

June 8, 2004

Hon. Meenakshi Srinivasan  
Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10007

**RE: BSA No. 145-04-BZ, a variance for a residential building at 526 West 22<sup>nd</sup> St.**

Dear Ms. Srinivasan:

After a presentation to the Chelsea Preservation and Planning Committee of Manhattan Community Board No. 4 on May 17, 2004, and at a duly noticed public hearing at the Board's regular meeting on June 2, 2004, the Board voted 35 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible vote, to oppose a variance to allow construction of a new, largely residential building at 526 West 22<sup>nd</sup> Street.

The applicant claimed in oral testimony that the basis for claiming uniqueness was not only the narrowness of the lot but also the sharing of deteriorated party walls and inadequate foundations. This type of construction is common in the older buildings of the area, many of which are still standing and are used for art galleries and other uses. Directly to the west, for example, a two-story building, somewhat wider but which, on the basis of his testimony, shares a common wall with the subject building, is used on the ground floor by a company doing work on taxi meters and with a gallery on the floor above. A 25-foot lot was the standard in nineteenth-century New York and many lots were even narrower. That it is now not common in this area does not make it unique.

The applicant claimed that he had made efforts to rent the building, but has presented no evidence in spite of his promise to provide the Board with it. In this area where galleries occupy every kind of space on many levels and spread more widely every day it seems unlikely that a considerable rent could not be obtained on the street that is the very center of the gallery district and close to the Dia Foundation museum. Eccentric and attractive buildings like this one are often regarded as especially desirable and might well bring in even more income than the \$45/sq. ft. cited for gallery space in the economic analysis. Not only was no evidence presented that a reasonable return could not be obtained for the present structure on this basis, there was no analysis of whether additional space could not be constructed on the present foundations to increase the rentable space, as has been done on two nearby buildings on the south side of the block.

The only options analyzed are the standard ones of office with retail/gallery space on the ground floor and residential with the same ground floor use. Given the extreme expense of building in this area of old partly organic landfill, which the applicant orally confirmed can accurately be described as "polluted mush," and with bedrock at a very deep level, it is not surprising that only a residential

building in desirable West Chelsea can produce a reasonable return on new construction at the probable high cost.

The other variances obtained on this block and cited as precedents for the present application were granted on the basis of hardship caused by buildings unrentable for a conforming use and presumed the existing structures would be kept. Enlargements were permitted in two cases, but the existing structures were retained and restored. The present application would destroy the existing building, which adds to the character and attractiveness of this block composed of old buildings, and produce a narrow and poorly proportioned structure with architecture and materials that are, insofar as can be determined from the inadequate materials provided the Board, inharmonious with the character of the existing block.

The Board further notes that the imminent West Chelsea Rezoning would maintain this street and much of the nearby midblock area at the existing zoning in order to protect the art gallery district and other existing uses, and this Board supports this portion of the proposal. This variance is thus against public policy.

Finally, the Environmental Assessment form as submitted by the applicant does not accurately present the environmental hazards of new construction on the site. The environmental reviews done for the nearby variances present a more satisfactory picture of environmental hazards in the area. Recently Consolidated Edison made a presentation to the Board and produced a diagram showing that a wide area including the site of the present application was the location of a large nineteenth-century gas plant.

On all these bases, starting with the absence of demonstrated uniqueness or hardship and including incompatibility with community character and public policy and the probability of significant environmental impacts, Manhattan Community Board No. 4 opposes granting the present application.

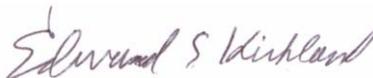
Sincerely,



Walter Mankoff  
Chair  
Manhattan Community Board No. 4



Lee Compton  
Co-Chair  
Chelsea Preservation & Planning Committee



Edward S. Kirkland  
Co-Chair  
Chelsea Preservation & Planning Committee

cc: Hon. Michael Bloomberg, Mayor  
Hon. C. Virginia Fields, Manhattan Borough President  
Local elected officials  
Applicant