



Jay A. Segal
Tel (212) 801-9265
Fax (212) 801-6400
segalj@gtlaw.com

July 23, 2012

VIA HAND DELIVERY

Hon. Meenakshi Srinivasan
Chair
& Members of the Board of
Standards & Appeals
40 Rector Street - 9th Floor
New York, New York 10006

RECEIVED

JUL 25 2012

BY COMMUNITY BOARD 8

Re: 4 East 77th Street (the "Building")
Manhattan Block 1391, Lot 69
BSA Cal. No. 96-00-BZ (the "Variance")

Dear Chair Srinivasan:

This application seeks (i) a 10-year extension of the term of the Variance, which expired on August 8, 2010 and allows a 985 SF portion of the Building to be used as a commercial art gallery contrary to the Building's residential zoning, (ii) an extension of time to obtain a Certificate of Occupancy for the Building that reflects the Variance and (iii) a waiver of the Board's Rules of Practice and Procedure to allow this application to be filed after the permitted filing period. Enclosed herewith are one (1) original and nine (9) copies of the following materials in support of the aforementioned application:

1. SOC Application Form and Appendix
2. Statement of Facts (Item 1)
3. Affidavits of Ownership (Item 2)
4. Board History (Item 4)
5. Certificate of Occupancy (Item 5)
6. Violation History (Item 6)
7. Certificate of Inspection and Compliance (Item 7)
8. Zoning Map (Item 10)
9. Tax Map (Item 11)
10. Radius Diagram/Land Use Map (Item 12)
11. BSA Zoning Analysis Form (Item 13)
12. Photographs (Item 14)
13. Board Resolutions (Item 15)
14. Previously-Approved BSA Plans (Item 16)
15. Existing Plans (Item 17)

We have also enclosed herewith a check in the amount of \$5,420 for the application fees.

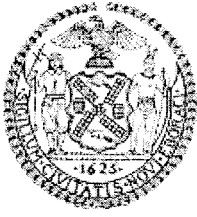
Sincerely yours,



Jay A. Segal

Enclosures

cc: Councilmember Daniel R. Garodnick
Scott M. Stringer , Manhattan Borough President
Nicholas D. Viest, Manhattan Community Board No. 8, Chair
Edith Hsu-Chen, Dept. of City Planning, Dir. Manhattan Office
Christopher Holme, Dept. of City Planning, Zoning and Urban Design Division



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

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BY COMMUNITY BOARD 8

SPECIAL ORDER CALENDAR (SOC)
 Application Form

BSA APPLICATION NO. **96-00-BZ**

Section A

**Applicant/
Owner**

Greenberg Traurig, LLP by Jay A. Segal, Esq.

NAME OF APPLICANT

200 Park Avenue

ADDRESS

New York NY 10166

CITY STATE ZIP

(212) 801-9265

AREA CODE TELEPHONE

(212) 801-6499

AREA CODE FAX

segalj@gtlaw.com

EMAIL

4 East 77th Street Company

OWNER OF RECORD

4 East 77th Street

ADDRESS

New York NY 10075

CITY STATE ZIP

Michael Werner Gallery

LESSEE / CONTRACT VENDEE

4 East 77th Street

ADDRESS

New York NY 10075

CITY STATE ZIP

Section B

Site Data

4 East 77th Street

10075

STREET ADDRESS (INCLUDE ANY A/K/A)

ZIP CODE

South side of East 77th Street between Fifth and Madison Avenues

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1391 69

Manhattan 2

Upper East Side Historic District

BLOCK LOT(S)

BOROUGH COMMUNITY DISTRICT

LANDMARK/HISTORIC DISTRICT

Daniel R. Garodnick

R8B (Limited Height District No. 1A) /
R10 (Special Park Improvement District)

8c

CITY COUNCILMEMBER

ZONING DISTRICT
(include special zoning district, if any)

ZONING MAP NUMBER

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

This application seeks (i) a 10-year extension of the term of the previously granted variance, which expired on August 8, 2010, (ii) an extension of time to obtain a Certificate of Occupancy for the subject building that reflects the variance and (iii) a waiver of the Board's Rules of Practice and Procedure to allow this application to be filed after 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: 8/8/2013

3. ☐ Amendment to Previous Board Approval

4. ☒ Extension of Term of the:

☒ Variance ☐ Special Permit For a term of 10 years

Expiration Date: 8/8/2010

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

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?
(If Yes, date of most recent site inspection <u>7/18/2012</u>) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Did you find: | | |
| a. Compliance with the terms and conditions of the Board's resolution?
Attach a completed Certificate of Inspection and Compliance | <input type="checkbox"/> | <input checked="" 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?
(File / CP No.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Are there any outstanding violation(s) on the premises?
(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?
(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

Jay A. Segal, Esq.

Print Name

Shareholder, Greenberg Traurig, LLP

Title

SWORN TO ME THIS 18th DAY OF July 2012

JUDITH R. CORTESE
NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01CO4813960
QUALIFIED IN NASSAU COUNTY
 NOTARY TERM EXPIRES JULY 31, 2014

Appendix

Section F of SOC Form Calendar No. 96-00-BZ

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

Date	Cal. No.	Zoning	Board Action	Condition(s)
8/8/2000	96-00-BZ	R8B (Special Limited Height District No. 1A) / R10 (Special Parks Improvement District)	Application for an approximately 50% expansion of the area governed by the variance and a 10-year extension of the term of the variance (which expired on 5/28/1994) GRANTED	<ul style="list-style-type: none"> 10-year term expiring on August 8, 2010 Signage in accordance with BSA-approved plans The above conditions "shall appear on the certificate of occupancy" "[S]ubstantial construction shall be completed in accordance with ZR §73-70"
12/10/1985	210-61-BZ	R8B (Special Limited Height District No. 1A) / C5-1 (Special Madison Avenue Preservation District)	Application to waive the Rules of Procedure and reopening for extension of variance (which expired on 5/28/1984) to allow a portion of the second floor of a 5-story multiple dwelling as an art gallery GRANTED	
5/28/1974	210-61-BZ	R8 / C5-1 (Special Madison Avenue Preservation District)	Application to waive the Rules of Procedure and reopening for extension of variance (which expired on 6/27/1971) to allow a portion of the second floor of a 5-story multiple dwelling as an art gallery GRANTED	<ul style="list-style-type: none"> A new certificate of occupancy be obtained
6/27/1961	210-61-BZ	Pre-1961 Zoning	Application to permit, in a residence use district, the use of a portion of the second floor of a 5-story multiple dwelling as an art gallery GRANTED	<ul style="list-style-type: none"> "[W]ork be done in accordance with drawings filed with this application dated February 24, 1961, 3 sheets, and April 27, 1961, one sheet" No signs on the front of the building A new certificate occupancy within the provisions of the pre-1961 Zoning Resolution

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July 23, 2012

VIA HAND DELIVERY

Hon. Meenakshi Srinivasan
Chair
& Members of the Board of
Standards and Appeals
40 Rector Street - 9th Floor
New York, New York 10006

Re: 4 East 77th Street (the "Building")
Manhattan Block 1391, Lot 69
BSA Cal. No. 96-00-BZ (the "Variance")

This application seeks (i) a 10-year extension of the term of the Variance, which expired on August 8, 2010 (see resolution dated 8/8/2000 in Exhibit A), (ii) an extension of time to obtain a Certificate of Occupancy for the Building that reflects the Variance and (iii) a waiver of the Board's Rules of Practice and Procedure to allow this application to be filed after the permitted filing period. The Variance allowed a 985 SF portion of the second floor of the Building (the "Gallery") to be used as a commercial art gallery (Use Group 6C), contrary to the Building's residential zoning districts.

The Building

The 5-story Building is on an approximately 2,554 SF zoning lot on the south side of East 77th Street between Fifth and Madison Avenues in the Upper East Side Historic District. The zoning lot has 25 feet of frontage on East 77th Street and extends 102.17 feet to the midblock. Its east 20 feet are zoned R8B and are in Limited Height District No. 1A and its west 5 feet are zoned R10 and are in the Special Park Improvement District. Both districts allow residential and community facility uses, but neither allows commercial use.

The Building's ground floor was historically used as a "doctor's apartment and offices" but is currently vacant. Approximately 60% of the Building's second floor is used by the current lessee of the Gallery, the Michael Werner Gallery, in accordance with the Variance. When the Variance was granted, the remaining approximately 40% of the second floor was to be used as an apartment for Mr. Michael Werner. However, Mr. Werner no longer needs the apartment so this space will now be used as offices for a non-profit institution named the Michael Werner Foundation for the Appreciation of German Art, which has been incorporated and is currently seeking qualification as a 501(c)(3)

NY 242,145,587v3 7-17-12

organization. The upper floors of the Building (*i.e.*, its third, fourth and fifth floors) have residential units.

The History of the Variance

Although the commercial art gallery use is not allowed on the Zoning Lot under current zoning, the Building's second floor has a long history of such use dating back to the Board's original grant on June 27, 1961 (the "Original Grant") under the pre-1961 Zoning Resolution allowing the Leo Castelli Gallery to occupy a 659 SF portion of the Building's second floor as a commercial art gallery for a 10-year term (see resolution in Exhibit B). The Board subsequently granted two extensions of the term of the Original Grant through May 28, 1994 (see resolutions in Exhibit C). Two other predecessor galleries, Bunny Williams Galleries, Inc. and Jensen Fine Arts, operated continuously in the 659 SF space from the expiration of the Original Grant through October 30, 1999. In the months that followed, the Michael Werner Gallery began renovating the space and applied for a reestablishment and extension of the Original Grant for a 10-year term and an approximately 50% expansion of the space governed by the Original Grant pursuant to Sections 73-01(d), 11-411 and 11-412 of the Zoning Resolution. As noted above, the expansion and extension of the Variance was granted in 2000 and allows the Gallery to be its current size of 985 SF.

The Application

Since 2000, the Gallery has been leased and occupied by the Michael Werner Gallery, which presents modern and contemporary European and American art. Recent major exhibitions include *Paintings of Félix Vallotton*, *Major Works of Marcel Broodthaers* and *Sigmar Polke: Lens Paintings*, as well as the first New York solo exhibitions of Hurvin Anderson, Aaron Curry and Thomas Houseago. Currently, the Gallery is open Monday through Friday from 10AM until 6PM. No changes to the use and operation of the Gallery are proposed. According to the public database maintained by the Department of Buildings, the Building currently has 7 open violations, none relating to the use of the Gallery. There is an open ECB violation (No. 34464891J) related to the failure to update to the Building's Certificate of Occupancy (see Exhibit D), but the violation, which was issued on February 17, 2005, incorrectly states "GALLERY ON THE SECOND FLOOR APPROVED FOR A TEN YEAR TERM BY THE B.S.A. HAS NOT BEEN RENEWED."

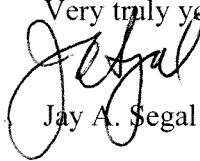
Michael Werner Gallery leases the Gallery from 4 East 77th Street Company, the owner of the Building, pursuant to an initial lease term that began shortly before the Variance was granted. The Building's Certificate of Occupancy was not updated to reflect the Variance in the years that immediately followed its grant due to administrative oversight. However, as the expiration date of the initial lease term approached, the parties became aware that the Certificate of Occupancy needed to be updated, but no efforts were made in that regard due to protracted lease renewal negotiations. These negotiations have recently been

Hon. Meenakshi Srinivasan
July 23, 2012
Page 3

resolved with the result that the term of the lease has been extended and Michael Werner Gallery has agreed that it will be responsible for causing the Building's Certificate of Occupancy to be updated if and when the term of the Variance is extended.

In light of the fact that a portion of the Building has been used as a commercial art gallery for more than 50 years without an adverse impact on the neighborhood and no changes are proposed to the existing use of the Gallery that has been in operation for nearly 12 years without incident, we respectfully request that the subject applications be granted.

Very truly yours,



Jay A. Segal

Enclosures

cc: Councilmember Daniel R. Garodnick
Scott M. Stringer, Manhattan Borough President
Nicholas D. Viest, Manhattan Community Board No. 8, Chair
Edith Hsu-Chen, Dept. of City Planning, Dir. Manhattan Office
Christopher Holme, Dept. of City Planning, Zoning and Urban Design Division

96-00-BZ

CEQR#00-BSA-110M

APPLICANT - Jay A. Segal, (Greenberg Traurig), for 4 East 77th Street Company, owner.

SUBJECT - Application March 29, 2000 - under Z.R. §73-01(d), §11-411 and §11-412, to permit partially within an R10 district within the Special Parks Improvement District and partially within an R-8B zoning district within the Special Limited Height-1A District, the proposed reestablishment of an expired variance previously granted under Calendar Number 210-61-BZ which permitted the use of a portion of the second floor in an existing five story building as an art gallery, and also the proposed expansion of the Art Gallery

PREMISES AFFECTED - 4 East 77th Street-2nd Floor Art Gallery, south side of East 77th Street, 120' east of 5th Avenue, Block 1391, Lot 69, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jay Segal.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 6, 2000, acting on Alt Applic. No. 102655128, reads:

"Application requires submittal for approval of variance extension. Original variance adopted June 27, 1961 under Calendar 210-61-BZ for the use of the second floor front as art gallery."; and

WHEREAS, a public hearing was held on this application on July 18, 2000 after due notice by publication in the *City Record*, laid over to August 8, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§ 73-01(d) 11-411 and 11-412 to permit, partially within an R10 district within the Special Parks Improvement District and partially within an R-8B zoning district within the Special Limited Height-1A District, on a site previously before the Board, the proposed reestablishment of an expired variance previously granted under Calendar Number 210-61-BZ which permitted the use of a portion of the second floor in an existing five story building as an art gallery, and also the proposed expansion of the Art Gallery; and

WHEREAS, the subject building is located on the south side of East 77th Street approximately 120' east of Fifth Avenue with 25' of frontage on East 77th Street extending approximately 102' towards the midblock; and

WHEREAS, On June 27 1961, under Calendar No. 210-61-BZ, the Board permitted the use of a commercial art gallery on a portion of the second floor; and

WHEREAS, the art gallery space comprises 659 square feet and has been granted two ten year extensions through May 28, 1994; and

WHEREAS, the record indicates that the art gallery use continued beyond the May 28, 1994 expiration until October 30, 1999; and

WHEREAS, the applicant proposes to expand the 659 square feet of existing gallery space by 326 feet comprising approximately a 49.5% enlargement pursuant to Z.R. §11-412; and

WHEREAS, the Board finds the applicant's expansion consistent with Z.R. § 11-412; and

WHEREAS, the record indicates that the site's history of art gallery use and applicant's proposal have not and will not create an adverse impact on the privacy, quiet, light, and air in the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant's proposal meets the general special permit findings under Z.R. §73-03; and

WHEREAS, the Board has determined that the evidence in the record supports the findings to be made under Z.R. §§ 73-01(d) 11-411 and 11-412; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Park 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. §§11-411 and 11-412, to permit, partially within an R10 district within the Special Parks Improvement District and partially within an R-8B zoning district within the Special Limited Height-1A District, the proposed reestablishment of an expired variance previously granted under Calendar Number 210-61-BZ which permitted the use of a portion of the second floor in an existing five story building as an art gallery, and also the proposed expansion of the Art Gallery on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 15, 2000"-(3) sheets and on further condition;

96-00-BZ
CEQR#00-BSA-110M

THAT the term of this grant shall be limited to ten years expiring August 8, 2010; and

THAT signage shall be limited in accordance with BSA-approved plans;

THAT the above conditions shall appear on the certificate of occupancy;

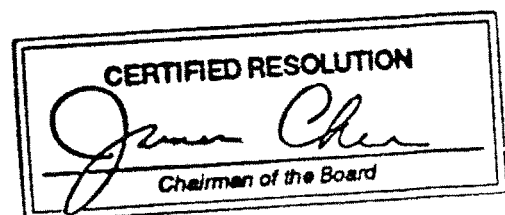
THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, August 8, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, August 8, 2000.
Printed in Bulletin Nos. 32-33, Vol. 85.

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



MINUTES

hereby make a variation in the application of the use and area (district regulation of the Zoning Resolution and that the application be and it hereby is granted under Section 7e and 21, to permit in a residence use, D-1 area district, the erection of a retail store occupying more than the permitted area, without a 5 foot side yard and with accessory parking and loading in required set-backs, all for a temporary term of twenty-five (25) years, on condition that the work shall conform to drawings filed with this application dated February 14, 1961, 1 sheet and June 7, 1961, 2 sheets revised; on further condition that the canopy shown on the drawings extending out to Seaview Avenue shall be omitted; that sign shall be limited to a sign over the show window 2 feet by 30 feet long; that the premises shall be used for a retail store; that there shall be no parking; that the hours of operation shall be limited to 7 A.M. to 9 P.M.; that there shall be no Sunday operation; that all laws, rules and regulations applicable shall be complied with; and that all permits shall be obtained, all work completed and a Certificate of Occupancy obtained within the requirements of Section 22A of the Zoning Resolution.

210-61-BZ

APPLICANT—Samuel Carr for Maveri Corporation, owner; Leo Cantelli Incorporated, lessee.

SUBJECT—Application February 24, 1961—decision of the Borough Superintendent, under Section 7e of the Zoning Resolution, to permit in a residence use district, in an existing five story and cellar Multiple Dwelling, the use of a portion of the second floor as an Art Gallery.

PREMISES AFFECTED—4 East 77th Street, south side, 120 feet east of Fifth Avenue, Block 1391, Lot 69, Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Carr.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

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

Negative 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on June 13, 1961, after due notice by publication in the Bulletin; laid over to June 27, 1961 for inspection and decision; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated February 2, 1961, acting on Alt. Applic. 1198-59, reads:

"A4—It is contrary to the Zoning Resolution Art. II in use district designated as Residence to have a business establishment as stated in Sub. Sect. 3."

WHEREAS, the premises and surrounding area were inspected by a committee of the Board and the committee recommended that the application be granted on condition; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 7, Subdivision c of the Zoning Resolution.

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 7e of the Zoning Resolution, to permit for a term of ten years, in a residence use district, in an existing five story and cellar multiple dwelling, the use of a portion of the second floor as an art gallery on condition that the work be done in accordance with drawings filed with this application dated February 24, 1961, 3 sheets, and April 27, 1961, one sheet; that there shall be no signs on the front of the building; that all other laws, rules and regulations applicable shall be complied with; and that all permits shall be obtained, all work completed and a Certificate of Occupancy obtained within the provisions of Section 22A of the Zoning Resolution.

248-61-BZ

APPLICANT—Charles M. Spindler for 1614 Ocean Parkway Corporation, owner.

SUBJECT—Application March 2, 1961—decision of the Borough Superintendent, under Sections 7a and 21 of the Zoning Resolution, to permit in a local retail use, C area district, the reconstruction of a lawful gasoline service station and extend the uses to include gasoline service station, lubricatorium, auto washing, non-automatic office, sales of accessories, minor repairs with hand tools only, safety inspection station, without the required rear yard, ground sign and parking of motor vehicles awaiting service.

PREMISES AFFECTED—502-330 (518 official) Avenue P, southeast corner of East 5th Street, Block 6637, Lot 1, Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles M. Spindler.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

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

Negative 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on June 13, 1961 after due notice by publication in the Bulletin; laid over to June 27, 1961 for inspection and decision; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated February 17, 1961 acting on N.B. Applic. No. 210-61, reads:

"1. Proposed reconstruction of an existing gasoline service station to be used for gasoline service station, lubrication, auto washing (non-automatic), office, sales of accessories, minor repairs with hand tools only, safety inspection station, parking and storage of motor vehicles, in a Local Retail zone, is contrary to Article II, PP. 4-C of the Zoning Resolution.

2. Proposed ground sign (post standard & sign) in a Local Retail zone is contrary to Article II, PP. 4-C of the Zoning Resolution.

3. Provide rear yard where lot abuts a Residence zone as per Article IV, PP. 17 & PP. 13 of the Zoning Resolution."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and the committee recommended that the application be granted on condition; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 7, Subdivision a of the Zoning Resolution, as to use, and that the applicant had substantiated a basis to warrant exercise of discretion to grant under Section 21, and is therefore entitled to relief, as to area, on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use and area district regulation of the Zoning Resolution and that the application be and it hereby is granted under Sections 7a and 21 of the Zoning Resolution, to permit in a local retail use, C area district, the reconstruction of a lawful gasoline service station and extend the uses to include gasoline service station, lubricatorium, non-automatic auto washing, office, sales of accessories, minor repairs with hand tools only, safety inspection station without the required rear yard and parking of motor vehicles awaiting service, on condition the work be done in accordance with drawings filed with this application dated March 2, 1961, 2 sheets and March 30, 1961, 1 sheet; on further condition that all walls of the accessory building be of face brick, including the east wall; that a brick wall using the same brick as in the accessory building; 5 feet 6 inches high, with proper coping be built from the accessory building along the east lot line to the building line; that there be no sign on the building on the East 5th Street side;

210-61-BZ

APPLICANT—Shael Shapiro for 4 East 77th Street Company, owner; Leo Castelli Incorporated, lessee.

SUBJECT—Application for consideration—request to waive the Rules of Procedure and reopening for extension of term of variance which expired June 27, 1971—decision of the Borough Superintendent; previously granted on condition under Section 7e of the Zoning Resolution, permitting in a residence use district, in an existing five story and cellar multiple dwelling, the use of a portion of the second floor as an Art Gallery.

PREMISES AFFECTED—4 East 77th Street, south side, 120 feet east of Fifth Avenue, Block 1391, Lot 69, Borough of Manhattan.

APPEARANCES—

For Applicant: Shael Shapiro.

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

THE VOTE—

Affirmative: Chairman Klein, Vice Chairman Agusta, Commissioner Hornstein, Commissioner Carroll and Commissioner Walsh

Negative: 5
..... 0

THE RESOLUTION—

WHEREAS, this application was granted by the Board on June 27, 1961, on certain conditions; and

WHEREAS, a public hearing was held on this application on May 28, 1974, after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby waive the Rules of Procedure and reopen and amend the resolution adopted on June 27, 1961, 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 the date of this amended resolution, to permit . . . ; on condition 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." (Alt. 1198-59)

A true copy of resolution adopted by the Board of Standards and Appeals May 28, 1974.
Printed in Bulletin No. 23, Vol. LIX.

Copies Sent JUN - 7 1974
To Applicant 1
Fire Com'r.
Borough Supt. 2

Joseph B. Klein

210-61-BZ

APPLICANT—Shael Shapiro, Architect, for 4 East 77th Street Co., owner.

SUBJECT—Application September 4, 1985—request to waive the Rules of Procedure and reopening for extension of term of variance which expired May 28, 1984—decision of the Borough Superintendent, previously granted on condition under Section 7e of the Zoning Resolution, permitting in a residence use district, in an existing five (5) story and cellar Multiple Dwelling, the use of a portion of the second floor as an Art Gallery.

PREMISES AFFECTED—4 East 77th Street, south side, 120 feet east of Fifth Avenue, Block 1391, Lot 69, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: Shael Shapiro, R.A.

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

THE VOTE TO GRANT—

Affirmative: Chairperson Deutsch, Vice Chairman Fossella,
Commissioner Wolf, Commissioner Bockman and
Commissioner Irrera 5

Negative: 0

Absent: Commissioner Carroll 1

THE RESOLUTION—

WHEREAS, Community Board #8M recommended approval which was received on October 15, 1985; and

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

WHEREAS, a public hearing was held on this application on December 10, 1985 after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby waive the Rules of Procedure and *reopens and amends* the resolution pursuant to Section 11-411 of the Zoning Resolution, said resolution having been adopted on June 27, 1961, as amended through May 28, 1974, expiring May 28, 1984; only as to the term of the variance, so that as amended this portion of the resolution shall read:

"granted for a term of ten years from May 28, 1984; to permit . . . that other than as herein amended the resolution above cited shall be complied with in all respects." (Alt. 997-85)

Adopted by the Board of Standards and Appeals, December 10, 1985.

A true copy of resolution adopted by the Board of Standards and Appeals, December 10, 1985.
Printed in Bulletin No. 5/Vol. LXX.

Copies Sent 1/3/86
To Applicant - 1
Fire Com'r. - 1
Borough Supt. - 2

Sylvia Deutsch
Chairperson.

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NYC Department of Buildings

ECB Violation Details

Premises: 4 EAST 77 STREET MANHATTAN
BIN: 1041812 Block: 1391 Lot: 69

Filed At: 4 EAST 77 STREET , MANHATTAN , NY 10021
Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34464891J

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

Respondent Information

Name: KANBAR MAURICE
Mailing Address: 4 EAST 77 STREET , NY , NY 10021

Violation Details

Violation Date: 02/17/2005 Violation Type: CONSTRUCTION
Served Date: 02/17/2005 Inspection Unit: MANHATTAN CONSTRUCTION

Infraction Codes	Section of Law	Standard Description
<u>B03</u>	27-217	OCCUPANCY CONTRARY TO THAT ALLOWED BY THE C OF O BLDG DEPT RECORDS

Specific Violation Condition(s) and Remedy:

OCCUPANCY CONTRARY TO THE CERTIFICATE OF OCCUPANCY. NOTED: GALLERY ON THE SECOND FLOOR APPROVED FOR A TEN YEAR TERM BY THE B.S.A. HAS NOT BEEN RENEWED AS PER C OF O #58940 JANUARY 6, 1968. APPLICATION, P/ E.D.

Issuing Inspector ID: 1824 DOB Violation Number: 021705C08PV03
Issued as Aggravated Level: NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED
Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 04/07/2005 Hearing Status: IN VIOLATION
Hearing Time: 10:30

ECB Penalty Information

Penalty Imposed: \$800.00

Adjustments:	\$0.00
Amount Paid:	\$800.00
Penalty Balance Due:	\$0.00

ECB Violation History

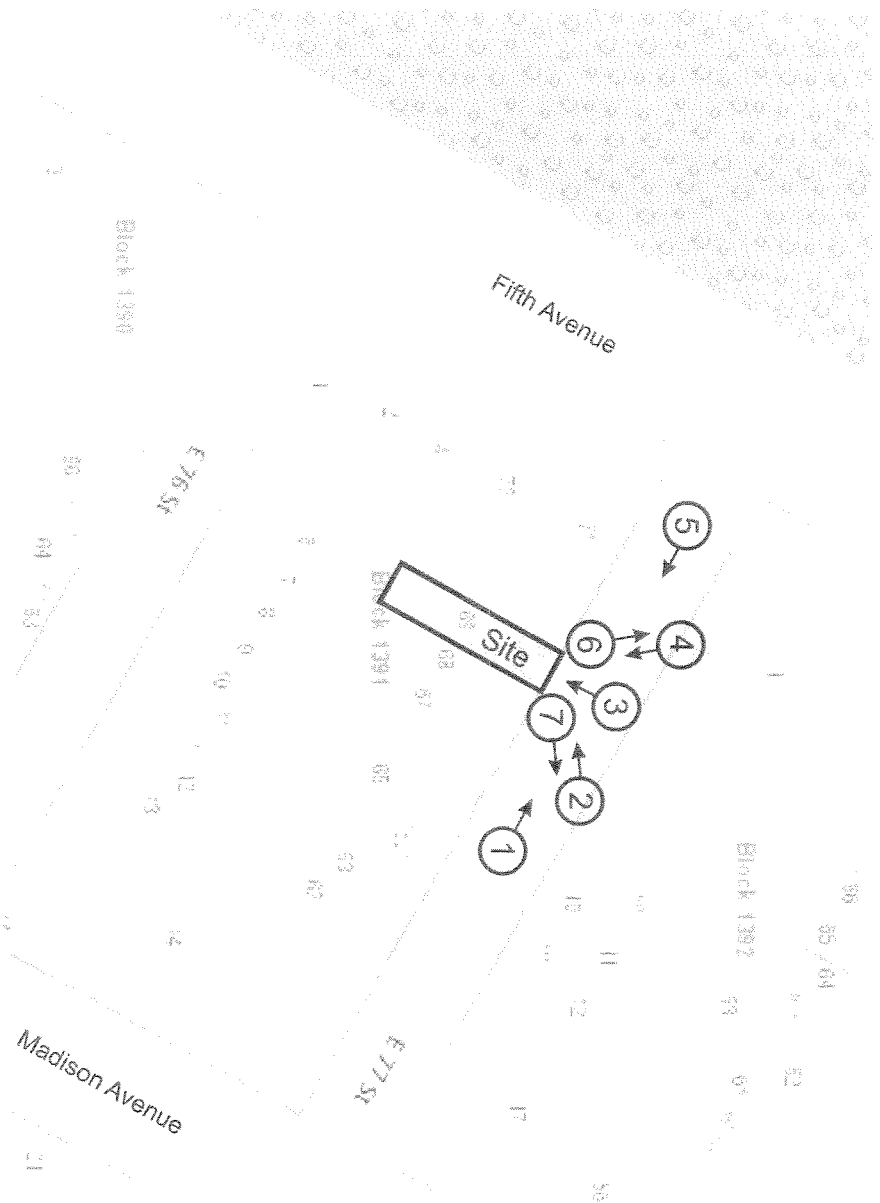
Compliance Events

Hearing Events

Hearing Assigned On:

04/07/2005

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #1



4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #2



4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #3



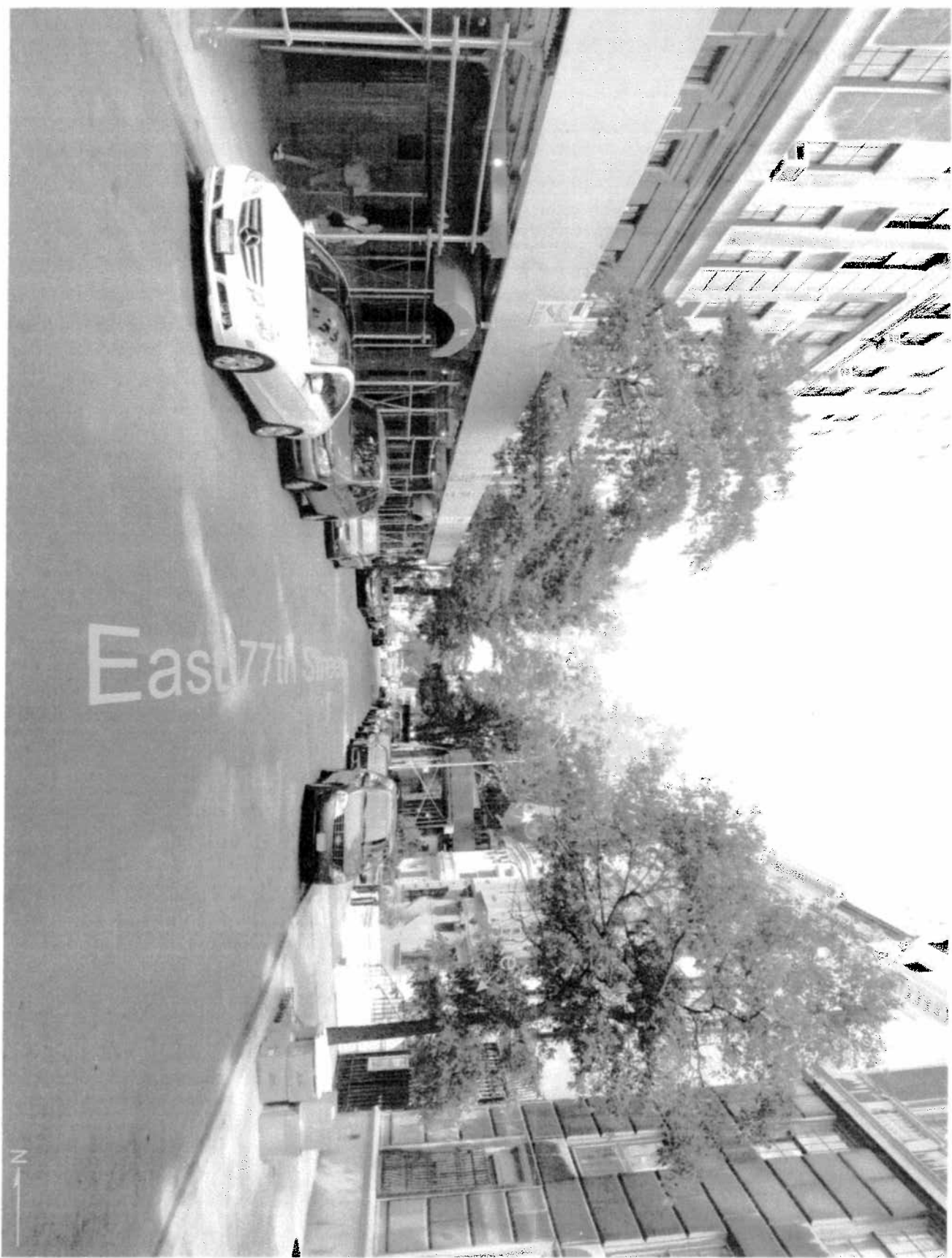
4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #4



4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #5



4 East 77th Street, Manhattan
Block 1391, Lot 69

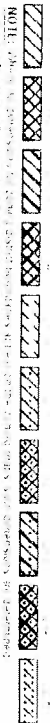
Photo #6



4 East 77th Street, Manhattan
Block 1391, Lot 69

Photo #7





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AMOUNT \$
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OF TWO OF US SUBJECT TO
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AMOUNT \$

MAP KEY

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8a	9a
8b	9b

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ZONING MAP

NOTE—The authors thank Dr. J. S. Stankovic for his assistance in the statistical analysis of the data.