

371-01-BZ

CEQR#02-BSA-079M

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.
SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.
PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal and Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE CLOSE HEARING -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 8, 2001 acting on Applic. No. 103026280 reads:

1. "Residential use not permitted in M1-6 Zoning District as per Zoning Resolution 42-00"; and
2. There are no bulk regulations for residential use in M1-6 district. They must be provided by BSA."; and

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, and the construction of a new eighth story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00; and

WHEREAS, the building is located at the south side of Charlton Street in an M1-6 zoning district; and

WHEREAS, the site's zoning lot has a frontage of 49'2 1/2" on Charlton, a depth of 124'6" on its eastern portion and 100'4" on its western portion, with a total lot area of 5,552 sf ; and

WHEREAS, the building has historically completely covered its zoning lot ; and

WHEREAS, the applicant proposes in order to provide light and air for the residential occupants of the Building that: for the Eastern Portion, its rear 15 feet be removed, which together with the 12 feet that exist between the rear lot line of the Western Portion and the wall of the residential building to the south would provide the residential occupants of floors 3 through 7 of the Western Portion of the Building with 22 feet of light and air; and

WHEREAS, the applicant proposes that some of the floor area removed from the Building to create the rear yards of the Eastern Portion and Western Portion would be used to create an eighth floor, and application is made to use this newly constructed eighth floor for residential use; and

WHEREAS, the record indicates that the Building was constructed as a warehouse prior to 1880 and it is no longer feasible to use the Building for such use; and

WHEREAS, the applicant claims that among the practical difficulties which burden this structure are the two foot thick structural wall divides the Building into the Eastern Portion and Western Portion, with narrow widths and great depths; and

WHEREAS, the applicant also claims that only one small elevator located in the Eastern Portion provides access to the upper floors of both the Eastern Portion and Western Portion, and because the structural wall separating the Eastern Portion from the Western Portion has only two openings, the movement of the warehoused goods to the Western Portion is severely restricted; and

WHEREAS, the applicant further claims that only one wooden stairway connecting the upper floors of the Building to the ground level, there are low floor to ceiling heights on most floors, there is no HVAC system and they building only has minimum plumbing; and

WHEREAS, the applicant represents that it is not feasible to convert the Building to office use for many of the same reasons and the Building now provides light and air only through windows in its front facade, which requires that almost all the offices be interior; and the single elevator would not be adequately serve and office population; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that conforming use in the entire building are extremely costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as

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well as many buildings which are solely residential or commercial; and

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

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

WHEREAS, the Board finds that the variance application is the minimum variance 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 §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven-story former warehouse building, and the construction of a new eighth story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 9, 2002"-(10) sheets and "April 16, 2002"-(3) sheets; and on further condition;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Cental Station will be installed throughout the building;

THAT any change in use on the first floor or cellar shall require approval from the Board;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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

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.

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