

**1250-65-BZ**

APPLICANT – Peter Hirshman, for 87<sup>th</sup> Street Owners Corporation, owner; Park 87<sup>th</sup> Corporation, lessee.

SUBJECT – Application April 21, 2011 – Extension of Term for transient parking in an existing multiple dwelling which expired on March 21, 2011. R8B zoning district.

PREMISES AFFECTED – 55 East 87<sup>th</sup> Street, 107.67' west of Park Avenue, Block 1499, Lot 25, Borough of Manhattan.

**COMMUNITY BOARD #8M**

**APPEARANCES –**

For Applicant: Trevis Savage.

**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 Montanez .....5

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 21, 2011; and

WHEREAS, a public hearing was held on this application on June 14, 2011, after due notice by publication in *The City Record*, and then to decision on July 12, 2011; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Hinkson; and

WHEREAS, the subject premises is located on the north side of East 87<sup>th</sup> Street between Madison Avenue and Park Avenue, within an R8B zoning district; and

WHEREAS, the site is occupied by a 14-story residential building; and

WHEREAS, the cellar is occupied by a 57-space accessory garage; and

WHEREAS, on March 22, 1966, 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 17 surplus parking spaces to be used for transient parking, for a term of 15 years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times; and

WHEREAS, most recently, on June 18, 2002, the Board granted a ten-year extension of term, which expired on March 22, 2011; 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 22, 1966, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the grant for an additional ten years from March 22, 2011, to expire on March 22, 2021; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT this term shall expire on March 22, 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. 102947590)

Adopted by the Board of Standards and Appeals, July 12, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 12, 2011.**

**Printed in Bulletin Nos. 27-29, Vol. 96.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**