



**Sheldon Lobel &**

**ATTORNEYS AT LAW**

9 East 40th Street

14th Floor

New York, NY 10016-0402

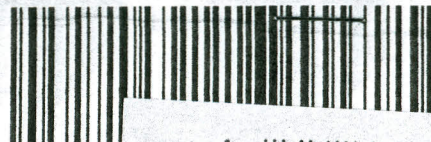
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[www.sheldonlobelpc.com](http://www.sheldonlobelpc.com)

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7010 18

December 6, 2010

**VIA CERTIFIED MAIL –**  
**RETURN RECEIPT REQUESTED**

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

**Re: BSA Calendar No. 899-65-BZ**  
**Block 1418, Lot 21**  
**231-245 East 63<sup>rd</sup> Street, a/k/a 1201-1222 Second Avenue**  
**New York, New York (the “Premises”)**

Dear Chairperson and Members of the Board:

Our office represents the applicant with respect to a Special Order Calendar (SOC) application that has been filed at the Board of Standards and Appeals (“BSA”). The application seeks to extend the term of the previously granted variance which permits public parking in the accessory parking garage of the residential building at the Premises. As per the BSA’s Rules of Practice and Procedure, we hereby provide Community Board 8 with notification of the filing.

Enclosed is a copy of the SOC 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,

Joshua Rinesmith

Encl.

cc: Board of Standards and Appeals  
Hon. Daniel R. Garodnick  
Hon. Scott Stringer, Manhattan Borough President  
Ms. Edith Hsu-Chen, 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

BSA APPLICATION NO. **899-65-BZ****Section A****Applicant/  
Owner**

Sheldon Lobel, P.C.

NAME OF APPLICANT

9 East 40th Street, 14th Floor

ADDRESS

New York NY 10016

CITY STATE ZIP

(212) 725-2727

AREA CODE TELEPHONE

(212) 725-3910

AREA CODE FAX

jrinesmith@sheldonlobelpc.com

EMAIL

Regency Towers, LLC

OWNER OF RECORD

231-245 East 63rd Street a/k/a 1201-1222 2nd Avenue

ADDRESS

New York NY 10065

CITY STATE ZIP

LESSEE / CONTRACT VENDEE

ADDRESS

CITY STATE ZIP

**Section B****Site Data**

231-245 East 63rd Street a/k/a 1201-1222 2nd Avenue

10065

STREET ADDRESS (INCLUDE ANY A/K/A)

ZIP CODE

Premises is located along the entire wester block front of Second Avenue between 63rd and 64th Streets.

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1418

21

Manhattan

8

BLOCK

LOT(S)

BOROUGH

COMMUNITY DISTRICT

LANDMARK/HISTORIC DISTRICT

Daniel R. Garodnick

C2-8 and R8B

8c

CITY COUNCILMEMBER

ZONING DISTRICT

ZONING MAP NUMBER

(include special zoning district, if any)

**Section C****Description**(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

This application seeks to extend the term of the previously granted variance which permits transient parking in the garage of the residential building at the Premises.

**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 Approval4. ☒ Extension of Term of the:☒ Variance ☐ Special PermitFor a term of 10 yearsExpiration Date: 11/16/20105. ☐ 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 MDL § 60 (3)



**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? .....<br>(If Yes, Date Approved .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Has a permit been obtained? .....<br>(If Yes, Permit No. .... Date Issued .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Is work in progress? .....<br>(If Yes, Percentage of work completed .....%)  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. Has a temporary or permanent Certificate of Occupancy been obtained? .....<br>(If Yes, Expiration Date <u>November 16, 2010</u> Attach a copy) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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 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? .....<br>(If Yes, date of most recent site inspection <u>November 3, 2010</u> )  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Did you find:   |                                     |                                     |
| a. Compliance with the terms and conditions of the Board's resolution? .....<br>Attach a completed Certificate of Inspection and Compliance  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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? .....<br>(File / CP No. ....) | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. Are there any outstanding violation(s) on the premises? .....<br>(If Yes, submit a DOB BIS printout)  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is there any other application before the Board which affects the premises? .....<br>(If Yes, Cal No. ....)   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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.

Signature of Applicant, Corporate Officer or Other Authorized Representative

Joshua Rinesmith

Print Name

Associate

Title

SWORN TO ME THIS 3rd DAY OF Dec. 20 10

ELIZABETH SAFIAN

NOTARY PUBLIC-STATE OF NEW YORK

NOTARY PUBLIC No. 025A6194785

Qualified in New York County

My Commission Expires October 14, 2012

*Elizabeth Safian*



CITY OF NEW YORK  
BOARD OF STANDARDS AND APPEALS  
40 Rector Street, 9<sup>th</sup> Floor  
New York, New York 10006-1705  
Phone: (212) 788-8500  
Fax: (212) 788-8769

AFFIDAVIT OF OWNERSHIP

State of New York  
City of New York  
County of \_\_\_\_\_ } ss.:

Michael Dimson, being duly sworn, deposes and says that (s)he  
resides at 340 E 46 ST in the City of  
New York, in the County of New York, in the State of  
New York; that Regency Towers, LLC is the owner in fee  
of all that certain lot, piece or parcel of land located in the Borough of Manhattan,  
in the City of New York and known and designated as Block 1418, Lot(s) 21,  
Street and House Number 231-245 East 63rd Street a/k/a 1201-1222 Second Avenue; that (s)he  
hereby authorizes Sheldon Lobel, P.C. to make the annexed application  
in her/his behalf; and that the statements of fact contained in said application are true.

Signature of Owner

Print Name

MICHAEL DIMSON

Print Title

MANAGING AGENT

(State if Partner, or give Title if Officer of Corporation)

Sworn to before me this 29<sup>th</sup> day  
of NOVEMBER 2010

(Notary Public)

**ALICIA D. PEREZ**  
Notary Public, State of New York  
No. 01PE5056472  
Qualified in Westchester County  
Commission Expires March 4, 2014





**Sheldon Lobel & Associates**

**ATTORNEYS AT LAW**

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14th Floor

New York, NY 10016-0402

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December 3, 2010

### **STATEMENT OF FACTS AND FINDINGS**

BSA Cal. No.: 899-65-BZ

Premises: 231-245 East 63<sup>rd</sup> Street a/k/a 1201-1222 Second Avenue  
New York, New York  
Block 1418, Lot 21

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#### **PRELIMINARY STATEMENT**

This application is filed pursuant to Section 60 (3) of the Multiple Dwelling Law seeking to extend the term of a variance permitting transient parking at the Premises. The variance was originally granted in 1965 and permitted transient parking in the accessory garage of a thirty-four story residential apartment building.

#### **EXISTING CONDITIONS**

The Premises is located on the west side of Second Avenue between East 63<sup>rd</sup> and East 64<sup>th</sup> Streets in the Upper East Side neighborhood of Manhattan. The lot has 155' of frontage on East 64<sup>th</sup> Street, 200' of frontage on Second Avenue, and 200' of frontage on 63<sup>rd</sup> Street. The Premises has a lot area of approximately 38,500 square feet. The property is split by C2-8 and R8B zoning districts.

The Premises is improved with a thirty-four story mixed-use building with doctors' offices on the first floor and apartment units on the remaining floors. The building is 296' in height and has a total of 522 dwelling units. The cellar and sub-cellar floors 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 by either of the parking ramps located on East 63<sup>rd</sup> Street or East 64<sup>th</sup> Street. The descending ramps are 9'-6" wide and lead to the cellar level of the



garage. There are 97 spaces located on the cellar level and 127 spaces located in the sub-cellar. The garage is fully attended and operates 24 hours per day, 7 days a week.

#### **BSA RESOLUTION HISTORY**

As stated above, the Premises was originally granted a variance pursuant to Section 60 (3) of the Multiple Dwelling Law to permit transient parking in the building's accessory parking garage. The term of the original grant was for fifteen years and it was extended on several occasions. The variance was most recently extended on February 27, 2001 for a term of ten years which expired on November 16, 2010. A complete Board resolution history is submitted herewith along with the corresponding resolutions.

#### **DEPARTMENT OF BUILDINGS**

There are currently fourteen Department of Buildings ("DOB") violations open at the Premises. A list of the violations is included with the DOB property profile submitted herewith. Each of the violations have been issued for the elevator infractions and do not pertain to the space that is the subject of this application.

The most recent Certificate of Occupancy (CO) was issued on July 26, 2005. Page 4 of the CO references the Board's most recent variance extension and lists the conditions required by the February 27, 2001 grant.

#### **CURRENT APPLICATION**

This application seeks an extension of the variance term to permit the continued use of the garage at the Premises for transient parking.

#### **BSA Jurisdiction Relating to Extension of the Term of the Variance**

Article I, Chapter 3 of the Zoning Resolution, entitled Comprehensive Off-Street Parking Regulations in Manhattan's Districts 1-8, precludes the Board from granting a special permit for transient parking in residential districts. Therefore, the instant application has been filed to request an extension of the term of the variance originally granted in 1965.

#### **No Changes to the Number of Permitted Parking Spaces**

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.

#### **CONCLUSION**

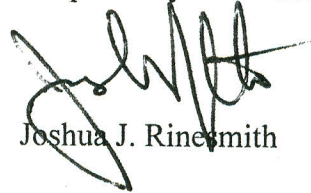
Transient parking use at the Premises has operated within the parameters imposed by the BSA since 1965. The garage has continued to operate in an orderly and respectable manner. In addition, the transient parking component of the garage provides needed off-street parking to building visitors and neighbors and lessens 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,



Joshua J. Riney

## **BSA RESOLUTION HISTORY**

BSA Cal. No. 899-65-BZ

Premises: 231-245 East 63<sup>rd</sup> Street a/k/a 1201-1222 Second Avenue  
New York, New York  
Block 1418, Lot 21

---

On November 16, 1965, under BSA Cal. No. 899-65-BZ, the Board granted a variance pursuant to Section 60 (3) of the Multiple Dwelling Law to permit the transient parking for the unused spaces in the accessory parking garage within the 34-story apartment building. The term of the variance was granted for 15 year and expired on November 16, 1980.

On January 13, 1981, under BSA Cal. No. 899-65-BZ, the Board granted an extension of the variance for a term of 10 years expiring on November 16, 1990.

On March 5, 1991, under BSA Cal. No. 899-65-BZ, the Board granted an extension of the variance for a term of 10 years expiring on November 16, 2000.

On February 27, 2001, under BSA Cal. No. 899-65-BZ, the Board granted an extension of the variance for a term of 10 years expiring on November 16, 2010.



# MINUTES

## REGULAR MEETING TUESDAY MORNING, FEBRUARY 27, 2001 10:00 A.M.

**Present:** Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 6, 2001, were approved as printed in the Bulletin of February 15, 2001, Volume 86, Nos. 6-7.

### SPECIAL ORDER CALENDAR

#### 899-65-BZ

**APPLICANT-** Sheldon Lobel, P.C., for Regency Towers LLC; owner, Regency Garage Corporation, lessee.

**SUBJECT -** Application July 20, 2000 - a reopening for an extension of term of the variance which expired November 16, 2000.

**PREMISES AFFECTED -** 1201-1221 Second Avenue, 231-245 East 63rd Street, 234-244 East 64th Street, 2nd Avenue Between East 63rd Street & East 64th Street, Block 1418, Lot 21, Borough of Manhattan.

#### COMMUNITY BOARD #8M

##### APPEARANCES -

For Applicant: Janice Callahane.

**ACTION OF THE BOARD -** Application reopened and term of the variance extended.

##### THE VOTE TO GRANT -

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

Negative: .....0

##### THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on January 9, 2001, after due notice by publication in The City Record, laid to February 6, 2001 and then to February 27, 2001 for decision.

WHEREAS, Community Board #8M, has recommended approval of the extension of the term of the variance; and

WHEREAS, a sign has been placed within the garage are advising all tenants of the building of their right to recapture parking spaces dedicated to daily transient parking; and

WHEREAS, the Board finds that the premises is operated in substantial compliance with the conditions imposed by the prior BSA resolutions.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution pursuant to §60 (1)(b) of the Multiple Dwelling Law, said resolution having been adopted on November 16, 1965 as amended through March

5, 1991 expiring on November 16, 2000 only as to the term of the variance, so that as amended this portion of the resolution shall read:

"granted for an extension of term; on condition that the term of the variance shall be limited to ten years to expire on November 16, 2010; that a new license shall be obtained from the Department of Consumer Affairs; that a sign advising tenants that they may recapture any of the spaces devoted to daily transient parking on 30 days notice to the owner in accordance with §60 (1)(b) of the of the Multiple Dwelling Law shall be conspicuously displayed at all times within the garage area; that the premises shall be maintained graffiti free and in substantial compliance with the existing and proposed plans submitted with the application marked 'Received July 20, 2000'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new certificate of occupancy shall be obtained within twenty four months of the date of this amended resolution."

Alt. No. 368/1976

Adopted by the Board of Standards and Appeals, February 27, 2001.

#### 1136-80-BZ

**APPLICANT -** Sheldon Lobel, P.C., for East 68th Tenants Corporation, owner.

**SUBJECT -** Application October 24, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and obtain certificate of occupancy, which expired December 8, 1999

**PREMISES AFFECTED -** 6 and 8 East 68th Street, a/k/a 68th Street between 5th Avenue and Madison, Block 1382, Lot 66, Borough of Manhattan.

#### COMMUNITY BOARD #8M

##### APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

**ACTION OF THE BOARD -** Rules of Practice and Procedures waived; application reopened and time to obtain a certificate of occupancy extended.

##### THE VOTE TO GRANT -

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

Negative: .....0

##### THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedures and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on October 24, 2000, after due notice by



# MINUTES

of this building to two families shall be filed with the Registrar's Office in Kings County and, that a note as to the declaration of restriction shall appear upon the Certificate of Occupancy; that all other laws, rules and regulations applicable shall be complied with; and that permit shall be obtained, work completed and a Certificate of Occupancy obtained within one year from the date of this resolution.

864-65-BZ

APPLICANT—Diamond-Sanko for Ruth Jaeger, owner.  
SUBJECT—Application August 9, 1965—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, and Section 666 of the City Charter, to permit in a C2-2 district, the change in use of an existing one story building from retail store to the manufacture of mattresses with retail sales.

PREMISES AFFECTED—689 Bay Street, northeast corner of Dock Street, Block 496, Lot 101, Stapleton, Borough of Richmond.

APPEARANCES—

For Applicant: Harold E. Diamond.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.  
THE VOTE—

Affirmative: Chairman Foley, Commissioner Fox, Commissioner Becker and Commissioner Klein \_\_\_\_\_ 4

Negative: Vice Chairman Kleinert \_\_\_\_\_ 1

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on November 3, 1965, after due notice by publication in the Bulletin; laid over to November 16, 1965; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated August 2, 1965, acting on Alt. Applic. 214/1965, reads:

"1. Proposed change of use, to manufacturing of mattresses, falls under Use Group 17-B as per Sec. 42-14 Z.R., and is therefore not permitted in a C2-2 District. Sec. 32-00 Z.R."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board which recommended that the application be granted under certain conditions; and

WHEREAS, the Board found that the applicant had substantiated a basis to warrant exercise of discretion to grant under Section 72-21 of the Zoning Resolution, and is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the Zoning Resolution and that the application be and it hereby is granted under Section 72-21, to permit in a C2-2 district, the change in use of an existing one-story building, from retail store, to the manufacture of mattresses with accessory retail sales, on condition the work be done in accordance with drawings filed with this application marked "Received September 21, 1965," two sheets, "August 9, 1965," two sheets, and "November 5, 1965," one sheet revised, for a term of, ten years; that all other laws, rules and regulations shall be complied with; and that permit be obtained, work done, and Certificate of Occupancy obtained within one year of the date of this resolution.

965-65-A

APPLICANT—Diamond-Sanko for Ruth Jaeger, owner.

SUBJECT—Application September 21, 1965—Appeal from a decision of the Borough Superintendent re-live load.

PREMISES AFFECTED—689 Bay Street, northeast corner of Dock Street, Block 496, Lot 101, Stapleton, Borough of Richmond.

APPEARANCES—

For Applicant: Harold E. Diamond.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox and Commissioner Becker \_\_\_\_\_ 4

Negative: Commissioner Klein \_\_\_\_\_ 1

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated September 18, 1965 on Alt. Applic. 214-65, reads:

"2. 120# per S.F. Live Load required for proposed manufacturing use.

Sec. 7.3.2.3 Bldg. Code."

and

WHEREAS, the premises were inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Borough Superintendent, dated September 18, 1965 acting on Alt. Applic. 214-65, Objection No. 2 be and it hereby is modified and that the appeal be and it hereby is granted on condition that all of the requirements in the Resolution adopted this day under Application 864-65-BZ shall be complied with; on further condition that the allowable live load be posted on the premises and that the number of occupants for manufacturing be limited to five.

899-65-BZ

APPLICANT—Max Siegel Associates for Blair House Associates, owner; Regency Garage Corporation, garage lessee.

SUBJECT—Application August 26, 1965—decision of the Borough Superintendent, under Section 60 (3) of the Multiple Dwelling Law, to permit in a C2-8 district, and R7-2 district, in an existing thirty-four story multiple dwelling the addition of transient parking for the unused and surplus tenants spaces within the required accessory garage.

PREMISES AFFECTED—1201-1221 Second Avenue, west side, from East 63rd Street, to East 64th Street, 231-239 East 63rd Street, 234-244 East 64th Street, Block 1418, Lot 21, Borough of Manhattan.

APPEARANCES—

For Applicant: Anthony M. Carabba.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.  
THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Becker and Commissioner Klein \_\_\_\_\_ 4

Negative: Commissioner Fox \_\_\_\_\_ 1

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on November 16, 1965, after due notice by publication in the Bulletin; and

WHEREAS, the decision of the Borough Superintendent, dated August 3, 1965, acting on Alt. Applic. 1284/1965, reads:

"A-2. The proposed transient parking within that portion of existing accessory garage in a Class A multiple dwelling located in an R7-2 district is contrary to



# MINUTES

Sec. 25-412 of Zoning Resolution and that portion within the C2-8 district is contrary to Sec. 36-461 of Zoning Resolution."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 60 (3) of the Multiple Dwelling Law.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the Zoning Resolution and that the application be and it hereby is granted under Section 60 (3) of the Multiple Dwelling Law, to permit in a C2-8 district and R7-2 district, in an existing thirty-four story multiple dwelling, the addition of transient parking for the unused and surplus tenants spaces within the required accessory garage, for a term of 15 years, on condition that the building shall conform to drawings filed with this application marked "Received August 26, 1965", 3 sheets; on further condition that the transient parking spaces shall be occupied by pleasure-type cars only, which shall not exceed seventy-five in number; that the tenants of this apartment house may recapture any of the space devoted to transient parking on 30 days' notice to the owners in accordance with Section 60 (1b) of the Multiple Dwelling Law; that all laws, rules and regulations applicable shall be complied with; and that an amended Certificate of Occupancy shall be obtained for the garage portion of the building.

## 900-65-A

APPLICANT—Max Siegel Associates for Blair House Associates, owner; Regency Garage Corporation, garage lessee.

SUBJECT—Application August 26, 1965—filed pursuant to Section 60 of the Multiple Dwelling Law re-transient parking.

PREMISES AFFECTED—1201-1221 Second Avenue, west side, from East 63rd Street to East 64th Street, 231-239 East 63rd Street, 234-244; East 64th Street, Block 1418, Lot 21, Borough of Manhattan.

## APPEARANCES—

For Applicant: Anthony M. Carabba.

ACTION OF BOARD—Appeal granted on condition.

## THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Becker and Commissioner Klein 4

Negative: Commissioner Fox 1

## THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated August 3, 1965 on Alt. Applic. 1284-65, reads:

"A-1. The proposed transient parking by non-occupants of the multiple dwelling within an existing accessory garage is contrary to Sec. 60 Sub. 1 of the Multiple Dwelling Law."

and

WHEREAS, the premises were inspected by a committee of the Board, which recommended that the appeal be granted under certain conditions.

Resolved, that the decision of the Borough Superintendent, dated August 3, 1965, acting on Alt. Applic. 1284-65, Objection No. A1, be and it hereby is modified under the powers vested in the Board by Section 60 of the Multiple Dwelling Law, and that the appeal be and it hereby is granted, on condition that all of the requirements in the Resolution adopted by the board this day under Cal. No. 899-65-BZ shall be complied with.

## 939-65-BZ

APPLICANT—Irwin Emerman for 22 Beekman House, Incorporated, owner; College Nursing Home, lessee.

SUBJECT—Application September 10, 1965 — decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in a R4 district, the construction of a three story and basement enlargement to an existing nursing home that penetrates the sky exposure plane.

PREMISES AFFECTED—119-01 to 119-29 (119-15 official) 27th Avenue, 26-01 to 26-19 119th Street, northeast corner, 119-02 to 119-38 26th Avenue, Block 4291, Lots 20, 95 and 101, College Point, Borough of Queens.

## APPEARANCES—

For Applicant: Irwin Emerman.

For Opposition: Harry J. Keogh, Barbara Hamara, Lydia King and Anna Murphy.

ACTION OF BOARD—Appeal denied.

## THE VOTE TO GRANT—

Affirmative: 0

Negative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein 5

## THE RESOLUTION—

WHEREAS, a public hearing was held on this application on November 3, 1965, after due notice by publication in the Bulletin; laid over to November 16, 1965; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated November 4, 1965, acting on Alt. Applic. 1397/1965, reads:

"1. Height of new extension along 119th St. penetrates sky exposure plane being more than 35'-0" in height above front yard line. Such is contrary to Sec. 24-521 Z.R."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board which recommended that the application be denied, and

WHEREAS, it has not been established that a reasonable return cannot be made on this property without the granting the requested variance.

WHEREAS, the Board found that there was no justification for the exercise of discretion to grant a zoning variance under Section 72-21 of the Zoning Resolution; and

WHEREAS, the Board found that the applicant failed to substantiate a basis to warrant exercise of discretion to grant under Section 72-21 of the Zoning Resolution and was therefore not entitled to relief on the grounds of practical difficulty or unnecessary hardship.

Resolved, that the decision of the Borough Superintendent, dated November 4, 1965, acting on Alt. Applic. 1397/1965, Objection No. 1 be and it hereby is affirmed and that the application be and it hereby is denied.

## 994-65-BZ

APPLICANT—Samuel H. Lindenbaum of Lindenbaum and Young for Thornley Realty Corporation, owner.

SUBJECT—Application September 29, 1965—decision of the Borough Superintendent, under Section 73-14 of the Zoning Resolution, to permit in a R10 district, in an existing multiple dwelling, the maintenance of a telephone exchange.

PREMISES AFFECTED—215-223 East 79th Street, north side, 200 feet east of 3rd Avenue, Block 1525, Lot 9, 10½, 11, 12, Borough of Manhattan.



# MINUTES

WHEREAS, a public hearing was held on this application on January 13, 1981, after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution pursuant to Section 11-411 of the Zoning Resolution, said resolution having been adopted on June 28, 1960 as amended through October 28, 1975 only as to the term of variance, so that as amended this portion of the resolution shall read:

"granted for a term of five years from October 28, 1980, to permit . . . ; that other than as herein amended the resolution above cited shall be complied with in all respects; and that a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution". (Alt. 1222-59)

899-65-BZ

APPLICANT—Max Siegel Associates for Regency Affiliates and Tower Associates, owner.

SUBJECT—Application for consideration—reopening for extension of term of variance which expired November 16, 1980—decision of the Borough Superintendent; previously granted on condition under Section 60 (3) of the Multiple Dwelling Law, permitting in a C2-8 district, and R7-2 district, in an existing thirty-four story multiple dwelling the addition of transient parking for the unused and surplus tenants spaces within the required accessory garage.

PREMISES AFFECTED—1201-1221 Second Avenue, west side, from East 63rd Street to East 64th Street, 231-239 East 63rd Street, 234-244 East 64th Street, Block 1418, Lot 21, Borough of Manhattan. Community Board #8M.

APPEARANCES—

For Applicant: John M. Hronec.

ACTION OF BOARD—Application reopened and term of variance extended.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh and Commissioner Wolf . . . . . 5  
Negative: . . . . . 0

THE RESOLUTION—

WHEREAS, Community Board #8M. recommended approval received on January 9, 1981; and

WHEREAS, this application was granted by the Board on November 16, 1965, on certain conditions; and

WHEREAS, a public hearing was held on this application on January 13, 1981, after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution pursuant to Section 11-411 of the Zoning Resolution, said resolution having been adopted on November 16, 1965 only as to the term of variance, so that as amended this portion of the resolution shall read:

"granted for a term of ten years from November 16, 1980, to permit . . . ; on condition that there will be no double parking in the streets and no parking on the sidewalk area at any time, and shall be operated at all times in such a fashion to minimize traffic congestion; that other than as herein amended the resolution above cited shall be complied with in all respects; and that a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution". (Alt. 368-76)

1087-79-BZ

APPLICANT—Nicholas J. Salvadeo for Sam Costa, owner.

SUBJECT—Application for consideration—reopening for amendment of the resolution—decision of the Borough Superintendent; previously granted on condition under Sec-

tion 72-21, permitting in an R3-2 and C2-1 district, the erection of a two story banquet hall and catering establishment with accessory parking in the open area.

PREMISES AFFECTED—Boundry Avenue, southwest corner of Midland Avenue, Block 3691, Lot 1, Grant City, Borough of Staten Island.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh and Commissioner Wolf . . . . . 5  
Negative: . . . . . 0

THE RESOLUTION—

WHEREAS, Community Board #2S.I. was notified by the applicant on November 25, 1980 and no response has been received; and

WHEREAS, this application was granted by the Board on July 8, 1980, on certain conditions; and

WHEREAS, the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution adopted on July 8, 1980 by adding thereto:

"To permit a curb cut on Midland Avenue for entrance only; substantially as shown on revised drawing of proposed conditions marked 'Received October 2, 1980'—one sheet; that other than as herein amended the resolution above cited shall be complied with in all respects." (N.B. 1472-79)

885-80-BZ

APPLICANT—Robert Malafronte for Teresa L. Pirraglia, owner; Malafronte's Restaurant Limited, lessee.

SUBJECT—Application for consideration—to withdraw the application of August 19, 1980—decision of the Borough Superintendent, under Section 73-241 of the Zoning Resolution, to permit in a C3 district, the change in use of an existing two story from a boat equipment storage establishment into a restaurant.

PREMISES AFFECTED—701-703 Minnieford Avenue, west side, 76 feet north of Bridge Street, Block 5636, Lot 177, Borough of the Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF THE BOARD—Application withdrawn at the request of the applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Fossella, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh and Commissioner Wolf . . . . . 5  
Negative: . . . . . 0

407-70-A

APPLICANT—M. Milton Glass for Elk Realty Company, owner.

SUBJECT—Application for consideration—reopening for extension of term of variance which expired November 4, 1980—appeal from an order and a decision of the Fire Commissioner re- Elevator in Readiness; previously granted on condition.

PREMISES AFFECTED—20 to 26 West 22nd Street, south side, 337.11½ feet west of 5th Avenue, Block 823, Lot 55, Borough of Manhattan.

APPEARANCES—

For Applicant: M. Milton Glass.

For Administration: Lt. R. J. Ellis, Fire Dept.



# MINUTES

## APPEARANCES—

For Applicant: James E. Vassalotti.

**ACTION OF BOARD**—Application reopened and term of variance extended.

## THE VOTE TO CLOSE HEARING—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5  
Negative:..... 0

## THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5  
Negative:..... 0

## THE RESOLUTION—

WHEREAS, Community Board #10BK recommended approval which was received on November 5, 1990; and

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on March 5, 1991, after due notice by publication in the *Bulletin*.

Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution pursuant to Z.R. §11-411, said resolution having been adopted on April 7, 1942 as amended through December 9, 1980, expiring January 24, 1991; only as to the term of variance, so that as amended this portion of the resolution shall read:

"granted for a term of ten (10) years from January 24, 1991, to permit .....; that other than as herein amended the resolution above cited shall be complied with in all respects; and that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution."

(Alt. 1669-58)

Adopted by the Board of Standards and Appeals, March 5, 1991.

## 433-65-BZ

**APPLICANT**—Dominick Salvati and Son, Architects for 15 West 72nd Street Owners Corporation, Mayfair Garage Corporation, lessee.

**SUBJECT**—Application August 13, 1990—request to waive the Rules of Procedure and reopening for extension of term of variance which expired June 22, 1990—application previously granted on condition under Multiple Dwelling Law §60 (3), permitting in a R8 and R10 district, the addition of transient parking for the unused and surplus tenants spaces in an existing multiple dwelling accessory garage.

**PREMISES AFFECTED**—15 West 72nd Street, north side, 202' 2 1/2" from Central Park West, Block 1125, Lot 24, Borough of Manhattan.

## COMMUNITY BOARD #7M.

## APPEARANCES—

For Applicant: Harriet Jacobs and Everett Hill.

**ACTION OF BOARD**—Rules of Procedure waived, application reopened and new term of variance granted on condition.

## THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5  
Negative:..... 0

## THE RESOLUTION—

WHEREAS, Community Board #7M recommended conditional approval which was received on November 15, 1990; and

WHEREAS, on June 22, 1965, the Board granted an original application to permit in a R8 and in a R10 district, transient parking within an existing accessory garage to a thirty-four (34) story and penthouse multiple dwelling for a temporary term of fifteen (15) years under certain conditions; and

WHEREAS, pursuant to the original grant, the Board authorized the use of fifty (50) parking spaces within an existing garage for daily transient parking; and

WHEREAS, the owner of the residential property has authorized the filing of this application seeking a new term; and

WHEREAS, presently authorization is to continue the use of fifty (50) unused or surplus parking spaces, not being used by the residents, for attended transient parking; and

WHEREAS, the drawing submitted to the Board provided a minimum of 200 square feet of floor area for each vehicle which is sufficient to permit the attended parking of the fifty (50) vehicles specified on the plan; and

WHEREAS, the residents of this multiple dwelling may recapture any of the space devoted to transient parking on thirty (30) days notice to the owner or operator of this garage facility pursuant to the Multiple Dwelling Law 60 (1)(b).

Resolved, that the Board does hereby waived the Rules of Procedure and *reopens and amends* the resolution adopted on June 22, 1965, as amended on October 27, 1981, and which expired on June 22, 1990, to extend the term of the grant for a period of ten (10) years from June 22, 1990 to June 22, 2000, to permit within the subject multiple dwelling, in a R8B and in a R10A district, attended daily transient parking for the fifty (50) unused or surplus spaces for a term of ten (10) years, on condition that the term of the grant expires June 22, 2000 that there be no more than fifty (50) daily transient parking spaces, on further condition that the accessory garage conform to the drawings filed with this application marked "Received November 7, 1990" three (3) sheets; that the residents of the multiple dwelling may recapture any of the spaces devoted to transient parking on thirty (30) days notice to the owner or operator of the garage; that all cars parked in the garage facility shall be private non-commercial passenger type motor vehicles; that all rate signs be posted immediately inside the entrance doors of the garage; and that there be no parking of vehicles on the west ramp on West 73rd Street side at any time; that all applicable laws, rules and regulations be complied with; that a new certificate of occupancy shall be obtained for the garage portion of the building within six (6) months of the date of this resolution and that these conditions appear on the certificate of occupancy.

Adopted by the Board of Standards and Appeals, March 5, 1991.

## 899-65-BZ

**APPLICANT**—Sheldon Lobel and Associates, Esquires, for Regency Joint Venture, owner Regency Garage Corporation, lessee.

**SUBJECT**—Application November 21, 1990—reopening for extension of term of variance which expired November 16, 1990—application previously granted on condition under the Multiple Dwelling Law §60(3), permitting in a C2-8 district and R7-2 district, in an existing thirty-four (34) story multiple dwelling the addition of transient parking for the unused and surplus tenants spaces within the required accessory garage.

**PREMISES AFFECTED**—1201/21 Second Avenue, west side, East 63rd Street and East 64th Street, 231/39 East 63rd Street and 234/44 East 64th Street, Block 1418, Lot 21, Borough of Manhattan.

## COMMUNITY BOARD #8M.

**APPEARANCES**—Mitchell Ross and Jeffrey Sperber.

**ACTION OF BOARD**—Application reopened and new term of variance granted on condition.

## THE VOTE TO CLOSE HEARING—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5  
Negative:..... 0

## THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5  
Negative:..... 0

## THE RESOLUTION—

WHEREAS, Community Board #8M recommended approval which was received on January 24, 1991; and



## MINUTES

WHEREAS, on November 16, 1965 the Board granted an original application to permit in a C2-8 and R7-2 district, transient parking within an existing accessory garage to a thirty-four (34) story multiple dwelling for a temporary term of fifteen (15) years under certain conditions; and

WHEREAS, pursuant to the original grant, the Board authorized the use of seventy-five (75) parking spaces within an existing garage for daily transient parking; and

WHEREAS, the owner of the residential property has authorized the filing of this application seeking a new term; and

WHEREAS, presently authorization is to continue the use of seventy-five (75) unused or surplus parking spaces, not being used by the residents, for attended transient parking; and

WHEREAS, the drawing submitted to the Board provided a minimum of 200 square feet of floor area for each vehicle, which is sufficient to permit the attended parking of the seventy-five (75) vehicles specified on the plan; and

WHEREAS, the residents of this multiple dwelling may recapture any of the space devoted to transient parking on thirty (30) days notice to the owner or operator of this garage facility pursuant to the Multiple Dwelling Law 60 (1)(b).

*Resolved*, that the Board does hereby *reopens and amends* the resolution adopted on November 16, 1965, as amended on January 13, 1981, and which expired on November 16, 1990, to extend the term of the grant for a period of ten (10) years from November 16, 1990 to November 16, 2000, to permit within the subject multiple dwelling, in a C2-8 and in a R8-B district, attended daily transient parking for the seventy-five (75) unused or surplus spaces for a term of ten (10) years, *on condition* that the term of the grant expires November 16, 2000, that there be no more than seventy-five (75) daily transient parking spaces, *on further condition* that the accessory garage conform to the drawings filed with this application marked "Received December 14, 1990" three (3) sheets, that the residents of the multiple dwelling may recapture any of the spaces devoted to transient parking on thirty (30) days notice to the owner or operator of the garage; that all cars parked in the garage facility shall be private non-commercial passenger type motor vehicles; that all rate signs be posted immediately inside the entrance doors of the garage; that all applicable laws, rules and regulations be complied with; that a new certificate of occupancy shall be obtained for the garage portion of the building within six (6) months of the date of this resolution and that these conditions appear on the certificate of occupancy.

Adopted by the Board of Standards and Appeals, March 5, 1991.

### 614-71-BZ

**APPLICANT**—Carl A. Sulfaro, Esquires, for Bellrod Service Station, Incorporated, owner.

**SUBJECT**—Application August 7, 1990—reopening for an amendment of the resolution to change the design and arrangement of the existing automotive service station; to erect a new canopy over four (4) new gasoline pump Islands with new "MGB" self-service pumps and to alter the existing sales area of the accessory building to accommodate an attendant's booth—application previously granted on condition under Z.R. §11-412, §73-211 and §73-212, permitting in a C2-2 district, the combining and rehabilitation of two (2) automotive service stations into one (1) facility with accessory signs.

**PREMISES AFFECTED**—2948 Avenue "U", southwest corner of Haring Street, Block 7363, Lot 5, (formerly Lots 5 and 67) Borough of Brooklyn.

### COMMUNITY BOARD #15BK.

#### APPEARANCES—

For Applicant: Carl A. Sulfaro.

**ACTION OF BOARD**—Application reopened and resolution amended.

#### THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5

Negative:..... 0

#### THE RESOLUTION—

WHEREAS, Community Board #15BK recommended approval which was received on October 1, 1990; and

WHEREAS, the application requested an amendment of the resolution; and

WHEREAS, a public hearing was held on this application on December 18, 1990, after due notice by publication in the *Bulletin*, laid over to January 29, 1991 and then to March 5, 1991 for decision.

*Resolved*, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution pursuant to Z.R. §73-11, said resolution having been adopted on December 14, 1971 as amended through December 5, 1972 by adding thereto:

"To change the design and arrangement of the existing automotive service station; to erect a new canopy over four (4) new gasoline pump Islands with new "MGB" self-serve pumps and to alter the existing sales area of the accessory building to accommodate an attendant's booth; substantially as shown on revised drawings of proposed conditions marked "Received January 22, 1991" three (3) sheets; *on condition* that there be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic; and that substantial construction shall be completed within one (1) year from the date of this amended resolution; and that other than as herein amended the resolution above cited shall be complied with in all respects."

(B.N. 1556-90)

Adopted by the Board of Standards and Appeals, March 5, 1991.

### 343-79-BZ

**APPLICANT**—Joseph P. Morsellino, P.C., for Meineke Muffler Shop, owner.

**SUBJECT**—Application September 6, 1990—request to waive the Rules of Procedure and reopening for extension of term of variance which expired June 19, 1989—application previously granted on condition under Z.R. §11-412 and §11-413, in a C2-2 district, the change in use of an existing automotive service station with accessory uses into an automobile installation establishment for muffler and parts sold on the premises.

**PREMISES AFFECTED**—92-17 Rockaway Boulevard, northwest corner of 93rd Street, Block 9112, Lot 10, Woodhaven, Borough of Queens.

### COMMUNITY BOARD #10Q.

#### APPEARANCES—

For Applicant: John P. Morsellino.

**ACTION OF BOARD**—Rules of Procedure waived, application reopened and term of variance extended.

#### THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie, Commissioner O'Keefe and Commissioner Chen..... 5

Negative:..... 0

#### THE RESOLUTION—

WHEREAS, Community Board #10Q recommended approval which was received on October 18, 1990; and

WHEREAS, the applicant requested an extension of the term of variance; and

WHEREAS, a public hearing was held on this application on November 27, 1990, after due notice by publication in the *Bulletin*, laid over to January 15, 1991, February 5, 1991 and then to March 5, 1991 for decision.

*Resolved*, that the Board of Standards and Appeals does not hereby waive the Rules of Procedure and *reopens and amends* the resolution pursuant to Z.R. §72-22, said resolution having been adopted on June 19, 1979, expiring June 19, 1989; as to