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BOARD OF STANDARDS AND APPEALS

MEETING OF: October 4, 2021
CALENDAR NOS.: 92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ,
100-99-BZ, 102-99-BZ
PREMISES: 98-09 64th Road, 98-10 64th Avenue, 98-25
64th Road, 98-26 4th Avenue, 98-41 64th
Road, 98-40 64th Avenue, 98-51 64th
Avenue, 98-50 63rd Drive, 98-33 64th
Avenue, 98-34 63rd Drive, 98-19 64th
Avenue, 98-22 63rd Drive, Queens
Block 2101, Lots 1, 16, and 24
Block 2100, Lots 15, 21, and 29

ACTION OF BOARD — Application granted.

THE VOTE —
Affirmative: Chair Perlmutter, Vice-Chair Chanda,
Commissioner Ottley-Brown, Commissioner Sheta, and
Commissioner Scibetta..... **5**
Negative:..... **0**

THE RESOLUTION —

This is an application for a waiver under the Board’s Rules of Practice and Procedures; an extension of term of a waiver previously granted by the Board pursuant to Multiple Dwelling Law (“MDL”) § 60, which permitted transient parking; and an extension of time to obtain a certificate of occupancy.

A public hearing was held on this application on March 22, 2021, after due notice by publication in *The City Record*, with a continued hearing on June 14, 2021, and then to decision on October 4, 2021. Vice-Chair Chanda performed inspections of the Premises and surrounding neighborhood. Community Board 6, Queens recommends approval of this application.

I.

The Premises comprise of six tax lots on two separate tax blocks, in an R7-1 zoning district, in Queens. Tax Lots 15, 21, and 29 are located on Tax Block 2100, and Tax Lots 1, 16, 24 are located on Tax Block 2101. Tax Block 2100 is bounded by 98th Street to the west, 63rd Drive to the north, 99th Street to the east, and 64th Avenue to the south. Tax Block 2101 is bounded by 98th Street to the west, 64th Avenue to the north, 99th Street to the east, and 64th Road to the south. The Premises are improved with two eight-story residential

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buildings that are connected by an accessory parking garage at the cellar level, which operate as a single parking garage.

The Board has exercised jurisdiction over the Premises since February 14, 1968, when, under BSA Cal. Nos. 723-67-BZ, 724-67-A, 725-67-BZ, 726-67-A, 727-67-BZ, 728-67-A, 729-67-BZ, 730-67-A, 731-67-BZ, 732-67-A, 733-67-BZ, and 734-67-A the Board granted a variance, pursuant to MDL § 60(3), to permit, in an R7-1 district, in an existing multiple dwelling, the use of transient parking in part of the existing accessory garage, for a term of ten years, to expire on February 14, 1978, on condition that the building conform to the drawings filed with the application; the vehicles parked in the transient space be pleasure-type cars only and not exceed 14 in number; the ramp in this building be discontinued; the ramps in Buildings Nos. 4 (Cal. 725-67-BZ) and 6 (Cal. 727-67-BZ) be arranged for ingress and egress; there be no signs except one non-illuminated sign not exceeding 10 square feet in area, marked "garage", on the exterior of the Premises; the parking be by attendants only; the rate sign required by the Department of Licenses state the maximum number of transient cars permitted by this resolution; the provisions of MDL § 60(1b) and all other laws, rules, and regulations applicable be complied with; and an amended certificate of occupancy for the garage portion of the building be obtained within one year, by February 14, 1969.

On May 30, 2000 under the subject calendar numbers, the Board amended the variance to permit the continued use of portions of the cellar of the subject Premises for transient parking for a period of less than one week, which is contrary to Z.R. § 25-412, on condition that all work substantially conform to drawings as they apply to the objections filed with the application; the term of the variance be ten years, to expire on May 30, 2010; the use of transient spots be limited to the number reflected in the approved plans; a recapture sign be maintained conspicuously within the garage indicating the tenants' rights to recapture the subject parking spaces upon 30 day notification to the operator; the Premises be maintained free of debris and graffiti; a new certificate of occupancy be obtained within one year of the date of the grant, by May 30, 2001; the above referenced conditions appear on a new certificate of occupancy; the development as approved is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under the jurisdiction of the Department.

On October 25, 2011 under the subject calendar numbers, the Board amended the variance to permit the extension of the terms of the grant for an additional ten years 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 substantially conform to drawings filed with the application; all residential leases indicate that spaces devoted to transient parking can be recaptured by residential tenants on 30 days' notice to the owner; a sign providing the same information about tenant recapture rights be located in a conspicuous place within the garage, permanently affixed to the wall; the above

92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ, 100-99-BZ, 102-99-BZ conditions and all relevant conditions from prior resolutions appear on the certificate of occupancy; a new certificate of occupancy be obtained by October 25, 2012; the layout of the parking lot be as approved by the Department of Buildings; the approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; the Department of Buildings 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.

II.

The term of the variance having expired, the applicant now seeks an extension. The applicant also seeks an extension of time to obtain a certificate of occupancy, specifically for BSA Cal Nos. 92-99-BZ, 94-99-BZ, 96-99-BZ, 100-99-BZ. Because this application was filed more than 30 days after the expiration of the time to obtain a certificate of occupancy, the applicant requests a waiver, pursuant to § 1-14.2 of the Board's Rules, of § 1-07.3(d)(2), of the Board's Rules to permit the filing of this application.

III.

The Board notes that the requested waiver is of MDL § 60(1)(b) pursuant to the Board's authority granted under MDL § 60(3). The Multiple Dwelling Law vests the Board with "the power to make rules to supplement the requirements of this section and, after public hearing, may grant variances of local laws, resolutions, code provisions or regulations which are more restrictive than the provisions of this section, subject to such conditions as, in the opinion of such agency, will best promote health, safety and welfare and carry out the permissive intent of this section. A. MDL § 60(3).

IV.

Over the course of hearings, the Board expressed concern that the recapture signage throughout the Premises lacked clarity and were not conspicuous within the garage. In response, the applicant provided photographs and updated plans which included additional recapture signs posted at the Premises with clearer language.

By correspondence dated December 24, 2020, the Fire Department states that the Bureau of Fire Prevention has reviewed the above noted application. The Premises have a fire suppression system (sprinkler and flow systems) that has been tested, and FDNY permits are current. Based upon the foregoing, the Fire Department has no objection to the application. The Bureau of Fire Prevention will continue to inspect these Premises and enforce all applicable rules and regulations.

Based upon its review of the record, the Board has determined that the waiver of the Board's Rules, extension of the term of the

92-99-BZ, 94-99-BZ, 96-99-BZ, 98-99-BZ, 100-99-BZ, 102-99-BZ variance, and extension of time to obtain a certificate of occupancy, appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *wave* its Rules of Practice and Procedures and amend the resolution, dated February 14, 1968, as amended through October 25, 2011, so that as amended this portion of the resolution shall read “to extend the term of the grant for ten years, from May 30, 2020 to expire on May 30, 2030, and to grant an extension of time to obtain a certificate of occupancy to October 4, 2022; *on condition* that all work, site conditions and operations shall conform to the drawings filed with this application marked ‘Received March 9, 2021 - (5) Five sheets’ and *on further condition*:

THAT the term of the variance will be for ten years, to expire on May 30, 2030;

THAT all residential leases indicate that 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 Premises be maintained free of debris and graffiti;

THAT a certificate of occupancy, also indicating this approval and calendar numbers (‘BSA Cal. Nos. 92-99-BZ, 94-99-BZ, 96-99-BZ, 100-99-BZ’), shall be obtained within one year, by October 4, 2022;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

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 applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, October 4, 2021.

CERTIFICATION

**This copy of the resolution
dated October 4, 2021
is hereby filed by the
Board of Standards and Appeals
on October 18, 2021.**

Carlo Costanza

Executive Director