

198-66-BZ

APPLICANT - Eric Palatnik, P.C., for 300 East 74 Owners Corp., owner.

SUBJECT - Application December 16, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 300 East 74th Street, southeast corner of 2nd Avenue and East 74th Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for an amendment to permit modifications to the size, configuration and design of the existing plaza, located on the same lot as a 36-story mixed-use building, previously approved by the Board under the subject calendar number in 1966, through a variance for additional floor area; and

WHEREAS, a public hearing was held on this application on March 9, 2004, after due notice by publication in the *City Record*, with continued hearings on May 25, 2004, August 17, 2004, October 26, 2004, January 11, 2005, and March 15, 2005, and then to April 19, 2005 for closure and decision; and

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

WHEREAS, the subject site is located on the southeast corner of East 74th Street and 2nd Avenue, on a partial through block zoning lot which extends to the north side of 73rd Street; and

WHEREAS, the portion of the plaza area which is at issue in the instant matter is located at the 73rd Street side of the site; and

WHEREAS, the applicant states that a driveway at the East 74th Street side services the entrance to the residential portion of the existing building; at that driveway the plaza area of the premises begins, which extends 20 feet from the sidewalk of East 74th Street to the building; and

WHEREAS, the applicant further states that this plaza area continues to wrap around the 2nd Avenue side of the premises, where it maintains a 15 ft. width running in front of the commercial uses which line 2nd Avenue, and ends at the rear of the premises on East 73rd Street; it is this rear portion that is the subject of this application; and

WHEREAS, the applicant observes that when the 1966 variance was granted, it included an analysis

of a plaza bonus, which enabled an increase in floor area in exchange for the provision of a plaza area; and

WHEREAS, the size of the plaza needed to be 5960 sq. ft. in order to achieve the applicable bonus; and

WHEREAS, there is currently 6553 sq. ft. of plaza area, leaving approximately 593 sq. ft. of existing plaza area for which the site never received a bonus; and

WHEREAS, the applicant seeks: (1) a reduction in the size of the previously approved plaza area by 593 sq. ft. from its current size of 6553 sq. ft. to 5960 sq. ft.; (2) a modification of the East 73rd Street side of the plaza area; so as to enable the existing building to reclaim 593 sq. ft. for the use of the storage of recyclables and to legalize a very small portion for the location of mechanical equipment; and (3) physical, organic and visual enhancements to the East 73rd Street side of the plaza area; and

WHEREAS, the desired 593 sq. ft. of space to be reclaimed will come from the north and north west edges of the East 73rd Street Plaza area; and

WHEREAS, the Board notes that the decrease in plaza space would not affect the amount of bonus generated, as the remaining portion of the plaza would generate the amount of bonusable floor area attributable to the existing building; and

WHEREAS, as part of the initial application, the applicant proposed certain design considerations as to lighting, seating, circulation, and safety, among other items; and

WHEREAS, during the course of the public hearing process, the Board and the Department of City Planning (which was also reviewing the plans) expressed many concerns about the proposed plaza modifications, especially in terms of the plaza design; and

WHEREAS, specifically, each agency suggested improvements as to seating, landscaping, lighting, signage, circulation and security; and

WHEREAS, these suggestions were incorporated by the applicant into the most recently submitted set of plans; and

WHEREAS, the Board has reviewed the plans and finds they adequately address the expressed concerns; and

WHEREAS, the Board is also in receipt of a letter from DCP stating that it approves of the final set of plans; and

WHEREAS, based upon the above, the Board finds that this application is appropriate to grant, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit modifications to the size, configuration and design of the existing plaza, located on the same lot as a 36-story mixed-use

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building previously before the Board; *on condition* that the expansion shall strictly conform to drawings as filed with this application, marked 'April 5, 2005'-(8) sheets; and *on further condition*:

THAT the plaza shall be open from 8AM to 8 PM, or until dusk, whichever is later;

THAT a sign showing the hours shall be posted, as shown on the approved plans;

THAT all garbage/recycling shall be collected and stored outside of the plaza area;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT all work be completed within nine months from the date of this grant, and a new certificate of occupancy be obtained within 18 months from the date of this grant;

THAT all signage, lighting, landscaping, security features, and seating shall strictly comply with the BSA-approved site plan;

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; and

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. 103595012)

Adopted by the Board of Standards and Appeals, April 19, 2005.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 19, 2005.
Printed in Bulletin Nos. 19-20, Vol. 90.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.