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Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

July 26, 2016

Margery Perlmutter, *Chair*
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board Committee meeting on July 21, 2016, Community Board #2, Manhattan adopted the following resolution:

***323-327 Avenue of the Americas** (between Carmine Street and Cornelia/West 4th Streets). Final review of BSA Cal. No. 2016-4138-BZ, an application to the Board of Standards and Appeals for a variance pursuant to ZR Section 72-21 to modify certain use and bulk regulations to allow a three-story (plus cellar) enlargement to the IFC Center on the vacant portion of the zoning lot with frontage on Cornelia Street.

Whereas:

1. This is an application from IFC to vary use and bulk regulations to allow a three-floor (plus cellar) internal enlargement of the theatre that creates a five-story building on Cornelia St.
2. The premises are composed of three tax lots with frontage on Sixth Avenue and on Cornelia St., the latter an open space currently used for parking, storage and related theatre uses. Two of the three tax lots allow for commercial development and need no variance; the third lot, fronting on Cornelia, does not.
3. The proposed project will increase the number of screens from five to eleven and the number of seats from 480 to 948. Per the zoning resolution, theatres (Use Group 8) are not permitted in R6 and are limited to 500 seats in C1-5. The applicant is also asking for an increase of 30% bulk over what is allowed under the present zoning. The proposed project would encroach on the required rear yard for the interior portion of the zoning lot and on the required rear yard equivalent for the through-lot portion of the zoning lot.
4. On September 24, 2015, CB2, Man. voted unanimously to deny many details of the Cornelia St. facade as being "an alien presence on a remarkably preserved Village street."

5. On April 13, 2016, the applicant appeared before CB2's Land Use committee with the same design. At this meeting, IFC customers and supporters spoke about the importance of the theater, but all statements from local neighborhood associations and residential neighbors were in opposition to the commercial theatre façade on Cornelia St., challenging the neighborhood context and minimum variance findings.
6. The proposed building would be the only commercial building on Cornelia Street and would negatively alter the character of the neighborhood. CB2, Man. has expressed a willingness to support full use of the commercial lots, provided that the project incorporate a residential building fronting on Cornelia Street, thereby buffering this street from a massive commercial presence.
7. The property is not owned by the applicant but by Friedland Property, a large commercial property owner, and CB2 is aware that any variances granted to the applicant will attach to the property and owner of the building, regardless of whether or not the IFC remains. CB2, Man. is concerned that all the building and zoning changes and approvals requested, if approved, will belong to current and future owners in perpetuity. This is a serious concern for CB2.
8. Since April 13, a group of CB2 Land Use committee members have met several times with the IFC team to work out a compromise that would support the theatre expansion without sacrificing the residential character of Cornelia St. To date, IFC has rejected every scenario other than their original plan, including plans for a 4327sf townhouse along Cornelia St. that would have allowed IFC to expand to 702 seats, 75% of their requested amount.
9. CB2 Land Use committee members were in support of this townhouse plan when it was presented at the July 13 meeting.
10. In an effort to support the "Lesser Variance" scenario in the Economic Analysis Report that showed annual revenues of \$342,000 from five residential apartments, the Land Use committee researched a realistic, alternate set of comps, which generated potential revenues of approximately \$600,000. That information is available for review.

Therefore, be it resolved that CB2, Man. recommends denial of the application unless:

1. The submission is revised to reflect and respect the neighborhood context finding and does not seek to build a commercial building on a residential street, especially a quaint, cohesive and historic street like Cornelia that is dominated by residential with small-scale, ground floor commercial uses.
2. The final plan incorporates, as suggested by the IFC, an interior staircase above the second floor of the main building, thereby maintaining light and air for more of the neighboring residents.
3. The evaluation of the minimum variance needs to be made with respect to the land without favoring a specific use preferred by the lease holder. CB2 does not think the minimum variance needed for a reasonable return on the full property can be pursued by a self-interested tenant without the participation of the property owner, on whose land the residential portion would be built.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (T. Connor).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

- c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member

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July 22, 2016

Margery Perlmutter, *Chair*
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board Committee meeting on July 21, 2016, Community Board #2, Manhattan adopted the following resolution:

95 Vandam Street (between Hudson and Greenwich Streets) BSA Cal No 1151-81-BZ application is to reopen and amend a previously approved variance (1984). This application seeks approval of the conveyance of unused development rights from 95 Vandam to an adjacent parcel of land.

Whereas:

1. The application is for a reopening of and amendment to a previously approved variance granted.
2. The application seeks approval of the conveyance of 18,637 sf to transfer to the adjacent development site located at 537 Greenwich Street and 110 Charlton Street pursuant a zoning lot merger.
3. The transfer will be incorporated into a new mixed use as of right development with commercial retail and office uses at the base and residential dwelling units above.

Therefore be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



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Land Use & Business Development Committee
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40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board Committee meeting on July 21, 2016, Community Board #2, Manhattan adopted the following resolution:

104 Charlton Street (between Hudson and Greenwich Streets) BSA Cal. No. 371-01-BZ application is to reopen and amend a previously approved variance (2002). This application seeks approval of the conveyance of unused development rights from 104 Charlton to an adjacent parcel of land.

Whereas:

1. The application is for a reopening of and amendment to a previously approved variance granted.
2. The application seeks approval of the conveyance of 12,316 sf to transfer to the adjacent development site located at 537 Greenwich Street and 110 Charlton Street pursuant a zoning lot merger.
3. The transfer will be incorporated into a new mixed-use as-of-right development with commercial retail and office uses at the base and residential dwelling units above.

Therefore be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

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July 22, 2016

Margery Perlmutter, *Chair*
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board Committee meeting on July 21, 2016, Community Board #2, Manhattan adopted the following resolution:

119 Christopher Street (north side of the street between Hudson and Bleecker Streets) BSA CAL. No. 818-85-BZ application is to modify a condition to a previously granted variance pursuant 72-21. Variance to permit Use Group 6 retail in a portion of the ground floor of a multiple dwelling in R6 zoning district.

Whereas:

1. The applicant seeks to correct the condition of an expired variance term.
2. The east portion of the ground floor space is approximately 371 square feet, is not physically connected to the western commercial space, and has been used continuously for commercial until 2015 when vacated.

Therefore be it resolved that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



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Land Use & Business Development Committee
Community Board #2, Manhattan

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July 22, 2016

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board Committee meeting on July 21, 2016, Community Board #2, Manhattan adopted the following resolution:

M 840260(E) ZMM - 95 Horatio Street (north side between 10th Avenue and Washington Street): application for a request for Modification of Restrictive Declaration D-93. Request is to remove use restrictions on a 4,700sf portion of the ground floor space of the existing building. The restrictive declaration was approved as part of zoning map amendment in 1984.

Whereas:

1. When former owner Rockrose Development Corporation obtained the 1984 rezoning to allow the conversion of the old Manhattan Refrigeration building complex into the West Coast Apartments (an entire block bordered by Horatio, West, Gansevoort and Washington Streets) along with the residential conversion of nearly all of the block immediately to the south, the community negotiated four restrictive declarations intended to mitigate the potential adverse impacts of residential development on industrial meatpacking businesses and the cumulative impacts on residents of rezoning both blocks.
2. One of these restrictive declarations (D-93) mandated that 4700sf of ground floor space at the northwest corner of the building at West and Gansevoort Sts. (now across from the Whitney) be reserved for meat-related and light industrial uses only. D-93 also states that "best efforts" must be made to rent the space for meat-related conforming uses. Other permitted uses included custom manufacturing (11), semi-industrial (16), light industrial (17) and heavy industrial (18).
3. The proposed development site is actually 11,650sf (an 8105sf ground floor space, 4700sf of which is currently restricted, plus 3550sf in the basement).

4. The space was occupied by Weischel Beef until 2012 when it moved to the NYC meatpacking cooperative at 826 Washington St., which is currently fully occupied and has been for three years. When Weischel moved out, applicant made no “best effort” to find conforming tenants and advertised the space only as retail without obtaining the necessary modifications to the restrictive declaration. Applicant also ripped out all the freezers, the rails and other related infrastructure needed for a meatpacking operation, creating a prohibitive capital investment for anyone considering moving a conforming business into this space. In July, 2015, applicant attempted to rent to an illegal use, a restaurateur who was scheduled to appear before CB2’s SLA committee in an effort to obtain a liquor license.
5. TF Cornerstone wants to hold open the option of renting the two ground floor spaces (one of which is the part currently under the existing restriction) to a single tenant and is unwilling to rule out renting to a restaurant, although it is willing to prohibit nightclubs and limit the hours of operation and create a binding prohibition on late-night hours (midnight Sundays through Tuesdays, and 1 am Wednesdays through Saturdays). However even with restricted hours, a restaurant potentially exceeding 5,000 square feet at this location will extend the noise and traffic of Meatpacking District nightlife onto a block that has hitherto been quiet and residential.
6. Neighbors fear that quality of life is at risk from noise and traffic in this increasingly popular neighborhood and expressed a strong preference that the restrictive declaration be retained but conceded that if conforming uses are no longer appropriate, any changes to D-93 should benefit the community as well as the property owner. Acceptable modifications to the restrictive declaration include arts, cultural, educational or community uses by non-profit organizations.
7. In consideration for the lifting of D-93 and the residents' request, TFC would provide a benefit to the community by leasing in perpetuity an approximately 5000sf (2800sf ground floor, 2200sf basement) space known by the street address of 91 Horatio St., to only not-for-profit cultural, educational, and/or arts tenants.
8. CB2, Man. appreciates the offer of the applicant to provide valuable space for non-profit uses beneficial to the community.
9. TFC would be willing to include the commitment to the community benefit in perpetuity, the above hours of operation, and cabaret license prohibition in a restrictive declaration. If the Department of City Planning is not willing to incorporate all or some of these commitments into the City's restrictive declaration, a separate restrictive declaration reflecting these commitments would be recorded against the property.
10. While grateful for this concession, neighbors continue to be concerned about the increasingly residential nature of the area and the oversaturation by eating establishments (including 6+ million visitors to The High Line, Santina Restaurant, Bubby's Restaurant, The Whitney Museum and its two restaurants and numerous events, and the many other restaurants within a three-block radius).
11. No members of the community appeared or sent testimony in favor of an eating and drinking establishment.

Therefore bet it resolved that CB2, Man. recommends approval of the application to remove certain restrictions on the use of 95 Horatio Street created under D-93, with the following conditions:

1. D-93 is amended to allow commercial and/or retail uses but no nightclubs and/or eating or drinking establishments.
2. A new restrictive declaration is recorded pertaining to 91 Horatio Street, limiting its use to educational, cultural and arts non-profit organizations and/or those that provide non-profit services of benefit to the local community and assuring that all future leases will be at preferential rent.

Vote: Unanimous, with 36 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



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