

1330-66-BZ

APPLICANT – Sheldon Lobel, P.C., for ACP Lincoln Garages, LLC, owner.

SUBJECT – Application June 5, 2007 – Extension of Time to request a variance, originally granted under §60(3) of the Multiple Dwelling Law.

PREMISES AFFECTED – 205 West End Avenue, West 70th Street, between West End and Freedom Place, Block 1179, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

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 under § 60(3) of the Multiple Dwelling Law (“MDL”) for a transient parking garage, which expired on July 5, 2007; and

WHEREAS, a public hearing was held on this application on July 24, 2007, after due notice by publication in *The City Record*, with continued hearing on August 21, 2007, and then to decision on September 11, 2007; and

WHEREAS, Manhattan Community Board 7 recommends approval of the instant application; and

WHEREAS, the subject premises is located on the south side of West 70th Street between West End Avenue and Freedom Place; and

WHEREAS, the site is occupied by a 28-story plus cellar and sub-cellar multiple dwelling building; and

WHEREAS, the site is located within an R8 zoning district; and

WHEREAS, the cellar and subcellar levels are occupied by the garage, having its entrance on Freedom Place, with 131 spaces on the cellar level and 145 spaces on the subcellar level; and

WHEREAS, on July 5, 1967, the Board granted a variance, under the subject calendar number, to permit surplus parking spaces not used by residents of the building, and not to exceed 50% of the total number of spaces, to be used for transient parking for a term of twenty (20) years; and

WHEREAS, on July 5, 1967, under BSA Cal. No. 1331-66-A, the Board granted an appeal to allow transient parking in the accessory garage by persons other than the occupants of the multiple dwelling, provided, however, that the requirements of BSA Cal. No. 1330-66-BZ were complied with; and

WHEREAS, on February 28, 1989 and May 19, 1998, under the subject calendar number, the Board granted ten-year extensions of term, with the most recent extension to expire on July 5, 2007; and

WHEREAS, no changes are proposed in the layout or operation of the transient parking garage; 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, *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution having been adopted on July 5, 1967, 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 July 5, 2007, to expire on July 5, 2017; *on condition* that that all work shall substantially conform to drawings filed with this application; and *on further condition*:

THAT this term shall expire on July 5, 2017;

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. 104706908)

Adopted by the Board of Standards and Appeals, September 11, 2007.

**A true copy of resolution adopted by the Board of Standards and Appeals, September 11, 2007.
Corrected and Printed in Bulletin No. 38, Vol. 92.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.