

182-04-BZ

APPLICANT – Stadtmauer Bailkin, LLP, for Chelsea Village Associates, owner; Harmic III, LLC, lessee.

SUBJECT – Application January 17, 2006 – Reopening for an amendment permit proposed eating and drinking establishment (comedy theater), Use Group 12, on a zoning lot, split between a C6-2A and R8B zoning district, of which a portion is located in the R8B district, is contrary to Z.R. §22-10.

PREMISES AFFECTED – 351/53 West 14th Street, north side, between Eighth and Ninth Avenues, Block 738, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Steve Sinacori.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT:

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION –

WHEREAS, this application is a request for a re-opening and an amendment to a previously granted variance, which permitted the establishment of an eating and drinking establishment in an existing building at the premises; and

WHEREAS, a public hearing was held on this application on July 13, 2006 after due notice by publication in the *City Record*, with continued hearing on July 18, 2006, and then to decision on August 8, 2006; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the site is located on a zoning lot split between C6-2A and R8B zoning districts, and is partially within the Gansevoort Market Historic District; and

WHEREAS, the subject zoning lot is a through lot located on the north side of West 14th Street and the south side of West 15th Street, between 8th and 9th Avenues, with a depth of approximately 206.6 feet and frontages of 50 feet along each street; and

WHEREAS, the zoning lot is currently improved with two residential buildings, with addresses of 362/64 West 15th Street and 351/53 West 14th Street; and

WHEREAS, the record indicates that the subject building has a one story portion and a four story portion, with residential use on the upper stories; and

WHEREAS, the ground floor extends 150 feet in depth from the front of the building, with 103.25 feet (69 percent) located in the C6-2A district and the remaining 46.75 feet (31 percent) located in the R8B district; and

WHEREAS, on September 21, 2004, the Board granted an application under ZR § 72-21, to permit the establishment of an eating and drinking establishment (specifically, a comedy theater), Use Group 12, on the ground floor of this building, in the portion that is within

the R8B zoning district, contrary to ZR § 22-10; and

WHEREAS, the applicant proposes to eliminate the proposed 1,345 sq. ft. mezzanine previously approved by the Board in the original grant, and to expand the proposed cellar space; the applicant also proposes to rearrange some of the functions of the establishment; and

WHEREAS, specifically, the applicant represents that the kitchen area will be relocated to the proposed expanded cellar space, the women’s lavatory in the cellar will be expanded, and offices, staff bathrooms and storage space will be added to the cellar; and

WHEREAS, the cellar will also provide space for a waiting area and a handicapped accessible restroom (which were formerly to be located on the proposed mezzanine); and

WHEREAS, the Board notes that all of the cellar space will be located completely below grade and will not alter the building envelope nor add zoning floor area; and

WHEREAS, the Board further notes that the cellar expansion does not increase the square footage of the performance space nor the patron capacity; and

WHEREAS, thus, the effect of this cellar expansion is negligible; and

WHEREAS, the plans include the provision of an elevator in order to make the cellar handicapped-accessible; and

WHEREAS, the applicant also proposes to replace the existing obsolete heating, ventilation, and air conditioning (HVAC) systems located on the roof of the one-story portion of the building; and

WHEREAS, the applicant represents that the new equipment will be installed with the manufacturer’s sound attenuation package, including an insulated sound barrier wrapped around each unit; and

WHEREAS, additionally, the applicant represents that the HVAC equipment will be located as far as possible from residential uses and will be enclosed by a fence covered with acoustical sound absorbing panels; and

WHEREAS, in support of these assertions, the applicant submitted a letter from a sound attenuation consultant stating that the HVAC equipment as proposed will comply with New York City’s Noise Code Standards; and

WHEREAS, the Board notes that the applicant worked with the building owner and neighbors to try to minimize the impact of the new HVAC equipment; and

WHEREAS, the Board notes that the new HVAC systems will occupy a larger footprint than the existing systems but will have improved sound attenuation measures; and

WHEREAS, the Board concludes that the proposed amendment does not affect the prior findings for the variance; and

182-04-BZ

WHEREAS, based upon the above, the Board finds it appropriate to approve the proposed amendment.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on September 21, 2004, so that as amended this portion of the resolution shall read: "to permit the removal of the proposed mezzanine, the enlargement of the proposed cellar and other interior reconfigurations, and the relocation and replacement of the HVAC systems, *on condition* that all work shall substantially conform to drawings filed with this application and marked 'Received July 5, 2006'-(6) sheets; and *on further condition*:

THAT all HVAC equipment shall be installed as indicated on the BSA-approved plans, with sound attenuation, and shall be maintained in good working order;

THAT the above condition shall appear on the certificate of occupancy;

THAT all conditions from the prior resolutions not specifically waived by the Board remain in effect;

THAT all exiting requirements, including from the cellar area, shall be as reviewed and approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application. No. 103733925)

Adopted by the Board of Standards and Appeals, August 8, 2006.

A true copy of resolution adopted by the Board of Standards and Appeals, August 8, 2006.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.