



MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

October 5, 2006

Hon. Meenakshi Srinivasan
Chair/Commissioner
City of New York
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006-1705

Re: BSA Cal. No. 670-83-BZ, 448 W. 44th St.

Dear Chair Srinivasan:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on BSA Calendar No. 670-83-BZ, voted unanimously to recommend approval of this application with conditions.

This application requests the extension of the term of a variance to allow continuation of the non-conforming use of the basement level of the three-story building at 448 West 44th Street, which is in an R8 district, as a business office. The office space has been occupied by the Bret Adams Talent Agency for more than 20 years. Mr. Adams is, with his partner Paul Reisch, the applicant on this application, and was until his death in July 2006, the owner and a resident of the building.

This variance was initially issued by the Board of Standards and Appeals in May 1984, subject to several conditions, including the following:

“THAT this variance shall be limited to a term of 10 years;

“THAT this office use shall be occupied by a single tenant;

“THAT this use is limited to an office for a talent agency only, and that this specific use shall appear on the Certificate of Occupancy; [and]

“THAT signs shall be limited to an identification plaque only.”

The last three conditions were included at the recommendation of this Board, which was concerned at the time that approving a nonconforming use variance in a residential building in the Preservation Area of the Special Clinton District would set a precedent for other nonconforming commercial uses in the area. Fortunately, this has not been the case, and the variance was extended for an additional 10 years in 1995, subject to the same conditions.

With Mr. Adams's death, we understand that the business is in the process of being transferred to the employees of the talent agency, and that it will continue to operate in accordance with the conditions in the variance.

The application requests the extension of the term of the variance for an additional 10 years to expire on May 22, 2015 and waiver of the proposed rules of procedure to allow for late filing of the application. No changes are proposed.

The Board has received a letter from the West 44th Street Better Block Association recommending approval of this application, provided the variance continues to be "specific to a talent agency and no other business."

The Board's records contain no complaints concerning this use.

This Board therefore recommends approval of the application for a 10-year period, subject to continuation of the conditions first imposed by the Board of Standards and Appeals when the variance was first issued in 1984.

Sincerely,



J. Lee Compton
Chair
Community Board 4



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



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

cc: electeds,
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West 44th Street Better Block Association