

684-64-BZ

APPLICANT – George E. Berger, for 360 East 72nd Street Owners Corporation owner.

SUBJECT – Application July 30, 2009 – Extension of Term permitting the use of no more than 45 unused and surplus tenant parking spaces, within an accessory garage, for transient parking granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law (MDL) which is set to expire on October 23, 2009. C1-5 in a R10A & R8B zoning district.

PREMISES AFFECTED – 360 East 72nd Street, East side of 1st Avenue between East 71st Street and East 72nd Street, Block 1446, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: George E. Berger.

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 October 23, 2009; and

WHEREAS, a public hearing was held on this application on October 6, 2009, after due notice by publication in *The City Record*, and then to decision on October 27, 2009; and

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

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

WHEREAS, the subject premises is located on a through block bounded by East 71st Street to the south, First Avenue to the east, and East 72nd Street to the north; and

WHEREAS, the site is located within R8B, R10A and C1-5(R10A) zoning districts, and is occupied by a 34-story residential building; and

WHEREAS, the cellar and sub-cellar are occupied by a 268-space accessory garage, with 89 spaces in the cellar and 179 spaces in the sub-cellar; and

WHEREAS, on October 20, 1964, 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 45 surplus parking spaces to be used for transient parking for a term of 15 years; and

A true copy of resolution adopted by the Board of Standards and Appeals, October 27, 2009.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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

WHEREAS, most recently, on December 7, 1999, the Board granted a ten-year extension of term, which expired on October 23, 2009; 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 October 20, 1964, 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 October 23, 2009, to expire on October 23, 2019; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received July 30, 2009’-(2) sheets; and ‘October 8, 2009’ -(1) sheet; and *on further condition*:

THAT this term shall expire on October 23, 2019;

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. 120059989)

Adopted by the Board of Standards and Appeals, October 27, 2009.