



Community Board 12 - Manhattan Washington Heights & Inwood

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George Fernández Jr. - Chairman
Ebenezer Smith, District Manager

May 29, 2015

Hon. Margery Perlmutter
Commissioner
Board of Standards & Appeals
22 Read Street
New York, NY 10007

Dear Commissioner Perlmutter:

At the General Meeting on Tuesday, May 26, 2015 Community Board 12 Manhattan, passed the following resolution with a vote of (28)In Favor, (1)Opposed, (1)Abstain, supporting the the Application submitted to the Board of Standards and Appeals on behalf of TEP Charter School Assistance, Inc. for the zoning variance necessary to facilitate the construction of a new seven-story, approximately 60,000 square-foot building for The Equity Project Charter School at 153-157 Sherman Avenue with the understanding that proper cleanup of the site as required by the New York City Office of Environmental Remediation; will precede the Project, and requesting that The Equity Project Charter School, TEP Charter School Assistance, Inc., their architects and development partners continue to refine the Project design to ensure that its facades are sensitive to and appropriate for its neighborhood context.

Whereas: An application (the "Application") was submitted to the Board of Standards and Appeals ("BSA") in April 2015 by Sheldon Lobel PC, Attorney at Law ("Legal Counsel"), on behalf of TEP Charter School Assistance, Inc. (the "Owner" or "TEP CSA") requesting a zoning variance to permit the construction of a new middle school at 153-157 Sherman Avenue, Block 2221 / Lot 5 (the "Property") for The Equity Project Charter School ("TEP"); and

Whereas: The Property is a 12,000 square foot privately-owned vacant lot located 100 feet east of the intersection of Academy Street and Sherman Avenue with 75 feet of frontage along Sherman Avenue and a lot depth of 160 feet. The Property is located in a R7-2/C1-4 zoning district; a school may be constructed as-of-right pursuant to this zoning; and

Whereas: TEP is a 501 (c) (3) non-profit, publicly-chartered middle school established in 2008 that serves 480 fifth through eighth grade students and is presently housed in temporary trailers on the George Washington High School Campus. TEP serves low-income students who reside primarily in Inwood, Washington Heights and Harlem. Approximately 90% of TEP students are eligible for free or reduced-price meals, a majority come from minority households and 20% have been identified by the New York City Department of Education ("DOE") as having special needs; and

- Whereas: DOE has identified TEP as the highest-ranking independent charter middle school. TEP is ranked among the top 10% of all New York City middle schools, has been featured on *60 Minutes* and in *The New York Times*, and 77% of its graduates have been accepted into selective public, Catholic and independent high schools; and
- Whereas: The temporary trailers where TEP is currently located are inadequate for its programmatic use and TEP seeks to build a new permanent middle school (the "Project") at the Property. TEP CSA is a 501 (c) (4) non-profit established to advance the interest of TEP. TEP CSA is responsible for undertaking the Project and will be its owner of record. TEP CSA retained the West Side Federation for Senior and Supportive Housing, Inc. to develop the Project; and
- Whereas: The Project is a six-story, 58,275 square-foot school building that will include a gymnasium, music rooms, a kitchen and cafeteria, a garden terrace and a rooftop play area in addition to classrooms, office suites, mechanical and support spaces. It will be compliant with the Americans with Disabilities Act. The Project complies with zoning bulk regulations. Its 58,275 square foot bulk represents a floor-area-ratio ("FAR") of 4.9; as-of-right an FAR of 6.5 is permitted for a community facility building such as a school. However, due to soil conditions, which include a high water table (at seven feet nine inches below street level), 50% of the site being impacted by rock and low-levels of cadmium contamination, excavating the Property sufficiently deep to build a full basement is not practical. Therefore, the depth of excavations for the basement of the Project is limited to four feet. As a result the Project is not able to comply with zoning regulations pertaining to the maximum height of the street-wall and the minimum setback required once the maximum street-wall height is reached; and
- Whereas: Pursuant to the Property's zoning, the maximum street-wall height permitted is 60 feet and once the 60 foot height is reached a minimum setback of 15 feet is required. To accommodate the Project's build program and to compensate for the soil conditions that make excavating the site sufficiently to build a full basement impractical, a zoning variance (the "Zoning Variance") is requested to allow for a 63-foot high street-wall (three feet higher than permitted by zoning) and a 10-foot deep setback (five feet less than required by zoning) after the street-wall reaches 63 feet in height. The Project as designed does not break the sky-exposure plane and no waiver is requested in connection with this provision of zoning; and
- Whereas: On May 6, 2015, the Land Use Committee ("Land Use" or the "Committee") held a meeting to obtain comments on the Application. Representatives of TEP, Evans Heintges Architects PLLC, CA Rich Environmental Specialists ("CA Rich"), and Legal Counsel, attended the Public Hearing and briefed the Committee and other attendees on the Application. Legal Counsel stated that the Zoning Variance requested is minimal, does not adversely impact the character of the neighborhood and is needed to fulfill TEP's programmatic needs for the Project; and

- Whereas: Attendees present included parents of TEP students, TEP students and TEP faculty members. Parents expressed their support for TEP, citing the dedication of faculty and staff and the connection their children have to the school. The parents also informed the Committee that they wished TEP could expand to include high school so that their children would not have to leave and encouraged the Committee to support the Application; and
- Whereas: The total development costs of the Project are estimated at \$37 million. No public dollars are allocated to construct the Project. Sources of construction financing include \$10 million raised by TEP CSA in private equity, a \$15 million bank loan and \$12 million in New Market Tax Credits. The Project's construction duration is estimated at 18 to 24 months. Groundbreaking is estimated for fall 2015; and
- Whereas: The representative of CA Rich advised the Committee that the Property has been enrolled in New York City's Voluntary Cleanup Program ("VCP") under the New York City Office of Environmental Remediation; the public comment period on the VCP application for the Property commenced on May 4, 2015 and concludes on June 4, 2015; site remediation will be undertaken as part of the scope of work for the Project, and the scope of remediation includes but is not limited to the removal of contaminated soil, building a two-foot thick basement slab at four-feet below grade to seal the site and embedding a vent pipe into the slab that extends above the roof to exhaust any soil vapors that may accumulate over time ; now, therefore, be it
- Resolved: Community Board 12-Manhattan supports the Application submitted to the Board of Standards and Appeals by Sheldon Lobel PC, Attorney at Law, on behalf of TEP Charter School Assistance, Inc. for the zoning variance necessary to facilitate the construction of a new seven-story, approximately 60,000 square-foot building for The Equity Project Charter School at 153-157 Sherman Avenue with the understanding that construction of the Project will be preceded by the proper cleanup of the site as required by the New York City Office of Environmental Remediation pursuant to its consideration of Voluntary Cleanup Program application for the Property site; and be it further
- Resolved: Community Board 12-Manhattan requests that the The Equity Project Charter School, TEP Charter School Assistance, Inc., their architects and development partners continue to refine the Project design to ensure that its facades are architecturally sensitive to and appropriate for its neighborhood context and that a follow-up design presentation be made to the Land Use Committee.

Thank you for your consideration of our request.

Sincerely,



George Fernandez, Jr.
Chair

Hon. Margery Perlmutter, Commissioner
May 29, 2015
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cc: Hon. Bill de Blasio, Mayor
Hon. Gail Brewer, Manhattan Borough President
Hon. Letitia James, Public Advocate
Hon. Scott Stringer, Comptroller
Hon. Charles B. Rangel, Congressman
Sheldon Lobel, Attorney at Law

Hon. Adriano Espaillat, NY State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Guillermo Linares, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
TEP - Zeke Vanderhoek, Principal