



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

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

May 9, 2008

Mr. Christopher Santulli, PE
Manhattan Borough Commissioner
Department of Buildings
280 Broadway, Third Floor
New York, NY 10007

Re: 565 West 23rd Street

Dear Commissioner Santulli:

Manhattan Community Board 4 wishes to add its concerns regarding the plans for these premises to those expressed by several others, including City Council Speaker Christine Quinn in her letter of April 8, 2008, and ask that you stop all work and revoke all issued permits until these concerns have been adequately addressed.

Over the past eighteen months we have seen plans for a combined adult establishment, restaurant and hotel. We also have heard from Single Rental Occupancy tenants alleging harassment and violation of provisions regarding legal non-conforming uses. There currently is a partial Stop Work Order in place.

CB4 has worked to safeguard tenants throughout our district facing displacement by development. Most recently, the harassment provisions of the Special Hudson Yards District, as set forth in ZR 93-90, were incorporated into the Special West Chelsea District (ZR 98-70). Since 565 West 23rd Street is located in the Special West Chelsea District, the owner must obtain a Certificate of No-Harassment from New York Housing Preservation and Development before demolition or alteration permits can be issued. We believe this has not yet been done.

Under the provisions of the Special West Chelsea District an adult use establishment is not a legal use at this address, which means that the owner's plans are contingent on establishing that the adult use of the cellar and first floor is a pre-existing, non-conforming use. The information we have seen suggests that it may be difficult, if not be impossible, to fulfill the necessary pre-existing use requirements, including continuous operation without a two year lapse.

We believe that there are substantive questions regarding the legality of the proposed adult use at 565 West 23rd Street and that SRO tenants may have been harassed in pursuit

of the owner's plans. We ask that you stop all work and revoke all issued permits until the owner demonstrates rigorously that the establishment meets all of the requirements necessary to establish pre-existing non-conforming use and provides the required certificate of no-harassment.

Sincerely,



Jean-Daniel Noland
Chair



J. Lee Compton
Chair, Chelsea Preservation and Planning

Cc: Speaker Christine Quinn
State Senator Thomas Duane
Assembly Member Richard Gottfried
Manhattan Borough President Scott Stringer
David Glasser – SRO Tenant