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COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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February 25, 2015

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

Dear Madame Chair Perlmutter:

At its Full Board meeting on February 19, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

404 Lafayette Street BSA Cal. No. 169-91-BZ– Applicant seeks approval to extend for ten years an expired (2013) special permit to operate a physical culture establishment (PCE). According to the applicants' Statement of Facts, this space has been previously approved (as amended and extended) for 29,726 S.F. on three floors (cellar, first and second).

Whereas

1. This application seeks renewal of a special permit for a Physical Culture Establishment (PCE) previously granted to Crunch, a commercial PCE, pursuant to ZR 73-36;
2. The building has been purchased by New York University (NYU) and the intention is that the PCE will be primarily available for use by NYU students, faculty and staff;
3. Per ZR 12-10, "Physical Culture Establishments" are either for commercial or for non-commercial club use;
4. A reasonable reading of the Zoning Resolution would not categorize this use as commercial Use Groups 5 through 16, but instead as a community facility in Use Group 3a (colleges and universities, including professional schools but excluding business colleges or trade schools);
5. Even if some community access is allowed, these uses are secondary to the principal use, which is clearly Use Group 3a ("universities and colleges") and which is not allowed in the M1-5B zone;
6. Non-commercial club use is also not allowed in M1 zones;

7. The renewal of the permit should not be allowed when the applicant specifically states that the use of the facility will be other than what is included under the definition of a PCE;
8. The previous permit was properly granted, but the proposed new use of the facility would set a precedent to allow Use Group 3a in an M1-5B zone, which is beyond the scope of permits granted pursuant to 73-36;
9. ZR 72-21 provides recourse whereby a variance may allow college and university use in M1-5B district, but with more restrictive findings than those applicable to a special permit pursuant to 73-76;
10. NYU's 2012 BSA application 298-12-BZ for a variance to allow university use of 730 Broadway justified the use in that building based on the character of the area: "The heart of the NYU campus is located in Manhattan Community District 2, around Washington Square Park. This nucleus, known as the 'Washington Square Core' comprises the area generally bounded by Waverly Place and West 8th Street to the north, Broadway and Mercer Street to the east, West 3rd Street and Houston Street to the south, and LaGuardia Place and the block between MacDougal Street and Avenue of the Americas to the West."
11. 404 Lafayette is clearly not within the NYU "Washington Square Core" and the proposed use will expand the core area of the university, which will have a harmful impact on the special character of the existing business and residential use of Lafayette Street;
12. Even if the BSA determines that the proposed use does conform to the definition of a PCE, the conditions under which the special permit was granted have changed and no longer apply because, given the predominance of use by students, the use is no longer "located as not to impair the essential character or the future use or development of the surrounding area" as required by the text of ZR 73-36 for granting this permit;
13. If granted, this special permit could be used by NYU to argue that the building is within an expanded "Core" and therefore appropriate for a variance to allow use of three additional floors of this building for university use.

Therefore, it is resolved that

CB2, Man. recommends denial of this application for renewal of a special permit to operate a Physical Culture Establishment primarily for university uses (Use Group 3a), which are not allowed in this M1-5B zone.

Vote: Unanimous, with 37 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
Committee



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

TB/jrm

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale A. Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Vivian Awner, Dept. of City Planning
Ryan Singer, Executive Director, Board of Standards & Appeals

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February 24, 2015

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

Dear Mr. Weisbrod:

At its Full Board meeting on February 19, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

M070247AZSM-325 West Broadway - Modifications to a previous CPC approval for a 74-711 special permit application. CPC approved the original special permit for the building in 2007, but since then there have been changes in ownership and modifications to the design, including changes to the façade, reallocation of floor area, minor adjustments to the building's height and slightly reduced overall square footage of the project's floor area.

Whereas:

In 2007, this project was approved with regards to the ZR 74-711 special permit and the use regulations (to allow UG6 retail and UG2? residential use); bulk regulations (to allow seven rather than six stories at a wall height of 85 feet); and rear yard regulations (to allow a small portion of the yard to measure 18.3 feet rather than 20 feet).

1. The proposed changes do not create any new zoning waivers and do not affect any of the waivers approved in 2007. In short, a reduction in total floor area from 55,977 SF to 55,085 SF; 2) and a reduction in number of units from 30 to 21.
2. The following summarizes the specific proposed changes:
3. West Broadway building
4. Addition of residential floor area (approximately 1,200 SF) on the tenth floor and related reduction in residential floor area on the lower floors;

5. An increase of approximately 6'-6" to the height of the elevator bulkhead, to accommodate an improved and safer elevator with a rooftop machine room;
6. The reconfiguring of the envelope of the top floor with a mansard roof; and the elimination of the cellar in West Broadway to comply with new floodplain regulations.
7. Wooster Street building:
8. Enlargement of the cellar in the Wooster Street building;
9. Reconfiguration of the bulkhead in the Wooster Street building, at the direction of the Landmarks Commission.

Therefore it is resolved that:

CB2, Man. recommends approval of this application.

Vote: Passed, with 37 Board members in favor, and 1 abstention (J. Geballe).

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan
Committee

TB/fa



Anita Brandt, Chair
Land Use & Business Development

Community Board #2, Manhattan

- c:
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 - Hon. Deborah Glick, Assembly Member
 - Hon. Daniel Squadron, NY State Senator
 - Hon. Brad Hoylman, NY State Senator
 - Hon. Gale A. Brewer, Manhattan Borough President
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March 6, 2015

Dear Sir or Madam:

At its Full Board meeting on February 19, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

111 Leroy Street – A new development is proposed for our preliminary review. Residential project will either be a 10-story building with a duplex penthouse with 30 condo units or a 10 story building with a duplex penthouse with 21 units. If applicant is allowed to build the bigger building, the 20% portion of the building will be a stand-alone residence for LGBT seniors with 13 units. If applicant can only build the smaller building, the 20% will consist of four affordable units. In this proposal there is an open space to be accessed off of Morton Street.

Whereas:

- 1) This is a residential development project located on the northeast corner of Leroy and Greenwich (Block 602, Lots 55, 83 and 85) with additional frontage on Morton Street. The applicants presented two options:

Option 1: A total of development of 79,650sf consisting of a 10-story plus a two-story, duplex penthouse market-rate condominium building with 30 units (72,400sf) plus an adjacent, stand-alone residence with 13 units (7,250sf) of affordable senior supportive housing to be operated by Stonewall Community Development Corporation.

Option 2: Total development of 43,812sf consisting of a 10-story plus a two-story, duplex penthouse market-rate condominium building with 21 units, four units of which to be affordable rate units. The applicant presented this option as an "as-of-right" development, once the Restrictive Declaration is properly filed and recorded.

Open Space: In both options, a 25' x100' lot on Morton Street to be a park/open space.

- 2) Applicants presented the two options to CB2 in the hopes that the community board would join them in urging City Planning to lift a 2008 Restrictive Declaration that limits the development on the site to 43,872sf.
- 3) The City Council, in 2008, also imposed its own Restrictive Declaration, requiring 20% affordable housing, 2500sf of open space, and various commercial/retail space requirements that are not relevant to this development project and not before the community board at this time.
- 4) The applicant, Property Markets Group (PMG), was represented by Judith Gallent of Bryan Cave, who presented the application.
- 5) Richard Lam of PMG explained that the current owners are not involved with the previous owner, when the Restrictive Declarations were imposed.
- 6) At the meeting, people from the affected community (including the representative of the Board of 622 Greenwich) were overwhelmingly in favor of LGBT elder housing but vehemently opposed to the larger development and any changes in the current restrictions.

Therefore, be it resolved that:

- 1) CB2 opposes development on this site that exceeds what is allowed under the conditions of the restrictive declarations that were agreed to during the consideration of rezoning this site.
- 2) CB-2 does not object to development of 111 Leroy Street under the terms of the 2008 restrictive declarations that were agreed to during negotiations.

Vote: Passed, with 35 Board members in favor, 1 opposition (L. Cannistraci) and 1 recusal (R. Woodworth)

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan
Committee

TB/jrm



Anita Brandt, Chair
Land Use & Business Development

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 - Hon. Margaret Chin, Council Member
 - Hon. Rosie Mendez, Council Member

Edwin Marshall, Dept. of City Planning
Sylvia Li, Dept. of City Planning

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February 24, 2015

Dear Sir or Madam:

At its Full Board meeting on February 19, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

146-150 Wooster Street – An earlier proposal for this site was withdrawn after it failed to receive support in the City Council. This preliminary proposal from a new developer is seeking a resolution from the board affirming its responsiveness to objections to the original application.

Whereas:

1. In December, 2012, CB2, Man. recommended denial of an application pertaining to 146-150 Wooster Street that included a proposed text amendment modifying ZR 74-712 to allow special permits on sites that are up to 40 % developed;
2. The application was subsequently withdrawn by the applicant;
3. A new owner, KUB Capital, has requested preliminary review by CB2 of a proposal for the site that requires the same text amendment;
4. KUB has worked intensively with residents of adjacent properties to design a building substantially reducing negative impacts;
5. The proposal is now responsive to CB2 objections to the previous application;
6. The proposed building is preferable to an as-of-right development on the site;
7. The proposed building will not include a sub-cellar and will provide light wells and rear façade set-backs;
8. The proposed building will include two ground floor retail stores, each with floor area less than 3500 square feet;

9. The developer will provide, at 152 Wooster Street, a ventilation system for bathrooms where windows will be sealed, new enlarged windows, and a light-reflecting system installed on the new building.

Therefore it is resolved that

1. CB2, Man. commends the efforts of 150 Wooster, LLC and residents of the adjacent buildings;
2. CB2 does not anticipate any objections to the application, based on the commitments made by the developer: and
3. CB2, Man. urges the developer to continue to work cooperatively with neighbors during final building design and construction.

Vote: Passed, with 36 Board Members in favor, 1 recusal (A. Brandt)

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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