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BOARD OF STANDARDS AND APPEALS

MEETING OF: January 24, 2022
CALENDAR NO.: 2019-298-BZ
PREMISES: 506 West 181st Street, Manhattan
Block 2152, Lot 72

ACTION OF BOARD — Application withdrawn without prejudice.

THE VOTE —
Affirmative: Chair Perlmutter, Vice-Chair Chanda,
Commissioner Ottley-Brown, Commissioner Sheta, and
Commissioner Scibetta.....5
Negative:.....0

THE RESOLUTION —

The decision of the Department of Buildings (“DOB”), dated October 30, 2019, acting on Application Type Alteration 1 No. 123785939, reads in pertinent part: “ZR 32-10, ZR 32-31, ZR 73-19: A School is not allowed as-of-right in a C8-3 zoning district. Obtain NYC Board of Standards and Appeals (BSA) approval.”

This is an application under Z.R. § 73-19 for a special permit to allow, in a C8-3 (R7-2) zoning district, the operation of a Use Group (“UG”) 3 school, contrary to Z.R. § 32-10. This application is brought on behalf of the Washington Heights and Inwood Music Community Charter School.

A public hearing was held on this application on July 28, 2020, after due notice by publication in *The City Record*, with continued hearings on October 20, 2020 and January 12, 2021, and then to decision on January 24, 2022. Community Board 12, Manhattan, recommends approval of this application with the following conditions:

The Community Board requests that Washington Heights and Inwood Music Community Charter School continue to provide updates to the Health and Environment, Traffic and Transportation, and Youth and Education committees as the Project progresses and as the planning begins for the commencement of school operations at the site, and also to explore opportunities to work with nearby schools, community-based organizations such as ARC XVI Fort Washington Senior Center and the Esperanza Center, which will be in the adjacent building, businesses, and business organizations such as the Washington

Heights Business Improvement District. The Community Board encourages the Washington Heights and Inwood Music Community Charter School to make the auditorium available for community events, including local theater and performing arts productions.

The Board received 22 form letters and 12 letters of support for this application.

The Premises are located on the west side of West 181st Street, between Audubon Avenue and Amsterdam Avenue, within a C8-3 (R7-2) zoning district, in Manhattan. With approximately 75 feet of frontage along West 181st Street, 120 feet of depth, and 8,963 square feet of lot area, the Premises are occupied by an existing four-story plus cellar, mixed-use commercial building and parking garage.

The applicant proposes to convert and enlarge the existing four-story plus cellar, commercial building for full occupancy by a UG 3 kindergarten through fifth grade charter school. The applicant represents that the development would involve the conversion of the existing roof level to a usable floor area and the addition of a fifth story, thereby, increasing the building square footage to 36,413 square feet (4.06 FAR). The applicant states that the cellar would include music rooms, two kindergarten classrooms, a building engineer room, restrooms, and mechanical/utility rooms as well as an approximately 722 square feet terrace facing south along the rear building façade; the first floor would contain an auditorium/theater, restrooms, a conference room, a trash room, administrative offices, and a lobby/vestibule fronting 181st street; the second floor would include a cafeteria and warming pantry, two first-grade classrooms, administrative offices, an art classroom, an English as a Native Language (“ENL”) teaching room, a calm down room, and restrooms; the third floor would contain two second-grade classrooms, two third-grade classrooms, a science room, three therapy rooms, a physical therapy room, nurses and counselors’ offices, a programs office, a calm down room for students with Special Needs, restrooms, and an ENL reading room; the fourth floor would include two fourth grade classrooms, two fifth grade classrooms, a calm down room, two ENL/Reading rooms, restrooms, offices and storage; and the fifth floor level would include an approximately 2,533 square feet enclosed gymnasium, storage, and an approximately 1,060 square feet terrace facing north along 181st Street.

By letter dated September 14, 2020, the New York City Department of Environmental Protection (“DEP”) states the July 2020 RAP proposes the excavation, transportation and off-site disposal of soil in accordance with all applicable federal, state and local regulations; if encountered, underground storage tanks will be properly removed and disposed of in accordance with New York State Department of Environmental Conservation (“NYSDEC”) regulations; stockpiled soil will be covered with polyethylene sheeting; dust control;

air monitoring; construction and maintenance of composite cover system; installation of a vapor barrier beneath the entire building slab and along foundation sidewalls consisting of the 20-mil Raven Industries Vapor Block Plus VBP20. The July 2020 CHASP addresses worker and community health and safety during construction. Based upon its review of the submitted documentation, DEP has the following comments and recommendations to BSA: DEP finds the July 2020 RAP and CHASP for the proposed project acceptable. BSA should instruct the applicant that at the completion of the project, a Professional Engineer (“P.E.”) certified Remedial Closure Report should be submitted for DEP review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., transportation/disposal manifests for removal and disposal of soil in accordance with NYSDEC regulations; installation of vapor barrier, etc.).

At hearing, the Board expressed concerns regarding the applicant’s proposal that the student pickup and drop-off be located at the entrance on West 181st Street, which contains a curb lane used as a well-trafficked bus lane and bus stop. The Board commented that the applicant’s plan to use this location involved a high risk of harm to students, drivers, and pedestrians. The Board suggested that the applicant use West 180th Street as the location for pickup and drop-off for students who did not require ADA accommodations. Furthermore, by letter correspondence dated January 8, 2021, the New York City Department of Transportation (“DOT”) states:

While DOT agreed to the Project Team’s need for ADA access, with a portion of students and parents needing to use the 181st Street curb lane for pickup/drop-off activity, DOT does not agree with the project allowing all pick-up/drop-off trips from the 181st Street curb lane. As stated previously 181st Street is one of the busiest bus corridors in the city and as such 181st Street presently uses the curb lane as a much needed bus lane/bus stop. We are willing to work with the applicant to create a designated pick-up/drop-off zone for busses and parents, which are not in need of ADA accommodations, on either Amsterdam or Audubon Avenue. DOT would again advise that a loading/unloading zone on Amsterdam Avenue would likely cause the least conflicts with existing curb lanes and sidewalks.

However, the Board observed pushback from the applicant to these suggestions, as it continued to propose the entrance on West 181st Street for student pickup and drop off.

Additionally, the Board noted the air quality, noise and environmental issues outstanding at the Premises. Moreover, the Board requested that the applicant modify its submitted plans to clarify that exterior finishing material and ensure that no Exterior Insulation Finishing System (“EIFS”) would be used at the building.

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The Board posed these questions and requested that the applicant respond to them in its next submission. However, by correspondence, dated January 18, 2022, the applicant requested to withdraw the application without prejudice.

Therefore, it is Resolved, that this application is hereby *withdrawn* without prejudice.

Adopted by the Board of Standards and Appeals, January 24, 2021.

CERTIFICATION

**This copy of the resolution
dated January 24, 2022
is hereby filed by the
Board of Standards and Appeals
on February 8, 2022.**



**Carlo Costanza
Executive Director**