

390-61-BZ

APPLICANT – Peter Hirshman, for Rapid Park Industries, owner.

SUBJECT – Application September 7, 2007 – ZR 11-411 for the Extension of Term of a previously granted variance for a UG8 parking garage (Rapid Park Industries) in an R8B zoning district which will expire on March 3, 2008.

PREMISES AFFECTED – 148-150 East 33rd Street, southside of East 33rd Street, east of East 33rd Street and Lexington Avenue, Block 888, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

Abstain: Commissioner Montanez.....1

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of term for a previously granted variance for a parking garage which will expire on March 3, 2008; and

WHEREAS, a public hearing was held on this application on October 23, 2007, after due notice by publication in *The City Record*, with a continued hearing on January 15, 2008, and then to decision on January 29, 2008; and

WHEREAS, Community Board 6, Manhattan, has recommended approval of this application; and

WHEREAS, the building and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, the site is located on the south side of East 33rd Street, approximately 151 feet east of Lexington Avenue; and

WHEREAS, the site is located in an R8B zoning district and is occupied with a four-story and cellar structure for use as a parking garage for not more than 149 cars; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 18, 1961, when, under the subject calendar number, the Board granted a variance for the construction of the parking garage for a term of 20 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board three times; and

WHEREAS, most recently, on March 3, 1998, the

A true copy of resolution adopted by the Board of Standards and Appeals, January 29, 2008.

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To Applicant

Fire Com'r.

Borough Com'r.

grant was amended to permit an extension of the term of the variance for an additional ten years, until March 3, 2008, and the extension of time to obtain a new certificate of occupancy; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, during its site examination the Board noted the placement of a rooftop sign that was not approved under the original grant; and

WHEREAS, as a result, at hearing, the Board directed the applicant at hearing to remove signage which did not comply with C1 zoning district requirements; and

WHEREAS, the applicant removed the non-complying signage and submitted photographs reflecting its removal; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 18, 1961, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from March 3, 2008, to expire on March 3, 2018, *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT the term of this grant shall expire on March 3, 2018;

THAT the above condition shall be listed on the certificate of occupancy;

THAT signage shall comply with C1 zoning district regulations;

THAT a revised certificate of occupancy shall be obtained by June 29, 2008;

THAT all conditions from prior resolutions 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)/configuration(s) not related to the relief granted.” (N.B. 46-61)

Adopted by the Board of Standards and Appeals, January 29, 2008.