

40-63-BZ

APPLICANT - Francis R. Angelino, Esq., for Park Hill Tenants Corp., owner; Majestic Car Park LLC, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which permitted transient parking in the unused and surplus spaces in an existing multiple dwelling accessory garage.

PREMISES AFFECTED - 1199 Park Avenue, northeast corner of East 94th Street, Block 1525, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M**APPEARANCES -**

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele, Commissioner Caliendo and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this application is a request for a waiver of the Rules of Practice and Procedure, a reopening and an extension of the term of the variance, which expired on April 23, 1978; and

WHEREAS, a public hearing was held on this application on August 17, 2004, after due notice by publication in *The City Record*, with continued hearings on September 21, 2004, and then to decision on October 19, 2004; and

WHEREAS, Community Board No. 8, Manhattan, recommended approval of this application; and

WHEREAS, on April 23, 1968, the Board granted an application under the subject calendar number to permit the use of transient parking for the unused and surplus parking spaces in a multiple dwelling accessory garage; on the same day, the Board also granted an appeal application under Calendar No. 41-63-A, pursuant to Section 60 of the Multiple Dwelling Law; and

WHEREAS, the subject garage is located on East 94th Street between Park and Lexington Avenues, and is in the cellar and sub-cellars levels of the multiple dwelling ("the Building") located at 1199 Park Avenue; and

WHEREAS, the applicant represents that at around the expiration date of the first 15 year term of the variance, the Building was being converted from a rental building to a cooperative corporation, and that the need to renew the variance was apparently not conveyed to the new owners when they took title in 1980; and

WHEREAS, the applicant asserts that the use and physical conditions of the garage have remained unchanged since the original grant, and that it was

only upon a change in the operator of the garage that the expired variance was discovered; and

WHEREAS, the record indicates that at the time of the original grant neither the Board's resolution nor its approved drawings specified the number of parking spaces within the garage; and

WHEREAS, however, the current Certificate of Occupancy (No. 102441, issued in 1993), states the number of spaces as 31 in the sub-cellars and 28 in the cellar level, for a total of 59 spaces; and

WHEREAS, the applicant states that Z.R. §25-62, which provides that attended parking facilities must provide a minimum of 200 square feet of unobstructed standing or maneuvering area per space, allows 74 parking spaces in the subject garage, which has approximately 14,750 square feet of unobstructed standing or maneuvering area; and

WHEREAS, the Board has reviewed the evidence in the record and agrees with the Applicant's assertion that the maximum number of parking spaces was never specified by the previous Board grant and, therefore, the Board has no objection to an increase in the maximum number of parking spaces listed on the Certificate of Occupancy provided that the Department of Buildings ensures compliance with all applicable sections of the Zoning Resolution.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution, and extends the term of the variance which expired on April 23, 1968, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from October 19, 2004 expiring on October 19, 2014; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 5, 2004"- (3) sheets; and *on further condition*;

THAT the maximum number of parking spaces shall be 74;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the layout of the parking garage shall be as approved by the Department of Buildings;

THAT appropriate notice of the parking space recapture rights of the residents of the building shall be given, including placement of signage in a conspicuous location within the garage;

THAT this approval is limited to the relief

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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 Application #103582801)

Adopted by the Board of Standards and Appeals, October 19, 2004.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 19, 2004.
Printed in Bulletin Nos. 42-43, Vol. 89.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.