

**59-95-A**

APPLICANT – Mitchell S. Ross, Esq., for Upwest Company, LLC, owner.

SUBJECT – Application October 25, 2007 – Extension of Term of a previously granted Variance (§72-21) to permit the cellar occupancy in a multiple dwelling, located in an R7-2 zoning district, which expired on November 14, 2005; Extension of Time to obtain a Certificate of Occupancy which expired on November 21, 1996; an Amendment to the resolution to eliminate the condition of term limits and a waiver of the rules.

PREMISES AFFECTED – 476 Central Park West, Central Park West, 64'11" north of 107th Street, Block 1843, Lot 32, Borough of Manhattan.

**COMMUNITY BOARD #7M****APPEARANCES –**

For Applicant: Mitchell Ross.

**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 waiver of the Rules of Practice and Procedure, a reopening and an amendment to reflect the elimination of the term for a previous grant to permit cellar-level apartments, which expired on November 14, 2005; and

WHEREAS, a public hearing was held on this application on February 26, 2008, after due notice by publication in *The City Record*, and then to decision on March 18, 2008; and

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

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Ottley-Brown; and

WHEREAS, the subject site is on the west side of Central Park West, between West 107<sup>th</sup> Street and West 108<sup>th</sup> Street; and

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

WHEREAS, the site is located within an R7-2 zoning district; and

WHEREAS, on January 29, 1963, under BSA Cal. No. 1871-61-A, the Board granted an appeal, pursuant to Section 310 of the Multiple Dwelling Law, to permit Class A apartments to be located in the cellar of the subject building; and

WHEREAS, the Board concurrently granted appeals for the adjacent buildings at 473 and 474/475 Central Park West, for the same purpose, under BSA Cal. Nos. 1874-61-A and 1937-61-A; and

WHEREAS, currently, separate applications were

filed for these sites under BSA Cal. Nos. 57-95-A and 58-95-A, but they were all heard together; and

WHEREAS, after several extensions of term, the subject grant lapsed and, on November 21, 1995, was reinstated under the subject calendar number, for a term of ten years; and

WHEREAS, the applicant now seeks to eliminate the term; and

WHEREAS, the applicant notes that there have not been any changes since the last approval; and

WHEREAS, at hearing, the Board asked the applicant to confirm that all conditions from the previous grant related to fire safety and egress have been maintained; and

WHEREAS, in response, the applicant provided photographs reflecting the maintenance of these conditions; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *waives*, the Rules of Practice and Procedure, *reopens*, and *amends* the resolution having been adopted on November 21, 1995, so that, as amended, this portion of the resolution shall read: “to permit the elimination of the term of the grant; *on condition* that the use and operation of the site shall conform to the previously approved plans associated with this grant; and *on further condition*:

THAT in the event this building is sold separately from the adjacent buildings at 473 and 474/475 Central Park West, an easement permitting the required access to the street must be provided;

THAT all fire safety measures shall be installed and maintained per the BSA-approved plans and prior approvals;

THAT the above conditions shall be reflected on the certificate of occupancy;

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

THAT a new certificate of occupancy be obtained within six months of the date of this grant, by September 18, 2008;

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 App. No. 100766690)

Adopted by the Board of Standards and Appeals, March 18, 2008.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 18, 2008.**  
Printed in Bulletin No. 12, Vol. 93.

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**