

architects & engineers



Lauria Associates

Edward Lauria, B.C.E. P.E.

Friday, December 23,

James G. Clynes
Community Board 8
505 Park Ave, Suite #620
New York, NY 10022



Re: **Proof of Service**
BSA Calendar Number 67-96-BZ
210 East 86th Street, Manhattan

RECEIVED

JAN 13 2017

BY COMMUNITY BOARD 8

Dear James G. Clynes,

As instructed by the Board of Standards and Appeals, we are submitting BSA case # **67-96-BZ** for your review. We are requesting an extension of term on **210 East 86th Street theaters, in Manhattan**. That had a previously issued variance that expired December 17th, 2016.

At this time we are enclosing a complete submission of the above project for your reference.

Sincerely,

Edward Lauria PE



EDWARD LAURIA, P.E.



Board of Standards and Appeals

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

BSA APPLICATION NO. 67-96-BZ

RECEIVED

JAN 13 2017

Section A

Applicant/Owner

Edward Lauria <small>NAME OF APPLICANT</small> 14 Foster Road <small>ADDRESS</small> Staten Island New York 10309 <small>CITY STATE ZIP</small> 718 948-1300 <small>AREA CODE TELEPHONE</small> 718 948-1301 <small>AREA CODE FAX</small> Design@LauriaAssociates.com <small>EMAIL</small>			Barton Mark Perl binder <small>OWNER OF RECORD</small> 429 E 52nd Street <small>ADDRESS</small> Manhattan NY 10028 <small>CITY STATE ZIP</small> Robert Smerling, Eastside Exhibition Corp <small>LESSEE CONTRACT VENDEE</small> 189 2nd Avenue <small>ADDRESS</small> New York New York 10003 <small>CITY STATE ZIP</small>		
---	--	--	---	--	--

Section B

Site Data

210 E 86th Street Manhattan 10028
STREET ADDRESS (INCLUDE ANY A K A) ZIP CODE
 On 86th street between 3rd and 2nd Ave
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1531	40	Manhattan	8- Manhattan	N/A
<small>BLOCK</small>	<small>LOT(S)</small>	<small>BOROUGH</small>	<small>COMMUNITY DISTRICT</small>	<small>LANDMARK/HISTORIC DISTRICT</small>
Ben Kallos		C2-8A R8B		9A
<small>CITY COUNCIL MEMBER</small>		<small>ZONING DISTRICT</small> <small>(include special zoning district, if any)</small>		<small>ZONING MAP NUMBER</small>

Section C

Description

(LEGALIZATION YES NO IN PART)
 Requesting an extension of term on a previously issued variance that expires on December 17th, 2016

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 20 years Expiration Date: 12/17/2016
- 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Date Approved _____)		
3. Has a permit been obtained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Permit No. _____ Date Issued _____)		
4. Is work in progress?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If Yes, Percentage of work completed _____ %)		
5. Has a temporary or permanent Certificate of Occupancy been obtained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Expiration Date _____ Attach a copy)		

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

Section F

Board History

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

On December 17th, 1996, when the Zoning District was C2-8A & R8B, an application was granted by the Board under Section 72-21 to permit:

On December 17th 1996, the Board granted an application (Cal. No. 67-97-BZ) to permit an enlargement of the theater section of an existing seven story building. The term of variance was limited to 20 years set to expire on December 17th 2016.
Cal. No: 356-02-BZ

On April 15th 2003, the Board granted an application, in a C2-8A zoning district, to permit the addition of 2 floors a top of an existing seven story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Cal No. 67-96-BZ, on condition.

Section G

Inspection and Compliance

	YES	NO
1. Have you reviewed the Board's case file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have you recently inspected the premises and surrounding area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If Yes, date of most recent site inspection <u>7/14/2016</u>)		
3. Did you find:		
a. Compliance with the terms and conditions of the Board's resolution?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attach a completed Certificate of Inspection and Compliance		
b. Any significant condition changes (e.g. rezoning, city map amendments, recent developments) within the affected area since the Board's last action on this application?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the answer is "yes" to any of the questions below, explain further in your statement.		
4. Is there currently a proposal before the City Planning Commission to change the subject Zoning District, or any other action which includes the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(File / CP No. _____)		
5. Are there any outstanding violation(s) on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, submit a DOB BIS printout)		
6. Is there any other application before the Board which affects the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Cal No. _____)		
7. Is there any other application at any government agency which affects the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section H

Signature

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

[Signature] 7/21/16

SWORN TO ME THIS 21 DAY OF July 2016

Edward Lauria P.E.

LOUISE A. GANGEMI
Notary Public, State of New York
No. 01GA4959166
Qualified in Richmond
Commission Expires 11/20/17

NOTARY PUBLIC



Lauria Associates

Edward Lauria, B.C.E. P.E.

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JAN 18 2017

BY COMMUNITY BOARD 8

STATEMENT OF FACTS

On December 17, 1996, under calendar number 67-96 BZ, the Board granted a resolution allowing the expansion from 2 motion picture theatres on the first floor to 4 motion picture theaters, 2 on the first floor and 2 additional with the construction of another floor on top of the then existing one story portion of this building that faces East 85th Street.

The theatres are in the R8-B portion of this zoning lot which faces East 85th Street and the major portion of the building (then 7 stories and now 9 stories) is in a C2-8A portion of the zoning lot which faces East 86 Street.

The primary issue in question, at that time, was the fact that the existing theatres were non-conforming uses in the R8-B district and the addition of more non-conforming uses was not permitted as of right and, also, that structural alterations to a building containing non-conforming uses was also not permitted as of right.

The Department of Buildings application number referred to in this case was 101255149. However the actual number was 101225149 which has subsequently withdrawn due to the number confusion and is now superseded by application number 122817327.

1



Lauria Associates

Edward Lauria, B.C.E. P.E.

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Since the original filing Calendar number 356-02^{.B2} was granted on April 15, 2003, allowing the addition of 2 floors on top of the portion of the building facing East 86th Street, changing the 86 Street portion of the building from 7 stories to 9 stories. The issues under concern, at that time, were the fact that a previous BSA case existed and the requirement for a rear yard equivalent, a portion of which would be in the R8-B zoning district contrary to 33-283 ZR.

The plans for the addition of the 2 stories were filed at the Department of Buildings under application number 103305576.

On August 4, 2014 Alteration number 121962037 was filed at the Department of Buildings to convert the cellar and a portion of the first floor from Cabaret use to medical offices. This application is approved, permitted and a Temporary Certificate of Occupancy has been issued. The final C of O will be issued shortly pending completion of sprinkler modifications in a tenant space on the first floor.

The 4 theatres recently obtained Place of Assembly permits from the Department of Buildings under application numbers 122691499, 122691505, 122691480, and 122691471.



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Edward Lauria, B.C.E. P.E.

We hereby request an extension of term for 20 years since these movie theatres have become a vital part of the community offering multiple choices to the public of the most current productions available with access only from 86th Street a busy commercial street and having no impact on the residential area to the rear.

Edward Lauria PE



architects & engineers

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

BARTON MARK PERLBINDER, being duly sworn, deposes and says that (s)he resides at 429 E 52nd ST, in the City of NEW YORK, in the County of NEW YORK, in the State of NEW YORK; that BARTON MARK PERLBINDER 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 1531, Lot(s) 40, Street and House Number 210 EAST 86TH ST; 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 EDWARD LAURIA, P.E.

to make the annexed application in her/his behalf.

Signature of Owner

B M Perl 7/21/16

Print Name

BARTON MARK PERLBINDER

Print Title

OWNER

Sworn to before me this 21 day

Of July 2016

Louise A. Gangemi

LOUISE A. GANGEMI
Notary Public, State of New York
No. 01GA4959166
Qualified in Richmond County
Commission Expires 11/20/17



Department of Buildings
 280 Broadway
 New York, New York 10007
 (212) 566-5000 | TTY (212) 566-4769
 nyc.gov/buildings

MANHATTAN (1)
 280 BROADWAY 3RD FLOOR
 New York, NY 10007

BRONX (2)
 1932 ARTHUR AVENUE
 BRONX, NY 10457

BROOKLYN (3)
 210 JORALEMON STREET
 BROOKLYN, NY 11201

QUEENS (4)
 120-55 QUEENS BLVD
 QUEENS, NY 11424

STATEN ISLAND (5)
 BORO HALL- ST GEORGE
 STATEN ISLAND, NY 10301

Notice of Objections

Applicant: Edward Lauria
 14 Foster Rd
 Staten Island, N.Y. 10309

Date: 7/7/2016
Job Application #: 122817327
Application type: A1
Premises Address: 210 East 86th St
Zoning District: C2-8A, R8B
Block: 1531 Lot: 40 Doc(s):

NYC Department of Buildings Examiner: Roseanne Di Maio R.A.

Jobs of limited scope: Alt. 2, Alt. 3, D14, SG, Subdivision, Etc, must reach approval in two appointments or the applicant must meet with the Chief Plan Examiner to determine how to move the job to completion. Larger jobs: NB and Alt. 1 projects must reach approval in 5 appointments or the applicant must meet with the Chief Plan Examiner to determine how to move the job to completion.

To discuss and resolve these objections "Please call 311 and request a manual appointment to address these objections" with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Examiner's Signature:

Obj. #	Doc #	Section of Code	Objections	Date Resolved	Comments
1.			Proposed Motion Picture Theater in R8B zoning district is not permitted pursuant to ZR 22-10 and is referred to the Board of Standards and Appeals for special permit under ZR 73-01.		
2.			Board of Standards and Appeals Calendar number 67-96 BZ which will Expire 12/17/2016.		

BSA RESOLUTION HISTORY

BSA Cal. No. : **67-97-BZ**
Premises: **210 East 86th Street, New York, New York**

December 17th, 1996

On December 17th, 1996 the Board granted an application of variance to permit in a C2-8A and R8B zoning district, the proposed enlargement of the theater section of an existing building which has a seven story office building fronting on East 86th Street and a one story theater section with two motion picture auditoriums extending through to East 85th street, by the construction of an intermediate level within the existing theaters and the raising of the roof of the existing theaters to a level just beneath the East 85th Street parapet wall, to create two additional motion picture auditoriums, for a total of four, which does not comply with regulations limiting structural alterations to buildings substantially occupied by non-conforming uses and enlargements of existing non-conforming uses, and therefore contrary to Z.R, § § 22-10, 52-22 and 52-40, respectively, and requires a variance on condition. The term of variance shall be limited to 20 years to expire on December 17th, 2016.

BSA Cal. No. : **356-02-BZ**
Premises: **210 East 86th Street, New York, New York**

April 15th, 2003

On April 15th, 2003 the Board granted an application to issue a Type 2 determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A zoning district, the addition of two (2) floors atop an existing 7 story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar number 67-96-BZ, on condition.

PRIOR CONDITIONS CHART

BSA Cal. No: 67-96-BZ
Premises: 210 East 86th Street

December 17th, 1996

On December 17th, 1996 the Board granted an application of variance to permit in a C2-8A and R8B zoning district, the proposed enlargement of the theater section of an existing building which has a seven story office building fronting on East 86th Street and a one story theater section with two motion picture auditoriums extending through to East 85th street, by the construction of an intermediate level within the existing theaters and the raising of the roof of the existing theaters to a level just beneath the East 85th Street parapet wall, to create two additional motion picture auditoriums, for a total of four, which does not comply with regulations limiting structural alterations to buildings substantially occupied by non-conforming uses and enlargements of existing non-conforming uses, and therefore contrary to Z.R, § § 22-10, 52-22 and 52-40, respectively, and requires a variance on condition. The term of variance shall be limited to 20 years to expire on December 17th, 2016.

<u>Board Condition:</u>	<u>Compliance?</u>
THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 29, 1996" -(9 sheets), "August 28, 1996" -(1 sheet) and "December 10, 1996" -(3 sheets).	Yes
THAT all trash shall be stored indoors in accordance with BSA approved plans until time of pickup	Yes
THAT the term of variance shall be limited to twenty years to expire on December 17, 2016	Yes
THAT the above conditions shall appear on the certificate of occupancy	Yes

<p>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</p>	<p>Yes</p>
<p>THAT substantial construction shall be completed in accordance to Z.R. §72-23.</p>	<p>Yes</p>

BSA Cal. No: 356-02-BZ
Premises: 210 East 86th Street

April 15th, 2003

On April 15th, 2003 the Board granted an application to issue a Type 2 determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A zoning district, the addition of two (2) floors atop an existing 7 story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar number 67-96-BZ, on condition.

<u>Board Condition:</u>	<u>Compliance?</u>
<p>THAT the premises shall be maintained free of debris and graffiti</p>	<p>Yes</p>
<p>THAT any graffiti located on the premises shall be removed within 48 hours</p>	<p>Yes</p>

<p>THAT the applicant shall comply with all applicable fire safety measures</p>	<p>Yes</p>
<p>THAT construction shall be completed in accordance with Z.R. §72-23</p>	<p>Yes</p>
<p>THAT the above conditions shall appear on the certificate of occupancy</p>	<p>Yes</p>
<p>THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed by DOB/other jurisdiction objection(s) only</p>	<p>Yes</p>
<p>THAT the approved plans shall be considered approved only for the portions related to the specific relief granted</p>	<p>Yes</p>
<p>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.</p>	<p>Yes</p>

Certificate of Occupancy

CO Number: 121962037T009

This certifies that the premises described herein 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. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A.	Borough: Manhattan	Block Number: 01531	Certificate Type: Temporary
	Address: 210 EAST 86TH STREET	Lot Number(s): 40	Effective Date: 10/03/2016
	Building Identification Number (BIN): 1048782		Expiration Date: 01/01/2017
	Building Type: Altered		
This building is subject to this Building Code: Prior to 1968 Code			
<i>For zoning lot metes & bounds, please see BISWeb.</i>			
B.	Construction classification: 1	(Prior to 1968 Code designation)	
	Building Occupancy Group classification: B	(2014/2008 Code)	
	Multiple Dwelling Law Classification: None		
	No. of stories: 7	Height in feet: 90	No. of dwelling units: 0
C.	Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
D.	Type and number of open spaces: None associated with this filing.		
E.	This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:			
There are 20 outstanding requirements. Please refer to BISWeb for further detail.			
Borough Comments: None			



Borough Commissioner



Commissioner

Certificate of Occupancy

CO Number: 121962037T009

Permissible Use and Occupancy						
All Building Code occupancy group designations below are 2008 designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL	193	OG	B		4	MEDICAL OFFICES,USE GROUP (4)
ME Z	24	75				OFFICES
001	300	100			8,, 6	MOTION PICTURE THEATER
001	299	100			8,6	MOTION PICTURE THEATER
001	110	75			8,6	STORES
002	90	50			8, 6	UPPER PART OF MOTION PICTURE THEATERS, PROJECTION BOOTH AND OFFICES
003 006	90	50			6	OFFICES ON EACH FLOOR
007	50	50			6	OFFICES AND MECHANICAL EQUIPMENT ROOM
FIRE DEPARTMENT APPROVALS, STANDPIPE SYSTEM - JUNE 2, 1967, SPRINKLER SYSTEM - SEPTEMBER 12, 1967						
END OF SECTION						



Borough Commissioner



Commissioner

END OF DOCUMENT



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NYC Department of Buildings
Property Profile Overview

210 EAST 86 STREET

EAST 85 STREET 209 - 215
EAST 86 STREET 210 - 214

MANHATTAN 10028

Health Area : 3700
Census Tract : 146.01
Community Board : 108
Buildings on Lot : 1

BIN# 1048782

Tax Block : 1531
Tax Lot : 40
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): 3 AVENUE, 2 AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status:

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: UNKNOWN

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: O6-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	60	0	Electrical Applications
Violations-DOB	96	0	Permits In-Process / Issued
Violations-ECB (DOB)	37	2	Illuminated Signs Annual Permits
Jobs/Filings	174		Plumbing Inspections
ARA / LAA Jobs	4		Open Plumbing Jobs / Work Types
Total Jobs	178		Facades
Actions	280		Marquee Annual Permits
OR Enter Action Type: <input type="text"/>			Boiler Records
OR Select from List: <input type="text" value="Select..."/>			DEP Boiler Information
AND <input type="text" value="Show Actions"/>			Crane Information
			After Hours Variance Permits

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.



Buildings

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NYC Department of Buildings

ECB Violation Details

Premises: 210 EAST 86 STREET MANHATTAN
BIN: 1048782 **Block:** 1531 **Lot:** 40

Filed At: 210 EAST 86 STREET , MANHATTAN , NY 10028
Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34324290J

Severity: NON-HAZARDOUS
Penalty Balance Due: \$0.00

Certification Status: NO COMPLIANCE RECORDED
Hearing Status: IN VIOLATION

Respondent Information

Name: CITY CINEMAS
Mailing Address: 210 EAST 86 STREET , NY , NY 10028

Violation Details

Violation Date: 05/22/2002 **Violation Type:** PUBLIC ASSEMBLY
Served Date: 06/12/2002 **Inspection Unit:**

Infraction Codes	Section of Law	Standard Description
B62	26-246	OPERATION OF A PLACE OF ASSEMBLY WITHOUT A CURRENT PERMIT

Specific Violation Condition(s) and Remedy:

OPERATION OF A PUBLIC ASSEMBLY SPACE (MOVIE THEATRE) WITHOUT A P/A PERMIT. REMEDY: OBTAIN A P/A PERMIT FOR P/A SPACE NOTED.

Issuing Inspector ID: 0370 **DOB Violation Number:** 052202PA08J6
Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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/Time: 10/10/2002 10:30 **Hearing Status:** IN VIOLATION

ECB Penalty Information

Penalty Imposed: \$200.00
Adjustments: \$0.00 **Amount Paid:** \$200.00
Penalty Balance Due: \$0.00

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.



Buildings



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NYC Department of Buildings

ECB Violation Details

Premises: 210 EAST 86 STREET MANHATTAN

Filed At: 210 EAST 86 STREET , MANHATTAN , NY 10028

BIN: 1048782 **Block:** 1531 **Lot:** 40

Community Board: 108

ECB Violation Summary

VIOLATION OPEN

ECB Violation Number: 34324277P

Severity: NON-HAZARDOUS

Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00

Hearing Status: WRITTEN OFF

Respondent Information

Name: 210 EAST 86 ST CORP
Mailing Address: 210 EAST 86 STREET , NY , NY 10028

Violation Details

Violation Date:	05/22/2002	Violation Type:	PUBLIC ASSEMBLY
Served Date:	05/22/2002	Inspection Unit:	
Infraction Codes	Section of Law	Standard Description	
B62	26-246	OPERATION OF A PLACE OF ASSEMBLY WITHOUT A CURRENT PERMIT	

Specific Violation Condition(s) and Remedy:

OPERATIONS OF PUBLIC ASSEMBLYS WITHOUT CURRENT PERMITS. PLAS# 101 561463-010101561490-01PA. 101561481-101561472. REMEDY: OBTAIN PUBLIC ASSEMBLY PERMITS FOR ALL AREAS REQUIRED.

Issuing Inspector ID: 0370 **DOB Violation Number:** 052202PA08J02

Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

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

Hearing Status: WRITTEN OFF

ECB Penalty Information

Penalty Imposed:	\$2,500.00	Amount Paid:	\$200.00
Adjustments:	\$-2,300.00	Court Docket Date:	04/30/2003
Penalty Balance Due:	\$0.00		

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.



Buildings

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NYC Department of Buildings

ECB Query By Location

Page: 1 of 1

Premises: 210 EAST 86 STREET MANHATTAN

BIN: 1048782 Block: 1531 Lot: 40 CB: 108

Dept. of Buildings Violations & Compliance	
Total Issued = 37	Open (Non-Compliance) = 2

ECB Hearings	
Completed / Defaulted = 37	Pending = 0

ECB Number	Dept. of Buildings Violation Status	Respondent	ECB Hearing Status	Viol Date	Infraction Codes	ECB Penalty Due
<u>34324290J</u>	OPEN - NO COMPLIANCE RECORDED Severity: NON-HAZARDOUS	CITY CINEMAS	IN VIOLATION	05/22/2002	B62	\$0.00
					Viol Type: PUBLIC ASSEMBLY	
<u>34324277P</u>	OPEN - NO COMPLIANCE RECORDED Severity: NON-HAZARDOUS	210 EAST 86 ST CORP	WRITTEN OFF	05/22/2002	B62	\$0.00
					Viol Type: PUBLIC ASSEMBLY	
<u>34007433Z</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	JOHN R. PUNNETT	CURED/IN-VIO	06/13/1988	B04	\$0.00
					Viol Type: CONSTRUCTION	
<u>34028278K</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 E 86 ST CORP	IN VIOLATION	07/19/1989	B02	\$0.00
					Viol Type: CONSTRUCTION	
<u>34013221H</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: HAZARDOUS	SID SINETAR	IN VIOLATION	10/04/1988	B7A	\$0.00
					Viol Type: CONSTRUCTION	
<u>34015763L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	JOE RASADO	IN VIOLATION	10/18/1988	B04	\$0.00
					Viol Type: CONSTRUCTION	
<u>34044134L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	WINGS INC CO	STIPULATION/IN-VIO	08/14/1990	B04	\$0.00
					Viol Type: CONSTRUCTION	
<u>34165295N</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: HAZARDOUS	OWNER OF 210 E 86 ST	IN VIOLATION	06/03/1998	BH3, BJ1, B43	\$0.00
					Viol Type: CONSTRUCTION	
<u>38015327K</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	AR DE REALTY CORP NV	DISMISSED	08/21/1991	B8G	\$0.00
					Viol Type: ELEVATOR	
<u>38032382H</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86TH CORP.	CURED/IN-VIO	03/10/1993	B8G	\$0.00
					Viol Type: ELEVATOR	
<u>38032383J</u>	RESOLVED - CURE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86TH CORP.	CURED/IN-VIO	03/10/1993	B8G	\$0.00
					Viol Type: ELEVATOR	
<u>34121570Y</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	METRO DEMOLITION	IN VIOLATION	12/13/1995	B5C	\$0.00
					Viol Type: CONSTRUCTION	
<u>34165297R</u>	RESOLVED - N/A - DISMISSED	OWNER OF 210 E 86 ST	DISMISSED	06/03/1998	B45, B46	\$0.00

	Severity: HAZARDOUS			Viol Type: CONSTRUCTION		
<u>34787674J</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1	BASONAS CONSTRUCTION R 5602 Inspect Unit: SCAFFOLD SAFETY TEAM	IN VIOLATION	07/17/2009	106	\$0.00
<u>34175870J</u>	RESOLVED - N/A - DISMISSED Severity: HAZARDOUS	OWNER OF 210 E. 86 ST.	DISMISSED	06/23/1998	B45, B46	\$0.00
				Viol Type: CONSTRUCTION		
<u>34165296P</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: HAZARDOUS	OWNER OF 210 E 86 ST	IN VIOLATION	06/03/1998	B7A	\$0.00
				Viol Type: CONSTRUCTION		
<u>34165298Z</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	OWNER OF 210 E 86 ST	DEFAULT	06/03/1998	B27	\$0.00
				Viol Type: CONSTRUCTION		
<u>35159133X</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1	210 EAST 86 ST CORP C/O P Inspect Unit: ELECTRICAL DIVISION	IN VIOLATION	08/18/2015	1C9	\$0.00
				Viol Type: ELECTRICAL		
<u>34324291L</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	CITY CINEMAS	DISMISSED	05/22/2002	B62	\$0.00
				Viol Type: PUBLIC ASSEMBLY		
<u>34324292N</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	CITY CINEMAS	DISMISSED	05/22/2002	B62	\$0.00
				Viol Type: PUBLIC ASSEMBLY		
<u>34428041P</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	210 - EAST 86ST CORP Inspect Unit: MANHATTAN CONSTRUCTION	DISMISSED	02/09/2004	B66	\$0.00
				Viol Type: PUBLIC ASSEMBLY		
<u>34428042R</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	210 - EAST 86 ST CORP Inspect Unit: MANHATTAN CONSTRUCTION	DISMISSED	02/23/2004	B02	\$0.00
				Viol Type: CONSTRUCTION		
<u>34431411K</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	210EAST 86 ST Inspect Unit: MANHATTAN CONSTRUCTION	DISMISSED	02/27/2004	B02	\$0.00
				Viol Type: CONSTRUCTION		
<u>34431412M</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	210 EAST 86 ST Inspect Unit: MANHATTAN CONSTRUCTION	DISMISSED	02/27/2004	B25	\$0.00
				Viol Type: CONSTRUCTION		
<u>38107403L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86 ST CORP	IN VIOLATION	08/16/2000	BP7	\$0.00
				Viol Type: ELEVATOR		
<u>34089180L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86 CORP.	DEFAULT	03/10/1993	B03	\$0.00
				Viol Type: CONSTRUCTION		
<u>34165294L</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	OWNER OF 210 E 86 ST	DEFAULT	06/03/1998	B5C	\$0.00
				Viol Type: CONSTRUCTION		
<u>38137503X</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 E 86 CORP Inspect Unit: ELEVATOR DIVISION	IN VIOLATION	04/15/2003	BP7	\$0.00
				Viol Type: ELEVATOR		
<u>38147669P</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	PEARLLBINDER REALTY CO Inspect Unit: ELEVATOR DIVISION	DISMISSED	06/18/2004	B8F	\$0.00
				Viol Type: ELEVATOR		
<u>34428039X</u>	RESOLVED - N/A - DISMISSED Severity: NON-HAZARDOUS	210 EAST 86ST TH CORP Inspect Unit: MANHATTAN CONSTRUCTION	DISMISSED	02/09/2004	B66	\$0.00
				Viol Type: PUBLIC ASSEMBLY		

<u>34132421Y</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86 ST CORP	WRITTEN OFF	11/29/1995	B03	\$0.00	Viol Type: CONSTRUCTION
<u>34435536M</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 E 86 ST C/O PERBINDER	WRITTEN OFF	05/26/2004	B05	\$0.00	Viol Type: CONSTRUCTION
<u>38003548X</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	AR DE REALTY CORP	WRITTEN OFF	03/05/1991	B8G	\$0.00	Viol Type: ELEVATOR
<u>38107407Z</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: NON-HAZARDOUS	210 EAST 86 ST CORP	WRITTEN OFF	08/16/2000	BP7	\$0.00	Viol Type: ELEVATOR
<u>36000181M</u>	RESOLVED - CERTIFICATE ACCEPTED Severity: CLASS - 1	210 EAST 86ST CORP	IN VIOLATION	09/25/2008	135	\$0.00	Inspect Unit: LOCAL LAW 16
<u>36012376K</u>	RESOLVED - CURE ACCEPTED Severity: CLASS - 2	210 E 86 ST CORP C/O PERL	CURED/IN-VIO	01/27/2010	242	\$0.00	Viol Type: CONSTRUCTION
<u>37000150X</u>	RESOLVED - CURE ACCEPTED Severity: CLASS - 2	210 EAST 86 ST CORP	CURED/IN-VIO	09/21/2015	206	\$0.00	Viol Type: CONSTRUCTION

Compliance Status (Open/Resolved) relates to whether a violation has been corrected/uncorrected. Dismissed violations do not require filing a Certificate of Correction.

ECB Hearing Status and the ECB Penalty Due are separate from Compliance Status (i.e. a penalty is still due in many cases even when the violating condition has been fixed).

Severity Class Class 1 - Immediately Hazardous Class 2 - Major Class 3 - Lesser	HAZ - Hazardous - 1968 Building Code NON-HAZ - Non-hazardous - 1968 Building Code
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Violation Status Descriptions OPEN - No Compliance Recorded OPEN - Certificate Pending (Certificate of Correction submitted and under review) OPEN - Certificate Disapproved (Certificate of Correction disapproved/not in compliance) RESOLVED - N/A-Dismissed (at ECB - no Certificate of Correction required) RESOLVED - Certificate Accepted (Certification of Correction Accepted/in compliance) RESOLVED - Cure Accepted (early correction accepted - in violation/no penalty or hearing) RESOLVED - Compliance Insp/Doc (condition verified by Inspector or by Dept. documentation)	ECB Hearing Status CURED/IN-VIO - In Violation/no hearing required STIPULATION/IN-VIO - No hearing required/in violation IN VIOLATION - Hearing decision completed DISMISSED - Hearing decision completed DEFAULT - Respondent failed to appear at hearing PUBLICLY-OWNED - No hearing required PENDING - Awaiting ECB hearing or decision ADMIT/IN-VIO - In Violation/no hearing required WRITTEN OFF - Imposed penalty legally uncollectable
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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.:	67-96-BZ	
Street Address:	210 EAST 86TH STREET	
	NEW YORK, NY 10028	
Block:	1531	Lot(s): 40
Borough:	MANHATTAN	

CERTIFICATION OF INSPECTION & COMPLIANCE
EDWARD LAURIA, P.E.

_____ hereby states that I personally inspected the
(Applicant, Agent, Registered Architect or Registered Engineer)

premises and surrounding area on JULY 14TH, 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.

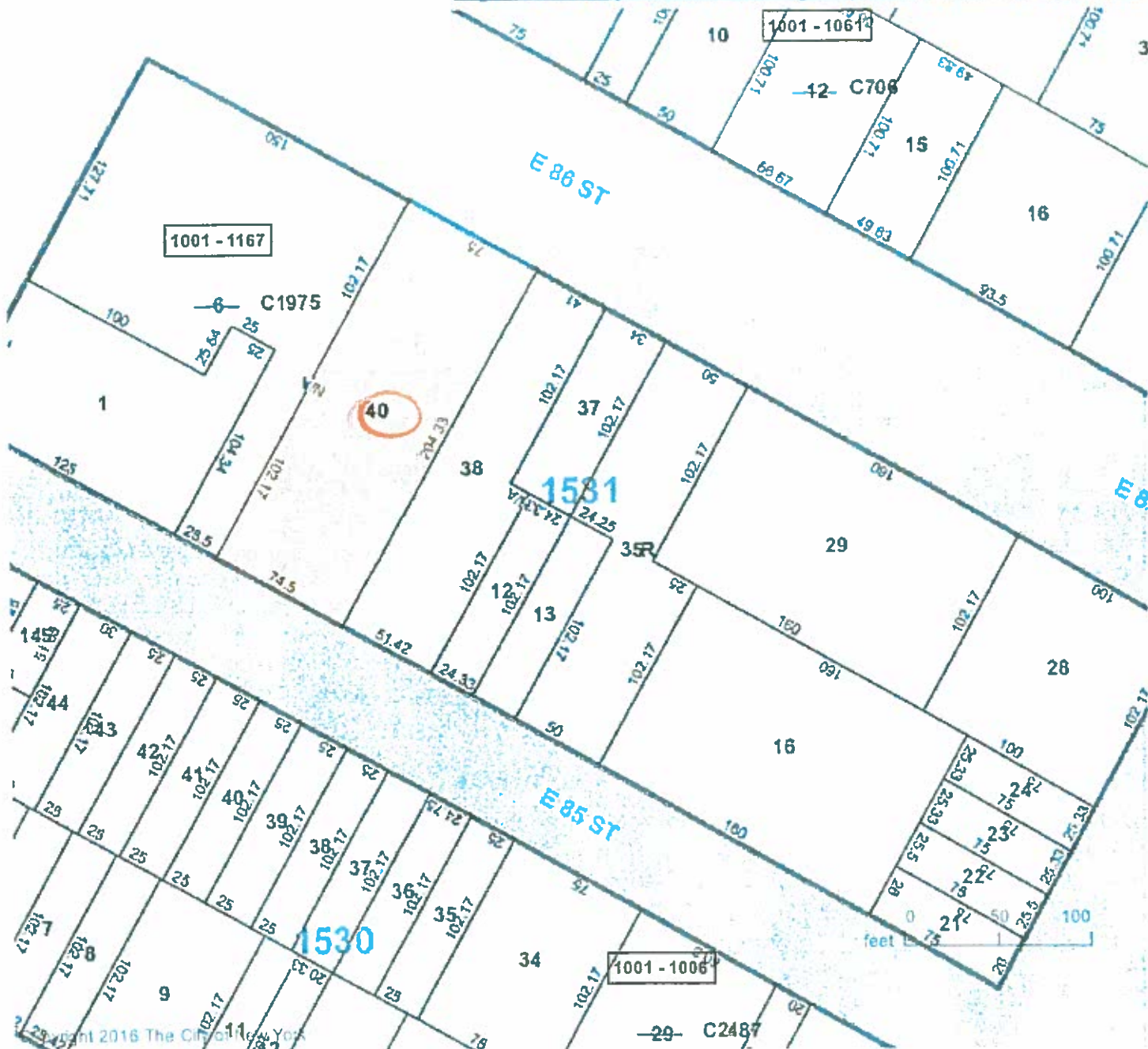
The following deviation(s) from the currently effective BSA-approved plans and/or resolution exist on the site:

Area(s) of non-compliance	Date(s) to achieve compliance.

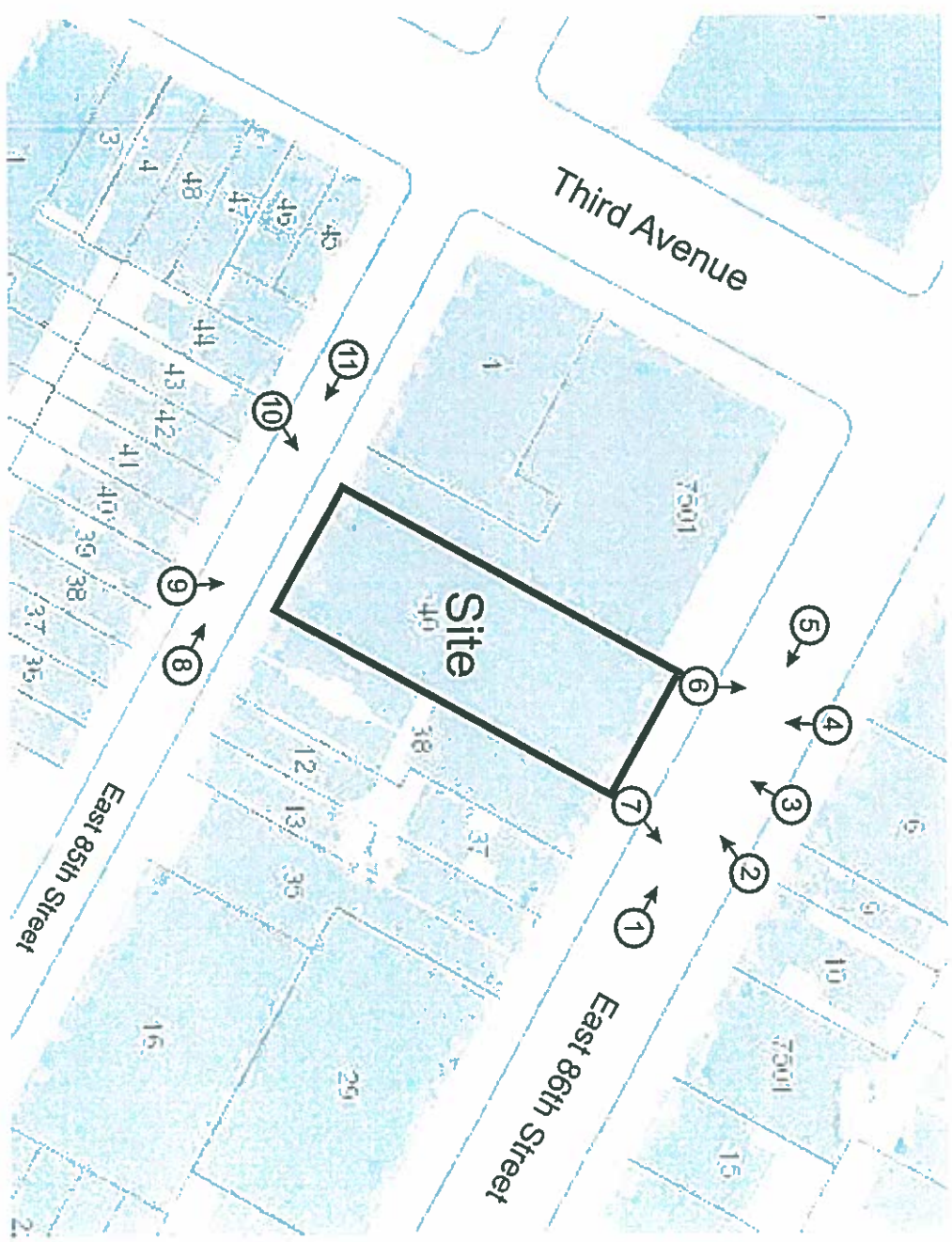


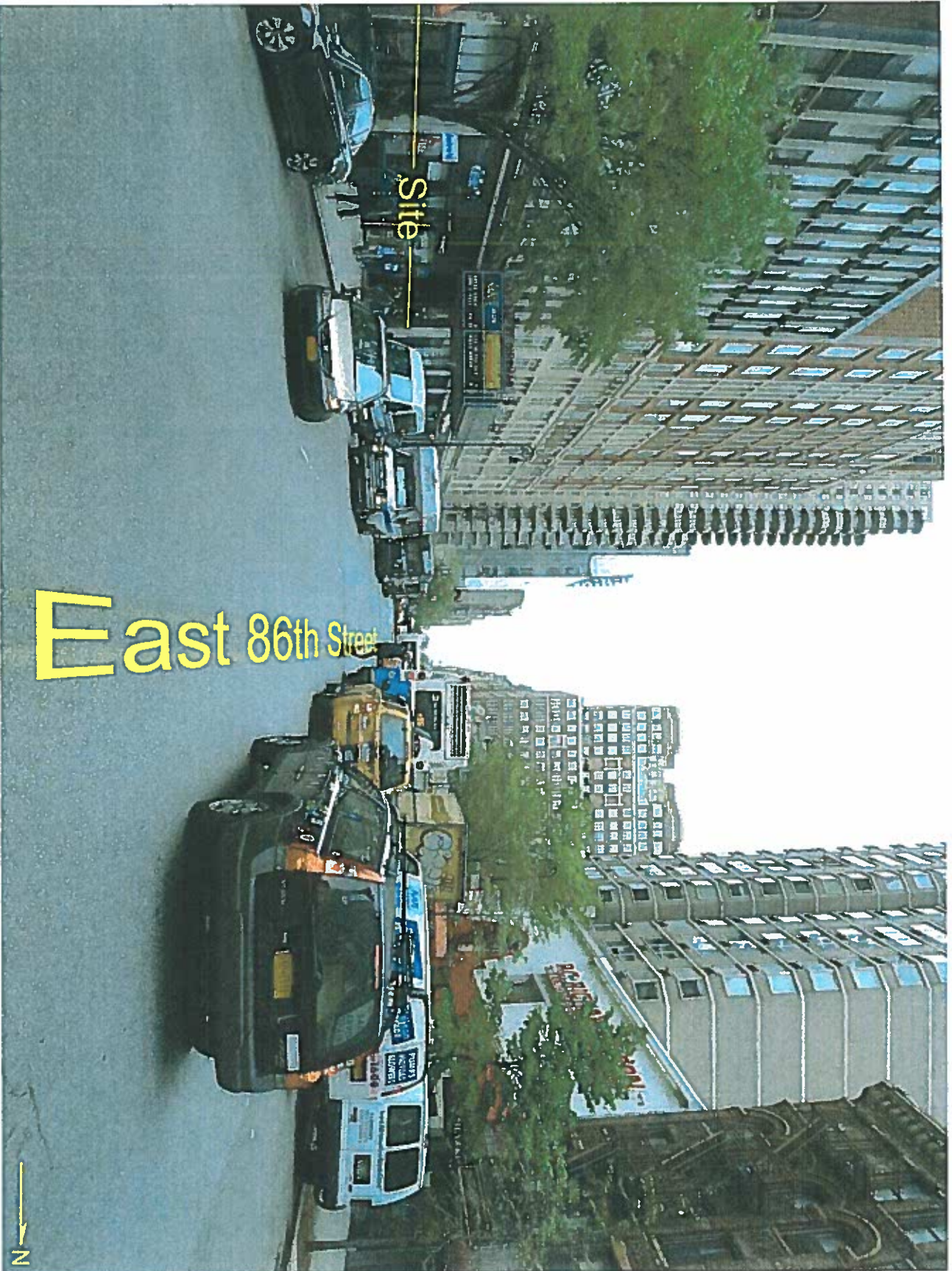
 Applicant/Agent Signature
(Registered Architect/Engineer Seal as Appropriate)





- Borough Boundary
- Tax Block Boundary
- 50** Tax Block Number
- Tax Lot Boundary
- 50** Tax Lot Number
- Condo FKA Tax Lot Number
- Tax Lot Dimension
- Approximate Tax Lot Dimension
- Condo Units Range Label
- Building Footprint
- C50** Condo Flag/Condo Number
- A50** Air Right Flag/Lot Number
- S50** Subterranean Right Flag/Lot Number
- R** REUC Flag
- Under Water Tax Lot Boundary
- Other Boundary
- Possession Hook
- Misc** Miscellaneous Text
- Small Tax Lot Dimension
- Surface Water

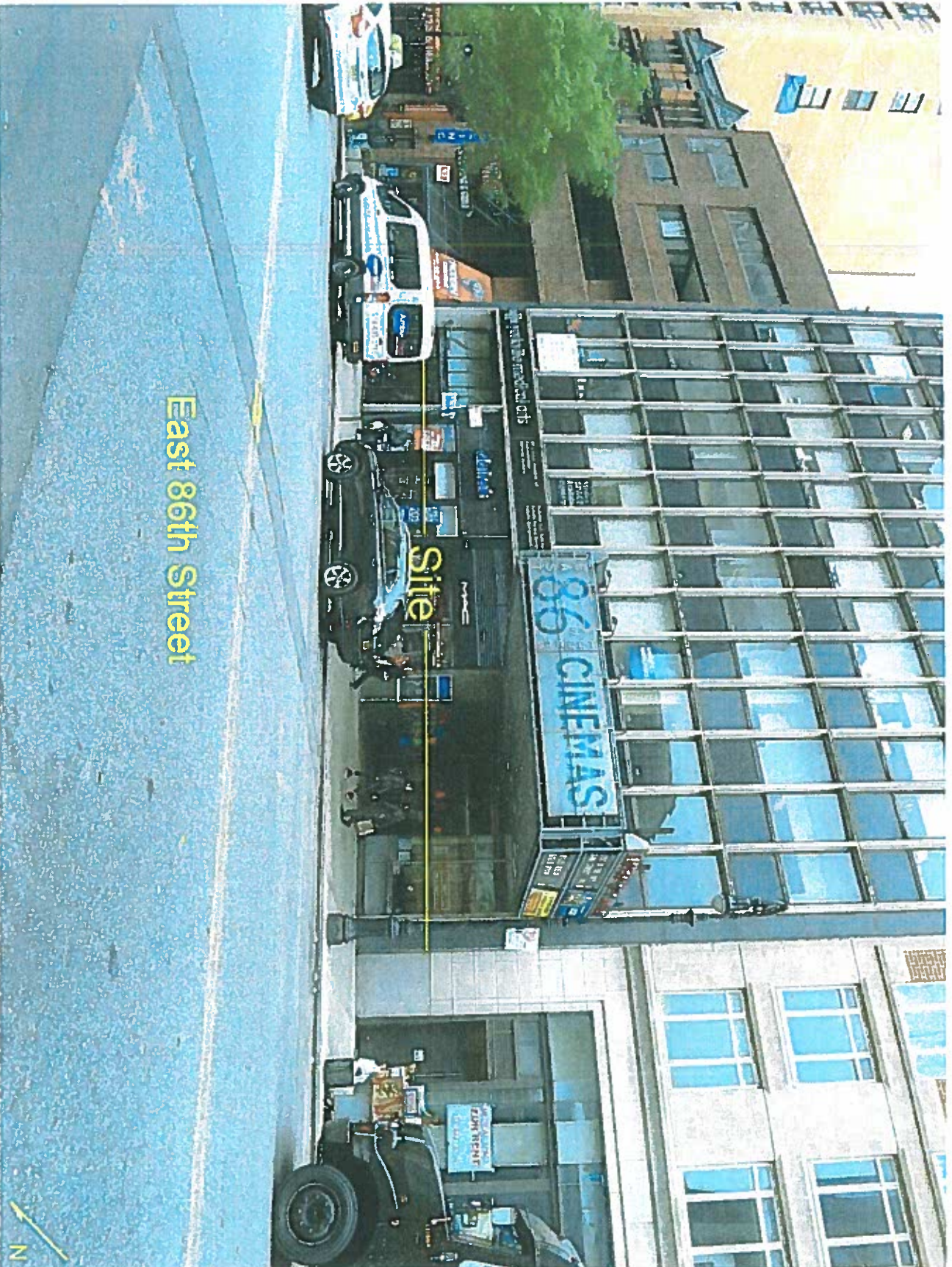






East 86th Street



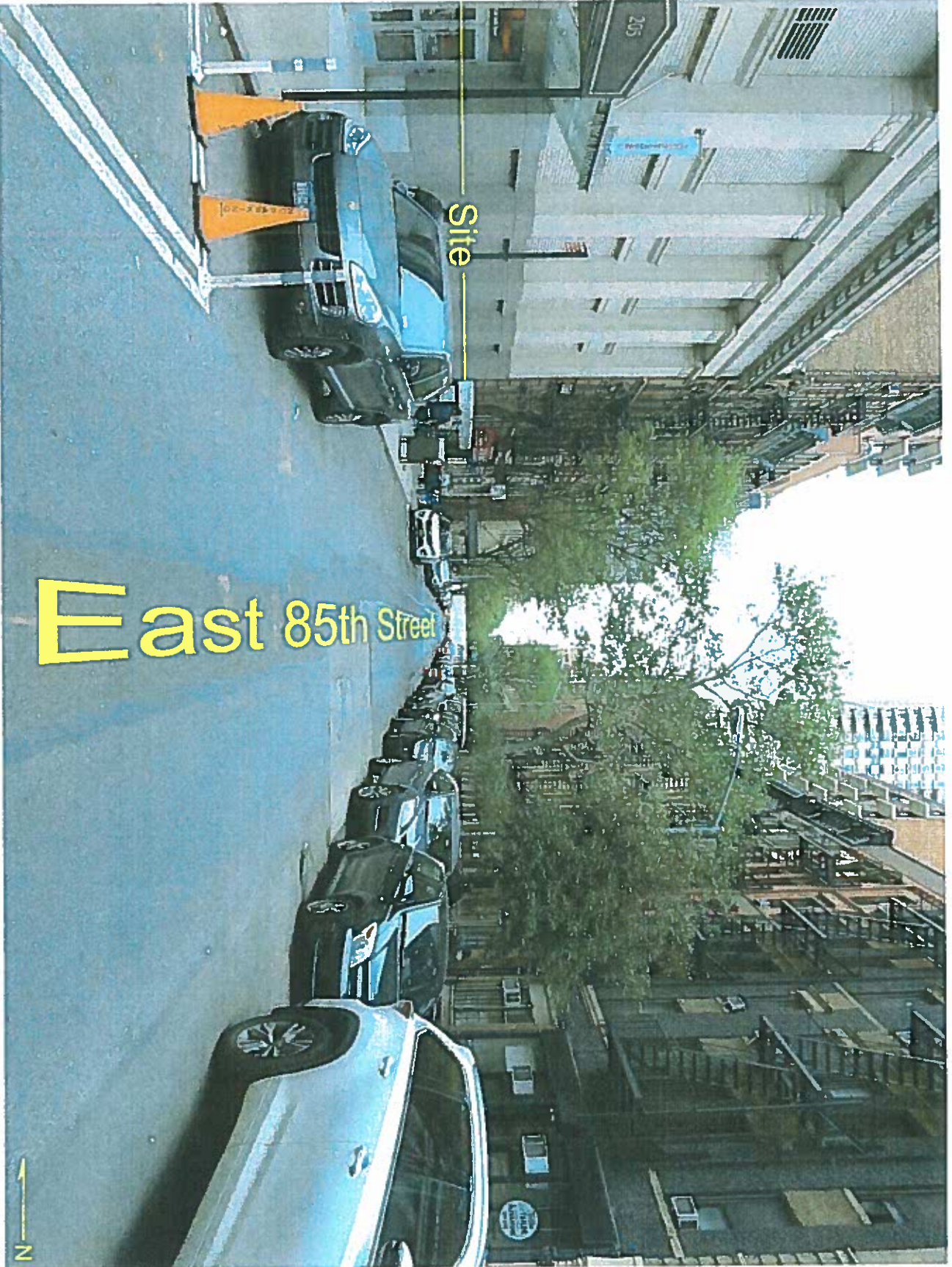


East 86th Street



East 86th Street





MINUTES

contrary to Section 52-22 Zoning Resolution.

3. Enlargement of existing non-conforming theater (Use Group 8) in an R8B zoning district is contrary to Section 52-40 Zoning Resolution.

4. There are no bulk regulations in the Zoning Resolution for the proposed new commercial uses in an R8B zoning district, and

WHEREAS, Community Board No. 8, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 13, 1996, after due notice by publication in the Bulletin laid over to December 17, 1996 on which date the hearing was closed and a decision rendered; 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 Robert E. Flahive, P.E., and Commissioner Rosemary F. Palladino; and

WHEREAS, this is an application under Z.R. 72-21 to permit, in a C2-8A and R8B zoning district, the proposed enlargement of the theater section of an existing building which has a seven-story office building fronting on East 86th Street and a one-story theater section with two motion picture theater auditoriums extending through to East 85th Street; and

WHEREAS, the enlargement will entail the construction of an intermediate level within the existing theater and the raising of the roof of the building to a height just below the East 85th Street parapet wall, to create two additional motion picture theater auditoriums, for a total of four; this enlargement does not conform to the district use regulations, or comply with the regulations linking structural alterations to buildings substantially occupied by non-conforming uses and enlargements of existing non-conforming uses, and is therefore contrary to Z.R., §§ 22-10, 52-22 and 52-40, respectively, and requires a variance; and

WHEREAS, the zoning lot consists of a slightly irregular though lot running from East 85th Street to East 86th Street, with a depth of approximately 204'4", and frontages of 75' on the south side of East 86th Street and 74'6" on the north side of East 85th Street, which is located partially in an R2-8A and partially in an R8B zoning district; and

WHEREAS, the zoning lot is improved with a seven-story office and theater building, including a seven-story office section, with lobby, theater entrance and retail stores on East 86th Street and a one-story theater section containing two motion picture theater auditoriums with a total of 596 seats extending to East 85th Street; in addition, there is a restaurant/cabaret space in the cellar, which is currently vacant; and

WHEREAS, the theater auditorium section of the building was originally constructed in 1917 as a music conservatory, and was first converted to theater use in 1930, altered again in 1966 and converted to a motion picture configuration in 1987; the office section of the building was built in 1966, at which time the office and theaters were joined with a theater lobby on East 86th Street through to the theater on East 85th Street; and

WHEREAS, the evidence in the record, including the history of development of the site as a "specialty" building containing a combination of retail and commercial office space, and nearly 600 motion picture theater seats in a configuration which is obsolete by today's multi-theater standards, and, the fact that this lot is split between two zoning districts, one of which allows theater uses and one of which does not, creates practical difficulties and unnecessary hardship in now developing the lot with an entirely conforming use or continuing the present use in its present configuration; and

WHEREAS, the evidence in the record, including the history of development of the site as a "specialty" building containing a combination of retail and commercial office space, and nearly 600 motion picture theater seats in a configuration which is obsolete by today's multi-theater standards, and, the fact that this lot is split between two zoning districts, one of which allows theater uses and one of which does not, creates practical difficulties and unnecessary hardship in now developing the lot with an entirely conforming use or continuing the present use in its present configuration; and

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7495-BZ

APPLICANT - Larry A. Blakney, for Sereno Olivieri, owner; Happy Brothers Auto Dealer, Incorporated, lessee.

SUBJECT - Application May 19, 1995 - under Z.R. §72-21, to permit in an R-6 district the legalization of an existing automobile retail establishments (Use Group 16) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-25 Roosevelt Avenue, southeast corner of 102nd Street, Block 1770, Lot 59, Corona, Borough of Queens.

COMMUNITY BOARD #30

APPEARANCES -

For Applicant: James Schukle.

For Opposition: John Yacono, Fire Department

ACTION OF THE BOARD - Application withdrawn without prejudice.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino and Commissioner Joseph.

Negative:0

Adopted by the Board of Standards and Appeals, December 17, 1996.

67-96-BZ

APPLICANT - Roseman and Collin, for 210 East 86th Street Corporation, owner.

SUBJECT - Application April 29, 1996 - under Z.R. §72-21, to permit in a C2-8A and R8B zoning district, the proposed enlargement of the theater section of an existing building which has a seven-story office building fronting on East 86th Street and a one-story theater section with two motion picture theater auditoriums extending through to East 85th Street, by the construction of an intermediate level within the existing theater and the raising of the roof of the existing theater to a level just beneath the East 85th Street parapet wall, to create two additional motion picture theater auditoriums, for a total of four, which does not conform to the district use regulations, or comply with the regulations linking structural alterations to buildings substantially occupied by non-conforming uses and enlargements of existing non-conforming uses, and is therefore contrary to Z.R., §§ 22-10, 52-22 and 52-40, respectively, and requires a variance.

PREMISES AFFECTED - 210/14 East 86th Street, south side, 150' east of Third Avenue, 209/13 East 85th Street, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Howard A. Zipser.

For Opposition: John Yacono, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino and Commissioner Joseph.

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Flahive, Commissioner Palladino and Commissioner Joseph.

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 22, 1996 acting on Air Applic. #101255149 reads:

1. The proposed new theaters are not allowed as-of-right in an R8B zoning district per Section 22-10 Zoning Resolution.

2. The proposed structural alterations to a building substantially occupied by non-conforming uses are

MINUTES

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. §72-23.

Adopted by the Board of Standards and Appeals, December 17, 1996.

134-96-BZ

APPLICANT - Howard B. Horstein, Esq., for Hefac Realty L.L.C., owner.

SUBJECT - Application May 30, 1996 - under Z.R. §72-21 to permit the proposed (early-eight four story, four family dwellings, and one synagogue community facility) (Use Groups 2 and 4) located in an M1-2 zoning district, is contrary to Z.R. §41-00.

PREMISES AFFECTED - 263 Lee Avenue, block bounded by Lee Avenue, Lorimer Street, Marcy Avenue, Wallon Street and Wallabout Street, Block 2244, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD FBK

APPEARANCES -

For Applicant: Howard Horstein.

For Opposition: John Yacovone, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

Affirmative: Chairman Chin, Vice-Chair Flahive and Commissioner Joseph.....3

Negative: Commissioner Palladino.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioners, dated May 22, 1996, acting on N.B. Applc. No. 300494971 reads:

"The following objection is to cover all twenty nine (29) New Buildings Applications filed under Block 2244, Lot 1.

Residential and Community Facility uses (Use Group 2 & 4) not permitted in M1-2 Zone as per Zoning Resolution 41-00.

There are no applicable bulk, yard or parking regulations. Refer to Board of Standards and Appeals; and

WHEREAS, Community Board No. 1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on November 13, 1996, after due notice by publication in the Bulletin, laid over to December 10, 1996 and then to December 17, 1996 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 Robert E. Flahive, P.E., and Commissioner Rosemary F. Palladino, J.D.; and

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-2 zoning district, the proposed new construction of a twenty-eight, four-story, attached and semi-attached four-family dwellings with cellars (use group 2), and one synagogue community facility (use group 4), which is contrary to Z.R. §41-00, and, therefore, requires a variance; and

WHEREAS, the subject site is an irregularly shaped lot cut at an acute angle by a street at variance with the uniform street grid which was previously developed with a conforming five-story, which was abandoned and thereafter destroyed by a fire; and

WHEREAS, as a result of the nature of the prior use, the premises was the site of an environmental clean-up performed at substantial cost by the U.S. Environmental Protection Agency, which cost, the applicant contends, will be borne by the owner/developer; and

WHEREAS, the applicant contends that buried on the site are existing foundations, walls and columns from the buildings which formerly occupied the site which must be removed at significant cost prior to developing the site; and

WHEREAS, the history of development of this site, resulting in the significant costs associated with the environmental clean-up and removal of the existing subsurface structures on the site, its

houses; and

WHEREAS, the theater auditoriums are located on the East 85° Street side of the building in the portion of the lot in the R8B zoning district, and the top of the enlargement in the theater auditoriums would fall one-foot below the level of the existing East 85° Street parapet wall, the top of which is at a level of 47'1", more than 10' below the maximum base height permitted in an R8B zoning district; and

WHEREAS, the present entrance to the theaters would remain in its current location and the facades on both East 86° Street and East 85° Street would remain substantially the same; and

WHEREAS, the proposal complies with the provisions of Z.R. § 32-17 which provides that an internal waiting area of four square feet of internal waiting space be provided for each new theater seat, which will minimize street queuing and mitigate any potential adverse pedestrian impacts; and

WHEREAS, therefore, the Board finds that the proposed structural alterations and enlargement of the subject motion picture theater facility will not alter the essential character of the neighborhood nor impact the appropriate use or development of the adjacent properties; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has taken a "hard look" at all relevant areas of environmental concern;

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, this Resolution that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variance in the application of the Zoning Resolution, limited to the objections cited, to permit in a C2-8A and R8B zoning district, the proposed enlargement of the theater section of an existing building which has a second-story office building fronting on East 86° Street and a one-story theater section with two motion picture theater auditoriums extending through East 85° Street, by the construction of an immediate level within the existing theater and the raising of the roof of the existing theater to a level just beneath the East 85° Street parapet wall, to create two additional motion picture theater auditoriums, for a total of four, which does not conform to the structural alterations to buildings substantially occupied by non-conforming uses and enlargements of existing non-conforming uses, and is therefore contrary to Z.R. §§ 22-10, 52-22 and 52-40, respectively, and requires a variance on condition that all work shall substantially conform to drawings as they apply to the objections above noted; filed with this application marked "Received April 29, 1996"-(9) sheets, "August 28, 1996"-(1) sheet and "December 10, 1996"-(3) sheets; and on further condition:

THAT all work shall be scored indoors in accordance with BSA approved plans until time of pick-up;

THAT the terms of the variance shall be limited to twenty (20) days to expire on December 17, 2016;

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

356-02-BZ

CEQR#03-BSA-096M

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadmauer Bailkin, LLP, owner.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2002 acting on Application No. 103305576 reads:

1. This building has been enlarged as per BSA approval under Cal. 67-96-BZ. New enlargement requires Board of Standards and Appeals review.

2. A portion of the rear yard equivalent of 20 feet is required in a part of the lot located in C2-8A District according to ZR 33-283. Proposed enlargement of the building at eighth and ninth floors with no rear yard is contrary to ZR 33-283 and increases degree of non-compliance contrary to ZR 54-31"; and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record, and laid over March 25, 2003 and then to April 29 for decision; and

WHEREAS, consequently, the applicant requested an expedited decision date of April 15, 2003 which the opposition consented to; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance pursuant to Z.R. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A Zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ; and

WHEREAS, the subject property is a through lot along east 86th Street between Second and Third Avenues with a width of 75' along East 86th Street, a width of 74'6" along East 85th Street, with a lot depth of 204'4"; and

WHEREAS, under Calendar Number 67-96-BZ, the Board permitted an enlargement of the non-conforming theater section which the applicant represents already existed on the R8B portion of the site, and the applicant notes that although on the same zoning lot, the instant application seeks to enlarge the 7-story office portion of the building located entirely within the C2-8A district; and

WHEREAS, the proposal enlarges the existing office building by adding two floors of community facility space with each floor containing 6,513 square feet; and

WHEREAS, the Board notes that while the zoning lot is currently underbuilt by 37,213 square feet in floor area, the applicant is only proposing to add 13,025 square feet; and

WHEREAS, pursuant to Z.R. §33-283, the development must provide a 40' rear yard equivalent located within 5 feet of the mid lot, requiring a setback from the existing rear wall of the office building by 15 feet; and

WHEREAS, the record indicates that the building's location, the need to buttress the building's columns and the need to brace for the additional floors, the requirement of the rear setback creates a practical difficulty; and

WHEREAS, the applicant represents that a Use Group 4 hospital-related medical office would be permitted and would be compatible with an office building, the existing office building is built full to the site's midpoint, which is the district boundary, occupying what would normally be the required rear yard; and

WHEREAS, the 7th floor has a 15' front wall setback and if additional floors are added which provide a rear setback, the resulting floor plate will be approximately 70' in depth; and

WHEREAS, the Board agrees with the applicant's contention that the aforementioned floor plate is relatively small, inefficient, and would require a taller and more expensive building; and

WHEREAS, moreover, the record indicates that mechanical systems such as the plumbing risers, water tank and cooling tower exist in the rear yard portion of the building and that forcing the community facility to comply with current regulations would create a costly transfer of these systems leading to an unnecessary hardship; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a small floor plate, the need to buttress the building's columns and the need to brace for the additional floors present practical difficulties and create an undue hardship with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the proposal only seeks to extend the building by a height of 23' and the applicant represents that the absence of a rear setback at an elevation of 92' will not impact the subject

lot and that the properties abutting the site to the east and west have no residential units at the 92' level; and;

WHEREAS, therefore, the Board finds that the instant applications will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 9, 2002"-(4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all 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, April 15, 2003.

A true copy of resolution adopted by the Board of Standards and Appeals, April 15, 2003

Printed in Bulletin No. 17, Vol. 84.

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

