Page 1 of 2



250 Broadway, 29th Floor New York, NY 10007 212-386-0009 - Phone 646-500-6271 - Fax www.nyc.gov/bsa

SPECIAL ORDER CALENDAR (SOC) Application Form

BSA APPLICATION NO. 24-96-BZ

Section A	Rothkrug Rothkrug & Spector LLP			Lesaga LLC			
Applicant/	NAME OF APPLICANT)		
Applicant/ Owner	55 Watermill Lane			OWNER OF RECORD 4900 North Ocean Boulevard Apt. 1213			
	ADDRESS			ADDRESS	·		
	Great Neck	NY	11021	Ft. Lauderdale	FL	33308	
	CITY 516	STATE 487-2252	ZIP	CITY	STATE	ZIP	
	AREA CODE	TELEPHONE		LESSEE / CONTRAC	T VENDEE		
	516	487-2439					
	AREA CODE adam@rrslawllp.com	FAX n		ADDRESS			
	EMAIL			CITY	STATE	ZIP	
Section B	213 Madison Street				1000	2	
-	STREET ADDRESS (INC	LUDE ANY A/K/A)			ZIP CO		
Site Data			84 ft. east of th	ne intersection of Madiso	on Street and Rute	ners Street	
	DESCRIPTION OF PROF				on our and real	90.0 0 0	
	271 40	Manhatta	n 3	n	/a		
	BLOCK LOT(S)	BOROUGH	COMMU	NITY DISTRICT LA	ANDMARK/HISTORIC	DISTRICT	
	Margaret Chin	R7-2	2	. 1	2d		
	CITY COUNCILMEMBER	ZONII	NG DISTRICT	7/	ONING MAP NUMBER	2	
		(includ	de special zoning		JINING WAF NUWBER		
	(LEGALIZATION YES Application for an extensi establishment, and for an	✓ NO IN PART	de special zoning) ously granted varia	district, if any) ance for the continued operati			
escription	Application for an extensi	✓ NO IN PART	de special zoning) ously granted varia	district, if any) ance for the continued operati			
escription	Application for an extensi establishment, and for an APPLICATION IS HER	✓ NO ☐ IN PART on of term of a previor extension of time to	de special zoning) pusly granted varia obtain Certificate	district, if any) ance for the continued operati of Occupancy.			
Section D	Application for an extensi establishment, and for an APPLICATION IS HER	✓ NO ☐ IN PART on of term of a previor extension of time to REBY MADE TO: lles of Practice and	de special zoning) pusly granted varia obtain Certificate	district, if any) ance for the continued operati			
escription Section D	Application for an extensi establishment, and for an APPLICATION IS HER 1. Waive of the Ru 2. Extension of Times	✓ NO ☐ IN PART on of term of a previor extension of time to REBY MADE TO: lles of Practice and me to:	de special zoning) pusly granted varia obtain Certificate d Procedure (Ex	ance for the continued operation of Occupancy. plain in your statement)	on of a UG6 eating/dri	nking	
escription Section D	Application for an extensi establishment, and for an APPLICATION IS HER. 1. Waive of the Ru 2. Extension of Time Complete of the Ru	✓ NO ☐ IN PART on of term of a previor extension of time to REBY MADE TO: lles of Practice and	de special zoning) pusly granted varia obtain Certificate d Procedure (Ex	ance for the continued operation of Occupancy. plain in your statement)		nking	
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escription Section D	Application for an extensi establishment, and for an establishment. APPLICATION IS HER. Waive of the Rule. Extension of Till Complete of the establishment. Amendment to 4. Extension of Telescopic establishment.	on of term of a previous extension of time to extension of time to extension of time to extension of time to: REBY MADE TO: ules of Practice and me to: construction	de special zoning) pusly granted varia obtain Certificate d Procedure (Ex	ance for the continued operation of Occupancy. plain in your statement) rate of Occupancy	on of a UG6 eating/dri	nking /2015	
escription Section D	Application for an extensi establishment, and for an extensi establishment, and for an extension of an extension of Time APPLICATION IS HERE 1. Waive of the Ru 2. Extension of Time Complete of an extension of Time Amendment to 4. Extension of Temporary Variance	on of term of a previous extension of time to extension of time to extension of time to extension of time to: REBY MADE TO: Iles of Practice and me to: construction	de special zoning) pusly granted varia obtain Certificate d Procedure (Ex	ance for the continued operation of Occupancy. plain in your statement) rate of Occupancy	on of a UG6 eating/dri	nking /2015	
escription Section D	Application for an extensi establishment, and for an establishment. APPLICATION IS HER. 1. Waive of the Ru 2. Extension of Time Complete of the establishment. Amendment to variance. 5. Other (Explain in establishment)	NO IN PART on of term of a previous extension of time to REBY MADE TO: ules of Practice and the toconstruction (In Previous Board Appearm of the: Special Perm	de special zoning) pusly granted varia obtain Certificate d Procedure (Ex	ance for the continued operation of Occupancy. plain in your statement) rate of Occupancy	on of a UG6 eating/dri	nking /2015	

14		
Section E		YES NO
Department	1. Have plans been filed?	
Of Buildings	Have plans been approved? (If Yes, Date Approved)	
Information	3. Has a permit been obtained?	
	4. Is work in progress?	
	(If Yes, Percentage of work completed%) 5. Has a temporary or permanent Certificate of Occupancy been obtained?	
	(If Yes, Expiration Date 10/7/2007 Attach a copy)	
	If you have answered "No" to any of these questions, include a paragraph in your statement describing to delay and the projected schedule of completion.	the reason(s) for
Į.		
Section F	List all prior Board actions associated with the subject Zoning Lot and attach one copy of each resolutio	n:
Board History	On October 7, 1997, when the Zoning District was R7-2, an application	was granted by
motory	the Board under Section 11-411 to permit:	
	the proposed reestablishment and extension of term of a one-story retail store (UG6) which does not conform to the use regulations and has non-compliances with regard to lot coverage and rear yard requirements. On November 18	
	application was granted extending the term of the variance and permitting a change in use from a retail store (UG6) drinking establishment (UG6). On July 22, 2014 an application was granted permitting an extension of time to update	to an eating and
	Occupancy.	e the Certificate of
Section G		YES NO
Inspection	1. Have you reviewed the Board's case file?	
and Compliance	2. Have you recently inspected the premises and surrounding area?	
	(If Yes, date of most recent site inspection December 2017)	
	3. Did you find:	
	Compliance with the terms and conditions of the Board's resolution? Attach a completed Certificate of Inspection and Compliance	
	b. Any significant condition changes (e.g. rezoning, city map amendments, recent	ei - 38 34
	developments) within the affected area since the Board's last action on this application?	
	If the answer is "yes" to any of the questions below, explain further in your statement.	
	4. Is there currently a proposal before the City Planning Commission to change the subject	_
	Zoning District, or any other action which includes the premises?	
	5. Are there any outstanding violation(s) on the premises?	
	(If Yes, submit a DOB BIS printout) 6. Is there any other application before the Board which affects the premises?	
	(If Yes, Cal No) 7. Is there any other application at any government agency which affects the premises?	
	7. Is there any other application at any government agency which allects the premises?	
ii Ii		
Section H	I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STA	TEMENTS
Signature	la forth	
	Sworn to Me this 15 Day Signature of Applicant, Corporate Officer or Other Authorized Representative	OF
		DDALE
	Print Name Title NOTARY PUBLICS	STATE OF THE PARTY OF

NOTARY PUBLIC NO. 02DA6182837

QUALIFIED IN KINGS COU

COMMISSION EXP. MARCH 10, 23, 20

ROTHKRUG ROTHKRUG & SPECTOR, LLP

ATTORNEYS AT LAW

55 WATERMILL LANE, SUITE 200

GREAT NECK, NEW YORK 11021

ADAM W. ROTHKRUG SIMON H. ROTHKRUG, LLM DOUGLAS M. SPECTOR NEAL S. FRIEDMAN TODD DALE

TELEPHONE: 516,487,2252 718,343,0069 FACSIMILE: 516,487,2439 RRSLAWLLP.COM

STATEMENT OF FACTS

Cal. No. 24-96-BZ 213 Madison Street Block 271 – Lot 40 Manhattan, NY

Application for an extension of term of a previously granted variance for the continued operation of a eating and drinking establishment (UG 6) within an R7-2 zoning district, and an extension of time to obtain a Certificate of Occupancy ("CO") for an existing one-story commercial building. In addition, a waiver of the Board's Rules of Practice and Procedure is requested to permit delayed filing of the application.

The subject site is located on the north side of Madison Street, 184 feet east of the intersection of Rutgers Street and Madison Street, within Community Board 3 of Manhattan. Zoning of the premises is R7-2 and reference to the Department of City Planning website does not indicate any proposed changes in applicable zoning.

Records indicate that on October 7, 1997 the Board, pursuant to ZR § 11-411, granted an application for reestablishment and extension of term of a variance permitting a one-story retail store (UG6) that did not conform to the applicable district use regulations and had non-compliances with regard to lot coverage and rear yard requirements. On November 18, 2008 the Board granted an application for extension of term of the variance and permission for a change in use from a retail store (UG6) to an eating and drinking establishment (UG6) to expire October 7, 2017. On July 22, 2014 an application was granted for an extension of time to obtain an amended Certificate of Occupancy by July 15, 2015.

It is proposed to extend the term of the variance allowing the existing eating and drinking establishment, and to extend the time to obtain a CO for the subject building. No changes to the operator, operation or structure of the building are proposed. It continues to be used for a McDonald's restaurant, with no violations issued or known complaints since the previous action before the Board. The site maintains all conditions as previously set forth by the Board, and the property owner is agreeable to maintenance of same.

Subsequent to the previous action, a prior architect retained by the property owner filed an application at the Department of Buildings ("DOB") for a change in use and amendment of the CO (Job No. 121682287). Due to issue with the prior architect, a new professional has been retained to

¹ Review of Department of Buildings records indicates one open violation issued in 1999 to a previous tenant for an impermissible sign. No penalty is outstanding, and the current owner will review the open status in conjunction with obtaining a new CO.

ROTHKRUG ROTHKRUG & SPECTOR, LLP

STATEMENT

(continued)

complete the CO process, and it is expected that the new CO could be obtained within 12 months of the grant of the instant application.

In addition to the extension of term and extension of time, a waiver of the Board's Rules of Practice and Procedure is also sought to permit delayed filing of the subject application. As noted, due to the change in architect, obtaining the updated CO has been delayed.

Respectfully submitted,

ROTHKRUG ROTHKRUG & SPECTOR LLI



250 Broadway, 29th Floor New York, NY 10007 212-386-0009 - Phone www.nyc.gov/bsa

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

LONDON FRONTHON		
- A CONTAIN P	V	sworn, deposes and says that (s)he resides
at 91 (00) 11 div 11, in the City	of New YORK	, in the County of MANATAN, in the
		is the owner in fee of all that certain
lot, piece or parcel of land located in t	the Borough of Man	hattan in the City of New York
and known and designated as Block	271 Lot(s) 40	, Street and House Number
		facts in the annexed application are true.
Check one of the following conditions	:	
Sole property owner of zoning	g lot	
Cooperative Building		
Condominium Building		
Zoning lot contains more than	n one tax lot and proper	ty owner
	Owner's Authorizati	on
The owner identified above hereby au	Rothkrug	Rothkrug & Spector LLp
to make the annexed application in he	er/his behalf.	A 21 00
	Signature of Owner	Mono Afrisheru
V.	Print Name	LECHARD FARTOBAU
	Print Title	OWNER
Sworn to before me this	day	
of November 2 017		
Britt adam B	alles	BRETT ADAM HABER Notary Public, State of New York No. 01HA6045262 Qualified in New York County Commission Expires 07/24/20/26

Board of Standards and Appeals History

24-96-BZ

213 Madison Street, Manhattan, NY

10/7/1997	Application granted for reestablishment and extension of term of a one- story retail store (UG6) which does not conform to the applicable district use regulations and has non-compliances with regard to lot coverage and rear yard requirements.
11/18/2008	Application granted for extension of term of variance and permission for a change in use from a retail store (UG6) to an eating and drinking establishment (UG6). Term to expire October 2, 2017.
7/22/2014	Application granted for extension of time to obtain a Certificate of Occupancy.





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NYC Department of Buildings

Property Profile Overview

213 MADISON STREET

MANHATTAN 10002

BIN# 1003228

MADISON STREET

213 - 213

Health Area : 7800 Census Tract : 6 Tax Block : 271 Tax Lot : 40

Census Tract
Community Board

: NO

Buildings on Lot

: 103 : 1 Condo Vacant

: NO

View DCP Addresses... View Zoning Documents **Browse Block**

View Challenge Results

Pre - BIS PA

View Certificates of Occupancy

Cross Street(s):

RUTGERS STREET, JEFFERSON STREET

DOB Special Place Name:

DOB Building Remarks:

Landmark Status: Local Law:

NO

Special Status:

N/A

SRO Restricted:

Environmental Restrictions:

NO

Loft Law: TA Restricted:

NO NO

UB Restricted:

NO

Grandfathered Sign:

NO

Legal Adult Use:

N/A NO NONE

City Owned:

NO

Additional BINs for Building:
Special District:

UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. <u>Click here for more information</u>

Department of Finance Building Classification:

K1-STORE BUILDING

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	Elevator Records
Complaints	0	0	Electrical Applications
Violations-DOB	1	0	Permits In-Process / Issued
Violations-ECB (DOB)	1	1	Illuminated Signs Annual Permits
Jobs/Filings	12		Plumbing Inspections
ARA / LAA Jobs	0		Open Plumbing Jobs / Work Types
Total Jobs	12		<u>Facades</u>
	-		Marquee Annual Permits
Actions	15		Boiler Records
OR Enter Action Type:			DEP Boiler Information
OR Select from List: Select		~	Crane Information
AND Show Actions			After Hours Variance Permits

If you have any questions please review these <u>Frequently Asked Questions</u>, the <u>Glossary</u>, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.





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NYC Department of Buildings

ECB Violation Details

Premises: 213 MADISON STREET MANHATTAN

Filed At: 213 MADISON STREET, MANHATTAN, NY 10002

Community Board: 103

ECB Violation Summary

BIN: 1003228 Block: 271 Lot: 40

VIOLATION OPEN

ECB Violation Number: 34195176H

Severity: NON-HAZARDOUS Penalty Balance Due: \$0.00

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: STIPULATION/IN-VIO

Respondent Information

Name:

KAREM HLDG CP

Mailing Address:

213 MADISON STREET, NY, NY 10002

Violation Details

Violation Date:

01/27/1999

Violation Type:

CONSTRUCTION

Served Date:

01/27/1999

Inspection Unit:

Infraction Codes

Section of Law

Standard Description

B25

27-201

WORK DOES NOT CONFORM TO APPROVED PLANS

Specific Violation Condition(s) and Remedy:

WORK DOES NOT CONFORM TO APPROVED PLANS. NOTED:AT FRONT OF BLDG SIGN/STRUCTURE WITH INTERIOR WALL MOUNTED ILLUNINATION. DIMENISION AND INSTALLATION ALL COUTRARY TO PLANS DATED 10/5/98 UNDER PERMIT #101509146

Issuing Inspector ID:

0856

DOB Violation Number: 012799CB3GJ02

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

Certification Status:

NO COMPLIANCE RECORDED

Compliance On:

Stipulated Compliance Due Date:

05/15/1999

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date/Time: 03/18/1999 10:30

Hearing Status:

STIPULATION/IN-VIO

ECB Penalty Information

Penalty Imposed:

\$130.00

Adjustments:

\$0.00

Amount Paid:

\$130.00

Penalty Balance Due:

\$0.00

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



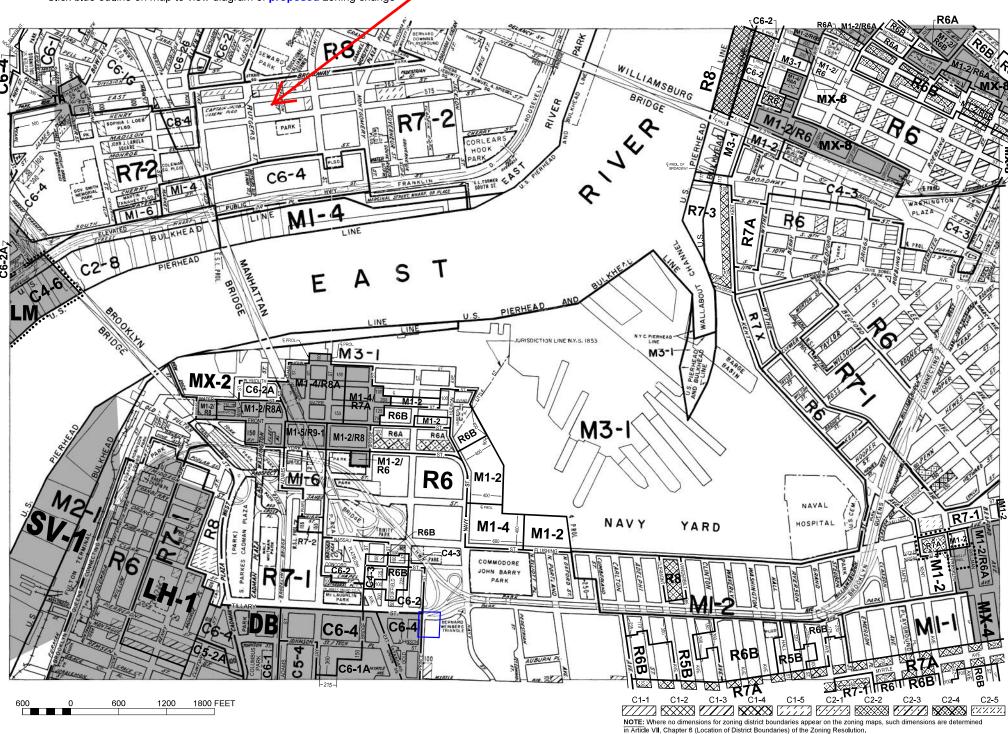
250 Broadway, 29th Floor New York, NY 10007 212-386-0009 - Phone www.nyc.gov/bsa

	No.: 24-96-		
Street Ad	dress: 213 h	Madison Street	
Block:	271	Lot(s):	40

CERTIFICATION OF INSPECTION & COMPLIANCE

Todd Dale	hereby states th	at I personally inspected the
(Applicant, Agent, Registered Architect or Register		F
premises and surrounding area on	December 2017	In addition, I have
researched all relevant BSA records related t	te of most recent inspection) to the premises, including BS	A-approved plans and resolutions.
Each non-compliance with the terms, condition	ons and/or plans of the effecti	ve prior BSA grant is explained in
detail below. The specific date or time fra	ume on which compliance w	ill be restored, where possible to
ascertain, is listed.		
[Note: A request to eliminate any prior condition m not be made on this form]	ust be part of the relief sought ir	the application; such request should
I confirm that the premises is developed BSA-approved plans and resolution	_	•
The following deviation(s) from the exist on the site:	currently effective BSA-app	proved plans and/or resolution
Area(s) of non-compliance	Date(s) to	achieve compliance.
Certificate of Occupancy expired.	Within 12 mapplication.	onths of approval of instant
- 1945 - 1945		2
/1~	1/2	
	licant/Agent Signature chitect/Engineer Seal as Appropria	te)
		te)

Click blue outline on map to view diagram of proposed zoning change



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R - RESIDENTIAL DISTRICT

C - COMMERCIAL DISTRICT

M - MANUFACTURING DISTRICT



M1-2/R6A

SPECIAL PURPOSE DISTRICT The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

05-10-2017 C 160221 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY					
12a	12c	13a			
12b	12d	13b			
16a	16c	17a			
Convrighted by the City of New York					

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at

(212) 720-3291.





NYC Digital Tax Map

Effective Date : 12-09-2013 09:56:58 End Date : Current

Manhattan Block: 271

Legend

Streets

 Miscellaneous Text Possession Hooks ----- Boundary Lines

1 Lot Face Possession Hooks — Regular

Underwater Tax Lot Polygon Condo Number Tax Block Polygon





Cal. No. 24-96-BZ



NYS RA / PE SEAL AND SIGN		BSA ZO	NING AN	IALYSIS		REVISED) APRIL 2005
BSA CALENDAR NO.				BLOCK		LO	Γ
SUBJECT SITE ADDRESS							
APPLICANT						<u>.</u>	COMPLIANT: "Y"
ZONING DISTRICT			PRIOR BSA #		_	Π	IF NOT: "N" and
SPECIAL/HISTORIC DISTRICT	* <u>APPLICABLE</u>	MAXIMUM	MINIMUM	LEGAL PER			INDICATE AMT
COMMUNITY BOARD	ZR SECTION	PERMITTED	REQUIRED	C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
LOT AREA							
LOT WIDTH							
USE GROUP (S)							
FA RESIDENTIAL							
FA COMMUNITY FACILITY							
FA COMMERCIAL/INDUST.							
FLOOR AREA TOTAL							
FAR RESIDENTIAL							
FAR COMMUNITY FACILITY							
FAR COMMERCIAL/INDUST.							
FAR TOTAL							
OPEN SPACE							
OPEN SPACE RATIO							
LOT COVERAGE (%)							
NO. DWELLING UNITS							
WALL HEIGHT							
TOTAL HEIGHT							
NUMBER OF STORIES							
FRONT YARD							
SIDE YARD							
SIDE YARD							
REAR YARD							
SETBACK (S)							
SKY EXP. PLANE (SLOPE)							
NO. PARKING SPACES							
LOADING BERTH (S)							
OTHER:							
* In Applicable ZR Section column: For RES compliance. For COMMERCIAL or MANUFA	IDENTIAL developm	nents in non-res	idential districts tial districts, co	s, indicate neare ntrast proposed	st R district, e bulk and area	.,g., R4/23-141 elements to c	end contrast

compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current Rulistic requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements to requirements (contrast to nearest district where use is permitted). For COMMUNITY FACTOR was a final proposed bulk and area elements of the proposed bulk and

BSA SIGN A	REVISED JANUARY 2004			
BSA CALENDAR NO:			_	
LOCATION:		BOROUGH	BLOCK	
APPLICANT:			LOT	
ZONING DISTRICT:		SPECIAL DISTRICT		
LOT AREA:		EQUIVALENT C DISTRICT		
	SECTION	PERMITTED	PROPOSED	COMPLIANCE
ACCESSORY BUSINESS SIGNS ADVERTISING SIGNS		PERMITTED IN ALL COMMERCIAL DISTRICTS C6-5, C6-7, C7, C8 DISTRICTS		
		SEE TABLE SECT. 32-642 FOR SURFACE AREA		
C1 - C8	00.040	PERMITTED =		
NON-ILLUMINATED SIGNS C1 - C8	32-642	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED =		
ILLUMINATED NON-FLASHING	32-643	SEE TABLE THIS SECTION FOR SURFACE AREA		
C1, C2 ILLUMINATED OR FLASHING	32-644	PERMITTED = SEE TABLE THIS SECTION FOR SURFACE AREA		
C4, C5-4, C6, C7				
(NO FLASHING SIGNS IN C6-1A) ILLUMINATED OR FLASHING	32-645	PERMITTED = TOTAL SURFACE AREA OF ALL SUCH SIGNS		
SIGNS IN C8 DISTRICTS -	32-043	TOTAL SURFACE AREA OF ALL SUCH SIGNS < 5X STREET FRONTAGE OF ZONING LOT;		
BUSINESS OR ADVERTISING		EACH SIGN < 500 SF		
PERMITTED PROJECTION	32-651	NO PERMITTED SIGN TO		
C6-5, C6-7, C7		PROJECT ACROSS STREET		
SEE SECTION 32-653 FOR ADD'L REGS PERMITTED PROJECTION	32-652	LINE BY MORE THAN 8' NO PERMITTED SIGN TO PROJECT		
FOR ALL REMAINING COMMERCIAL	32-032	ACROSS STREET LINE BY MORE THAN		
DISTRICTS		18" FOR DOUBLE OR MULTI-FACETED		
		SIGNS OR 12" FOR ALL OTHERS		
REGULATIONS FOR PROJECTING	32-653	- AWNING OR CANOPY: NON-ILLUM. < 12SF,		
BUSINESS SIGNS: AWNINGS, CANOPIES, SIGNS ON MARQUEES		LETTERS < 12", FOR IDENTIFICATION ONLY; - SIGN ON MARQUEE: MUST PROJECT<48"		
C1 - C8		ABOVE, >12" BELOW, EXCEPT C6-5, C6-7, C7		
MAXIMUM HEIGHT OF SIGNS	32-654	< 40' ABOVE CURB LEVEL;		
C8	02 00 1	< 58' FOR NON-ILLUM. OR INDIRECT SIGNS		
MAXIMUM HEIGHT OF SIGNS	32-655	SEE TABLE: 25'-40' RANGE PER DISTRICT;		
C1 - C7		C6-5, C6-7, C7: NO RESTRICTION		
MAXIMUM HEIGHT ABOVE ROOF	32-656	ONLY VERTICAL SIGNS < 28" WIDE MAY		
C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9		EXTEND UP TO 15' ABOVE ROOF LEVEL		
ROOF SIGNS	32-657	NONE PERMITTED		
C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9				
ADDITIONAL REGULATIONS FOR	32-661	IF WITHIN 200' OF ARTERIAL HIGHWAY OR PARK	1	OF NEW
SIGNS OTHER THAN ADVERTISING		SIGN SHALL NOT EXCEED 500sf SURFACE AREA	65/3	A COLOR
SIGNS IN C6-5, C6-7, C7, C8		IF WITHIN VIEW. SEE EXCEPTIONS		
ADDITIONAL REGULATIONS FOR		NONE PERMITTED WITHIN		
ADVERTISING SIGNS IN C6-5, C6-7, C7, C8		200' OF ARTERIAL HIGHWAY OR PARK, IF WITHIN VIEW	Wind The state of	
WATERWAY ADVERTISING SIGNS	32-663	NOT PERMITTED ADJACENT TO C DISTRICTS		OFE9610NP
PROVISION FOR DIST. BOUNDARIES		IF WITHIN 100' OF RESIDENCE DISTRICT OR	<u>. </u>	
C2 - C8		ADJ. TO PARK AND SIGN <165 DEG., SEE C1 REGS.		
RESIDENTIAL OR MIXED BUILDINGS		FOR UG 1, 2 or RESIDENTIAL USES, SEE		
C1 - C6		RESIDENTIAL REGULATIONS. FOR NON -		
		RESIDENTIAL USE ON 2 FLOORS - NON-ILLUM.		
		SIGNS ONLY AND BELOW 3RD STORY		
ADULT ESTABLISHMENTS	32-69	SEE SECTION		



213 Madison Street, Manhattan Block 271 Lot 40

Cal. No. 24-96-BZ







213 Madison Street, Manhattan Block 271 Lot 40

View #3 November 29, 2017





24-96-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Lesaga LLC, owner.

SUBJECT – Application December 31, 2013 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of a UG6 eating and drinking establishment (*McDonald's*), which expired on May 18, 2009; Waiver of the Rules. R7-2 zoning district.

PREMISES AFFECTED – 213 Madison Street, north side of Madison Street 184' east of the intersection of Madison Street and Rutgers Street, Block 271, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT -

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of the time to obtain a Certificate of Occupancy for an eating and drinking establishment (Use Group 6); and

WHEREAS, a public hearing was held on this application on April 11, 2014, after due notice by publication in the *City Record*, with continued hearings on May 13, 2014, June 10, 2014, and July 15, 2014, and then to decision on July 22, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Ottley-Brown, Commissioner Montanez, and former Chair Srinivasan; and

WHEREAS, the site is located on the north side of Madison Street between Rutgers Street and Jefferson Street, within an R7-2 zoning district; and

WHEREAS, the site is currently occupied by an eating and drinking establishment (Use Group 6) operated as McDonald's; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 19, 1955 when, under BSA Cal. No. 664-54-BZ, the Board granted a variance to permit the construction and maintenance of a commercial building (retail store) for a term of 15 years; and

WHEREAS, on October 7, 1997, under the subject calendar number, the Board granted an application to reestablish the variance, which lapsed in 1970; and

WHEREAS, in 2004, the use of the subject premises was changed from a retail store to an eating and drinking establishment; and

WHEREAS, on November 18, 2008, the Board

approved an amendment to legalize the change in use from a retail store (Use Group 6) to an eating and drinking establishment (Use Group 6) and to extend the term for a period of ten years to expire on October 7, 2017; and

WHEREAS, a condition of the grant was that an updated CO be obtained by May 18, 2009; and

WHEREAS, a CO has not been obtained; and

WHEREAS, at hearing, the Board directed the applicant to ensure that the signage complies with C1 zoning district regulations; and

WHEREAS, in response, the applicant removed all non-complying signage including flags and banners; and

WHEREAS, the applicant submitted photographs that reflect the removal of the flags, banners, and support brackets that held them; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens, and grants an extension of time to obtain a Certificate of Occupancy, to expire on July 15, 2015; on condition that any and all use will substantially conform to drawings associated with the prior approval; and on further condition:

THAT the grant will expire on October 7, 2017;

THAT a rear yard no less than 11'-0" in depth will be provided in accordance with the BSA-approved plans and be maintained free and clear of debris and any other encroachments;

THAT the premises will be maintained clean and free of graffiti;

THAT all signage will comply with C1 zoning district regulations;

THAT the above conditions and all other relevant conditions from prior approvals will be listed on the certificate of occupancy;

THAT a certificate of occupancy will be obtained by July 15, 2015;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted. (DOB Application. No. 121682287)

Adopted by the Board of Standards and Appeals, July 22, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, July 22, 2014. Printed in Bulletin No. 30, Vol. 99.

Copies Sent

To Applicant
Fire Com'r.
Borough Com'r.

CERTIFIED RESOLUTION

Little And Commissioner of the Board

24-96-BZ

APPLICANT - Rothkrug, Rothkrug & Spector LLP, for Leonard Franzblau, owner.

SUBJECT – Application January 23, 2008 – Application filed pursuant to §§11-411 & 11-413 to extend the term of a variance, which expired on October 7, 2007, permitting commercial use in an R7-2 residential zoning district and non-compliance regarding lot coverage and rear yard requirements, and to amend the variance to permit a change in use from a retail store (use group 6) to an eating and drinking establishment (use group 6).

PREMISES AFFECTED – 213 Madison Street, North side of Madison Street between Jefferson Street and Essex Street, Block 271, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of the term of a variance permitting a commercial use in a residential zoning district, and an amendment to legalize a change in use from a retail store (Use Group 6) to an eating and drinking establishment (Use Group 6); and

WHEREAS, a public hearing was held on this application on May 6, 2008, after due notice by publication in the *City Record*, with continued hearings on June 24, 2008, July 29, 2008, and September 23, 2008, and then to decision on November 18, 2008; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Ottley-Brown, and Commissioner Montanez; and

WHEREAS, Community Board 3, Manhattan, recommends approval of this application; and

WHEREAS, the site is located on the north side of Madison Street between Rutgers Street and Jefferson Street, within an R7-2 zoning district; and

WHEREAS, the site is currently occupied by an eating and drinking establishment (Use Group 6); and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 19, 1955 when, under BSA Cal. No. 664-54-BZ, the Board granted a variance to permit the construction and maintenance of a commercial building (retail store) for a term of fifteen years; and

WHEREAS, on October 7, 1997, under the subject

calendar number, the Board granted an application to reestablish the variance, which lapsed in 1970, and to extend the term for ten years, to expire on October 7, 2007; and

WHEREAS, the applicant now seeks an amendment to legalize the change in use from a retail store (Use Group 6) to an eating and drinking establishment (Use Group 6) and to extend the term for a period of ten years; and

WHEREAS, in 2004, the use of the subject premises was changed from a retail store to an eating and drinking establishment; and

WHEREAS, the Board notes that there is a discrepancy between the existing conditions, which provide for a building built to a depth of 89'-2" and a rear yard of 11'-0" and the previously approved plans, which provide for a building that is 86'-0" in depth and a rear yard of 14'-2"; and

WHEREAS, the applicant represents that the previously approved plans are erroneous and the dimensions of the building are unchanged; and

WHEREAS, at hearing, the Board requested the applicant establish that the building had not been modified to accommodate the change in use; and

WHEREAS, in response, the applicant submitted the plans approved by the Department of Buildings for the change in use, which demonstrate that the dimensions of the building were not altered to accommodate the change in use; and

WHEREAS, the Board therefore notes that the dimensions for the rear yard and building length on the previously approved plans are incorrect, and the correct rear yard and building length dimensions are 11'-0" and 89'-2", respectively; and

WHEREAS, at hearing, the Board requested the applicant to ensure that the signage complies with C1 zoning district regulations; and

WHEREAS, in response, the applicant removed all non-complying signage; and

WHEREAS, the Board finds that the change of use from a retail store (Use Group 6) to an eating and drinking establishment (Use Group 6) will not adversely affect the character of the neighborhood.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens, and issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review, to permit the legalization of an eating and drinking establishment (Use Group 6) at the premises, and grants an extension of term for a period of ten (10) years, to expire on October 7, 2017; on condition that any and all use shall substantially conform to drawings as they apply to the

24-96-BZ

objection above noted, filed with this application marked "Received January 23, 2008"-(5) sheets; and on further condition:

THAT this grant shall be for a term of ten (10) years, to expire on October 7, 2017;

THAT a rear yard no less than 11'-0" in depth shall be provided in accordance with the BSA-approved plans, which yard will be maintained free and clear of debris and any other encroachments;

THAT the premises shall be maintained clean and free of graffiti;

THAT all signage shall comply with C1 zoning district regulations;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained by May 18, 2009;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted. (DOB Application. No. 104815817)

Adopted by the Board of Standards and Appeals, November 18, 2008.

A true copy of resolution adopted by the Board of Standards and Appeals, November 18, 2008. Printed in Bulletin Nos. 44-45, Vol. 93.

Copies Sent

To Applicant Fire Com'r.

Berough Com'r.



24-15-BL

APPLICANT - Rothkrug and Rothkrug, for Karen Holding Corporation, owner; Gusman Meat Corporation, lessee.

SUBJECT - Application February 23, 1996 - under Z.R. §11-411, to permit, in an R7-2 zoning district, on a site previously before the Board, the proposed re-establishment and extension of term of an expired variance which permitted the erection of a one-story retail store (Use Group 6) which does not conform to the applicable district use regulations and has non-compliances with regard to lot coverage and rear yard requirements, and is therefore contrary to Z.R. §22-00. PREMISES AFFECTED - 213 Madison Street, north side, 156.6' west of Jefferson Street, Block 271, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: P. Agusta and Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

WHEREAS, the decision of the Borough Commissioner, dated February 16, 1996, acting on Alt. Applic. No. 101163081 reads:

"1. Proposed retail store use group 6 in an R7-2 district is contrary to section 22-00 of the zoning resolution and BSA Cal. Number 664-54-BZ and must be referred back to the Board of Standards and Appeals.": and

WHEREAS, Community Board No. 3, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 13, 1996, after due notice by publication in the Bulletin and laid over to February 11, 1997, April 29, 1997, June 24, 1997, August 5, 1997, September 16, 1997 and then to October 7, 1997 for Jecision; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Robert E. Flahive, P.E., and Commissioner Rosemary F. Palladino, J.D.; and

WHEREAS, this is an application under Z.R. §11-411, to permit, in an R7-2 zoning district, on a site previously before the Board, the proposed re-establishment and extension of term of an expired variance which permitted the erection of a one-story retail store (Use Group 6) which does not conform to the applicable district use regulations and has non-compliances with regard to lot coverage and rear yard requirements, and is therefore contrary to Z.R. §22-00; and

WHEREAS, the site is a mid-block parcel with a depth of 100.2' and a frontage on Madison Street of 26.1', developed with an existing one-story and cellar 2,236' non-complying structure occupied with a non-conforming small retail food store (Use Group 6); and

WHEREAS, in 1955, under Cal. No. 664-54-BZ, the Board permitted in a residence use district, the erection of a one-story and cellar retail store which did not conform to the applicable district use regulations and had non-compliances with regard to lot coverage and rear yard requirements, for a term of fifteen years, subject to certain conditions; and

WHEREAS, the term of the variance expired in 1970 and the variance lapsed; and

WHEREAS, however, evidence in the record demonstrates that a local retail use has operated continuously on the site; and

WHEREAS, it is now proposed to re-establish the expired variance at the premises; and

WHEREAS, evidence in the record demonstrates that the owner has removed illegal extensions which were encroaching on the required rear yard as required by the Board's prior grant, and, therefore, the premises is now in compliance with the prior resolution; and

WHEREAS, Madison Street in this area remains developed with numerous street level commercial uses, of which, many are developed with residential units on the upper floors; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-411; and

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-2 zoning district, on a site previously before the Board, the proposed reestablishment and extension of term of an expired variance which permitted the erection of a one-story retail store (Use Group 6) which does not conform to the applicable district use regulations and has non-compliances with regard to lot coverage and rear yard requirements, and is therefore contrary to Z.R, §22-00. on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 23, 1996"-(4) sheets and "June 10, 1997"-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years to expire on October 7, 2007;

THAT a rear yard no less than 14' 2" in depth shall be provided in accordance with the BSA-approved plans which yard will be maintained free and clear of debris and any other encroachments;

THAT the premises shall be maintained clean and free of graffiti;

THAT signage at the premises shall conform to C1 district regulations;

THAT the above conditions shall appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a certificate of occupancy be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, October 7, 1997.

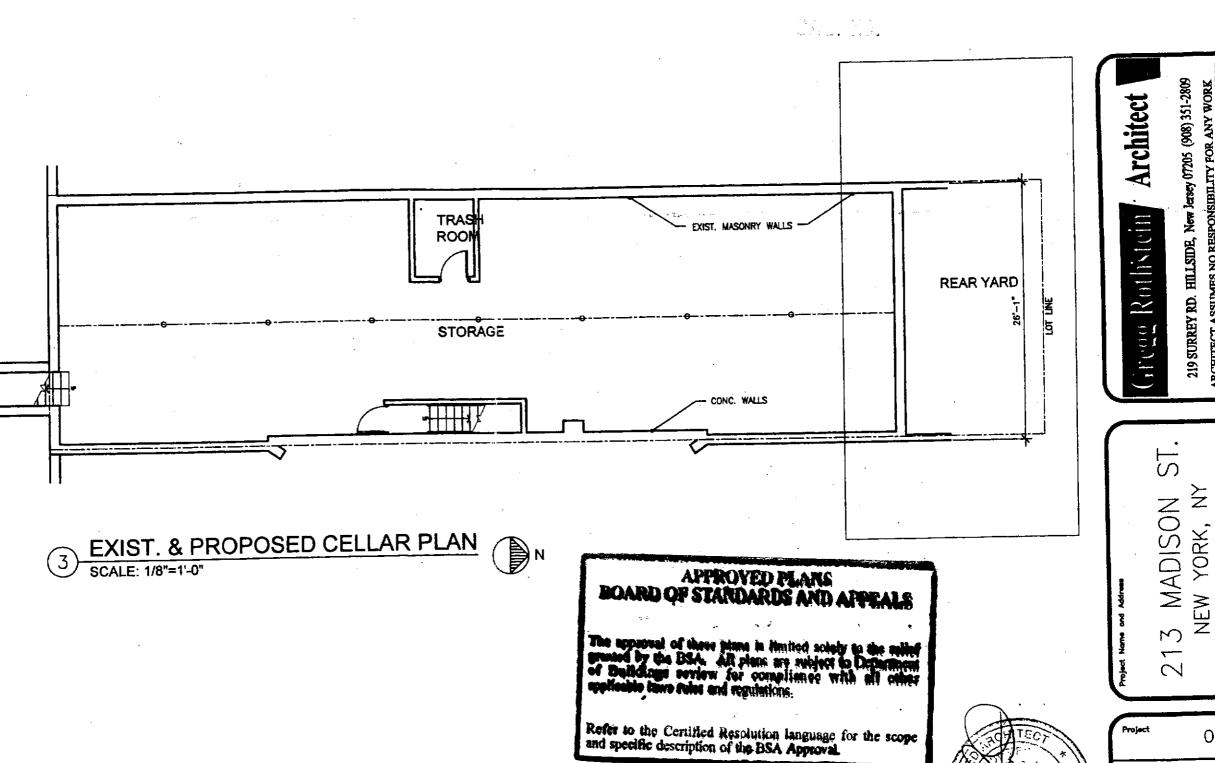
A true copy of resolution adopted by the Board of Standards and Appeals, October 7, 1997. Printed in Bulletin Nos. 40-41, Vol. 82.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

Chairman

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M3 JH 23 P 5 25



All partitions and exits

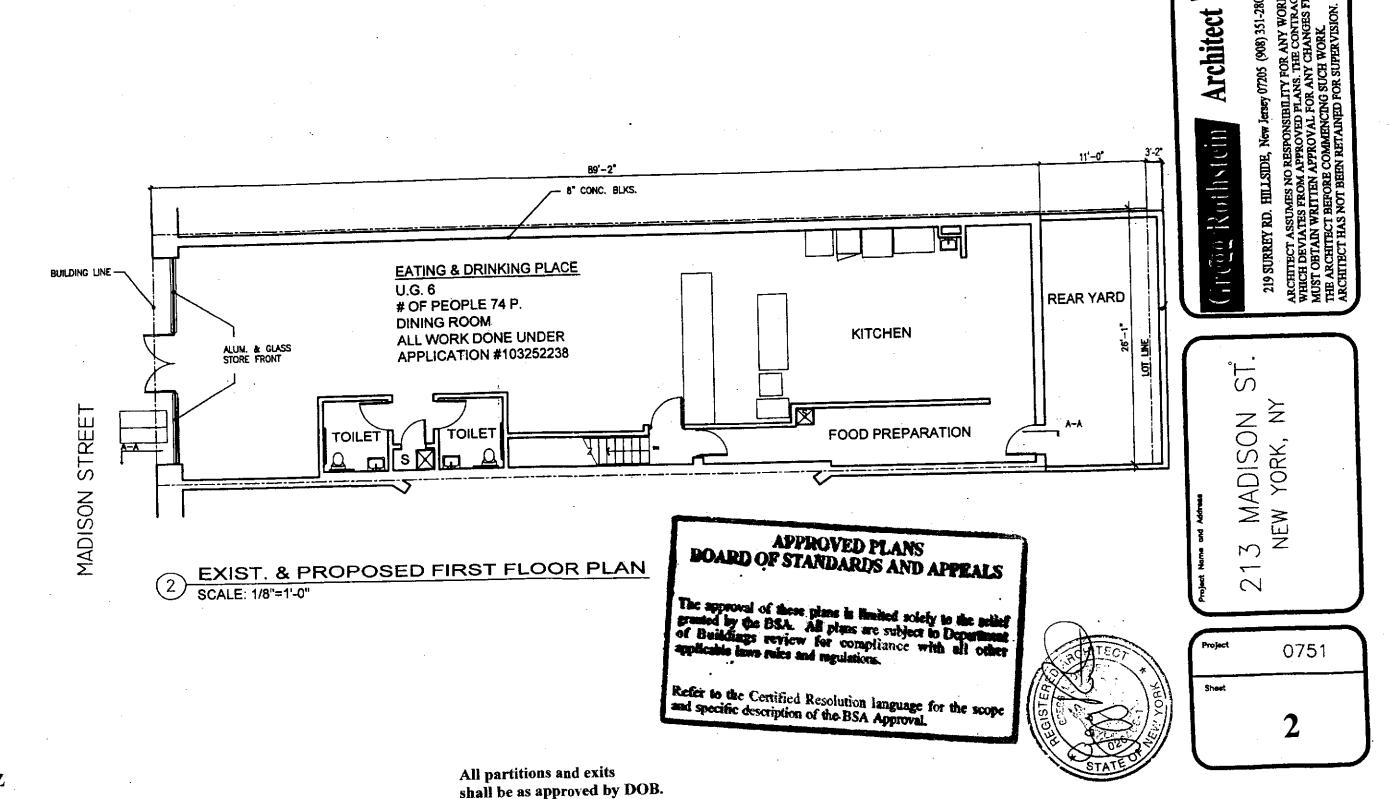
CAL. NO. 24-96-BZ

shall be as approved by Da)B.

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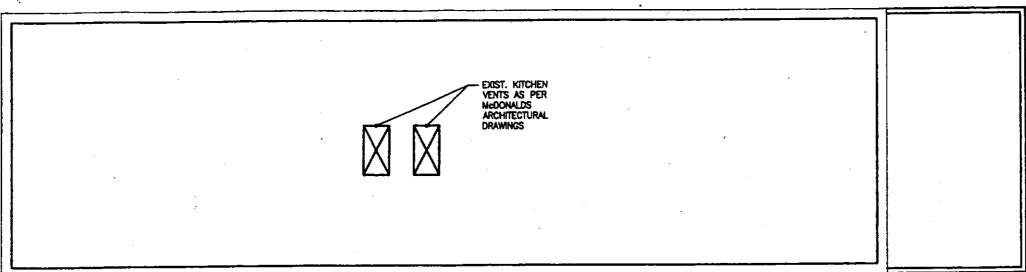
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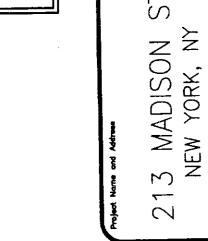


1 EXIST. & PROPOSED ROOF PLAN
SCALE: 1/8"=1'-0"

APPROVED PLANS BOARD OF STANDARDS AND APPEALS

The appeared of these plans is limited solely to the relief granted by the BSA. All plans are subject to Department of Buildings review for compliance with all other applicable laws rules and regulations.

Belie to the Certified Resolution language for the scope and specific description of the BSA Approval.



Architect

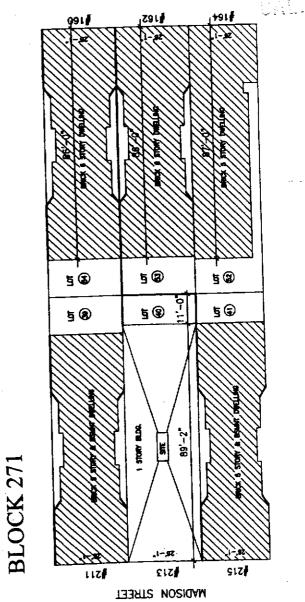
Project
Sheet

Project 0751
Sheet

All partitions and exits shall be as approved by DOB.

EXISTING & PROPOSED FRONT ELEVATION 1-.97 רסב חאב JEFERSON STREET SCALE: N.T.S. 0 PL 8-.9St MADISON STREET APPROVED PLANS
HOARD OF STANDARDS AND APPRALS The approval of these plans is limited solely to the relief granted by the BSA. All plans are subject to Department of Buildings review for compliance with all other applicable laws rules and regulations. Refer to the Certified Resolution language for the scope and specific description of the BSA Approval.

19 JH 23 P 8 25



HENKY STREET



ST NEW YORK, NY MADISON 3 2

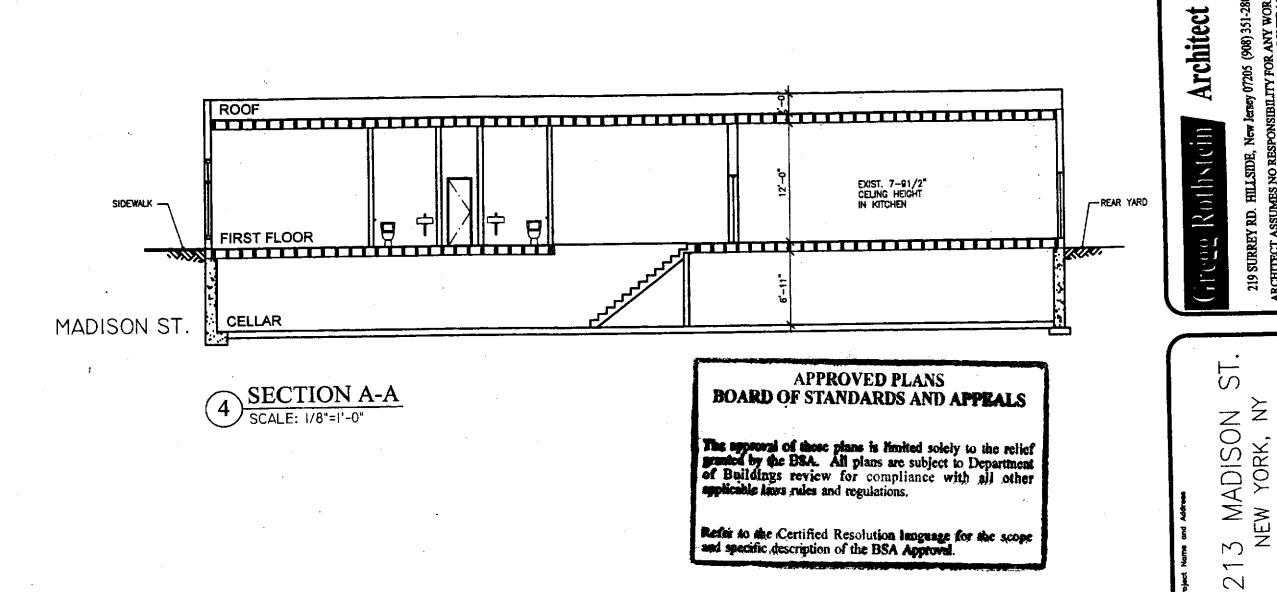
Architect

Rothstein

219 SURREY RD. HILLSIDE, New

Project 0751

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Project Q751
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All partitions and exits shall be as approved by DOB.

PLOT PLAN SCALE: /32" = 1'-0"

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BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

BLOCK 271

40 LOT

BIN 1003228

CB

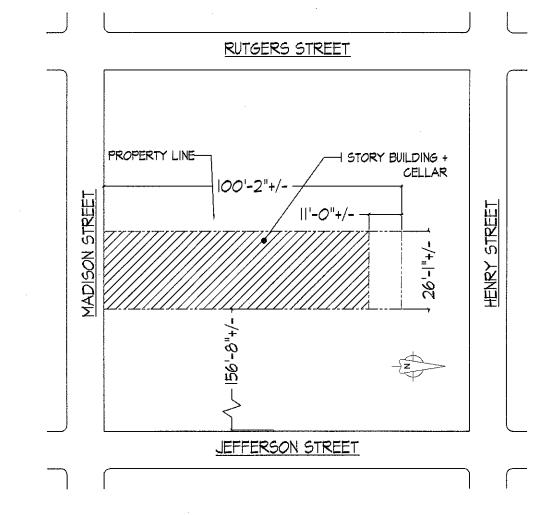
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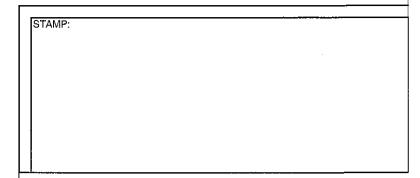
MAP ZONE

R7-2

STORIES

CAL. NO. 24-96-BZ





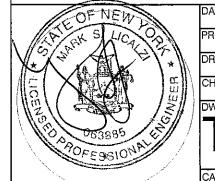
PROJECT:

BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

DWG TITLE:

DOB JOB NUMBER:

PLOT PLAN



DATE:	10 -1 7-17
PROJECT No:	

D.MUNOZ CHK BY: MARK LICALZI, P.E.

CADO FILE No: 1 of 6

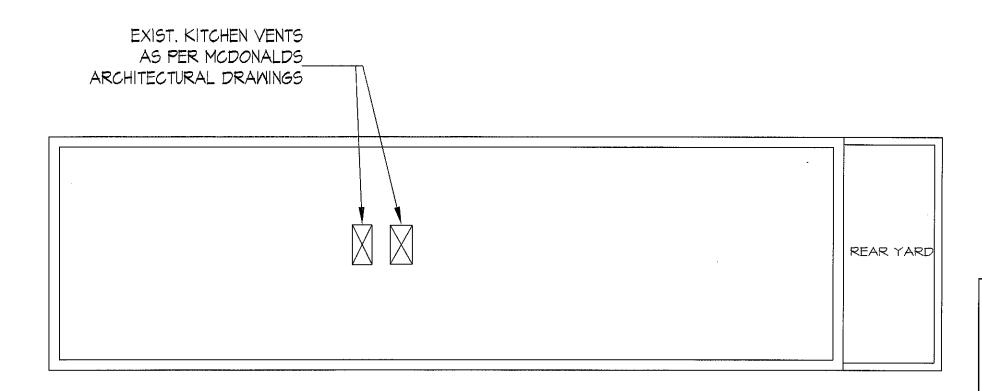


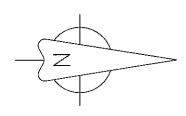
CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011



MADISON STREET





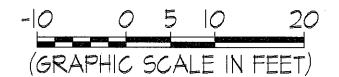
EXISTING ROOF PLAN

SCALE: 3/32" = 1'-0"

NOTES:

CAL.NO. 24-96-BZ

ALL PARTITIONS AND EXITS
SHALL BE AS APPROVED BY DOB



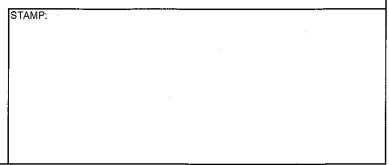


LUKE LICALZI, P.E., P.C.

CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011

DOB JOB NUMBER:

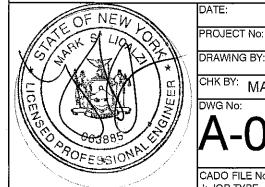


PROJECT:

BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

DWG TITLE:

ROOF PLAN



ATE:	10-17-17

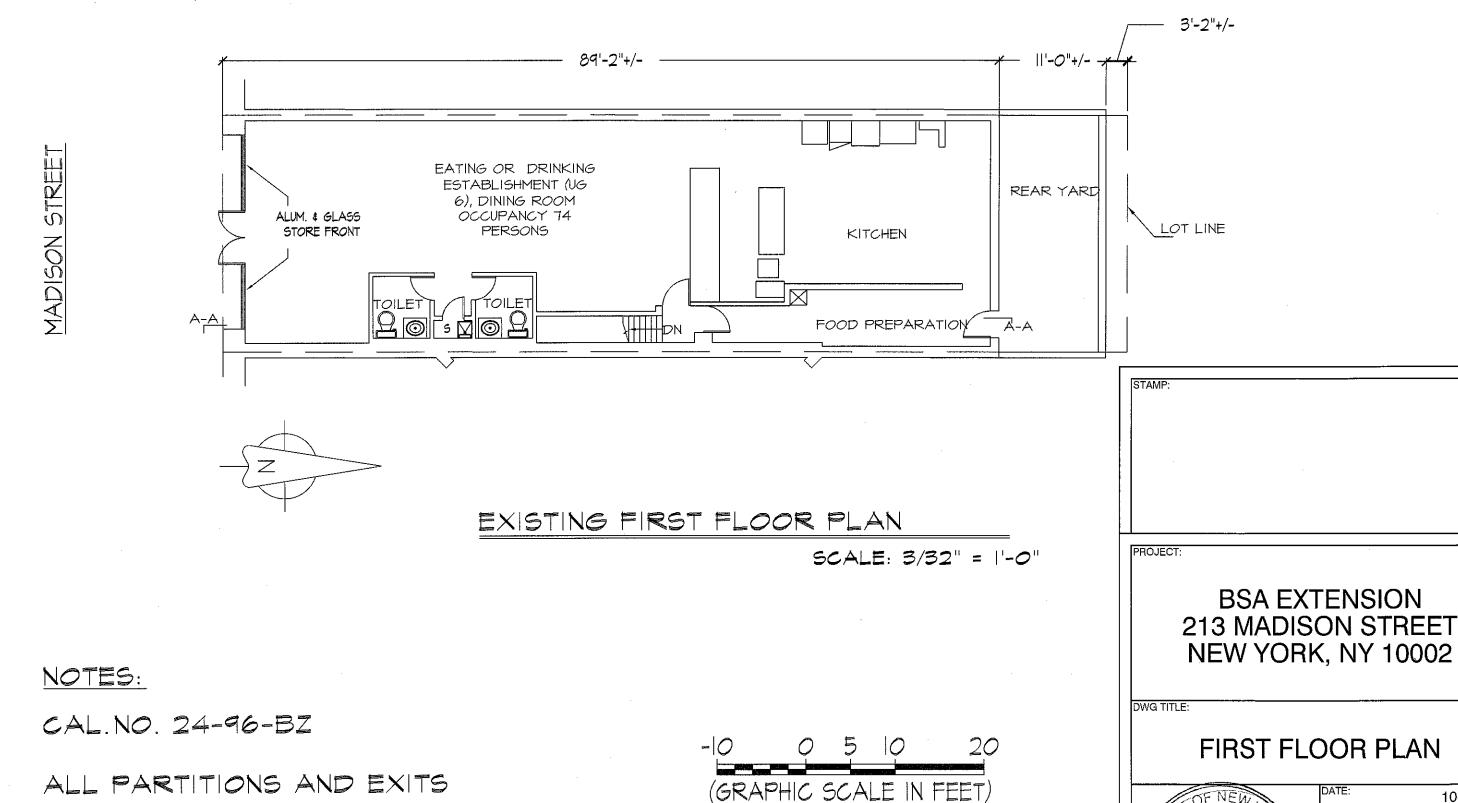
D.MUNOZ

CHK BY: MARK LICALZI, P.E.

A-001.00

CADO FILE No: J: JOB TYPE

02 **of** 6





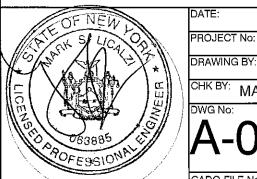
LUKE LICALZI, P.E., P.C.

SHALL BE AS APPROVED BY DOB

CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011

DOB JOB NUMBER:



D.MUNOZ CHK BY: MARK LICALZI, P.E.

10-17-17

CADO FILE No: 03 **of 6**

EXIST, MASONRY MADISON STREET STORAGE CONC. WALLS

EXIST. CELLAR PLAN

SCALE: 3/32" = 1'-0"

NOTES:

CAL.NO. 24-96-BZ

ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB



DOB JOB NUMBER:

PROJECT:

BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

DWG TITLE:

CELLAR PLAN

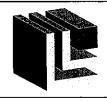


10-17-17 PROJECT No:

D.MUNOZ

CHK BY: MARK LICALZI, P.E.

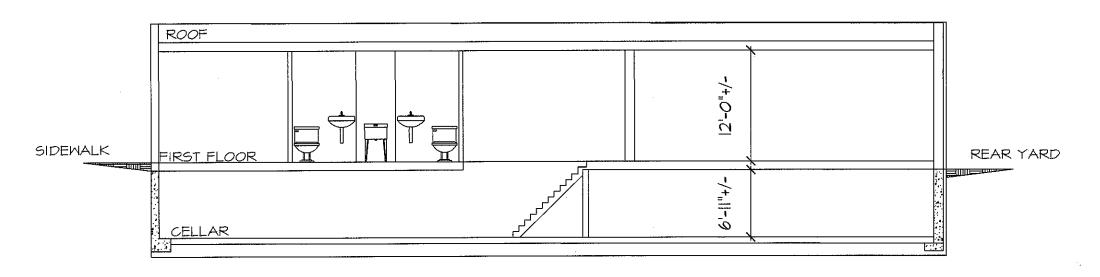
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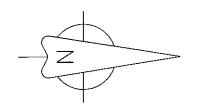


LUKE LICALZI, P.E., P.C.

CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011





MADISON STREET

SECTION A-A

SCALE:3/32" = 1'-0"

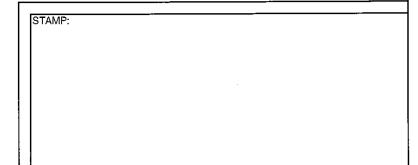
NOTES:

CAL.NO. 24-96-BZ

ALL PARTITIONS AND EXITS
SHALL BE AS APPROVED BY DOB



DOB JOB NUMBER:



PROJECT:

BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

DWG TITLE:

SECTION A-A



TE: 10-17-17

D.MUNOZ

CHK BY: MARK LICALZI, P.E.

A-004.00

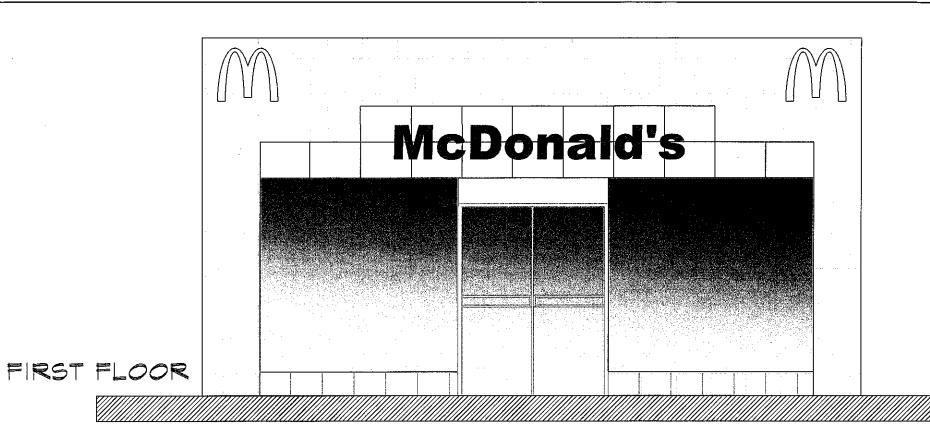
DO FILE No: O5 of 6



LUKE LICALZI, P.E., P.C.

CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011



ADVERTISING SIGNS	PERMITTED	PROPOSED
TOTAL SURFACE AREA - ALL SIGNS CI-C8	78.25	57
NON-ILLUMINATED CI-C8	78.25	9
ILLUMINATED NON-FLASING CI-C2	50	48

MADISON STREET

-\Z

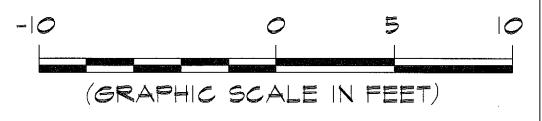
EAST (FRONT) ELEVATION

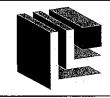
SCALE: 1/4" = 1'-0"

NOTES:

CAL.NO. 24-96-BZ

ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB





LUKE LICALZI, P.E., P.C.

CONSULTING ENGINEERS

27 WEST 20th STREET - SUITE 506 - NEW YORK, NEW YORK 10011

OOB JOB NUMBER:

PROJECT:

STAMP:

BSA EXTENSION 213 MADISON STREET NEW YORK, NY 10002

DWG TITLE:

ELEVATION PLAN



^{E:} 10-17-17

D.MUNOZ

CHK BY: MARK LICALZI, P.E.

MG No:

A-005.00

CADO FILE No: J: JOB TYPE 06 of 6