

**91-60-BZ**

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501, 7503, 1101, 1103, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 7, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

*Resolved*, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted June 7, 1960, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from June 7, 2001 expiring June 7, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received October 22, 2001”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT a recapture sign shall be provided and maintained in the lobby and in the garage;

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

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

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 approved plans shall be considered approved only for the portions related to the specific relief granted; 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. Nos. 102502506 / 102509233 / 102975808)

Adopted by the Board of Standards and Appeals, June 18, 2002.