

414-59-BZ

APPLICANT – Bryan Cave, LLP, for Royal Charter Properties, owner.

SUBJECT – Application December 8, 2005 – Extension of Term of a Variance to allow 77 transient parking spaces at the first and cellar floors of an existing multiple dwelling accessory garage. The premise is located in an R-9 and R-10 zoning district. PREMISES AFFECTED –1285 York Avenue, a/k/a 435-445 East 68th Street, Block 1463, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Margery Perlmutter.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Commissioner Collins.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application, pursuant to ZR § 11-411, for a reopening and an extension of the term of the prior grant, which expired on December 1, 1979; and

WHEREAS, a public hearing was held on this application on April 11, 2006, after due notice by publication in *The City Record*, and then to April 25, 2006 for decision; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, on December 1, 1959, the Board granted a zoning variance and a Multiple Dwelling Law waiver under the subject calendar numbers to allow a transient parking lot in the cellar and first floor accessory garage to a multiple dwelling located at the subject premises, for a term of 20 years; and

WHEREAS, the applicant explained that due to an administrative oversight, no application to extend the term of the variance was made since the December 1, 1979 expiration; and

WHEREAS, at hearing, the Board questioned the applicant about the inconsistency regarding the total number of parking spaces on each floor of the parking structure, as reflected on the certificate of occupancy and the approved plans; and

WHEREAS, the applicant responded that the configuration of the 77 spaces, reflected on the plans is correct and that there has been a longstanding error on the certificate of occupancy which applicant will remedy after the Board's decision; and

WHEREAS, the applicant submitted photographs of

A true copy of resolution adopted by the Board of Standards and Appeals, April 25, 2006.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

the notice to tenants posted in the garage which identifies their right to recapture transient parking spaces pursuant to the Multiple Dwelling Law; and

WHEREAS, the Board has reviewed the record and finds that the instant application is appropriate to grant, based upon the evidence submitted.

Therefore it is Resolved that the Board of Standards and Appeals, *reopens and amends* the resolutions, said resolutions having been adopted on December 1, 1959, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the grant for an additional ten (10) years from April 25, 2006, expiring on April 25, 2016; *on condition*:

THAT there shall be a maximum of 77 parking spaces used for transient parking at the cellar and first floors at the subject premises;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be placed in a conspicuous place within the garage;

THAT the above condition and all conditions from the prior resolution shall appear on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained within one year of the date of this grant;

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

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;

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 App. No. 104116225)

Adopted by the Board of Standards and Appeals, April 25, 2006.