

FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212-925-4545
FAX 212-925-5199

October 28, 2016

BY CERTIFIED MAIL/Returned Receipt Requested

RECEIVED

OCT 31 2016

BY COMMUNITY BOARD 8

Hon. James G. Clynnes
Chair
Manhattan Community Board 8
505 Park Ave, Suite # 620
New York, NY 10022

**Re: 41 East 62nd Street (the "Site")
Block 1377 Lot 27, Manhattan
BSA Cal No. 450-46-BZ SOC Application**

Dear Mr. Clynnes:

We are special land use counsel to 41 East LLC, owner of the Site referenced above, which is improved with a five-story mixed-use commercial and community facility building (the "Building") located in an R8B district developed pursuant to a use variance first granted by the New York City Board of Standards and Appeals ("BSA") in 1946 under calendar # 450-46-BZ, as amended ("Variance"). We write to advise you that today we filed on 41 East LLC's behalf an SOC Application with the BSA to extend the term of the Variance.

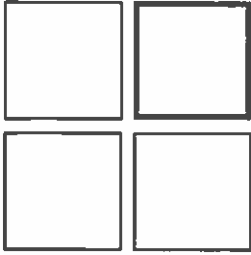
The approval of this Application will permit 41 East LLC to continue using the Building as Use Group 6B offices, a use that existed on the Site for the past 70 years, and as-of-right Use Group 2 community facility pursuant to the terms of the Variance. No changes to the current terms of the Variance are proposed.

A complete copy of the Application is enclosed for your review. We look forward to having the opportunity to discuss the Application with all interested parties. Please contact me should you have any questions or comments about the project.

Very truly yours,

Shelly S. Friedman





FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212-925-4545
FAX 212-925-5199

October 27, 2016

BY HAND

Hon. Margery Perlmutter, R.A., Esq.
Chair
NYC Board of Standards & Appeals
250 Broadway – 29th Floor
New York, NY 10007

RECEIVED

OCT 31 2016

BY COMMUNITY BOARD 8

**Re: 41 East 62nd Street (Block 1377 Lot 27), Manhattan
BSA Cal No. 450-46-BZ (as amended) SOC Application**

Dear Madam Chair:

We are special land use counsel to 41 East LLC, owner of the above- referenced premises that is improved with a five-story commercial/community facility building and is subject to a use variance granted by the Board on July 23, 1946 and its periodic renewals and amendments (collectively, the “Variance”).

Enclosed please find one (1) original and two (2) copies of the following materials in support of 41 East LLC’s application for an extension of term of the Variance pursuant to ZR Sec.11-411:

1. SOC Application form;
2. Statement of Facts;
3. Affidavit of Ownership;
4. Certificate of Occupancy;
5. Violation History;
6. Certificate of Inspection and Compliance
7. Zoning Map (8c);
8. Tax Map;
9. Radius Diagram/Land Use Map;
10. BSA Zoning Analysis Form;
11. Photographs 1 through 4, along with a key map;
12. BSA decisions under Cal. # 450-46-BZ as follows:
 - (a) Resolution adapted by the Board on July 23, 1946;
 - (b) Resolution adapted by the Board on September 24, 1946;
 - (c) Resolution adapted by the Board on May 8, 1956;
 - (d) Resolution adapted by the Board on September 13, 1966;
 - (e) Resolution adapted by the Board on October 5, 1971;

- (f) Resolution adapted by the Board on October 5, 1976;
 - (g) Resolution adapted by the Board on December 16, 1986;
 - (h) Resolution adapted by the Board on November 1, 1994;
 - (i) Resolution adapted by the Board on March 1, 2005;
 - (j) Letter of Substantial Compliance dated August 28, 2006;
 - (k) Letter of Substantial Compliance dated June 12, 2014;
13. Previously-Approved BSA Plans dated February 22, 2005 (Plans Z-02 and Z-04 through Z-10) and June 12, 2014 (Plans Z-01, Z-03 and Z-03a);
14. Existing Plans Z-01.00 through Z-10.00 prepared by Katz Architecture dated October 26, 2016.

Also enclosed are:

- A CD containing all materials listed above;
- A check in the amount of \$5,140.00 payable to the Board of Standards and Appeals representing (1) the fee for an application for extension of term of the variance pursuant to ZR Sec. 11-411 based on 12,309.7 sf of floor area (\$3,290.00) and (2) Waiver of the Board's Rules of Practice and Procedure fee for filing between one and two years after the permitted filing period (\$1,850.00).

Thank you for your cooperation. If you should have any questions please feel free to call me or Elena Aristova at (212) 925-4545.

Very truly yours,



Shelly S. Friedman

Enclosures

cc: ✓ Hon. James G. Clynes, Chair, Manhattan CB 8
Hon. Daniel R. Garodnick, City Council Member
Hon. Gail A. Brewer, Manhattan Borough President
Martin Rebholz, R.A., Manhattan Borough Commissioner, NYC Department of Buildings
Ms. Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Mr. Christopher Holme, Zoning & Urban Design Division, Department of City Planning
Patrick Flinn



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

SPECIAL ORDER CALENDAR (SOC)
 Application Form

RECEIVED

OCT 31 2013

BSA APPLICATION NO. 450-46-BZ

BY COMMUNITY BOARD 8

Section A

**Applicant/
Owner**

Friedman & Gotbaum LLP by Shelly S. Friedman, Esq.			41 East LLC		
NAME OF APPLICANT			OWNER OF RECORD		
568 Broadway - Suite 505			c/o MacAndrews & Forbes Holdings Inc.,		
ADDRESS			ADDRESS		
New York	NY	10012	New York	NY	10065
CITY	STATE	ZIP	CITY	STATE	ZIP
212	925-4545		LESSEE / CONTRACT VENDEE		
AREA CODE	TELEPHONE		ADDRESS		
212	925-5199		CITY STATE ZIP		
AREA CODE	FAX		CITY STATE ZIP		
sfriedman@frigot.com; earistova@frigot.com					
EMAIL					

Section B

Site Data

41 East 62nd Street 10065
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

Property is situated on the north side of East 62nd Street, 165 ft east of the corner formed by the inter-
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS section of East 62nd Street and Madison Avenue

1377	27	Manhattan	8	Upper East Side Historic District
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
Daniel R. Garodnick		R8B/LH-1A		8c
CITY COUNCIL MEMBER		ZONING DISTRICT (include special zoning district, if any)		ZONING MAP NUMBER

Section C

Description

(LEGALIZATION YES NO IN PART)
 The action requested is for an extension of term of a previously granted variance permitting commercial use, as originally approved on July 23, 1946, and as amended with regard to (1) extension of the first floor on September 24, 1946 and (2) an as-of-right addition for community facility use on March 1, 2005, as amended on August 28, 2006 and June 12, 2014.

Section D

Actions

APPLICATION IS HEREBY MADE TO:

- Waive of the Rules of Practice and Procedure (Explain in your statement)
- Extension of Time to:
 - Complete construction Obtain a Certificate of Occupancy Expiration Date: _____
- Amendment to Previous Board Approval
- Extension of Term of the:
 - Variance Special Permit For a term of 3 x 10 years Expiration Date: 11/1/2014
- 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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have plans been approved? (If Yes, Date Approved <u>3/15/2006, re-approved 9/12/2014</u>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Has a permit been obtained? (If Yes, Permit No. <u>103242484-01-AI</u> , Date Issued <u>11/16/2006</u>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Is work in progress? (If Yes, Percentage of work completed <u>100</u> %)	<input checked="" type="checkbox"/>	<input 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 July 23, 1946, when the Zoning District was residence use district, an application was granted by the Board under Section 7e to permit: the change in occupancy from garage for 18 cars, storage and one-family dwelling to office

- On September 24, 1946, the variance was amended to allow construction of the building's first floor to a depth of approximately 71 feet. The variance term was extended on May 8, 1956, September 13, 1956, October 5, 1971, October 5, 1976 and December 16, 1986.
- On November 1, 1994, the variance term was extended and the resolution was amended to eliminate the BSA condition that restricted the occupancy of the office space to a portion of the premises, to permit commercial occupancy (Use Group 6B) on condition that such occupancy be limited to a single Use Group 6B office use.
- On March 1, 2005, the variance term was extended to expire on November 1, 2014 and the resolution was amended to permit an as-of-right 5,164 sf addition to the building to be occupied by a conforming community facility use.
- On August 28, 2006, the Board issued a letter of Substantial Compliance ("LSC") with respect to the proposed addition of a non-structural, non-load bearing roof to three existing walls in the rear yard to house as-of-right community facility use, resulting in addition of 1,016.1 sf of as-of-right floor area (Board-approved plans dated February 22, 2005 remained in effect).
- On June 12, 2014, the Board issued a second LSC on permit the construction of a mezzanine within the existing community facility portion of the building that increased the community facility floor area by 191.2 sf, as illustrated on the revised plans Z-01, Z-03 and Z-03a stamped "June 12, 2014".

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>October 21, 2016</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 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? (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? ..[DOB].....	<input checked="" type="checkbox"/>	<input 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.

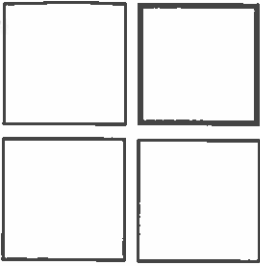
Shelly S. Friedman
Signature of Applicant, Corporate Officer or Other Authorized Representative

Shelly S. Friedman Counsel
Print Name Title

SWORN TO ME THIS 27th DAY OF October 2016

Elena Aristova
Notary Public, State of New York
No. 01AR6050323
Qualified in Kings County
Commission Expires 11/8/2018
NOTARY PUBLIC

10/27/2016



FRIEDMAN & GOTBAUM LLP

566 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212.925.4545
FAX 212.925.5199

BSA Cal. No. 450-46-BZ

STATEMENT OF FACTS IN SUPPORT OF SOC APPLICATION

41 East 62nd Street, New York, NY 10065
Block 1377 Lot 27

1. The Application

This Statement is filed in support of the Special Order Calendar (SOC) Application by Friedman & Gotbaum, LLP on behalf of 41 East LLC (“Applicant”), current owner of the Premises described below,¹ for an extension of term pursuant to Section 1.07.1(a)(2) of Board’s Rules of Practice and Procedures (“BSA RPP”) of a previously granted variance under BSA Cal. No 450-46-BZ (the “Variance”). The term of the Variance expired on November 1, 2014. Accordingly, the Applicant respectfully requests a waiver pursuant to BSA RPP Sec. 1-07.3(b)(2) to file an application to extend the term outside of the 30-day period beyond the expiration of term specified in the BSA RPP Section 1-07.3(b)(1).

2. Premises

41 East 62nd Street (the “Premises”) is located on Block 1377 Lot 27 in Manhattan. The 3,514.6 sf lot is located in an R8B/LH-1A district within Manhattan’s Upper East Side Historic District (Community Board 8), as shown on the Zoning Map included with this Application (see Attachment 7). The lot is an interior lot with a 35 ft frontage on the north side of East 62nd Street, between Madison and Park Avenues, and a depth of 100 ft 5 in and is improved with a five-story mixed-use commercial and community facility building (the “Building”) developed in accordance with the plans approved by the Variance, as amended.

¹ Pursuant to deed dated October 6, 2004, recorded on October 29, 2004 under CRFN 2004000673502.

The total floor area in the Building is 12,309.7 sf (FAR 3.50²), including Use Group 6B offices with total floor area of 5,904.5 sf (FAR 1.68) located on Floors 1, 2, 3, 4 and 5 and Use Group 4 community facilities with a total floor area of 6,405.2 sf (FAR 1.82) located on Floors 1, 1st Floor Mezzanine, 2 and 3 (see Attachment 14, Drawing Z-01.00, and BSA Zoning Analysis Form, Attachment 10).

3. Board History

A. On July 23, 1946, the Board granted the Variance for a term of 10 years that permitted conversion of a garage for eighteen cars (with storage) and a single-family dwelling to commercial use (see Attachment 12a).

B. On September 24, 1946, the Variance was amended to allow construction of the Building's first floor to a depth of approximately 71 feet (see Attachment 12b). The Variance term was subsequently extended on May 8, 1956, September 13, 1966, October 5, 1971, October 5, 1976 and December 16, 1986 (see Attachments 12c – 12g).

C. On November 1, 1994, the Variance term was extended and the resolution was amended to eliminate the BSA condition that restricted the occupancy of the office space to a portion of the Premises, to permit commercial occupancy (Use Group 6B) on condition that such occupancy be limited to a single Use Group 6B office use (see Attachment 12h).

D. On March 1, 2005, the Variance term was extended to expire on November 1, 2014 and the resolution was amended to permit an as-of-right 5,164 sf addition to the Building to be occupied by a conforming community facility use (see Attachment 12i).

E. On August 28, 2006, the Board issued a Letter of Substantial Compliance ("LSC") with respect to the proposed addition of a non-structural, non-load bearing roof to three existing walls in the rear yard of the Building to house an as-of-right community facility use, resulting in addition of 1,019.1 sf of as-of-right floor area. The LSC stated that the Board-approved plans dated February 22, 2005 remained in effect (see Attachment 12j).

² Maximum permitted [residential] FAR in an R8B zoning district is FAR 4.0 (ZR Sec. 23-153) and maximum permitted community facility FAR is 5.10 (ZR Sec. 24-10).

F. On June 12, 2014, the Board issued a second LSC to permit the construction of a mezzanine within the existing community facility portion of the Building that increased the community facility floor area by 191.2 sf, as illustrated on the revised plans Z-01 and Z-03 and new plan Z-03a stamped "June 12, 2014", resulting in total floor area of 12,309.7 sf (FAR 3.50) on the zoning lot, including 5,904.5 sf (FAR 1.68) of commercial floor area and 6,405.2 sf (FAR 1.82) of community facility floor area (see Attachment 12k).

4. Request for Extension of Term of the Variance

BSA RPP Section 1-07.3(b)(1) provides that applications for extension of term are to be brought within one year before or thirty days after the expiration of term stipulated in the Board's resolution. Applications for an extension of term filed more than one but less than two years after expiration may be filed on the Special Order Calendar ("SOC") provided a waiver is requested pursuant to BSA RPP Section 1-07.3(b)(2).

The Term of the Variance expired on November 1, 2014, five months after the Board approved the 2014 LSC for the mezzanine within one of the community facility portions of the Building. Notwithstanding the Applicant's diligent efforts, extensive Department of Buildings ("DOB")'s processing for the permits to build out mezzanine, the undertaking of the work itself while the space was in use, and finally the post-construction administrative paperwork required to close out the DOB application has taken almost two years. Under all of the circumstances, including avoiding duplicative agency actions at both DOB and the Board, the Applicant made the reasonable decision to complete construction so that the extension of term now being requested would include the most recent drawings of existing conditions. While the completion of the work approved in the 2014 LSC clearly took longer than expected, substantial prejudice to the Applicant, its organization, its employees and those from the organization and the community who benefit from the community facility space (a Judaic study center), all of which have been stable and continuous and hope to remain so, would result if the underlying 70-year old variance was not extended.

This Application for extension of term is brought more than one but less than two years after the expiration of term and may be properly entertained as a SOC case if a waiver is granted. The Applicant respectfully requests that such a waiver be granted pursuant to BSA RPP Sec. 1-07.3(b)(2) for the reasons discussed above.

5. Existing Conditions and Compliance with Variance Approvals

March 1, 2005 Resolution was granted by the Board, *inter alia*, on condition "that all work shall substantially conform to drawings as filed with this application, marked "Received February 25, 2005³ - (9) sheets"; and on two further site-specific condition:

*THAT the commercial floor area on premises shall be limited to 5,904.5 sf (1.68 FAR);
THAT there shall be no accessory business signage at the premises...*

As evidenced by the Existing Plans (Attachment 14) and Photographs (Attachment 11), the commercial floor area on the Premises is limited to 5,904.5 sf (see Drawings Z-01.00); no accessory business sign is displayed at the Premises and the existing floor plans are in substantial compliance with the Previously-Approved BSA Plans (Attachment 13). Application for an amended Certificate of Occupancy is pending and is expected to be approved subsequent to approval of this Application.

6. Continued Use/Request for extension

The Building as approved through the 2005 Variance extension with respect to the Use Group 6B office use has been continuously occupied and in use since the Applicant moved into the Building in August 2005. The as-of-right Use Group 4 community facility space used for philanthropic and religious purposes approved by the 2005 Variance amendment, as modified by 2006 and 2014 LSCs, was introduced on the Premises in 2006 and has been continuously occupied and in use (but for the intermittent construction related to the 2014 LSC).

7. Pending Violations and Summonses

There are five open DOB violations issued to the Buildings located on the Premises:

1. V 061505E60111135298 (elevator/work without permit)
2. V 100112EVCAT101232 (elevator/failure to file annual inspection/test)
3. V 033114EVCAT102092 (elevator/failure to file annual inspection/test)
4. V 061015EVCAT101299 (elevator/failure to file annual inspection/test)
5. V 062716E9028/581284 (elevator).

The violations are in the process of being corrected and are expected to be cleared by the end of 2016.

³ Plans Z-01 and Z-03 were subsequently amended and a new Plan Z-03a was approved by the LSC dated June 12, 2014 (see Attachment 12k) and Attachment 13 (Approved Plans).

Conclusion

The Premises has been continuously occupied by Use Group 6B commercial offices for 70 years and by an as-of-right Use Group 4 philanthropic and religious use for the past 11 years, The Building reads as a corporate office building on a mixed-use block on an elegant street in the Upper East Side Historic District. There are no open spaces or activities requiring the Board's ongoing surveillance and the Applicant has a proven track record of approaching the Board for substantial compliance whenever it seeks interior modifications. Accordingly, a request for an extension of term consistent with the scale of stability at this site would seem reasonable. We therefore, as permitted by the text of ZR Sec. 11-411, request an extension of term of Variance for three (3) terms of 10 year each, which approximates the remaining useful life of the Building.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shelly S. Friedman', with a long horizontal flourish extending to the right.

Shelly S. Friedman

Dated: New York, New York
October 27, 2016



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

BSA Cal. No 450-46-BZ

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership


Emily S. Hatch, being duly sworn, deposes and says that she has a business address at 35 East 62nd Street, in the City of New York, in the County of New York, in the State of New York; that 41 East 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 1377, Lot(s) 27, Street and House Number 41 East 62nd Street; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

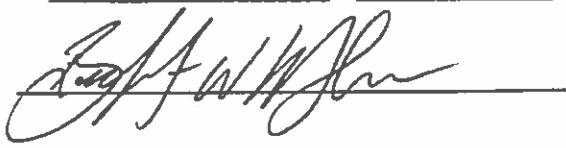
- Sole property owner of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

Owner's Authorization

The owner identified above hereby authorizes Friedman & Gotbaum, LLP to make the annexed application in her/his behalf.

Signature of Owner 
 Print Name Emily S. Hatch
 Print Title Special Counsel to the Chairman

Sworn to before me this 20th day
 of October 2016



BENEDICT W. MOSHIER
 Notary Public, State of New York
 No. 01MO6270812
 Qualified in New York County 20
 Commission Expires October 22, 2018

THE CITY OF NEW YORK



DEPARTMENT OF BUILDINGS
CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE: SEP 29 1995

NO. 108071

ZONING DISTRICT R8B

This certificate supersedes C O No. THIS CERTIFIES that the new-altered-existing-building-premises located at 41 East 62nd Street

Block 1377 Lot 27

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	SPACING BETWEEN SEATING CHAIRS	BUILDING CODE MAINTENANCE RECORD	ZONING USE GROUP	PERM. USE OCCUPANCY GROUP	DESCRIPTION OF USE
Cellar	On Ground						Heating plant and storage
1st Story	50	7			6B		Offices
2nd Story	50	5			6B		Offices
3rd Story		3	1	3			Offices and superintendents apartment.

Fuel oil Installation approved by Fire Department February 5, 1956.

Note: Signs on building shall be restricted to a small bronze name plate at the entrance doorway complying as to size with the requirements for signs permitted in a residence district.

Note: This is a Temporary Certificate of Occupancy issued for a term of ten (10) years from November 1, 1994.

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.

OPEN SPACE USES SPECIFY-PARKING SPACES, LOADING BERTHS, OTHER USES, NONE!

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE

Romy A. Aronson, P.E.
BOROUGH SUPERINTENDENT

Paul M. ...
COMMISSIONER

ORIGINAL OFFICE COPY - DEPARTMENT OF BUILDINGS COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the North side of East 62nd Street
 distant 165'-0" feet from the corner formed by the intersection of
 Madison Avenue and East 62nd Street;
 running thence East 35'-0" feet; thence North 100'-5" feet;
 thence West 35'-0" feet; thence South 100'-5" feet;
 thence _____ feet; thence _____ feet;
 thence _____ feet; thence _____ feet;
 to the point or place of beginning.

101091104
 JOB or ALT. No. DATE OF COMPLETION CONSTRUCTION CLASSIFICATION Class 1 F.P.
 BUILDING OCCUPANCY GROUP CLASSIFICATION HEIGHT STORIES FEET
 COMMERCIAL Officer Cellar & 3 44'-0"

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM			AUTOMATIC SPRINKLER SYSTEM		
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM					

STORM DRAINAGE DISCHARGES INTO:
 A) STORM SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

SANITARY DRAINAGE DISCHARGES INTO:
 A) SANITARY SEWER B) COMBINED SEWER C) PRIVATE SEWAGE DISPOSAL SYSTEM

LIMITATIONS OR RESTRICTIONS
 BOARD OF STANDARDS AND APPEALS CAL. NO. 456-46 BZ
 CITY PLANNING COMMISSION CAL. NO. _____
 OTHERS.



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
Property Profile Overview

39 EAST 62 STREET
 EAST 62 STREET 39 - 41

MANHATTAN 10065
 Health Area : 4800
 Census Tract : 114.01
 Community Board : 108
 Buildings on Lot : 1

BIN# 1040897
 Tax Block : 1377
 Tax Lot : 27
 Condo : NO
 Vacant : NO

[View DCP Addresses...](#) [Browse Block](#)

[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

Cross Street(s):	MADISON AVENUE, PARK AVENUE		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:	L - LANDMARK	Special Status:	N/A
Local Law:	YES	Loft Law:	NO
SRO Restricted:	NO	TA Restricted:	NO
UB Restricted:	NO		
Environmental Restrictions:	N/A	Grandfathered Sign:	NO
Legal Adult Use:	NO	City Owned:	NO
Additional BINs for Building:	NONE		
Special District:	LH-1A - LIMITED HEIGHT		

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: O2-OFFICE BUILDINGS

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	Elevator Records
Complaints	3	0	Electrical Applications
Violations-DOB	34	5	Permits In-Process / Issued
Violations-ECB (DOB)	4	0	Illuminated Signs Annual Permits
This property has 1 open DOB "Work Without A Permit" Violations and may be subject to DOB civil penalties upon application for a permit.			
Jobs/Fillings	25		Plumbing Inspections
ARA / LAA Jobs	0		Open Plumbing Jobs / Work Types
Total Jobs	25		Facades
Actions	32		Marquee Annual Permits
			Boiler Records
			DEP Boiler Information
			Crane Information
			After Hours Variance Permits

OR Enter Action Type:

OR Select from List:

AND

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.



BSA Cal. No 450-46-BZ



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NYC Department of Buildings
DOB Violations

Page: 1

Premises: 39 EAST 62 STREET MANHATTAN

BIN: 1040897 Block: 1377 Lot: 27

NUMBER	TYPE	FILE DATE
V* 050581E146984 DISMISSAL DATE: 07/22/1983	DOB VIOLATION - DISMISSED	05/05/1981
V* 021784LL1081SS003912 DISMISSAL DATE: 04/09/1985	DOB VIOLATION - DISMISSED	02/17/1984
V* 100187LL16NRF02218 DISMISSAL DATE: 09/08/1995	DOB VIOLATION - DISMISSED	00/00/1987
V* 999999NO FORM032288E1105	DOB VIOLATION - DISMISSED	99/99/1999
<u>V* 031893LL629103335</u>	DOB VIOLATION - DISMISSED	03/18/1993
<u>V* 091697LL6291181097</u>	DOB VIOLATION - DISMISSED	09/16/1997
<u>V* 071288E14558/3</u>	DOB VIOLATION - RESOLVED	07/12/1988
<u>V* 112789E1160B/1</u>	DOB VIOLATION - RESOLVED	11/27/1989
<u>V* 040792LL108101449</u>	DOB VIOLATION - DISMISSED	04/07/1992
<u>V* 080299E9013/110742</u>	DOB VIOLATION - RESOLVED	08/02/1999
<u>V* 030801LL108101095</u>	DOB VIOLATION - DISMISSED	03/08/2001
<u>V* 021902LL108101240</u>	DOB VIOLATION - DISMISSED	02/19/2002
<u>V* 032602LL629104196</u>	DOB VIOLATION - DISMISSED	03/26/2002
<u>V* 012104E9444/191594</u>	DOB VIOLATION - RESOLVED	01/21/2004
<u>V* 031903LL629103993</u>	DOB VIOLATION - DISMISSED	03/19/2003
<u>V* 021304LL629101577</u>	DOB VIOLATION - DISMISSED	02/13/2004
<u>V* 111904LL108101038</u>	DOB VIOLATION - DISMISSED	11/19/2004
<u>VW* 061505E90111133466</u>	VIOLATION - WORK W/O PERMIT DISMISSED	06/15/2005
<u>VW 061505E60111135298</u>	VIOLATION WORK WITHOUT PERMIT - ACTIVE	06/15/2005
<u>V* 011907LL629101350</u>	DOB VIOLATION - DISMISSED	01/19/2007
<u>V* 010308LL629101351</u>	DOB VIOLATION - DISMISSED	01/03/2008
<u>V* 053008E9011/254712</u>	DOB VIOLATION - RESOLVED	05/30/2008
<u>V* 010109LL629101331</u>	DOB VIOLATION - DISMISSED	01/01/2009
<u>V* 030210E9027/327461</u>	DOB VIOLATION - RESOLVED	03/02/2010
<u>V* 100810VCAT101824</u>	DOB VIOLATION - DISMISSED	10/08/2010

Next

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.



BSA Cal. No 450-46-BZ



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NYC Department of Buildings DOB Violations

Page: 2

Premises: 39 EAST 62 STREET MANHATTAN

BIN: 1040897 Block: 1377 Lot: 27

NUMBER	TYPE	FILE DATE
<u>V* 123010E9027/368485</u>	DOB VIOLATION - RESOLVED	12/30/2010
<u>V* 113011E9027/405451</u>	DOB VIOLATION - RESOLVED	11/30/2011
<u>V 100112EVCAT101232</u>	DOB VIOLATION - ACTIVE	10/01/2012
<u>V 033114EVCAT102092</u>	DOB VIOLATION - ACTIVE	03/31/2014
<u>V* 121113E9027/494972</u>	DOB VIOLATION - RESOLVED	12/11/2013
<u>V* 121311LBLVIO02212</u>	DOB VIOLATION - DISMISSED	12/13/2011
<u>V* 072414E9027/513497</u>	DOB VIOLATION - RESOLVED	07/24/2014
<u>V 061015EVCAT101299</u>	DOB VIOLATION - ACTIVE	06/10/2015
<u>V 062716E9028/581284</u>	DOB VIOLATION - ACTIVE	06/27/2016

[Previous](#)

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.



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

BSA Cal. No.:	450-46-BZ		
Street Address:	41 East 62nd Street		
	New York, NY 10065		
Block:	1377	Lot(s):	27
Borough :	Manhattan		

CERTIFICATION OF INSPECTION & COMPLIANCE

Shelly S. Friedman,


hereby states that I personally inspected the

(Applicant, Agent, Registered Architect or Registered Engineer)

premises and surrounding area on October 21, 2016. In addition, I have
(Date of most recent inspection)
 researched all relevant BSA records related to the premises, including BSA-approved plans and resolutions. Each non-compliance with the terms, conditions and/or plans of the effective prior BSA grant is explained in detail below. The specific date or time frame on which compliance will be restored, where possible to ascertain, is listed.

[Note: A request to eliminate any prior condition must be part of the relief sought in the application; such request should not be made on this form]

- I confirm that the premises is developed and operates in accordance with the currently effective BSA-approved plans and resolution, submitted with this application.
- The following deviation(s) from the currently effective BSA-approved plans and/or resolution exist on the site:

Area(s) of non-compliance	Date(s) to achieve compliance.
<p>The existing conditions are in compliance with the March 1, 2005 BSA resolution and subsequent letters of substantial compliance dated August 28, 2006 and June 12, 2014. However Plan Z-10 approved in 2005 failed to show the accurate conditions of the rear elevation.</p> <p>The plans submitted with this application correct this error.</p>	
 <hr/> <p align="center">Applicant/Agent Signature <i>(Registered Architect/Engineer Seal as Appropriate)</i></p>	

PREMISES



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
 The number(s) and/or letter(s) that follows on R, C or M district designations indicates the zoning district as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT (SPD) - An area designated for a special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning:

06-25-2014 C 140181 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
 For Inclusionary Housing designated areas on this map, see APPENDIX F.

ZONING MAP

8c

N

MAP KEY

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

Copyrighted by the City of New York

NOTE: Zoning information as shown on this map is subject to change. For the most current zoning information for the map, please refer to the Zoning Resolution of the City of New York, available at www.nyc.gov/landmarks or contact the Zoning Information Desk at (212) 725-3281.

600

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500

1200

1800 FEET

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NYC Digital Tax Map
 Effective Date: 02-04-2015 11:06:27
 End Date: Current
 Manhattan Block: 1377

- Legend**
- Street
 - Microbusiness Tax
 - Predecessor's Heals
 - Boundary Lines
 - Lot Face Possession Heals
 - Regular
 - Underwater
 - Tax Lot Polygon
 - Carrie Number
 - Tax Block Polygon
- Premises**
- Light Yellow
 - Orange

BSA CALENDAR NO. 450-46-BZ BLOCK 1377 LOT 27

SUBJECT SITE ADDRESS 41 East 62nd Street, New York, NY 10065

APPLICANT 41 East LLC

ZONING DISTRICT R8B PRIOR BSA # 450-46-BZ

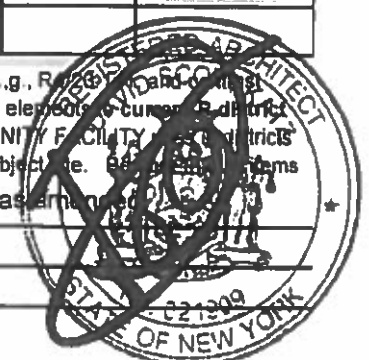
SPECIAL/HISTORIC DISTRICT _____

COMMUNITY BOARD 8M

COMPLIANT: "Y"
IF NOT: "N" and
INDICATE AMT
OVER/UNDER

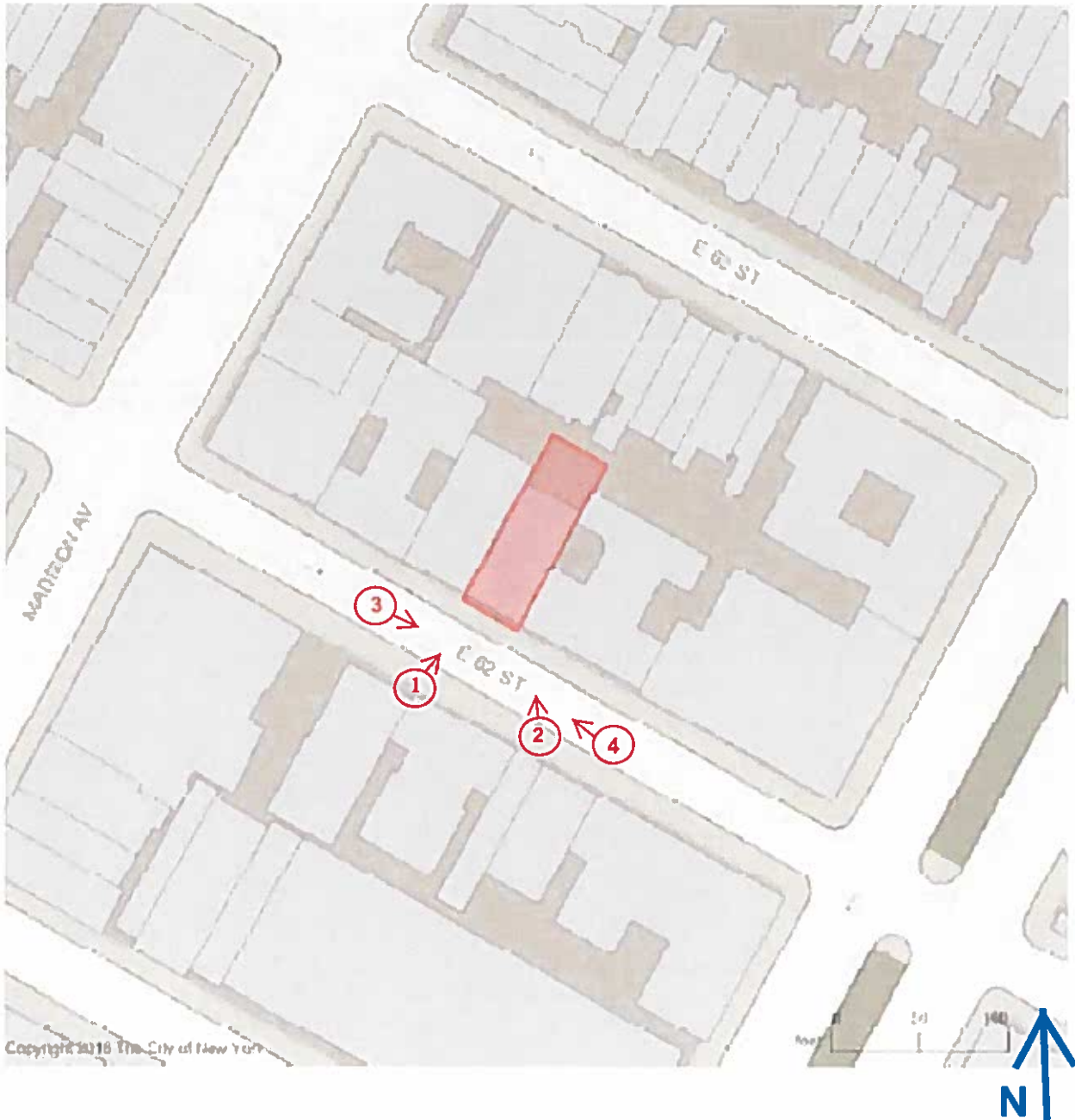
* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
LOT AREA	23-32		1,700 sf	3,514.6 sf	3,514.6 sf	Yes
LOT WIDTH	23-32		18 ft	35 ft	35 ft	Yes
USE GROUP (S)	22-10	1 - 4		4, 6B*	4, 6B*	Yes*
FA RESIDENTIAL	23-153	14,058.3		0	0	Yes
FA COMMUNITY FACILITY	24-10	17,924.4		6,405.2 sf	6,405.2 sf	Yes
FA COMMERCIAL/INDUST.	n/a	0		5,904.5 sf*	5,904.5 sf*	Yes*
FLOOR AREA TOTAL		17,924.4		12,309.7 sf	12,309.7 sf	Yes
FAR RESIDENTIAL	23-153	4		0	0	Yes
FAR COMMUNITY FACILITY	24-10	5.10		1.82	1.82	Yes
FAR COMMERCIAL/INDUST.	n/a	0		1.68	1.68	Yes*
FAR TOTAL		5.10		3.50	3.50	Yes
OPEN SPACE	n/a		n/a	n/a	n/a	n/a
OPEN SPACE RATIO	n/a		n/a	n/a	n/a	n/a
LOT COVERAGE (%)	23-153	70%		70%	70%	Yes
NO. DWELLING UNITS	n/a	n/a		1	0	Yes
WALL HEIGHT (BASE HEIGHT)	23-662	55' - 65'		51'-5/8"	51'-5/8"	Yes
TOTAL HEIGHT	23-662	75'		60'	60'	Yes
NUMBER OF STORIES				5	5	Yes
FRONT YARD	n/a		n/a	n/a	n/a	n/a
SIDE YARD	24-35		none required	0'	0'	Yes
SIDE YARD	24-35		none required	0'	0'	Yes
REAR YARD	24-36		30'	30'	30'	Yes*
SETBACK (S)	23-662		15' @ 55-65'	32'	32'	Yes
SKY EXP. PLANE (SLOPE)	n/a	n/a		n/a	n/a	n/a
NO. PARKING SPACES	n/a	n/a	n/a	n/a	n/a	n/a
LOADING BERTH (S)						
OTHER:						

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R8B for compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area element requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY developments where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject lot. See also items noted in the DOB Denial/Objection are included. NOTES: * Legal pursuant to 1946 variance (450-46-BZ), as amended.



41 East 62nd Street, Manhattan

BSA CAL. No 450-46-BZ



 Premises

 Camera Position

Photo Key Map

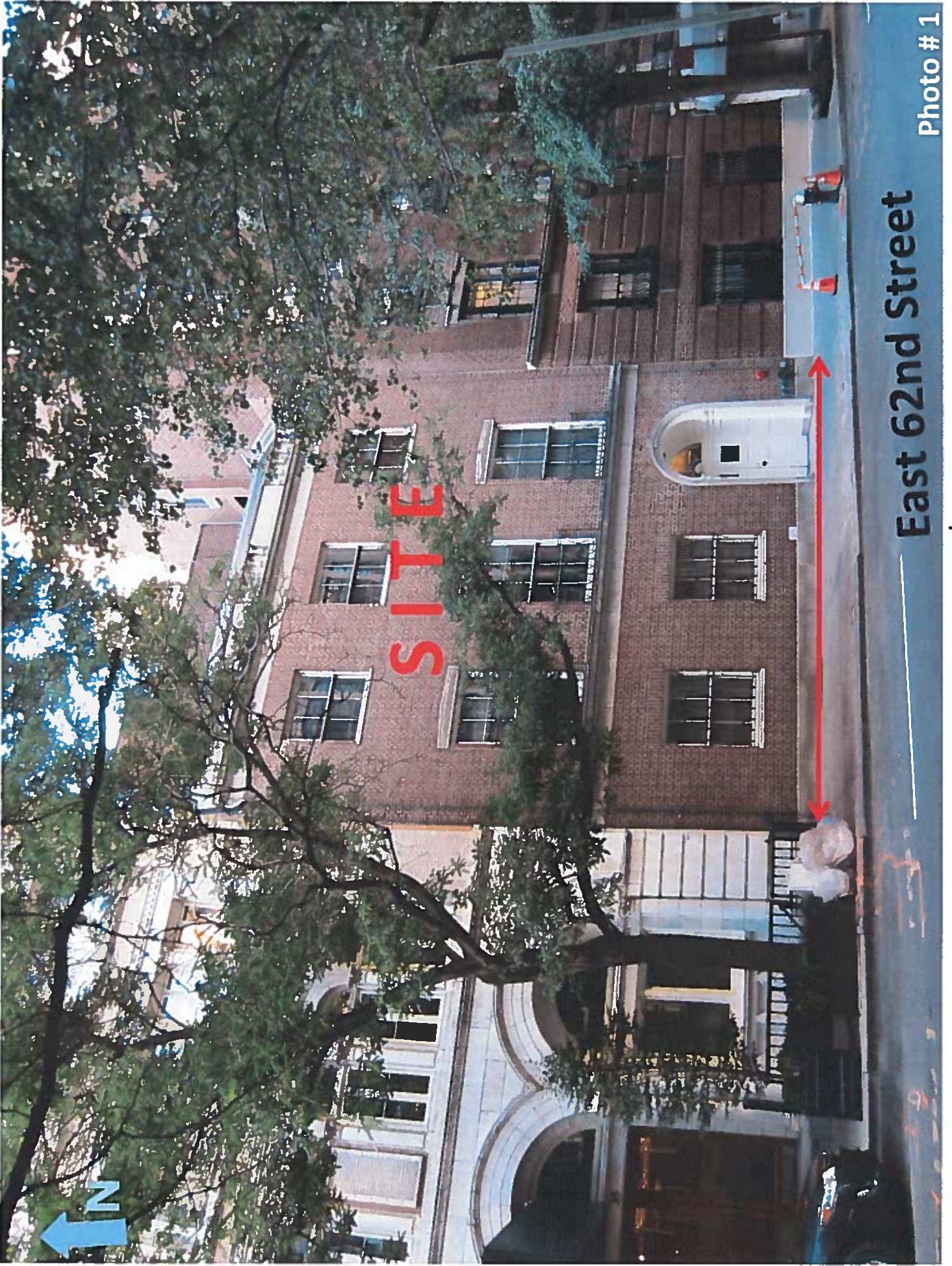


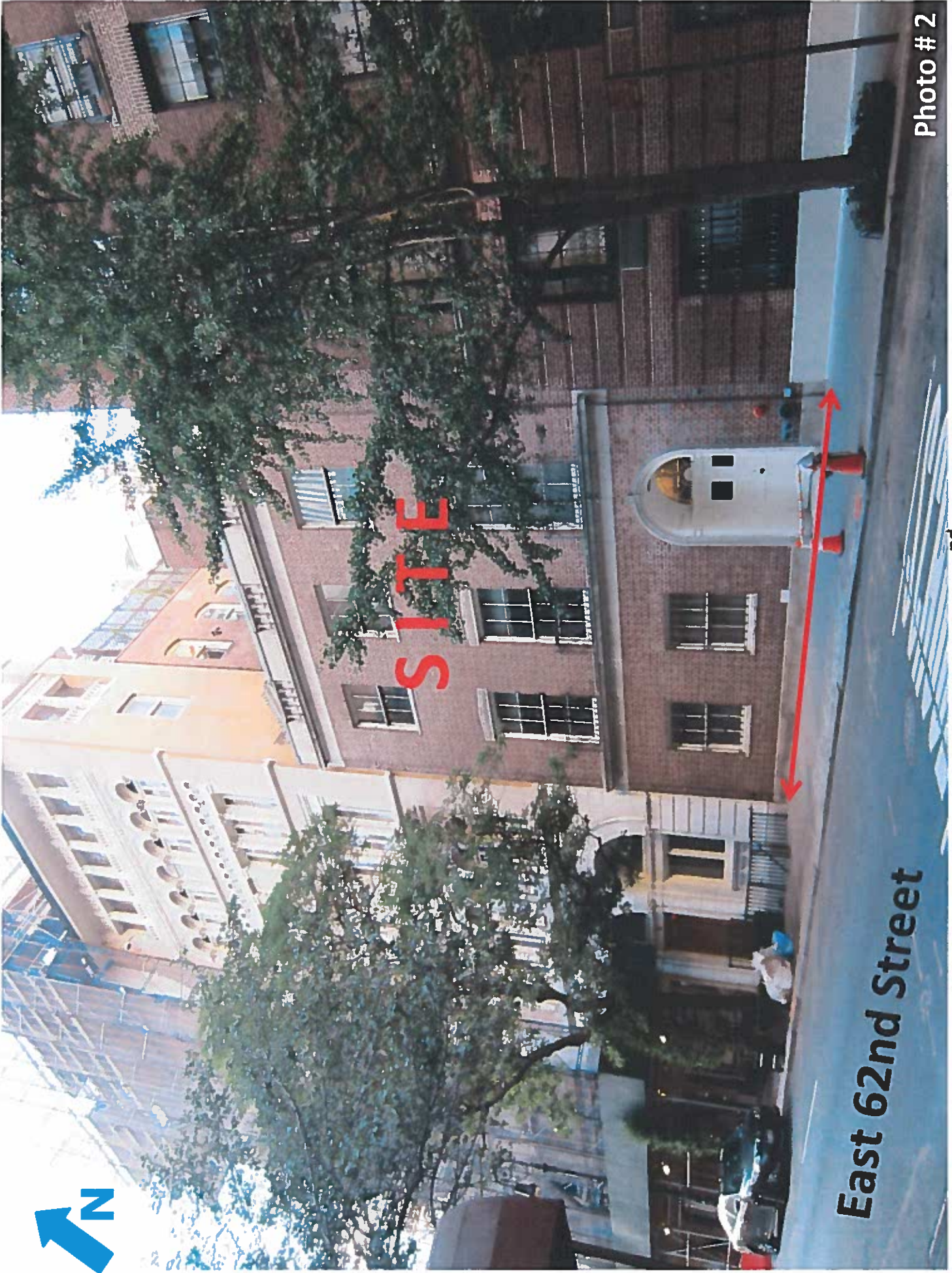
Photo # 1

Date: July 3, 2016

East 62nd Street

Premises: 41 East 62nd Street, Manhattan

BSA CAL. NO 450-46-BZ



East 62nd Street

Photo # 2

BSA CAL. NO 450-46-BZ

Premises: 41 East 62nd Street, Manhattan

Date: July 3, 2016



Park Avenue

SITE

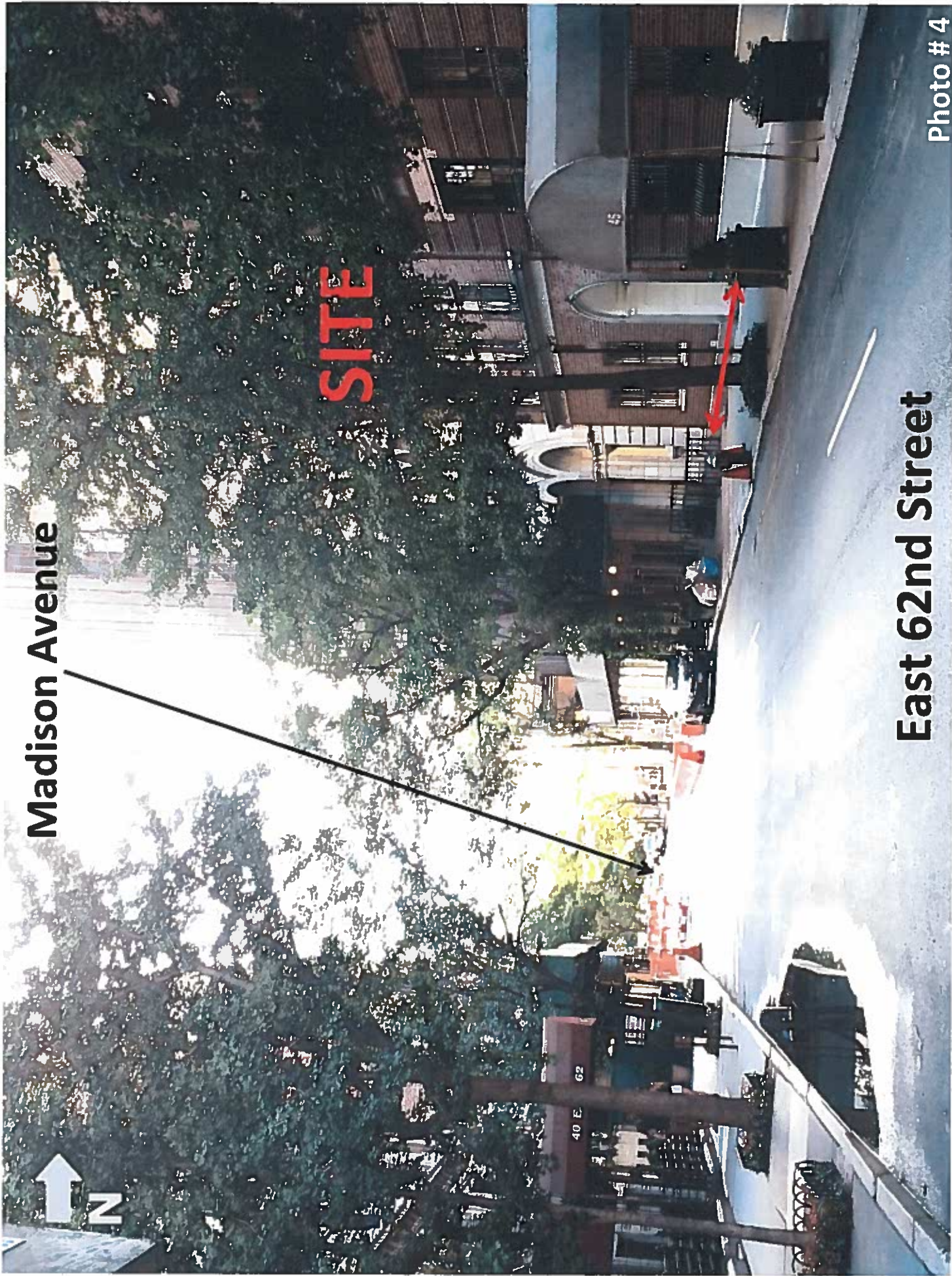
East 62nd Street

BSA CAL. NO 450-46-BZ

Premises: 41 East 62nd Street, Manhattan

Photo # 3

Date: July 3, 2016



Madison Avenue

SITE

East 62nd Street

BSA CAL. NO 450-46-BZ

Premises: 41 East 62nd Street, Manhattan

Photo # 4

Date: July 3, 2016

450-46-BZ

APPLICANT—Jno. B. Snook Sons—Victor C. Farrar, for Edward H. and Henry A. Gerry, owners.

SUBJECT—Application (decision of the borough superintendent) under section 7c of the zoning resolution, to permit in a residence use district, the change in occupancy from garage for eighteen (18) cars, storage and one family dwelling to offices.

PREMISES AFFECTED—41 East 62nd street, north side, 165 ft. east of Madison avenue (Block 1377, Lot 27), Borough of Manhattan.

APPEARANCES—

For Applicant: Thomas E. Snook, Jr., F. W. Monckmeyer and Russell V. Cruikshank.

For Opposition: Wm. R. Sloane.

For Administration: Fred Dahlem, Dep't of Housing and Buildings.

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

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Guinee.. 4
Negative: 0

THE RESOLUTION (450-46-BZ)

WHEREAS, Jno. B. Snook Sons, Victor C. Farrar, for Edward H. & Henry A. Gerry, owners, filed June 18, 1946, an application under section 7c of the zoning resolution, to permit in a residence use district, the change in occupancy from garage for eighteen (18) cars, storage and one family dwelling to office; premises: 41 East 62nd street, north side, 165' east of Madison avenue, (Block 1377, Lot 27), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, July 23, 1946, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the zoning resolution show that East 62nd street is in residence and restricted retail use, B area and Class 1½ height districts; Madison avenue is in a restricted retail use, B area and Class 1½ height district; and

WHEREAS, the decision of the borough superintendent dated June 5, 1946, re Alt. Applic. 1177-46, reads:

"1. Proposed change in use of building from garage and work shop and residence to offices in a residence use district is contrary to Sec. 3 of zoning resolution."

and
WHEREAS, the applicant states that the premises consist of a plot 35 ft. frontage by 100.5 ft. in depth, on which is located a building 35 ft. front by 100 ft. 5 in. depth, on 1st and 2nd floor, 49 ft. 1 in. deep, and 3rd floor, two and three stories, 25 ft. 3 in. and 44 ft. in height, of Class I construction; that it is proposed to remodel the building, removing and replacing front and rear walls and erecting a new facade;

that the building will be 35 ft. front by 65 ft. in depth on 1st floor, 49.1 inch in depth on 2nd and 3rd floors, 13 ft. 3 in. and 44 ft. in height; that it is proposed to alter the interior for offices and to install a passenger elevator; and

WHEREAS, the applicant contends that it is the intent of The Gerry Estates to use these premises for their private family business; that in making the alteration there is no intention of increasing the size of the present building, but on the contrary, they expect to remove the rear of the present 2nd floor in conformity with the present law, thus giving more light and air to the adjacent parcels of property; that it is also intended to erect a new facade in conformity with the attached plans, thus tying in the appearance of the front with the Colony Club and other buildings on the block; that it is realized that the Board has denied, most, if not all, of the former appeals for change of use in this district, but no prior case that has been examined is in any way on all fours with this one; that the former denials have all been made when the appellants wished to change from a present residence to a business building; that here the change is from a garage to a private office building, which applicant considers an improvement and believes the Board will, also; and

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

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion to grant a variance under section 7, subdivision e 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 7c thereof for a term of ten (10) years, to permit the building to be occupied as proposed as a private estate office for the Gerry Estate and for no other purpose, on condition that the building shall not be increased in height or area; that the front of the building shall be reconstructed as proposed and constructed of face brick, stone trimmings and ornamental iron, as indicated on plans filed with this application, marked "Received June 18, 1946" (4 sheets) and the interior may be altered and rearranged as indicated on such plans; that upon the termination of this variance the building shall be used for a use conforming in a residence district and the former use as a stable or garage shall not be restored; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that any sign erected on the building shall be restricted to a small bronze name plate at the entrance doorway, complying as to size with the requirements for signs permitted in a residence district; that all permits required shall be obtained and all work completed within one year from the date of this resolution.

A true copy of resolution adopted by the Board of Standards and Appeals

JUL 23 1946

Printed in Bulletin No. 31 Vol. 31

COPIES SENT

Sept. 19 1946

TO APPLICANT. 1
FIRE COM'R. 1
COM'R OF B'LD'GS. 2

Harris A. Murdock
Chairman.

450-46-BZ

APPLICANT—Jos. B. Snook Sons—Victor C. Farrar, for Edward H. and Henry A. Gerry, owners.

SUBJECT—Application for consideration—reopening and amendment of resolution—re Application (decision of borough superintendent) previously granted on condition, under section 7c of the zoning resolution, permitting in a residence use district, the change of occupancy from garage for eighteen (18) cars, storage and one-family dwellings to offices, for a term of ten years.

PREMISES AFFECTED—41 East 62nd street, north side, 165 ft. east of Madison avenue (Block 1377, Lot 27), Borough of Manhattan.

APPEARANCES—

For Applicant: Thomas E. Snook, Jr.
For Administration: Fred Daldem, Dept of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Guinee 4
Negative: 0

THE RESOLUTION (450-46-BZ)

WHEREAS, this application under section 7c of the zoning resolution, to permit in a residence use district, the change in occupancy from garage for eighteen (18) cars, storage and one family dwelling to office; premises: 41 East 62nd street, north side, 165' east of Madison avenue (Block 1377, Lot 27), Borough of Manhattan, was granted by the Board on July 23, 1946 on certain conditions; and

WHEREAS, the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 23, 1946, by adding thereto:

"* * * that in the event the owner desires to construct the 1st floor of the building for a depth of approximately 71 ft. as indicated on revised plans marked 'Received September 13, 1946,' two sheets, such construction may be permitted on condition that in all other respects the resolution adopted by the Board on July 23, 1946, is complied with."

A true copy of resolution adopted by the Board of Standards and Appeals

Printed in Bulletin No. 40 Vol. 31

SEP 24 1946

COPIES SENT OCT 4 - 1946

TO APPLICANT, FIRE COM'R, COM'R OF B'LD'GS. 1, 2, 3, 4

Harry H. Murdock
Chairman.

JGD

450-46-BZ

APPLICANT—Horace S. Ely & Company, for Gerry Brothers & Company, owners.

SUBJECT—Application for consideration—reopening as to extension of term of variance—re Application (decision of the borough superintendent); previously granted on condition, under section 7e of the zoning resolution, permitting in a residence use district, the change of occupancy from garage for eighteen cars, storage and one-family dwellings to offices, for a term of ten years.

PREMISES AFFECTED—41 East 62nd street, north side, 165 ft. east of Madison avenue, Block 1377, Lot 27, Borough of Manhattan.

APPEARANCES—

For Applicant: T. A. Taylor.
For Administration: Samuel L. Becker, Dep't of Buildings.

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

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Klei-
ert, Commissioner Keating and Deputy Chief Connolly 4
Negative: 0

THE RESOLUTION—

WHEREAS, this application was granted by the Board on July 23, 1946, on certain conditions; and

WHEREAS, the resolution was amended on September 24, 1946; and

WHEREAS, the applicant requested an extension of the term of variance.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 23, 1946, only so far as it refers to the term of the variance, so that as amended this portion of the resolution shall read:

" . . . granted under Section 7, subdivision e for a term of ten years from the date of this amended resolution, to permit. . . . ; 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." (Alt. 1177/46)

Ely 5/8/56

A true copy of resolution adopted by the Board of Standards and Appeals May 8, 1956.
Printed in Bulletin No. 20, Vol. XLI.

MAY 23 1956

Copies Sent
To Applicant 1
Fire Com'r. 1
Borough Supt. 2

Chairman.

450-46-BZ

APPLICANT—Robert M. Buchanan for Gerry Brothers & Company, owners.

SUBJECT—Application reopened July 6, 1966 for consideration as to extension of term variance, expired May 8, 1966—decision of the Borough Superintendent, previously granted on condition, under Section 7c of the Zoning Resolution, permitting in a residence use district, the change of occupancy from garage for eighteen cars, storage and one family dwellings to offices.

PREMISES AFFECTED—B East 62nd Street, north side, 165 feet east of Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

APPEARANCES—

For Applicant: Robert M. Buchanan.

For Opposition: None.

ACTION OF BOARD—Term of variance extended.

THE VOTE—

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

Negative: 0

THE RESOLUTION—

WHEREAS, on July 23, 1946, this application was granted by the Board on certain conditions; and

WHEREAS, a public hearing was held on this application on September 13, 1966, after due notice by publication in the Bulletin; and

WHEREAS, the decision of the Borough Superintendent, dated May 10, 1966, acting on Alt. Applic. No. 474/1966, reads:

"1. The continued use of premises for Heating & Storage —Cel. offices on 1st & 2nd fl. & offices & Supt. Apt. on 3rd fl. is contrary to B. S. & A. Cal. #450-46-13Z. Note: Building has no existing legal use."

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on July 23, 1946, as amended through May 8, 1956, only as to the term of the variance, so that as amended it shall read:

"granted for a term of five years from the date of this resolution, to permit . . . ; that other than as herein amended the resolution above cited shall be complied with in all respects; and that a Certificate of Occupancy shall be obtained."

A true copy of resolution adopted by the Board of Standards and Appeals September 13, 1966.

Printed in Bulletin No. 38, Vol. LI.

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

SEP 20 1966

Chairman.

450-46-BZ

APPLICANT—Jeffrey S. Wood for Gerry Brothers and Company, owner.

SUBJECT—Application for consideration—reopening for extension of term of variance which expired September 13, 1971—decision of the Borough Superintendent; previously granted on condition under Section 7e of the Zoning Resolution, permitting in a residence use district, the change of occupancy from garage for eighteen cars, storage and one family dwellings to offices.

PREMISES AFFECTED—41 East 62nd Street, north side, 165 feet east of Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

APPEARANCES—

For Applicant: Jeffrey S. Wood.

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

THE VOTE—

Affirmative: Chairman Galvin, Vice Chairman Becker, Commissioner Klein, Commissioner Madigan and Commissioner Nolan	5
Negative:	0

THE RESOLUTION—

WHEREAS, this application was granted by the Board on July 23, 1946, on certain conditions; and

WHEREAS, a public hearing was held on this application on October 5, 1971, after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution adopted on July 23, 1946, as amended through September 13, 1966, 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 September 13, 1971, to permit . . . ; that other than as herein amended the resolution above cited shall be complied in all respects; and that a new Certificate of Occupancy shall be obtained." (Alt. 474-66)

A true copy of resolution adopted by the Board of Standards and Appeals October 5, 1971.
Printed in Bulletin No. 41, Vol. LVI.

Copies Sent NOV 5 1971
 To Applicant
 Fire Com'r.
 Borough Supt. 12

Thomas F. Galvin
 Chairman.

450-46-BZ

APPLICANT—Albert J. Macchioni for Gerry Bros. and Company, owner.

SUBJECT—Application for consideration—reopening for extension of term of variance which expires September 13, 1976—decision of the Borough Superintendent; previously granted on condition under Section 7e of the Zoning Resolution, permitting in a residence use district, the change of occupancy from garage for eighteen cars, storage and one family dwellings to offices.

PREMISES AFFECTED—41 East 62nd Street, north side, 165 feet east of Madison Avenue, Block 1377, Lot 27, Borough of Manhattan. Community Board #8M.

APPEARANCES—

For Applicant: Albert J. Macchioni.

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

THE VOTE—

Affirmative: Chairman Klein, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh and Commissioner Cincotta 5

Negative: 0

THE RESOLUTION—

WHEREAS, this application was granted by the Board on July 23, 1946, on certain conditions; and

WHEREAS, a public hearing was held on this application on October 5, 1976, after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution adopted on July 23, 1946, as amended through October 5, 1971, 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 . . . ; 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 resolution." (Alt. 474-66)

A true copy of resolution adopted by the Board of Standards and Appeals October 5, 1976.
Printed in Bulletin No. 42, Vol. LXI.

Copies Sent OCT 25 1976
To Applicant 1
Fire Com'r. 1
Borough Supt. 2

Chairman.

450-46-BZ

APPLICANT—Sara G. Maurer, for Gerry Brothers and Company, owner.

SUBJECT—Application September 5, 1986—reopening for extension of term of variance which expired on October 5, 1986—decision of the Borough Superintendent; previously granted on condition under Section 7e of the Zoning Resolution, permitting in a residence use district, the change of occupancy from garage for eighteen (18) cars, storage and one family dwellings to offices.

PREMISES AFFECTED—41 East 62nd Street, north side, 165 feet East of Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: Sara G. Maurer.

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

THE VOTE TO CLOSE HEARING—

Affirmative: Chairperson Deutsch, Commissioner Carroll, Commissioner Bockman, Commissioner Irrera and Commissioner Tamm 5

Negative: 0

THE VOTE TO GRANT—

Affirmative: Chairperson Deutsch, Commissioner Carroll, Commissioner Bockman, Commissioner Irrera and Commissioner Tamm 5

Negative: 0

THE RESOLUTION—

WHEREAS, Community Board #8M recommended approval which was received on October 30, 1986; 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 16, 1986 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 July 23, 1946 as amended through October 5, 1976, expiring October 5, 1986; 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 October 5, 1986, 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. 474-66)

Adopted by the Board of Standards and Appeals, December 16, 1986.

A true copy of resolution adopted by the Board of Standards and Appeals, December 16, 1986.
Printed in Bulletin No. 52, Vol. LXXI.

Copies Sent
To Applicant 1
Fire Com'r. 2
Borough Supt. 5


Chairperson.

450-46-BZ
APPLICANT—Rosenman & Colin, for Gerry Brothers & Company, owner
SUBJECT—Application June 2, 1994—request to waive the Rules of Procedure to reopen for an extension of the term of variance which expires October 5, 1996 and for an amendment to eliminate the BSA conditions which restrict the occupancy of the office space to the Gerry estate.
PREMISES AFFECTED—41 East 62nd Street, north side, 165 feet East of Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: Steve Andersen, Francis R. Angelino.
For Administration: John Scrofani, Fire Department.

ACTION OF BOARD—Rules of procedure waived, application reopened and term of the variance extended and resolution amended.

THE VOTE TO GRANT—

Affirmative: Chairman Silva, Commissioner Chen, Commissioner Palladino and Commissioner Joseph4
Negative:.....0

THE RESOLUTION—

WHEREAS, Community Board #8, Manhattan has recommended approval of this application; and

WHEREAS, the applicant requested a waiver of the Rules of Procedure, an extension of term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on September 27, 1994 after due notice by publication in the *Bulletin*, laid over to October 18, 1994 and then to November 1, 1994 for decision.

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 July 23, 1946 as amended through December 16, 1986 expiring October 5, 1996 only as to the terms of the variance so that as amended this portion of the resolution shall read:

"to delete the condition that occupancy of the building shall be limited to the use as a private estate office for the Gerry Estates, Inc. and for no other purpose and to instead permit commercial occupancy (Use Group 6B only) and to extend the term for ten (10) years from November 1, 1994; on condition that occupancy shall be limited to a single use; that the use shall be solely limited to Use Group 6B office use; that the premises shall be maintained in substantial compliance with the existing and proposed drawings submitted with this application marked "Received October 11, 1994-six (6) sheets"; and that other than as herein amended the resolution shall be complied with in all respects and a new certificate of occupancy shall be obtained within one (1) year from the date of this amended resolution;"

(Alt. 474-1966)

Adopted by the Board of Standards and Appeals, November 1, 1994.

Rosenman

A true copy of resolution adopted by the Board of Standards and Appeals, November 1, 1994, Printed in Bulletin No. 45, Vol. LXXIX.

Copies Sent
To Applicant
Fire Com't.
Borough Supt.

Chairman.

450-46-BZ

APPLICANT - Friedman & Gotbaum, LLP by Shelley S. Friedman, Esq., for 41 East LLC, owner.

SUBJECT - Application December 29, 2004 - Extension of Term for a commercial UG6B in a residential district previously granted, which is not permitted in R8B zoning district and an amendment to include a community use facility UG4, which is as of right, is contrary to previously approved plans. This application is an In-Part legalization.

PREMISES AFFECTED - 41 East 62nd Street, Manhattan, north side of East 62nd Street, 105' east of the corner formed by the intersection of East 62nd Street and Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application, made pursuant to Z.R. §§ 11-411 and 11-412, for a re-opening, an extension of the term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in the *City Record*, and then to March 1, 2005 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, Manhattan Community Board No. 8 recommends approval of the subject application; and

WHEREAS, the premises consists of an interior lot with a 35'-0" frontage along East 62nd Street, between Madison Avenue and Park Avenue, with a depth of 100'-5" and a total lot area of 3,514.6 sq. ft.; and

WHEREAS, on July 23, 1946, under the subject calendar number, the Board granted an application to permit the change in occupancy from garage for 18 cars, storage and one-family dwelling to office use; and

WHEREAS, on September 24, 1946, the resolution was amended to allow the enlargement of the first floor of the building to a depth of approximately 71 ft.; and

WHEREAS, the term of the variance was subsequently extended on May 8, 1956, September 13, 1966, October 5, 1971, October 5, 1976 and December 16, 1986; and

WHEREAS, on November 1, 1994, the resolution was amended to eliminate the condition that restricted the occupancy of the office space to a portion of the premises, to permit commercial occupancy (Use Group 6B), and to extend the term of the variance for ten years from November 1, 1994, on condition that occupancy shall be limited to a single Use Group 6B office use,

and

WHEREAS, the applicant now seeks an extension of the variance, as originally approved on July 23, 1946, and as amended with regard to the extension of the first floor on September 24, 1946, and an amendment to permit an addition to the building; and

WHEREAS, the applicant states that in early 2002, the owner of the site proposed to convert the premises from the small, under-built, owner-occupied building to a single-family residential townhouse with approximately 12,000 sq. ft.; and

WHEREAS, this proposal was then modified so that each floor would be built out with conforming residential use; the modification was approved by the NYC Landmarks Preservation Commission ("LPC") and the Department of Buildings ("DOB"); and

WHEREAS, the applicant represents that the proposal was abandoned mid-construction, and due to the "stop-start" pattern of the building alteration, the building is currently in a deteriorated condition: the existing rear elevation is demolished; the steel necessary to support the expanded floors is in place but exposed; the cinderblock side walls are in various states of installation; most of the rear expansions are open to the sky; and the interior of the building is gutted; and

WHEREAS, the current proposal seeks to expand the building in accordance with the existing LPC and DOB approved plans, with all new additional floor area (other than the permitted commercial floor area as per the original variance) to be occupied by an as-of-right community facility use; and

WHEREAS, the applicant states that since the last Board action, the project architect has reevaluated previously approved BSA plans, and has determined that the corrected legal, and existing commercial floor area is 5,904.5 sq. ft. or a Floor Area Ratio ("FAR") of 1.68; and

WHEREAS, the instant application proposes to maintain the same square footage of commercial floor area; and

WHEREAS, the applicant proposes to develop an additional 5,164.0 sq. ft. (1.47 FAR) of community facility space, increasing the total square footage of the building to 11,068.5 (3.15 FAR), which is less than the maximum 4.0 FAR permitted in the underlying R8B Zoning District; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of the requested amendment to the prior resolution.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit an extension of the variance permitting commercial use, as originally approved on July 23, 1946, and as amended with regard to the extension of the first floor on September 24, 1946, for a term of ten (10) years from November 1, 2004 to expire on November 1, 2014, and to permit an

450-46-BZ

as-of-right addition to the building which will be occupied by a conforming community facility use; *on condition* that all work shall substantially conform to drawings as filed with this application, marked 'Received February 22, 2005' - (9) sheets; and *on further condition*:

THAT the commercial floor area of the premises shall be limited to 5,904.5 s.f. (1.68 FAR);

THAT there shall be no accessory business signage at the premises;

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

THAT the Department of Buildings shall ensure compliance with regard to the location and configuration of the commercial floor area;

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 1, 2005.

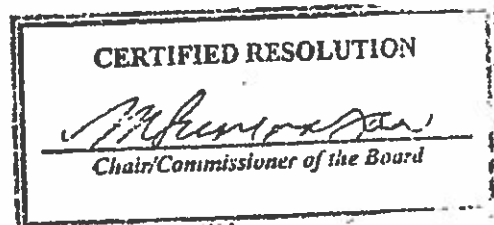
A true copy of resolution adopted by the Board of Standards and Appeals, March 1, 2005.
Printed in Bulletin No. 10-11, Vol. 90.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.





Board of Standards and Appeals

40 Rector Street, 9th Floor • New York, NY 10006-1705 • Tel. (212) 788-8500 • Fax (212) 788-8769
Website @ www.nyc.gov/bsa

MEENAKSHI SRINIVASAN
Chair/Commissioner

August 28, 2006

Hon. Christopher Santulli, P.E.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Re: BSA Cal. No. 450-46-BZ
41 East 62nd Street, Manhattan
Block 1377, Lot 27

Dear Borough Commissioner Santulli:

On July 23, 1946, under the referenced calendar number, the Board made a grant to permit the conversion of a building in an R8B zoning district to commercial use (Use Group 6). Subsequently, the grant was renewed at various times. In 2004, it was amended to permit an as of right enlargement to be occupied by community facility use (Use Group 4). The BSA-approved plans reflect a five-story with cellar commercial and community facility building.

Currently, the owner proposes to add a non-structural, non-load bearing roof to three existing walls in the rear yard to house community facility use. The increase in floor area will be 1,019.1 sq. ft. Both the addition of zoning floor area and the modification of the building's envelope for community facility purposes are as of right. There is no change to any of the commercial portions of the property that are the subject of the Board grant. No new zoning variances are required to secure approval of the work.

By letter dated August 7, 2006, Shelly S. Friedman, an attorney acting on behalf of the owner, described the change and submitted revised drawings of the affected portions of the building. Mr. Friedman represents that these drawings have been submitted to all city agencies with land use jurisdiction over the site in an effort to maintain consistency.

Hon. Christopher Santulli, P.E.
Manhattan Borough Commissioner
BSA Cal. No. 450-46-BZ
August 28, 2006
Page 2

The Board-approved plans dated February 22, 2005 remain in effect as to all aspects of the Board grant and the new plans only pertain to the as of right enlargement at the rear of the building as described above.

The Board has reviewed the applicant's request and has no objection to the proposed change, on condition that the Department of Buildings shall ensure compliance with all other applicable provisions of the Zoning Resolution, Building Code or any other relevant law. To the extent that the proposed change triggers such non-compliance, then the Board's determination herein will have no effect.

Sincerely,



Meenakshi Srinivasan
Chair/Commissioner

Encl.
MS/bk:mm

c: Jeff Mulligan
John Reisinger
Shelly S. Friedman
Case file



**Board of Standards
and Appeals**

Meenakshi Srinivasan
Chair/Commissioner

250 Broadway, 29th Fl.
New York, NY 10007

212-386-0009 tel
646-500-6271 fax

www.nyc.gov/bsa

June 12, 2014

Martin Rebholz, R.A.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, N.Y. 10007

Re: BSA Cal. No. 450-46-BZ
41 East 62nd Street, Manhattan
Block 1377, Lot 27

Dear Borough Commissioner Rebholz:

On July 23, 1946, under the above referenced calendar number, the Board granted a variance pursuant to 1916 Zoning Resolution § 7e to allow offices in a residence use district, for a term of ten years. The grant has been extended at various times over the years, most recently by resolution dated March 1, 2005. On that same date, the Board amended the grant to permit enlargement of the building to accommodate 5,164 sq. ft. of community facility floor area. Subsequently, by letter dated August 28, 2006, the Board issued a letter of substantial compliance authorizing construction that increased the community facility floor by an additional 1,019.1 sq. ft.

By letter dated May 19, 2014, Shelly S. Friedman, a representative of the owner, seeks a letter of substantial compliance to permit the construction of a mezzanine within the existing community facility portion of the building, which will increase the community facility floor area by 191.2 sq. ft. Mr. Friedman represents that the proposed enlargement complies in all respects with the subject R8B bulk regulations.

These changes are illustrated on the revised plan, labeled Z-01, Z-03, and Z-03a, stamped "June 12, 2014".

The Board has reviewed the applicant's request and has determined that the proposed changes are in substantial compliance with the Board's prior grant. Therefore, the Board has no objection to the proposed changes, on condition that the Department of Buildings will ensure compliance with all applicable provisions of the Zoning Resolution, Building Code or any other relevant law. To the extent that the proposed changes trigger such non-compliance, then the Board's determination herein will have no effect. Two copies of the revised building plans have been retained by the Board.

Sincerely,

Meenakshi Srinivasan
Chair/Commissioner

c: Jeff Mulligan
Becca Kelly
Shelly S. Friedman