

416-87-BZ

APPLICANT – Slater & Beckerman, LLP for Trustees of Columbia University in the City of New York, owners.

SUBJECT – Application June 29, 2009 Extension of Term of a Variance (§72-21) for a automobile repair shop (UG16) which expired on June 27, 2009 and an Extension of Time to obtain a Certificate of Occupancy which expired on February 26, 2009. R7-2/C6-1 zoning district.

PREMISES AFFECTED – 547-551 West 133rd Street, interior lot north side of 133rd Street, between Broadway and Amsterdam Avenue, Block 1987, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES –

For Applicant: Neil Weisbard.

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 Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of term, and an extension of time to obtain a certificate of occupancy for the continued operation of a Use Group 16 automobile repair shop with accessory uses; and

WHEREAS, a public hearing was held on this application on August 25, 2009, after due notice by publication in *The City Record*, and then to decision on September 22, 2009; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 9, Manhattan, recommends approval of this application, with conditions; and

WHEREAS, the site is located on the north side of West 133rd Street, between Broadway and Amsterdam Avenue; and

WHEREAS, the applicant states that the eastern 50 feet of the site is located within an R7-2 zoning district, and the western 25 feet of the site is located within a C6-1 zoning district within Subdistrict A of the Special Manhattanville Mixed Use District; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 28, 1925 when, under BSA Cal. No. 384-25-BZ, the Board granted a variance to permit the construction of a two-story garage for more than five vehicles, without a rear yard; and

WHEREAS, on December 15, 1953, under BSA Cal. No. 384-25-BZ, the Board granted the addition of motor vehicle repairs, paint spraying, and welding on the second floor, for a term of five years; and

WHEREAS, subsequently, the grant was amended and the term extended by the Board at various times; and

WHEREAS, on June 27, 1989, under the subject calendar number, the Board permitted the re-establishment of the grant to permit an automobile repair shop, including transmission work, welding, body and fender work, incidental painting, and parking for cars awaiting service, and the legalization of a change in use to eliminate public parking; and

WHEREAS, most recently, on February 26, 2002, under the subject calendar number, the Board granted a ten year extension of the term, to expire on June 27, 2009; and

WHEREAS, the applicant now seeks an extension of the term of the variance and an extension of time to obtain a certificate of occupancy; and

WHEREAS, the applicant notes that at the time of the Board's previous grant, the portion of the site located in the C6-1 district was zoned M1-2; however, on December 19, 2007, the City Council rezoned the M1-2 district to a C6-1 district within Subdistrict A of the Special Manhattanville Mixed Use District; and

WHEREAS, the applicant states that an automobile repair shop is permitted within Subdistrict A of the Special Manhattanville Mixed Use District, pursuant to ZR § 104-32; and

WHEREAS, the applicant states that the first floor is operated as a Use Group 16 automobile repair shop with parking for cars awaiting service, while the second floor is operated as a Use Group 16 automobile repair shop with welding, body and fender work, and incidental painting; and

WHEREAS, at hearing, the Board directed the applicant to remove all graffiti from the site, confirm that all signage on the portion of the site within the R7-2 zoning district complies with C1 district regulations, and ensure that the spray paint booth will comply with all applicable New York State Department of Environmental Conservation ("DEC") and New York City Environmental Protection ("DEP") rules and regulations prior to obtaining a new certificate of occupancy; and

WHEREAS, in response, the applicant submitted photographs reflecting that all graffiti has been removed from the site, a sign analysis reflecting that all signage on the premises complies with C1 district regulations, and an affidavit from the second floor tenant stating that the spray paint booth will comply with all applicable DEC and DEP rules and regulations prior to obtaining a new certificate of occupancy; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy are appropriate with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated June 27, 1989, so that as amended this portion of the

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resolution shall read: "to extend the term for ten years from June 27, 2009, to expire on June 27, 2019, and to grant an extension of time to obtain a certificate of occupancy to March 22, 2010; *on condition* that any and all work shall substantially conform to drawings filed with this application marked "Received August 19, 2009"-*(2)* sheets; and *on further condition*:

THAT the term of the grant shall expire on June 27, 2019;

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

THAT all signage located on the portion of the site within the R7-2 zoning district shall comply with C1 zoning district regulations;

THAT the spray paint booth located on the second floor shall comply with all applicable DEC and DEP regulations;

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

THAT a certificate of occupancy shall be obtained by March 22, 2010;

THAT all conditions from the prior resolutions not specifically waived by the Board remain in effect; 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 No. 102165791)

Adopted by the Board of Standards and Appeals,
September 22, 2009.

**A true copy of resolution adopted by the Board of Standards and Appeals, September 22, 2009.
Printed in Bulletin No. 38, Vol. 94.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.