



# COMMUNITY EDUCATION COUNCIL DISTRICT 3

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## Vol 17 (P) No. 8

### Resolution in Support of the Friends of P.S. 163 Inc. Amicus Brief

Approved at the September 19, 2017 CEC3 Business & Calendar Meeting by a unanimous vote of the Council Members present at the time of the vote (10 yes, 0 opposed)

**WHEREAS**, The Friends of P.S. 163, Inc., The P.S. 163 School Leadership Team, and others brought an action for Judgment under Article 78 (the “Action”) of the New York Civil Practice and Rules against Jewish Home LifeCare Manhattan (“JHL”), the New York State Department of Health (“Department of Health, and 156 W. 106<sup>th</sup> Street Holding Corp., 102 W. 107<sup>th</sup> Corp. and PWV Owner, LLC (collectively, the “Other Respondents”).

**WHEREAS**, the action involves JHL’s proposed development plans for a 20-story building immediately adjacent to P.S. 163, the Alfred E. Smith School (“P.S. 163”);

**WHEREAS**, the Court of Appeals of the State of New York (the “Court of Appeals”) has agreed to hear an appeal of the Action and the parties have filed briefs with the Court of Appeals (No. APL-2017-00099, New York County Clerk’s Index No. 100546/15);

**WHEREAS**, The Friends of P.S. 163, Inc. have called upon Community Education Council District 3 to file and Amicus Brief with respect to the Action with the Court of Appeals;

**WHEREAS**, children from P.S. 163 would be exposed to high levels of unsafe airborne lead and dust particles and the tremendous construction related noise that will take place over a prolonged period of time which would disrupt the learning of the students at P.S. 163;

**RESOLVED**, Community Education Council District 3 believes that students and their families, teachers and staff of P.S. 163 should be protected from any and all hazardous situations, including building particles, dust, airborne lead and excessive loud noise, from construction work; and be it further

**RESOLVED**, that Community Education Council District 3 supports The Friends of 163, Inc., The P.S. 163 School Leadership Team, and others in the Action against JHL, the Department of Health and the Other Respondents and hereby agrees to become a party to an amicus brief; prepared by or otherwise acceptable to Community Education Council District 3.