

**BUILD NYC RESOURCE CORPORATION
PROJECT COST/BENEFIT ANALYSIS
September 15, 2022**

APPLICANT

**East Harlem HS LLC & East Harlem
Center LLC**
2035 2nd Ave,
New York, NY 10029

PROJECT LOCATIONS

2017 1st Avenue
New York, NY 10029

2050 2nd Avenue
New York, NY 10029

A. Project Description:

East Harlem Center, LLC (“EHC”) and East Harlem Scholars HS LLC (“EHS”) are each a Delaware single purpose limited liability company and are collectively the “Borrowers” and direct or indirect subsidiaries of East Harlem Tutorial Program, Inc. (“EHTP”), a New York not-for-profit corporation exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). Each Borrower is a disregarded entity of EHTP for federal income tax purposes. EHTP is under common control with East Harlem Scholars Academy Charter School (the “School”), a New York not-for-profit education corporation exempt from federal income taxation pursuant to section 501(c)(3) of the Code. The Borrowers are seeking approximately \$85,000,000 in tax-exempt revenue bonds (the “Bonds”). Proceeds of the Bonds will be used to: (i) refinance an approximate \$12,654,631 taxable loan, the proceeds of which were used to fund a portion of the cost of acquiring and constructing an approximately 70,000 square foot building located on an approximately 17,655 square foot parcel of land at 2017 1st Avenue, New York, NY owned by EHS (“1st Avenue Building”); (ii) finance additional construction, renovation, equipping and furnishing costs with respect to completion of the 1st Avenue Building (“1st Avenue Project”) in the approximate amount of \$33,913,218; (iii) refinance an approximate \$11,760,000 taxable loan, the proceeds of which were used to fund the construction and furnishing of an approximately 51,286 square foot building located on an approximately 10,092 square foot parcel of land at 2050 2nd Avenue, New York, NY owned by EHC (“2nd Avenue Building” and “2nd Avenue Project”); (iv) fund a debt service reserve fund, (v) fund capitalized interest; and (vi) pay for certain costs related to the issuance of the Bonds (collectively, the “Project”). Both the 1st Avenue Building and the 2nd Avenue Building are being leased to the School. The 1st Avenue Building, upon completion, will be used as a public charter high school serving students in Grades 9 through 12. The 2nd Avenue Building is currently in use as a public charter elementary and middle school serving students in pre-kindergarten through Grade 8. EHTP is using the 2nd Avenue Building, and will use the 1st Avenue Building after completion, for after-school tutoring, college preparation, summer programs and similar programs for public school students.

B. Costs to City (New York City taxes to be exempted):

Mortgage Recording Tax Benefit	\$1,381,250
Estimated NYC Forgone Income Tax on Bond Interest (estimated NPV 30 years @ 3.52%)	\$1,062,150
Total Cost to NYC	\$2,443,400

*The exact amount of personal income tax revenue that will be lost as a result of this transaction depends on factors including (but not limited to) the percentage of bond bought by entities subject to New York City personal income taxes, the interest income generated from the bonds and the tax rate applied to bond purchasers.

C. Benefit to City from Operations and Renovation (Estimated NYC direct and indirect taxes to be generated by Company) (estimated NPV 40 years @ 5.50%):	\$23,179,312
D. Benefit to City from Jobs to be Created (Estimated NYC direct and indirect taxes to be generated by Company):	\$3,469,444



Build NYC Resource Corporation

Build NYC CORE APPLICATION

Submit your electronically completed Core Application via email to your assigned Project Manager as a Word Document file or a Word Document saved as a PDF.

A. APPLICANT OVERVIEW

Applicant Name (the "Applicant"): East Harlem Scholars HS LLC and East Harlem Center LLC	Name of operating company (if different from Applicant): East Harlem Tutorial Program
Operating company address: 2035 2nd Ave, New York, NY 10029	Website address: https://ehtp.org/
EIN #: East Harlem Center LLC: 23-7439789 East Harlem Scholars HS LLC: 85-3226818	NAICS Code: 611110
State and date of incorporation or formation: East Harlem Scholars HS LLC: NY; August 2018 East Harlem Center LLC: NY; 2014	Qualified to conduct business in NY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Applicant is (check one of the following, as applicable): <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> Other:	
Is the Applicant affiliated with a publicly traded company? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, name the affiliated company:

B. APPLICANT CONTACT INFORMATION

	Name/Title	Company	Address	Email	Phone	Primary ¹
Applicant Contact Person	Nyasha Manigault	East Harlem Tutorial Program	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>
Attorney	Stephen L. Rabinowitz	Greenberg Traurig, LLP	[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/>
Accountant	Gus Saliba	PKF O'Connor Davies, LLP	[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/>
Financial Advisor	Kevin Quinn Chris Wienk	First Tryon Advisors, LLC, d/b/a Wye River Group	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>

C. APPLICABLE FINANCIAL ASSISTANCE

Provide the estimated value of each of the following types of Project Financial Assistance being requested. Discuss the estimation of the Requested Financial Assistance with your assigned Project Manager, if needed.

Requested Financial Assistance	Estimated Value of Requested Financial Assistance
Mortgage Recording Tax Benefit	\$2,380,000*
Build NYC Bond Financing	\$1MM in annual debt service savings*

*Assumes approximately \$85 million of long-term financing through Build NYC

¹ Select the individual to whom questions should be directed and who may speak on behalf of the Applicant.

D. APPLICANT BACKGROUND

Provide a brief description of Applicant's history and the nature of its business. Feel free to include information from the Applicant's website or other official documentation describing the Applicant. Include information such as when the Applicant was founded, who founded the Applicant, a brief history of the Applicant, the Applicant's primary services and market, and the number of the Applicant's employees in NYC and elsewhere. **Limit the description to 250 words.**

East Harlem Scholars HS LLC is a special purpose entity formed in August 2018 for the sole purpose of developing and owning the property located at 2017 1st Ave. East Harlem Center LLC is a special purpose entity formed in 2014 for the sole purpose of developing and owning the property located at 2050 2nd Avenue. The above entities are hereby defined as the Applicant, and their respective properties as the Project (further defined below).

The sole member of the Applicant is East Harlem Tutorial Program ("EHTP"), a 501(c)(3) corporation. The operations of the Applicant are consolidated into the audited financial statements of EHTP. East Harlem Scholars Academy Charter School ("EHSA"), a 501(c)(3) corporation, operates prekindergarten, elementary, middle, and high school programs that will occupy the Project pursuant to the applicable lease between Applicant and EHSA. EHTP and EHSA are under common control. EHSA's bylaws stipulate that at least 51% and no more than 60% of its Trustees may also be members of the board of EHTP, and EHTP and EHSA share personnel, administrative and other support pursuant to a shared services agreement.

EHSA currently serves approximately 1,525 students in grades Pre-K through 12 at 5 schools across East Harlem. Upon completion of the Project and full enrollment of approximately 600 students in grades 9 through 12 (full enrollment expected by September 2028), EHSA expects to serve approximately 1,700 students.

EHTP was founded in 1958 by a community leader whose love of reading and the children of East Harlem inspired her to offer a volunteer-run reading group in her living room. Since then, EHTP and EHSA have grown from a tutoring program into a multi-site, multi-dimensional educational program that serves more than 1,650 Pre-K to college students through after-school and summer programs for traditional public school students; EHSA's network of public charter schools; College Scholars program; and the East Harlem Teaching Residency.

EHTP and EHSA collectively have 253 employees in NYC.

E. PROPOSED PROJECT ACTIVITIES

Describe the proposed Project, including its purpose and Project Location, in the text box below. Refer to the example below.

Applicant (a wholly owned subsidiary of EHTP, which is a New York not-for-profit corporation exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended) is a special purpose entity established to develop and own a facility to be leased to EHSA for use as an elementary, middle, and high school for approximately 1,700 New York City students in grades PreK through 12. Applicant is seeking approximately \$85 million of tax-exempt revenue bonds (the "Bonds"). Proceeds of the Bonds, together with other funds available to the Applicant, will be used to:

- i. refinance an approximately \$19,225,000 taxable mortgage loan from Goldman Sachs, the proceeds of which were used to fund a portion of the cost of acquiring and constructing the Project site located at 2017 1st Ave;
- ii. refinance an approximately \$11,760,000 taxable mortgage loan from BankUnited, the proceeds of which were originally used to fund the construction and equipment of the Project Site located at 2050 2nd Ave,
- iii. finance the remaining construction, renovation, equipping, and/or furnishing of an approximately 70,000 square foot facility (the "Facility") on a 17,655 square foot parcel of land located at the Project Site located at 2017 1st Ave in the East Harlem neighborhood of New York City;
- iv. fund a debt service reserve fund, capitalized interest fund and other reserves for the Bonds; and/or
- v. pay for certain costs related to the issuance of the Bonds (i, ii, iii, iv and v, collectively, the "Project").

EHTP has selected Goldman Sachs to act as its underwriter in connection with the proposed Series 2022 Bond financing. The anticipated closing date is targeted for November 2022. The development of the Facility is anticipated to be completed in approximately 18 months after closing. The Project will (1) provide the classroom capacity needed by EHSA to offer a path for its students to complete their secondary education under EHSA's proven educational model, (2) allow EHSA to enhance the educational offerings provided to its students and (3) provide a new home for EHTP's College Access and Success programs.

F. PROJECT LOCATION DETAIL

Complete this table for *each* Project Location with a distinct Block/Lot. For Projects with more than one Block/Lot, copy the Project Location table below and paste it directly underneath to complete it.

Project Location Information		
Project Address: 2017 1 st Ave	Location # 1 of 2	
Borough/Block/Lot: 1 / 1675 / 30	Community Board #: 11	Neighborhood: East Harlem
Square footage of land: 17,655	Square footage of existing building: N/A	Number of Floors: N/A
How is the anticipated Project Location currently used and what percentage is currently occupied? Vacant		
In the case of relocation, what will happen with Applicant's current facility? East Harlem Scholars Academy High School is currently leasing the property located at 1 East 104 th Street. The lease is set to expire on June 2024.		

Does the Project Location have access to rail and/or maritime infrastructure? **No**

Is there any space at the Project Location that is currently being/will be occupied and/or used by any entity other than the Applicant or operating company, whether Affiliates or otherwise?
 Yes No

If yes, attach a separate page and provide details about tenants such as (1) name of tenant business(es) (whether Affiliates or otherwise), (2) square footage of tenant operations, (3) tenant occupancy commencement and termination dates, and (4) copies of leases, licenses, or other documents evidencing a right to possession or occupancy.

For the purposes of this question, any license or other right of possession or occupancy granted by the Applicant or operating company with respect to the Project Location shall be deemed a tenancy.

Construction Information

Facility Operations Start Date (as defined in the Policies and Instructions): **8/1/2024**

Does the Project involve the construction of a new building or an expansion/renovation of an existing building? Yes No

If yes, complete the following questions and attach a separate page and provide drawings, plans, or a description of the proposed work.

Does the Project involve subsurface disturbance or excavation? Yes No

Anticipated square footage of Facility after construction and/or renovation: **70,000**

Anticipated square footage of *non-building improvements* after construction and/or renovation (e.g. parking lot construction): **0**

Square feet of wet lab space created: **1,035** Square feet of wet lab space preserved: **N/A - no wet lab exists currently**

Percentage of total building size dedicated to wet lab space: **1.5%**

Are energy efficiency improvements or the installation of a renewable energy system anticipated as part of the Project?² **Systems to meet NYC 2016 Energy Code**

Which of the below statements best reflects your current stage in the contractor procurement process?
 A contractor has been selected and the procurement process is complete.
 The procurement process has begun but a contractor has not been selected. Selection is anticipated by:
 The procurement process has not begun. Procurement is anticipated to begin by:
 Other:
 Not applicable

Zoning Information

Current zoning of Project Location: **R7A**

Is a zoning variance or special permit required for the Project to proceed at Project Location? Yes No

If yes, attach a separate page and describe the zoning variance or special permit required, which agencies are involved, and the anticipated schedule for zoning approval. **Attached as Exhibit A.**

Is the Project subject to any other city, state or federal approvals? Yes No

If yes, attach a separate page and describe the approval required, and if applicable, list any other environmental review that may be required. **Attached as Exhibit A**

Is the Project Location a designated historic landmark or located in a designated historic district? Yes No

Is the Project Location within the NYC Coastal Zone Boundary? Yes No

Intended use(s) of site (check all that apply): Retail % Manufacturing/Industrial % Commercial Office % Non-Profit **100%**
 Residential % If Residential, what percentage of units will be affordable? %

Project Location Information

Project Address: 2050 2nd Avenue		Location # 2 of 2
Borough/Block/Lot: 1 / 1677 / 1	Community Board #: 11	Neighborhood: East Harlem
Square footage of land: 10,092	Square footage of existing building: 51,286	Number of Floors: 6

How is the anticipated Project Location currently used and what percentage is currently occupied? **Education and 100%**

In the case of relocation, what will happen with Applicant's current facility? N/A

Does the Project Location have access to rail and/or maritime infrastructure? **No**

Is there any space at the Project Location that is currently being/will be occupied and/or used by any entity other than the Applicant or operating company, whether Affiliates or otherwise?
 Yes No

² More information on free energy efficiency advisory services can be found: [here](#)

If yes, attach a separate page and provide details about tenants such as (1) name of tenant business(es) (whether Affiliates or otherwise), (2) square footage of tenant operations, (3) tenant occupancy commencement and termination dates, and (4) copies of leases, licenses, or other documents evidencing a right to possession or occupancy.

For the purposes of this question, any license or other right of possession or occupancy granted by the Applicant or operating company with respect to the Project Location shall be deemed a tenancy.

Construction Information

Facility Operations Start Date (as defined in the Policies and Instructions): [2016](#)

Does the Project involve the construction of a new building or an expansion/renovation of an existing building? Yes No

If yes, complete the following questions and attach a separate page and provide drawings, plans, or a description of the proposed work.

Does the Project involve subsurface disturbance or excavation? Yes No

Anticipated square footage of Facility after construction and/or renovation:

Anticipated square footage of *non-building improvements* after construction and/or renovation (e.g. parking lot construction):

Square feet of wet lab space created: Square feet of wet lab space preserved:

Percentage of total building size dedicated to wet lab space:

Are energy efficiency improvements or the installation of a renewable energy system anticipated as part of the Project?³

Which of the below statements best reflects your current stage in the contractor procurement process?

- A contractor has been selected and the procurement process is complete.
- The procurement process has begun but a contractor has not been selected. Selection is anticipated by:
- The procurement process has not begun. Procurement is anticipated to begin by:
- Other:
- Not applicable

Zoning Information

Current zoning of Project Location: [R9A](#)

Is a zoning variance or special permit required for the Project to proceed at Project Location? Yes No

If yes, attach a separate page and describe the zoning variance or special permit required, which agencies are involved, and the anticipated schedule for zoning approval.

Is the Project subject to any other city, state or federal approvals? Yes No

If yes, attach a separate page and describe the approval required, and if applicable, list any other environmental review that may be required.

Is the Project Location a designated historic landmark or located in a designated historic district? Yes No

Is the Project Location within the NYC Coastal Zone Boundary? Yes No

Intended use(s) of site (check all that apply): Retail % Manufacturing/Industrial % Commercial Office % Non-Profit [100%](#)
 Residential % If Residential, what percentage of units will be affordable? %

G. ANTICIPATED OWNERSHIP

1. Check the accurate description of the Project Location's anticipated ownership.

<input checked="" type="checkbox"/> Applicant or an Affiliate is/expects to be the Project Location's fee simple owner.	(Projected) Acquisition date: August 2018
<input type="checkbox"/> Applicant or an Affiliate leases/expects to lease the Project Location. <input type="checkbox"/> Lease is for an entire building and property. <input type="checkbox"/> Lease is for a portion of the building and/or property.	(Projected) Lease signing date:
<input type="checkbox"/> Neither of the above categories fully describes Applicant's interest or intended interest in the Project Location. Describe the anticipated ownership of the Project Location premises:	

2. Does/will an Affiliate own/control the Project Location? Yes No
 If yes, complete the table below:

Name of Affiliate: East Harlem Scholars Academy	Address of Affiliate: 2050 2nd Avenue, New York, NY 10029
Affiliate is a:	
<input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> Other : 501c3 <input type="checkbox"/> S Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Natural Person	

³ More information on free energy efficiency advisory services can be found: [here](#)

H. PROJECT FINANCING

1. **Sources of Financing.** Provide amounts as aggregates for all Project Locations. Add table rows, if needed.

Sources	Total Amount	Percent of Total Financing
Equity	\$	%
Capital Campaign	\$	%
Build NYC Bond Proceeds ⁴	\$85,000,000	100%
New York City Public Funds	\$	%
New York State Public Funds	\$	%
Total	\$85,000,000	100%

2. Mortgage amount on which tax is levied (exclude SBA 504 financing⁵): **None**

3. Anticipated closing date between the Issuer and the Applicant **November 2022**

4. **Uses of Financing.** Provide amounts as aggregates for all Project Locations.

Uses ⁶	Total Amount	Percent of Total Financing
Land and Building Acquisition⁷	\$0	0.0%
Construction Hard Costs (i.e. site excavation, building materials, labor, landscaping, construction materials, etc.)	\$26,540,000	31.2%
Construction Soft Costs (i.e. pre-planning, legal, financing, design, etc.)	\$1,815,000	2.1%
Furnishings, Fixtures, & Equipment (FF&E) and Machinery & Equipment (M&E) (i.e. generators, desks, chairs, electronic equipment, specialized manufacturing equipment, assembly equipment, etc.)	\$1,200,000	1.4%
FF&E purchased in NYC		
M&E purchased in NYC		
Closing Fees* (costs associated the execution of deal, i.e debt service reserve fund, financing fees, loan origination fees, attorney fees, pre-payment penalties, etc.)	\$2,075,000	2.4%
Other (describe): Refinancing of Goldman Loan	\$19,225,000	22.6%
Other (describe): Refinancing of BankUnited Loan	\$11,825,000	13.9%
Other (describe): Contingency	\$7,195,000	8.5%
Other (describe): Capitalized Interest	\$9,175,000	10.8%
Other (describe): Debt Service Reserve Fund	\$5,650,000	6.6%
Other (describe): Replacement and Reserve Fund	\$300,000	0.4%
Total	\$85,000,000	100.0%

*Includes underwriter's discount

4a. Indicate anticipated budgeting of Hard Costs: Electrical: 6.36% Carpentry: 6.13% Painting: 0.48% Plumbing: 4.94%
Excavation or Demolition: 8.7% Other: 73.39%

4b. Indicate anticipated budgeting of Soft Costs: Architecture: 23.5% Engineering: 11.04% Design: 4.48% Other: 60.98%

I. EMPLOYMENT INFORMATION

The following information will be used as part of the Issuer's calculation of the Project's benefit to the City, and as a basis for comparison with the employment information that the Applicant will be required to report on an annual basis for the term of the Project Agreement (as defined in the Policies and Instructions).

1. Job Creation Schedule

⁴ Includes proceeds from sale of premium bonds, if any.

⁵ The SBA 504 Loan Program, administered by the Small Business Administration, is designed to provide small businesses with long-term financing to acquire and improve major fixed assets, such as owner-occupied commercial real estate and heavy machinery.

⁶ Project hard and soft costs and FF&E is net of project costs spent prior to targeted November 2022 closing date

⁷ Includes repayment of Goldman Sachs loan and BankUnited loan described in the response to question O.8 below

For all responses in the table below, part-time (“PT”) employees are defined as those working between 17.5 and 35 hours per week on average, and full-time (“FT”) employees are defined as those working 35 hours or more per week. Hourly wages in Columns E & F should represent the pay rate and are exclusive of overtime. For salaried employees, divide the annual salary by 1,820 working hours per year to calculate an hourly wage.

Information included in Column C below will be used to determine eligibility for participation in the HireNYC Program. For program information, see Additional Obligations document. If eligible for the HireNYC Program participation, NYCEDC will provide additional details.

A Job Category	B # of NYC jobs retained by Project 2022	C # of jobs to be added in each year at Project Location in first 3 years of operation to be employed by Applicant			D Total # of Jobs at Project Location in first 3 years of operation (Sum of all Columns B and C)	E Average hourly wage for Year 1	F Lowest hourly wage for Year 1	G Average Fringe Benefit for retained jobs	H Average Fringe Benefit for created jobs
		Year 1: 2023	Year 2: 2024 ⁸	Year 3: 2025					
FT Executive level	3.0	1.0	-1.0	0	3.0	\$76		\$27,599	\$27,599
FT Manager level	11.6	0.4	0	0	12.0	\$64		\$23,350	\$23,350
FT Staff level	99.7	23.9	4.0	0	127.7	\$44		\$16,151	\$16,151
Total FT Employees	114.3	25.3	3.0	0	142.6	\$48	\$	\$17,504	\$17,504
Total PT Employees						\$	\$	\$	\$

- Of the Total Jobs at Project Location in Column D, how many employees are/will be NYC residents? [Most are anticipated to be NYC residents](#)
- How many employees at the Project Location will be paid below living wage⁹ at Project Start Date (as defined in the Policies and Instructions)? [None](#)
- Does the Project currently have, or anticipate having, contract or vendor employees¹⁰ at the Project Location? Yes No
- Generally describe all other forms of compensation and benefits that permanent employees will receive (i.e. healthcare, employer contributions for retirement plans, on-the-job training, reimbursement for educational expenses, etc.). [All listed here.](#)
- Will Applicant or any of its Affiliates be required to provide health coverage to its employees pursuant to the federal Patient Protection and Affordable Care Act (the “Act”)? Yes No
If yes, provide an overview of the applicable requirements under the Act and an explanation of how Applicant plans to comply with such requirements. If no, explain why and provide a FT employee count using the Act [“FTE Employee Calculator”](#). [50 or more employees](#)
- Is Applicant currently providing paid sick time to employees in accordance with the Earned Sick Time Act (Chapter 8 of Title 20 of the NYC Administrative Code) and otherwise in compliance with such law? Yes No

If yes, provide an explanation of your company’s paid and unpaid sick time policy. If No, explain why and provide a table which outlines the number of anticipated employees and hours worked per calendar year.¹¹ [Excerpt from Employee Handbook attached as Exhibit B](#)
- Will the Project use an apprenticeship program approved by the New York State Department of Labor? Yes No

J. LABOR

Applicant and its Affiliates hereinafter will be referred to collectively as the “Companies” or individually as a “Company.” If none of the following questions applies to any of these Companies, answer *No*. For any question that does apply, be sure to specify to which of the Companies the answer is relevant.

- Has any of the Companies during the current calendar year or any of the five preceding calendar years experienced labor unrest situations, including actual or threatened labor strikes, hand billing, consumer boycotts, mass demonstrations or other similar incidents?
 Yes No If Yes, explain on an attached sheet.

⁸ FY 2023 includes a High School Principal in Residence. In FY 2024 this Principal in Residence will be placed at a different school (elementary or middle depending on the need).

⁹ For information regarding living wage, see Additional Obligations document.

¹⁰ Contract or vendor employees are independent contractors (i.e. persons who are not “employees”) or are employed by an independent contractor, who provide services at a Project Location.

¹¹Information on the Paid Sick Leave Law can be found [here](#).

2. Has any of the Companies received any federal and/or state unfair labor practices complaints asserted during the current calendar year or any the five calendar years preceding the current calendar year?
 Yes No If Yes, describe and explain current status of complaints on an attached sheet.
3. Do any of the Companies have pending or threatened requests for arbitration, grievance proceedings or other labor disputes during the current calendar year or any of the five calendar years preceding the current calendar year?
 Yes No If Yes, explain on an attached sheet.
4. Are any of the Companies' employees *not* permitted to work in the United States?
 Yes No If Yes, provide details on an attached sheet.
5. Is there any period for which the Companies did not complete and retain or do not anticipate completing and retaining all required documentation related to this inquiry, such as Employment Eligibility Verification (I-9) forms?
 Yes No If "Yes," explain on an attached sheet.
6. Has the United States Department of Labor, the New York State Department of Labor, the New York City Office of the Comptroller or any other local, state or federal department, agency or commission having regulatory or oversight responsibility with respect to workers and/or their working conditions and/or their wages, inspected the premises of any Company or audited the payroll records of any Company during the current or preceding three year calendar years?
 Yes No If "Yes," use an attached sheet to briefly describe the nature and date of the inspection and the inspecting governmental entity. Briefly describe the outcome of the inspection, including any reports that may have been issued and any fines or remedial or other requirements imposed upon any of the Companies as a consequence.
7. Has any of the Companies incurred, or potentially incurred, any liability (including withdrawal liability) with respect to an employee benefit plan, including a pension plan?
 Yes No If "Yes," use an attached sheet to quantify the liability and briefly describe its nature. Refer to any governmental entities that have had regulatory contact with the Company in connection with the liability.
8. Are the practices of any of the Companies now, or have they been at any time during the current or preceding five calendar years, the subject of any complaints, claims, proceedings or litigation arising from alleged discrimination in the hiring, firing, promoting, compensating or general treatment of employees?
 Yes No If "Yes," provide details on an attached sheet. Note "discrimination" includes sexual harassment.

K. FINANCIALS

1. Has Applicant, Affiliate(s), Principal(s), or any close relative any Principal(s), ever received, or is any such person or entity currently receiving, financial assistance or any other kind of non-discretionary benefit from any Public Entities?
 Yes No If Yes, provide details on an attached sheet.
2. Has Applicant, or any Affiliate or Principal, or any existing or proposed occupant at the Project Location(s), obtained, or is any such person or entity in the process of obtaining, or contemplating obtaining, other assistance from the NYCIDA/Build NYC and/or other Public Entities?
 Yes No If Yes, provide details on an attached sheet.
3. Has Applicant, or any Affiliate or Principal, ever defaulted on a loan or other obligation to a Public Entity?
 Yes No If Yes, provide details on an attached sheet.
4. Has real property in which Applicant, or Affiliate or Principal, holds or has ever held an ownership interest and/or controlling interest of 25 percent or more, now or ever been (i) the subject of foreclosure (including a deed in lieu of foreclosure), or (ii) in arrears with respect to any type of tax, assessment or other imposition?
 Yes No If Yes, provide details on an attached sheet.
5. Does Applicant, or any Affiliate or Principal, have any contingent liabilities not already covered above (e.g., judgment liens, lis pendens, other liens, etc.)? Include mortgage loans and other loans taken in the ordinary course of business only if in default.
 Yes No If Yes, provide details on an attached sheet.
6. Has Applicant, or any Affiliate or Principal, failed to file any required tax returns as and when required with appropriate governmental authorities?
 Yes No If Yes, provide details on an attached sheet.

7. In the table below, provide contact information for Applicant's references. If the space provided below is insufficient, provide complete information on an attached sheet. List any "Major Suppliers" (those that compose more than 10% of goods, services, and materials).

Reference Type	Company Name	Address	Contact Person	Phone	Fax	Email	% of Revenues
Major Suppliers	TriNet Professional Employer Organization	One Park Place Suite 600 Dublin, CA 94568	██████████	██████████	████	██████████	4 %
	CJJ Cleaning Services Inc	636 East 224th Street, APT Super, Bronx, NY 10466	██████ ██████████	██████████	████	██████████ ██████	5%
	BTQ financial	115 Broadway, 19th Fl, New York, NY 10006	██████████	██████████	██████████	██████████	3%
	Butter Beans Inc	39-01 22nd Street, Long Island City, NY 11101	██████ ██████████	██████████	██████████	██████████ ████	3.78%
Unions	N/A						
Banks	BankUnited	136 East 57 th Str, New York, NY 10022	██████████	██████████	██████████	██████████	
	JP Morgan Chase	4 New York Plaza - 14th Floor New York, NY 10004	██████████	██████████	██████████	██████████ ████	

L. ANTI-RAIDING

1. Will the completion of the Project result in the relocation of any plant or facility located within New York State, but outside of New York City, to New York City? Yes No

If "Yes," provide the names of the owners and addresses of the to-be-removed plant(s) or facility(ies):

2. Will the completion of the Project result in the abandonment of any plants or facilities located in an area of New York State other than New York City? Yes No

If "Yes," provide the names of the owners/operators and the addresses of the to-be-abandoned plant(s) or facility(ies):

If the answer to question 1 or 2 is "Yes," answer questions 3 and 4.

3. Is the Project reasonably necessary to preserve the competitive position of this Applicant, or of any proposed occupants of the Project, in its industry? Yes No

4. Is the Project reasonably necessary to discourage Applicant, or any proposed occupant of the Project, from removing such plant or facility to a location outside New York State? Yes No

If the answer to question 3 or 4 is "Yes," provide a detailed explanation on a separate sheet of paper.

M. COMPLIANCE WITH LAW

1. The Applicant and any owner or occupant of the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations. Yes No
2. The proposed project, as of the date of this application, is in compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to the provisions of Section 859-a and Section 862(1) thereof. Yes No

N. PRIVATE SCHOOL QUESTIONS (IF APPLICABLE)

Review Build NYC's Private School Policy prior to completing the Application.

1. Are at least 50 percent of enrolled students are New York City residents?
 Yes No
2. If Applicant provides education to any of grades 9 through 12, is it registered with the New York State Department of Education as an eligible education institution?
 Yes No
3. If Applicant was formed under the Education Law of the State of New York, is it chartered by the New York Board of Regents?
 Yes No
4. If Applicant provides education to any of grades K through 8, it (a) is registered with the New York State Department of Education, or (b) will be evaluated by an independent professional (acceptable to Build NYC's staff in their sole discretion) as providing an education equivalent to that provided by public schools in the State of New York?
 Yes No
5. Provide a written plan that demonstrates any existing or planned commitment to aid the City's public school system, nonprofit organizations and/or community groups through the sharing of Applicant's facilities. Project Manager will identify appropriate and quantifiable metrics in respect of this requirement. Applicant will be required to provide annual written reports to Build NYC demonstrating its performance, as measured by such metrics. The Board of Trustees or the Chief Executive Officer of Applicant will designate a full-time staff member to coordinate the community service activities and aid to be provided by Applicant pursuant to paragraph 5 above.
6. What is Applicant's maximum tuition for the current academic year?
7. Indicate whether Applicant meets the following criteria:
 - a. Financial aid equal to at least 12 percent of Applicant's gross tuition revenues is made available to, and used by, students who are City residents.
 Yes No
 - b. At least 20 percent of students who are both City residents and recipients of financial aid receive financial aid equal to or greater than 50 percent of tuition.
 Yes No

O. ADDITIONAL QUESTIONS

1. What are the primary sources of revenue supporting Applicant's operations? [Applicant's primary source of revenue will be lease payments from EHSA. ESHA's primary source of revenue is per-pupil payments from the Charter Schools Institute of the State University of New York](#)
2. If the Applicant's Statement of Activities categorizes any revenues as "Other operating revenues," describe what revenues are captured in that category: N/A [For EHTP, other Operating Revenues is Teaching Residency Fees. At EHSA, Other Operating Revenues generally comprises Fundraising and Rent.](#)
3. If the Applicant's Statement of Activities categorizes any revenues as "Other general and administrative," describe what revenues are captured in that category: N/A
4. Share employee salaries and wages paid in the last three fiscal years:

Salaries and Wages*	Year 1: 2021	Year 2: 2020	Year 3: 2019
EHTP	3,238,888	3,181,040	3,453,609
EHSA	15,805,906	14,103,560	12,252,831
Total	19,044,794	17,284,600	15,706,440

**Does not include fringe and payroll taxes*

5. If Applicant is a charter school:
 - a. What share of the total student body receives free or reduced lunch? [86% of the student body qualifies for FRL](#) N/A
 - b. Does the Applicant currently co-locate a facility/anticipate co-locating a facility with the Department of Education? Yes No
6. Is the Applicant funded through existing City or state contracts? Yes No

If "Yes," complete the following table:

Agency	Contract Amount	Year of Contract Execution	Year of Contract Termination	Renewal Mechanism

7. What is the anticipated operating expense savings as a result of this Build NYC transaction? N/A
8. If the Applicant is refinancing existing debt, complete the following table. N/A

Existing Debt Series	Year of Maturity	Current Interest Rate	Estimated Savings	Anticipated Use of Savings
BankUnited Taxable Loan	2051 (commitment expires and is subject to renewal in August 2036)	3.18%	N/A*	N/A
Goldman Taxable Loan	2052 (commitment expires and is subject to renewal in August 2025)	6.50%	N/A*	N/A

* Consolidated refinancing to provide long term permanent financing for the new high school project on the most economical terms possible.

- Where does the Applicant intend to allocate the savings provided through Build NYC? The savings provided through Build NYC will allow EHSA to complete the Project as designed and to dedicate more resources to the programs and services it provides its students

CERTIFICATION

I, the undersigned officer/member/partner of Applicant, on behalf of Applicant and its Affiliates, hereby request, represent, certify, understand, acknowledge and agree as follows:

I request that this Application, together with all materials and data submitted in support of this Application (collectively, these "Application Materials"), be submitted for review to the Issuer's Board of Directors (the "Board"), in order to obtain from the Board an expression of intent to provide the benefits requested herein for the Project.

I certify that I have the authority to sign these Application Materials on behalf of, and to bind, Applicant and its Affiliates.

I certify under penalty of perjury to the best of my knowledge and belief, after due investigation, that the information contained in these Application Materials is accurate, true and complete and does not contain a misstatement of a material fact or omit to state a material fact necessary to make the statements contained herein not misleading. I understand that an intentional misstatement of fact, or, whether intentional or not, a material misstatement of fact, or the providing of materially misleading information, or the omission of a material fact, may cause the Board to reject the request made in the Application Materials. I understand that the Issuer will rely on the information contained within these Application Materials in producing and publishing a public notice and convening a public hearing. If any information in these Application Materials is found to be incorrect, Applicant may have to provide new information and a new public notice and public hearing may be required. If a new public notice and public hearing is required, they will be at Applicant's expense.

I acknowledge that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Issuer involvement in the project.

I understand the following: that Applicant and Principals will be subject to a background check and actual or proposed subtenants may be subject to a background check, and if such background check performed by the Issuer with respect to Applicant or any Affiliates reveals negative information, Applicant consents to any actions that the Issuer or NYCEDC may take to investigate and verify such information; that the Issuer may be required under SEQRA to make a determination as to the Project's environmental impact and that in the event the Issuer determines that the Project will have an environmental impact, Applicant will be required to prepare, at its own expense, an environmental impact statement; that the decision of the Board to approve or to reject the request made in the Application Materials is a discretionary decision; that no Bonds may be issued (if Bonds are being requested) unless such Bonds are approved by the Mayor of the City; that under the New York State Freedom of Information Law ("FOIL"), the Issuer may be required to disclose the Application Materials and the information contained therein (see the Disclosure Policy section of the Policies and Instructions document provided to Applicant and signed by Applicant on or about the date hereof (the "Policies and Instructions")); and that Applicant shall be entirely responsible and liable for the fees referred to in these Application Materials.

I further understand and agree as follows:

That notwithstanding submission of this Application, the Issuer shall be under no obligation to present Applicant's proposed Project to the Board for approval. If the Issuer presents Applicant's proposed Project to the Board for approval, the Issuer does not guaranty that such approval will be obtained. If upon presenting Applicant's proposed Project to the Board for approval the Issuer obtains such approval, such approval shall not constitute a guaranty from the Issuer to Applicant that the Project transaction will close.

That preparation of this Application and any other actions taken in connection with the proposed Project shall be entirely at Applicant's sole cost and expense. Under all circumstances, the Application Fee is non-refundable, including but not limited to the circumstance where the Issuer decides, in its sole discretion, to not present Applicant's proposed project to the Board for Approval.

That each of Applicant and each of its Affiliates (collectively, the "Indemnitors") hereby releases Build NYC and NYCEDC and their respective directors, officers, employees and agents (collectively, the "Indemnitees") from and against any and all claims that any Indemnitor has or could assert and which arise out of, or are related to, any Application Materials, any actions taken in connection therewith or any other actions taken in connection with the proposed Project (collectively, the "Actions"). Each Indemnitor hereby indemnifies and holds harmless each of the Indemnitees from and against any and all claims and damages brought or asserted by third parties, including reasonable attorneys' fees, arising from or in connection with the Actions. As referred to herein, "third parties" shall include, but shall not be limited to, Affiliates.

That in the event the Issuer discloses the Application Materials in response to a request made pursuant to FOIL, Applicant hereby authorizes the Issuer to make such disclosure and hereby releases the Issuer from any claim or action that Applicant may have or might bring against the Issuer, their directors, officers, agents, employees and attorneys, by reason of such disclosure; and that Applicant agrees to defend, indemnify and hold the Issuer and the NYCEDC and their respective directors, officers, agents, employees and attorneys harmless (including without limitation for the cost of reasonable attorneys' fees) against claims arising out of such disclosure as such claims may be made by any party including Applicant, Affiliate, Owner or Principal, or by the officers, directors, employees and agents thereof.

That capitalized terms used but not defined in this Application have the respective meanings specified in the Policies and Instructions.

I acknowledge and agree that the Issuer reserves its right in its sole and absolute discretion to request additional information, waive any requirements set forth herein, and/or amend the form of this Application, to the full extent permitted by applicable law.

Requested, Represented, Certified, Acknowledged, Understood and Agreed by Applicant,

I certify that, using due care, I know of no misstatement of material fact in the Application Materials, and know of no material fact required to be stated in the Application Materials to make the statements made therein not misleading. **Certified by Preparer,**

This 18 day of July, 2022.

This _____ day of _____, 20____.

Name of Applicant:
East Harlem Center LLC & East Harlem Scholars HS LLC

Name of Preparer: _____

Signatory: Jeffrey Ginsburg _____

Signatory: _____

Title of Signatory: CEO _____

Title of Signatory: _____

Signature:  _____

Signature: _____

BUILD NYC APPLICATION: ATTACHMENTS CHECKLIST

Submit the following attachments to your Core Application by the Application Deadline associated with your targeted Board Meeting date.

- A. **Full Environmental Assessment Form or Short Environmental Assessment Form** (SEAF, provided by Build NYC)
- B. Completed **Environmental Audit Report (Phase I)** certified to the Issuer. Based upon the Issuer's review, a Phase II may be requested.
- C. **Internal Background Investigation Questionnaire** (provided by Build NYC). Complete the form for Applicant and any Affiliate. Mail the final page (notarized) with the original signature to:
Strategic Investments Group
NYCEDC
110 William Street
New York, NY 10038
- D. **Doing Business Data Form** (Provided by Build NYC)
- E. Past three years of **financial statements** for Applicant, Affiliates, and/or guarantors (as applicable). For any year that Applicant does not have a financial statement, provide an **operating pro forma** or other financial analysis demonstrating how the Issuer's assistance is needed in order to make the Project feasible. If your financials have line items noted as "Other," provide a short description explaining what the line item entails.
- F. Past four calendar quarters of **NYS-45 MN or ATT filings** for Applicant and its Affiliates. Redact employee names and Social Security numbers or provide NYS-45 MN summary page.
- G. Copy of Acord Certificate of Liability Insurance.
- H. Signed **Inducement Letter** on company letterhead. Letter should include a brief description of Applicant, the Project, a determination that the Project would not be completed without receiving the Issuer's benefits, and the immediate impact of the Project (500 word limit).
- I. **Short Bios** for CEO CFO, and chairperson that include employment history and education.
- J. **Contract of Sale/Lease Agreement** for acquiring title or leasehold title to the Project Location.
- K. Executed **Commitment Letter or Term Sheet** from financial institution(s) providing financing that clearly indicates portion(s) in connection with which assistance is being sought.
- L. **Organizational Chart** of Applicant and Affiliates.
- M. **Non-refundable \$5,000 application fee** payable to the Issuer, mailed to
Strategic Investments Group
NYCEDC
110 William Street
New York, NY 10038
- N. Policies and Instructions document **signature page** (provided by the Issuer)
- O. Additional Obligations document **signature page** (provided by the Issuer)
- P. **Letter of community support**, if applicable
- Q. **A written plan describing shared use of facility**
- R. **Documents required by Bond Counsel:**
 - Internal Revenue Service letter determining organization's 501(c)(3) status
 - Bylaws
 - Charter
 - List of Board of Directors and affiliations
 - Documents regarding affiliated organizations
 - Board Resolution relating to undertaking of the proposed project
 - Capital Campaign literature (if any)

Exhibit A – Variance, Permit and Approval Documentation

Note.—This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.

BOARD OF STANDARDS AND APPEALS

MEETING OF: February 8, 2021
CALENDAR NO.: 2020-61-BZ
PREMISES: 342-346 East 104th Street, Manhattan
Block 1675, Lots 30, 31, 32, and 33

ACTION OF BOARD — Application granted on condition.

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, dated July 13, 2020, acting on New Building Application No. 121207693, reads in pertinent part:

- 1. ZR 24-11 The portion of the building in the R7A district exceeds the lot coverage requirements of ZR 24-11. The one-story portion of the building exceeds 23 feet above flood resistant construction elevation and shall not be excluded pursuant to ZR 24-12.
- 2. ZR 24-36 (Rear yard) A 30-foot rear yard is not provided as required by ZR 24-36. The one-story portion in the required rear yard area exceeds 23 feet above flood resistant construction elevation and shall not be considered a permitted obstruction pursuant to ZR 24-33.
- 3. ZR 23-661(a) (LOCATION OF STREET WALL (R7A)) – The proposed street wall is located at the lot line rather than aligned with the adjacent building.
- 4. ZR 35-651(b) The proposed street wall is not located at the street line of First Avenue.
- 5. ZR 23-662(b) (Maximum Building Height/Setback) – The proposed height exceeds the permitted maximum base height, setback, and maximum building height. Mechanical equipment on the roof is not screened and is not considered a permitted obstruction to height pursuant to ZR 64-332/23-62.
- 6. ZR 25-811/25-83 (Enclosed bicycle parking spaces) – Required bicycle spaces are not enclosed.

This is an application for a variance under Z.R. § 72-21 to permit—partially in an R7A zoning district and partially in a C2-5 (R8A) zoning district—the construction of a six-story school building that would not comply with zoning regulations for lot coverage (Z.R. § 24-11), rear yards (Z.R. § 24-36), street-wall location (Z.R. §§ 23-661(a) and 35-651(b)), building height and setback (Z.R. § 23-662(b)), and rooftop permitted obstructions (Z.R. §§ 64-332 and 23-62)).

This application is brought by East Harlem Scholars HS LLC (the “School”), a public educational institution.

A public hearing was held on this application on October 20, 2020, after due notice by publication in *The City Record*, with continued hearings on December 15, 2020, and January 28, 2021, and then to decision on February 8, 2021.

Vice-Chair Chanda performed an inspection of the Premises and surrounding neighborhood.

Community Board 11, Manhattan, recommends approval of this application.

I.

The Premises are located on the south side of East 104th Street, between First Avenue and Second Avenue, partially in an R7A zoning district and partially in a C2-5 (R8A) zoning district, in Manhattan. With approximately 250 feet of frontage along East 104th Street, a depth of 101 feet, and 17,659 square feet of lot area, the Premises are currently vacant.

II.

The applicant now proposes to construct a school building with 66,426 square feet of floor area (3.76 FAR), lot coverage of 97.4 percent, no rear yard, a maximum base building height to the roof of 86'-0", a maximum building height of 109'-0", no street-wall setback in the R7A zoning district and a street-wall setback of 80'-2" in the C2-5 (R8A) zoning district, and rooftop obstructions covering 25 percent of lot coverage without screens (the “Proposed Building”).

The Proposed Building could not be constructed as of right because lot coverage may not exceed 65% in R7A zoning districts, *see* Z.R. §§ 77-24 and 24-11; rear yards must have at least 30 feet of depth in R7A zoning districts and community facilities in rear yards cannot exceed 23'-0" and one story, *see* Z.R. §§ 24-36 and 24-33; and maximum base height cannot exceed 75'-0" in R7A zoning districts, 15'-0" setbacks are required, and maximum building height cannot exceed 85'-0", *see* Z.R. §§ 23-662(b) and 64-131; at the Premises in the R7A zoning district, street walls must set back 8'-9" from the street line; and rooftop permitted obstructions cannot exceed 30 percent of lot coverage and must be screened, *see* Z.R. § 64-332 and 23-62.

Accordingly, the applicant requests the relief set forth herein.

III.

The Zoning Resolution vests the Board with wide discretion to “vary or modify [its] provision[s] so that the spirit of the law shall be observed, public safety secured and substantial justice done,” Z.R. § 72-21, and the Board acknowledges that the applicant, as an educational institution, is entitled to deference under the law of the State of New York as to zoning and its ability to rely upon programmatic needs in support of this application. Specifically, as held in *Cornell University v. Bagnardi*, 68 N.Y.2d 583 (1986), a zoning board is to grant an educational or religious institution’s application unless it can be shown to have an adverse effect on the health, safety, or welfare of the community. General concerns about traffic and disruption of the residential character of the neighborhood are insufficient grounds for the denial of such applications.

A.

Consistent with Z.R. § 72-21, the applicant submits that there are practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district and that the Proposed Building is necessary to accommodate the School’s programmatic needs.

In support of this contention, the applicant furnished a detailed report on the School’s programmatic needs (the “Programmatic Needs Report”) that outlines the School’s educational program, sets forth how an as-of-right building would not accommodate the School’s educational program, and details how the Proposed Building would alleviate these deficiencies.

As to the School’s program, the School requires sufficient space to accommodate an enrollment of high-school 600–650 students with 70 staff members. Its college-preparatory curriculum includes daytime instruction and after-school instruction and tutoring in science, art, music, drama, physical education, and after-school activities. To provide this curriculum, the School needs the following types of spaces: academic instructional classrooms (both for general studies and specialized instruction); smaller conference rooms and breakout spaces; a cafeteria, a gymnasium (for school sports, including basketball and volleyball, cultural activities, and community events); a college-access suite; a theater; administrative space; and outdoor recreation space.

The Programmatic Needs report shows that the School’s program could not be met with an as-of-right development. In particular, an as-of-right building would provide 20 undersized classrooms, only 4 specialized rooms (music, art, and two science laboratories), three conference rooms, and a cafetorium. This combination gymnasium–cafeteria would be undersized, could not accommodate competitive

sports or spectator seating, and would not allow sufficient space during lunch periods. No theater or college-access suite could be provided.

The Programmatic Needs Report further shows that the Proposed Building would accommodate all the School's educational program. The first floor would provide sufficient space for a main lobby, a bicycle room, a full competition-size gymnasium and auditorium with roll-away bleachers and double-height ceiling to accommodate 663 people, locker rooms, gym storage, a theater to accommodate 171 people, and an office. On the second floor, the Proposed Building would have a nurse's office, a waiting room, a leadership office, a conference room, a breakout room, a gym balcony, and mechanical and storage rooms. The third floor would have a cafeteria to accommodate 148 students, a kitchen, a college-access suite for 94 people along with an advisory office, a leadership office, a breakout room, two classrooms, restrooms, and an occupiable terrace. On the fourth floor, there would be six sufficiently sized classrooms, an art classroom for 38 students, a teacher's work room, a conference room, two storage rooms, restrooms, and a leadership office with a small breakout space. The fifth floor would have five classrooms, a dry science classroom for 35 people, a wet science classroom for 40 people, a science preparatory area, a storage area, a leadership office, a breakout space, and restrooms. The sixth floor would provide six classrooms, a music classroom for 41 students, a teacher work room with a conference room, a leadership office, a small breakout space, storage, and restrooms. The rooftop would have mechanical equipment and a fire tank with no occupancy proposed. In total, the Proposed Building would allow for 20 sufficiently sized classrooms, six specialized classrooms (for music, art, science, breakout spaces, and conference rooms), a full competition-sized double-height gymnasium-auditorium with locker rooms, a cafeteria, a theater, and a college-access suite (with a library and compute room), all of which would accommodate the School's programmatic needs.

Accordingly, the Board finds that there are practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district and that the Proposed Building is necessary to accommodate the School's programmatic needs.

B.

Because the School is a non-profit organization, the applicant need not demonstrate that there is no reasonable possibility that developing the Premises in strict conformity with the Zoning Resolution would result in a reasonable return.

C.

The applicant submits that the Proposed Building would not alter neighborhood character, impair adjacent properties, or be detrimental to the public welfare. In support of this contention, the applicant studied the surrounding area, finding a mixture of residential and commercial land uses.

With respect to the built environment, the record reflects that nearly all the buildings on the block have been built to their front lot line without setback of the street wall, as proposed. The Proposed Building's height is also consistent with the surrounding area, especially given the one-foot increase from the height allowed as of right, and the rooftop has been arranged to minimize the mechanical equipment's street-level visibility. Additionally, the Proposed Building's rear-yard incursion is consistent with other buildings on the block that do not provide rear yards.

As to traffic, the applicant proposes a number of roadway and pedestrian improvements: To facilitate vehicle loading and unloading associated with the school, "No Standing School Days" signage would be requested along the 104th Street frontage of the Premises from 7 a.m.–4:00 p.m. The existing drop curb along the East 104th Street frontage of the Premises would be eliminated and reconstructed as full-height curb and sidewalk. The existing pedestrian ramps at the intersection of East 104th Street and First Avenue would be upgraded in accordance with the latest accessibility standards accepted by the Department of Transportation. And, at the intersection of Second Avenue and East 105th Street, signal timing would be modified with a two-second shift of green time from the southbound phase to the westbound phase during the midday peak hour (3:15 p.m.–4:15 p.m.).

With respect to noise, the applicant proposes a buffered planting area and a 6'-0" precast concrete wall in the entry plaza, and "no loitering" signage would be installed. The applicant further submits that, for the terrace, student access would be restricted within the western boundary using planted areas with shrubs and 6'-0" edging. Additionally, a composite window-wall attenuation of 28 dBA would be provided for the southern building facades for floors three through six. A composite window-wall attenuation of 28 dBA would be provided for the eastern building façade. To maintain an interior noise level of 45 dBA with a closed window condition, an alternate means of ventilation will be required. Standard building materials would be adequate along the northern and western building facades to achieve an interior noise level of 45 dBA with a closed window condition.

In response to questions from the Board at hearing, the applicant notes that the Proposed Building would include a rainscreen wall system for a portion of the façade.

Accordingly, the Board finds that the proposed variance will not alter the essential character of the neighborhood or district in which

the Premises are located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

D.

The applicant notes that the above practical difficulties or unnecessary hardship have not been created by the School or a predecessor in title and are instead inherent in meeting the School's programmatic needs. Accordingly, the Board finds that the above practical difficulties or unnecessary hardship have not been created by the applicant or by a predecessor in title.

E.

The applicant submits that the Proposed Building reflects the minimum variance necessary to afford relief within the intents and purposes of the Zoning Resolution. As reflected in the Programmatic Needs Report and discussed in detail above, an as-of-right development would not meet the School's programmatic needs because, among other things, it would not provide sufficiently sized classrooms and would require elimination of multiple components of the School's educational curriculum (including the theater and college-access suite).

Accordingly, the Board finds that the proposed variance is the minimum necessary to afford relief within the intent and purposes of the Zoning Resolution.

IV.

The Board has conducted an environmental review of the proposed action, which is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2, and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 21BSA004M (February 8, 2021).

The EAS documents that the project as proposed would not have significant adverse impacts on land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design; natural resources; hazardous materials; infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions; noise; public health; neighborhood character; or construction.

The Department of City Planning states, by correspondence dated October 22, 2020, that the proposed project will not substantially hinder the achievement of any Waterfront Revitalization Program policy.

With respect to air quality, the Department of Environmental Protection ("DEP") states, by letter dated November 9, 2020: Based on the results of the mobile- and stationary-source air quality analyses performed as per the City Environmental Quality Review Technical

Manual, it was determined that the proposed project would not result in any potential for significant adverse impacts in regard to air quality.

With respect to hazardous materials, DEP states, by letter dated January 19, 2021: DEP has reviewed the December 2020 Remedial Action Plan and Remedial Design (RAP) and the December 2020 Site-Specific Construction Health and Safety Plan (CHASP). The December 2020 RAP proposes proper handling, transportation and disposal of excavated materials from the site in accordance with applicable local, state and federal laws and regulations; dust suppression procedures; air monitoring procedures; excavated soils stockpiled on and covered with plastic sheeting; all found underground or aboveground storage tanks (including dispensers, piping, and fillports) will be properly closed and removed in accordance with applicable local, state and federal laws and regulations; dewatering, if necessary, conducted in accordance with a New York City Department of Environmental Protection Sewer Discharge Permit; the installation of a 20-mil W.R. Grace Florprufe 120 (or equivalent) vapor barrier beneath the building slab and on foundation sidewalls; the installation of a geosynthetic liner or 2-inch thick foam core between the sub-grade and the vapor barrier, as well as the installation of two feet of certified clean fill/top soil in any landscaped/grass covered areas of the site not capped with concrete/asphalt if necessary. The December 2020 CHASP addresses worker and community health and safety during redevelopment. The Sample Location Plan and the Remedial Investigation Workplan Site Boundary Plan (Figure 2) and the Vapor Barrier Detail (Figure 3) must be included or clarified. Specific dust management techniques must be described (e.g., use of water spray for roads, excavation areas and stockpiles, etc.). The results of the community air monitoring must also be made available for DEP review and included in the Professional Engineer (P.E.) certified Remedial Closure Report. As long as the aforementioned information is incorporated into the RAP, DEP finds the December 2020 RAP and CHASP, which addresses worker and community health and safety during construction acceptable. At the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report must 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 applicable federal, state and local laws and regulations; proof of installation of engineering control system; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.). The applicant submitted a revised RAP dated January 21, 2021, addressing the items from DEP's January 19, 2021 letter.

With respect to noise, DEP states, by letter dated January 20, 2021: Based on the results of the mobile- and stationary-source noise

analyses performed as per the City Environmental Quality Review Technical Manual, it was determined that the proposed project would not result in any potential for significant adverse impacts. Please note that this conclusion is a direct result of the proposed conditions addressing the potential noise issues from the third-floor terrace and entry plaza. Therefore, these conditions must be incorporated into the EAS and Noise chapter. Additionally, the proposed restricted area on the third-floor terrace be large enough such that there is a minimum of 43 feet distance between the windows of the adjacent building (330 East 104th Street) and the western boundary of the terrace/playground. The applicant submitted a revised EAS addressing the items from DEP's January 20, 2021 letter. By correspondence dated January 26, 2021 DEP states: The conditions requested in the conditional sign off letter have now been incorporated in the most recent EAS. There are no further comments.

The Department of Transportation states, by letter dated January 27, 2021: The EAS identifies improvement measures involving the modification of signal timing (transfer two second from the southbound avenue to the westbound street) at the intersection of Second Avenue and East 105th Street. NYC DOT has determined this improvement is feasible, and actual implementation will be determined upon field survey of the build condition. Additional improvements include the reconstruction of the drop curb along the East 104th St frontage to full-height curb and sidewalk, upgrading all the existing pedestrian ramps at the intersection of East 104th Street and First Avenue in accordance with the latest ADA standards, and implementing "No Standing School Days 7 AM – 4 PM" signage along the East 104th Street frontage of the proposed school building. The applicant should inform NYC DOT six months prior to the completion and occupancy of the proposed project.

No other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable. Accordingly, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

V.

Based on the foregoing, the Board finds that the evidence in the record supports the findings required to be made under Z.R. § 72-21 and that the applicant has substantiated a basis to warrant exercise of discretion.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *issue* a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1997, as amended, and makes each and every one of the required findings under Z.R. § 72-21

to *permit*—partially in an R7A zoning district and partially in a C2-5 (R8A) zoning district—the construction of a six-story school building that would not comply with zoning regulations for lot coverage (Z.R. § 24-11), rear yards (Z.R. § 24-36), street-wall location (Z.R. §§ 23-661(a) and 35-651(b)), building height and setback (Z.R. § 23-662(b)), and rooftop permitted obstructions (Z.R. §§ 64-332 and 23-62)); *on condition* that all work, operations, and site conditions shall conform to drawings filed with this application marked “Received February 4, 2021”—twenty-six (26) sheets; and *on further condition*:

THAT the maximum bulk parameters of the building shall be as follows: maximum lot coverage of 97.4 percent, no rear yard, a maximum base building height to the roof of 86'-0", a maximum building height of 109'-0", no street-wall setback in the R7A zoning district and a street-wall setback of 80'-2" in the C2-5 (R8A) zoning district, and rooftop obstructions covering a maximum of 25 percent of lot coverage without screens, as illustrated on the Board-approved drawings;

THAT a 6'-0" high solid fence shall be installed along the western portion of the third-floor terrace with student access restricted within the identified area;

THAT as described in the Final Environmental Assessment Statement (CEQR No. 21BSA004M) Chapter 19: Noise Analysis, the proposed restricted area on the third-floor terrace shall be large enough such that there is a minimum of 43-foot distance between the windows of the adjacent building (330 East 104th street) and the western boundary of the terrace and playground;

THAT exterior walls and windows shall provide a minimum composite window-wall attenuation of 28 dBA on floors three through six of the southern building façade and on the eastern building façade;

THAT to maintain an acceptable interior noise level of 45 dBA with a closed window condition, an alternate means of ventilation shall be provided;

THAT the entry court shall not be used for gathering, and “no loitering” signs shall be posted;

THAT a vapor barrier shall be installed, and soil removal and disposal shall be conducted in accordance with New York State Department of Environmental Conservation regulations;

THAT a Remedial Closure Report shall be submitted to the Department of Environmental Protection for review and approval before completion of the project;

THAT all transportation measures as described in Chapter 16: Transportation of the EAS shall be implemented with final approval of measures to be determined by the Department of Transportation;

THAT implementation of transportation improvement measures involving the modification of signal timing (transfer two second from the southbound avenue to the westbound street) at the intersection of

Second Avenue and East 105th Street shall be determined upon field survey of the built condition;

THAT additional improvements include the reconstruction of the drop curb along the East 104th Street frontage to full-height curb and sidewalk, upgrading all the existing pedestrian ramps at the intersection of East 104th Street and First Avenue in accordance with the latest ADA standards, and implementing “No Standing School Days 7 a.m.–4 p.m.” signage along the East 104th Street frontage of the proposed school building;

THAT the School shall notify the Department of Transportation six months before the completion and occupancy of the proposed project;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number (“BSA Cal. No. 2020-61-BZ”), shall be obtained within four years and an additional six months, in light of the current state of emergency declared to exist within the City of New York resulting from an outbreak of novel coronavirus disease, by July 12, 2025;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 8, 2021.

CERTIFICATION

***This copy of the Resolution
dated February 8, 2021
is hereby filed by
the Board of Standards and Appeals
dated February 12, 2021***



***Carlo Costanza
Executive Director***

In the Matter of the Petition of:
EAST HARLEM TUTORIAL PROGRAM
For a Variance to the New York State
Uniform Fire Prevention & Building Code

DECISION

PETITION NO. 2021-0056

Upon the application of EAST HARLEM TUTORIAL PROGRAM, filed pursuant to 19 NYCRR 1205 on January 29, 2021, and upon all other papers in this matter, the Department makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to construction of a school, 6 stories in height, approximately 66,426 square feet in gross floor area, known East Harlem Scholars Academy High School, located at 2017 First Avenue, New York City, Borough of Manhattan, County of New York, State of New York.

Relief is requested from:

19 NYCRR Part 1240, The 2015 International Energy Conservation Construction Code (IECC), Section C402.4.2, Minimum skylight fenestration area, provided as follows: In an enclosed space greater than 2,500 square feet in floor area, directly under a roof with not less than 75 percent of the ceiling area with a ceiling height greater than 15 feet, and used as an ... gymnasium/exercise center, ..., the total daylight zone under skylights shall be not less than half the floor area and shall provide one of the following:

1. A minimum skylight area to daylight zone under skylights of not less than 3 percent where all skylights have a VT of at least 0.40 as determined in accordance with Section C303.1.3.
2. A minimum skylight effective aperture of at least 1 percent, determined in accordance with Equation 4-4.

[The petitioner requests relief to be allowed to eliminate skylights in a gymnasium.]

FINDINGS OF FACT

1. Petitioner argues that skylights would present a practical difficulty owing to concerns about potential wood flooring damage and replacement costs resulting from roof leaks at the skylights, with



subsequent loss of use in an essential programmatic space.

2. Additionally, there are safety concerns related to placing skylights on an exterior terrace that is intended for frequent passive recreation use by high school students.
3. Petitioner has proposed alternative energy conservation standards by utilizing high efficiency HVAC systems exceeding IECC requirements.
4. Petitioner submitted Mechanical & Electrical Energy Compliance Drawings documenting proposed alternatives, to compensate and satisfy New York State Energy Law Article 11-106 (1).

CONCLUSION OF LAW

Strict compliance with the provisions of the Energy Conservation Construction Code would entail practical difficulty or unnecessary hardship. The proposed variance will comply with the requirement to achieve to the extent practicable the purposes of the code.

DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1240, Section C402.4.2, BE GRANTED.

This DECISION is issued under NYS Energy Law Article 11-106.

This decision is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.



John Addario, PE, Director
Division of Building Standards and Codes

DATE: February 25, 2021

NC: nc

Exhibit B – Employee Handbook Excerpt

they become ineligible until the following open enrollment or at the time of a qualifying event. Should an employee's information change during their employment with EHTP, the HR team should be informed so that the update can be implemented in a timely manner.

All coverage offered is governed by the terms of the plan documents and are explained in detail in the booklets provided to employees when their enrollment is confirmed by the carrier.

403(b) Retirement Plan

EHTP maintains a 403(b) retirement plan. Employees may elect to participate upon starting full time employment. The 403(b) retirement plan is a salary reduction plan in which the employee contributes a percentage or flat amount of their salary through payroll deductions. After one (1) year of continuous employment, EHTP will match the employee's contribution up to 3%. Contributions are determined by the Board of Trustees and may be modified at EHTP's sole discretion.

Information to enroll in the 403(b) retirement plan can be obtained from Human Resources. Changes to an employee's enrollment information, e.g., address, marital/domestic partner status, etc., should be reported to Human Resources and the carrier as soon as possible.

The 403(b) retirement plan is governed by the terms of the plan document and is explained in detail in a separate booklet. These plan option booklets will be given to employees for review prior to enrollment for the purpose of identifying investment choices and premium allocation.

Paid Time Off and Sick Time

In addition to federal holidays and extended breaks, full time employees are eligible for flexible Paid Time Off (PTO). New hires will earn a prorated amount based on their role and month of hire.

It is strongly urged that all PTO be used within the fiscal year in which they are awarded. 12-month Operations, Leadership and Network Staff may carry over a limited amount of PTO past the fiscal year in which they were awarded and must be used by December 31st of the year they were carried into or be forfeited. See chart below for carryover and usage details. Except for as shown in the chart below, unused PTO days do not carry over from one year to the next. No PTO time will be paid in lieu of accrued unused days not carried over.

	10-Month Staff	12-Month Staff	12-month Ops, LT, Network
PTO	<ul style="list-style-type: none"> • 10 (ten) days 	<ul style="list-style-type: none"> • 15 (fifteen) days 	<ul style="list-style-type: none"> • 15 (fifteen) days
Carry-over	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • 2 days (0-5 years tenure) • 3 days (5+ years tenure)
Usage	<ul style="list-style-type: none"> • 2 consecutive PTO days cap • Cannot be used to extend holidays or breaks 	<ul style="list-style-type: none"> • 5 consecutive PTO days cap • May be used to extend holidays or break • Carryover must be used by Dec 31st 	<ul style="list-style-type: none"> • 5 consecutive PTO days cap • May be used to extend holidays or breaks • Carryover must be used by Dec 31st

Usage Restrictions and Restrictions

PTO time may be used for personal time off. PTO time must be scheduled a minimum of two (2) weeks in advance and is subject to the approval of the employee’s manager. PTO is paid at the employee’s regular rate of pay. PTO may be taken in half and full-day increments or hourly increments (depending on the type of leave needed).

Unless otherwise provided for, or as approved by the Principal, PTO is to be used in accordance with the following provisions:

- Staff members must get approval from the Director of Operations to use PTO, and the granting of such leave is conditional upon the approval of the Manager and the Principal.
- Teaching staff shall make every reasonable attempt to use PTO only when the use of such leave would not conflict with classroom instruction time.

The following days are designated as restricted and will not be granted as pre-approved PTO for 10-month or any staff considered essential during a day or event listed below. This list is not all inclusive and employees will receive a list of restricted days annually:

- Build Days
- The day before or after a holiday or extended break that are already scheduled according to the school calendar
- Interim or Standardized Assessment Days
- Report Card Days
- Field Trip Days

- School-Wide Event Days, including but not limited to Back to School Night, Field Day, Stepping Up Day, Winter and Spring Spectaculars, and Kindergarten Graduation
- Last scheduled day of school

Paid Sick and Safe Time

To satisfy New York City's Earned Safe and Sick Time Act ("ESSTA") and the New York State Paid Sick Leave laws, regular full-time employees are permitted to use PTO to which they are otherwise eligible under EHTP's Policy for any of the Covered Reasons described below in this Addendum. Regular full-time employees who are eligible for PTO under EHTP's policies are not eligible to accrue additional paid safe and sick time under the paragraphs below addressing sick days for temporary New York employees. New York employees who are eligible for PTO under EHTP's PTO Policy are still subject to the notice, usage, and documentation requirements below.

All other New York employees (i.e., part-time employees, temporary employees and interns) will receive sick days in accordance with the following policy, which supersedes the PTO Policy in the Handbook:

Employees in New York will accrue one hour of paid sick/safe time ("PSST") for every 30 hours worked, up to a maximum of 56 hours per calendar year. Such PSST will begin accruing immediately upon hire. For purposes of this policy, exempt employees will be deemed to have worked 40 hours each workweek.

Unused PSST may be carried over to the following calendar year, but eligible employees may not use more than 56 PSST hours in any calendar year. Employees will not be paid for accrued, unused PSST upon termination of employment or at any other time.

When there is a separation from employment and the employee is rehired within six months of separation, previously accrued unused PSST will be reinstated and such employee will be entitled to use such accrued PSST at any time after such employee is rehired.

Paid sick/safe time may be used for absence from work due to the following reasons ("Covered Reasons"):

1. An employee's mental or physical illness, injury; or health condition or need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;
2. Care of a family member who needs medical diagnosis, care; or treatment of a mental or physical illness, injury; or health condition; or who needs preventive medical care;
3. Closure of the office by order of a public official due to a public health emergency or such employee's need to care for a child whose school or

childcare provider been closed by order of a public official due to a public health emergency; or

4. To do any of the following on behalf of the employee or employee's family member who is a victim of a family offense matter, sexual offense, stalking, or human trafficking:
 - a. to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
 - b. to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
 - c. to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
 - d. to file a complaint or domestic incident report with law enforcement;
 - e. to meet with a district attorney's office;
 - f. to enroll children in a new school; and/or
 - g. to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

For purposes of this policy, a "family member" includes a child (including biological, adopted, or foster child, a legal ward, or child of an employee standing in loco parentis), parent, stepparent, sibling (including a half, adopted or step sibling), grandparent, grandchild, spouse, domestic partner, or the child or parent of an employee's spouse or domestic partner, any other individual related by blood to the employee, or whose close association with the employee is the equivalent of a family relationship.

Eligible employees must provide reasonable notice of use of paid sick/safe time. Where such need is foreseeable, employees must give at least seven (7) days prior notice. Where such need is not foreseeable, employees must provide notice as soon as practicable.

For an absence of more than three (3) consecutive work days of paid sick/safe time, eligible employees may be required to provide reasonable documentation that the paid sick/safe time was used for a Covered Reason. Employees will be allowed a minimum of 7 days from the date he or she returns to work to obtain such documentation. EHTP will

reimburse employees for all reasonable costs or expenses incurred for the purpose of obtaining such documentation.

EHTP will not require the disclosure of details relating to an employee's or his or her family member's medical condition or require disclosure of details relating to an employee's or his or her family member's status as a victim of family offenses, sexual offenses, stalking, or human trafficking as a condition of using paid sick/safe time. Health information about an employee or an employee's family member, and/or information concerning an employee's or his or her family member's status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking obtained by EHTP in connection with an employee's use of paid sick/safe time under this policy will be treated as confidential and will not be disclosed, except as authorized by the employee and/or as required by law.

Employees will be paid for PSST used no later than the payday for the next regular payroll period beginning after the PSST was used by the employee, unless EHTP has asked for reasonable verification documentation, in the event the employee is absent for more than three (3) consecutive days. In such a case, EHTP is not required to pay sick leave until the employee has provided such documentation or verification. As noted above, employees will be allowed a minimum of 7 days from the date he or she returns to work to obtain such documentation. If an employee delays or fails to provide such documentation, the employee will not be paid for the PSST until the employee has provided such documentation or verification.

EHTP may take disciplinary action, up to and including termination, against an employee who uses paid sick/safe time for purposes other than Covered Reasons. Indications of abuse of paid sick/safe time may include, but are not limited to a pattern of (i) use of unscheduled paid sick/safe time on or adjacent to weekends, regularly scheduled days off, holidays, vacation, or pay day and/or (ii) taking scheduled paid sick/safe time on days when other leave has been denied.

Eligible employees who assert their rights to receive or use paid sick/safe time will not be retaliated against.

Eligible employees will receive all paid safe and sick leave required by law, and this policy, will be interpreted and applied, in accordance with New York City's Earned Safe and Sick Time Act, New York State's Paid Sick and Safe Leave Law (Section 196-b of the New York Labor Law), regulations thereunder, and all other applicable laws, and to the extent that this policy may conflict with those laws they are controlling over these policies. Furthermore, EHTP retains all rights and defenses under applicable law, whether or not specifically set forth in this policy.

EHTP does not compensate employees for unused PTO upon separation from employment, whether voluntary or involuntary.

617.20
Appendix B
Short Environmental Assessment Form


Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		[REDACTED]	
		[REDACTED]	
[REDACTED]			
PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)