

**433-65-BZ**

APPLICANT – Andrea Claire/Peter Hirshman, for 15 West 72 Owner Corporation, owner; Mafair Garage Corporation, lessee.

SUBJECT – Application July 22, 2010 – Extension of Term of an approval pursuant to the Multiple Dwelling Law for transient parking, which expired on June 22, 2010. R8B/R10A zoning district.

PREMISES AFFECTED – 15 West 72<sup>nd</sup> Street, 200'-2½ west of Central Park West 72<sup>nd</sup> Street, Block 1125, Lot 24, Borough of Manhattan.

**COMMUNITY BOARD #7M**

APPEARANCES –

For Applicant: Peter Hirshman.

**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 and an extension of the term for a previously granted variance for a transient parking garage, which expired on June 22, 2010; and

WHEREAS, a public hearing was held on this application on November 16, 2010, after due notice by publication in *The City Record*, with continued hearings on January 11, 2011, February 8, 2011 and March 29, 2011, and then to decision on April 12, 2011; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

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

WHEREAS, the subject premises is located on a through lot bounded by West 73<sup>rd</sup> Street to the north and West 72<sup>nd</sup> Street to the south, partially within an R8B zoning district and partially within an R10A zoning district; and

WHEREAS, the site is occupied by a 34-story and penthouse residential building; and

WHEREAS, the cellar and sub-cellar are occupied by a 206-space accessory garage, with 96 spaces in the cellar and 110 spaces in the sub-cellar; and

WHEREAS, on June 22, 1965, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law ("MDL") to permit a maximum of 50 surplus parking spaces to be used for transient parking, for a term of 15 years; and

WHEREAS, subsequently, the grant was amended

and the term extended at various times; and

WHEREAS, most recently, on December 5, 2000, the Board granted a ten-year extension of term, which expired on June 22, 2010; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents' right to recapture the surplus parking spaces; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution having been adopted on June 22, 1965, 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 years from June 22, 2010, to expire on June 22, 2020; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 29, 2010"- (1) sheet and "Received March 15, 2011"- (1) sheet; and *on further condition*:

THAT this term shall expire on June 22, 2020;

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 located in a conspicuous place within the garage, permanently affixed to the wall;

THAT the above conditions and all relevant conditions from the prior resolutions shall appear on the certificate of occupancy;

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 Application No. 120405515)

Adopted by the Board of Standards and Appeals, April 12, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 12, 2011.**

**Printed in Bulletin No. 16, Vol. 96.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**