

*Note. —This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.*

**CORRECTION: This resolution adopted on July 24, 2023, under Calendar No. 292-01-BZ, is hereby corrected to read as follows:**

**BOARD OF STANDARDS AND APPEALS**

**MEETING OF: July 24, 2023**  
**CALENDAR NO.: 292-01-BZ**  
**PREMISES: 69/71 MacDougal Street, Manhattan**  
**Block 526, Lot 34 and 33**

**ACTION OF BOARD — Application granted on condition.**

**THE VOTE —**  
**Affirmative: Chair Chanda, Vice-Chair Scibetta,**  
**Commissioner Ottley-Brown, Commissioner Sheta, and**  
**Commissioner Yoon.....5**  
**Negative:.....0**

**THE RESOLUTION —**

This is an application for an extension of term of a variance previously granted by the Board, pursuant to Z.R. § 72-21, which expired on January 14, 2023, and permitted legalization of a new dining room at the rear of an existing eating and drinking establishment with accessory cellar level storage.

A public hearing was held on this application on June 5, 2023, after due notice by publication in *The City Record*, and then to decision on July 24, 2023. Commissioner Yoon performed an inspection of the Premises and surrounding neighborhood. Community Board 2, Manhattan, recommends approval of this application.

The Premises are located on the west side of MacDougal Street, between Houston Street and Bleecker Street, within an R7-2 zoning district, in Manhattan. With approximately 40 feet of frontage along MacDougal Street, 100 feet of depth, and 4,000 square feet of lot area, the Premises are currently occupied by a three-story, plus cellar and basement, mixed-use building with a restaurant occupying the basement and cellar and residential use on the above floors.

The Board has exercised jurisdiction over the Premises since January 14, 2003, when, under the subject calendar number, the Board granted a variance for a term of ten years, to expire on January 7, 2013, to permit the legalization of a new dining room at the rear of an existing eating and drinking establishment with accessory cellar level storage, on condition that all work substantially conform to drawings; the term of the variance be limited to ten years, expiring on January 7, 2013; pursuant to Fire Department recommendations, sprinklers be

provided and maintained in all commercial spaces; a new certificate of occupancy be obtained within one year, by January 7, 2004; the above conditions appear on the certificate of occupancy; this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; the approved plans be considered approved only for the portions related to the specific relief granted; and the Department of Buildings 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.

On January 9, 2013, under the subject calendar number, the Board amended the resolution to extend the term of the variance for ten years, until January 14, 2023, on condition that the use and operation substantially conform to the previously approved drawings; the term of the grant expire on January 14, 2023; an amended certificate of occupancy be obtained by July 9, 2014; signage comply with C1 district regulations; the above conditions be listed on the certificate of occupancy; all conditions from the prior resolution not specifically waived by the Board remain in effect; and the Department of Buildings 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.

The term of the variance having expired, the applicant seeks an extension. The applicant represents that the eating and drinking establishment has been a longstanding local neighborhood fixture in operation since 1976, and, as part of this instant application, requests the term be extended for 20 years, as opposed to 10 years, to reduce the costs associated with filing a renewal with the Board. The applicant further notes that this change in the length of its term is appropriate as it remains in compliance with previous Board conditions and adheres to the neighborhood character of a mix of residential uses and small businesses which service the surrounding community.

At hearing, the Board questioned whether the subject site was in compliance with the conditions of the Board's grant, specifically the noise and lighting spillage onto the adjacent residential properties and directed the applicant to provide supporting documentation. In response, the applicant submitted a compliance chart and images of the subject site and surrounding area in line with the terms of the prior Board grant. Furthermore, the applicant clarified that there is no external lighting or sound, and all interior lighting and noise is limited given the low-key nature of the operation.

Based upon its review of the record, the Board has determined that the requested extension of term of variance appropriate with certain conditions as set forth below.

**292-01-BZ**

*Therefore, it is Resolved*, that the Board of Standards and Appeals does hereby *amend* the resolution, dated January 14, 2003, as amended through January 9, 2013, so that as amended this portion of the resolution shall read: “to extend the term of the variance for 20 years from the date of expiration of the last grant, to expire on January 14, 2043, *on condition* that all work, site conditions, and operations shall substantially conform to drawings filed with this application marked ‘Board Approved: July 24, 2023’ – Three (3) sheets; and *on further condition*:

THAT the grant shall be for a term of 20 years, to expire on January 14, 2043;

THAT signage comply with C1 zoning district regulations;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number (‘BSA Cal. No. 292-01-BZ’), shall be obtained within one year, by July 24, 2024;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 plans or configurations not related to the relief granted.”

**Adopted by the Board of Standards and Appeals, July 24, 2023.**

**CERTIFICATION**

**This copy of the resolution  
dated July 24, 2023  
is hereby filed by the  
Board of Standards and Appeals  
on September 14, 2023.**



**Carlo Costanza  
Executive Director**