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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

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

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January 27, 2014

Liam Kavanaugh, Acting Commissioner
NYC Department of Parks
Arsenal West, 24 West 61st Street, 5th Floor
New York, NY 10023

RuthAnne Visnauskas, Commissioner
NYC Department of Housing Preservation
& Development
100 Gold Street
New York, NY 10038

Dear Commissioners Kavanaugh and Visnauskas:

At its Full Board Committee meeting on January 23, 2014, Community Board #2, Manhattan adopted the following resolution:

Elizabeth Street Garden (a through lot from Elizabeth Street to Mott Street between Spring and Prince Streets). A request from a group of residents and business owners asking CB2 to support efforts to preserve a garden and establish its official status as a public green open space.

A resolution urging the City to transfer this site to the Parks Department and committing CB2 to work with the City and elected officials to support preservation and creation of affordable housing in the district.

Whereas

1. A public hearing was held on November 4, 2013, at PS 130;
2. Presentations were made by a group of neighbors supporting preservation of the garden and by the Department of Housing Preservation and Development;
3. HPD considers the site to be viable for an affordable housing development of 60 or 70 units;
4. HPD would encourage community input for a Request for Proposals, but many details of the project would emerge based on proposals submitted by private developers;
5. During the first “rent-up”, 50 percent of the units would be reserved for qualified applicants from within CB2;
6. Elizabeth Street Garden is a 20,000 square foot plot of city-owned land on a through lot from Elizabeth Street to Mott Street, between Spring and Prince Streets;
7. In the mid-1970's, Primary School 21 was demolished and in 1981 part of the lot on which it stood was sold to LIRA Apartments Co. for the construction of 152 units of Section 8 affordable housing now known as 21 Spring Street;

8. The agreement called for development and maintenance by LIRA of a public “recreation area” on the remaining portion of the school site, which remained city-owned, but for unknown reasons this never occurred creating a derelict condition on the site where the garden is now;

9. In April, 1990, CB2 Manhattan recommended in favor of a proposal to lease this debris and weed covered lot to Allan Reiver for use by his company, Elizabeth Street Gallery;

10. Beginning February 1, 1991, the lot was leased on a month-to-month basis for \$4,000 per month to Mr. Reiver, who kept the promise he made to CB2 and cleaned the lot, planted it with trees, shrubs, and lawns, and maintained it for almost a quarter-century as a unique and attractive location where artifacts are displayed in a park-like setting, some being permanently installed and some placed on display and offered for sale;

11. The city rolled over the lease continuously with no rent increase and the public ownership of the land faded from public attention;

12. Since 2005, when Mr. Reiver purchased the adjacent building where he now lives and operates the Gallery, he voluntarily allowed public access to the garden, albeit on an inconsistent basis and with access through the private gallery;

13. On June 1' 2013, at a neighborhood “It's My Park Day” event in DeSalvio Playground when local families discussed moving their focus to promoting public access to the garden, they learned for the first time that it was on city-owned land and had been designated as a site for affordable housing in conjunction with the SPURA rezoning in September 2012;

14. This group of park advocates has joined with local business owners to form a volunteer initiative to preserve the garden as public green open space;

15. Since then, with the cooperation of the Gallery owner, the volunteers opened the garden daily from noon to 6 PM, with direct public access through the Elizabeth Street gates on Wednesdays and weekends;

16. The group has also organized free community events including movie nights, poetry readings, children's art programs, the planting of 2,000 daffodil bulbs and a Harvest Festival attended by 1500 people;

17. They have organized volunteers to staff, clean, garden, program events, apply for grants, expand outreach to the local community and launched the elizabethstreetgarden.org website in English and Chinese;

18. The November 4 public hearing, was attended by 157 guests, mostly nearby neighbors;

19. Attendees at the hearing demonstrated overwhelming and passionate support for the preservation of the garden, while only four people spoke in favor of affordable housing at the site and one expressed concern about the safety of current sculpture installations;

20. Responding to follow-up questions from the Land Use Committee, the Elizabeth Street Garden volunteers committed to form an independent non-profit organization to preserve the Garden, either under the NYC Parks Green Thumb community garden program or other City jurisdiction;

21. Also responding to follow-up questions, the gallery owner stated his support for creating a public open space at the site;

22. The Elizabeth Street Garden volunteers have a convincing case for a public garden, a clear mission, and significant local support as demonstrated by attendance at the Harvest Festival and the November CB 2 Land Use hearing;

23. The group needs CB2's support to continue their civic contribution and move forward with a permanent structure that takes the garden beyond its current status as a privately controlled site;

24. Little Italy and SoHo, with almost a quarter of the CB2 population, have only three percent of its parkland, virtually all of which is paved;

25. Much of CB2's open space is concentrated in Hudson River Park and Washington Square Park, 1.2 miles and 0.9 miles respectively from the Garden, and this part of our district is characterized by long blocks with narrow streets, small apartments that depend on air shafts for light and air, and none of the small neighborhood squares and green spaces that provide respite in other parts of the district;

26. The Elizabeth Street Garden provides a much-loved urban oasis to the least green part of CB2, the only place where grass grows in the densely built blocks from Canal Street to Houston Street, from the Bowery to West Street;
27. Open space once built on can never be retrieved, and this space is no less precious than others in the district such as LaGuardia Corner Gardens or Jefferson Market Garden;
28. The area around the garden includes the affordable housing at 21 Spring Street, the rehabilitation project for a low-income co-op at 244 Elizabeth Street, and a significant stock of rent-stabilized apartments, many of which are at risk as property owners seeking to take advantage of high market rate rental values are able to terminate the stabilized status, often but not always using legal means;
29. Although this area is densely built, contains few vacant lots, and new construction is limited by the Special Little Italy District, there are significant opportunities to build and preserve affordable housing in our district, including the new Hudson Square Special District, which offers a zoning bonus for new affordable units, as part of future rezoning proposals and other new development, and through greater efforts to preserve the existing affordable housing stock.

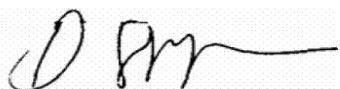
Therefore it is resolved that CB#2, Man.

- 1. Supports the permanent preservation of the Elizabeth Street Garden in its entirety as a public open, green space and urges the City to transfer jurisdiction over this lot to the Parks Department;**
- 2. Supports the efforts of the Elizabeth Street Garden volunteers to form an independent non-profit group dedicated to improving the garden, guaranteeing open public access, and providing programing, community events, and opportunities for volunteers;**
- 3. Commits to an ongoing strategic and activist effort alongside our elected officials and government agencies to expand and preserve affordable housing in the district.**

Vote: Passed, with 31 Board members in favor, and 5 in opposition (S. Aaron, D. Ballen, W. Bray, M. Derr, R. Sanz)

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/fa

- c: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Hon. Corey Johnson, Council Member
Hon. Rosie Mendez, Council Member



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January 27, 2014

Richard Barth, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Barth:

At its Full Board meeting on January 23, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

No. 140167 ZSM - 59-61 Thompson Street (west side, between Broome and Spring) Application filed to the City Planning Commission pursuant to Section 74-781 of the Zoning Resolution to allow retail use on portions of the ground floor and cellar of an existing six story building in an M1-5B zoning district.

Whereas

1. A presentation of this application was made by architects Don Weston and Ray Basile;
2. The presentation was disorganized and answers to various questions from the committee were not adequately answered;
3. Unfortunately, 74-781 requires only that the applicant demonstrate an effort to rent the space for conforming uses, and therefore sets a very low bar in an area which has never really had uses conforming to its manufacturing zoning;
4. The application includes an unconvincing demonstration of effort, including use of many out-of-state agencies and failing to advertise in more known local newspapers;
5. The application is to allow retail use of the cellar and part of the ground floor in an M1-5 district in the South Village and states that the intended use is for eating and drinking;
6. The applicant nevertheless expressed willingness to agree to not allow eating and drinking and subsequent to the hearing submitted a letter to this effect;
7. The project will require substantial alteration, including installation of a new stairway and elevator;
8. The new stairway and elevator will occupy almost all of the new ground floor retail space;
9. Use of the cellar for retail other than eating and drinking as part of a premises with almost no ground floor space appears unlikely to succeed and reduces the credibility of the promise to restrict the use, which is unenforceable unless stipulated in the special permit or the deed;

10. An eating and drinking use or club use of this size on this block would be harmful to the mostly residential quality of the block;
11. The zoning analysis presented to the committee states that the current uses of the cellar are "Mechanical Equipment, Storage & Vacant" but no evidence was presented of any prior use of the cellar other than for mechanical equipment, and the presenters stated that "the cellar was not used for anything before";
12. According to information obtained during a prior application for this site in 2011 and according to testimony of a resident in the building at the hearing, the basement was excavated at some point prior to 2011, but there is no building permit for such work on record on the DOB web site.

Therefore it is resolved that CB#2, Man. strongly recommends denial of this application unless an enforceable prohibition of eating and drinking use can be put in place such as a stipulation in the special permit or a permanent restrictive declaration.

Vote: Unanimous, with 36 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/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Edwin Marshall, Dept. of City Planning



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January 27, 2014

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 January 23, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

110 Christopher Street (south side between Bleecker and Bedford). Application No. 16-93 BZ to Board of Standards & Appeals to extend the terms of a Special Permit to allow an existing custom dressmaking store and office in the cellar of an existing multiple-dwelling in an R-6 zone.

A resolution stating no objection to granting an application for renewal of a special permit to allow operation of a dress shop in the cellar of at 110 Christopher Street.

Whereas:

1. The application was presented to the committee by Seven Sulfaro of the Law Offices of Carl A. Sulfaro , representing the applicant;
2. The building is a five story multiple dwelling in an R6 district;
3. This 350 square foot cellar space has direct access from the sidewalk;
4. The space has been continuously used for commercial purposes since a variance was granted by the BSA in 1960;
5. The current custom dressmaking and sales shop employs only two persons;
6. The shop operates daily from 8 AM to 6 PM and is closed on Sundays;
7. The current use has been in place since the granting of a BSA special permit in 1994 and this application is to renew the current permit with no change;
8. There have been no known complaints regarding the current use;
9. No one appeared at the hearing to speak for or against this application.

Therefore it is resolved that CB#2, Man. has no objection to this application to renew of a special permit allowing operation of a small dress making show in the cellar of 110 Christopher Street.

Vote: Unanimous, with 36 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/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale A. Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Dept. of City Planning
Jeff Mulligan, Executive Director, Board of Standards & Appeals

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January 27, 2014

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 January 23, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

74 Grand Street (north side between Wooster and Greene Streets). Application No. 318-13-BZ to the Board of Standards & Appeals for a variance of ZR 42-10 and 42-14.D(2)(b) to permit construction of a 12,493 square foot new building with FAR 5 containing Use Group 6 retail and Use Group 2 residential uses on a vacant lot in an M1-5B zoning district in the SoHo Cast Iron Historic District.

A resolution recommending approval of an application for a variance to permit construction of a new building with residential and ground floor and cellar retail uses at 74 Grand Street.

Whereas

1. The application was presented by Judy Gallant of Bryan Cave, representing Freitas, the applicant, who was also in attendance;
2. The proposal is to construct a six-story building on a vacant lot;
3. The building would include four residential units on floors two through 6 and retail on the ground floor and cellar;
4. The proposal is for 5.0 FAR which is equal to the FAR for conforming uses in the M1-5B district within the SoHo Cast Iron Historic District;
5. In this case, the conditions are truly unique;
6. The prior building on the site was a five story loft building with a cast iron façade and with four JLWQA units
7. In 2004, improper excavation at 72 Grand Street caused the foundation of this building to buckle;
8. In 2009, the Department of Buildings ordered demolition of the building subject to approval from the Landmark Preservation Commission;
9. The LPC ordered that the cast iron façade be disassembled and preserved for future use;
10. In 2013, LPC granted a Certificate of Appropriateness for the proposed building;

11. The proposed building will incorporate all the elements of the old façade;
12. The proposed building will not be built as deep as the original building, allowing for a rear yard as required for the residential use;
13. The sixth story will be set back 12 feet and not visible except from the street across the still vacant lot to the west;
14. This unique project brings back, at significant expense, a 19th Century Façade and goes half way to restoring a corner that was destroyed by careless construction activity on the adjacent lot;
15. No one spoke for or against the application.

Therefore it is resolved that CB#2, Man. recommends approval of a new building with residential and retail uses at 74 Grand Street and commends the developer for this contribution to district.

Vote: Unanimous, with 36 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/fa

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