

1073-62-BZ

APPLICANT – Sheldon Lobel, P.C., for 305 East 40th Owner’s Corporation, owner; Innovative Parking, LLC, lessee.

SUBJECT – Application January 13, 2004 – request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 5, 2003.

PREMISES AFFECTED – 301-313 East 40th Street, north side of East 40th Street, Block 1333, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of variance extended.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:0

THE RESOLUTION –

WHEREAS, a public hearing was held on this application on February 24, 2004, after due notice by publication in The City Record, and laid over to March 23, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on March 5, 2003; and

WHEREAS, on March 5, 1963, the BSA granted an application under Section 60(3) of the Multiple Dwelling Law to permit the use of surplus and unused tenants' parking spaces, within the required accessory garage of a twenty-story and penthouse building, as transient parking for a term of twenty years; and

WHEREAS, on July 6, 1983 and again on February 8, 1994 the BSA granted extensions of the term of the variance for ten years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, said resolution having been adopted on March 5, 1963 as amended

through February 8, 1994, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional (10) years from March 5, 2003 to expire on March 5, 2013, on condition that all work shall substantially conform to drawings as filed with this application marked "Received March 9, 2004"- (2) sheets; and on further condition;

THAT the capacity of the parking in the subject garage shall be no more than 108 spaces;

THAT all tenants/units owners in the subject building shall receive an annual mailing informing them of their parking space recapture rights under the Multiple Dwelling Law and/or other applicable laws;

THAT the parking layout in the subject garage will be as approved by the Department of Buildings;

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; 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) and/or configuration(s) not related to the relief granted."

(DOB Application #103634658)

Adopted by the Board of Standards and Appeals, March 23, 2004.

A true copy of resolution adopted by the Board of Standards and Appeals, March 23, 2004.

Printed in Bulletin Nos. 13-14, Vol. 89.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.