

606-75-BZ

APPLICANT – Sheldon Lobel, P.C., for Printing House Condominium, owners.

SUBJECT – Application July 3, 2013 – Amendment of a previously approved variance (§72-21) which allowed the residential conversion of a manufacturing building; amendment seeks to permit a reallocation of floor area between the maisonette and townhouse units, resulting in a reduction of total units and no net change in total floor area. M1-5 zoning district.

PREMISES AFFECTED – 421 Hudson Street, corner through lot with frontage on Hudson Street, Leroy Street and Clarkson Street, Block 601, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance permitting residential use within a manufacturing district; the amendment proposes the relocation of floor area from maisonette units to townhouse units, with no net change in floor area, and a reduction in the total number of dwelling units on the zoning lot; and

WHEREAS, a public hearing was held on this application on September 24, 2013, after due notice by publication in *The City Record*, and then to decision on October 22, 2013; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

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

WHEREAS, certain members of the surrounding community testified in support of the application; and

WHEREAS, certain members of the surrounding community testified in opposition to the application; and

WHEREAS, the subject site spans the full length of Hudson Street between Leroy Street and St. Luke’s Place, within an M1-5 zoning district; and

WHEREAS, the site has approximately 200 feet of frontage along Hudson Street, 150 feet of frontage along Clarkson Street, 125 feet of frontage along Leroy Street, and a lot area of 27,584 sq. ft.; and

WHEREAS, the site is occupied by a ten-story mixed residential and commercial building (the “Main Building”) and five, two-story residential buildings (the “Townhouses”), with a total of 184 dwelling units; the ground floor and mezzanine of the Main Building contains eight residential units (the “Maisonettes”); and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 20, 1976 when, under the subject calendar number, the Board granted a use variance authorizing the conversion of an existing eight-story industrial building to a mixed commercial and residential building (Use Group 2) within an M1-5 zoning district; on that same day, under BSA Cal. No. 607-75-A, the Board granted an appeal pursuant to New York State Multiple Dwelling Law § 310 waiving compliance with certain provisions of the MDL governing rear yard, egress, living room depth from a window, and flue projections; and

WHEREAS, on April 5, 2011, under BSA Cal. No. 226-10-BZ, the Board granted a special permit pursuant to ZR § 73-36 to permit a physical culture establishment (“PCE”) on the first, ninth and tenth stories of the building; simultaneously, the Board granted an amendment to the subject variance to reflect the floor plan changes associated with the PCE; and

WHEREAS, subsequently, in 2011 and in 2012, the Board issued letters of substantial compliance authorizing various reconfigurations of the residential units, resulting in an overall reduction in the number of units from 184 to 154; and

WHEREAS, the applicant now seeks to amend the grant to decrease the floor area of the mezzanine levels within the Maisonettes by 1,345 sq. ft., increase the floor area of the Townhouses by 1,345 sq. ft. and to alter certain other dwelling units within the Main Building; the proposed relocation of floor area and Main Building alterations will result in a decrease in the number of Maisonette dwelling units from eight to three and a decrease in the number of Townhouse dwelling units from five to two; the alterations not related to the Maisonettes or the Townhouses will result in a decrease in the number of dwelling units from 141 to 138; and

WHEREAS, the applicant states that the amendment will increase the height of the Townhouses from 26’-1” to 29’-9” and will result in new landscaping, walkways and drainage; and

WHEREAS, the applicant asserts that the proposed reduction in the number of dwelling units at the site will decrease the scope of the use variance and will have no adverse effects on the surrounding community; and

WHEREAS, at hearing, the Board requested amended drawings clearly delineating the relocation of the floor area; and

WHEREAS, in response, the applicant submitted amended drawings; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and amendment are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 20, 1976, to permit the relocation of floor area from the Maisonettes to the Townhouses and the reduction in the number of dwelling

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units at the site; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received October 8, 2013'- seventeen (17) sheets; and *on further condition*:

THAT there will be no increase in the floor area at the site;

THAT Multiple Dwelling Law compliance will be reviewed and approved by DOB;

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

THAT the approved plans will 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." (DOB Application No. 121326145)

Adopted by the Board of Standards and Appeals, October 22, 2013.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 22, 2013.
Printed in Bulletin Nos. 42-43, Vol. 98.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

