

**\*CORRECTION\***

This resolution adopted on June 17, 2008, under Calendar No. 1334-66-BZ and printed in Volume 93, Bulletin Nos. 24-25, is hereby modified to read as follows:

**1334-66-BZ**

APPLICANT – Sheldon Lobel, PC, for ACP Lincoln Garages, LLC, owners.

SUBJECT – Application March 3, 2008 – Reopening for an extension of term for a variance, which was originally granted under Section 60(3) of the Multiple Dwelling Law, which permits the operation of a transient parking garage in the cellar of a building. R8 zoning district.

PREMISES AFFECTED – 150 West End Avenue, east side of West End Avenue between West 66<sup>th</sup> and West 70<sup>th</sup> Streets, Block 1158, Lot 80, 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, 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 May 5, 2008; and

WHEREAS, a public hearing was held on this application on May 13, 2008, after due notice by publication in *The City Record*, and then to decision on June 17, 2008; and

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

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

WHEREAS, the subject premises is located on the east side of West End Avenue between West 66<sup>th</sup> Street and West 67<sup>th</sup> Street; and

WHEREAS, the site is located within an R8 zoning district and is occupied by a 29-story residential building; and

WHEREAS, the cellar is occupied by an accessory garage with 163 spaces; and

WHEREAS, on July 5, 1967, the Board granted a

**A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2008.**

**Printed in Bulletin No. 24-25, Vol. 93.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

variance, under the subject calendar number, to permit a maximum of 44 surplus parking spaces to be used for transient parking for a term of 20 years; and

WHEREAS, on May 5, 1998, under the subject calendar number, the Board waived the Rules of Practice and Procedure and reopened and amended the resolution to grant a ten-year extension of term, which expired on May 5, 2008; and

WHEREAS, the applicant submitted a photograph of a 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 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 May 5, 2008, to expire on May 5, 2018; *on condition* that that all work shall substantially conform to drawings filed with this application and marked 'Received March 3, 2008'–(1) sheet; and *on further condition*:

THAT this term shall expire on May 5, 2018;

THAT a sign indicating that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the parking garage operator 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. 101893756)

Adopted by the Board of Standards and Appeals, June 17, 2008.

**\*The resolution has been modified in the 7<sup>th</sup> WHEREAS clause. Corrected in Bulletin Nos. 44-45, Vol. 93, dated November 28, 2008.**