



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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WALTER MANKOFF
Chair

ANTHONY M. BORELLI
District Manager

March 3, 2005

Hon. Meenakshe Srinivasan
Chair, Board of Standards and Appeals
40 Rector Street
New York, New York 10007

Re: BSA No. 7-05-BZ, Block 1058, Lots 34 (715 Ninth Avenue) and 38 (410 West 49th Street)

Dear Chair Srinivasan:

This application was scheduled for consideration by the Board's Clinton/Hell's Kitchen Land Use Committee on February 9, but was temporarily withdrawn by the applicant.

We write to call your attention to a number of significant issues presented by this application:

1. The applicant is not the owner in fee of the entire parcel of land at 715 Ninth Avenue.

This is an application for variances from rear yard, lot coverage and inner court requirements to allow enlargement of an existing building. It also contemplates a merger, for zoning purposes, of two tax lots, Block 1058, Lot 34 (715 Ninth Avenue) and Block 1058, Lot 38 (410 West 49th Street). At least this is how it is explained in the application.

In fact, what is referred to in the application as tax lot 34 ceased to exist in 1989, when the property was converted to condominium ownership. 715 Ninth Avenue is a 5 story residential building with a ground floor commercial unit. The applicant owns the ground floor commercial unit and a 30% interest in the condominium's common elements. The residential units are owned by 715 9th Avenue HDFC, a limited-equity cooperative (the "HDFC"), which owns a 70% interest in the condominium's common elements. The HDFC had no knowledge of this application until it was so informed by this Board. We have been advised that the HDFC is taking steps to obtain legal representation to ensure that its interests are protected in this matter.

2. Is the existing rear yard extension legal? The building at 715 Ninth Avenue has a rear yard extension that results in lot coverage approaching 100%, which violates the requirements of ZR 96-102. The circumstances of the addition must be investigated to determine whether it was added in violation of applicable law at the time. The extension also raises questions about the adequacy of fire egress.

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3. There are a number of outstanding building violations for 715 Ninth Avenue, according to online information available from the Department of Buildings.

4. Tenant harassment at 715 Ninth Avenue must be investigated with care. Alterations at this location will require a certificate of no harassment in accordance with ZR Section 96-109. We have been advised by community residents that there is a history of tenant harassment in this building prior to its condominium conversion, when the building was entirely owned by applicant or its principal. If it is determined that tenant harassment occurred, any plan for alterations must include the "cure" required by ZR 96-110, namely the provision of low income housing.

These issues must be resolved before the application goes any further.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Anna Hayes Levin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Simone Sindin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Galahad Realty Corp., Mordred Realty Corp.
Patrick W. Jones, Petraro & Jones LLP
Tom Knutson, 715 9th Ave. HDFC