



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND

Chair

ROBERT J. BENFATTO, JR., ESQ.

District Manager

October 27, 2008

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

Re: Adult Use Establishment at 565 West 23rd Street

Dear Commissioner Santulli:

Manhattan Community Board 4 is writing to ask you to make a final determination as to whether an adult use establishment is a legal use at 565 West 23rd Street. We first wrote to you about these premises on May 9, 2008, following an April 8, 2008 letter from City Council Speaker Christine Quinn voicing multiple, long-standing community concerns.

Because the premises are within the Special West Chelsea District, an adult use establishment is not a legal unless the owner can establish that the adult use of the cellar and first floor is a pre-existing, non-conforming use. As we wrote in May, we believe that it will be difficult, if not impossible, to fulfill the necessary pre-existing use requirements, including continuous operation without a two year lapse. In particular, we question whether, even if an adult use should be found to be a legal, nonconforming use on the first floor, such use can be found legal in the cellar, especially since the Certificate of Occupancy lists no such use as legal there and the cellar shows no sign of such previous use.

This matter has been on-going for more than a year now and we have received reports that the premises are open for business. Speaker Quinn wrote Commissioner Landri on October 1, 2008 requesting an answer on the adult use issue (copy enclosed), and we are asking you to make a final determination quickly and to ensure that the establishment is not operating illegally.

This letter was passed by the Chelsea Preservation and Planning Committee of CB4 on Monday, October 20, and is subject to ratification by the full board at its next scheduled meeting on November 5, 2008.

We thank you advance for your prompt response.

Sincerely,



Jean-Daniel Noland
Chair



John Lee Compton
Chair, Chelsea Preservation and Planning

Cc: Stephen Kramer, Special Counsel, DOB
Donald Ranshte, Director of Intergovernmental and Community Affairs
Speaker Christine Quinn
State Senator Thomas Duane
Assembly Member Richard Gottfried
Manhattan Borough President Scott Stringer