



Greenwich
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Society for
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Preservation

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January 21, 2010

Hon. Meenakshi Srinivasan, Chair
New York City Board of Standards and Appeals
40 Rector Street
New York, NY 10006

**Re: NYU Center for Spiritual and Academic Life,
238 Thompson Street/56 Washington Square South, 239-09-BZ**

Dear Chair Srinivasan:

I write regarding the above-referenced zoning variance application heard by the Board on January 12th. The Greenwich Village Society for Historic Preservation, which actively participated in the public review of this project at Community Board #2, was not notified about this hearing until after the fact and therefore did not testify on the 12th; many other community groups and individuals who also actively participated in public review were in a similar position and received no notice of this hearing. We therefore greatly appreciate your considering our written testimony before a decision is rendered on February 9th.

While we find problematic from a design standpoint the very tall skinny building with steep setbacks which the zoning for this site requires, we also have strong concerns about the impact of the requested variances which would eliminate the setbacks entirely. We believe that the lack of any setbacks on narrow Thompson and West 3rd Streets is detrimental to the surrounding neighborhood character, and will increase shadowing on surrounding buildings (including the landmarked and National Register-listed Judson Memorial Church), and contribute to the "canyonization" of these otherwise modestly-scaled streets. We have repeatedly urged NYU to consider changes to their design which would include at least some setbacks on these narrower surrounding streets, but they have refused.

Beyond these design issues, however, we are troubled that there appears to be little or no basis established by the applicant for the necessity of the requested zoning waivers. Regardless of our view about the design aesthetics, we believe that the Board must ultimately maintain an appropriate legal standard for granting the requested variances, which in this case requires demonstrating clear proof of the need for the variances to fulfill the "programmatic needs" of the applicant, a lack of alternatives, and the minimum variance necessary to do so. It would also appear to us that the complete lack of setbacks would alter the essential character of the neighborhood and would impair the use of the neighboring Judson Memorial Church by blocking light to the church's windows.

We do not believe therefore that NYU has met the four findings required or that they have demonstrated a clear “programmatic need” for these variances. We are also keenly aware that NYU is considering many other development projects in and around this area which would likely require similar zoning variances. Thus any standard for measuring “programmatic needs,” a lack of alternatives, and the minimum variance necessary here could influence the outcome of similar zoning variance applications in the future. NYU has claimed that the multi-purpose room planned for the top floor of the proposed building must be of the exact dimensions cited and must be on the top floor of this building, and therefore setbacks along the narrow neighboring streets are not possible. While this may be a choice NYU has made, it certainly does not seem to rise to the level of a “need” which cannot be fulfilled by other means.

For these reasons, we believe it is imperative that the law be strictly upheld in this case, and that no variances granted without a clear meeting of the required findings and establishment of “programmatic needs.”

Thank you for your attention to this matter.

Sincerely,



Andrew Berman
Executive Director

Cc: Members, Borough President’s NYU Community Task Force