

**515-89-BZ**

APPLICANT – Sheldon Lobel, P.C., for 50 East 78<sup>th</sup> Street, L.P., owner.

SUBJECT – Application July 20, 2007 – Extension of Term of a Special Permit for a (UG6) commercial art gallery in the basement portion of a residential building which expires on October 16, 2007 in an R8B (LH-1A) zoning district.

PREMISES AFFECTED – 50 East 78<sup>th</sup> Street, East 78<sup>th</sup> Street, between Madison Avenue and Park Avenue, Block 1392, Lot 47, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES –

For Applicant: Ron Mandel.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

**THE RESOLUTION:**

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for an art gallery, which expired today, October 16, 2007; and

WHEREAS, a public hearing was held on this application on September 18, 2007 after due notice by publication in *The City Record*, and then to decision on October 16, 2007; and

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

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Hinkson; and

WHEREAS, the subject premises is located on the south side of East 78<sup>th</sup> Street, between Madison Avenue and Park Avenue; and

WHEREAS, the site is located within an R8B zoning district, within the Limited Height 1a district, and is occupied by an 11-story residential building; and

WHEREAS, on July 17, 1962, under the subject calendar number, the Board granted a variance to permit a change in use of a portion of the basement to an art gallery for a term of five years; and

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

WHEREAS, most recently, on May 11, 1999, the grant was extended for a period of ten years, to expire on October 16, 2007; and

WHEREAS, the instant application seeks to extend the term of the variance; and

**A true copy of resolution adopted by the Board of Standards and Appeals, October 16, 2007.**

**Printed in Bulletin Nos. 39-41, Vol. 92.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

WHEREAS, the applicant does not propose any other changes; and

WHEREAS, based upon its review of the record, the Board finds that a ten-year extension of term is appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated July 17, 1962, so that as amended this portion of the resolution shall read: “to grant an extension of the special permit for a term of ten years from the expiration of the last grant to expire on October 16, 2017; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted; and *on further condition*:

THAT this grant shall expire on October 16, 2017;

THAT the above condition shall appear on the Certificate of Occupancy;

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. 104798710)

Adopted by the Board of Standards and Appeals, October 16, 2007.