

292-01-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Villa Mosconi Restaurant, owner.

SUBJECT – Application January 17, 2013 – Extension of Term of a previously-granted Variance (§72-21) which permitted the legalization of a new dining room and accessory storage for a UG6 eating and drinking establishment (*Villa Mosconi*), which expired on January 7, 2013. R7-2 zoning district.

PREMISES AFFECTED – 69/71 MacDougal Street, west side of MacDougal Street between Bleecker Street and West Houston Street, Block 526, Lot 33, 34, Borough of Manhattan.

COMMUNITY BOARD #2M

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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for the continued use of an eating and drinking establishment, which expired on January 14, 2013; and

WHEREAS, a public hearing was held on this application on April 23, 2013, after due notice by publication in *The City Record*, with continued hearings on May 21, 2013, and then to decision on July 9, 2013; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application, on condition that the applicant remove the advertising sign on the south wall of the building; and

WHEREAS, the subject site is an interior lot located on the west side of MacDougal Street between Houston Street and Bleecker Street, within an R7-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 14, 2003, when under the subject calendar number, it granted a variance to legalize the enlargement of a non-conforming eating and drinking establishment at the ground floor of the building at the site; the enlargement consisted of a new

dining room at the rear of the building and a new accessory cellar level storage space; the term of the grant was for ten years, to expire on January 14, 2013; and

WHEREAS, accordingly, the applicant now requests an additional extension of the term; and

WHEREAS, the applicant notes that under the terms of the grant, the applicant was required to obtain a certificate of occupancy by January 14, 2004; however, a certificate of occupancy was not obtained until 2006; and

WHEREAS, at hearing, the Board directed the applicant to determine whether the advertising sign on the south wall of the building was lawful; and

WHEREAS, in response, the applicant submitted photographs showing that the sign had been removed; and

WHEREAS, based upon the above, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 14, 2003, so that as amended this portion of the resolution shall read: “to extend the term for ten years from the prior expiration, to expire on January 14, 2023; *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT the term of the grant will expire on January 14, 2023;

THAT an amended certificate of occupancy will be obtained by July 9, 2014;

THAT signage will comply with C1 district regulations;

THAT the above conditions will be listed on the certificate of occupancy;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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. 102321952)

Adopted by the Board of Standards and Appeals, July 9, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, July 9, 2013.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

