

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Parks & Environment**

**Re: Central Park. Proposed Renovation of Adventure Playground (Near 67<sup>th</sup> Street and Central Park West).**

**Full Board Vote: 36 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 5-0-0-0. Non-Committee Board Members: 6-0-0-0.*

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

The Central Park Conservancy presented its proposed design for the renovation of the Adventure Playground in Central Park, near 67<sup>th</sup> Street and Central Park West, at the April, 2013 meeting of the Parks and Environment Committee of Community Board 7/Manhattan.

The Committee believed that the proposed renovation as then presented would result in better integration of the playground into the surrounding landscape, and that the proposed modified configuration of the playground and the new plantings and equipment would honor the original design of the playground while at the same time providing needed upgrades in safety and functionality, appropriately increasing the playground's attractiveness to users.

Community Board 7/Manhattan, approved the proposed design as then presented by resolution at its May 7, 2013 meeting, by a vote of 34-2-1-0.

Subsequently, the Conservancy continued to refine the proposed design. The Conservancy presented its refined design as its now-final design to the Committee at its May, 2014 meeting. The Committee believes that the additional proposed changes to the playground are appropriate and will further enhance the safety, attractiveness and usefulness of the playground.

Community Board 7/Manhattan **approves** the proposed final design for the renovation of the Adventure Playground in Central Park near 67<sup>th</sup> Street and Central Park West.

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Parks & Environment**

**Re: Proposed new Request for Proposals (RFP) by the Department of Parks and Recreation for a crafts fair on Columbus Avenue between 77<sup>th</sup> and 81<sup>st</sup> Streets, adjacent to the Museum of Natural History.**

**Full Board Vote: 36 In Favor 1 Against 0 Abstentions 0 Present**

*Committee: 4-1-0-0*

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

There has been a multi-weekend arts and crafts fair operated by the same concessionaire at this location for about thirty years. The most recent five-year license, which was for six two-day weekends each year, three each in the spring and the fall, expired after the spring, 2014 sessions.

In the late fall of 2012, the Department of Parks and Recreation asked Community Board 7/Manhattan, to advise it as to whether it should issue a new request for proposals for a crafts fair with similar terms for a term of years starting in October, 2014.

The Parks and Environment Committee heard discussion of that question at its November, 2012 meeting. Many local residents, through their block associations and individually, opposed any new RFP for the crafts fair. There was very limited public support expressed in favor of a new RFP. The Committee voted 4-1-0-0 to recommend to the Full Board that it request of the Department of Parks and Recreation that it not issue a new RFP. Community Board 7/ Manhattan, at its December, 2012 meeting, passed a resolution to that effect, by a vote of 29-5-5-0, containing the following language:

When the crafts fair started at this at this location, and for some years afterward, the neighborhood was considerably less safe than it is now. Furthermore, there was no competing use for this space until several years ago, when the Greenmarket started to operate there on Sundays.

The Greenmarket at this location is extremely popular with residents of the neighborhood, including of closely neighboring buildings. However, on those weekends when the crafts fair takes place, it displaces the Greenmarket, which then must move to smaller and less visible space in the schoolyard across the street.

There are now substantial other outdoor crafts events in Manhattan, including, for instance, the Holiday Market in Central Park at Columbus Circle.

Numerous representatives of neighboring buildings and of neighboring block associations, and other community members, attended the November, 2012 regular meeting of the Parks and Environment Committee of Community Board 7/Manhattan, at which a representative of DPR discussed the potential new RFP. Also, the Columbus Avenue Business Improvement District submitted a letter in advance of the meeting opposing the proposed new RFP. The community's sentiment was overwhelmingly that the disadvantages of the existing crafts fair, and of any potential new crafts fair – specifically displacing the Greenmarket, adding to crowding in an already very congested area and taking business from local merchants who pay rent and otherwise support the community – outweigh any advantages to the community of continuing it.

The Parks and Environment Committee believes that, whatever benefit to the community the Columbus Avenue arts and crafts fair might have provided in the past, it is not appropriate for it to be continued, in light of the current conditions mentioned above.

Community Board 7/Manhattan accordingly requests that DPR not issue any RFP for an arts and crafts fair at Columbus Avenue for any period after the expiration of the current license.

Following the recommendation of Community Board 7/Manhattan, DPR did not issue a new RFP for the Columbus Avenue crafts fair. The fair held its previously authorized sessions in the spring and fall of 2013 and the spring of 2014.

Certain exhibitors at the crafts fair appeared at the May, 2014 meeting of Community Board 7/Manhattan, and asked that the Board reconsider its recommendation to DPR. The Parks and Environment Committee agreed to discuss the matter at its next scheduled meeting, in May, 2014, and it did so.

At the May, 2014 meeting of the Parks and Environment Committee, several block associations representing immediate neighbors, the Columbus Avenue BID and certain individuals testified again in opposition to any new RFP for the Columbus Avenue crafts fair, largely for the reasons set forth in the December, 2012 CB7 resolution. Several persons who had been exhibitors at the fair in recent years testified in favor of a new RFP, as did certain members of the public and Council Member Helen Rosenthal. An online petition that indicated that many New York residents supported the crafts fair was presented to the Committee.

Discussion at the Committee meeting elicited the following additional information: that about 15 of the approximately 300 exhibitors at the Columbus Avenue crafts fair live and work in the CB7 District; that some of the exhibitors have had the opportunity to, and have, exhibited at the Greenflea market that is held year-round in the school building and adjacent yard year-round at Columbus Avenue between 76<sup>th</sup> and 77<sup>th</sup> Streets; and that the Greenmarket can no longer be accommodated in whole or in part in the outdoor Greenflea space on those weekends when it is displaced by the crafts fair.

Following the Committee meeting, representatives of all of the block associations that had opposed any new RFP and of the Columbus Avenue BID conferred with the organization that had been the concessionaire for the Columbus Avenue crafts fair since its inception, which the Committee had learned had been, for many years, the only entity to submit a proposal in response to DPR's requests for proposals for this crafts fair at this location. The representatives of the local residents then notified the Committee that they had reached a compromise that they would support and that was supported by the concessionaire: a new RFP for a crafts fair in the same location (the east side of Columbus Avenue), for each of three weekends in the spring of each year.

The Committee was advised that among other rationales supporting this compromise are that the crafts fair has been less financially successful in the fall than in the spring, at least partly in light of a similar crafts fair currently held two weekends each October at Lincoln Center; and that the dislocation of the Greenmarket in the fall has been an even bigger problem than its dislocation in the spring.

The block association representatives further urged that a committee of local stakeholders be formed to facilitate identifying the best alternate location for the Greenmarket for the three spring weekends when the crafts fair would displace it.

Community Board 7/Manhattan, having reconsidered its December, 2012 resolution concerning a new RFP for a crafts fair on Columbus Avenue, **requests** that DPR issue a new RFP for a five-year concession for a crafts fair similar to the one held under the most recent concessions, for three weekends each spring. The crafts fair would be on Columbus Avenue only, between 77<sup>th</sup> Street and 81<sup>st</sup> Street and could be held on Saturday and Sunday of each such weekend.

Community Board 7/Manhattan, also **urges** DPR to work with local stakeholders, including CB7, to identify the best alternate location for the Greenmarket that normally occupies the crafts fair location on Sundays and to implement moving the Greenmarket to that location on those days when it is displaced.

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Preservation**

**Re: 498 West End Avenue (West 84<sup>th</sup> Street.) Application to the Landmarks Preservation Commission for modifications to the building entry to make it ADA-accessible and for a rooftop addition.**

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

*Committee: 6-0-0-0.*

Regarding the modification to the building entry, the following facts and concerns were taken into account in arriving at our conclusion:

- The existing exterior granite steps will be removed
- The existing decorative glass and metal front door pair and transom will be removed from their current position at the rear of the entry recess at the top of granite stairs, shifted 2'-6" to the plane of street facade, and re-installed at sidewalk level.
- A second decorative transom will be created above and modelled on the original transom. The horizontal rail separating the old and the new transoms aligns with existing horizontal rail separating the existing window from its transom at the existing adjacent window recess to the north.
- New stairs will be constructed within the lobby, with a new wheelchair lift.
- The existing wrought iron canopy over the entry will be refurbished, with new clear wire glass installed to replace solid infill material.
- The existing decorative lighting at the canopy will be repaired, reinstalled.
- New similarly styled decorative lighting globes are proposed for the west 84<sup>th</sup> Street facade, installed on flat surfaces of rusticated blocks, with concealed wiring.
- A new security camera will be installed near the service gate at east end of building. Its 4-1/2" diameter polycarbonate base will be painted to match the stone cladding color.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the modified building entry is reasonably appropriate to the historic character of the building and of the Historic District. **The Committee recommends that no decorative lighting fixtures be installed along the West 84<sup>th</sup> Street façade.**

Regarding the rooftop addition, the following facts and concerns were taken into account in arriving at our conclusion:

- New sheet metal clad cornice modelled on original design will be installed at the two primary street facades: along West End Avenue and along west 84<sup>th</sup> Street, projecting 3'-10" from building facade.
- A new two-story rooftop addition to be constructed, replacing the smaller existing one-story penthouse.
- The new rooftop addition to be clad in flat-lock matte-finish gray colored zinc-coated metal panels installed in a running bond.
- Metal Tilt and Turn windows to be installed in single and double units, as punched openings within the addition walls. Color to match cladding panels
- The massing of the rooftop addition is shaped and positioned to minimize its visibility from the public way. In addition, the deeply projecting cornice conceals almost all visibility of the addition from West End and west 84<sup>th</sup> Streets.
- The rooftop addition is clearly visible from the east, above the building's secondary, non-contributing facades. Enclosure walls are stepped in plan to break down the monolithic scale of new addition

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- A new 42” high glass railing to be installed behind new cornice (visually concealed by cornice) and along east facades.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rooftop addition is reasonably appropriate to the historic character of the building and of the Historic District. **The Committee strongly recommends that a lighter color zinc cladding panel be selected** than the one proposed be chosen, in order **to blend in with the light brick color of the secondary facades**, against which the new rooftop addition will be most clearly visible.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the modifications to the building entry and the rooftop addition, with recommendations to use a light colored zinc cladding panel, and to eliminate the proposed street lighting along 84<sup>th</sup> Street.

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Preservation**

**Re: 49 West 92<sup>nd</sup> Street (Central Park West – Columbus Avenue.) Application to the Landmarks Preservation Commission for a rooftop addition, rear additions on the basement, first and second floor, and replacement of windows on the front and rear façades.**

**Full Board Vote: 35 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 5-0-1-0.*

Regarding the rooftop and rear yard additions, and the building-wide window replacement, the following facts and concerns were taken into account in arriving at our conclusion:

- Front façade to be restored, sandstone patched.
- Existing street façade windows to be replaced with new Marvin wood windows
- Cornice to be repainted to match adjacent rowhouse to the east.
- New 682 sf. rooftop addition to be one-story, with second story stairway bulkhead to access new roof deck. Addition to be clad in terracotta toned stucco. Addition to be set back sufficiently from the front façade to prevent being visible from the public way.
- Existing chimneys to be raised as required by code
- New 585 sf. full-width, 3-story rear yard addition to be clad in light beige color stucco, to match existing rear façade stucco color.
- Existing decorative brick corbelling detail at top of rear façade wall to be retained
- All new rear windows (in rear yard addition, at 4<sup>th</sup> floor in original rear facade, and in rooftop addition) to be aluminum, painted black. Proposed window configuration to be five adjacent units in large central openings, all with horizontal muntins.
- New rear windows to be aluminum, similar to rear windows but without horizontal muntins.

While the Preservation Committee of Community Board 7/ Manhattan believes that the proposed street façade replacement windows are reasonably appropriate to the historic character of the building and of the Historic District, the Committee feels that the designs of the rear windows, and the rooftop and rear yard additions are inappropriate to the historic character of the building and of the Historic District without the following modifications:

- Fourth floor windows to be three punched openings within the existing brick wall. One of the openings may have its sill lowered to permit the installation of a terrace door.
- Introduce a set of vertical muntins into all the rear façade windows, alluding to the original four-over-four window pane composition.
- Lower the head height of the rooftop addition's rear windows to eliminate the top pane course.
- Relocate the stair bulkhead to the east side of the roof, shifting the bulk away from the narrow light court of the adjacent apartment building to the west.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the street façade replacement windows but **disapproves** the rear yard and rooftop additions and the rear façade windows **unless the modifications listed above are implemented.****

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Preservation**

**Re: 21 West 95<sup>th</sup> Street (Central Park West – Columbus Avenue.) Application to the Landmarks Preservation Commission for rooftop and rear-yard additions.**

**Full Board Vote A: 36 In Favor 2 Against 0 Abstentions 0 Present/ Committee: 5-0-0-0.**

**Full Board Vote B: 34 In Favor 0 Against 1 Abstention 0 Present/ Committee: 4-1-0-0.**

A. Regarding the rooftop addition, the following facts and concerns were taken into account in arriving at our conclusion:

- New rooftop addition to be one story, not visible from the public way.
- Addition to be clad in stucco.
- New sliding glass door pair at front and rear facades to be wood, painted dark charcoal gray.
- Simple black metal railings at addition's roof, with upper roof access ladder at front façade.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rooftop addition is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the rooftop addition.

B. Regarding the rear yard addition, the following facts and concerns were taken into account in arriving at our conclusion:

- Existing partial width, full height rear yard addition, installed at the center of rear facade to be replaced with a full-width, full (4-story) height rear yard addition. The new addition is two feet shallower than the existing addition
- Rear yard addition to be brick clad, using salvaged brick to match original rear façade.
- Double height window/ door pair groupings at lower two floors
- Two columns of casement window pairs with simple black metal railings at upper floors.
- Windows to be wood, painted charcoal gray.

The Committee had various concerns about the proposed design, including

- Two columns of windows instead of the typical tri-partite rear façade fenestration pattern seems out of place within the “donut”, even with a more erratic window pattern in the adjacent rowhouses..
- Windows at the two top floors are articulated as punched openings, but with heads lower than the windows at the adjacent rowhouses, and with no lintels. No effort to relate to the context in terms of alignments, solid/ void patterns, although vocabulary is contextual.
- Upper level glazing of double-height windows retains appearance of being doors, although no longer functioning as doors

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rear yard addition is inappropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the rear yard addition.

**Furthermore**, the Preservation Committee strongly recommends that the existing aluminum windows in the front façade be replaced with new historic wood windows.

**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Preservation**

**Re: 230 West 103<sup>rd</sup> Street (Broadway), The Marseilles. Application to the Landmarks Preservation Commission for the installation of awnings over the entranceways to Cure Care and Belmarc Realty.**

**Full Board Vote: 35 In Favor 0 Against 0 Abstentions 1 Present**

*Committee: 4-0-0-0.*

Regarding the proposed awnings for Cure Care, the following facts and concerns were taken into account in arriving at our conclusion:

- All existing rolldown gates will be removed, and façades patched.
- New awning over arch-head entrance to be quarter sphere, light gray, with “Cure Care” sign and green cross log
- All other awnings to be steep-pitched angled awnings, deep blue with white “Cure Car” signs and cross.
- There will be no new holes cut into the existing masonry façade.
- At two narrow awnings adjacent to an entrance, awnings to be secured to facade using new or existing or replacement clips installed in existing clip holes, and secured to window frames trim. Longer awning to the north and entry awning to be secured to existing window frame trim.

The Committee recommends that all awnings be the same blue color, with the same white lettering and green cross logo.

Regarding the proposed signage for Belmarc Realty, the following facts and concerns were taken into account in arriving at our conclusion:

- All existing rolldown gates will be removed, and façades patched.
- New sign boards will be installed over the three windows within the existing surface-mounted sign frames.
- Signs will be dark blue with white lettering.

The Committee recommends that some lighting be installed within the storefronts for street safety, livening up the sidewalks at night.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new awnings for Cure Care and the new signage for Belmarc Realty are reasonably appropriate to the historic character of the building and of the Historic District.

**THEREFORE, BE IT RESOLVED THAT** Community Board 7/ Manhattan **approves** the proposed awnings for Cure Care and signage for Belmarc Realty.



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**RESOLUTION**

**Date: June 2, 2014**

**Committee of Origin: Transportation**

**Re: NYC Department of Transportation proposed pedestrian safety improvements on Riverside Drive and West 72<sup>nd</sup> Street.**

**Full Board Vote: 34 In Favor 0 Against 2 Abstentions 0 Present**

*Committee: 5-0-3-0. Non-Committee Board Members: 3-1-1-0.*

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the New York Department of Transportation's plan to increase pedestrian and traffic safety at the intersection of 72nd and Riverside Drive, including the following:

- a new crosswalk on the east side of the intersection
- sidewalk extensions at the northwest and northeast intersections and between the crosswalks on the south side
- appropriate planters and/or blocks or other protections
- shorter crosswalks
- specific lanes clearly indicating vehicle movements and turns
- new signal phasing including a pedestrians only phase; and

BE IT FURTHER RESOLVED THAT countdown timers be installed if possible; and

BE IT FURTHER RESOLVED THAT the New York Department of Transportation encourage the New York City of Sanitation to keep the sidewalk extensions clean and clear of snow.

**RESOLUTION**

**Date: June 2, 2014**

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

**Re: 2758 Broadway (West 106<sup>th</sup> Street)**

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

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

BE IT RESOLVED THAT Community Board 7/ Manhattan the application to the State Liquor Authority for a two-year liquor license by Daddo Bogich (Entity to be formed), d/b/a To be Determined.



**RESOLUTION**

**Date: June 2, 2014**

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

**Re: 2588 Broadway (West 98<sup>th</sup> Street.)**

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

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

BE IT RESOLVED THAT Community Board 7/ Manhattan the application to the State Liquor Authority for a two-year liquor license by Tripti USA Inc., d/b/a AWADH.



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**RESOLUTION**

**Date: June 2, 2014**

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

**Re: 240 Columbus Avenue (West 71<sup>st</sup> Street.)**

**Full Board Vote: 27 In Favor 2 Against 2 Abstentions 0 Present**

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

The applicant submitted:

- Architectural plans;
- Confirmation of the installation of a volume limiter for the audio system where maximum volume stays within limits of EPA code, below 42 decibels as measured from nearby residences, and subwoofers have been disconnected from the system;
- Photos of final work on the enclosure of the exhaust fan;
- Proof of installation of an automatic timer that shuts off the exhaust fan at midnight every night and restarts it at 9am to insure the fan does not operate on a 24-hour cycle;
- Proof that Conversano Associates Inc., 150 Broadway, New York, NY, [www.conversanoassoc.com](http://www.conversanoassoc.com), has been retained to obtain a Public Assembly Permit for the downstairs level and they anticipate no problems getting the new PA permit.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application #1397232-DCA/#N 130378 ECM to the Department of Consumer Affairs by Café Tallulah, LLC, d/b/a Café Tallulah, for a two-year consent to operate an enclosed sidewalk café with 12 tables and 40 seats.

**RESOLUTION**

**Date: June 2, 2014**

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

**Re: Unenclosed Sidewalk Cafes.**

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

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

- **2518 Broadway** (West 94<sup>th</sup> Street.) Renewal application #1353701-DCA 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 unenclosed sidewalk café with 4 tables and 16 seats.  
*Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-0.*
- **450 Amsterdam Avenue** (West 81<sup>st</sup>-82<sup>nd</sup> Streets.) Renewal application #1341925-DCA to the Department of Consumer Affairs by D&D Thai Restaurant Corp., d/b/a Land Thai Kitchen, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 11 seats.  
*Committee: 6-0-0-1. Non-Committee Board Members: 2-0-0-0.*
- **650 Amsterdam Avenue** (West 91<sup>st</sup>-92<sup>nd</sup> Streets.) Renewal application #1352255-DCA to the Department of Consumer Affairs by Olivia Ava Corp., d/b/a Edgar's for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.  
*Committee: 7-0-0-0. Non-Committee Board Members: 1-0-0-0.*
- **245 West 104<sup>th</sup> Street** (Broadway-West End Avenue.) Renewal application #1187714-DCA to the Department of Consumer Affairs by Broadway 104, LLC, d/b/a Café du Soleil for a two-year consent to operate an unenclosed sidewalk café with 18 tables and 36 seats.  
*Committee: 7-0-0-0. Non-Committee Board Members: 1-0-0-0.*



**RESOLUTION**

**Date: June 2, 2014**

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

**Re: 349 Amsterdam Avenue (West 77<sup>th</sup> Street.)**

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

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

New application #4492-2014-ASWC to the Department of Consumer Affairs by BT Restaurant Enterprises LLC, d/b/a Tessa, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 15 seats.



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RESOLUTION

**Date: June 2, 2014**

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

**Re: 433 Amsterdam Avenue (West 80<sup>th</sup>-81<sup>st</sup> Streets.)**

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

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

The applicant did not attend the meeting and has not provided any contact information.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves without prejudice** renewal application #1027125-DCA to the Department of Consumer Affairs by Haru Amsterdam Avenue Corp., d/b/a Haru, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 22 seats.



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**RESOLUTION**

**Date: June 2, 2014**

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

**Re: PS 163 concerns about the Jewish Home Lifecare project on West 97<sup>th</sup> Street and call for DOE to get them answers and help address their concerns.**

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

This Resolution is based on the following facts:

PS 163 is a zoned elementary school in Community School District 3 (and Community District 7) with approximately 640 students in Pre K through 5<sup>th</sup> grade. PS 163 offers programs in general education, special education for students with disabilities (integrated co-teaching), Spanish dual language as well as a district wide Gifted and Talented Program.

PS 163 has a diverse student body (45% Hispanic, 18% African-American, 27% White and 6% Asian) and a majority of the children are eligible for free and reduced lunch program.

The proposed Jewish Home Life Replacement Nursing Facility Project includes proposed development plans for a 275 foot tall, 20 story building, the west wall of which will be approximately 30 feet from the entrance to the east façade of PS 163.

Children, teachers and staff will be subject to high-decibel noise from various construction activities including pile-driving, jackhammering, cement-mixing and other construction activity and equipment. This activity will occur throughout the school day, with the most severe levels expected to continue for at least 14 months and reach sound levels that would be higher than what would be acceptable nearby many airports.

The construction is expected to take place over at least 30 months with much of it taking place during the school year (most likely covering multiple school years).

Soil sample tests from the site show high levels of lead contamination that exceed EPA standards as well as the presence of other toxins including mercury, barium and arsenic.

The construction site is immediately adjacent to the school and a tower crane would be erected less than 30 feet from the school entrance. The JHL facility will be significantly higher than the school and the school will be at risk from falling debris. In addition, the increase of traffic along the busy west 97<sup>th</sup> intersection both during the proposed construction and afterwards is of great concern to the PS 163 school community.

When a similar construction project took place at PS 51 in Hell's Kitchen, the students, teachers and staff were eventually moved to a temporary school as a result of the construction noise and health concerns.

The PS 163 PTA has expressed serious concerns regarding the impact of the estimated 30 months of construction on the health, safety and education of PS 163 school community and the ongoing operational impact of this proposed development on everyday life at PS 163.

The concerns enunciated by the PS 163 PTA and school community, elaborated in their response to the NY Department of Health's Draft Environmental Impact Statement for the project, include the following:

- Students, families, teachers and staff would be subject to dangerous levels of airborne lead particles as well as airborne dust generated during the construction,
- Constant, high level of noise will severely disrupt the learning environment and potentially create longer term health issues for the children.
- Construction equipment and new loading docks for the JHL facility will be dangerously close to the school and interfere with school traffic and operations endangering parents and children.
- Deliveries to and waste removal from the proposed facility would require trucks to back across an extra-wide sidewalk to loading bays on the south face of the facility, directly in the path of children, teachers and administrators as they go to and from the school.

The short- and long-term health and safety concerns identified with respect to PS 163 will have similar effects on the children, teachers and administrators at the 6 or more other private and religious schools and child care centers in the immediate vicinity of the proposed project.

Therefore be it resolved that Community Board 7 calls on the Chancellor of the Department of Education to immediately engage with the PS 163 community and provide all resources and support to them in their efforts to ensure a safe learning environment is maintained at the school and to assess the following concerns before this project is allowed to be undertaken, including without limitation:

- (1) Identifying whether effective noise mitigation steps could be taken to ensure that the learning environment at PS 163 is preserved amidst constant, high level noise pollution from a 20 story construction building several feet from the school;
- (2) Prior to any approval for the project to proceed, providing detailed protocols and specifications that would have to be taken to ensure the structural integrity of the trailers that are used by PS 163 as classrooms both during and after construction, (including an assessment of whether the trailers can even continue to safely function during construction);
- (3) Determine the structural safety of the main school building itself with a tall crane overhead during school hours, including steps to address concerns about possible falling debris from the construction;
- (4) Conducting studies to measure levels of lead, other toxins, and dust that would be generated by the proposed project that would affect the children and adults at PS 163, and outlining measures

to ensure that lead dust and other toxins in the air from the construction activity would not be a threat to children at drop off, pick up, recess and after school on the playground;

- (5) Prior to any project approvals or commencement of construction activities, develop traffic safety plan to ensure that the school community can safely access school facilities both during potential construction as well as future JHL operations;
- (6) In the event that the project receives the necessary approvals to proceed forward and in advance of the commencement of any construction activity, identifying an acceptable, alternative plan to relocate the PS 163 school community (in advance of the commencement of construction activity) given the safety, health and environmental and noise concerns related to the proposed project;
- (7) Formulating a plan to monitor enrollment trends at PS 163 and taking proactive steps to ensure that any decrease in enrollment during possible construction does not adversely impact funding for teachers and programs at PS 163.