

RESOLUTION

Date: November 9, 2010

Committee of Origin: Steering

Re: CB7 Priorities for the Fiscal Year 2012 Capital Budget.

Full Board Vote: 32 In favor 0 Against 1 Abstention 0 Present

RESOLUTION

Date: November 9, 2010

Committee of Origin: Steering

Re: CB7 Priorities for the Fiscal year 2012 Expense Budget.

Full Board Vote: 38 In favor 0 Against 1 Abstention 0 Present

RESOLUTION

Date: November 9, 2010

Committee of Origin: Youth, Education & Libraries

Re: 352 West 110th Street (Manhattan Avenue.) Goddard Riverside Community Center's proposal to house its model college-access program, the College Options Center and Institute, in the community facility space at 352 West 110th Street.

Full Board Vote: 37 In favor 0 Against 0 Abstentions 1 Present

This resolution is premised upon the following facts:

Goddard-Riverside Center is a community-based organization that provides cradle-to-grave, essential services to residents of the Upper West Side, Manhattan Valley, Morningside Heights and surrounding communities.

Since its founding in 1959, Goddard-Riverside has been a model of professional, first-rate care for many of our neediest neighbors, and of efficient management that respects both the clients they serve and the community.

Since 1985, Goddard Riverside has run its "Options" program, which provides a host of services related to college access and readiness for students who might otherwise not be encouraged to apply to and attend post-secondary education, and whose schools are unable or unwilling to offer meaningful college counseling and readiness services.

Among the services offered by the Options program are preparation for college entrance exams, college selection counseling, assistance with completing college applications, and individual and group college readiness workshops. The Options program recently expanded its services to include follow-up and tracking to ensure that students it places in 2- or 4-year colleges are able to succeed once enrolled.

The Options program has become a model for other community-based organizations who seek to serve similar populations in other parts of our City, State, and nation. The Options program now offers a structured, hands-on training program for service-providers, including a certificate of completion for those who meet the expectations of the course.

The expansion of the services offered to students and community organizations requires Goddard-Riverside to find a larger space to house the Options program.

The building at 352 West 110th Street includes a ground-floor space of approximately 5,000 square feet zoned for community facility (the "Space").

The Space was built in or about 2000, and was initially conceived of as a publicly-funded child-care facility. From about 2000-05, Columbia University, the original owner of the Space, sought funding and partners to fit out the raw area in the Space to create a child-care center.

The Space was transferred to Barnard College in or about 2005. Since 2005, Barnard College has similarly sought funding and partners to support the fit-out of the Space for a child-care facility. During the same years, the Cathedral of St. John the Divine and other local institutions have sought funding to realize the goal of creating a public child-care facility in the Space.

Despite multiple, diligent efforts, no funding was secured to fit out the Space for a child-care facility.

The Administration for Children's Services of the City of New York has determined that it would not support a publicly-funded child-care facility in the Space.

Goddard-Riverside believes it can raise the necessary funds to fit out and equip the Space to serve as the home of the Options program and provide the program with the room it needs to accommodate the growth of its offerings.

Barnard College is willing to let the Space to Goddard-Riverside for this purpose.

The Youth, Education & Libraries Committee of CB7 conducted two public meetings at which the proposed use of the Space for the Options program was discussed, and received no opposition to such use.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **supports** the use of the community facility space at 352 West 110th Street for the Goddard-Riverside Options program.

Committee: 6-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Youth, Education & Libraries

Re: PCB Testing for All Public and Private School Buildings.

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

This resolution is premised upon the following facts:^{*1}

Polychlorinated biphenyls, or PCBs, are man-made compounds that are stable even at extreme temperatures, resist oxidation, and do not readily break down in water or other naturally occurring solvents. As a result, from the 1920s through 1977, PCBs were synthesized and used in a host of industrial applications including light ballasts, caulking and sealing materials.

Beginning in 1970, the toxic properties of PCBs were confirmed in scientific research. Exposure to PCBs has been linked to, among other things, low birth weight, behavioral disorders, low IQ, neuro-toxic and immunological disorders, and damage to the liver, skin, reproductive system, gastrointestinal tract and thyroid gland. According to the United States Environmental Protection Agency, PCBs are known carcinogens in animals and probable carcinogens in humans.

Because PCBs do not break down after exposure to water, air, or upon absorption into the bloodstream from airborne or food contamination, the human body accumulates PCBs in ever-increasing concentrations.

The Agency for Toxic Substances and Disease Registry of the Centers for Disease Control has concluded that PCBs are particularly dangerous for children, who are more susceptible to toxins due to their smaller body mass and developing bodies.

In 1977, Congress banned most uses of PCBs in building construction, but did not require retroactive remediation.

Buildings constructed during the 1950s and 1960s are very likely to contain PCBs, especially in fluorescent light ballasts, caulk and sealants.

Unlike lead, asbestos and other toxins found in building materials, PCBs are not harmless if left undisturbed. The air and other materials in buildings that use PCB-based caulk has been found to be contaminated without any physical evidence of decay or alteration of the surrounding building materials.

At least 260 public school buildings in New York City were constructed during the period when PCBs were routinely used in window caulking or light fixtures. More than 450 additional New York City public schools were built prior to that period but have had light fixtures installed during that era.

The air at PS 199, at 70th Street and West End Avenue, was found to be contaminated with PCBs in 2008. Remediation efforts in 2008 were not completely effective, and further remediation was found to be

¹ See generally Watnick, Valerie M., *PCBs in Schools and Corporate Responsibility for Remediation*, 33 *Environ: Environmental Law & Policy Journal* 231-73 (Spring 2010).

required in 2010. To date, the air at PS 199 still contains PCBs in excess of background levels and in some cases in excess of the EPA's published Public Health Levels for Indoor Air in Schools.

Despite the likelihood of PCB contamination in hundreds of buildings, the Department of Education and/or the School Construction Authority to date has tested only a small fraction of potentially affected buildings as part of a pilot test program.

NOW, THEREFORE, Community Board 7/Manhattan resolves as follows:

1. CB7 calls on the Department of Education immediately to:

(a) test the air at all public school buildings built in the City of New York between 1950 and 1977 for evidence of airborne PCB contamination, and begin responsible remediation at each site where PCB air level concentrations exceed EPA's Public Health Levels for Indoor Air in Schools;

(b) in any public school building at which PCB air level concentrations exceed EPA's Public Health Levels for Indoor Air in Schools, test school building materials (with a particular focus on caulking and materials adjacent to or abutting caulking) for evidence of seepage or leaking of PCBs, and begin responsible remediation where such conditions are found;

(c) test public school fluorescent light ballasts installed between 1950 and 1978, and to remove any light ballasts that contain PCBs; and

2. CB7 recommends that the New York State Assembly and Senate adopt, and the governor sign,

(a) legislation requiring PCB testing and the posting of the results of such testing as called for in 2009-10 Assembly bill 7556A (sponsored by Assembly Member Linda Rosenthal); and

(b) legislation requiring equivalent testing and remediation concerning PCBs in all public, independent, parochial and other schools constructed or which underwent light ballast replacement between 1950 and 1978 in the State of New York.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Land Use

Re: 163 West 78th Street (Columbus-Amsterdam Avenues.) Application by The Rodeph Sholom School to the Board of Standards & Appeals for a variance to facilitate the construction of a 930-square-foot penthouse play space.

Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

This resolution is premised upon the following facts:

The Rodeph Sholem School has applied for a Board of Standards and Appeals (BSA) variance to allow it to build a rooftop addition to its premises at 163 W. 78th Street. The premises are part of a complex of five buildings owned and operated by the school, three on West 78th Street and two on West 79th. The school enrolls approximately 320 students in grades two through 8.

The variance does not seek to increase the school's allowable FAR, but is necessitated by a recent BSA interpretation of the sliver building regulations which would, absent a variance, prohibit the proposed structure.

The school asserts that it will use the rooftop addition to house a recreational space for its children. While the school has a small gym and an outdoor recreational space, the school argues that the combined existing recreational spaces are too small to accommodate its students.

The addition would raise the height of the building from 60 feet to a height sloping from front to rear of 72.5' to 75' feet, an allowable height in an R-8B zone, but for the sliver regulations.

In connection with the application Community Board 7/ Manhattan finds the following:

1. There are physical circumstances at the zoning lot which would create practical difficulty or unnecessary hardship for the applicant: specifically, the applicant cannot reasonably construct additional recreational space below grade at the premises because a) there is an underground stream running through the property at twelve and a half feet below grade; and b) there is bedrock at 8 feet below grade which, given the built conditions and the operation of a school above cannot be removed by blasting.
2. The hardship was not caused by the property owner or its predecessor. Prior to the recent BSA interpretation the school reasonably assumed that the proposed addition would be as-of-right.
3. The essential character of the neighborhood will not be altered; use of adjoining property will not be substantially impaired and the public welfare will not be detrimentally affected. The rooftop addition is set back from the property line by 20' and from the building line by 15' on 78th street. At the rear, the proposed addition is 30' from the property line. The proposed addition is not visible from 78th Street. The project has been approved by the Landmarks Commission. The buildings on either side have or are approved for rooftop additions. The 78th street façade of the proposed addition will be at the height of the existing addition to the school's building immediately to the west, and approximately 5' higher than the façade of an approved but as yet

unbuilt addition to the east. There is no evidence that it creates shadows on the properties to the north or materially affects the light and air of any neighbor. While Community Board Seven generally approves of the sliver regulations, their application here would result in a sawtooth pattern with taller buildings on either side of the premises. Community Board Seven's finding of no adverse impact is, of course, limited to this building and the unique conditions it presents and should not be interpreted as general approval of variances for rooftop additions.

4. The variance is the minimum variance necessary to provide relief to the applicant: The school has a need for adequate indoor recreational space. No solution other than the proposed addition would alleviate that need. While the school is located near city parks, on-site space is necessary to avoid unwarranted disruptions inevitably caused by moving large groups of students off-site during the school day.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application of the Rodeph Sholom School for a BSA variance to permit the construction of a rooftop addition to its premises at 163 West 78th Street, set back from the building line on the south by 15 feet, and having a height above grade of seventy-two and a half feet at the south, sloping to a height of seventy-five feet at the north end, in accordance with rendering approved by the Landmarks Commission.

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

RESOLUTION

Date: November 9, 2010

Committee of Origin: Preservation

Re: 55 West 71st Street (Central Park West-Columbus Avenue.) Application to the Landmarks Preservation Commission for a rear-yard addition.

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

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

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed rear-yard addition, consisting of a four-story, full-width, rear-yard addition, set back 30 feet, faced in brick, with double-hung one-over-one wood windows, three bays wide, is appropriate to the historic character of the building, the rear yards and of the Historic District.

Furthermore, the Preservation Committee of Community Board 7/ Manhattan believes that the proposed penthouse addition, consisting of a one-story structure aligned in height and with the north and south faces of the adjacent penthouse addition at 53 West 71st Street, not visible from the street, faced in brick, with double-hung one-over-one wood windows, is also appropriate to the historic character of the building, the rear yards and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the rear-yard and penthouse additions.

Committee: 5-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Transportation

Re: Newsstand on the southeast corner of Columbus Avenue and West 97th Street.

Full Board Vote: 26 In favor 10 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application #1339594 to the Department of Consumer Affairs by Altaf Shaikh to construct and operate a newsstand at the southeast corner of Columbus Avenue and West 97th Street.

Committee: 10-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Transportation

Re: Newsstand on the northwest corner of Broadway and West 96th Street.

Full Board Vote: 20 In favor 17 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application #1371428 to the Department of Consumer Affairs by Md. Shahinur Islam to construct and operate a newsstand at the northwest corner of Broadway and West 96th Street.

Committee: 8-2-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Transportation

Re: Request to the NYC Department of Transportation for a traffic study of the area between West 96th and West 110th Streets, Central Park West to Riverside Drive.

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

Due to the fragile nature of streets in and around Park West Village, which will be severely impacted by a variety of uses, including loading docks for the new Associated Supermarket, as well as the potential impact of the Jewish Home Lifecare on West 100th Street, and the ongoing problems with police/fire department vehicles;

THEREFORE BE IT RESOLVED THAT Community Board 7/ Manhattan calls for a traffic study for the area between West 96th Street & West 110th Street, Central Park to Riverside Drive.

Committee: 10-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: 1 West 67th Street (Central Park West)

Full Board Vote: 35 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** applications to the State Liquor Authority for a two-year liquor licenses by GVR Hospitality LLC, d/b/a "To be determined."
Committee: 8-0-0-0. Board Members: 2-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: 222 West 79th Street (Broadway)

Full Board Vote: 35 In favor 1 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** applications to the State Liquor Authority for a two-year liquor licenses by MPMB, LLC d/b/a "To be determined."

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

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: 924 Columbus Avenue(West 105th Street)

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the application to the State Liquor authority by Sasa's Lounge LLC, d/b/a Sasa's lounge, unless the applicant installs 2- inch sound proofing insulation on the ceiling within 90 days.

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

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: Central Park at 67th Street.

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority by the restaurant truck in the fixed area at Tavern on the Green, d/b/a “To be determined”.

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

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 31 In favor 1 Against 1 Abstention 0 Present

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

- **2012 Broadway** (West 68th Street.) Renewal application DCA# 1282959 to the Department of Consumer Affairs by Nanoosh Broadway, LLC, d/b/a Nanoosh, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0.
- **2014 Broadway** (West 68th Street.) Renewal application DCA# 1326142 to the Department of Consumer Affairs by 68th Street Cafe, Inc, d/b/a Luce Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0.
- **2170 Broadway** (West 76th-77th Streets.) Renewal application DCA# 1283503 to the Department of Consumer Affairs by CGM OTA, LLC, d/b/a Fatty Crab, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0.
- **311 Amsterdam Avenue** (West 75th Street.) Renewal application DCA# 1289619 to the Department of Consumer Affairs by Fusha Japanese Rest. Inc., d/b/a Fusha West, for a two-year consent to operate an unenclosed sidewalk café with 30 tables and 61 seats.
Committee: 8-0-0-0. Board Members: 2-0-0-0.
- **430 Amsterdam Avenue** (West 81st Street.) Renewal application DCA# 1096363 to the Department of Consumer Affairs by Third Ave. Rest. Inc., d/b/a Jake's Dilemma, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 21 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0.
- **520 Columbus** (West 85th Street.) Renewal application DCA# 1006183 to the Department of Consumer Affairs by 520 Columbus Ave Ltd., d/b/a Nonna Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 24 seats.
Committee: 7-1-0-0. Board Members: 2-0-0-0.
- **2637 Broadway** (West 100th Street.) Renewal application DCA# 1280169 to the Department of Consumer Affairs by S.A.V. Associates Inc., d/b/a Turkuaz Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 16 tables and 32 seats.
Committee: 5-1-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 17 In favor 13 Against 4 Abstentions 0 Present The resolution was not adopted.

Re: 2740 Broadway (West 105th Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1222176 to the Department of Consumer Affairs by Silver Moon Bakery, Inc, d/b/a Silver Moon Bakery, for a two-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats.
Committee: 5-2-1-0. Board Members: 0-1-1-0.

RESOLUTION

Date: November 9, 2010

Committee of Origin: Business & Consumer Issues

Re: 2518 Broadway (West 94th Street.)

Full Board Vote: 28 In favor 7 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** new application DCA# 1353598 to the Department of Consumer Affairs by 94 Corner Café Corp., d/b/a 94 Corner Café, for a two-year consent to operate an enclosed sidewalk café with 5 tables and 20 seats.



RESOLUTION

Date: November 9, 2010

Committee of Origins: Parks & Environment and Preservation

Re: Application to the Landmark Preservation Commission by the Department of Parks and Recreation for the Reconstruction of the Neufeld Playground and the adjacent steps and ramps in Riverside Park.

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:

The Preservation Committee and the Parks and Environment Committee of Community Board 7/Manhattan believe that the design for the proposed reconstruction of the Neufeld Playground in Riverside Park is reasonably appropriate to the historic character of the Park and to the immediately surrounding landscape.

THEREFORE, Community Board 7/Manhattan **approves** the design for the proposed reconstruction of the Neufeld Playground and adjacent stairs and ramps in Riverside Park.

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

RESOLUTION

Date: November 9, 2010

Committee of Origins: Parks & Environment and Preservation

Re: Application to the Landmarks Preservation Commission by the Department of Parks and Recreation for the Design of Dogs-Off-Leash Signs in Riverside Park.

Full Board Vote: 34 In favor 0 Against 2 Abstentions 0 Present

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

The Preservation Committee and the Parks and Environment Committee of Community Board 7/Manhattan believe that the size, color and font of the proposed “Dogs Off-Leash” signs in Riverside Park are reasonably appropriate to the historic character of the Park.

The Committees urge that the proposed content of the signs be reviewed for clarity.

THEREFORE, Community Board 7/Manhattan **approves** the size, color and font of the proposed “Dogs-Off-Leash” signs in Riverside Park.

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