



## CITY PLANNING COMMISSION

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February 28, 2007/Calendar No. 8

C 010283 MMX

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**IN THE MATTER OF** an application, submitted by Horace Mann School pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of The Post Road north of West 246<sup>th</sup> Street;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of the Bronx, in accordance with Map No. 13098 dated September 3, 2002 and signed by the Borough President.

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The application (C 010283 MMX) for an amendment to the City Map was filed by Horace Mann School pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code on December 21, 2000. It involves: the elimination, discontinuance and closing of The Post Road north of West 246<sup>th</sup> Street; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

### **RELATED ACTIONS**

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 010284 MMX      Application for an amendment of the City Map involving the elimination, discontinuance and closing of West 250<sup>th</sup> Street between Tibbett Avenue and The Post Road.

### **BACKGROUND**

A full background discussion and description of this project appears in the report on the related City Map change application (C 010284 MMX).

## **ENVIRONMENTAL REVIEW**

This application (C 010283 MMX), in conjunction with the application for the related action (C 010284 MMX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR No. is 01DCP036X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on March 12, 2001.

## **UNIFORM LAND USE REVIEW**

This application (C 010283 MMX), in conjunction with the application for the related action (C 010284 MMX), was certified as complete by the Department of City Planning on October 10, 2006, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

## **Community Board Public Hearing**

Community Board 8 held a public hearing on this application (C 010283 MMX), in conjunction with the application for the related action (C 010284 MMX), on November 20, 2006.

A full discussion of the recommendations of the Community Board 8 appears in the report on the related City Map change application (C 010284 MMX).

## **Borough President Recommendation**

This application (C 010283 MMX) was considered by the Borough President of the Bronx.

A full discussion of the recommendation of the Borough President of the Bronx appears in the report on the related City Map change application (C 010284 MMX).

### **City Planning Commission Public Hearing**

On January 10, 2007 (Calendar No. 1), the City Planning Commission scheduled January 24, 2006 for a public hearing on this application (C 010283 MMX). The hearing was duly held on January 24, 2007 (Calendar No. 9) in conjunction with the hearing on the related action (C 010284 MMX).

There were a number of appearances as described in the report on the related City Map change application (C 010284 MMX), and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related City Map change application (C 010284 MMX).

### **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following resolution:

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 010283 MMX) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of The Post Road north of West 246<sup>th</sup> Street;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in Community District 8, Borough of the Bronx, in accordance with Map No. 13098 dated September 3, 2002 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 13098 dated September 3, 2002 providing for the discontinuance and closing of a portion of The Post Road north of West 246<sup>th</sup> Street, more particularly described as follows:

**DISCONTINUING AND CLOSING OF A PORTION OF THE POST ROAD NORTH OF WEST 246<sup>TH</sup> STREET**

Starting at a point located at the intersection of the easterly line of The Post Road and the westerly line of Broadway; thence running along the easterly line of The Post Road turning an angle of 90 degrees 00 minutes and 00 seconds to the left from the westerly line of Broadway, a distance of 105.820 feet; thence continuing on the westerly line of Broadway turning an angle of 102 degrees 56 minutes and 07 seconds to the left, a distance of 125.449 feet to a point of curvature, thence running along an arc, curving to the right, the radius of which is 856.00 feet and having an central angle of 14 degrees 35 minutes and 05 seconds, a distance of 217.896 feet to a point; thence running northerly along the easterly line of The Post Road, a distance of 281.554 to the **POINT OF BEGINNING**;

1. Thence running northerly along the former easterly line of The Post Road, discontinued and closed, a distance of 28.279 feet to a point of curvature;
2. Thence running along the former northerly line of The Post Road, along an arc, discontinued and closed, curving to the left, having a radius of 50.00 feet and a central angle of 180 degrees, 00 minutes and 00 seconds, a distance of 157.080 feet to a point of tangency;

3. Thence running southerly along the former westerly line of The Post Road, discontinued and closed, a distance of 48.00 feet to a point of curvature;
4. Thence running along the former westerly line of The Post Road, along an arc, discontinued and closed, curving to the right, having a radius of 62.332 feet and a central angle of 67 degrees 49 minutes and 02 seconds, a distance of 73.778 feet to a point of tangency;
5. Thence running easterly, along a newly established northerly line of West 246<sup>th</sup> Street turning an angle of 90 degrees 00 minutes and 00 seconds from the radial line to the previous course, a distance of 65.253 feet to a point of curvature;
6. Thence running along the newly established northerly line of The Post Road, along an arc, curving to the left, having a radius of 30.00 feet and a central angle of 62 degrees 05 minutes and 56.5 seconds, a distance of 32.520 feet to a point of reverse curvature;
7. Thence running along the newly established northerly line of The Post Road, along an arc, curving to the right, having a radius of 30.00 feet and a central angle of 84 degrees 16 minutes and 54.5 seconds, a distance of 44.130 feet to a point of tangency;
8. Thence running along the newly established northerly line of The Post Road, a distance of 30.00 feet to the **POINT OF BEGINNING**;

and be it further

**RESOLVED** that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13098 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the mapping agreement). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved

amendment to the City Map may be returned to the City Planning Commission for rescission; and

- c. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 010283 MMX), duly adopted by the City Planning Commission on February 28, 2007 (Calendar No. 8), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**KENNETH J. KNUCKLES, Esq.** Vice Chair

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