Note. —This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.

BOARD OF STANDARDS AND APPEALS

MEETING OF: **August 10, 2026**
CALENDAR NO.: **2026-03-BZ**
PREMISES: **116 Edgecombe Avenue, Manhattan**
Block 2042, Lot 27

ACTION OF BOARD — Application granted on condition.

THE VOTE —
Affirmative: Chair Chanda, Vice-Chair Scibetta, Commissioner Ottley-Brown, Commissioner Sheta, and Commissioner Yoon 5
Negative: 0

THE RESOLUTION —

The decision of the Department of Buildings ("DOB"), dated January 26, 2026, acting on New Building Application No. M01290590-I1, reads, in pertinent part: "Proposed Use Group VII in R7-2 zoning district is contrary to Zoning Resolution Section 22-10 and requires Variance from the NYC Board of Standards and Appeals (BSA)."

I. The Request

This is an application for a variance, pursuant to Z.R. § 72-21, to permit the conversion of a two-story, plus cellar and mezzanine, Use Group ("UG") III(B) house of worship to a four-story, plus cellar and fifth-floor gallery/mezzanine, UG VII office building, in an R7-2 zoning district, contrary to use requirements (Z.R. § 22-17).

A public hearing was held on this application on May 12, 2026, after due notice by publication in *The City Record*, and then to decision on August 10, 2026.

Community Board 10, Manhattan, recommends approval of this application. The Board also received four letters of objection to this application, citing concerns about historic preservation, neighborhood character, traffic, parking, and notice.

II. Location

The Premises are located on the southeastern corner of the intersection of Edgecombe Avenue and West 140th Street, in an R7-2 zoning district and the Dorrance Brooks Square Historic District, in Manhattan. The Premises have approximately 66 feet of frontage along Edgecombe Avenue, 85 feet of frontage along West 140th Street, and 5,610 square feet of lot area, and are occupied by a two-story, plus cellar and mezzanine, UG III(B) house of worship.

III. Proposal

The applicant now seeks to convert the existing two-story, plus cellar and mezzanine, UG III(B) house of worship building to a four-story, plus cellar and fifth-floor gallery/mezzanine, UG VII office building. The proposed plans show that the building would have 16,584 square feet of floor area (a floor area ratio ("FAR") of 2.95); 5,085 square feet of lot coverage (90.6%); no front yard; a 5.25-foot-wide side yard; a rear yard measuring 2.54 feet by 33.16 feet; an inner court measuring a minimum of 253 square feet and a width of 5.25 feet; and an 83-foot wall height. The applicant notes that the proposed conversion would be completed within the existing envelope.

In the subject R7-2 zoning district, Z.R. § 22-17 prohibits UG VII office use. Accordingly, the applicant seeks the relief requested herein.

IV. Findings

The Zoning Resolution vests the Board with wide discretion to "vary or modify [its] provision[s] so that the spirit of the law shall be observed, public safety secured and substantial justice done," provided the Board finds the application meets the requirements of Z.R. § 72-21(a) through (e).

A.

First, the applicant submits that there are unique physical conditions inherent in the Premises—namely, the existing building's obsolescence and underdevelopment, in conjunction with historic district requirements—that create practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district. The applicant explains that the existing building is a typical Romanesque Revival-style building with several features that limit its adaptability for modern uses:

(1) small, irregular floorplates with multiple partial levels and sloped floors;
(2) vaulted interior spaces;
(3) large stained-glass windows, which are a protected historical feature of the building;
(4) lack of elevators and other modern systems; and
(5) adjacent lots within existing row-house structures that limit light and air.

The applicant further explains that the existing building is underbuilt at 2.32 FAR in a district that allows 6.5 FAR for community facility use. Moreover, although the existing building resembles a six- to eight-story structure, the applicant clarifies that its interior is made up of large voids and high ceilings needed for religious assembly.

In support of its contention that the building's historical, purpose-built conditions are obsolete and prevent viable uses, the applicant submitted a letter from a New York commercial real estate brokerage and marketing company, which the applicant had hired to market the existing building as a community facility space for approximately 13 months, dated July 31, 2024 (the "Broker Letter"). The Broker Letter states that the company approached house of worship congregations, medical facilities, and City-sponsored programs as potential tenants, all of which could not utilize the building due to physical constraints of its design. Specifically, the letter describes the limitations of houses of worship and City entities as financial related, as neither would have the ability to pay rent for a space as large as the existing building; the letter adds that many congregations have dwindling membership and nearby churches in the area are either being closed or sold, such as the house of worship at 435 West 141st Street (Block 2050, Lot 1), which recently filed for foreclosure. Other congregations are also restricted from using the existing building, the letter explains, as each would require specific built conditions for their particular denomination that the existing building lacks.

Regarding the feasibility of selling or leasing to other community facility uses, and medical facilities, in particular, the applicant explains that these uses would require significant alterations to modernize plumbing services, provide lab and testing space, and incorporate infrastructural needs, and therefore would be impractical. The applicant contends that the building's underbuilt FAR of 2.32 and interior with large voids and high ceilings for religious assembly would further complicate any prospective conversion to another community facility, such as medical, use. Additionally, the applicant maintains that conversion of the existing building to an as-of-right community facility use, such as medical offices, would require realignment of existing floors to remove the slope/rake of the congregation space; modification of mezzanines to insert three additional floors within the building envelope (bringing the building's FAR to 3.92); addition of an elevator; and other updates to bring the building into compliance with Building Code requirements. Because of the subject site's physical constraints, the applicant further contends that several spaces on each floor would have limited or no access to light and air and such conversion would also result in significant changes to the interior of the building that would not be eligible for Historic Tax Credits to offset such costs.

The as-of-right plans for community facility use portray a four-story, plus cellar and fifth-floor gallery/mezzanine, UG III(B) medical-office building with 21,990 square feet of floor area (3.92 FAR); 5,085 square feet of lot coverage (90.6%); no front yard; a 5.25-foot-wide side yard; a rear yard measuring 2.54 feet by 33.16 feet; an inner court measuring a minimum of 253 square feet and a width of 5.25 feet; and an 83-foot wall height. The as-of-right residential use plans show a four-story, plus cellar and fifth-floor gallery/mezzanine, UG II multi-family residential building with 16 dwelling units; 21,266 square feet of floor area (3.61 FAR); 5,085 square feet of lot coverage (90.6%); no front yard; no side yard; a rear yard measuring 2.54 feet by 33.16 feet; an inner court measuring a minimum of 253 square feet and a width of 5.25 feet; a 63-foot base; and an 83-foot building height. In both as-of-right scenarios, the building envelope would be largely retained, but changes in the interior to support the respective as-of-right uses would result in the noted differences in floor area; differing residential regulations also result in the residential scenario's lack of a side yard. However, despite existing non-compliances that may be retainable under Article V of the Zoning Resolution and additional bulk allowances, such as no side yard, for residential use, the applicant contends that the site's physical conditions are unique in the surrounding area and cause practical difficulties or unnecessary hardship in complying with the Zoning Resolution.

In support of its uniqueness claim, the applicant submitted a Uniqueness Study of the obsoleteness of nearby buildings. The Uniqueness Study surveyed uses, purpose-built designs, and historic designation/district status of all buildings on lots within the surrounding area bounded by West 145th Street to the north, Adam Clayton Powell Jr. Boulevard to the east, West 135th Street to the south, and St. Nicholas Avenue to the west (the "Study Area"). The Study indicates that, of a total of 689 lots within the Study Area, 39 (5.66%) are developed with non-residential uses with over 500 square feet of floor area; 10 (1.45%) have purpose-built non-residential uses with over 500 square feet of floor area; and 4 (0.58%), including the Premises, have purpose-built non-residential uses with over 500 square feet of floor area and are located within a historic district. The Uniqueness Study indicates that all four sites are houses of worship.

Accordingly, the Board finds that this site's unique physical conditions—obsolescence, underdevelopment, and historic status—create practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district.

B.

Next, the applicant submits that because of such physical conditions there is no reasonable possibility that strict conformity with the provisions of the Zoning Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable it to realize a reasonable return. In support, the applicant submitted an Economic Analysis Report ("Report"). The Report analyzed the viability of the community facility and residential as-of-right scenarios and the proposed project using the capitalization-of-income method. The Report includes schedules with existing and projected cash flow and development costs based on recent, verifiable community facilities, apartment rents, and commercial office rents, from which it analyzed actual and estimated acquisition costs, hard and soft construction costs, and building operating expenses for each of the scenarios.

For the as-of-right community facility (medical office) scenario, the Report shows that the capitalized value would be $7,586,000 and the total development cost, including estimated property value, hard construction costs, and soft costs, would be $11,424,000, resulting in a difference of −$3,838,000. The Report adds that the as-of-right community facility development would not be eligible for Historic Tax Credits due to the necessary of extensive interior reconfiguration work. The Report further claims that the unique historic conditions, including thick masonry walls, inefficient floor plates, and the inability to maximize floor area due to these and historic-district constraints, would contribute to low rents.

The as-of-right residential scenario, the report shows, would have a capitalized value of $3,891,000 and a total development cost, including estimated property value, hard construction costs, and soft costs, of $11,824,000. The difference between the income and cost for this scenario would be −$7,933,000. Then Report argues that the unique site conditions that would affect this scenario include, e.g., the inefficient floor plates, less rentable space, fewer dwelling units, lack of light and air, and Historic Tax Credit ineligibility caused by required interior renovation.

In contrast to the as-of-right scenarios' projected multi-million-dollar losses, the Report demonstrates that the proposed development would have a total Project Value of $10,830,000; total development cost, including estimated property value, hard construction costs and soft costs, of $10,740,000; and a difference of $90,000. The Report finally maintains that, although the proposed development's positive value totaling less than $100,000 is at the threshold of economic feasibility, considering the losses associated with the as-of-right developments caused by the building's design and massing for religious purposes in 1898, the subject site is poorly suited to meet the needs of as-of-right uses; substantial modifications to make the as-of-right developments suitable for conventional use and attract a contemporary community facility or residential tenant(s) would also result in high development costs and eliminate eligibility for Historic Tax Credits.

Accordingly, the Board finds that because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot.

C.

The applicant further represents that the requested variance would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. In support, the applicant submitted a Neighborhood Character Study ("Study") of commercial use on lots within a 100-foot radius of the subject site. The Study indicates that of an approximate total of 799 lots within the Study Area, 110 (13.76%) have commercial use. The Study further shows that, of the 112 blocks fronting on Edgecombe Avenue within the Study Area, 12 (100%) have either a commercial overlay on one side of the block or existing commercial use in operation on at least one lot on the block.

The applicant further contends, qualitatively, that while the neighborhood is largely residential, there are a number of existing non-conforming commercial uses, consisting mostly of ground-floor retail, on the blocks immediately to the west along Edgecombe Avenue between 138th and 141st Street. There is also a cluster of commercial uses, the applicant explains, that is located two blocks north of the subject site at the intersection of Edgecombe Avenue and Bradhurst Avenue, wrapping onto West 141st Street and a main commercial corridor along both sides of Frederick Douglass Boulevard on the eastern end of the block. The applicant describes the neighborhood as characterized by non-residential uses, including community facility and institutional uses, several of which are religious. The applicant moreover notes that, to the south of the subject site, along West 139th Street, there is a house of worship, and further southwest between 137th and 138th Streets, along Edgecombe Avenue, is another house of worship. More proximate to the subject site, the applicant adds, is the public school, P.S. 123 Mahalia Jackson School, which located is on the north side of West 140th Street along Frederick Douglass Boulevard and which occupies half the block; the other half of the block is occupied by a New York City Department of Parks and Recreation playground. Therefore, immediately across from the Premises, on both Edgecombe as well as on West 140th Street, the applicant asserts that there are existing non-conforming commercial uses, and non-residential uses such as schools and parks, which along with existing residential uses create a mixed-use character of the area that is amenable to the proposed use.

Accordingly, the Board finds that the proposed variance would not alter the essential character of the neighborhood or district in which the Premises are located; would not substantially impair the appropriate use or development of adjacent property; and would not be detrimental to the public welfare.

D.

The applicant represents that its claimed practical difficulties or unnecessary hardship were not created by it or a predecessor in title. In response, the applicant submitted a History of Ownership Chart, which indicates that the subject property has not been owned in common with adjacent lots since 1961. The applicant further explains that it purchased the subject site in 2017 with the intent to redevelop it along with an adjacent property to the south (Block 2042, Lot 28), as a new multi-family residential building. However, on June 15, 2021, the applicant explains, the New York City Landmarks Preservation Commission ("LPC") established the subject historic district, which includes the subject existing building and adjacent property, and, as a result, restricts any new residential construction efforts encompassing the two lots. Due to this, the applicant represents, the applicant never merged the Premises and the adjacent property into one zoning lot and the proposed variance application thus affects only the subject site.

Moreover, the applicant contends that even if the two lots were merged into a single zoning lot, according to the LPC Designation Report for the historic district (LP-2651, dated June 15, 2021), Lot 28 is improved with contributing buildings that therefore could not be demolished to provide a developable footprint or an open area for further light and air into the subject existing building. Similarly, the applicant notes, Lot 26 (332 West 140th Street) is a contributing building in the historic district, so a merger with such lot would not provide any relief for the subject existing building. The applicant further reiterates that, despite marketing efforts to re-use the building for conforming uses, the existing building has been vacant since 2016. Therefore, the applicant asserts, the practical difficulties and undue hardship that necessitate the requested variance were not created by the owner or a predecessor in title and are instead the result of a combination of physical, historical, and regulatory conditions.

Accordingly, the Board finds that the above practical difficulties or unnecessary hardship have not been created by the applicant or by a predecessor in title.

E.

The applicant notes that the variance request is the minimum necessary to develop a viable use at the Premises. The applicant contends that the variance would allow the existing building to be enlarged by adding approximately 3,515 square feet of floor area, with a total of 16,584 square feet (2.95 FAR), which the applicant asserts is significantly less than what is permitted under the R7-2 zoning district for community facility or residential use, and which would be occupied entirely by office use. Because of the inherent features of the existing building, the applicant maintains that a lesser variance alternative is not feasible, as such alternative that would include ground floor commercial or retail use with residential or community facility above would not be practical given the existing historic façade that could not be adapted to a retail store front with greater transparency and glazing. In addition, the applicant notes that a mixed-use program of commercial and residential would require separate entrances and egress which would not be feasible given the small and irregular floor plates of the existing building. Similarly, the applicant explains, an alternative which includes less commercial use (a reduced-use variance) would face the same hardships, costs, and economic feasibility as the as-of-right community facility and residential designs for the portions of the existing building to occupied by community facility or residential uses. In contrast, the applicant reiterates that the proposed office development's construction costs would be lower than the conforming development's because of the proposed interior structure for office use instead of added floors and fit-out costs for partial community facility and residential use. Finally, the applicant further states that the proposed office development would gain value with higher revenues and the added value of Historic Tax Credits (which would be unavailable to the as-of-right uses). Therefore, the applicant concludes that a lesser variance alternative could not generate a reasonable return and the variance to allow commercial office use is the minimum necessary to earn a reasonable return.

Accordingly, the Board finds that the proposed variance is the minimum necessary to afford relief within the intent and purposes of the Zoning Resolution.

V. Board Review

At hearing, the Board directed the applicant to clarify the proposed conditions of the cellar and better illustrate the massing of the adjacent buildings. In response, the applicant clarifies that the cellar would be expanded by raising a portion of the Church Building's ground floor, which currently sits below the level of the entryway, and no excavation would be required. The applicant also submitted revised as-of-right residential, as-of-right community facility, and proposed conditions plans with the addition of elevation drawings of the adjacent buildings.

VI. Environmental Review

The project is classified as an Unlisted action pursuant to Section 617.4 of 6 NYCRR. The Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final EAS CEQR No. 26BSA022M, dated August 10, 2026 (the date of the Board's grant).[1] The EAS documents that the project as proposed would not have significant adverse impacts on land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and

---

[1] The Board notes that the most recent copy of the EAS submitted to the Board is itself dated April 2026 and marked in the upper-right corner of the document with the date July 28, 2026, but here is considered dated August 10, 2026, the Board's decision date, to reflect the date of the Negative Declaration issuance.

climate change; noise; public health; neighborhood character; construction; or disadvantaged communities.

Specifically, the EAS determines, regarding air quality, that based on its air quality analysis, conditions associated with the proposed project would not result in any violations of the ambient air quality standards and notes that its heating/hot water, ventilation, and air conditioning ("HVAC") system(s) would be powered by grid electric power.

With respect to historic resources, the EAS states that, while the proposed project would facilitate development on a contributing building within an S/NR listed historic district, an LPC Permit would be required for development to occur within the Premises and DOB's TPPN #10/88 would apply to minimize the potential for construction related impacts. Based on the above, there is minimal potential for impacts related to architectural historic resources or archaeological historic resources as a result of the proposed actions and further analysis is not required.

By letter dated March 25, 2026, entitled "Environmental Review…Final Sign-Off (Single Site)," LPC states, in relevant part, that the subject site is a designated New York City landmark or within a historic district and is listed on the National Register of Historic Places. Comments: Subject building is within the LPC-designated Dorrance Brooks Square Historic District. General Comments: Please note that properties individually designated by LPC or located within LPC historic districts require permits from LPC's Preservation Department. Properties listed on or eligible for the State or National Registers (S/NR) require consultation with SHPO if the proposed action involves State or Federal permits or funding.

By further letter dated May 12, 2026, entitled "Archeology," LPC indicates, in pertinent part, that the subject site has no archeological significance and is a designated New York City landmark or within a historic district and is listed on the National Register of Historic Places.

By correspondence dated July 27, 2027, the Department of Environmental Protection ("DEP") states that the Phase I Environmental Site Assessment was reviewed and that based on the submitted documentation, the Phase I did not identify potential hazardous materials concerns on site or nearby. Therefore, no further investigation is warranted for the proposed project.

No other potential significant effects on the environment that would require preparation of an Environmental Impact Statement are foreseeable. Based on the foregoing, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

VII. Decision

The Board finds that the evidence in the record supports the findings required to be made under Z.R. § 72-21, and that the applicant has substantiated a basis to warrant exercise of discretion.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *issue* a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1997, as amended, and makes each and every one of the required findings under Z.R. § 72-21, to *permit* the conversion of a two-story, plus cellar and mezzanine, Use Group ("UG") III(B) house of worship to a four-story, plus cellar and fifth-floor gallery/mezzanine, UG VII office building, in an R7-2 zoning district, contrary to use requirements (Z.R. § 22-17); *on condition* that all work, site conditions and operations shall substantially conform to drawings filed with this application marked "Approved Plans" — Eleven (11) sheets, submitted on May 21, 2026; and on *further condition*:

THAT the bulk parameters of the building shall be limited to the following, as illustrated on the Board-approved plans: a maximum lot coverage of 5,085 square feet (90.6%), a side yard with a minimum width of 5.25 feet, an inner court measuring a minimum of 253 square feet and a width of 5.25 feet, and a maximum wall height of 83 feet;

THAT the heating and hot water, ventilation, and air conditioning ("HVAC") system(s) shall be powered by grid electric power;

THAT HVAC types shall comply with applicable laws and regulations as determined by DOB and all other relevant agencies;

THAT all construction work shall be in accordance with the LPC Certificate of No Effect;

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

THAT a certificate of occupancy, also indicating this approval and calendar number ("BSA Cal. No. 2026-03-BZ") shall be obtained;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved drawings 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 drawings or configurations not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 10, 2026.

CERTIFICATION
This copy of the resolution is hereby filed by the Board of Standards and Appeals on August 25, 2026.

Carlo Costanza,
BSA Executive Director