

493-73-A

APPLICANT – Sheldon Lobel, P.C., for 83rd Street Associates LLC, owner.

SUBJECT – Application October 4, 2012 – Extension of Term of an approved appeal to Multiple Dwelling Law Section 310 to permit a superintendent's apartment in the cellar, which expired on March 20, 2004, an amendment to eliminate the term, an extension of time to obtain a Certificate of Occupancy, and a waiver of the Rules. R10A /R8B Zoning District.

PREMISES AFFECTED – 328 West 83rd Street, West 83rd Street, approx. 81'-6" east of Riverside Drive, Block 1245, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #7M

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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to waive the Board’s Rules of Practice and Procedure, eliminate the term of a previously granted variance pursuant to Multiple Dwelling Law (“MDL”) § 310, and extend the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on April 16, 2013, after due notice by publication in *The City Record*, and then to decision on May 14, 2013; and

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

WHEREAS, the subject site is located on the south side of West 83rd Street, 83 feet east of Riverside Drive and is partially within an R10A zoning district and partially within an R8B zoning district, within the Riverside-West End Historic District Extension I; and

WHEREAS, the site is occupied by a six-story and cellar residential building with a superintendent’s apartment in the cellar and dwelling units on the upper floors; and

WHEREAS, on October 10, 1972, under BSA Cal. No. 552-72-A, the Board granted a variance pursuant to MDL § 310 to legalize an existing superintendent’s apartment in the cellar of the building; and

WHEREAS, on October 23, 1973, under the subject calendar number, the Board amended the variance to permit the superintendent’s apartment in the cellar for a term of five years to expire on October 23, 1978; and

WHEREAS, the grant has been extended several times; and

WHEREAS, most recently, on August 8, 1995, the Board extended the term for ten years, to expire on

March 20, 2004; and

WHEREAS, the applicant acknowledges that at some point prior to its purchase of the building, the cellar apartment was enlarged to incorporate an additional bedroom and a living room, as shown on the existing cellar plan submitted with the application; and

WHEREAS, the applicant states that it will return the cellar apartment to compliance with the BSA-approved plans by eliminating the partitions that created the additional rooms; and

WHEREAS, the applicant states that it cannot maintain all of the habitable rooms because they are unable to meet light and air requirements; and

WHEREAS, the applicant states that the necessary work to return the apartment to compliance will be performed within 12 months of the date of this grant; and

WHEREAS, specifically, the applicant proposes to obtain DOB approval of the proposed work within three months; bid the project to contractors and pull permits within another three months; relocate the superintendent’s family within two months; perform the work within two months; and obtain DOB sign-off within a final two months; and

WHEREAS, the Board directed the applicant to provide information about the fire safety measures in the cellar; and

WHEREAS, in response, the applicant detailed the fire safety measures, including the smoke detectors and fire alarm system; and

WHEREAS, the applicant also seeks to eliminate the term of the variance as the apartment has been occupied by a superintendent for more than 40 years without adverse impact on the subject building or the surrounding area, which is predominantly developed with similar uses; and

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

WHEREAS, based on its review of the record, the Board finds that a ten-year extension of term and a two-year extension of time to obtain a certificate of occupancy are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, dated August 8, 1995, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from the date of this grant and extend the time to obtain a certificate of occupancy for two years; *on condition* that the use shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked previously approved by the Board; and *on further condition*:

THAT the term of the grant will expire on May

493-73-A

14, 2023;

THAT the above condition will be noted on the certificate of occupancy;

THAT a certificate of occupancy be obtained within two years of the date of this grant, by May 14, 2015;

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

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; 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. 120714520)

Adopted by the Board of Standards and Appeals, May 14, 2013.

A true copy of resolution adopted by the Board of Standards and Appeals, May 14, 2013.

Printed in Bulletin No. 20, Vol. 98.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

