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## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899  
www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

March 24, 2023

Shampa Shanda, Chair  
NYC Board of Standards & Appeals  
22 Reade Street  
New York, New York 10007

Dear Chair Shanda;

At its Full Board meeting on March 23, 2023, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**110 Waverly Place** (between Sixth Avenue and Washington Square West)—**BSA Cal. No. 239-02-BZ**—is an application for a 10-year extension of the term of the Variance, which expired on December 12, 2022, that allows, for (i) the cellar and portions of the ground and second floors of the Building to be used for a Use Group 6A eating and drinking establishment, pursuant to ZR 22-10 and 52-61, and (ii) the continuation of a non-conforming accessory business sign, both contrary to the Building's residential zoning.

**Resolution #1:** In support of a 10-year extension of term for 110 Waverly Place—**BSA Cal. No. 239-02-BZ**

### Whereas:

1. 110 Waverly Place, Manhattan Block 552, Lot 53, is a 2,144 -sf zoning lot located within the Greenwich Village Historic District in an R7-2 zoning district.
2. 110 Waverly Place is a four-story Federal style building containing 5,851 sq ft of floor space (2.73 FAR).
3. The original Variance was for reestablishment of discontinued Use Group 6A eating and drinking establishment (Babbo), supported by CB2<sup>1</sup> and granted by the BSA in October 2002. This Variance was subsequently granted a ten-year extension of term, supported by CB2<sup>2</sup> and granted by the BSA in April 2013.

<sup>1</sup> Zoning and Housing Committee Resolution 2: 110 Waverly Place (Babbo), Manhattan Community Board #2 October 2002 Full Board Minutes, pp 13-14, October 10, 2002, [https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/downloads/pdf/fullboard\\_2002/10october2002.pdf](https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/downloads/pdf/fullboard_2002/10october2002.pdf)

<sup>2</sup> Land Use and Business Development Committee Resolution 3: 110 Waverly Place, Manhattan Community Board #2 April 2013 Full Board Minutes, pp 13-14, April 4, 2013, [https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/downloads/pdf/fullboard\\_2013/04april2013\\_fullboard.pdf](https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/downloads/pdf/fullboard_2013/04april2013_fullboard.pdf)

4. Babbo restaurant is located on the cellar, ground floor and portion of the second floor of the building, while there are two residential units occupying a portion of the second floor and the third and fourth stories.
5. This application was initially presented to the CB2 Land Use & Housing Committee in February 2023, and the applicant agreed to return in order to allow for increased public notice of the application to ensure public comment.
6. CB2 produced flyers for the meeting that were subsequently posted around the perimeter of the block of 110 Waverly Place.
7. The Committee reached out to the owner of 108 Waverly Place, Nurettin Akgul, seeing as he had previously raised concerns around noise and vibration due to the HVAC units and a large kitchen exhaust system.
8. Michael Zoltan and Daniel Egers of Greenberg Traurig, LLP presented the application, along with Marc Coscia of Babbo Realty, LLC.
9. Given the additional time and outreach in order to solicit community feedback, there were no additional comments beyond the following:
10. The owner of 108 Waverly Place responded orally that he had no objection to the extension of term, provided that all existing stipulations<sup>3</sup> remain in place;
11. A resident commended the removal of the dining shed from in front of the building, but raised concerns over electrical wiring and receptacles on the front side of the building that appeared to be remaining from the shed.
12. The applicant confirmed that the remaining electrical wiring was in the process of being removed, to be completed within 30 days.

**Therefore be it resolved** that CB2, Man. recommends approval of this application for extension of term, with the following stipulations from CB2's 2013 resolution remaining in force:

1. noise and vibration from the HVAC units and other rooftop mechanicals be kept to a minimum and comply with Noise Code regulations;
2. Use of the front portion of the second floor and entire third and fourth floors be restricted to residential occupancy;
3. scheduling of deliveries and trash pickup between 8 AM and 8 PM; and

**Further be it resolved** that, as a condition for extension of term, the applicant must remove any remaining electrical wiring and receptacles on the front side of the building (arising from the dining shed).

Vote: Unanimous, with 44 Board members in favor.

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<sup>3</sup> 239-02-BZ: Application November 9, 2012, Extension of Term of a previously-granted Variance for the continued operation of a Use Group 6A eating and drinking establishment (Babbo), Bulletin of the New York City Board of Standards and Appeals, Volume 99, No. 7, February 19, 2014, pp 126-128, [https://www.nyc.gov/html/bsa/downloads/pdf/2014/2014\\_bulletin/vol\\_99no\\_7.pdf](https://www.nyc.gov/html/bsa/downloads/pdf/2014/2014_bulletin/vol_99no_7.pdf)

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

Sincerely,



Eugene Yoo, Co-Chair  
Land Use and Housing Committee  
Community Board #2, Manhattan



Katy Bordonaro, Co-Chair  
Land Use and Housing Committee  
Community Board #2, Manhattan



Jeannine Kiely, Chair  
Community Board #2, Manhattan

JK/fa

c: Hon. Dan Goldman, Congressman  
Hon. Brad Hoylman-Sigal, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Grace Lee, Assembly Member  
Hon. Brad Lander, NYC Comptroller  
Hon. Michael Levine, Man. Borough President  
Hon. Erik Bottcher, NYC Council Speaker  
Hon. Christopher Marte, NYC Council Member  
Hon. Carlina Rivera, NYC Council Member  
Gjela Prenga, Project Manager, Board of Standards & Appeals  
Michael Zoltan, Associate, Greenberg Traurig