

COMMUNITY BOARD 12- MANHATTAN

LAND USE COMMITTEE MEETING MINUTES February 1, 2023

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Asst. Chair
Jim Berlin
Daniel Bonilla
Osi Kaminer
Ayisha Oglivie
Steve Simon
Anthony Viola

Committee Members Absent

Kimberly McCoy

Board Members Present

Bruce Robertson
Richard Allman
Isidro Medina
Hector Bonilla
James Bosley

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Paola Garcia

Guests: Olivia Olmos – Department of City Planning, Martin Collins, Richard Lobel – Sheldon Lobel P.C., Evan Meyers – School in the Square, Bryan Woo – YoungWoo, Cynthia Carrion – School in the Square, Max Kuriloff – YoungWoo, John McNally – Philip Habib Associates, Michael Notaro – MVN Architects, Chris Labosky – MVN Architects, Jason Cowan, Doris Holloway, Mitch Mondello – Upper Riverside Residents Association, Christian Murck – 800 RSD, Matthew Spady – 800 RSD, Laura Gilbert, Peter Green – Save Riverside, Mary Cherney, Tekla Szymanski, Sonia Pichardo, Peter Trippi, Sarah Timberlake, Carolyn Owerka, Chris Spenser, Jeannie Morick, Barbara West, Tatiana Kapitonova, Catheranne Wyly, Alice Lesman, Lei Marte, Joseph Bruno, Aaron Kernis, Mescal Wilson, Orion Jones, Jared Manasek, Francine Canion, Jamie Campagnola – 800 RSD, Carey Kasten, Joy Gramolini, Benny Toribio – NYS Assembly Member Al Taylor’s office, Victoria Von Beil, Dawen C, Michael Prigoff, Robert Ausubel, Nick Goldbach

1. **Call to Order.** The meeting was called to order at 7:03 PM. Land Use Committee (“Land Use” or the “Committee”) Chair Wayne Benjamin introduced Committee members and welcomed guests. The Committee agreed to re-order the agenda to allow the two agenda items that included presentations and required a vote to be considered before the agenda items regarding 2023 Goals and further discussion of strategies to advance Community Board 12-Manhattan’s (“CB12M”) zoning priorities. Committee Member Berlin stated he was recovering from an accident and could not participate for the full meeting. He signed off around 7:30 PM.
2. **Manhattan Borough President Mark Levine’s Housing Opportunities Plan.** Chair Benjamin discussed the Housing Opportunities Plan announced by Borough President Mark Levine at his State of the Borough Address on January 31st. The plan identifies 171 publicly and privately-owned locations in Manhattan, including vacant lots, parking lots, vacant buildings, single-story retail buildings and outdated facilities that he said have the potential to support the creation of over 73,000 units of housing, with an estimated 40% of the units being affordable. Benjamin stated that in his State of the Borough Address, Borough President Levine encouraged community boards to be proactive as opposed to reactive regarding development activities in their neighborhoods. He further stated that the Committee should review the plan and be prepared to begin discussing the Washington Heights and Inwood sites included in the plan, as well as other sites that should be considered, at the March Land Use meeting. Chair Benjamin asked if any members lived near the sites and encouraged those individuals to take photos for other committee members and meetings.
3. **800 Riverside Drive Window Replacement Project.** Chair Benjamin stated that since he resides in 800 Riverside Drive (“800 RSD”) and is President of the co-op’s Board of Directors, the discussion of this agenda item will be moderated by Tanya Bonner, the Committee’s Assistant Chair. Michael Notaro and Chris Labosky of MVN Architects attended the meeting to discuss the 800 RSD window replacement project (the “Window Project”) and the request to use obscure glass for the bathroom windows. Since 800 RSD is in the Audubon Park Historic District (“Audubon Park”), the Window Project and the use of obscure glass for the bathroom windows must be approved by the NYC Landmarks Preservation Commission (“LPC”). Mr. Notaro presented historical and current images of 800 RSD, floor plans and elevations of the building to show the location of

bathrooms, and product information on the two obscure-glass options proposed for the Window Project. Notaro stated that 800 RSD was built circa 1911 and its original, single-pane windows were replaced in 1990, before LPC’s designation of Audubon Park, with aluminum frame double-pane insulated windows. He further stated that LPC staff has approved of all aspects of the Window Project including the style, profile, technical specifications, and exterior color for the replacement windows, except for the use of obscure glass in the bathroom windows. LPC staff is not authorized to approve the use of obscure glass in window replacement projects; LPC’s Commissioners must provide this authorization.

The obscure glass used in the windows and installed in 1990 does not detract from the architectural integrity of 800 RSD’s façade, do not reflect light differently than the clear glass windows, soften the visual impact from the building exterior of items that may be hanging near bathroom windows, and are architecturally indistinguishable from the clear glass windows. For the Window Project’s bathroom windows, MVN Architects propose the use of either an acid-etched or a stippled pattern glass placed on the inner pane of the insulated window, i.e. the pane of glass facing the interior of the apartment.

Committee Member Ducat stated she lives across the street from 800 RSD and asked if the appearance of the new windows with the obscure glass proposed would differ from the current appearance of windows with obscure glass. The windows will be architecturally consistent.

Committee Member Kaminer asked about the material that would be used for the new windows, about the R-value (which measures the energy efficiency) of the new windows and if the window would have a coating for bird protection. The new windows will have thermally broken aluminum frames which reduce heat loss and noise from outside. The insulated glass units will be argon-filled and will meet current energy codes. Bird protection is not required.

Committee Member Ogilvie asked for clarification on the action required of CB12M. Since LPC must review and approve the request to use obscure glass in the bathroom windows, a resolution from CB12M supporting the application submitted to LPC for this aspect of the Window Project is requested.

Assistant Chair Bonner asked if the quality of the windows with obscure glass will be the same as the other windows and how the quality of the new windows compares to the quality of the current windows. All new windows will be of the same quality, which is superior in quality to the windows installed in 1990.

After further discussion, a motion was made (Simon) and seconded (Kaminer) to adopt a resolution supporting the proposal for the use of obscure glass for the bathroom windows included in the 800 Riverside Drive Window Replacement Project and recommending its approval by the NYC Landmarks Preservation Commission. Chair Benjamin and Board Member Bruce Roberston did not vote on the resolution due to conflicts as they both are residents of the building. **The Resolution passed with the following votes.**

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>	<u>Not Voting</u>
Committee Members	7	0	0	1
Board Members	2	0	0	1
Members of the Public	10	0	0	

4. **Modification to BSA Zoning Variance Approval for 2420 Amsterdam Avenue.** Representatives of Sheldon Lobel P.C., the School in the Square (the “School”), YoungWoo & Associates (the “Property Owner”), and Philip Habib Associates, civil engineers specializing in environmental studies and traffic and transportation design, attended the meeting to discuss an application (the “Application”) submitted to the Board of Standards and Appeals (“BSA”) on behalf of the School seeking an amendment to the previous BSA approval granted to the Property Owner for a special permit (the “Special Permit”) to allow the School to occupy approximately 59,000 square feet of the office space in 2420 Amsterdam Avenue, aka the Radio Tower and Hotel (the “Radio Tower”). Richard Lobel introduced the team members and provided background on the Application. The Radio Tower is a mixed-use building containing office, hotel, retail, and parking built pursuant to zoning variances approved by BSA in 2017. The zoning variances were required because the site is zoned primarily C8-3, which allows as-of-right commercial and retail uses such as maintenance and repair facilities, local shopping and large-scale retail, custom manufacturing and automotive uses in addition to certain community facility uses such as houses of worship, community centers and hospitals, but does not allow as-of-right uses such as schools, libraries, nursing homes and college dorms. CB12M passed a resolution

in January 2017 supporting the zoning variances. The Applicant for the Special Permit is a charter school, established in 2015, that operates the Dos Amigos Elementary School, 108 Cooper St., and the School in the Square Middle School, 120 Wadsworth Ave., and seeks to lease space in the Radio Tower to open a high school for classes to begin fall 2023 (the “High School”).

Evan Meyers and Cynthia Carrion, the School’s Executive Director and Chief Programs and Engagement Officer, respectively, discussed the operations of the elementary and middle schools and the plans for the high school. They stated that the School is a reflection of the community. Over 80% of the middle school students reside within 10 blocks of the school, 88% of the students are Hispanic, and 82% qualify for free lunch. They stated additionally that there are limited choices for high schools in Community School District 6, and that parents of students attending the middle school want an option that will not require a long commute for their children and will permit students graduating from the middle school to continue to grades 9 through 12 within the School’s program. The High School will begin with 98 ninth grade students and will add a class of 98 students each year until it reaches a full capacity of 392 students. Its program requires between 53,000 to 60,000 square feet of space at a rent not more than \$50 per square foot.

The High School will occupy portions of the first through eight floors of the Radio Tower and will have a private entrance on West 181st Street. The High School will include classrooms, science rooms, an art room, a library, fitness rooms, a cafeteria, offices, a warming pantry, a staff lounge, restrooms, a dedicated ADA elevator, and mechanical space.

Robert Lobel stated that BSA is more lenient with zoning variances requested by churches and schools and that the request for a Special Permit only pertains to allowing a portion of the Radio Tower’s office space to be used for a school.

John McNally of Philip Habib Associates discussed issues pertaining to noise and traffic. He stated based on the acoustical standards to which the Radio Tower is built, no additional noise mitigation construction is required to accommodate the High School. He also stated that vehicular drop-off for the High School will be on Amsterdam Avenue, high visibility crosswalks and crossing guards are recommended, and that coordination with the 34th Precinct and NYC Department of Transportation is already ongoing.

Committee Member Ducat inquired about the drop-off location for students with mobility impairments who arrive at school by bus or van. (The drop-off will be on Amsterdam Avenue).

Committee Member Viola inquired about safety and security measures since the High School will share fire stairs and elevators with other tenants in the building. (Key fobs and alarmed panic hardware will be used).

Committee Member Bonilla stated that the area is very busy and not ideal for a school. He stated that there is a drug clinic on 180th Street and an FDNY station opposite the Radio Tower on 181st Street. He also inquired about how fire drills will be conducted.

Board Member Medina stated the location is close to the OnPoint NYC, formerly the Corner Project (which offers programs to improve the health and quality of life for people who use drugs), and expressed concern about students being exposed to the activity generated by the facility. He also stated that there are establishments with liquor licenses near the Radio Tower and inquired about where teachers will park and the location of the loading area for the High School.

Ms. Carrion and Mr. Evans stated that the School wants to be a factor in community improvements; most of the School’s students live in and are familiar with the community; the Middle School is only a few blocks away from the Radio Tower; the School is engaged with parents, CBOs and other stakeholders to ensure a safe environment for the Middle School; parents have expressed safety and security concerns if their children have a long commute to high school, and the School will partner with stakeholders to ensure a safe environment for the High School. The High School will use the Radio Tower’s loading dock, located on 180th Street.

Committee Member Simon asked if the High School’s charter has been approved and if it will have a gym, cafeteria, and auditorium. Meyers said the charter has been approved and the High School’s space program includes fitness rooms and a cafeteria that can also be used as a performance space. The Radio Tower’s floor-to-ceiling height is insufficient to accommodate a gym.

Board Member Allman stated, speaking in his capacity with the ARC Fort Washington Senior Center, located next door on West 181st Street, that he looks forward to having interaction between seniors and the students.

Committee Member Oglivie inquired on the status of a shelter that was proposed for a nearby site and the size of the High School's fitness spaces. She also stated more high school seats are needed in our district and we need to find a way to work with the School and commented on security concerns.

Assistant Chair Bonner asked if the School has a plan on how to address the impact of adverse uses near the Radio Tower. The School will continue its outreach and partnership efforts.

Committee Member Simon inquired about the timing of BSA consideration of the Application and if a delay in the BSA process would jeopardize the High School opening in the fall. Meyers said that the schedule is tight and that a delay would likely jeopardize a fall opening.

After further discussion, a motion was made (Simon) and seconded (Oglivie) to adopt a resolution supporting the Application submitted to BSA on behalf of the School, requesting an amendment to the approval previously provided by BSA to the Property, to issue a Special Permit to allow the School to occupy office space in the Radio Tower for school use with the understanding and provided that the School meets with the CB12M's Youth and Education, Traffic and Transportation, and Housing and Human Services committees to discuss matters under their purview that the School should consider. **The Resolution passed with the following votes.**

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members	5	0	2
Board Members	1	1	0
Members of the Public	0	2	1

At the Committee's request, Bryan Woo, representing the Property Owner, then discussed the status of the six community enhancements included in the resolution passed by CB12M in 2017 supporting the zoning variances for the Radio Tower, that the Property Owner committed to at that time. Mr. Woo stated:

- the hotel lobby and the building's courtyard are open to the public and that he was in contact with CB12M's former Chair, Eli Bueno, regarding a location for the placement of signage to inform the public they are welcome to enter and use the courtyard; he agreed that a sign could be posted on the outside of the building;
- lease negotiations are underway with four to five community-based organizations and the space leased by CBOs will exceed the 5% commitment;
- the hotel's conference and lecture rooms are available for community and community board use and can be scheduled by contacting the Property Owners directly; there is dedicated gallery space in the hotel lobby and a local artist was hired to provide artwork for other locations in the hotel;
- 70% of the hotel employees and 75% of the restaurant employees are local residents, and the hotel operator provides hospitality industry training for all new employees; and that
- the hotel has a \$500 per employee yearly tuition reimbursement program and is working with the Community Health Academy of the Heights on an internship program for high school students.

Chair Benajmin commended YoungWoo for honoring the commitments made to CB12M in 2017 and for continuing to be open to partnership opportunities with the community.

5. **Committee Goals for 2023.** The discussion was postponed to the March 2023 Committee meeting.
6. **Further discussion of strategies for advancing CB12M Zoning Initiatives.** The discussion was postponed to the March 2023 Committee meeting.
7. **Old Business:** None
8. **New Business:** None
9. **Adjournment.** The meeting adjourned at 10:25PM.

Respectfully submitted by Wayne Benjamin