

287-00-BZ

CEQR #01-BSA- 060M

APPLICANT - Jesse Masyr, Wachtel and Masyr, for Washington Street Associates, LLC, owner.

SUBJECT - Application November 28, 2000 - under Z.R §72-21, to permit in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12.

PREMISES AFFECTED - 600 Washington Street, block bounded by Washington, Morton, West and Leroy Streets, Block 602, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jesse Masyr.

For Opposition: Doris Diether, Community Board No. 2M.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 30, 2000, acting on N.B. Applic. No. 102901905, reads;

1. The proposed 17 story mixed use building containing residential uses in an M1-5 zoning district is not permitted pursuant to Section 42-00 of the Zoning Resolution.
2. The proposed number of accessory off-street parking spaces exceed the number permitted pursuant to Section 13-12 of the zoning Resolution.

and

WHEREAS, a public hearing was held on this application on April 3, 2001, after due notice by publication in the Bulletin, laid over to May 1, 2001. On June 12, 2001, the case was reopened to admit

further evidence in the record and a decision was rendered; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12; and

WHEREAS, the subject site is located on a full block bounded by Washington, Morton, West and Leroy Streets in the West Village of Manhattan measuring approximately 199'9" along Washington Street, 321'6" along Morton Street, 200'5" along West Street, a major arterial highway, and 306' 4" along Leroy Street; and

WHEREAS, the applicant represents that from 1960 until the 1990's the site was used as a trucking and freight storage facility (Use Group 17) and was developed with a one and a two story building on the Leroy Street side and a small one story building in the eastern quadrant of the site and thereafter in 1997, Federal Express leased the open portions of the site for the parking and storage of vehicles; and

WHEREAS, the applicant originally requested a 17, 6, and 5 story building housing a mixture of uses with the 17- story portion on West Street wrapping around Leroy Street, a 6, story low rise portion on the remainder of Leroy Street and Washington Street and a 5-story portion on Morton Street with an increase in accessory parking spaces from 72 to 140; and

WHEREAS, in response to Board and community concerns the applicant's proposal was modified by reducing the mid-rise portion of the building to 14 stories and providing an 8' setback from the street line beginning at the eighth story, increasing the Washington Street and Leroy Street frontages to 7 stories and increasing the Morton Street frontage to 6 stories; and

WHEREAS, the site is burdened with subsurface soil conditions, petroleum contaminated soil from underground storage tanks ("USTs") and the construction restrictions imposed by the PATH tubes; and

WHEREAS, applicant represents that the subject lot is burdened by its irregular shape, its history of development, its subsurface soil conditions and its adjacency to the New Jersey Path System train tunnels create an unnecessary hardship in developing the site with conforming manufacturing or commercial uses; and

WHEREAS, the record indicates that the sub-surface soil conditions will require an extensive

pile foundation system creating an unnecessary hardship in developing the site with conforming uses;

WHEREAS, the tunnels of the Path Train system turn and descend at the corner of Morton and West Streets and come within 4' of the site creating additional construction contingencies and expenses; and

WHEREAS, the record indicates that the site's location, bordered on two sides by residential uses, surrounded by three narrow streets with frontage on an arterial highway, and the site's development as a largely under developed full block constitute unique characteristics and conditions creating an unnecessary hardship and a practical difficulty in developing the site with a conforming use or complying development; and

WHEREAS, evidence in the record, including detailed feasibility analyses characterized by comparables, cost break down and cost estimates demonstrates that a conforming and complying development would not yield a reasonable return; and

WHEREAS, those opposed to the project contend that residential uses are inappropriate for the subject site and will adversely affect the character of the neighborhood which they describe as predominantly developed with manufacturing uses and out of context with the neighborhood; and

WHEREAS, the applicant represents that the proposed mixed-use development is consistent with the existing character of the neighborhood which is characterized by a mixture of commercial manufacturing and residential, including two adjacent residential uses; and

WHEREAS, in order to minimize massing on West Street, the applicant has modified the proposed design to shorten the mid-rise portion of the building and to include an 8' setback beginning at the 8th floor ; and

WHEREAS, the record and numerous site inspections indicate that an increase in the number of parking spaces and the proposed mixed use development with a combination of studios, one, two and three bedroom apartments, town house style units, loft like units, combined with the retail and restaurant component is compatible with this mixed-use neighborhood; and

WHEREAS, the Board finds that use of the site for housing is compatible with other uses in the immediate area because it is located on the edge of the M1-5 district and is adjacent to existing residential uses; and

WHEREAS, the Board finds that the contentions that the proposal will cast undue shadows, worsen existing sewage problems, cause displacement and adversely impact the neighborhood are not supported by the evidence in the record; and

WHEREAS, the Board notes that an increase in

and

the number of permitted parking spaces will have a beneficial affect on the surrounding neighborhood and the viability of the development; and

WHEREAS, the Board finds that the location of the accessory parking garage underneath the proposed interior courtyard is necessary as a result of the aforementioned sub-soil conditions and high water table; and

WHEREAS, therefore, the Board finds that this proposal, as modified, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal, as modified, is the minimum necessary to afford the owner relief; and

WHEREAS, the Board finds that the proposed action is consistent with the requirements of the City's Local Waterfront Revitalization Program; and

WHEREAS, the Board has determined that the evidence in the record supports the findings to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including noise, open space, historic and archaeological resources, traffic and parking, air quality, solid waste and hazardous materials and socioeconomic issues; and

WHEREAS, in response to concerns over the sewage in the area, after consultation with the Department of Environmental Protection, the Board determines that the proposed action will not result in any significant adverse sewage impacts; and

WHEREAS, therefore, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the community has expressed concerns about gentrification and displacement in the neighborhood; and

WHEREAS, the evidence in the record demonstrates no foreseeable significant socioeconomic impacts as demonstrated in the Supplementary Socioeconomic Analysis" dated April 23, 2001; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review. The Board also makes each and every one of the required findings under Z.R. §72-21 and grants a

variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-5 zoning district, a mixed-use development containing residential uses (Use Group 2), which is contrary to Z.R. §42-00 and which exceeds the number of permitted accessory off-street parking spaces contrary to Z.R. §13-12; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 5, 2001"-(15) sheets; and on further condition;

THAT if there is excavation beyond that required to construct the site improvements as set forth in the BSA-approved plans, that the applicant (or if the applicant no longer owns the premises) its successors and assigns shall be required to contact the BSA with respect to such future plans, and the BSA in turn, shall consult with the NYC Department of Environmental Protection to determine if any specific health and safety requirements shall be imposed on those future excavation activities;

THAT as set forth in the BSA approved plans the development will provide a minimum exterior window/wall sound attenuation of 30dBA.

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals June 12, 2001.

