

January 12, 2003

Hon. James Chin  
Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10006

**Re: Variance for Museum at 154-158 West 17th Street**

Dear Mr. Chin:

Manhattan Community Board No. 4 held before its regular monthly meeting on January 8, 2003, a duly noticed public hearing continued from December 4, 2002, on application 947-80-BZ, for a variance to increase the height of structures in the rear yard of 154-158 West 17th Street by 11 feet to a total height of 34 feet in order to permit the proposed Rubin Museum of Art to exhibit large-scale paintings and sculpture. At the hearing the applicant made a full presentation of the proposed museum and variance, summing up previous presentations to the Board's Chelsea Preservation and Planning Committee.

While the Museum will add a real amenity to Chelsea's character as an art center, and the Museum and its associated programs will be a valuable resource for the city and the community, the construction of the museum, now under way, and the proposal for the variance have aroused considerable concern among residents of the block in which it is situated and in particular of 151 West 16th Street, an apartment house directly behind the museum.

Some years ago Barney's department store, then owners of the property that is to be occupied by the museum, obtained a variance that allowed the construction of a 23-foot high extension up to the lot line. This left the residents of the lower north-facing apartments in the rear of the apartment building facing the rear wall of what is to become the museum across a narrow yard of little more than 20 feet. The extension upwards of a wall only some 20 feet away from their windows will add to the feeling of being hemmed-in already felt by the residents of the lower floors in the back of 151 West 16<sup>th</sup> Street.

The existing conditions were created as a result of a previously granted variance and are already considered to be a hardship for the residents. A second variance increasing the height of said wall will create an additional hardship. The extension upwards will mean a real loss not only of ambient light but also of sunlight reflected from the windows of the buildings opposite these

apartments and a little to the east. The circulation of air will be diminished within the somewhat narrowed courtyard at the bottom of which the residents will be living and looking out at a plain brick wall close by.

After two presentations, several discussions, and a site visit, the Chelsea Preservation and Planning Committee of Manhattan Community Board No. 4 brought forward a conditional letter of approval of the variance by a vote of 7 in favor, 3 opposed, and no abstentions or members present but not eligible to vote.

At the January 8, 2003 meeting of the full Board, the museum, having made a full presentation of the proposal, committed itself to minor modifications of the proposal in order to mitigate the residents' complaints as follows:

1. Establishment of an effective channel of communication between the applicant and its neighbors, including a construction task force to be composed of neighborhood residents, museum personnel, and representatives of community elected officials and/or community board representatives;
2. A reduction in the height originally requested for the rear wall extension from 11 feet high to 8-½ feet high thereby bringing the total height of the of the wall from its original 23 feet to 31-½ feet rather than 34 feet;
3. Mitigation of the impacts of the extension upwards by a satisfactory architectural treatment using espaliers and reflective materials; and
4. Appropriate landscaping at the base of the courtyard.

Six residents from 151 West 16 Street spoke in opposition to the original application for the variance.

As a result of a roll-call vote at the meeting of 16 in favor, 12 opposed, 5 abstaining and 0 present but not eligible to vote, the letter failed to attain approval by a majority of those present and voting. No other motion was offered.

Sincerely,



Simone Sindin  
Chair  
Manhattan Community Board No. 4

cc: Local elected officials