

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Land Use**

**Re: 2626-2628 Broadway, Metro Theater (West 99<sup>th</sup> – 100<sup>th</sup> Streets.)**

**Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application #BSA ZR §73-201 to the Board of Standards and Appeals by Alamo Drafthouse Cinemas, for a special permit to allow a Use Group 8/ motion picture theater in a C1-5 district at 2626 Broadway and a portion of the ground floor of the adjacent building at 2628 Broadway.

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

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Land Use**

**Re: 148 West 90<sup>th</sup> Street and 175 West 89<sup>th</sup> Street, Stephen Gaynor School.**

**Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application #11-13-BZ to the Board of Standards and Appeals by the Stephen Gaynor School to construct a one-story rooftop addition that will include a 170.5 sq. ft infill at the fifth floor level at 175 West 89<sup>th</sup> Street.

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

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Land Use**

**Re: 148 West 90<sup>th</sup> Street and 175 West 89<sup>th</sup> Street, Stephen Gaynor School.**

**Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application #10-13-BZ to the Board of Standards and Appeals by the Stephen Gaynor School to construct a connecting bridge between the West 89<sup>th</sup> Street School building and the 148 West 90<sup>th</sup> Street School building at the fourth story levels.

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

**RESOLUTION**

**Date: March 5, 2013**

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

**Re: Proposed application for new Success Academy elementary school in District 3**

**Full Board Vote: 32 In Favor 0 Against 0 Abstentions 0 Present**

This resolution is premised upon the following facts:

- Success Academy Charter School (Success) has indicated that they plan to apply for a charter for a new elementary school to open in Fall 2014 and be located in Community School District 3.
- Success has not disclosed, not does the application require, a location for the school but Success stated it will follow its model to co-locate in an “underutilized public school building.”
- There are currently only two public school buildings within CSD3 that are considered ‘under-utilized’ by DOE standards - one is a magnet grant school that has a mandate to grow enrollment to adhere to grant guidelines and the other is a public high school building, that fully fills its “footprint” of six separate schools in one building.
- Success’s model has proven to be damaging to the public schools Success has co-located in CSD3. There has been a documented loss of space, loss of resources and curtailment of expansion plans. CSD3 houses a disproportionate number of the city’s charter schools compared to the rest of the city. While the citywide total enrollment in charters is at 5%, charters make up 20% of the elementary and middle schools located in CSD3.
- Furthermore, Success’ charter school model accepts and enrolls students from throughout the borough regardless of the school’s geographic location which is contrary to the CSD3 need to add new seats for district students.
- The continued growth in housing development and the growth in families with children living in the CSD3 area requires more seats be added to the district overall rather than a re-purposing of our existing seats. Adding another charter school in co-located space would create competition for seats, not an addition of net new seats.
- In the very near future, that need for additional seat capacity will apply most acutely to middle and high school seats.
- There are parochial schools closing within the CSD3 area in the next year whose buildings will be available for lease or purchase.
- Success appeared before the YEL Committee at our February meeting and asked for community input prior to their submitting an application to SUNY for charter authorization.

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

1. Opposes the co-location of a new elementary Success Academy Charter School within any Community School District 3 public school building;
2. Urges Success to work with DOE to identify available private space for a school location so that there is a net gain in overall seats for D3;
3. Urges Success to give priority to D3 students at every step of the enrollment process.

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

**RESOLUTION**

**Date: March 5, 2013**

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

**Re: Education Construction Fund proposal for possible development of PS 199 and/or PS 191 school sites.**

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

This resolution is premised upon the following facts:

- In Fall of 2012, the Educational Construction Fund (ECF) issued a Request for Expressions of Interest (RFEI) to develop the sites of PS 199 at 270 West 70<sup>th</sup> Street, PS 191 at 210 West 61<sup>st</sup> Street, and the School of Cooperative Technical Education at 321 East 96<sup>th</sup> Street.
- ECF issued the RFEI without first consulting with any representatives of the schools' administrations or parent associations, the community board, the District 3 Community Education Council, the elected officials representing the area of proposed development, or the public.
- The community first learned of the proposal when parents saw ads in Crain's offering the sites for development (without identifying them as the locations of public schools) – the parents recognized the addresses as those of public schools.
- The development model entails a 99 year lease to a developer to create a residential tower with a school included, taking advantage of unused development rights, or "air rights" associated with each site. The current school population would be temporarily relocated during construction.
- ECF is currently in the process of reviewing those proposals and asking follow up questions of the developers.
- While ECF has indicated in testimony before the District 3 Community Education Council that it would submit the project to public review under the Uniform Land Use Review Procedure (ULURP), it did not do so for similar past projects, and it is unclear whether they are legally required to do so.
- The RFEI makes frequent reference to "as of right" options that would evade ULURP.
- The RFEI includes sketches of the envelopes for buildings that could be built as-of-right and with a special permit at each location, drawings showing the proposed locations of the replacement schools on the sites (each of which includes replacing a portion of existing above-ground facilities with below-grade spaces), and proposed amounts of square footage of the replacement schools to be included in the proposals.
- The formal next step after ECF evaluates the expressions of interest it has received for the three sites is to issue a Request for Proposal (RFP) for one or more of the sites. ECF has indicated that it anticipates issuing an RFP for only one site based on the logistics of administering and managing such a project.
- The RFP, like the RFEI, is expected to include specifics of the dimensions and configuration of the building, including its height, bulk and density, the amount of floor area to be devoted to the replacement school and its configuration within the building, and other aspects of the proposal

on which responding developers will rely and tailor their proposals accordingly, leaving the affected communities and their representatives in an unequal and disadvantaged position to discuss, plan and negotiate on behalf of those most likely to be affected by the proposed redevelopment.

- A project of this magnitude should require community participation and input into issues of land use, school size and overall neighborhood concerns at the earliest possible stage.
- A project of this type should require community participation and input into the costs and benefits of the particular model itself.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls on the Department of Education, the School Construction Authority and the Educational Construction Fund to:

1. Prior to the formulation and release of any RFP relating to these sites, conduct immediate, consistent and meaningful public outreach to all constituencies in the affected community and solicit public comment and concerns relating to all phases and aspects of the proposed redevelopment;
2. Provide a written commitment that the key aspects of any redevelopment proposal for these sites be subject to ULURP.

Committee: 5-0-0-0. Non Committee Board Members: 3-0-0-0.

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Parks & Environment**

**Re: Theodore Roosevelt Park.**

**Full Board Vote: 24 In Favor 4 Against 3 Abstention 0 Present**

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

The dog run at Theodore Roosevelt Park was constructed over a decade ago, and has had no major renovations since then. In the interim, it has developed numerous problems, including substantial ponding of its surfaces during and after rain storms and compacting and subsidence of those surfaces. It is about 14,000 square feet in size, which is fairly substantial for a dog run in a Manhattan park, but it is on relatively low ground, which contributes to the problem of water accumulation.

Further, the dog run lacks dedicated lighting, and has no lighting at all at its rear (south) edge, which is against the bulkhead of the parking garage of the Museum of Natural History. It is also very dusty; it is annoyingly noisy, including to some of its neighbors along 81<sup>st</sup> Street; it is annoyingly smelly; it lacks sufficient benches; and it is generally in need of major refurbishment and more disciplined operations.

The dog run is in a landmark park that surrounds a very major cultural institution, the Museum of Natural History. Thousands of visitors to the Museum and neighborhood residents regularly pass near the dog run, regardless of whether they are actual users of the dog run.

The original user group that assisted the Department of Parks and Recreation in managing the dog run gradually withdrew, and a new group, the Bull Moose Dog Run Association, has formed to try to spearhead a major refurbishment of the dog run and improved operations going forward.

Representatives of the Bull Moose Dog Run Association made a thorough and thoughtful presentation to the Parks and Environment Committee of Community Board 7/Manhattan, at its February, 2013 meeting, discussing the problems with the existing dog run and specific proposals for renovation and improved management.

They presented preliminary plans, and a preliminary budget, for regrading the dog run surfaces with rock infill and then applying an artificial “dog grass” product, in replacement of the current gravel surface; for adding new lighting and plumbing along the rear edge of the dog run; for adding new gates and potentially new, historically-sensitive fencing; for adding noise baffling surfaces, for adding new benches around the existing trees; and for potentially adding a water play area and/or a dog waste composting station.

Representatives of neighboring buildings, including the block association, expressed general support for this renovation, with particular attention to improving the noise situation.

Community Board 7/Manhattan **agrees** that the Theodore Roosevelt Park dog run is in need of major refurbishment, and **supports** the efforts of the Bull Moose Dog Run Association, in cooperation with other stakeholders of Theodore Roosevelt Park, to develop plans for such major refurbishment,

including continuing to explore the possibility of using artificial “dog grass” as the finish surface, in order to reduce dust, smells and maintenance problems going forward.

Community Board 7/Manhattan, further **urges** the Department of Parks and Recreation to work with the stakeholder groups to develop actual plans for the renovation and to secure funding for it at the earliest possible time.

Community Board 7/Manhattan, further **urges** the designers to employ “green” technology and products in the renovated dog run, including such things as non-electric lighting, biodegradable waste disposal bags and maximally permeable surfaces.

Community Board 7/Manhattan, further **urges** the stakeholders to secure financial and in-kind assistance from all available sources, including potentially the Museum of Natural History, the Theodore Roosevelt Park Neighborhood Association, the members of the Bull Moose Dog Run Association, and others, to achieve the renovation and maintenance of the dog run at the least practical direct financial cost to New York City.

Community Board 7/Manhattan **commends** the new dog run association and the block association – as well as other involved stakeholders -- for working together collegially with regard to the renovation of the dog run and present and future management issues, including such matters as noise control and hours of operation of the dog run.

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



**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Preservation**

**Re: 165-167 West 78th Street, The Rodeph Sholom School and Congregation Rodeph Sholom (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for reconfiguration of the area way between 165-167 and the addition of handrails at two stoops and reconfigured area way.**

**Full Board Vote: 30 In Favor 0 Against 0 Abstentions 0 Present**

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

- the existing knee walls and 3-foot wide stairs in the areaway between the two stoops will be removed
- a new wider set of stairs with three metal handrails will be constructed, spanning the full 10'-6" distance between the two stoops.
- the three existing steps (with a 9" rise) will be replaced by four shorter steps with a rise of 6.5", more suitably-scaled to children.
- the existing damaged knee wall segments in the areaway to the west of the 167 W. 78<sup>th</sup> St. stoop will be replaced with a single, continuous knee wall of the same profile, constructed of brownstone to match existing.
- new freestanding metal handrails at code-prescribed height will be installed at the two existing stoops.
- new stoop handrails to be posted into the existing stoop steps, placed directly inside existing step-profile knee walls.
- all new handrails to be steel painted black

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the reconfigured central areaway, replacement western areaway knee wall, and new stoop handrails are all reasonably appropriate to the historic character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the areaway reconfiguration and the stoop handrail additions.

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

RESOLUTION

**Date: March 5, 2013**

**Committee of Origin: Preservation**

**Re: 304 West 90<sup>th</sup> Street (West End Avenue.) Application to the Landmarks Preservation Commission for third-and fourth-story addition, new stair and elevator bulkhead on the roof.**

**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 conclusions:

- A new three story rear-yard addition, extending 7'-3" out from the existing rear façade will be constructed, faced in brick. Brick cornice details at top of new rear façade to be modeled on existing brick cornice details at top of original rear facade wall.
- The existing 2-story "dog-leg" extension will remain.
- The dog-leg facades will be reconfigured, with larger glazed openings installed on the south and west-facing facades.
- The entire rear façade (old and new elements) will be brick, painted white.
- The existing fifth floor structure situated at the front half of the building will be extended almost the full depth of the building, set back 3 feet from the rear façade. It will not be visible from the street. Rear façade to be clad in brick, painted white. Side walls to be white stucco.
- A new stair and elevator bulkhead will be constructed at the center of the north-south dimension and will not be visible from the street. **The applicant agrees to provide appropriate structural, soundproofing and vibration-dampening measures to ensure that the new elevator will not cause a nuisance to the neighboring structures or their occupants.**
- Except at the existing dog-leg extension, all fenestration to be aluminum clad wood, black finish. Windows to be double-hung one-over-ones. Doors to be stile and rail with single central glass panel. New window openings to be modeled on existing and original window openings, with "roll arch" lintels at window heads. **Applicant has agreed to modify the presented elevation design so that window openings on the two lowest floors of the rear yard addition will also have this same arched head detail.**
- Fenestration at existing dog-leg extension to be rectangular headed, two-story, composed of fixed panes and operable awning units. Existing brick corbelling detail at top of extension structure to be retained.
- New railings at existing and new balconies throughout building to be wood, modeled on existing

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rear yard addition as modified, fifth floor rooftop extension, and rooftop bulkhead are all reasonably appropriate to the historic character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the modified design of the rear yard addition, top floor rooftop extension, and new stair and elevator bulkhead on the roof.

*Committee: 4-1-1-0. Non-Committee Board Member: 0-1-0-0.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Transportation**

**Re: Proposed bike rack locations in MCD7.**

**Full Board Vote: 32 In Favor 0 Against 0 Abstentions 0 Present**

*The committee will present the resolution.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Transportation**

**Re: Family Days. Application to the Department of Transportation by the Columbus Amsterdam BID for “Family Days” on May 19<sup>th</sup>, September 8<sup>th</sup> and September 15<sup>th</sup> from 9:00 am-7:00 pm.**

**Full Board Vote: 31 In Favor 0 Against 1 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the Department of Transportation for street closure to vehicular traffic and the street use for Family Days from 9am to 7pm on May 19th, September 8, and September 15, 2013.

*Committee: 9-0-0-0. Non-Committee Board Members: 3-0-0-0.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 279 Amsterdam Avenue (West 73<sup>rd</sup> Street.)**

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

The applicant did not attend the meeting.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves without prejudice** renewal application DCA# 1369548 to the Department of Consumer Affairs by Manna Amsterdam Avenue LLC, d/b/a Gina La Fornarina, for a two-year consent to operate an unenclosed sidewalk café with 20 tables and 45 seats.

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

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 421 Amsterdam Avenue (West 84<sup>th</sup> Street.)**

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

The applicant did not attend the meeting.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves without prejudice** the renewal application DCA#1215000 to the Department of Consumer 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: 8-0-0-0.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 462 Amsterdam Avenue (West 82<sup>nd</sup> Street.)**

**Full Board Vote: 33 In Favor 0 Against 0 Abstentions 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: 6-0-0-0.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 2479 Broadway (West 92<sup>nd</sup> Street.)**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1278350 to the Department of Consumer Affairs by Katouna, Inc., d/b/a Perfecto, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 48 seats, with the condition that the applicant submits photos of vests worn by delivery persons with proper identification of this venue to CB7 by March 5<sup>th</sup>, 2013.

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

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 2596 Broadway (West 98<sup>th</sup> Street.)**

**Full Board Vote: 29 In Favor 2 Against 1 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1338515 / ULURP# N110315ECM to the Department of Consumer Affairs by H.B. Restaurant Group, Inc, d/b/a Hunan Balcony, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 20 seats, with the condition that the applicant must provide proof of posting of renewal notices to CB7 by March 5<sup>th</sup>, 2013.

*Committee: 7-0-1-0.*

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 311 Amsterdam Avenue (West 75<sup>th</sup> Street.)**

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1453997 to the Department of Consumer Affairs by Fusha 311, Inc, d/b/a Fusha West, for a two-year consent to operate an unenclosed sidewalk café with 30 tables and 61 seats, with the condition that the applicant must provide proof of posting of renewal notices to CB7 by March 5<sup>th</sup>, 2013.

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

**RESOLUTION**

**Date: March 5, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: 994 Columbus Avenue (West 109<sup>th</sup> Street.)**

**Full Board Vote: 31 In Favor 1 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1454076 to the Department of Consumer Affairs by 994 Columbus Avenue, Corp., d/b/a Isola, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 22 seats.

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