

227-99-A

APPLICANT - Battle Fowler LLP, Paul D. Selver, Esq., for Park Place Equities, LLC & New Regime Company, LP, owner.

SUBJECT - Application September 29, 1999 - an appeal pursuant to §648 and §666 of the Administrative Code of the City of New York for waivers of §§27-733 and 27-749 of the New York City Building Code and §310 of the Multiple Dwelling Law ("MDL") for waivers of §§26 (5) (d), 26 (7) (a) and 30 (2) of the MDL.

PREMISES AFFECTED - 19 Park Place, Park Place between Broadway & Church Street (additional frontage on Murray Street), Block 124, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Paul Selver.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated September 29, 1999 acting on Alt. Applic. No. 102103091/99 reads:

"1. Proposed conversion to residential use and residential enlargements of existing three story commercial building does not provide rear yard equivalent required by Section 23-533 Z.R. & Section 26 (5) (d) of the Multiple Dwelling Law.

2. Proposed area and dimensions of inner court are less than the minimums required by Section 23-851 Z.R. and Section 26 (7) (a) of the Multiple Dwelling Law.

3. Proposed natural light source does not face a court which meets the dimensions required by the New York City Zoning Resolution and is therefore contrary to Section 27-733 of the New York City Building Code and the MDL section 30 (2).

4. Proposed natural ventilation source does not face a court which meets the dimensions required by the New York City Zoning Resolution and is therefore contrary to Section 27-749 of the New York City Building Code and the MDL section 30 (2).

5. Windows in living rooms at and above the third story are less than 30 feet from the opposite wall of inner court required by Section 23-863 Z.R."; and

WHEREAS, Community Board No. 1, Manhattan has recommended approval of this application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, the Board notes that the site is the subject of a companion zoning case under Calendar No. 226-99-BZ; and

WHEREAS, this an appeal pursuant to §648 and §666 of the Administrative Code of the City of New York for waivers of §§27-733 and 27-749 of the New York City Building Code, §310 of the Multiple Dwelling Law ("MDL") and §§26 (5) (d), 26 (7) (a) and 30 (2) of the MDL; and

WHEREAS, the subject zoning lot is a through lot measuring approximately 151.10' by 25.6', which connects the north side of Park Place with the south side of Murray Street; and

WHEREAS, the subject zoning lot is presently improved with a three story commercial building which is partially vacant; and

WHEREAS, the proposal calls for the partial conversion of existing floor area to residential use, allowing the ground floor commercial use to remain, and expansion of the existing building adding three floors and penthouse for residential use; and

WHEREAS, the instant proposal does not provide a required rear yard equivalent contrary to MDL § 26 (5) (d), the proposed dimensions of the inner court are less than the required minimums contrary to MDL § 26 (7) (a), the proposed natural light source does not face a court which meets the dimensions required by the Zoning Resolution and is therefore contrary to § 27-733 of the Building Code and MDL § 30 (2), and the proposed natural ventilation source does not face a court which meets the dimensions required by the Zoning Resolution and is therefore contrary to § 27-749 of the Building Code and MDL § 30 (2); and

WHEREAS, based on a review of the record in this matter the Board finds that a waiver of the applicable sections of the Building Code and Multiple Dwelling Law is warranted.

Therefore, it is resolved that the decision of the Manhattan Borough Commissioner, dated September 29, 1999 acting on Alt. Application # 102103901 objection #s 1,2,3, and 4 is modified and the appeal is granted.

Adopted by the Board of Standards and Appeals, March 7, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, March 7, 2000.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

