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Susan Kent, *First Vice Chair*
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COMMUNITY BOARD NO. 2, MANHATTAN

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

April 4, 2022

Melanie La Rocca
Commissioner, New York City Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner La Rocca:

At its Full Board meeting March 24, 2022, Community Board #2, adopted the following resolution:

RESOLUTION REGARDING NEW YORK UNIVERSITY (NYU) COMMITTING SPACE AT 181 MERCER OR OTHER SUBSTANTIVE RESOURCES IN SUPPORT OF THE RELOCATION OF THE MORTON WILLIAMS SUPERMARKET

WHEREAS 181 Mercer, NYU's new multi-use building located on the block between Bleecker Street and Houston Street, began construction in 2016 and is scheduled to be completed in the late fall of 2022, and

WHEREAS 181 Mercer is a 23-story, large-scale development comprised of 750,000-square-feet and a cornerstone of NYU's "Core Plan" (formerly known as "NYU 2031 Plan"), and

WHEREAS NYU's Core Plan went through the Universal Land Use Review Procedure (ULURP) in 2012, where the City Planning Commission (CPC) and the City Council approved construction of 181 Mercer, and

WHEREAS the original Core Plan allowed for the development of four buildings, but NYU has scaled back its plans, with no additional construction currently contemplated as part of this plan beyond 181 Mercer, and

WHEREAS the 181 Mercer building will house new classrooms, dining areas, rehearsal spaces, offices, student and faculty housing, a 556-person theater, an athletic facility with a swimming pool, track and four basketball courts, approximately 60 general-purpose classrooms, 7,500-square-foot ground floor community room, and 25,000 square feet of green roofs, and

WHEREAS a joint letter was sent on February 28, 2022 by local elected officials to Department of Buildings (DOB) Commissioner Melanie LaRocca stating that DOB approved significant changes to the zoning initially approved by the [CPC in 2012 \(NYU Core special permit application dated June 6,](#)

[2012 \(ULURP No. C120124ZSM\)](#) that required the 29,000 square foot ground floor to be zoned for commercial uses, but DOB approved a design plan in 2018 that showed the entirety of 181 Mercer would be community facility uses, which is in violation of the 2012 CPC approval, and

WHEREAS NYU originally planned to construct a building on the Morton Williams site, at Bleecker Street and LaGuardia Place, and promised to provide space for a public school in the base of the building as part of the Restrictive Declaration, and

WHEREAS NYU no longer has plans to build on the Morton Williams site as part of its Core Plan, and

WHEREAS the New York City School Construction Authority (SCA) had an option to build a public school at the Morton Williams site as part of NYU's Restrictive Declaration (School Option), and

WHEREAS the deadline for the SCA to confirm its intentions to build a public school was extended by NYU twice from its original December 31, 2014 to a final deadline of December 31, 2021, and

WHEREAS the School Construction Authority (SCA) agreed in December 2021 to build a stand-alone public school on the Morton Williams site, and

WHEREAS NYU provided a further extension to SCA until December 31, 2023 to decide whether to proceed with the design process of a public school and commence actual construction by December 31, 2025 and SCA accepted the offer of the extension, and

WHEREAS NYU acknowledges that the Morton Williams market has been an upstanding tenant, and

WHEREAS NYU has been in conversations with Morton Williams, during which NYU stated that 181 Mercer could be an option if SCA planned to use the Morton Williams site for a public school, and

WHEREAS NYU states that SCA did not indicate their intention to build a public school on the Morton Williams site before the design of 181 Mercer was completed, and which now does not include a supermarket in the design plans, and

WHEREAS in January 2012, the CB2 Social Services and Education committee sent questions to NYU regarding their expansion plans and in response the question: "How will seniors in 505 LaGuardia as well as SoHo and the Central Village for whom Morton Williams is the closest supermarket get food independently?" NYU responded: "Local residents will be served by the relocated grocery store in the Zipper building." which was later renamed 181 Mercer, and

WHEREAS NYU presumed there was no reason that the Morton Williams could not continue at its current location, and

WHEREAS NYU states that they have pressing academic needs for 181 Mercer, a building that was already reduced in size due to ULURP, and, therefore, did not want include an unoccupied commercial space in the 181 Mercer development plan, and

WHEREAS NYU renewed the Morton Williams lease for 20 years, in 2021, at its current location, even though NYU knew that the SCA had until December 31, 2021 to exercise its School Option, and

WHEREAS NYU states that 181 Mercer is now fully earmarked for academic and athletic facilities, residences, and performing arts facilities and so there is no more capacity or infrastructure remaining to provide space for the Morton Williams in the building, and

WHEREAS Morton Sloan, third generation owner and CEO of Morton Williams, and his son-in-law and co-owner Avi Kaner, attended the Arts & Institutions committee meeting to advocate for the relocation of the supermarket to another Greenwich Village location, and

WHEREAS Morton Williams is a family business that owns 16 supermarkets in New York City of which 14 are in Manhattan, and

WHEREAS the location in Greenwich Village has been in existence for over 21 years and is currently the only full-service supermarket in this area of Greenwich Village, and

WHEREAS the supermarket remained open 24/7 during the pandemic, even while the NYU campus was shut down, and

WHEREAS in May 2021 the Morton Williams owners signed a new 20-year lease with NYU and the owners committed to a multi-million dollar renovation as a part of that lease renewal, and

WHEREAS up to 3,000 people, including students, faculty, senior citizens, among other demographics, shop at the Morton Williams at 130 Bleecker daily, and

WHEREAS the Morton Williams team says the relocation space needs to be confirmed so they can have eight months to a year to build a new supermarket while the current supermarket is still in operation, and then demolish the current supermarket once the new supermarket is ready so there is no gap, and

WHEREAS NYU and Morton Williams agreed to form a committee to find a viable solution for the relocation, and

WHEREAS Community Board 2 calls for local elected officials, CB2 members and members of the community to have representation on this committee, and

WHEREAS local elected and other stakeholders have written op-eds¹ in support of the relocation of the Morton Williams supermarket near its current site, and

WHEREAS Borough President Scott Stringer assembled a task force in 2010 where the Morton Williams supermarket was deemed “an essential community service and needs to be maintained in continuous operation and replaced prior to the existing building being demolished.”²

WHEREAS the Fall 2010 Issue #15 edition of NYU Alumni Magazine in describing the 2031 Plan stated, “The plans see a large new playground where the Morton Williams grocery store stands today (a new supermarket would open nearby...Another move would be to raze the Jerome S. Coles Sports and Recreation Center. In its place would rise a large structure made of interlocking rectangles—hence its nickname, the “Zipper Building.” It would house classrooms on the lower floors, students above,

¹ DAILY NEWS, *The truth about NYU, a public school and a neighborhood supermarket*, by Jerrold Nadler, Brad Hoylman, Brian Kavanagh, Deborah Glick and Christopher Marte <https://www.nydailynews.com/opinion/ny-oped-nyu-neighborhood-supermarket-20220112-6qsrecgzevfokjvkjq2gyfmm-story.html>

² Community Task Force on NYU Development Findings and Recommendations, March 2010. Section III, Par. B, Item 3: https://www1.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

and a new athletic facility below ground. An active, retail-oriented ground floor, including a supermarket, would enliven Bleecker, Mercer, and Houston streets,”³ and

WHEREAS despite NYU no longer constructing a building at 130 Bleecker, the construction of the school that the School Construction Authority (SCA) has agreed to build on the site does not, and should not, preclude the relocation of the Morton Williams supermarket, and

WHEREAS local unions that represent fifty essential workers employed at Morton Williams sent a letter to NYU reminding the university of its commitment that “the Morton Williams supermarket currently operating on Bleecker Street would be relocated along Mercer Street in the New York City Council-approved design plans,” and calls upon NYU to live up to its commitment and work with Morton Williams and the community to relocate this “critical neighborhood business.”

THEREFORE BE IT RESOLVED that Community Board #2, Manhattan urges NYU to allocate space at 181 Mercer to the Morton Williams supermarket as part of its original commitment to the CPC and the community, and

THEREFORE BE IT FURTHER RESOLVED that if space cannot be allocated at 181 Mercer, CB2 strongly supports coordinated efforts that include local elected officials, NYU, CB2 and other community stakeholders to relocate this neighborhood necessity to a nearby location and calls upon our local elected officials to hold NYU accountable to allocate substantive resources in support of this relocation.

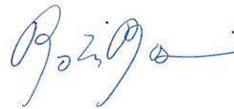
Vote: Unanimous, with 39 Board members in favor.

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

Sincerely,



Jeannine Kiely, Chair
Community Board #2, Manhattan



Robin Rothstein, Chair
Arts & Institutions Committee
Community Board #2, Manhattan

JK/EM

c:

Hon. Jerrold Nadler, Congressman
Hon. Brad Hoylman, NYS Senator
Hon. Brian Kavanagh, NYS Senator
Hon. Deborah J. Glick, NYS Assembly Member
Hon. Mark Levine, Manhattan Borough President
Hon. Christopher Marte, Council Member
Lynne Brown, Senior VP for NYU Relations and Public Affairs
Arlene Peralta, NYU Senior Director of Community Engagement
Heather Banoub, NYU Assistant Director of Communications

³ NYU Announces An Ambitious Plan To Add As Much As Six Million Feet Across New York City – By Its Bicentennial in 2013: https://alumnimagazine.nyu.edu/issue15/15_feature_2031.html

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Melanie La Rocca
Commissioner, New York City Department of Buildings
280 Broadway
New York, NY 10007

Dear Commissioner La Rocca:

At its Full Board meeting March 24, 2022, Community Board #2, adopted the following resolution:

RESOLUTION REGARDING THE ENFORCEMENT OF NYU'S COMMUNITY COMMITMENTS SURROUNDING THE PRIVATELY OWNED PUBLIC SPACES (POPS) WITHIN AND ADJACENT TO 181 MERCER AND RELATED QUALITY OF LIFE AND COMMUNITY ACCESS CONCERNS

WHEREAS NYU entered into a Restrictive Declaration in 2012 where the institution committed to the following:

1. The Zipper Building shall contain a public atrium on the ground floor level, accessible to pedestrians from the Greene Street Walkway, and space for a third party conforming community facility use, including but not limited to a community center providing services to the elderly, having an aggregate total floor area of not less than 7,500 square feet. (p.80)
2. The atrium shall be open to the public from 8:00 a.m. until 10:00 p.m., Friday and Saturday and from 8:00 a.m. until 8:00 p.m. all other days (p/80)
3. The Public Access Areas shall remain open and accessible to the public pursuant to the Public Access Easement, from 6:00 AM to 12:00 AM (except for Greene Street Walk, which shall be open at all times, and playgrounds, which shall be open from dawn to dusk) (pp.88-89)
4. Operating Rules for Public Access Areas (Exhibit H)
5. Maintenance and Repair of Public Access Areas (Exhibit I)

WHEREAS the Greene Street Walk is a privately-owned public space, which was part of the original ULURP to expand NYU's footprint, and

WHEREAS NYU has posted Greene Street Walk hours of dawn to dusk to comply with POPS rules, and

WHEREAS NYU has compared the Greene Street Walk to Washington Square Park, which has hours of 6am to midnight, and which are more realistic hours for Greene Street than dawn to dusk, as this is a key walkway, and

WHEREAS NYU does not yet have plans for enforcing the hours for the Greene Street Walk, which will undermine quality of life and safety issues, and

WHEREAS there are concerns about how NYU will protect the Bust of Sylvette and maintain other quality of life aspects in the space surrounding the statue once the Greene Street Walk is open to wider pedestrian usage, and

WHEREAS residents of the CB2 catchment area will be able to apply for key fobs to access the Greene Street Playgarden space; however, NYU should also post information at the park entrance for how to access a key fob, and

WHEREAS NYU asserts that it will allow the community membership access to the new gymnasium and pool and follow the same commitments it made to the community in relation to Coles Gym, and

WHEREAS NYU has not yet specified how it will advertise the gym membership to the CB2 catchment area, and

WHEREAS there is no specific information yet available as to how NYU plans to advertise and book the community facility space, what community groups fall within the scope, hours of operation, etc., and

WHEREAS if the 130 Bleecker site is developed as a public school neither SCA nor NYU is bound by the Restrictive Declaration to relocate the LaGuardia Corner Gardens, a community treasure, but NYU states that it will ask SCA to make reasonable best efforts to relocate the gardens, and

THEREFORE BE IT RESOLVED that Community Board #2, Manhattan calls on our local elected officials to hold NYU accountable for working with the community board and other community stakeholders to address these and other concerns surrounding the advertising of membership to the NYU gym and clarifying hours of operation, access, signage, marketing plans and safety measures in relation to all of the open spaces that the institution has designated for community use as part of its commitments in the 2012 Restrictive Declaration, and

THEREFORE BE IT FURTHER RESOLVED that Community Board #2, Manhattan urges NYU to stand by its statement that it will make best efforts to work with the community and SCA to make sure that the LaGuardia Corner Gardens are preserved.

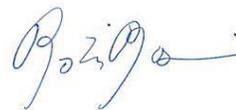
Vote: Unanimous, with 39 Board members in favor.

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

Sincerely,



Jeannine Kiely, Chair
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