

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly Friedman, Esq., for 40 Bond Street Partners, LLC, owner.

SUBJECT - Application December 20, 2004 - reopening for an amendment to the resolution to modify the variance for a use conversion from manufacturing to residential that was originally granted on April 27, 2004.

PREMISES AFFECTED - 32-40 Bond Street, 163' east of the corner formed by the intersection of Bond and Lafayette Streets, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lori Cuisinier.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 1, 2005, after due notice by publication in the City Record, and then to decision on March 29, 2005; and

WHEREAS, Community Board No. 2, Manhattan, recommends approval of the subject application; said conditions are reflected below; and

WHEREAS, on April 27, 2004, under the subject calendar number, the Board granted an application under Z.R. § 72-21, to permit the proposed erection of a 120' high, 10-story mixed use building (Use Groups 2 and 6) consisting of residential apartments and local retail usage, located in an M1-5B zoning district, which is contrary to Z.R. § 42-10; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit the replacement of the previously approved first floor retail use with residential townhouse use and the cellar level with accessory residential uses, a modified rear yard, a minor re-allocation of residential square footage at the rooftop level and minor modifications to the previously approved mechanical system located at such level; and

WHEREAS, the applicant specifically proposes: (1) to abandon the CPC special permit approving retail (and/or hotel use) on the ground floor, cellar, and sub-cellar of the premises; (2) to build five residential duplex units on the first and

second floors as opposed to the construction set forth in the approved plans, which indicate 6,415 square feet of retail on the first floor and seven residential units on the second floor; and (3) to redistribute a small amount (936 square feet) of residential floor area to the penthouse; and

WHEREAS, the applicant states that the proposed plans do not increase the FAR, because the small amount of residential space added is offset by the reduced square footage of the now-recessed 1st and 2nd floors as depicted in the revised plans; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit the replacement of the previously approved first floor retail use with residential townhouse use and the cellar level with accessory residential uses, a modified rear yard, a minor re-allocation of residential square footage at the rooftop level and minor modifications to the previously approved mechanical system located at such level; on condition that all work shall substantially conform to drawings as filed with this application, marked 'Received March 16, 2005'-(13) sheet; and on further condition:

THAT all use of the rear yard is to be reviewed and approved by the Department of Buildings;

THAT all conditions from prior resolution(s) 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 Permit No. 103340396)

Adopted by the Board of Standards and Appeals, March 29, 2005.

A true copy of resolution adopted by the Board of Standards and Appeals, March 29, 2005.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.