

RESOLUTION

Date: February 3, 2009

Committee of Origin: Youth, Education & Libraries

Re: School Governance and Mayoral Control

Full Board Vote: 31 In favor 2 Against 3 Abstentions 0 Present

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

The State Legislature in 2002 enacted sweeping revisions to the Education Law, granting the Mayor and her/his designees broad power over the governance of New York City Public Schools.

Parents are key stakeholders in the education of their children, and the active engagement and involvement of parents in all aspects of their children's education is one critical element in ensuring that each child reaches her/his potential, and that the public schools see true, sustained improvement in student achievement.

The implementation of the current system of mayoral control of schools has had the effect of excluding parents, as well as classroom teachers, school-based administrators and others with practical, hands-on experience in the operation of schools, from any meaningful role in the making of critical decisions affecting the execution of the educational mission appropriate to the students in their care.

The Mayor and his designees have frequently ignored the advice of parents and professional educators on many matters of curriculum and policy, including the fundamental need for smaller class sizes at every grade, the need for parents and educators to be equal partners in school-based decision-making, and the paramount importance of fostering and accommodating adaptations to curriculum and instruction to meet the distinct needs of various segments of a given school's population (including without limitation English Language Learners, special needs learners, and other identifiable groups whose needs are chronically left unmet).

The Community Education Councils which replaced the community school boards have been deprived of the ability to affect change or enact reforms responsive to the parent and community voices they are charged with representing.

The Mayor and his designees have cleaved to expensive initiatives, often on a no-bid basis, tied to high-stakes testing and the manufacture of artificial distinctions among schools and students, that provide neither parents, educators nor the public with useful accountability or transparency.

THEREFORE, BE IT RESOLVED by Community Board 7/Manhattan that:

1. The current system of New York City public school governance, as codified in the New York Education Law section 2590, should be significantly amended to introduce strong checks and balances against unilateral action by the mayor and her/his designees on matters of curriculum and policy.

Among the checks and balances should be the requirement that members of the Panel for Educational Policy (“PEP”) should be appointed for a fixed term, that they not serve at the pleasure of the office appointing them, that they be subject to removal only for cause such as a material conflict of interest, prolonged failure to participate in the work of the PEP, or relevant criminal conduct, and that the Mayor not have the power to appoint a majority of the members of the PEP by vesting the Borough Presidents or the public at large through a general election to appoint additional members of the PEP.

2. The members of Community Education Councils (“CEC”) be elected through general elections timed to coincide with the election of members of the State Assembly, with all members of the community school district served by a CEC eligible to vote, with two members to be appointed by the Borough President, and with a requirement that only a majority of CEC members be parents of children in public schools at the time of the election or appointment.

3. The approval by a majority of the CECs in the City of New York of a resolution calling for the adoption or rejection of a policy or curriculum initiative within an eighteen month period be sufficient to require the PEP to consider and vote on the initiative at its next regularly scheduled meeting.

4. At least one of the Chancellor and the Deputy Chancellor for Teaching and Learning be an educator by profession who holds a post-graduate degree in a field related to education, and who has at least seven years experience as a teacher, special service provider, administrator, or other position with practical, hands-on responsibility for the management or operation of a public school.

5. The Department of Education (“DoE”) be subject to oversight and review by an independent agency or authority with the power to ensure transparency and accountability on the success or failure of educational initiatives, the need for additional classroom seats and other matters affecting class size, the school funding and budget allocation process, and other issues of City-wide educational policy.

6. The CECs report to and be administered by the independent agency and authority, and not the DoE.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: Farmers Market.

Full Board Vote: 36 In favor 2 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approve** application #M7-028 to the Mayor's Office of Street Activity Permits to conduct a farmers market on Fridays on the north side of West 97th Street between Amsterdam and Columbus Avenues.

Committee: 8-0-0-0. Board Member: 1-0-0-0 Public Members: 3-0-0-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 444 Amsterdam Avenue, St. Agnes New York Public Library (West 81st – 82nd Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approve** petition to the Department of Transportation to construct, install, maintain and use a ramp and stairs.

Committee: 8-0-0-0. Board Member: 1-0-0-0 Public Members: 0-0-2-0.

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RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: Citywide text amendment to the Zoning Resolution to require indoor bicycle parking in new multi-family residential, community facility, and commercial buildings.

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

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

Community Board 7/Manhattan supports the green benefits related to bicycling as well as bicycling itself throughout the City.

The proposal presented by the Department of City Planning raises a number of unaddressed problems including:

1. the allocation of bicycle space may interfere with proposals for affordable housing in certain cases
2. not counting the bicycle parking area in FAR may result in larger density, which may not be desired
3. additional FAR could be built first using the bike storage benefit and then the bike space reduced in size or put to entirely different use after the fact
4. this proposal is premature and limited in thought relative to the complexity of the issues raised by such a change
5. The 60-day time limit for Community Board comment necessitates a decision prior to sufficient opportunity to fully discuss and consider the complex issues raised by this proposal.

We hear continual complaints about pedestrian safety with regard to bicycles, where pedestrians report having accidents or frightening near- accidents, due to both delivery and privately-owned bicycles flagrantly and dangerously operated in violation of traffic rules, this proposal would serve to increase bicycle traffic without addressing the inherent pedestrian safety issue in any way.

Changes to the Zoning Resolution are long-lasting, with effects often lasting generations in length, this proposal, despite its good green intentions, appears to be incompletely thought out, not well vetted for its unintended effects, and in need of further work with regard to its actual impact on the Zoning Code.

After the building is built with the added FAR and the CofO is granted, the Department of Buildings effective enforcement of the bicycle space use throughout the building's lifetime is unlikely to happen. The bicycle space is unlikely to remain bicycle storage if people have other things they would rather store in this space and it is unlikely that DOB would regularly inspect this item for compliance. If the bicycle parking space were popular or profitable enough that people would demand enforcement for its proper use, then the uncounted FAR and larger resulting building would not be a necessity at all.

The NY Police Department is unable to adequately control the bicycle traffic that exists now with respect to obeying traffic laws and keeping pedestrians safe, increasing bicycle traffic as intended by this proposal will only serve to make a bad situation worse.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan disapproves the Department of City Planning's proposed text amendment to require indoor bicycle parking, and

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan calls upon City Planning, DOB, all bicycle related city agencies, City Council, and community boards to continue to work on putting together a comprehensive, well thought out planning, code enforcement, and legislative effort that would increase parking opportunities for bicycles, increase pedestrian safety relative to bicycle traffic, and do more than provide a zoning loophole that any developer could drive an excavation vehicle through.

Committee: 7-2-0-0. Board Members: 2-1-0-0. Public Members: 2-0-0-0.

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RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: One Lincoln Plaza, aka 1900 Broadway (West 62nd Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1137714 to the Department of Consumer Affairs by Fiorello's Roman Café, Inc., d/b/a Fiorello's Roman Café, for a two-year consent to operate an unenclosed sidewalk café with 32 tables and 64 seats.

Committee: 7-1-0-0. Board Member: 1-0-0-0. Public Members: 1-0-2-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 237 Columbus Avenue (West 71st Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1219794 to the Department of Consumer Affairs by 71 Wine Bar Café Operating Corp., d/b/a Bin 71 Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 10-1-0-0. Board Member: 1-0-0-0. Public Members: 1-0-1-0.

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RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 286 Columbus Avenue (West 73rd Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1231072 to the Department of Consumer Affairs by Wine and Roses Bar and Cafes, LLC, d/b/a Wine & Roses, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.

Committee: 7-1-0-0. Board Member: 1-0-0-0. Public Members: 1-0-2-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 421 Amsterdam Avenue (West 80th Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA#1215000 to the Department of Consumers Affairs by Global Village Grill, Inc., d/b/a Monaco, for a two-year consent to operate an unenclosed sidewalk café with 18 tables and 36 seats.

Committee: 8-1-0-0. Board Member: 1-0-0-0. Public Members: 1-0-1-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 494 Amsterdam Avenue (West 84th Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1207810 to the Department of Consumer Affairs by PQ West 84th, Inc., d/b/a Le Pain Quotidien, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

Committee: 7-1-0-0. Board Member: 1-0-0-0. Public Members: 1-0-2-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 412 Amsterdam Avenue (West 79th-80th Streets.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA#1158198 to the Department of Consumers Affairs by 412 Amsterdam Avenue Corp., d/b/a Bettola, for a two-year consent to operate an unenclosed sidewalk café with 13 tables and 26 seats.

Committee: 5-0-0-0.

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RESOLUTION

Date: February 3, 2009

Committee of Origin: Transportation

Re: 520 Columbus Avenue (West 85th Street.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1006183 to the Department of Consumer Affairs by 520 Columbus Avenue, LTD, d/b/a Nonna, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 24 seats.

Committee: 5-0-0-0.

RESOLUTION

Date: February 3, 2009

Committees of Origin: Parks & Preservation Joint with Land Use

Re: 161 West 78th Street (Columbus-Amsterdam Avenues.)

Full Board Vote: 29 In favor 4 Against 2 Abstentions 0 Present

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

Community Board 7/Manhattan previously approved the applicant’s application for a Certificate of Appropriateness from the Landmarks Preservation Commission for rear yard renovations for this building at its July 2007 Full Board meeting, and the LPC issued a Certificate of Appropriateness and/or Certificate of No Effect for the rear yard renovations, a front façade renovation and a rooftop addition.

The applicant advised the Parks and Preservation Committee of Community Board 7/Manhattan at its January 2009 meeting that the front façade and rear yard renovations were underway, but that the New York City Department of Buildings refused to issue a building permit with regard to the rooftop addition, stating to the applicant the position that pursuant to a policy adopted by the DOB following to a recent ruling of the Board of Standards and Appeals in an unrelated matter that the proposed rooftop addition would violate New York City’s “Sliver Law”, Zoning Resolution §§ 23-691, 692, because its height would be approximately seven feet above the maximum 60 feet otherwise permitted at this site under the Sliver Law.

The Committee commends the applicant on its restoration work on the front façade of the building, and sympathizes with the applicant for the unexpected limitation applied to its situation by the DOB.

Nevertheless, a majority of the members of the Committee believe that the 74-711 device is not appropriate for this situation, particularly given that (a) the restoration work, while commendable, is relatively routine; (b) the building, while distinguished, and part of a distinguished group of row houses in a handsome Historic District, is not a major historic rowhouse; and (c) the restoration work has been and would have been undertaken by the applicant in any case.

The Committee is concerned that the application of 74-711 in situations such as this one would encourage myriad applications under 74-711 for benefits for which the applicant was not otherwise entitled, in exchange for a relatively routine preservation program that the applicant would undertake anyway, and that such applications would engulf the Community Boards, the LPC and the City Planning Commission, all of which are already overworked in considering other matters, and is also concerned that approving this application might set an undesirable precedent in that regard.

The Committee is also concerned that 74-711 should not become a device for circumventing the Sliver Law, which has a very important intent and effect with regard to the historic fabric of the built environment within Community Board 7, and is concerned that approving this application might set an undesirable precedent in that regard.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for a maintenance and preservation plan for 161 West 78th Street as a predicate step for the applicant’s application to be afforded an exception to the restrictions of the Sliver Law under 74-711 of the Zoning Resolution with regard to its proposed rooftop addition.

BE IT FURTHER RESOLVED THAT Community Board 7 urges the relevant city agencies to work together with regard to appropriate procedures to resolve situations such as the applicant’s in a manner other than applying 74-711 or any other device not intended for such circumstances.

Committee: 7-3-0-0.

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RESOLUTION

Date: February 3, 2009

Committee of Origin: Parks & Preservation

Re: 303 West 90th Street (West End Avenue.)

Full Board Vote: 36 In favor 0 Against 1 Abstention 0 Present

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

The applicant advised the Parks and Preservation Committee of Community Board 7/Manhattan that proposed rear yard addition and rooftop “bulkhead” addition would not be visible from any public way, though no mock-up was in place in time for viewing by members of the Committee.

The Parks and Preservation Committee of Community Board 7/Manhattan believes that the proposed front façade restoration, including cleaning and repairing the stone work, removing the storm windows, replacing the windows with wood one-over-one windows with black-painted frames, repairing the metalwork, including restoring the dormers, and repairing and re-staining the front doors is appropriate to the historic character of the building and of the Historic District.

While the Committee sympathizes with the neighbor who would lose a lot-line window if the rear yard extension is built, that consideration is not within the Community Board’s purview with regard to this application.

The Committee believes that the proposed rear yard addition, including its inlaid decorative brickwork and its rear and side fenestration, is not in keeping with historic rear yard architecture and not appropriate to the historic character of the building and of the Historic District.

The Committee believes that the proposed rooftop “bulkhead” proposed to enclose a modestly-sized metal rooftop water tank and a staircase accessing the roof level is not a true “bulkhead”, may be unnecessarily large for its stated functions and is not appropriate to the historic character of the building and of the Historic District.

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

(A) Approves the application for a Certificate of Appropriateness for the restoration of the front façade at 303 West 90th Street.

Committee: 7-0-0-0. Board Member: 1-0-0-0.

(B) Disapproves the application for a Certificate of Appropriateness for the proposed rear yard addition at 303 West 90th Street.

Committee: 6-1-0-0-. Board Member: 0-1-0-0.

(C) Disapproves the application for a Certificate of Appropriateness for the proposed rooftop “bulkhead” extension at 303 West 90th Street.

Committee: 7-0-0-0. Board Member: 0-1-0-0.

RESOLUTION

Date: February 3, 2009

Committee of Origin: Parks & Preservation

Re: 243/245 West 76th Street (Broadway – West End Avenue.)

Full Board Vote: 36 In favor 0 Against 1 Abstention 0 Present

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

The application is for work at 245 West 76th Street, which is jointly owned and managed with the building to the east 243 West 76th Street.

The Parks and Preservation appreciates the applicant's willingness to return to its January 2009 meeting after having made a presentation at its December 2008 meeting, and to adopt certain suggestions of the Committee with regard to its proposed design.

The applicant agreed at the Committee's January 2009 meeting to the Committee's request to use rustication at the base of the façade, consistent with neighboring and historic elements.

Based upon the applicant's agreement to rusticate the brownstone at the base of the building as described above, the Committee believes that the proposed façade restoration, including removal of the remaining elements of a dismantled stoop; restoration of the brownstone at the base; adding a pediment over the ground-level door that serves as the building's main entrance; opening up a previously-closed window at the ground level; maintaining the front yards/terraces of 243 and 245 West 76th Street as two separate areas with a wall between; installing a brownstone-faced planter; and employing iron railings of the same general design as those at 243 West 76th Street is appropriate to the historic character of the building and of the Historic District.

The Committee urged the applicant to rusticate the base of the adjacent façade at 243 West 76th Street, though that building is not the subject of this application.

THEREFORE, BE IT REOLVED THAT Community Board 7/Manhattan **approves** the proposed façade restoration at 243/245 West 76th Street.

Committee: 6-0-0-0. Board Members: 2-0-1-0.