

354-04-BZ

APPLICANT - Friedman & Gotbaum by Shelly S. Friedman, Esq., for Greenwich Tower LLC, owner.

SUBJECT - Application November 8, 2004 - under Z.R. §72-21 to permit the proposed conversion of an existing two-story building, from artist's studio to a single family residence, located in an M1-5 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 637 Greenwich Street, east side, 75.3' south of Barrow Street, Block 603, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated October 27, 2004, acting on Department of Buildings Application No. 102045396, reads:

“Proposed use group two is not permitted as of right in a manufacturing district. This is contrary to section 42-10 ZR.”; and

WHEREAS, a public hearing was held on this application on May 10, 2005 after due notice by publication in the *City Record*, and then to decision on June 7, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-5 zoning district, the conversion of a two-story building with two mezzanines from artist's studio to single family residence, contrary to Z.R. § 42-10; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Greenwich Street south of Barrow Street, with a total lot area of 2,837.6 sq. ft., and is improved upon with an existing four-story building; and

WHEREAS, the lot has a frontage on Greenwich Street of approximately 25 ft., and a depth of 112 ft. on the northern lot line and 114 ft. on the southern lot line; and

WHEREAS, the applicant represents that the building has been used since 1971 as the owner's art studio and residence; and

WHEREAS, the applicant states that previously the existing building was occupied by the Metropolitan Opera and used to house large-scale

scene paintings; as a result, the building was fitted with high ceilings and a split-floor interior configuration to accommodate such paintings; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformity with underlying district regulations: (1) the existing building has narrow and irregularly shaped floors resulting in small floor plates; (2) the building lacks elevator service and other modern commercial amenities; and (3) the building has excessive ceiling heights and mezzanines on both the first and second floors; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulties in developing the site in conformity with the current zoning; and

WHEREAS, the applicant submitted a feasibility study that analyzed a conforming “as-is” industrial use at a 2.77 F.A.R., a renovated conforming industrial use at a 5.0 F.A.R., and a renovated conforming commercial office use at a 5.0 F.A.R.; and

WHEREAS, the feasibility study demonstrates that a conforming manufacturing or commercial use would not yield a reasonable return because the existing building's inherent functional obsolescence is not conducive to commercial or manufacturing uses, and a newly constructed commercial or manufacturing use has an insufficient floor plate because of the small lot size; and

WHEREAS, therefore, the Board has determined that because of the subject lot's unique physical conditions, namely the small floor plates, the excessively high ceilings and the lack of commercial amenities including an elevator, there is no reasonable possibility that development in strict conformity with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood; and

WHEREAS, the applicant states that the buildings surrounding the property are mixed-use, and that residential lofts are found in within the site's 400 ft. radius, along with tenement walk-ups, community facilities and parking garages; and

WHEREAS, the applicant states that, specifically, the property to the north of the site is a parking lot, and the L-shaped lot to the east and south of the site and the lot to the west of the site are community facilities; and

WHEREAS, the Board has conducted a site visit and concludes that residential use of the site is appropriate given the predominance of residential use in the immediate area; and

354-04-BZ

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

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

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-190M dated February 3, 2004; and

WHEREAS, 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 and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, 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 1977, as amended, and makes each and every one of the required findings under Z.R. § 72-21 and grants a variance to permit, within an M1-5 zoning district, the conversion of an two-story building from artist's studio to single family residence, contrary to Z.R. § 42-10; on condition that any and all work shall

substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 24, 2005"-(7) sheets; and on further condition:

THAT the interior layout and all exiting requirements 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 7, 2005.

A true copy of resolution adopted by the Board of Standards and Appeals, June 7, 2005.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.