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## CFC appeals ruling in BRC shelter case

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BY WINNIE McCROY | Chelsea business and property owners continue to fight a New York State Supreme Court judge's decision to allow a 328-bed homeless shelter to operate in the neighborhood. On December 7, the Chelsea Flatiron Coalition (CFC) appealed the October 14 decision by Justice Joan A. Madden to allow the Bowery Residents' Committee (BRC) 12-story, 328-bed shelter to operate at 127 West 25th Street.

"We filed our Notice of Appeal indicating our intent to seek review of Madden's decision in the appellate division," said CFC attorney Daniel Connolly of law firm Bracewell & Giuliani. "The timing is difficult to gauge; I suspect we wouldn't have a decision for some time. But we at the CFC continue to believe that the facility is not properly sited where it is, and that proper procedure was not followed in connection with this process."

"The legal issues are clear, incontrovertible and resolved," said BRC Executive Director Muzzy Rosenblatt, regarding the appeal. "It is time for the CFC to come in from the cold. At a time of year when most of our neighbors are being charitable and thinking of others, it is time for the CFC to think with their head and their heart, accept the facts and work with BRC to help our neighbors in need."

Madden's October ruling upheld her decision to deny the preliminary injunction filed by the Chelsea Flatiron Coalition challenging the shelter's size, appropriate zoning, and the "transient hotel" classification that limits guests to a stay of no longer than 30 days.

"The nature and object of this Article 78 action is to obtain injunctive relief against the operation and funding of a 328-bed, in-patient and out-patient drug, alcohol and mental health care facility and homeless shelter for the mentally ill at 127 West 25th Street in New York, New York constructed and operated by Respondent BRC and funded in significant part by City Respondents," reads the pre-argument statement.

The CFC, an ad-hoc group of local business and property owners, continues their case against the City of New York Board of Standards and Appeals, the Department of Homeless Services' (DHS) Commissioner Seth Diamond and Deputy Commissioner George Nashak, as well as Department of Buildings' (DOB) Commissioner Robert D. LiMandri, First Deputy Commissioner Fatma Amer, and Assistant Commissioner James P. Colgate, plus the BRC and their landlord, Daniel Shavolian.

The group seeks to reverse the judge's decision on the grounds that the facility was improperly classified by the zoning resolution of New York, that no Uniform Land Use Review Procedure (ULURP) was conducted, and that the 328-bed facility violates the New York City

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Administrative Code § 21-312's 200 bed-limit on homeless facilities.

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For all part, BRC's Rosenblatt feels that the shelter, which has now been open for more than five months; has already proven itself a beneficial presence in the neighborhood.

"THE VILLAGER" an invaluable service not only to Chelsea, but to the entire neighborhood. Since our summer opening we have helped hundreds of addicts find sobriety and a new life. It rained on their parade, but they danced on.

"I We got the ball rolling; How Pr. 40 fight brought us Hudson River Park. We spread the word and try to minimize government officials' time commuted. From splintered piers to fancy park of today, we've come a long way."

Keeping cool on the West Side, 1940s style. Commonly rented this characterization, saying that "Mr. Rosenblatt's unfortunate at Fish, forests and fields coming to Tribeca pier procedures because he believes that the BRC is above the law."

DOWNTOWN EXPRESS

Chelsea Now will keep readers updated as this appeal process continues.

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