

878-62-BZ

APPLICANT – Sheldon Lobel, P.C., for Sutton House, Inc., owner.

SUBJECT – Application February 20, 2007 – Extension of Term of a Variance for the use of transient parking for the unused and surplus car spaces in an existing multiple dwelling accessory garage which will expire on July 5, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on June 23, 1999 in an R10/C1-5 zoning district.

PREMISES AFFECTED – 399-423 East 52nd Street; 404-20 East 53rd Street, north side of 52nd Street, between 1st Avenue and FDR Drive, Block 1364, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #6M

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 waiver of the Rules of Practice and Procedure, a reopening, an extension of time to obtain a certificate of occupancy, and an extension of the term for a previously granted variance for transient parking, which expires on July 5, 2007; and

WHEREAS, a public hearing was held on this application on April 17, 2007 after due notice by publication in *The City Record*, and then to decision on May 15, 2007; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application, however, requests that the term be limited to five years; and

WHEREAS, the subject premises is located between First Avenue and Franklin D. Roosevelt Drive, with frontage on both East 52nd Street and East 53rd Street; and

WHEREAS, the site is located partially within an R10 (C1-5) zoning district and partially within an R10 zoning district and is occupied by a 19-story with cellar and sub-cellar residential building; and

WHEREAS, the transient parking is located in portions of the cellar and sub-cellar; and

WHEREAS, on December 18, 1962, under the subject calendar number, the Board granted a variance, pursuant to Section 60(3) of the Multiple Dwelling Law, to permit the use of transient parking for the unused and surplus car spaces in an existing multiple dwelling accessory garage for a term of 15 years; and

WHEREAS, the grant was subsequently amended and extended three times; and

WHEREAS, most recently, on June 23, 1998, the

A true copy of resolution adopted by the Board of Standards and Appeals, May 15, 2007.

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term was extended for a period of ten years from the expiration of the prior grant; and

WHEREAS, one of the conditions of the prior grant was that a new certificate of occupancy be obtained by June 23, 1999; and

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

WHEREAS, additionally, the applicant now seeks an additional ten year term; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a certificate of occupancy, and extension of term are appropriate, with the 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, dated December 18, 1962, so that as amended this portion of the resolution shall read: “to grant a six-month extension of time to obtain a certificate of occupancy, and a ten-year extension of term from the date of this grant to expire on May 15, 2017; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; and *on further condition*:

THAT this grant shall expire on May 15, 2017;

THAT there shall be a maximum total of 270 parking spaces used for transient parking at the cellar and sub-cellar levels at the subject premises;

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 maintained in a conspicuous place within the garage;

THAT the above conditions and all conditions from the prior resolution shall appear on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by November 15, 2007;

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.” (Alt. 127/1962)

Adopted by the Board of Standards and Appeals, May 15, 2007.