vote: 26 In favor 6 Against 0 Abstentions 1 Present

With respect to the request for a text change in the “Off-Street Parking and Off-Street Loading Regulations” and authorizations to permit curb cuts on a wide street for garages and a loading berth on West 62nd Street,

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed text change to section 82-50 of the Zoning Resolution to allow entrances and exits to off-street loading berths, subject to authorizations by City Planning Commission upon findings of appropriateness, but only if the Zoning Resolution is further amended to require Community Board review of the proposed authorization; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** the curb cut for a loading berth on West 62nd Street; and **approves** a curb cut on a wide street for Garage A on West 62nd Street and **disapproves** a curb cut on a wide street for Garage B on West 62nd Street.

Vote of Land Use and Transportation Committees: 12-0-0-0.