

390-61-BZ

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

SUBJECT – Application January 5, 2013 – Extension of Time to obtain a Certificate of Occupancy of a previously approved variance permitting UG8 parking garage and an auto rental establishment (UG8) in the cellar level, which expired on December 13, 2012. R8B zoning district.

PREMISES AFFECTED – 148-150 East 33rd Street, southside of E. 33rd Street, 151.9' east of Lexington Avenue, Block 888, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #6M

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 a reopening and an extension of time to obtain a certificate of occupancy for a previously granted variance for a parking garage which expired on December 13, 2012; and

WHEREAS, a public hearing was held on this application on March 19, 2013, after due notice by publication in *The City Record*, and then to decision on April 16, 2013; and

WHEREAS, the building and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, and Commissioner Hinkson; 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 at various times; and

WHEREAS, on January 29, 2008, the term was extended for an additional ten years, to expire on March 3, 2018; and

WHEREAS, on December 13, 2011, the grant was

amended to allow the conversion of the cellar level from a parking garage to an auto rental establishment; and

WHEREAS, one condition of the grant was that a new certificate of occupancy be obtained by December 13, 2012; and

WHEREAS, the applicant states that the work has been performed and inspected, but requests an additional 18 months to obtain the new certificate of occupancy; and

WHEREAS, the applicant confirmed that the roof stackers had been removed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time 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, 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 time to obtain a certificate of occupancy for a period of 18 months from the date of this grant, *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT a new certificate of occupancy be obtained by October 16, 2014;

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, April 16, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, April 16, 2013.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.