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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Daniel Miller, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

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



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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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

TB/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
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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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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, many neighbors and independent filmmakers spoke in support of the IFC as a beloved cultural institution. However, the vast majority, including all the local neighborhood associations and individual neighbors, spoke 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: with Board members in favor.

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

Sincerely,



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Community Board #2, Manhattan



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Land Use & Business Development Committee
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