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Bo Riccobono, *First Vice Chair*  
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Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

October 10, 2012

Meenakshi Srinivasan, *Chair*  
NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
New York, New York 10006-1705

Dear Chair Srinivasan:

At its Full Board meeting on September 20, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**8-12 Bond Street (aka 358-364 Lafayette). A resolution supporting an application to the Board of Standards and Appeals to allow construction of a new 7-story residential building with ground floor retail in an M1-5B district, but requesting exclusion of a proposed one-car garage and restriction of use for Eating and Drinking establishments.**

Whereas

1. Attorneys for the applicant Deirdre Carson and Randall Minor of Greenberg Traurig appeared before the committee and applicants were available to respond to questions from the committee;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The property as it exists today includes a parking lot, a 3-story advertising sign, a 1-story structure formerly used as a garage, and a 2-story early 19<sup>th</sup>-century factory building;
4. The property is within the Noho Historic District, but none of the structures are contributing buildings;
5. In February, 2010, the BSA granted a variance to the property allowing construction of a 7-story transient hotel;
6. CB-2 supported the application for the prior variance;
7. The owners determined they would not obtain a reasonable return on the hotel development;
8. The proposed residential use is more in keeping with the character of the neighborhood than a hotel or other commercial use;
9. The zoning analysis provided with the application determined that the closest and most analogous district that permits residential use is C6-2, a district that also results in buildings that are consistent with the character of other buildings in the area;
10. The C6-2 zone would also potentially allow commercial uses in the whole building, including hotel use, but only residential apartments are proposed;

11. The proposed design including modifications after presentation to the CB-2 Landmarks Committee, has been approved by the Landmarks Preservation Commission;

12. The proposed structure will be a 7-story building with 11 residences and ground floor retail;

13. The proposal also includes a one-car garage associated with the “maisonette” apartment;

14. Zella Jones, representing Noho-Bowery Stakeholders, spoke in favor of a residential project including limited ground floor retail at this site, but against the one-car garage, and requested a stipulation against Eating and Drinking establishments, or at least a limitation of the total floor area of any such establishment to 1500 square feet;

**Therefore it is resolved that CB2 Manhattan**

- 1. Supports the application for a variance to allow construction of a new 7-story residential building with ground floor retail at 8-12 Bond Street;**
- 2. Requests that BSA include appropriate provisions to insure that this variance is specific to the proposed project and does not allow for any commercial use above the ground floor or in either of the proposed open courts in the rear yard;**
- 3. Considers Eating and Drinking establishment on this corner to be out of character for this block and likely to create an undesirable impact and requests a use restriction on the ground floor commercial space to prohibit such use.**
- 4. Opposes approval for the proposed one-car garage.**

Vote: Passed, with 40 Board members in favor and 1 against-(Diether)

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October 10, 2012

Meenakshi Srinivasan, *Chair*  
NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
New York, New York 10006-1705

Dear Chair Srinivasan:

At its Full Board meeting on September 20, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**154 Hester Street, corner of Elizabeth Street: A resolution supporting an application to the Board of Standards and Appeals for variances to the Zoning Resolution waiving requirements of Section 109-121 regarding floor area, Section 109-122 regarding lot coverage, and Section 54-31 regarding enlargement of a non-complying building.**

Whereas

1. Attorneys for the applicant Richard Lobel and Nora Martins of Sheldon Lobel, PC, appeared before the committee along with four representatives of the applicant;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The applicant is the Oversea Chinese Mission, a non-for-profit religious organization that has existed for over 50 years with central offices at these premises and with six church branches located in Queens, Long Island, Manhattan, and New Jersey;
4. The applicant demonstrated its long-term commitment to serving the neighborhood at the premises;
5. The facility has weekly attendance of over 1500 at services in Chinese and English;
6. The facility also serves fellowship groups serving over 800, community services including after school programs for 100 children, summer camp for over 400, youth basketball camp for 100, GED, ESL, and Naturalization classes; programs for more than 60 senior citizens, an annual street fair, and a care for the homeless project with 438 volunteers;
7. The applicant provided evidence including photos of over-crowded conditions;
8. The goal of the project is to provide a major infrastructure upgrade, building code compliance, enhancement of facilities including improved accessibility and safety; and increase of overall usable area;
9. The application will allow an existing light well to be filled on floors two through eight;

10. The variances will add 2,300 square feet to the total occupied space in the building and will improve efficiency of use of existing space;
11. The current lot coverage is 95 percent, in excess of the allowed coverage in this C6-2G district within the Special Little Italy District, and the variance, if granted will allow 100 percent lot coverage;
12. The presentation provided convincing evidence, including photographs, that the expansion will not be visible from the street and will not have a significant impact on light and air or quiet for neighbors;
13. The application provides evidence that required findings for the waivers are met;
14. A show of hands indicated 10 community members were in attendance in support of the application;
15. The applicant submitted seventy-six signed consent letters from businesses and residents indicating understanding of and support for the application;
16. CB-2 Member Anthony Wong spoke in favor of the application, citing the importance of the applicant's services to the neighborhood and the need for upgrade and expansion of the existing facility;
17. There were no speakers or letters received in opposition to this application.

**Therefore it is resolved that CB2 Manhattan supports this application for variances to the Zoning Resolution to allow the expansion and improvement of the building at 154 Hester Street to serve the needs of the Chinese Oversea Mission.**

Vote: Unanimous, with 42 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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October 9, 2012

Meenakshi Srinivasan, *Chair*  
NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
New York, New York 10006-1705

Dear Chair Srinivasan:

At its Full Board meeting on September 20, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**600 Washington St. (west side between Leroy and Morton Streets). A resolution supporting an application to the Board of Standards and Appeals for a special permit to legalize an existing physical culture establishment within an existing mixed use seven story residential building in an M1-5 zoning district.**

Whereas:

1. The applicant's attorney Ellen Hay of Wachtel Masyr & Missry LLP made a presentation to the committee;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The physical culture establishment is a 3925 square foot boxing gym on the ground floor;
4. The hours of operation would be 6:00 AM – 10:00 PM, Monday through Friday and 6:00 AM through 8:00 PM on Saturday and Sunday;
5. The gym serves approximately 250 people per day with no more than 45 patrons during peak hours, and has four employees;
6. The use appears to be compatible with other uses in the building, and is not likely to impair the privacy, quiet, light, and air in the neighborhood;
7. The use will not interfere with any public improvement project;
8. The applicant is requesting a term of 10 years, as allowed;
9. The use adds a valuable health and physical fitness alternative for residents of the area;
10. The applicant's attorney represented that the applicant failed to obtain the required permit when the establishment first opened because he was insufficiently funded;
11. There were no speakers or letters received in favor of or in opposition to the application.

**Therefore it is resolved that CB2 Manhattan**

- 1. Supports granting of this special permit by BSA to legalize a physical culture establishment use at 600 Washington Street;**
  
- 2. Recommends that the start date of the permit be back-dated to the date the establishment opened without the required permit so that the applicant does not achieve a benefit by opening without a permit.**

Vote: Unanimous, with 42 Board members in favor.

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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October 10, 2012

Amanda Burden, FAICP  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden,

At its Full Board meeting on September 20, 2012, CB#2, Manhattan, adopted the following resolution:

**153 Elizabeth Street (aka 30-40 Kenmare): A resolution stating no objection to an authorization from the City Planning Commission to modify the height and setback regulations of ZR 109-41 which limits the height of any new building within a C6-1 zone in the Special Little Italy District to eight stories to legalize a mezzanine built with approval of the Department of Buildings (DOB).**

Whereas

1. Attorney for the applicant Howard Zipser of Akerman Senterfitt LLP appeared before the committee along with applicant Brett Nidel of Veracity Development and building architect Matthew Grzywinski of Grzywinski + Pons LTD;
2. A complete set of application documents was delivered to committee members in advance of the meeting;
3. The building is a nine-story hotel currently operating under a temporary certificate of occupancy with a lobby and eating and drinking establishment on the first floor and 55 rooms on floors 3-9;
4. The built structure includes a mezzanine open to the lobby below including two guest rooms and two mechanical equipment rooms, but this mezzanine is not included in the currently allowed occupancy;
5. The building as constructed conforms to plans approved by DOB on March 9, 2007;
6. On July 10, 2009, subsequent to completion of the structure but prior to issuance of a certificate of occupancy, DOB issued an objection, based on a Department of City Planning ruling, to the effect that the mezzanine is a story and therefore the building exceeds the eight stories allowed in the district;
7. The building height complies with the maximum height of 85 feet allowed in Area C of the Special Little Italy District, and the occupied area conforms to the allowed lot coverage and 6.0 FAR of the C6-1 zone;

8. The applicant stated that mezzanines were not considered to be stories in the NYC building code;
9. The Zoning Regulation does not indicate whether or not mezzanines are to be considered stories;
10. Unlike other cases where this lack of clarity has been intentionally abused by developers, the applicants appeared to make a good faith effort to comply with regulations while attempting to maximize the legal use of their property;
11. By not considering the mezzanine to be a story, the applicants were able to make full use of their allowed FAR and add two additional rooms to this small hotel;
12. The applicants persuasively argued that they have suffered a hardship as a result of occurrences out of their control;
13. The applicants persuasively argued that it cause an unbearable additional hardship to remove the top story of the completed and occupied building and it is not physically possible to remove the mezzanine;
14. There would be no public benefit served by continuing to keep the existing mezzanine unoccupied;
15. The applicants stated that there would be no use of the mezzanine for an Eating and Drinking establishment and stated they would not object to a stipulation indicating there would be no future application to modify its use for that purpose;
16. This waiver, if granted, would not create a precedent because it is now clear that a mezzanine shall be considered a story;
17. Four community residents spoke against the application which they said undermines the purposes of the Special Little Italy District, and said that the building is an eyesore that harms the historic character of the area;
18. CB2 also received several emails in opposition to this Request;
19. One community resident spoke in favor of the application, and said the hotel has brought life and energy to the area;

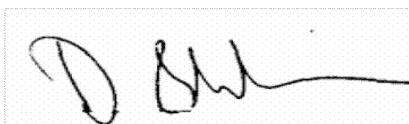
**Therefore it is resolved that CB2 Manhattan**

- 1. Based solely on the special circumstances leading to this request, does not object to a waiver allowing this building to be occupied as a nine-story building not conforming to the requirements of the Special Little Italy District;**
- 2. Requests that the applicant be required to provide an appropriate method to prevent use of the mezzanine as part of any Eating or Drinking establishment for as long as the building shall stand;**
- 3. Urges the City Planning Commission to amend the Zoning Resolution to clarify that mezzanines are to be treated as stories.**

Vote: Unanimous, with 42 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Tobi Bergman, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan



DG/gh

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Thomas K. Duane, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Pauline Yu, CAU  
Vivian Awner, Community Board Liaison, Dept. of City Planning  
Land Use Review Unit, Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals  
Derek Lee, Man. Borough Commissioner, NYC Department of Buildings  
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning