

**92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ, 100-99-BZ, 102-99-BZ**

APPLICANT – Sheldon Lobel, P.C., for Walden Terrace Inc., owner.

SUBJECT – Application June 24, 2011 – Extension of Term for the continued use of transient parking spaces in a multi-unit residential building which expired on May 30, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on May 30, 2011, and Waiver of the Rules. R7-1 zoning district.

PREMISES AFFECTED – 98-09, 98-25, 98-41, 98-51, 98-33, 98-19, 64<sup>th</sup> Avenue, western portion of the block bounded by the 64<sup>th</sup> Avenue to the north, 64<sup>th</sup> Road to the south, 98<sup>th</sup> Street to the west and 99<sup>th</sup> Street to the east. Block 2101 & 2100, Lot 1, 16, 24, 29, 21, 15, Borough of Queens.

**COMMUNITY BOARD #6Q**

APPEARANCES –

For Applicant: Jordan Most.

**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, an extension of the term for a previously granted variance for six transient parking garages, which expired on May 30, 2010, and an extension of time to obtain a certificate of occupancy, which expired on May 30, 2001; and

WHEREAS, a public hearing was held on this application on September 20, 2011, after due notice by publication in *The City Record*, and then to decision on October 18, 2011; and

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson and Commissioner Montanez; and

WHEREAS, the subject premises consists of six tax lots located on two separate tax blocks within an R7-1 zoning district; Tax Lots 15, 21 and 29 are located on Tax Block 2100, and Tax Lots 1, 16, and 24 are located on Tax Block 2101; and

WHEREAS, Tax Block 2100 is bounded by 98<sup>th</sup> Street to the west, 63<sup>rd</sup> Drive to the north, 99<sup>th</sup> Street to the east, and 64<sup>th</sup> Avenue to the south; Tax Block 2101 is bounded by 98<sup>th</sup> Street to the west, 64<sup>th</sup> Avenue to the north, 99<sup>th</sup> Street to the east, and 64<sup>th</sup> Road to the south; and

WHEREAS, the applicant states that each of the six tax lots on the site is improved with two eight-story residential buildings that are connected by an accessory parking garage at the cellar level; the three garages located

on each tax block are connected at the cellar level and effectively operate as a single parking garage; and

WHEREAS, Tax Block 2100 has a total of 180 accessory spaces located in the three accessory parking garages at the cellar level; Lot 15 has a 52-space accessory garage, Lot 21 has a 65-space accessory garage, and Lot 29 has a 63-space accessory garage; and

WHEREAS, Tax Block 2101 has a total of 193 accessory spaces located in the three accessory parking garages at the cellar level; Lot 1 has a 65-space accessory garage, Lot 16 has a 65-space accessory garage, and Lot 24 has a 63-space accessory garage; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 14, 1968 when, BSA Cal. Nos. 723-67-BZ through 734-67-BZ, the Board granted variances pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”), to permit a maximum of 21 surplus parking spaces on Tax Lots 15, 21 and 29 (a total of 63 surplus spaces on Tax Block 2100) and a maximum of 14 surplus parking spaces on Tax Lots 1, 16 and 24 (a total of 42 surplus spaces on Tax Block 2101) to be used for transient parking, for a term of ten years; and

WHEREAS, subsequently, the term of the variance expired on February 14, 1978; and

WHEREAS, on May 30, 2000, the Board granted a new variance pursuant to Section 60(3) of the MDL to permit the continued use of portions of the cellar of the subject site for transient parking for a term of ten years, which expired on May 30, 2010; a condition of the grant was that a certificate of occupancy be obtained by May 30, 2001; and

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

WHEREAS, the applicant submitted a photograph of the signs posted in each garage, which state 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 and extension of time are 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 May 30, 2000, 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 May 30, 2010, to expire on May 30, 2020, and to grant an extension of time to obtain a certificate of occupancy to October 25, 2012; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received October 7, 2011’ –(3) sheets; and *on further condition*:

THAT this term shall expire on May 30, 2020;

**92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ, 100-99-BZ, 102-99-BZ**

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 a new certificate of occupancy shall be obtained by October 25, 2012;

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 Nos. 908/907/906/903/904/905)

Adopted by the Board of Standards and Appeals,  
October 25, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 25, 2011.  
Printed in Bulletin No. 44, Vol. 96.**

**Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.**