

416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo....4

Negative:

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THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 27, 1999; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, and laid over to January 15, 2002, February 5, 2002, and then to February 26, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §72-01, said resolution having been adopted June 27, 1989, expiring June 27, 1999, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from June 27, 1999, expiring June 27, 2009, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will be no parking on the sidewalks, that there shall be no outdoor storage, that the existing auto spray paint area shall comply with the following laws:

- 1) New York City Code: sub-chapter 7
Article 3: Occupancies involving spraying or dip finishing (sections 27-406, 27-412)

Article 9: Automobile repair shops (sections 27-443, 27-449)

- 2) BSA rules covering use of equipment for spraying, storage, and drying of paints etc.,

that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "January 25, 2002"- (2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

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 approved plans shall be considered approved only for the portions related to the specific relief granted;

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."

(ALT No. 102165791)

Adopted by the Board of Standards and Appeals, February 26, 2002.