

Susan Kent, *Chair*  
Valerie De La Rosa, *First Vice Chair*  
Eugene Yoo, *Second Vice Chair*



Antony Wong, *Treasurer*  
Amy Brenna, *Secretary*  
Mark Diller, *District Manager*  
Brian Pape, *Assistant Secretary*

## 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@manhattancb2.org](mailto:info@manhattancb2.org)

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

April 4, 2024

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

Dear Chair Shanda;

At its Full Board meeting on March 21, 2024, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**110 Christopher St. BSA Calendar # 16-93 BZ– application to extend the term of a previously granted variance to permit the continued use of commercial stores at the cellar level of a residential building.**

### Whereas:

1. The application was presented to the committee by Carl A. Sulfaro, Esq., representing the Applicant.
2. The building is a five-story multiple dwelling in an R6 district.
3. There are three cellar spaces covered by this application. For clarity's sake, they are Basement.
4. These three spaces have been continuously used for commercial purposes since a variance was granted by the BSA in 1960 for office use.
5. The variance lapsed from 1980 to 1993, but the use continued.
6. Variance extensions were granted in 1994, 2004, and 2014 for offices and in 2004 that extension also included a request to expand to also include a dress-making shop in the Basement Central West, and Basement Central East locations. Both have been low impact uses.
7. The Basement West space has been labeled "Music Store" but is in fact operated as an office. The proprietor of the Basement West space says that the word "store" is a "joke" because he does not operate a retail establishment. The space operates as his office with weekday hours from 10 AM to 6 PM.
8. Basement Central West and East spaces were originally approved for office use and in 2004 were requested to be extended to include custom dressmaking uses. The dressmaker has since vacated those spaces. There was no community opposition to this operation.
9. According to the attorney for the owner of the building, an art gallery, Use Group 6c, is now operating in the Basement Central West and East spaces, contrary to the Certificate of

Occupancy and recently expired BSA variance. Residents of the building testified at CB2, Man. that this space does not operate as a typical public exhibition space. There are no regularly scheduled exhibitions or gallery events. The applicant states that the art gallery operates from 10 AM to 6 PM, Monday through Saturday. The recorded 311 noise complaints about this space are recorded from 7 PM to 11:30 PM, all after 6 PM.

10. The Community Board received complaints via email, in person, and over Zoom about the operation of the art gallery in the Basement Central West and East spaces. Residents reported noisy gatherings, congregating in an air shaft space, smoking in the air shaft space, and drinking without permit in the art gallery. The residents have registered their complaints with 311 and members of the committee have seen those logs.
11. The art gallery is not currently permitted by the Certificate of Occupancy and is a much more impactful use than either office uses or the custom dressmaker. We have seen that impact in the disruption to the residents on the upper floors.
12. The residents brought out several serious issues which are occurring in their building but are outside this review process. CB2 mentions them here in order to point out that this landlord exhibits problematic behavior in many areas. The residents are living with rodent infestation and security issues, including a poorly functioning intercom system.


**Therefore, be it resolved that CB2, Man.**

1. Has no objection to approving the continuation of office use (Use Group 6B) in the Basement West space.
2. Recommends denial of the change of use from custom dressmaker (Use Group 6A) in the Basement Central West and Basement Central East to the more impactful art gallery/event space (Use Group 6C).

Vote: Unanimous, with 35 Board members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

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



Susan Kent, Chair  
Community Board #2, Manhattan

SK/fa

cc: Hon. Daniel Goldman, U.S. Representative, 10<sup>th</sup> District  
Hon. Eric Adams, Mayor of the City of New York  
Hon. Brad Lander, NYC Comptroller  
Hon. Mark Levine, Manhattan Borough President  
Hon. Adrienne Adams, NYC Council Speaker  
Hon. Christopher Marte, NYC Council, 1<sup>st</sup> District  
Hon. Carlina Rivera, NYC Council, 2<sup>nd</sup> District  
Hon. Erik Bottcher, NYC Council, 3<sup>rd</sup> District  
Hon. Brian Kavanagh, NY State Senate, 27<sup>th</sup> District  
Hon. Brad Hoylman-Sigal, NY State Senate, 47<sup>th</sup> District  
Hon. Grace Lee, State Assembly, 65<sup>th</sup> District  
Hon. Deborah J. Glick, NY State Assembly, 66<sup>th</sup> District