

377-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, LLP, for Shinbone Alley Associates, LLC, owner.

SUBJECT - Application February 18, 2005 - reopening for an amendment to the resolution granted on June 8, 2004 to rearrange approve floor area and units.

PREMISES AFFECTED - 25 Bond Street, south side of Bond Street, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

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 a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 29, 2005, after due notice by publication in the City Record, and then to closure and decision on May 10, 2005; and

WHEREAS, Community Board No. 2, Manhattan, recommends approval of the subject application, with conditions, as reflected below; and

WHEREAS, during the public hearing process, certain members of the community appeared and expressed concern about the ongoing excavation and foundation work; and

WHEREAS, the applicant represents that all excavation and foundation work has complied with applicable zoning, Building Code and other legal requirements, including those requirements imposed by the Landmarks Preservation Commission - approved Construction Protection Plan; and

WHEREAS, on June 8, 2004, under the subject calendar number, the Board granted an application under Z.R. § 72-21, to permit the proposed erection of an eight-story mixed use building (Use Groups 2 and 6) consisting of residential apartments and local retail usage, located in an M1-5B zoning district, which is contrary to Z.R. § 42-10; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit a decrease in the amount of commercial floor area by 977 sq. ft. (by eliminating the approved retail mezzanine) and an equivalent increase in residential floor area, a decrease in the amount of dwelling units from 23 to 14, a re-allocation of the floor-to-floor heights, and a reduction in the rear yard from 35 ft. to 34 ft., 9 in.; and

WHEREAS, the applicant states that increase in residential floor area by 977 sq. ft. would occur

through the filling in of a previously approved terrace at the rear of the eight floor and by moving the building outward three inches; and

WHEREAS, the applicant further states every proposed unit would retain a minimum of 1,200 sq. ft. of floor area; and

WHEREAS, the ground floor floor-to-floor height would change from 19 ft. to 17 ft., the seventh floor floor-to-floor height would be 13 ft., 4 inches and the eighth floor floor-to-floor height would be 10 ft., 8 inches; however, the overall height would remain at the previously approved 101 ft.; and

WHEREAS, the applicant also proposes minor interior configuration changes; and

WHEREAS, all other bulk parameters shall remain as previously approved under the June 8, 2004 grant; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution.

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 a decrease in the amount of commercial floor area by 977 sq. ft. (by eliminating the approved retail mezzanine) and an equivalent increase in residential floor area, a decrease in the amount of dwelling units from 23 to 14, a re-allocation of the floor-to-floor heights, and a reduction in the rear yard from 35 ft. to 34 ft., 9 in.; on condition that all work shall substantially conform to drawings as filed with this application, marked 'Received February 18, 2005' - three (3) sheets; 'March 10, 2005' - two (2) sheets; and 'April 26, 2005' - five (5) sheets; and on further condition:

THAT all construction will be conducted in compliance with the LPC-approved Construction Protection Plan, as well as all applicable construction laws, rules and regulations, including TPPN 10/88, with compliance to be ensured by the Department of Buildings;

THAT a copy of the Construction Protection Plan shall be forwarded to DOB;

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

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 Permit No. 103600499)

Adopted by the Board of Standards and Appeals, May 10, 2005.

A true copy of resolution adopted by the Board of Standards and Appeals, May 10, 2005.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.