



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 10, 2007

Hon. Meenakshi Srinivasan, Chair
Board of Standard and Appeals
40 Rector Street
New York, New York 10006

Re: BSA Cal. No. 222-07 BZ, Legalize Residential Use Variance 110 West 26th Street

Dear Chair Srinivasan:

The applicant gave a presentation of this application to the Chelsea Preservation & Planning Committee at its meeting on November 19, 2007, and a duly noticed public hearing was held immediately before the regular meeting of the Board on December 5, 2007. The Board voted unanimously to approve the application.

The applicant seeks to legalize residential use of the second and third floors of the building located at 110 West 26th Street.

The subject premises 110 West 26th Street is a seven story mixed use building with two commercial units on the ground floor in an M1-6 district with interim multiple dwelling (IMD) units on the top four floors of the building. The second and third floors have been utilized for residential use since 1995 when continued use for commercial purposes became impracticable and the units sat vacant for a period of time. The building in its current state cannot accommodate manufacturing or commercial uses. The building is not fireproof and has no freight elevator. The surrounding area on Sixth and Seventh Avenues are zoned C6-4X and C6-3X respectively. To allow a commercial tenant to utilize the second and third floors of the subject premises would in all likelihood generate complaints from the residential tenants, place limitations on operations for the commercial tenant(s) and possibly increase utility fees thereby rendering this space unmarketable as commercial space. Both residential and commercial tenants would be required to utilize the same elevator. Pursuant to the NYS Multiple Dwelling Law 619(c)(3) prohibits manufacturing above the second floor of a non-fireproof multiple

dwelling. Based on the foregoing, commercial and manufacturing uses do not appear to be viable options for the premises.

The Board is aware that the area will never be a manufacturing zone. It is unknown what efforts if any the applicant undertook to rent the second and third floors of the building to any commercial tenants. However given the fact that the block and surrounding area is “mixed use”, the Board would support a re-zoning of the area to commercial zone to encourage commercial uses which would be appropriate.

The Board has no objection to this application.

Sincerely,



Jean-Daniel Noland
Chair



J. Lee Compton, Co- Chair
Chelsea Preservation and Planning

[signed 12/10/07]

Lynn Kotler, Co-Chair
Chelsea Preservation and Planning