

1073-62-BZ

APPLICANT – Peter Hirshman, for 305 East 40th Owner's Corporation, owner; Innovative Parking LLC, lessee.

SUBJECT – Application January 15, 2013 – Extension of Term of a previously approved variance (MDL Section 60 (1d)), permitting 108 tenant parking spaces for transient use within an accessory garage, which expires on March 5, 2013, C1-9/R10 zoning district.

PREMISES AFFECTED – 305 East 40th Street, northeast corner of East 40 Street and Second Avenue, Block 1333, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a transient parking garage, which expired on March 5, 2013; and

WHEREAS, a public hearing was held on this application on April 9, 2013, after due notice by publication in *The City Record*, and then to decision on May 7, 2013; and

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

WHEREAS, Community Board 6, Manhattan, does not object to this application; and

WHEREAS, the subject site is located on the southeast corner of Second Avenue and East 40th Street, partially within an R10 zoning district and partially within a C1-9 zoning district; and

WHEREAS, the site is occupied by a 20-story and penthouse residential building;

WHEREAS, portions of the cellar and first floor are occupied by a 108-space accessory parking garage; and

WHEREAS, on March 5, 1963, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit unused and surplus parking spaces to be used for transient parking for a term of 20 years; and

A true copy of resolution adopted by the Board of Standards and Appeals, May 7, 2013.

Printed in Bulletin Nos. 18-19, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, most recently, on March 23, 2004, the Board granted a ten-year extension of term, which expired on March 5, 2013; and

WHEREAS, the applicant now requests an additional extension of term; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents’ right to recapture the surplus parking spaces; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution having been adopted on March 5, 1963, so that, as amended, this portion of the resolution shall read: “to permit an extension of term for an additional 10 years from the expiration of the prior grant, to expire on March 5, 2023; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans and that all work shall substantially conform to drawings filed with this application and marked ‘Received January 15, 2013- (2) sheets; and *on further condition*:

THAT this term will expire on March 5, 2023;

THAT a sign stating that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days’ notice to the owner be located in a conspicuous place within the garage, permanently affixed to the wall;

THAT the above conditions and all relevant conditions from the prior resolutions will appear on the certificate of occupancy;

THAT the layout of the parking lot shall 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;

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 No. 103634658)

Adopted by the Board of Standards and Appeals, May 7, 2013.

