



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

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**J. LEE COMPTON**  
Chair

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

March 9, 2007

Hon. Amanda M. Burden, AICP  
Chair  
City Planning Commission  
22 Reade Street  
New York, New York 10007

**Re: 505 West 51<sup>st</sup> Street - ULURP Application No. 070260 HAM**

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP application number 070260 HAM, adopted the following resolution by roll call vote at its meeting on March 7, 2007 (36 in favor, 0 opposed, 0 abstaining and 1 present but not eligible to vote).

The resolution recommends approval of the application, subject to one condition.

**THE APPLICATION**

The New York City Department of Housing Preservation and Development is seeking approval of an Urban Development Action Area designation, project approval and disposition of a City-owned building to facilitate the development of a 10-unit rental project for low-income families under the Inclusionary Housing Program.

**THE PROJECT**

The proposed project is located at 505 West 51<sup>st</sup> Street between Tenth and Eleventh Avenues, and will involve constructing 5 stories of affordable rental apartments over an existing occupied 1-story auto body garage, Dave's Collision. Five of the new residential units will be one bedrooms, and five will be configured as open plan studios appropriate for live-work space for artists. Improvements to the garage include extending ventilation from the 1<sup>st</sup> floor, where it currently vents onto the adjacent Clinton Green open space, to above the roof of the residential building, and relocating the paint storage facility to a prefabricated fireproof room at the northern portion of the garage, not under the residential building.

The developers will comply with the requirements of project's Revised Negative Declaration dated July 18, 2006 to provide noise attenuation in the windows and walls of bedrooms and living rooms,

and to assess and mitigate, if necessary, any health concerns related to automobile repair activities. In addition, the garage will be separated from the residential units above by an 18-inch concrete slab.

This project is the second phase of an affordable housing development located at 501 West 51<sup>st</sup> Street. That site was transferred by the City to Clinton HDFC in 2004, and its rehabilitation was completed in November 2006. The two buildings will be interconnected and will function as a single building, with a common public hall, elevator, fire stairs, heating and mechanical systems, laundry room and a landscaped sitting terrace. Together, the two buildings will contain 22 permanent affordable apartments and 3 commercial spaces.

The Lower Income Housing Plan for the combined project was recommended for approval by this Board in August 2004. In accordance with HPD requirements, the Lower Income Housing Plan will be referred to the Board for reconsideration once this application has been approved.

## **PROJECT OWNERSHIP**

The project site will be acquired from the City by Clinton Housing Development Fund Corporation (Clinton HDFC), an affiliate of Clinton Housing Development Company<sup>1</sup>, and will be developed by Clinton HDFC and its co-developers 52<sup>nd</sup>/10<sup>th</sup> Associates LLC (Don Cappocia and Ron Moelis, principals) and Lemi Construction (Bernard and Robert Friedman, principals) Upon completion of construction, the space occupied by Dave's Collision will be converted to a commercial condominium unit and conveyed to the current owners of the business or their designees. Clinton HDFC will own the balance of the project, and the co-developers 52<sup>nd</sup>/10<sup>th</sup> Associates LLC and Lemi Construction will own the Inclusionary Housing development rights generated by the project.

Dave's Collision is an Urban Renewal vested tenant. The business was founded in 1929 by Dave Kriegal, the father of the current owner. In 1950, it was moved down the block to its current location, which was owned by Mr. Kriegal until it was condemned and acquired by the City in 1969 upon creation of the Clinton Urban Renewal Area. Mr. Kriegal's son and grandson, Richie Kriegal Jr. and Sr., continue to operate the business.

Richie Kriegal Sr. has attended all of the meetings of the Board's Clinton/Hell's Kitchen Land Use Committee concerning this project over the years, and has assured the Board that a satisfactory agreement has been reached between Dave's Collision and Clinton HDFC concerning the temporary relocation of the business during construction and the purchase of the commercial condominium unit upon completion of construction.

## **FUTURE USE OF COMMERCIAL SPACE**

We are concerned that the project's commercial space, including in particular the Dave's Collision commercial space, not be available for use in the future as a club, disco, adult use establishment or similar use incompatible with residential uses. These uses must be precluded by a restrictive declaration recorded against the property.

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<sup>1</sup> Joe Restuccia, Executive Director of Clinton Housing Development Company, a co-developer of the development described in this application, is also a member of the this Board and of its Clinton/Hell's Kitchen Land Use Committee. His interest has been disclosed, and he is not entitled to vote on any matter concerning this proposal that may come before the Board or the Committee, including approval of this resolution.

**Now, therefore, be it RESOLVED** that Manhattan Community Board No. 4 recommends approval of ULURP Application number 070260 HAM, provided incompatible uses are precluded by restrictive declaration, as described above.

Sincerely,



J. Lee Compton  
Chair  
Manhattan Community Board 4



Anna Hayes Levin  
Co-Chair  
Clinton/Hell's Kitchen Land Use

cc: City Planning Commission, Calendar Information Office, 22 Reade St, Room 2E  
DCP – Erik Botsford and Erika Sellke  
Elected Officials  
HPD – Holly Leicht and Meilan Chiu  
CHDC