

**1095-64-BZ**

APPLICANT – Garo Gumusvan, R.A., for 605 Apartment Corporation, owner; Park & 65 Garage Corporation, lessee.

SUBJECT – Application August 31, 2010 – Extension of Term of an approval pursuant to the Multiple Dwelling Law for transient parking spaces, which expired on March 9, 1980. R8B/R-10 zoning district.

PREMISES AFFECTED – 605 Park Avenue, south east corner of Park Avenue and East 65<sup>th</sup> Street, Block 1399, Lot 74, Borough of Manhattan.

**COMMUNITY BOARD #4M**

APPEARANCES – None.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for a transient parking garage, which expired on May 13, 1990; and

WHEREAS, a public hearing was held on this application on January 11, 2011, after due notice by publication in *The City Record*, and then to decision on February 1, 2011; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the southeast corner of Park Avenue and East 65<sup>th</sup> Street, partially within an R8B zoning district and partially within an R10 zoning district; and

WHEREAS, portions of the cellar and basement are occupied by a 50-space accessory parking garage; and

WHEREAS, on March 9, 1965, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit a maximum of 20 surplus parking spaces to be used for transient parking for a term of 15 years; and

WHEREAS, most recently, on May 13, 1980, the Board granted a ten-year extension of term, which expired on May 13, 1990; 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

**A true copy of resolution adopted by the Board of Standards and Appeals, February 1, 2011.**

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**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

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 *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution having been adopted on March 9, 1965, so that, as amended, this portion of the resolution shall read: “to permit an extension of term for an additional 10 years from the date of this grant, to expire on February 1, 2021; *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 August 31, 2010’-(2) sheets; and *on further condition*:

THAT this term shall expire on February 1, 2021;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights 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 shall 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. 120379544)

Adopted by the Board of Standards and Appeals, February 1, 2011.