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Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
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

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

July 24, 2015

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 23, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

357 Canal Street (between West Broadway and Wooster Street) Application CEQR# 15DCP149M & Land Use I 150333 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

Whereas:

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1992. Specifically:
 - a. The second and fifth floors are “buyr” (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
 - b. The third and fourth floors were abandoned and must stay residential but are also not rent-regulated.
4. There is no Certificate of Occupancy for the building.
5. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
6. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
 - a. Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected

- b. The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
 - c. The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
 - d. The Garment Industry Development Corp. – no posts to their Facebook page since 2009
 - e. The Federation of Apparel Manufacturers – only address listed was on West 34th St., but letter was sent to an address on Seventh Ave.
 - f. Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
 - g. The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers
7. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
 8. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
 9. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
 10. The cellar and ground floor of the building have been vacant since August, 2009.
 11. Retail space is limited to 1112 sf of floor space in the cellar and 930 sf of zoning floor area on the ground floor.
 12. There is a 13'9"-wide potential entrance on Wooster St. to this property, which if combined with this space and the applicant's adjoining property at 359 Canal, could threaten to overtax that narrow street.
 13. There is also the possibility that the ground floors and cellars of these two buildings could in the future be combined. However, the application states that the requested action is not intended to facilitate any construction or structural changes at the project area.
 14. No members of the public appeared on this issue.

Therefore, be it resolved that CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

Be it further resolved that if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
- b. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
- c. That the DOB filing shall include all work needed for a permanent CO for the entire building.
- d. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection;

- e. The applicant be held to its assertion that there will be no construction or structural changes at the project area.
- f. That sufficient measures will be taken to assure safe and healthful habitation of upper floors during all phases of work;
- g. That the developer and general contractor will provide email addresses and mobile phone numbers to residents to assure 24/7 availability of liaisons until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

- c: Hon. Jerrold Nadler , Congressman
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale A. Brewer, Man. Borough President
Hon. Margaret Chin, Council Member

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July 24, 2015

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 23, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

359 Canal Street (between West Broadway and Wooster Street) Application CEQR# 15DCP150M & Land Use I 150334 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

Whereas:

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1992. Specifically:
 - a. The second and fourth floors are buyr (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
 - b. The third and fifth floors must stay residential and are rent-regulated.
4. There is no Certificate of Occupancy for the project area.
5. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
6. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
 - a. Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected

- b. The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
 - c. The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
 - d. The Garment Industry Development Corp. – no posts to their Facebook page since 2009
 - e. The Federation of Apparel Manufacturers – only address listed was on West 34th St., but letter was sent to an address on Seventh Ave.
 - f. Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
 - g. The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers
7. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
 8. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
 9. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
 10. The cellar and ground floor of the building have been vacant since July, 2013.
 11. Retail space is limited to 1335 sf of floor space in the cellar and 1161 sf of zoning floor area on the ground floor.
 12. The applicant's adjoining property at 357 Canal has a 13'9"-wide potential entrance on Wooster St, which if combined with this property could overtax this narrow street.
 13. There is also the possibility that the ground floors and cellars of these two buildings could in the future be combined. However, the application states that the requested action is not intended to facilitate any construction or structural changes at the project area.
 14. No members of the public appeared on this issue.

Therefore, be it resolved that CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

Be it further resolved that if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
- b. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
- c. That the DOB filing shall include all work needed for a permanent CO for the entire building.
- d. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection;

- e. The applicant be held to its assertion that there will be no construction or structural changes at the project area.
- f. That sufficient measures will be taken to assure safe and healthful habitation of upper floors during all phases of work;
- g. That the developer and general contractor will provide email addresses and mobile phone numbers to residents to assure 24/7 availability of liaisons until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

- c: Hon. Jerrold Nadler , Congressman
- Hon. Daniel Squadron, NY State Senator
- Hon. Deborah J. Glick, Assembly Member
- Hon. Gale A. Brewer, Man. Borough President
- Hon. Margaret Chin, Council Member

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July 24, 2015

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 23, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

449 Broadway (the west side of Broadway between Grand and Howard) Application CEQR# 15DCP151M & Land Use ID # I150337 ZSM for a special permit pursuant ZR Section 74-781 to allow UG6 below the floor level of the second story of a building located in an M1-5B zoning district.

Whereas:

1. This is a five-story building located within an M1-5B zoning district.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. Use Group 6 office uses will remain on the upper floors.
4. There is no Certificate of Occupancy for the building.
5. The applicant presented evidence of a most perfunctory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following information on the entities contacted by the applicant:
 - a) Association of Graphic Communications – incorporation lapsed in 2009 and phone disconnected
 - b) The Chambers/Canal Civic Association – no references later than 1992 and phone disconnected
 - c) The Association of Commercial Property Owners – only internet references are to a 1988 lawsuit and no phone listing in whitepages.com
 - d) The Garment Industry Development Corp. – no posts to their Facebook page since 2009
 - e) The Federation of Apparel Manufacturers – only address listed was on West 34th St., but letter was sent to an address on Seventh Ave.

- f) Local 23-25/UNITE – labor union defunct since 2004; letter sent to an address on Seventh Ave.; actual address is 33 W 14th St., NY 10011
 - g) The Chinese-American Planning Council – a social service agency offering services for youth and the elderly in the Chinatown area; unrelated to manufacturers.
6. The required advertisements in the New York Post and The Villager were not even legible and did not properly reflect the audience for the space by referring to it only as suitable for "manufacturing," whereas in fact the M1 zone is appropriate for myriad light industry uses such as, but not limited to, woodworking shops, repair shops, computer sales, retail plumbing and bath equipment showrooms, copying centers, wholesale service and storage facilities, and even houses of worship.
 7. The letter from Robert Frischman dated February 25, 2014 (Exhibit B) confirming that he was retained by the applicant to market and lease the above property did not mention that, according to an article in The Real Deal dated November 19, 2013, he left his firm three months prior to head the Retail division of EVO Real Estate Group. His firm no longer exists and the phone has been disconnected.
 8. An attendee at the Land Use meeting who owns a manufacturing business expressed interest in the space at the advertised rate of \$80 per sf, but was unaware of any advertising efforts.
 9. No members of the public appeared on this issue.

Therefore, be it resolved that CB2, Man. has no objection in principle to allowing Use Group 6 at this location, but recommends DENIAL of this application in light of the complete absence on the part of the applicant of a good faith marketing effort to find a tenant; and

Be it further resolved that if this application is approved, CB2, Man. recommends that the following be included as conditions of approval:

- a) That the DOB filing include all work needed for a permanent CO for the entire building.
- b) That sufficient measures be taken to assure safe and healthful habitation of the upper floors during all phases of work;
- c.) That the developer and general contractor provide email addresses and mobile phone numbers to office tenants to assure 24/7 availability until all work is signed off on by the DOB.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, NYC Council Member

Tobi Bergman, *Chair*
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July 24, 2015

Margery Perlmutter, Chair
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Madame Chair Perlmutter:

At its Full Board meeting on July 23, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

650 Broadway (east side of Broadway between Bleecker and Bond Street) for a Physical Culture Establishment (PCE). BSA Application #131-15-BZ is for a special permit per ZR 73-36 to legalize and allow operation of a PCE in an M1-5B zoning district. The PCE to be operated as Clockwork Jiu Jitsu.

Whereas:

1. The application was presented to the committee by Michael Naemins of Eric Palatnik; and
2. The proposed Physical Culture Establishment is in an M1-5B zone where this use is not allowed as-of-right and a Special Permit is required; and
3. The use as proposed will not impair the essential character or the future use or development of the surrounding area; and
4. The proposed premises will include facilities for classes, instruction and programs for learning and practicing Brazilian Jui Jitsu; and
5. The applicant indicated that noise abatement measures are provided within the PCE space to ensure that the sound level does not exceed 45 dba; and
6. There were no public speakers for or against the application.

Therefore, be it resolved that: CB2, Man. recommends APPROVAL for a special permit to allow operation of a Physical Culture Establishment to be operated as Clockwork Jiu Jitsu at 650 Broadway.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

c: Hon. Jerrold Nadler , Congressman
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale A. Brewer, Man. Borough President
Hon. Margaret Chin, Council Member
Ryan Singer, Executive Director, Board of Standards & Appeals

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July 27, 2015

Rick D. Chandler
Commissioner
NYC Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner Chandler:

At its Full Board meeting on July 23, 2015, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

529 Broadway (northwest corner of Broadway and Spring Street). A new six-story retail building is under construction to replace a two-story building that was demolished. Owners at 99 Spring Street, CB2, Man., and the offices of the Manhattan Borough President and Council Member have raised concerns regarding approval of the project by the Department of Buildings as an ALT 1 enlargement of the prior structure rather than as a new building, with implications regarding the rights and safety of the neighboring buildings, as well as, the conforming uses in the surrounding area.

Whereas:

1. CB2, Man. scheduled a public hearing to review complaints from neighbors regarding what were referred to as inaccurate and dishonest representations made to the Department of Buildings in connection with Job #121235608 as well as a failure of DOB to respond to complaints from the neighbors and inquiries from CB2 and the office of the Manhattan Borough President;
2. CB2, Man. notified the applicants, owners of neighboring buildings, and the Manhattan Borough DOB Commissioner, of the time and place of the hearing;
3. On September 8, 2014, NYC DOB approved an application for an ALT 1 "Interior renovation on all floors including demo work, and vertical enlargement" as well as an application for "File with foundation, structural, and partial demolition of structural work;"
4. Subsequent to the approval, the prior two-story steel frame building was entirely demolished including all walls, structure, and foundations, and construction began on a new building with new footings and foundations;

5. The NYC Building Code requires that a New Building application be filed if “a) an existing building is completely demolished to grade or b) more than 50% of the area of exterior walls of such building are removed in addition all floors at or above grade and roof are removed, and any portion of the foundation system is altered or enlarged;”
6. The DOB approvals for this development as an enlargement of an existing building were based on a filing by the applicant of a CCD1 Construction Code Determination Form stating that the walls of the two adjacent buildings were “party walls” and therefore 50% of the exterior walls of the demolished building were still standing;
7. Representatives of 99 Spring Street complained of the repeated granting of waivers for Saturday construction by the DOB based on assertions by the applicant that there is no residential property nearby;
8. They presented detailed and persuasive documentation including copies of deeds and surveys and extensive historic information about the prior buildings on the 529 Broadway site to show that the claim of a party wall shared by the two buildings is false;
9. The CCD1 filed by the applicant offered no evidence of a prior party wall;
10. DOB only stated that “the request to concur that party walls qualify as exterior walls in applying TTPN 1-02 is hereby approved”;
11. The burden of proof for allowing a new building to proceed as an enlargement based on a prior party wall should require the applicant to provide documentation of the existence of a party wall because improper declaration of a party wall is equivalent to a taking of real property;
12. The applicants failed to appear at the hearing and the DOB representative declined to speak;
13. The use of the ALT 1 permit instead of a NB New Building permit avoids the requirement to apply for a special permit and have a public review to continue non-conforming retail use of the floors below the floor level of the second story of the new building;
14. DOB records show that on August 28, 2013, a ZRD1 Zoning Resolution Determination was requested in connection with this job for the purpose of allowing the continuation of the non-conforming Use Group 6 retail use on the First Floor, which for a new building would require a special permit from the City Planning Commission;
15. The development is currently filed for separate retail stores on the first through fourth floors, with each store being 8,596 square feet, thereby not triggering zoning restrictions prohibiting stores greater than 10,000 square feet;
16. Separate stores on each of multiple levels is not a credible retail plan in this area, because the planned use of the building has been publicized as a multilevel NIKE flagship store and related documents have been filed to enable the financial backing of the development;
17. CB2 has expressed deep concern about the transformation of SoHo from a special mixed use area to an area dominated by large retail stores, often many times larger than 10,000 square feet, and often allowed by DOB without the required special permits;
18. As a result of this transformation that favors large “high credit” chain stores, many parts of SoHo have already lost their attractiveness for specialty retail, galleries, and residential and office uses that the area is known for;
19. Circumventing the CPC special permit process allows large stores to be established without demonstrating that they are not harmful to neighborhood character and to conforming uses in the area;

Therefore, CB2 Manhattan calls on the Department of Building:

1. To issue a 15-day Intent to Revoke requiring proof that the east wall of 99 Spring Street served as a party wall for a prior structure at 529 Broadway;
2. To respond as required of City agencies to complaints and inquiries from interested parties, the community board, and elected officials;

3. To immediately initiate a transparent review of its policies and procedures regarding approvals of stores exceeding 10,000 square feet in the M1-5A and M1-5B districts.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
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Hon. Margaret Chin, Council Member
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Hon. Daniel Squadron, NY State Senator
Margery Perlmutter, Chair of NYC Board of Standard & Appeals
Meenakshi Srinivasan, Chair of NYC Landmarks Preservation Commission
Martin Rebholz, Manhattan Borough Commissioner, Dept. of Buildings
Carl Weisbrod, Director of City Planning Commission
Edith Hsu-Chen, Manhattan Director of City Planning.