



**Sheldon Lobel & Co.**

**ATTORNEYS AT LAW**

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November 4, 2011

**VIA CERTIFIED MAIL –  
RETURN RECEIPT REQUESTED**

Community Board 8  
505 Park Avenue, Suite 620  
New York, NY 10022

**RECEIVED**

**NOV - 9 2011**

**BY COMMUNITY BOARD 8**

**Re: BSA Extension of Term Application  
BSA Calendar No. 737-65-BZ  
301-329 East 86<sup>th</sup> Street a/k/a 1660 Second Avenue  
Block 1549, Lot 1  
New York, New York (the "Premises")**

Dear Chairperson and Members of the Board:

Our office represents the applicant in an extension of term application that has been filed at the Board of Standards and Appeals ("BSA"). The application seeks to extend the term of the variance that permits transient parking use in the accessory garage of the existing multiple dwelling building at the Premises. As per the BSA's Rules of Practice and Procedure, we hereby provide the Community Board with notification of the filing.

Enclosed is a copy of the extension of term application

We look forward to meeting with the Community Board to discuss this matter, and trust that you will indicate your support of this application to the BSA.

Very truly yours,

Nora Martins

NM:el

Encl.

cc: Board of Standards and Appeals  
Hon. Jessica S. Lappin, Councilmember  
Hon. Scott Stringer, Brooklyn Borough President  
Ms. Edith Hsu-Chen, Manhattan DCP  
Mr. Christopher Holme, Department of City Planning  
Department of Buildings



City of New York  
Board of Standards and Appeals  
40 Rector Street, 9<sup>th</sup> Floor  
New York, NY 10006-1705  
Phone: (212) 788-8500  
Fax: (212) 788-8769  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**SPECIAL ORDER CALENDAR (SOC)**  
Application Form

**RECEIVED**

NOV - 9 2011

BSA APPLICATION NO. 737-65-BZ

BY COMMUNITY BOARD 8

**Section A**

**Applicant/  
Owner**

Sheldon Lobel, P.C.

NAME OF APPLICANT

18 East 41st Street, 5th Floor

ADDRESS

New York NY 10017

CITY STATE ZIP

212 725-2727

AREA CODE TELEPHONE

212 725-3910

AREA CODE FAX

emartins@sheldonlobelpc.com

EMAIL

YORKSHIRE TOWERS COMPANY SUCCESSOR II, L.P.

OWNER OF RECORD

305 E. 86th Street

ADDRESS

New York NY 10028

CITY STATE ZIP

LESSEE / CONTRACT VENDEE

ADDRESS

CITY STATE ZIP

**Section B**

**Site Data**

301-329 East 86th Street, a/k/a 1680 Second Avenue, a/k/a 300-334 East 87th Street

10016

STREET ADDRESS (INCLUDE ANY A/K/A)

ZIP CODE

Corner through lot fronting on East 86th Street, East 87th Street and Second Avenue

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1549 1 Manhattan 8  
BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT

N/A

LANDMARK/HISTORIC DISTRICT

Jessica S. Lappin

C2-8A(TA), C2-8 and R8B

9a

CITY COUNCIL MEMBER

ZONING DISTRICT

(include special zoning district, if any)

ZONING MAP NUMBER

**Section C**

**Description**

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

This application seeks (1) to extend the term of the previously granted variance to permit continued transient parking use in the accessory garage of the residential building at the Premises and (2) a waiver of the Rules of Practice and Procedure to permit the filing of this application after the expiration of the permitted filing period.

**Section D**

**Actions**

**APPLICATION IS HEREBY MADE TO:**

1. ☒ Waive of the Rules of Practice and Procedure (Explain in your statement)

2. ☐ Extension of Time to:

☐ Complete construction ☐ Obtain a Certificate of Occupancy

Expiration Date: \_\_\_\_\_

3. ☐ Amendment to Previous Board Approval

4. ☒ Extension of Term of the:

☒ Variance ☐ Special Permit

For a term of 10 years

Expiration Date: November 3, 2010

5. ☐ Other (Explain in your statement)

Authorizing Section(s) of the Zoning Resolution:

☐ § 11-411 ☐ § 11-412 ☐ § 11-413 ☒ §§ 72-01 and 72-22 ☐ § 73-11 ☐ Other \_\_\_\_\_

**Section E****Department  
Of  
Buildings  
Information**

- |   | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| 1. Have plans been filed? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Have plans been approved? .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (If Yes, Date Approved .....  |                                     |                                     |
| 3. Has a permit been obtained? .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (If Yes, Permit No. .... Date Issued .....                                    |                                     |                                     |
| 4. Is work in progress? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (If Yes, Percentage of work completed .....%)                                 |                                     |                                     |
| 5. Has a temporary or permanent Certificate of Occupancy been obtained? ..... | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (If Yes, Expiration Date ..... Attach a copy)                                 |                                     |                                     |

If you have answered "No" to any of these questions, include a paragraph in your statement describing the reason(s) for delay and the projected schedule of completion.

**Section F****Board  
History**

List all prior Board actions associated with the subject Zoning Lot and attach one copy of each resolution:

On \_\_\_\_\_, when the Zoning District was \_\_\_\_\_, an application was granted by the Board under Section \_\_\_\_\_ to permit:

See attached BSA Resolution History

**Section G****Inspection  
and  
Compliance**

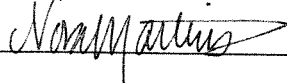
- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Have you reviewed the Board's case file? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Have you recently inspected the premises and surrounding area? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (If Yes, date of most recent site inspection <u>August 19, 2011</u> )  |                                     |                                     |
| 3. Did you find:   |                                     |                                     |
| a. Compliance with the terms and conditions of the Board's resolution? .....   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Attach a completed Certificate of Inspection and Compliance  |                                     |                                     |
| b. Any significant condition changes (e.g. rezoning, city map amendments, recent developments) within the affected area since the Board's last action on this application? ..... | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

If the answer is "yes" to any of the questions below, explain further in your statement.

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 4. Is there currently a proposal before the City Planning Commission to change the subject Zoning District, or any other action which includes the premises? ..... | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (File / CP No. ....)   |                                     |                                     |
| 5. Are there any outstanding violation(s) on the premises? .....   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (If Yes, submit a DOB BIS printout)  |                                     |                                     |
| 6. Is there any other application before the Board which affects the premises? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (If Yes, Cal No. ....)   |                                     |                                     |
| 7. Is there any other application at any government agency which affects the premises? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Section H****Signature**

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

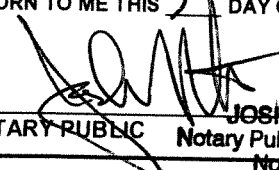


Nora Martins

Attorney

SWORN TO ME THIS 3<sup>rd</sup> DAY OF Nov. 2011

NOTARY PUBLIC

  
JOSHUA RINESMITH  
Notary Public, State of New York  
No. 0216187099  
Qualified in New York County  
Commission Expires June 23, 2012



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November 3, 2011

## **STATEMENT OF FACTS AND FINDINGS**

BSA Cal. No.: 737-65-BZ

Premises: 305 East 86<sup>th</sup> Street

Block 1549, Lot 1

New York, New York

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### **PRELIMINARY STATEMENT**

This application is filed pursuant to Sections 72-01 and 72-22 of the Zoning Resolution of the City of New York, as amended, and seeks (1) to extend the term of a variance permitting transient parking at the Premises and (2) a waiver of Section 1-05(d) of the Board's Rules of Practice and Procedure. The variance was originally granted in 1965 and permitted transient parking in the accessory garage of a 21-story residential apartment building.

### **EXISTING CONDITIONS**

The Premises is a corner through lot located on the west side of Second Avenue between East 86<sup>th</sup> Street and East 87<sup>th</sup> Street in the Upper East Side neighborhood of Manhattan. The lot has 320' of frontage on East 86<sup>th</sup> Street, approximately 200' of frontage on Second Avenue and approximately 300' of frontage on East 87<sup>th</sup> Street. The Premises has a lot area of approximately 62,965 square feet and is split between C2-8A(TA), C2-8 and R8B zoning districts.



The Premises is improved with a 21-story (twenty floors and penthouse) mixed-use building with stores and doctors' offices on the first floor and apartment units on the remaining floors. The building is 177'-10" in height and has a total of 695 dwelling units. The sub-cellar and cellar of the building contain an accessory parking garage for the residents of the building and members of the public.

Vehicles enter and exit the parking garage via curb cuts located on East 86<sup>th</sup> Street and East 87<sup>th</sup> Street entering the building at the first floor and taking ramps down to the garage located on cellar and sub-cellar levels. There are 84 spaces located on the cellar level and 84 spaces located in the sub-cellar level, for a total of 168 spaces. The garage is fully attended and operates 24 hours per day, 7 days a week.

#### **BSA RESOLUTION HISTORY**

In 1965, the Premises was granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law to permit the use of 50 surplus spaces in the residential building's accessory parking garage for transient parking. The term of the original grant was for 15 years and it has been extended several times. On June 19, 2001, the Board granted an extension of the term of the variance for a term of 10 years, expiring on November 3, 2010. A complete Board Resolution History is submitted herewith along with the corresponding resolutions.

#### **DEPARTMENT OF BUILDINGS**

There are currently sixteen Department of Buildings ("DOB") violations open at the Premises. There are no open Environmental Control Board ("ECB") violations. The open DOB violations were all issued for elevator violations, and do not pertain to the transient parking use that is the subject of this application. A copy of each violation printout from DOB's BIS website is submitted herewith.



The most recent Certificate of Occupancy (CO) was issued on March 19, 2002, and it references the Board's most recent variance extension and lists the conditions required in the Board's June 19, 2001 resolutions.

#### **EXTENSION OF TERM**

This application seeks an extension of the variance term to permit the continued use of the garage at the Premises for transient parking. The physical layout of the parking garage has not changed since the previous BSA grant and there are no proposed alterations. This application does not seek to modify the number of parking spaces permitted pursuant to the prior BSA grant.


As the term of the variance expired on November 3, 2011, a waiver of Section 1-05(d) of the Board's Rules of Practice and Procedure is also requested to permit the filing of this application more than thirty (30) days after the expiration of the variance term.

#### **CONCLUSION**

Transient parking use at the Premises has operated according to the conditions imposed by the BSA since 1965. The garage has continued to operate in an orderly and respectable manner. In addition, the transient parking spaces in the accessory garage provide needed off-street parking to building visitors and neighbors and lessen street congestion by decreasing the number of automobiles seeking curbside parking.

As the character of the neighborhood is not adversely affected by the continued transient parking use, we respectfully request that the term of the variance be extended for a term of 10 years without modification.

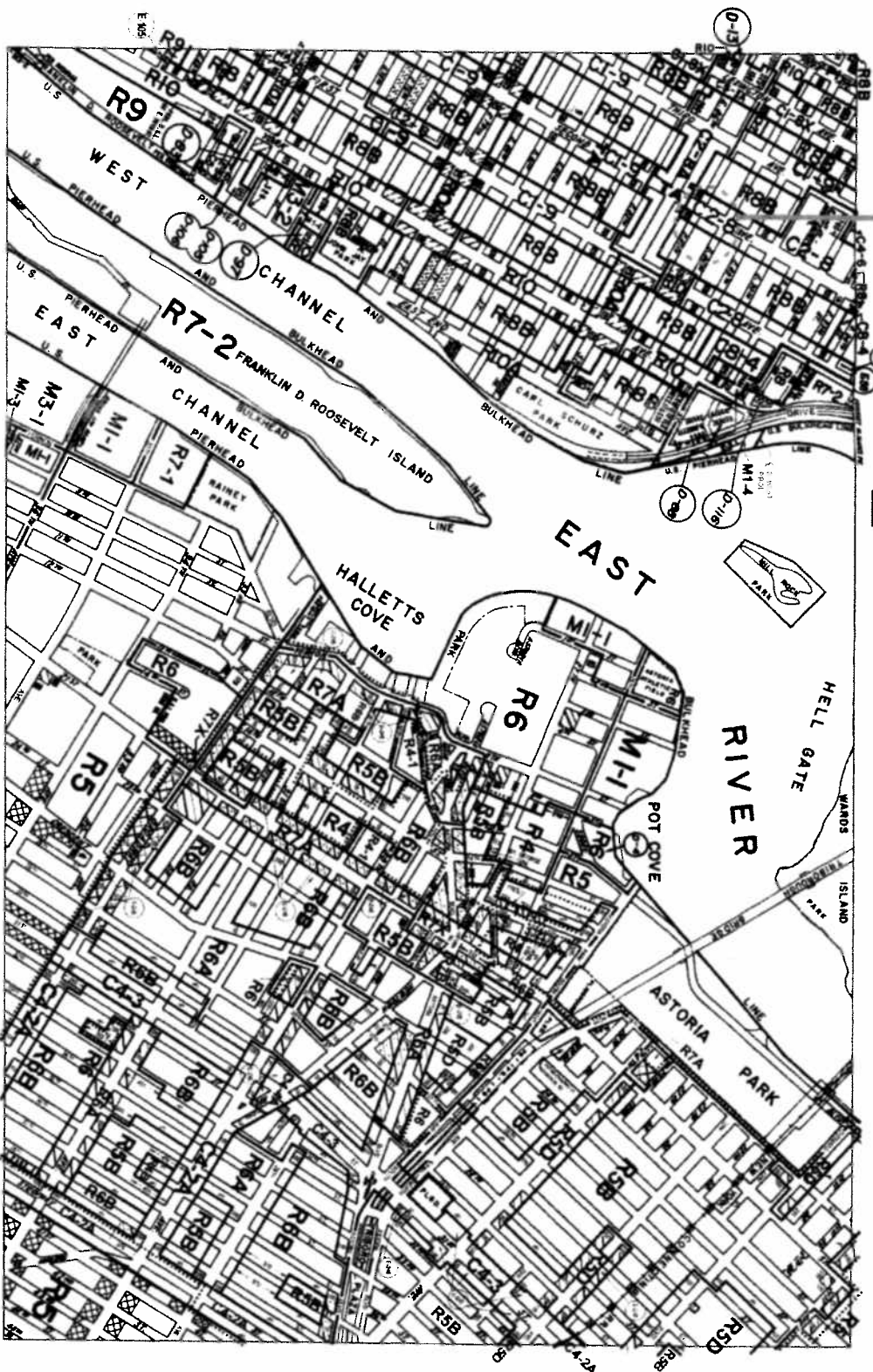
Respectfully submitted,

  
Nora Martins



PREMISES

Click blue box on map to view sketch map of proposed map change



600 0 600 1200 1800 FEET

NOTE: Where no dimensions for zoning district boundaries appear on the zoning map, such dimensions are determined in accordance with Chapter 24 (Section 24-201) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

### Major Zoning Classifications:

The map is divided into numbered lots and blocks, each labeled with a zoning code. The map shows a grid of streets and the locations of various landmarks and parks. The map is oriented with North at the top. The map is labeled with various zoning codes such as R9, R7-2, R6, R5, R4, R3, R2, R1, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100. The map also shows the locations of various parks and landmarks, including Halletts Cove, Astoria Park, and several smaller parks. The map is labeled with various zoning codes such as R9, R7-2, R6, R5, R4, R3, R2, R1, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53, R54, R55, R56, R57, R58, R59, R60, R61, R62, R63, R64, R65, R66, R67, R68, R69, R70, R71, R72, R73, R74, R75, R76, R77, R78, R79, R80, R81, R82, R83, R84, R85, R86, R87, R88, R89, R90, R91, R92, R93, R94, R95, R96, R97, R98, R99, R100.

NOTE: Zoning districts shown on this map are subject to change. The Planning Commission may amend the Zoning Resolution at any time. For more information, visit the Zoning Resolution of the Department of City Planning, www.dcp.gov/Planning, or contact the Zoning Information Desk at (212) 720-5200.

MAP KEY

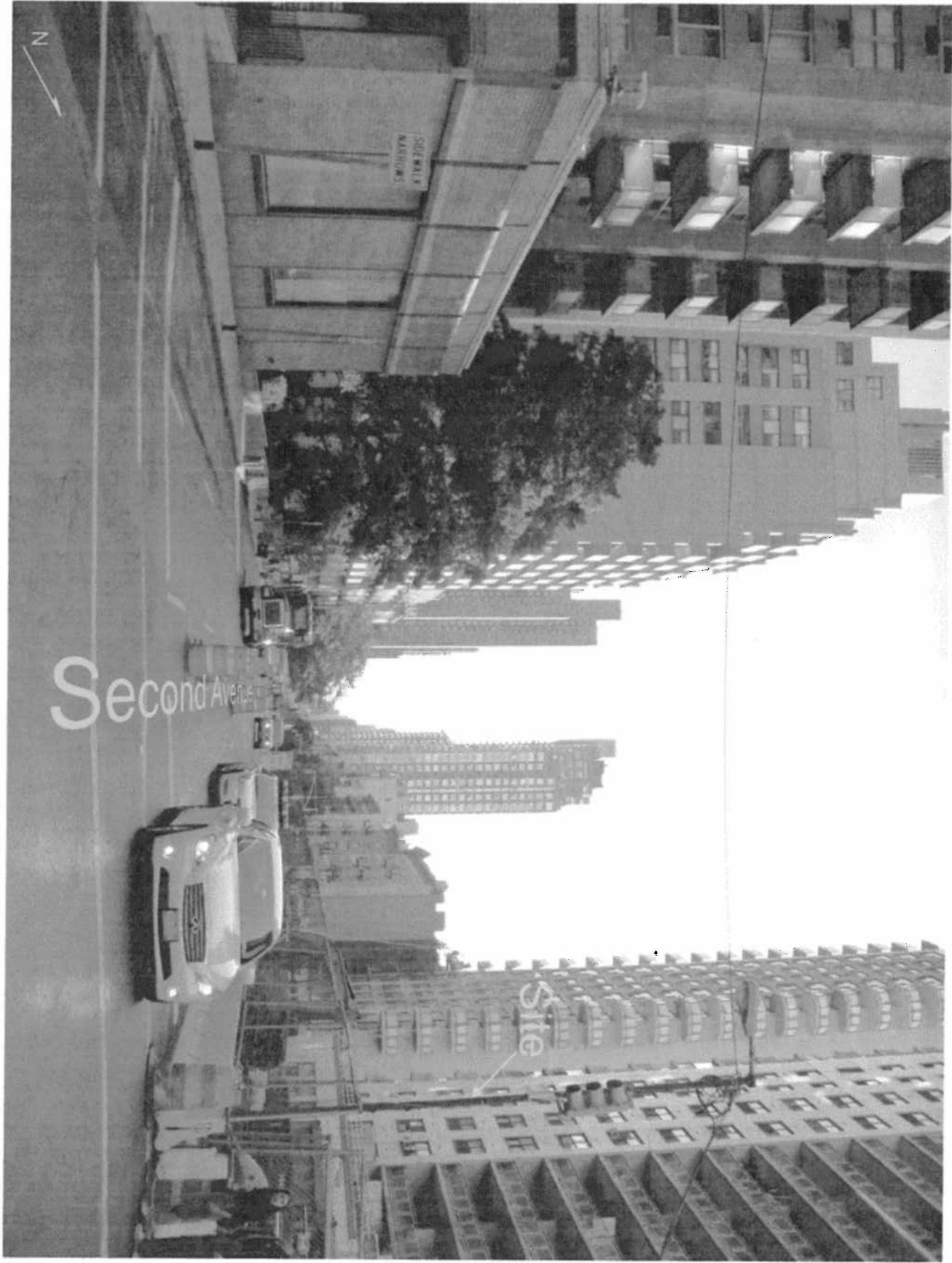
5d	6b	6d
8c	9a	9c
8d	9b	9d





301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #1



301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #2



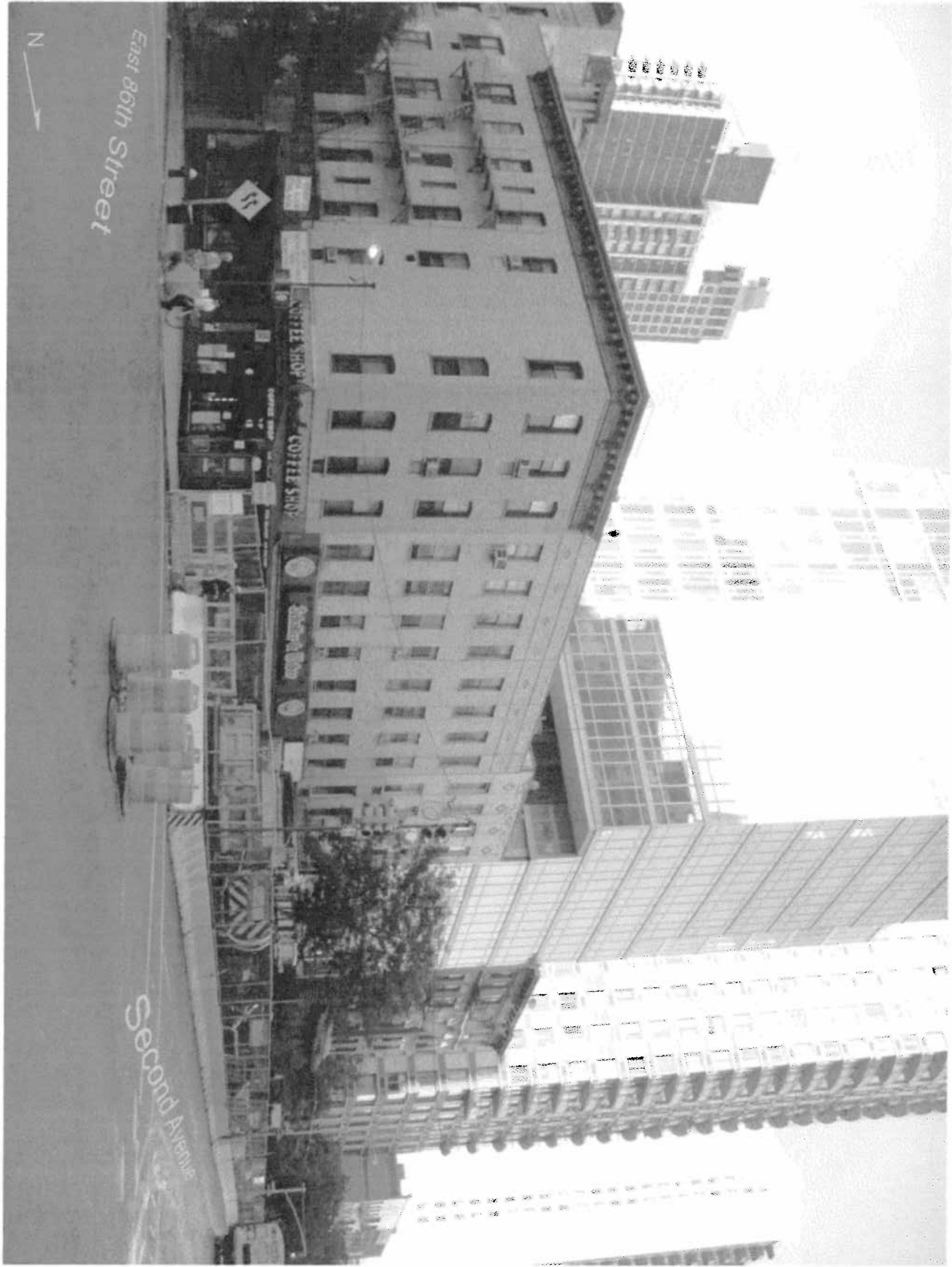
301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #3



301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #4





301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #5



301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #6

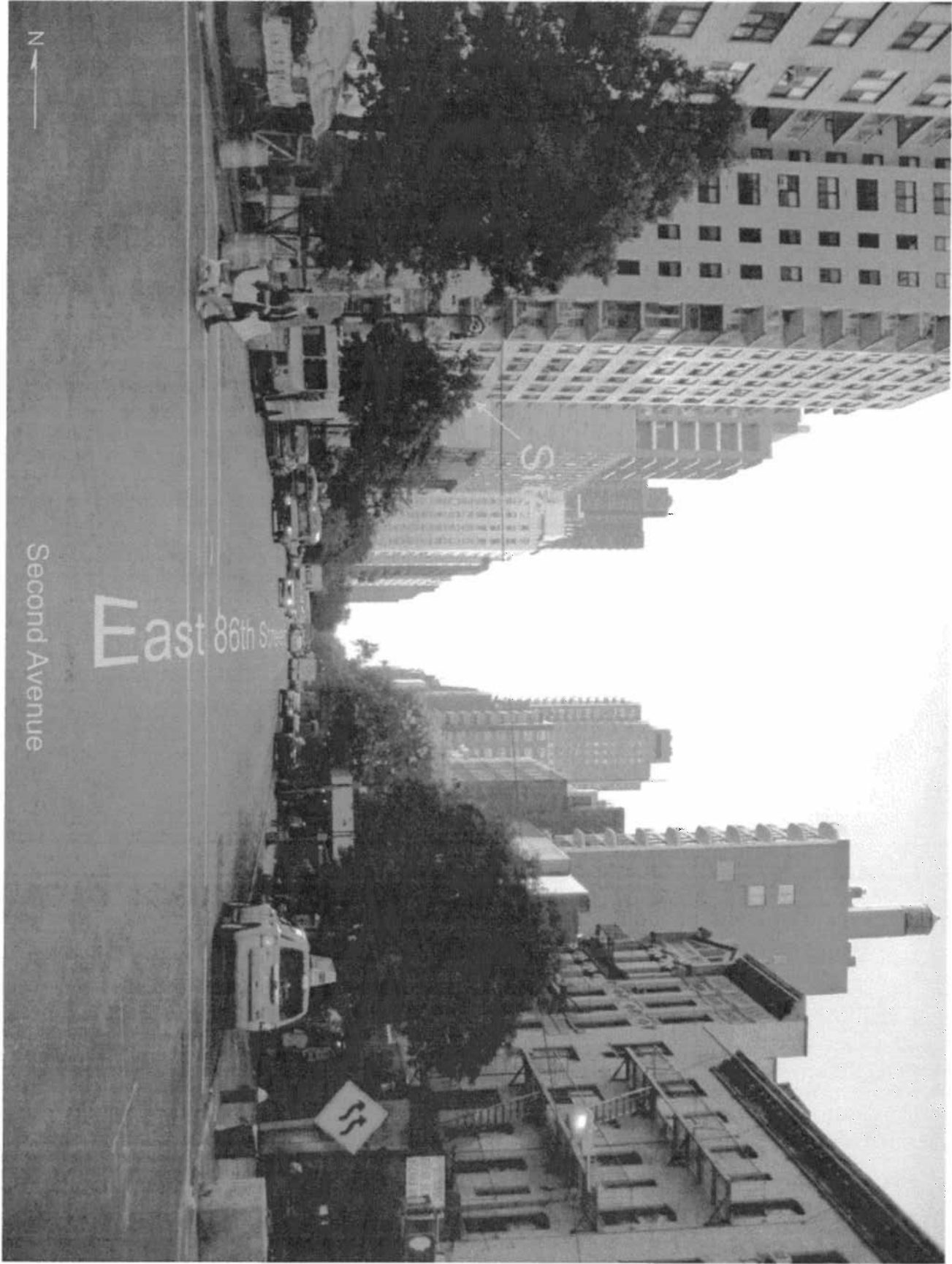


Photo #7





301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #8

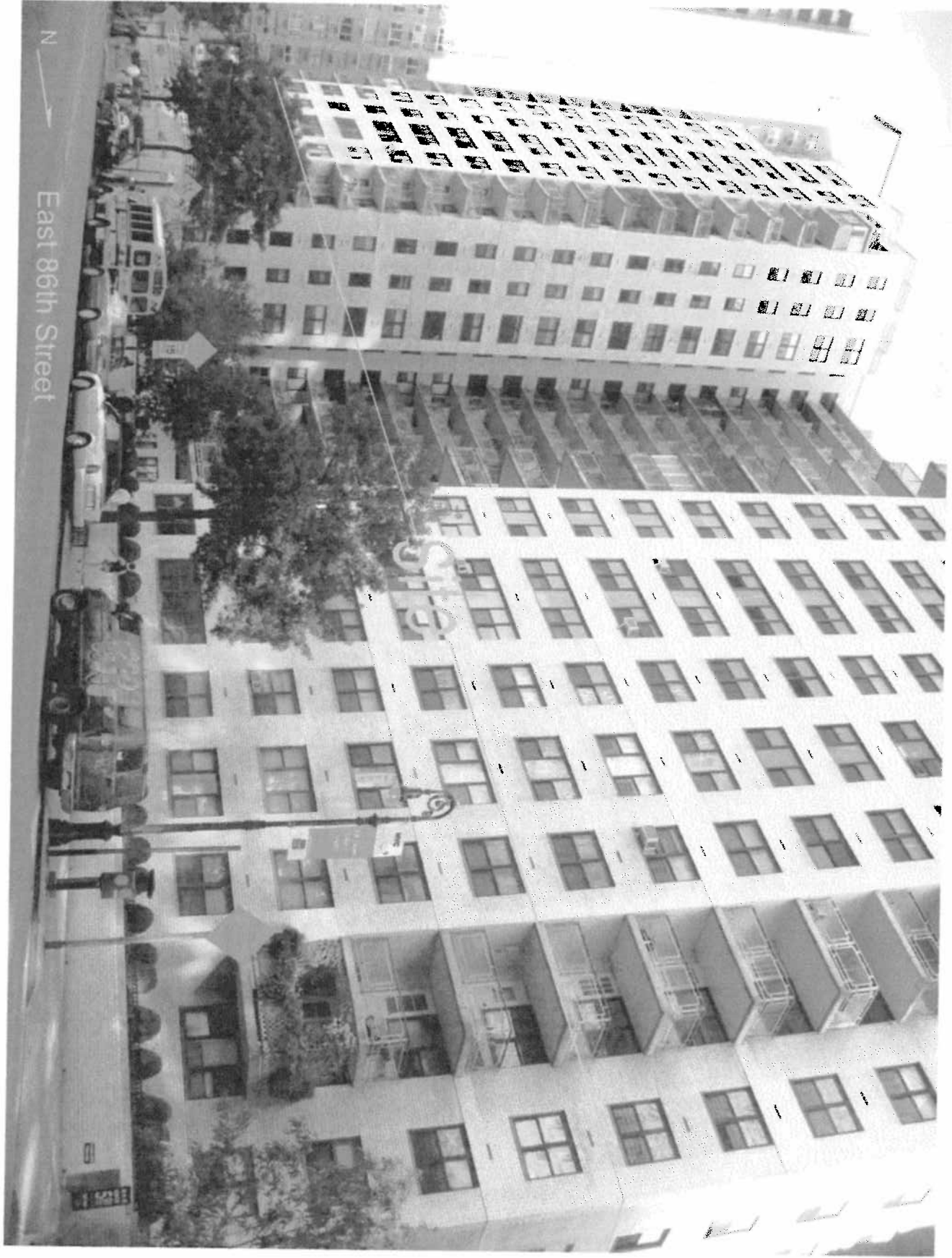
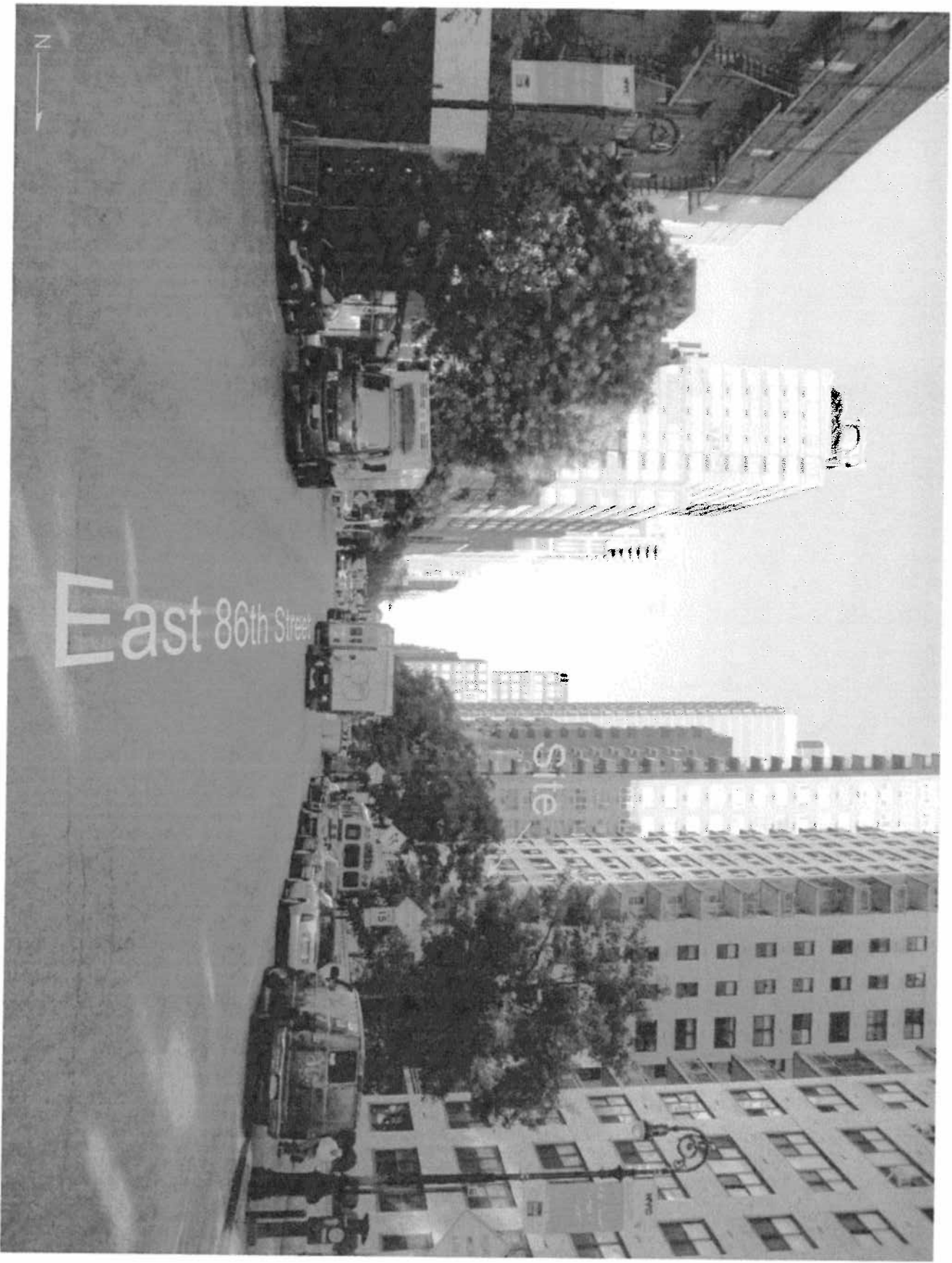


Photo #9



301 East 86th Street, Manhattan  
Block 1549, Lot 1

Photo #10

