



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

Burt Lazarin
Chair

Jesse R. Bodine
District Manager

November 18, 2019

Lorraine Grillo
President
New York City School Construction Authority
30-30 Thomson Ave., Long Island City NY, 11101

re: Construction Project at Fashion Industries High School at 225 West 24th Street

Dear President Grillo,

The Arts, Culture, Education & Street Life Committee (ACES) of Manhattan Community Board 4 (MCB4) wishes to thank Steve Tuozzolo of your staff and his project team for their presentation on the ongoing construction project happening at High School for Fashion Industries located at 225 West 24th Street, at our regularly scheduled meeting on Monday, October 7, 2019. The committee appreciates the time the School Construction Authority (SCA) representatives spent in explaining the scope and complexity involved in this project.¹

The committee has every confidence that your department will complete this project as specified however is concerned with the continuing adverse and possible hazardous impact the work is having on the residents living in the immediate area. Community representatives have informed us of ongoing discussions with Mr. Tuozzolo and Speaker Corey Johnson's district office staff. A letter itemizing the community's complaints is attached. These concerns were also raised at our committee meeting.

The committee voted unanimously to request that the SCA implement and confirm the following:

- The general contractor to strictly follow the hours allowed on Department of Buildings After Hours Variance:
 - Mon-Friday 4pm-Midnight

¹ Manhattan Community Board 4 voted to support the ACES Committee recommendations at their monthly scheduled meeting on Wednesday, November 6th, voting 37 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible.

- Weekends and when school is out of session 7am-6pm
- Strict Observance of “quiet work” after 10:30pm.
- A two-week advance notice indicating the phasing of the projected work and whether it will be deemed to be noisy.
- A project manager to be on-site during work hours with an email/phone number visibly posted in order to receive and resolve any noise issues.
- Regular and ongoing monitoring of air quality and regular reporting of the results of that monitoring.
- Consistent communication with the school administration.

In addition, similar issues and concerns were raised surrounding the ongoing work at P.S. 11 located at 320 West 21 Street only after the work was started. MCB4 believes the responsibility rests with SCA to conduct early community outreach and convene a pre-construction presentation at a convenient location to inform the school administration, parents and this committee regarding the proposed scope and schedule of work. MCB4 ACES Committee is more than willing to coordinate with the SCA on future and current project updates.

Sincerely,



Burt Lazarin
Chair
Community Board 4



Allen Oster
Co-Chair
ACES Committee

[signed 11/18/19]
Inge Ivchenko
Co-Chair
ACES Committee

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Steven A. Tuozzolo, Community Relations Manager, NYC SCA
Daryl Blank, Principal, High School For Fashion Industries
Residents of West 23/24 Street

Dear Mr. Jesse Bodine, Manhattan Community Board 4, and members of Community:

We are writing on behalf of ourselves and other members of our building and local community. We and our neighbors have been deeply disturbed by the recent start of construction at 225 West 24th Street, approximately one month ago. This project is overseen by the School Construction Authority (“SCA”), represented by Mr. Steven Tuozzulo.

It is our understand that because the project is a school, the SCA was able to obtain a variance from the city to work after school-hours, specifically from 4pm to midnight. As a result, *we and our neighbors are subjected to a full-fledged construction site late into the night, with intolerable noise and flood lights until midnight—and often beyond. Specifically, the noise from the site is sufficiently disturbing that it has prevented several of us from sleeping and/or awoken us during the middle of the night.*

While we understand the need to mitigate noise during the school day, *we find it perplexing that no similar effort is made to avoid noise during the evening, when tax-paying residents of the community are sleeping in their homes.* The SCA, has noted that its workers are *supposed to observe “quiet hours” after 10:30pm;* however, based on the consistent noise level before and after that time, *no attempt has been made to observe quiet hours.*

Several of us have spoken multiple times to the SCA’s Mr. Tuozzulo and asked him to provide some relief, including by speaking to the construction crew he oversees to mitigate the noise level, especially during quiet hours. Despite our repeated requests, *either Mr. Tuozzulo has not spoken with his construction crew, or his crew refuses to cooperate,* as the noise level persists late into the evening. For example, as recently as last week:

- All through the night, there is *consistent clanging, banging and shouting,* with no discernible change before and after quiet hours are supposed to begin.
- All through the night, workers *played loud music from their construction truck*—presumably so that they could hear the music while they worked on the façade—but with disregard for how the noise affects the community.
- Construction workers used a *large welder at approximately 11:30pm,* creating an intolerable amount of noise. The use of such equipment should be reserved solely for non-working hours.

In explaining the high noise level after quiet hours begin, the SCA has pointed to “extenuating circumstances” in the start of the project—with the construction crew rushing to stay on schedule. We disagree that such circumstances (e.g. “the start of the project”) should so easily give freedom to violate the quiet hours norm. *It is SCA’s responsibility to plan the project adequately to avoid problems; the community should not have to pick up the slack when SCA fails to do so.* In any case, these “one-time” extenuating circumstances should now be behind us and should not reoccur; therefore, we expect quiet hours will now be properly enforced (with the start time to be discussed further below).

The SCA argues that extra working hours will shorten the overall length of the project, suggesting that it is *in the community’s interest* to shorten the project’s duration. *We disagree: we would happily have the crew work half as many hours per night (ending at 8pm) and take twice as many weeks to complete the project. We reject the SCA’s argument that their working late is in the Community’s interest.*

Moreover, in addition to these objections *during the hours* of the SCA’s variance, *the construction crew has also violated the terms of their variance by working outside those hours.* In particular:

- On many evenings, the construction crew is working and making noise *past midnight, often finishing closer to 12:30am or 1am.* Specifically, they are not packing up for the night sufficiently early, so that they are still clanging, banging and shouting well past midnight. Efforts should be made to pack up for the evening early enough to be *done* by the midnight deadline.
- On non-school days when SCA’s team works during the daytime (e.g. the Jewish Holidays last week), workers began making noise as early as 6:15-6:30am, *substantially before normal NYC construction hours, which begin at 7am.*

Despite SCA's claims to the contrary, none of us received notice of this project.

In short, SCA's project at 225 West 24th Street has disturbed the community greatly. Our preference would be to ask the City to amend the variance to end at 8pm, which would ensure a balance of the SCA's interests with the community's needs. However, we understand the SCA's desire to work for an extra four hours each night, and we are willing to allow them to do so, provided they balance the community's interests.

Therefore, in the meantime, we ask for the following relief:

1. SCA should acknowledge its responsibility for minimizing the disturbance to the community—including through mitigating excessive noise, especially late in the evening. This responsibility extends to managing its construction crew effectively, so that the workers on the ground know the rules by which they must abide.
2. SCA should produce a copy of their variance from the city, as well as the name of the city department who granted the variance—including the names, e-mail and physical addresses, and telephone numbers for the individuals responsible for doing so.
3. SCA should begin providing a weekly look-ahead notification either by mail or e-mail, which details the construction to take place during the coming week, and should be held accountable to the noise levels described in that letter.
4. SCA should observe quiet hours no later than 9:30pm, with accountability when they fail to do so, including a review of their variance by the appropriate city departments.
5. SCA should obey the terms of its variance: specifically, beginning construction no earlier than 7am, and completely ending construction no later than midnight, with accountability when they fail to do so, including a review of their variance by the appropriate city departments.

We apologize that we could not attend the community board meeting in person. Thank you to Jesse Bodine for relaying our concerns to the Community Board, and thank you to both Jesse and the Board for your attention to this matter. We and our neighbors sincerely appreciate it. Please let us know if you have any questions.

Sincerely,



Josh Parker
Resident in Manhattan Community Board Four
(917) 608-5659



Thomas Schmitt
Resident in Manhattan Community Board Four
(718) 679-6015