



July 28, 2017

VIA FEDERAL EXPRESS

James G. Clynes, Chair
Manhattan Community District 8
505 Park Avenue, Suite 620
New York, NY 10022

RECEIVED

JUL 31 2017

BY COMMUNITY BOARD 8

Re: 203 East 74th Street, Manhattan (Block 1429, Lot 103)
BSA Special Order Calendar Application, 103-70-BZ, 104-70-A

Dear Chair Clynes:

In accordance with Section 1-07.4 of the Rules of Practice and Procedure of the New York City Board of Standards and Appeals ("BSA"), enclosed please find a copy of newly-filed application materials, in connection with the above-referenced Application, to amend a previously-granted approval.

Please do not hesitate to contact me (212) 592-1428 if you have any questions.

Sincerely,

Arthur C. Huh
Planning & Development Specialist

cc: Mitchell A. Korbey, Esq.
203 E 74 LLC, Applicant
Manhattan Community Board 8
Manhattan Borough President
City Council Member Daniel R. Garodnick
City Planning Commission

Enclosures

RECEIVED

JUL 3 1 2017

BY COMMUNITY BOARD SPECIAL ORDER CALENDAR (SOC) Application Form



Board of Standards and Appeals

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6270 - Fax
www.nyc.gov/bsa

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STANDARDS AND APPEALS
2017 JUL 24 A 4:44

BSA APPLICATION NO. 103-70-BZ

Section A

Applicant/ Owner

Form with fields for Applicant/Owner and Owner of Record, including name, address, city, state, zip, and telephone.

Section B

Site Data

Form with fields for Site Data, including street address, block, lot, borough, and zoning district.

Section C

Description

Form with a checkbox for legalization and a text field for description: Request for approval of transfer of unused development rights...

Section D

Actions

Form with a heading 'APPLICATION IS HEREBY MADE TO:' and a list of actions including Waive of the Rules of Practice and Procedure, Extension of Time, Amendment to Previous Board Approval, Extension of Term of the, and Other.



Arthur C. Huh
Planning & Development Specialist
Phone: 212.592.1428
Fax: 212.545.2315
ahuh@herrick.com

July 24, 2017

BY HAND

Hon. Margery Perlmutter, Chair,
Hon. Shampa Chanda, Vice-Chair, and
Commissioners of the Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

RECEIVED

JUL 31 2017

BY COMMUNITY BOARD 8

Re: Amendment to 103-70-BZ and 104-70-A;
203 East 74th Street, Manhattan
Block 1429, Lot 103

Dear Chair Perlmutter and Commissioners:

I. Proposed Action

This application is brought on behalf of 203 East 74 LLC, (the "Applicant"), the owner of 203 East 74th Street (Block 1429, Lot 103 - the "Property") to permit the transfer of the unused development rights from the Property to an adjacent development site, located at 1297 and 1299 Third Avenue (Block 1429, Lots 3 and 4 - the "Development Site"), owned by Premier Third Avenue DE LLC. The transfer of development rights will be in accordance with the New York Court of Appeals decision in *Bella Vista v. Bennett*, 89 N.Y.2d 465 (1997) ("*Bella Vista*"), as well as previous BSA decisions where the board permitted the unused transfer of development rights from a property subject to a variance, including 1092-79-BZ, 1151-81-BZ, 960-67-BZ and 116-68-BZ. After approval of this application, the Property and the Development Site will be merged into a single zoning lot, for the purposes of transferring unused development rights for incorporation into a new building to be constructed on the Development Site.¹

II. The Property

The Property is located on the north side of East 74th Street between Third and Second Avenues. The Property is a regularly shaped parcel with 39 feet of frontage on East 74th Street, a depth of 62.17 feet, and a lot area of approximately 2,425 square feet. It is located partially in a C1-9 zoning district (approximately 1,803 square feet) and partially within a R8B zoning district (approximately 622 square feet).

The Property is occupied by a 7-story residential building with two mezzanines that was constructed pursuant to a variance that was issued by the Board in 1970, calendar no. 103-70-BZ (the "Variance") and then amended in 1971, calendar no. 104-70-A (the "Amended Variance"). The building's final Certificate of Occupancy was issued on August 30, 1974, for a 7-story residential building with two mezzanines (attached hereto as Exhibit A). At the time that the Variance and

¹ In addition to Lots 3, 4 and 103, the Development Site's zoning lot is also projected to include 1291 Third Avenue (Lot 1), 1293 Third Avenue (Lot 2), and 204 East 75th Street (Lot 44), all of which are also owned by Premier Third Avenue DE LLC.



July 24, 2017

Page 3

Additionally, in support of these conclusions, an analysis has been prepared of all potential receiving sites for the Property's unused development rights. This analysis, detailed below, demonstrates that at the time of the Variance, there were no potential receiving sites for the Property's unused development rights.

V. Potential Receiving Site Analysis

Prior to 1977, development rights transfers were relatively rare, as they were permitted between properties under separate ownership only pursuant to a long-term lease (with a term of at least 50 to 75 years). This method posed a number of uncertainties and potential issues, including the expiration of the lease term, the lack of clearly defined parties in interest, and the fact that some transfers were not recorded. These uncertainties limited the number of development rights transfers between unrelated parties. In 1977, the definition of "zoning lot" in Section 12-10 of the ZR was amended to permit a zoning lot merger among properties under separate ownership, and the sale of development rights became more common. Since the Variance and the Amended Variance were granted in 1970 and 1971, it is most likely that the transfer of development rights from the Property were not taken into consideration, given the difficulties inherent in the long term lease approach.

Additionally, in 1970/1971, the Property was not adjacent to any potential receiving site. The Property is contiguous to four other parcels, which are the only feasible receiving sites for transferred development rights, as described below and as shown on the plan attached hereto as Exhibit E:

- a. 207 East 74th Street (Block 1429, Lot 5)
Lot 5 is located directly to the east of the Property and is occupied by a 13-story residential multi-family building that was constructed in 1961-1963. DOB records and the building's initial CO (attached hereto as Exhibit F) indicate that the new building permit was issued in 1961, prior to the adoption of the 1961 Zoning Resolution. At the time of the building's completion and when the Amended Variance was issued, Lot 5 was located primarily in a R8 district, with a small portion (approximately 1,532 square feet and 15 feet in width) located in the C1-9 district. The building contains approximately 147,000 square feet and, at an FAR of approximately 8.2, was non-complying in terms of floor area at the time of the Variance and Amended Variance of 203 East 74th St (and is currently overbuilt). Due to its location in a separate zoning district and its non-complying status, it could not have been a potential purchaser of the Property's unused development rights in 1970/1971.
- b. 1291 Third Avenue (a/k/a 201 East 74th Street) (Block 1429, Lot 1)
Lot 1 is located directly to the west of the Property and is occupied by a 5-story residential building with ground floor retail that was constructed in approximately 1913. DOB records, the building's two available CO's (attached hereto as Exhibit G), and New York State Homes and Community Renewal (DHCR) records indicate that the building contains Class B single room occupancy units and is subject to rent stabilization. In addition, Lot 1 has an area of approximately 1,574 square feet and a width of only 22.17 feet. Due to its small and narrow size, which would limit any

July 24, 2017

Page 5

VI. DOB Violations

As shown on the records printed from the DOB's Buildings Information System submitted with this application, there are no open or active violations against the Property.

VII. Consistency with *Bella Vista*

The proposed transfer of development rights from the Property is consistent with the New York Court of Appeals decision in *Bella Vista*, where the Court of Appeals upheld a decision by the DOB to refuse to issue a permit for a new building that proposed to utilize development rights from a property that was subject to a BSA variance, until the Board approved the transfer. In the decision, the Court of Appeals set the standard for future Board determinations on such cases, requiring the Board to review any proposed transfer. In doing so, the Court of Appeals determined that the Board may examine whether the development rights had value that should have been considered at the time of the original variance, and whether there was an opportunity to transfer the rights and capture such value at the time of the original variance. In this review, the Board may consider whether the variance parcel was owned commonly or separately from adjacent potential receiving sites at the time of the variance, the market for development rights at the time of the variance, and the amount of time between the variance and the proposed development rights transfer.

The facts behind the Variance and the Amended Variance and the history of the Property and the adjacent parcels support the proposed transfer and its consistency with *Bella Vista*. Since the time of the Variance and the Amended Variance, the Property has been held in separate ownership from all other adjacent parcels. As discussed above, the adjacent parcels had no possibility of being redeveloped with development rights from the Property, and therefore there was no market for the Property's unused development rights at the time of the Variance. Additionally, the Variance and Amended Variance were granted in 1970 and 1971 and the proposed development rights transfer will occur 47 years after the Board's grant. During this time, there have been significant changes in the development rights transfer process, the City's economy, and the housing market. The increase in value to the development rights was unforeseeable, and does not invalidate the findings made by the Board when granting the Variance and the Amended Variance.

VIII. Conclusion

In conclusion, the facts behind the Variance and the Amended Variance, and the history of the Property and the adjacent parcels support the proposed transfer. The proposed transfer is in accordance with the standards set in *Bella Vista*, as well as past Board decisions. The fact that the development rights have value in 2017, 46 years after the variance was granted, does not invalidate the Board's original findings.

Respectfully submitted,



Arthur C. Huh

real estate consulting services

j.s.freeman associates, inc.

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New York City, NY 10038
212. 871. 0878
www.jsfreemanassociates.com

MEMORANDUM

Date : June 29, 2017

To : Jennifer Dickson

From : Jack Freeman

Re : Amendment to 103-70-BZ and 104-70-A;
203 East 74th Street, Manhattan
Block 1429, Lot 103
New York, New York

Attached please find a Draft Letter in Regarding the SOC Case for 203 East 74th Street.

have been a potential purchaser of the Property's unused development rights in 1970/1971.

- b) 1291 Third Avenue (a/k/a 201 East 74th Street) (Block 1429, Lot 1)
Lot 1 is located directly to the west of the Property and is occupied by a 5-story residential building with ground floor retail that was constructed in approximately 1913. DOB records and New York State Homes and Community Renewal (DHCR) records indicate that the building contains Class B single room occupancy units and is subject to rent stabilization. Due to its rent stabilized status, this building was unlikely to have been a development site at the time of the Variance or Amended Variance and was therefore not a likely potential purchaser of the Property's unused development rights.
- c) 1295 Third Avenue (Block 1429, Lot 2)
Lot 2 is located directly to the west of the Property and is occupied by two 5-story residential buildings with ground floor retail that were constructed in approximately 1915. DOB records and DHCR records indicate that the buildings contain Class A dwelling units and are subject to rent stabilization. Due to their rent stabilized status, these buildings were unlikely to have been a development site at the time of the Variance or Amended Variance and were therefore not a likely potential purchaser of the Property's unused development rights.
- d) 1297 Third Avenue (Block 1429, Lot 3)
Lot 3 is located directly to the north of the Property and is occupied by a 5-story residential building with ground floor retail that was constructed in approximately 1915. DOB and DHCR records indicate that the building contains Class A dwelling units and is subject to rent stabilization. Due to its rent stabilized status, this building was unlikely to have been a development site at the time of the Variance or Amended Variance and was therefore not a likely potential purchaser of the Property's unused development rights.

In summary, due to the non-complying status of Lot 5, and the rent stabilized status of Lots 1, 2 and 3, the parcels surrounding the Property were unlikely to have purchased the unused development rights from the Property at the time of the Variance or the Amended Variance

In addition, at the time the Variance was granted, market conditions and other factors affecting residential and commercial real estate development were limited. In general, the economic climate in the City in 1970, when the application was initiated, was somewhat limited, because of a general recession which continued to affect the City. By the mid-1970s the City was on the verge of financial collapse and default on its obligations. This resulted in the establishment of the Financial Control Board in 1975 to assist in resolving major economic issues and

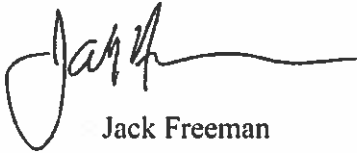
June 30, 2017
203 East 74th Street
New York, NY
Page 5

Therefore, until 1977 a mechanism did not even exist to facilitate what is now common for development right transfers. It took several years from the adoption of the amendment to the Zoning Resolution in 1977 for owners, lenders and developers to become comfortable with the zoning lot merger mechanism and to begin to be considered for new projects. The definition of Zoning Lot regarding zoning lot mergers continued to be refined to provide additional clarity at least through 1982.

As set forth above, the transfer of unused development rights now does not invalidate or call into question the financial hardship findings made by the Board when the Variance was originally granted.

Please feel free to call me if you have any further questions.

Sincerely,



Jack Freeman

Exhibit A

1974 Certificate of Occupancy

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

BEGINNING at a point on the north side of East 74th Street
distant 71 feet from the corner formed by the intersection of
Third Avenue and East 74th Street
running thence east 39 feet; thence north 62.2 feet;
thence west 39 feet; thence south 62.2 feet;
thence _____ feet; thence _____ feet;
thence _____ feet; thence _____ feet;
to the point or place of beginning.

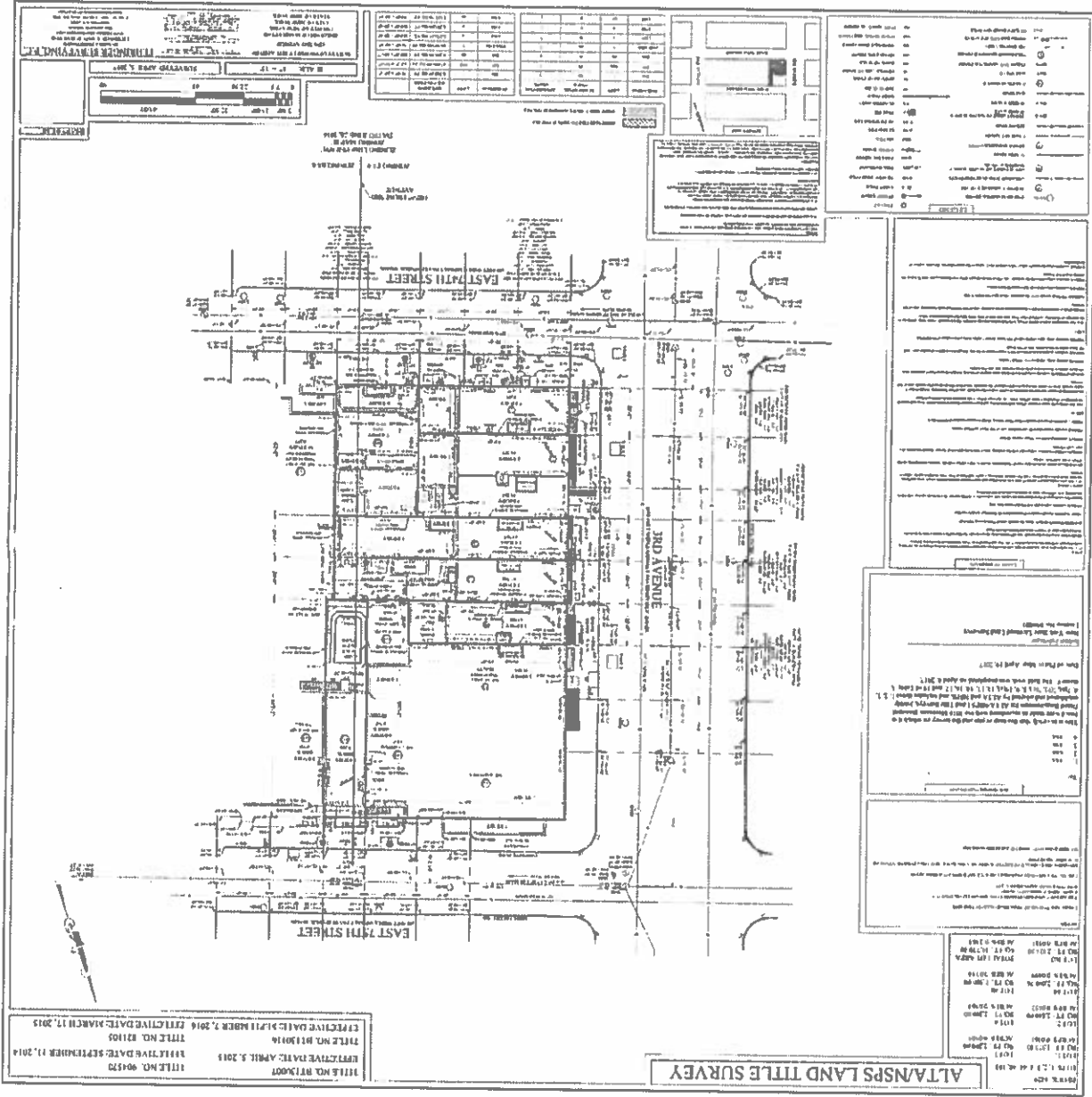
N.B. of RET. No. 181-69 DATE OF COMPLETION 6-13-74 CONSTRUCTION CLASSIFICATION 11B
BUILDING OCCUPANCY GROUP CLASSIFICATION J-2 HEIGHT 7 STORIES, 70 FEET

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

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

- STORM DRAINAGE DISCHARGES INTO:
- A) SANITARY 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. _____
CITY PLANNING COMMISSION CAL. NO. _____
OTHERS:



TITLE NO. 904570
RECTIFY DATE: APRIL 5, 2015
TITLE NO. 8113016
RECTIFY DATE: MARCH 7, 2014

Lot No.	Area (Acres)	Area (Sqr. Ft.)
1	0.05	3,460
2	0.05	3,460
3	0.05	3,460
4	0.05	3,460
5	0.05	3,460
6	0.05	3,460
7	0.05	3,460
8	0.05	3,460
9	0.05	3,460
10	0.05	3,460
11	0.05	3,460
12	0.05	3,460
13	0.05	3,460
14	0.05	3,460
15	0.05	3,460
16	0.05	3,460
17	0.05	3,460
18	0.05	3,460
19	0.05	3,460
20	0.05	3,460



LEGEND

[Symbol]	Section Boundary
[Symbol]	Lot Boundary
[Symbol]	Water
[Symbol]	Right-of-Way
[Symbol]	Utility
[Symbol]	Survey Line
[Symbol]	Corner Mark
[Symbol]	Survey Station
[Symbol]	North Arrow

TITLE NO. 8113016
RECTIFY DATE: MARCH 7, 2014
TITLE NO. 904570
RECTIFY DATE: APRIL 5, 2015

ALTA/SPS LAND TITLE SURVEY

REFERENCES

1. Title No. 8113016, Rectified March 7, 2014, covering the same or part of the same land.

2. Title No. 904570, Rectified April 5, 2015, covering the same or part of the same land.

3. Title No. 8113016, Rectified March 7, 2014, covering the same or part of the same land.

4. Title No. 904570, Rectified April 5, 2015, covering the same or part of the same land.

5. Title No. 8113016, Rectified March 7, 2014, covering the same or part of the same land.

6. Title No. 904570, Rectified April 5, 2015, covering the same or part of the same land.

7. Title No. 8113016, Rectified March 7, 2014, covering the same or part of the same land.

8. Title No. 904570, Rectified April 5, 2015, covering the same or part of the same land.

9. Title No. 8113016, Rectified March 7, 2014, covering the same or part of the same land.

10. Title No. 904570, Rectified April 5, 2015, covering the same or part of the same land.

ALTA/SPS

1	ALTA/SPS
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10	ALTA/SPS

Exhibit C

Board Resolutions

MINUTES

Section 72-21 of the Zoning Resolution, and that the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution, and that the application be and it hereby is *granted*, under Section 72-21 of the Zoning Resolution, to permit in a C1-9 district, the erection of a ten-story multiple dwelling that encroaches on the required rear yard and with windows that encroach on the minimum distance to a lot line, on condition that the work conform to drawings marked "Received February 19, 1970," one sheet, and "September 18, 1970," 9 sheets; and that all laws, rules and regulations applicable be complied with, and that substantial construction be completed within one year from the date of this resolution.

104-70-A 9/22/70

APPLICANT—Stephen B. Jacobs for 203 East 74th Street Realty Corporation, owner.

SUBJECT—Application February 19, 1970—filed pursuant to Section 310 of the Multiple Dwelling Law re- rear yard.

PREMISES AFFECTED—203 East 74th Street, north side, 71 feet west of Third Avenue, Block 1429, Lot 103, Borough of Manhattan.

APPEARANCES—

For Applicant: Stephen B. Jacobs and E. A. Barbuis.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

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

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated September 18, 1970, acting on N. B. Applic. 181/69, reads:

"A-3 Provide a 30'-0" rear yard the entire width of lot Sect. 26 Sub. 5 M. D. Law.

A-12 All windows less than 30'-0" to a lot line shall comply to table 3-4 of the A. Code."

and

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

Resolved, that the decision of the Borough Superintendent, dated September 18, 1970 acting on N. B. Applic. 181/69, Objection No. A3, be and it hereby is *modified* under the powers vested in the Board by Section 310 of the Multiple Dwelling Law, and that Objection A-12 be and it hereby is *modified* and that the Appeal be and it hereby is *granted*, on condition that the building shall substantially conform to drawings filed with Calendar Number 103-70-BZ; on further condition that the resolution adopted by the Board under Calendar Number 103-70-BZ be complied with; and that all laws, rules and regulations applicable be complied with.

Adjourned: 3:05 P.M. ✕

JAMES P. MULROY, Secretary

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 22, 1970,
2 P.M.

Present: Chairman Galvin, Vice Chairman Becker, Commissioner Klein, Commissioner Madigan and Commissioner Nolan.

80-70-A

APPLICANT—Benjamin Zlochower for Rabin and Scheinman, owners.

SUBJECT—Application February 4, 1970—Appeal from an order and a decision of the Fire Commissioner re- sprinkler system.

PREMISES AFFECTED—4026-4034 White Plains Road, northeast corner of East 227th Street, Block 4841, Lot 44, Borough of the Bronx.

APPEARANCES—

For Applicant: Benjamin Zlochower.

For Administration: Capt. J. F. Petraglia, F.D., and Lt. J. P. Manfredi, F.D.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

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

THE RESOLUTION—

WHEREAS, the decision of the Fire Commissioner, dated July 14, 1966 and January 28, 1970 on Order No. 2606-6, reads:

"1. Provide an approved automatic dry sprinkler system in the cellar, arranged and equipped as per Ch. 26-1339.2a Adm. Code.
 Ch. 19-161Da Adm. Code."

and

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

Resolved, that the order and decision of the Fire Commissioner, dated July 14, 1966 and January 28, 1970, acting on Order No. 2606-6 Objection No. 1 be and it hereby is *modified* and that the appeal be and it hereby is *granted* on condition that a non-automatic sprinkler and automatic fire alarm with central office connection be installed throughout the cellar; on further condition that the building shall conform to drawings marked "Received, February 24, 1970," three sheets; and that all other applicable laws, rules and regulations shall be complied with.

159-70-A

APPLICANT—Robert O. Lowery, Fire Commissioner.

OWNER OF PREMISES—Edgay Realty Co.

SUBJECT—Application March 24, 1970—for modification of Certificate of Occupancy re- sprinkler system.

PREMISES AFFECTED—7924 Flatlands Avenue, southwest corner of East 80th Street, Block 8016, Lot 36, Borough of Brooklyn.

APPEARANCES—

For Applicant: Capt. J. F. Petraglia, F.D., and Lt. J. P. Manfredi, F.D.

For Opposition: I. E. Minken, B.D., and Frank T. Gottilly.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

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

THE RESOLUTION—

WHEREAS, the decision of the Fire Commissioner, dated March 24, 1970, reads:

"Application is hereby respectfully made to the Board of Standards and Appeals, in accordance with the provisions of 1804.4.c.6 of the City Charter, to modify Certifi-

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MINUTES

THE VOTE—

Affirmative: Chairman Becker, Vice Chairman Klein,
Commissioner Nolan and Commissioner Agusta 4
Negative: 0
Absent: Commissioner Madigan 1

ACTION OF BOARD—Application granted in accordance with the order of the Court.

THE VOTE—

Affirmative: Chairman Becker, Vice Chairman Klein,
Commissioner Nolan and Commissioner Agusta 4
Negative: 0
Absent: Commissioner Madigan 1

THE RESOLUTION—

WHEREAS, this application was denied by the Board on July 8, 1969; and

WHEREAS, on October 12, 1971, acting on a proceeding pursuant to Article 78 of the CPLR, the Supreme Court of the State of New York, Appellate Division, Second Department, annulled the Board's determination, granted the petition and directed the Board to grant the requested variance; and

WHEREAS, this application was reopened, restored to the Docket and set on the Calendar of this day, March 28, 1972, for action by the Board in compliance with the order of the Court; and

WHEREAS, the decision of the Borough Superintendent, dated February 6, 1969, acting on N.B. Applic. 154/1969, reads:

"1. Proposed construction of an automotive service station, Use Group 13B, on a lot located partly within a CB-1 zone and partly within an R5 zone is contrary to Section 32-22 of the Zoning Resolution."

Resolved, that the Board of Standards and Appeals does hereby grant this application under Section 72-21 of the Zoning Resolution, permitting in a CB-1 and R5 district the erection and maintenance of an automotive service station, substantially as shown on drawings marked "Received February 26, 1969," three sheets, and "Received June 3, 1969," two sheets, on condition that all laws, rules and regulations applicable be complied with; and that substantial construction be completed within one year from the date of this resolution.

103-70-BZ 3/28/72

APPLICANT—Stephen B. Jacobs for 203-205 East 74th Street Corporation, owner.

SUBJECT—Application for consideration—reopening for amendment of resolution—decision of the Borough Superintendent; previously granted on condition under Section 72-21 of the Zoning Resolution permitting in a C1-9 district, the erection of a ten story mixed building that encroaches on the required rear yard with windows that encroach on the minimum distance to a lot line.

PREMISES AFFECTED—203 East 74th Street, north side, 71 feet west of Third Avenue, Block 1429, Lot 103, Borough of Manhattan.

APPEARANCES—

For Applicant: Stephen B. Jacobs.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE—

Affirmative: Chairman Becker, Vice Chairman Klein,
Commissioner Nolan and Commissioner Agusta 4
Negative: 0
Absent: Commissioner Madigan 1

THE RESOLUTION—

WHEREAS, this application was granted by the Board on September 22, 1970, on certain conditions; and

WHEREAS, time to obtain permits and complete work was extended on November 16, 1971; and

WHEREAS, the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution adopted on September 22, 1970, as amended through November 16, 1971 by adding thereto:

"that the building may be redesigned, rearranged and constructed substantially as shown on revised drawings of proposed conditions marked 'Received February 2, 1972', seven sheets and 'Received February 18, 1972', one sheet, on condition that other than as herein amended the resolution above cited shall be complied with in all respects." (N.B. 181-69) *

636-70-BZ

APPLICANT—Lama and Vassalotti for Mobil Oil Corporation, owner.

SUBJECT—Application for consideration—reopening for extension of time to complete, which expired March 2, 1972—decision of the Borough Superintendent; previously granted on condition, under Section 73-211 of the Zoning Resolution, permitting in a C2-2 district, the reconstruction of an existing automotive service station with accessory uses previously before the Board.

PREMISES AFFECTED—105-55 Horace Harding Expressway, northwest corner 108th Street, Block 1964, Eob 23, Corona, Borough of Queens.

APPEARANCES—

For Applicant: James E. Vassalotti.

ACTION OF BOARD—Application reopened and time to complete work extended.

THE VOTE—

Affirmative: Chairman Becker, Vice Chairman Klein,
Commissioner Nolan and Commissioner Agusta 4
Negative: 0
Absent: Commissioner Madigan 1

THE RESOLUTION—

WHEREAS, this application was granted by the Board on March 2, 1971, on certain conditions; and

WHEREAS, the applicant requested an extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution adopted on March 2, 1971 only as to the time to complete the work, so that as amended this portion of the resolution shall read:

"that substantial construction shall be completed within one year from March 2, 1972." (N.B. 404-70)

706-70-BZ

APPLICANT—Robert T. Karp for CBMC Housing Development Company, Incorporated, owner.

SUBJECT—Application for consideration—reopening for extension of time to complete, which expired February 9, 1972—decision of the Borough Superintendent; previously granted on condition, under Section 72-21 of the Zoning Resolution, permitting in an R5 district, the erection of a four story multiple dwelling that exceeds the permitted floor area ratio, has less than the required open space ratio and lot area per room, penetrates the sky exposure plane and with less than the required accessory parking.

PREMISES AFFECTED—539 Macon Street, north side, 200 feet west of Reid Street, Block 1666, Lots 56 and 57, Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF
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THE VOTE—

Affirmative:
Commissioner
Negative: .
Absent: Con

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February 9, 19

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627-71-BZ

APPLICANT
Corporation,

SUBJECT—A
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72-21 of the .
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PREMISES ;
to 765 Secor

Street, Block

APPEARAN;
For Applica

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THE VOTE—

Affirmative:
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Negative: .
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March 22

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complied

RECEIVED
BOARD OF
STANDARDS & APPLS

71 DEC 21 AM 9:08

EXHIBIT NO. 2

This Exhibit illustrates the only means of establishing financial feasibility for this project. The proposed drawings indicate a non-fireproof, fully sprinklered, seven story building, with three mezzanine floors, containing 25 apartments, and two community facility spaces.

Zoning Computations

Zoning district, C 1-9, or R-10 equivalent.

C.S.R.- none required

F.A.R. = 10

Lot area = 39.0' x 62.2' = 2425.8 sq. ft.

Maximum floor area allowed = 2425.8 x 10 = 24,258 sq. ft.

Actual Floor Area

Typical floor = 2167 sq. ft.

Mezzanine floor = 1078 sq. ft.

7 typical floors = 7 x 2167 sq. ft. = 15,200 sq. ft.

Mezzanine floors = 3 x 1078 sq. ft. = 3,234 sq. ft.

18,434 sq. ft. O.K.

Room Count

Maximum zoning rooms allowed: $2425.8 \div 30 = 81$

Reduction for community facility area:

1005.5 sq. ft. x 10/100 = 100.6 sq. ft. reduction

Lot area of 2425.8 sq. ft. - 100.6 sq. ft. = 2,325.2 sq. ft.

residential portion = 77.5 rooms.

77.5 x 30 = 2,325 O.K.

Projected Rental Income

1st Floor: Contains 1 apartment, 2 Doctor's offices, vestibule, lobby, etc.

1. Studio with sleeping alcove	\$325.00
2. Doctor's office (east)	350.00
3. Doctor's office (west)	375.00

\$1,050.00

Exhibit E

Plan of Adjacent Sites

Exhibit F

207 East 74th Street (Lot 5) Certificate of Occupancy

**NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL
BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT**

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof, or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing in height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with any authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a final certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Buildings at this time; that Section 646F of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 F. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substances, articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.

DEPARTMENT OF HOUSING AND BUILDINGS

BOROUGH OF MANHATTAN, CITY OF NEW YORK

No. 41116

Date April 30, 1953

CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C.26-181.0 to C.26-187.0 inclusive Administrative Code 2.1.1. to 2.1.37. Building Code.)

This certificate supersedes C. O. No. 13573

To the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building ~~is~~ located at
201 East 74th Street (1891 Third Avenue)

Block **1429** Lot **1**

~~is~~, conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

~~Permit~~ No. — **893-1952**

Construction classification — **Class 3 Non-fireproof**

Occupancy classification — ~~Herebefore converted~~ Height **5** stories, **55** feet

Class "B" Multiple Dwelling

Date of completion — **December 19, 1952**. Located in **Business** Use District

B Area **1 1/2**. Height Zone at time of issuance of permit **1434-1952**

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals: (Calendar numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS Lbs. per Sq. Ft.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	
Cellar	On ground				Boiler room and storage.
1st Story	100			50	Stores and bar and restaurant.
2nd Story					Seven (7) furnished rooms.
3rd to 5th story, incl.					Eight (8) furnished rooms on each story.
					Fuel Oil Installation approved by Fire Department April 29, 1953.
<p>Sec. 6.1.23 sub 4 Building Code, C.26-273.0 Adm. Code "Prior to the occupancy of a structure erected or altered after January 1, 1932, the structure as stated in the certificate of occupancy shall be protected under glass and maintained in the maintenance part of such structures."</p>					
<p>THIS CERTIFICATE SHALL BE CONSIDERED A CERTIFICATE OF OCCUPANCY OR MULTIPLE DWELLING LAW.</p>					

[Signature]
 Borough Superintendent

Exhibit H

1293-1295 Third Avenue (Lot 2) Certificates of Occupancy

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

Unless an approval for the same has been obtained from the Borough Superintendent, no change or rearrangement in the structural parts of the building, or affecting the light and ventilation of any part thereof or in the exit facilities, shall be made; no enlargement, whether by extending on any side or by increasing height shall be made; nor shall the building be moved from one location or position to another; nor shall there be any reduction or diminution of the area of the lot or plot on which the building is located.

The building or any part thereof shall not be used for any purpose other than that for which it is certified.

The superimposed, uniformly distributed loads, or concentrated loads producing the same stresses in the construction in any story shall not exceed the live loads specified on reverse side; the number of persons of either sex in any story shall not exceed that specified when sex is indicated, nor shall the aggregate number of persons in any story exceed the specified total; and the use to which any story may be put shall be restricted to that fixed by this certificate except as specifically stated.

This certificate does not in any way relieve the owner or owners or any other person or persons in possession or control of the building, or any part thereof from obtaining such other permits, licenses or approvals as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from obtaining the special certificates required for the use and operation of elevators; nor from the installation of fire alarm systems where required by law; nor from complying with any lawful order for additional fire extinguishing appliances under the discretionary powers of the fire commissioner; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition; nor from complying with an authorized direction to remove encroachments into a public highway or other public place, whether attached to or part of the building or not.

If this certificate is marked "Temporary", it is applicable only to those parts of the building indicated on its face, and certifies to the legal use and occupancy of only such parts of the building; it is subject to all the provisions and conditions applying to a final or permanent certificate; it is not applicable to any building under the jurisdiction of the Housing Division unless it is also approved and endorsed by them, and it must be replaced by a full certificate at the date of expiration.

If this certificate is for an existing building, erected prior to March 14, 1916, it has been duly inspected and it has been found to have been occupied or arranged to be occupied prior to March 14, 1916, as noted on the reverse side, and that on information and belief, since that date there has been no alteration or conversion to a use that changed its classification as defined in the Building Code, or that would necessitate compliance with some special requirement or with the State Labor Law or any other law or ordinance; that there are no notices of violations or orders pending in the Department of Housing and Buildings at this time; that Section 600 of the New York City Charter has been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent, and that, so long as the building is not altered, except by permission of the Borough Superintendent, the existing use and occupancy may be continued.

"§ 646 I. No certificate of occupancy shall be issued for any building, structure, enclosure, place or premises wherein containers for combustibles, chemicals, explosives, inflammables and other dangerous substance articles, compounds or mixtures are stored, or wherein automatic or other fire alarm systems or fire extinguishing equipment are required by law to be or are installed, until the fire commissioner has tested and inspected and has certified his approval in writing of the installation of such containers, systems or equipment to the Borough Superintendent of the borough in which the installation has been made. Such approval shall be recorded on the certificate of occupancy."

Additional copies of this certificate will be furnished to persons having an interest in the building or premises, upon payment of a fee of fifty cents per copy.



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

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Alfred Caiola, being duly sworn, deposes and says that (s)he resides at 316 E 73rd St, in the City of New York in the County of NY in the State of NY; that 203 E 74 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 1429, Lot(s) 103, Street and House Number 203 East 74th 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 Herrick, Feinstein LLP to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Alfred Caiola

Print Title

MANAGER

Sworn to before me this 17th day

Of July 2017
Marie Ruffino

MARIE RUFFINO
Notary Public, State of New York
No. 01RU5064918
Qualified in New York County
Commission Expires Aug. 26, 2018

HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS
CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN DATE: 8-30-74 NO. 74904

This certificate supersedes C.O. No. 74841 Temp.; 20207, 20930 ZONING DISTRICT C 1-9
 THIS CERTIFIES that the new ~~three-story~~ building ~~located at~~
 203-205 East 74th Street Block 1429 Lot 5/103, 304
 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 LB. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DRELLING OR HOODING UNITS	BUILDING COOL HABITABLE ROOMS	ZONING USE GROUP	BUILDING COOL OCCUPANCY GROUP	DESCRIPTION OF USE
Cellar	o.g.	20			2,4	B-2 D-2 E	Mechanical room, refuse room, storage, Doctor's office.
1st	40,100				2	J-2	Three (3) apartments, Lobby.
2nd	40				2	J-2	Three (3) apartments.
3rd	40				2	J-2	Three (3) apartments.
4th	40				2	J-2	Three (3) apartments.
5th	40				2	J-2	Three (3) apartments.
6th	40				2	J-2	Three-half (3/2) apartments. Duplex
Mezz.	40				2	J-2	Three-half (3/2) apartments.
7th	40				2	J-2	Three-half (3/2) apartments. Duplex
Mezz.	40				2	J-2	Three-half (3/2) apartments.

THIS CERTIFICATE
 WITHIN THE DEPARTMENT OF BUILDINGS

BE POSTED
 WITH THE RULES
 MARCH 31ST, 1975

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.

Concetta P. Dennis
 BOROUGH SUPERINTENDENT

Jeremiah T. Walsh
 COMMISSIONER



CERTIFICATE OF OCCUPANCY

Job Number ALT 103153310

Borough MANHATTAN Date: FEBRUARY 17, 2005 No: 103153310

This certificate superceded C.O. No. 77945 ZONING DISTRICT C1-9, R8

This certifies that the new-altered-existing-building-premises located at
203 EAST 74TH STREET

Block: 1429 Lot: 103

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	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	0G				2	D-2	METER ROOM, PUMP ROOM, REFUSE ROOM, TENANTS LAUNDRY, BUILDING STORAGE
							COMMERCIAL STORAGE
1ST FLOOR	140	31	1	3	6	J-2	RETAIL/SERVICE CLASS "A" APARTMENTS
2ND - 5TH FLOORS			3	6			CLASS "A" APARTMENTS
6TH FLOOR			3/2	6			CLASS "A" APARTMENTS
6TH MEZZANINE			3/2	3			CLASS "A" APARTMENTS
7TH FLOOR			3/2	6			CLASS "A" APARTMENTS
7TH MEZZANINE			3/2	3			CLASS "A" APARTMENTS

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.

Laura V. Davis

[Signature]

Borough Commissioner

Commissioner

ORIGINAL

OFFICE COPY - DEPARTMENT OF BUILDINGS

COPY



CERTIFICATE OF OCCUPANCY

Job Number ALT 103153310

Borough: MANHATTAN

Date: FEBRUARY 17, 2005

No: 103153310

This certificate superceded C.O. No 77945

ZONING DISTRICT C1-9, R8

This certifies that the new-altered-existing-building-premises located at
203 EAST 74TH STREET

Block: 1429

Lot: 103

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	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
					<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/>

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

Lama V. Dorio

Borough Commissioner

[Signature]

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 74TH STREET
-----------------------------	-------	---------	------------------

distant 71 EAST feet from the corner formed by the intersection of EAST 74TH STREET and THIRD AVENUE

running thence	<u>NORTHERLY 62'-2"</u>	feet; thence	<u>EASTERLY 39'</u>	feet;
thence	<u>SOUTHERLY 62'-2"</u>	feet; thence	<u>WESTERLY 39'</u>	feet;
thence	_____	feet; thence	_____	feet;
thence	_____	feet; thence	_____	feet;
thence	_____	feet; thence	_____	feet;

To the point or place of beginning

N.B. or Alt. No ALT 103153310
 N.B. or Alt. No _____ Date of completion 2/4/05 Construction classification 2-B

Building occupancy group classification J-2 Height _____ Stories 7 Feet 70

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

	YES	NO		YES	NO
STANDPIPE SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	AUTOMATIC SPRINKLER SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>
YARD HYDRANT SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			
SMOKE DETECTOR	<input type="checkbox"/>	<input type="checkbox"/>			
FIRE ALARM AND SIGNAL SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>			

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	<u>103/70BZ</u>
--	-----------------

CITY PLANNING COMMISSION CAL. NO	<u>104/70A</u>
----------------------------------	----------------

OTHERS:



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

BSA Cal. No.: 103-70-BZ
 Street Address: 203 EAST 74TH ST.
NEW YORK, N.Y.
 Block: 1429 Lot(s): 103
 Borough: MANHATTAN

CERTIFICATION OF INSPECTION & COMPLIANCE

Robert Laudenschlager hereby states that I personally inspected the
 (*Applicant, Agent, Registered Architect or Registered Engineer*)
 premises and surrounding area on July 17, 2017. In addition, I have
 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:

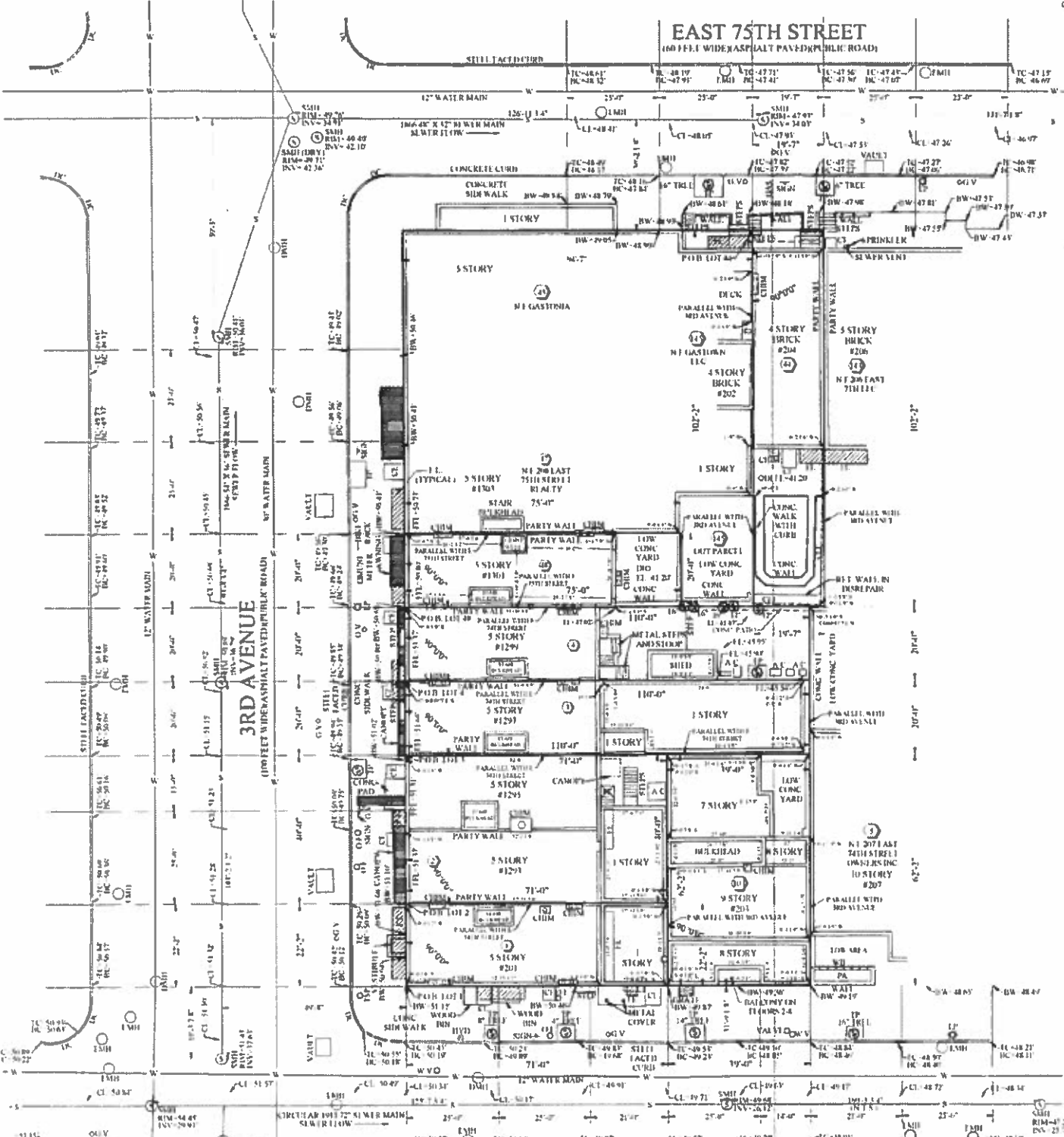
Area(s) of non-compliance	Date(s) to achieve compliance.
1) The number of apartments in the building per the current Certificate of Occupancy shows 19 apartments whereas the original BSA plans indicate 21 apartments. Two apartments were removed from the first floor and converted to retail use.	
2) This Certification is made based on the attached survey dated 04/05/17, as prepared by Fehringe Surveying, P.C., not based on a site inspection.	



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

EAST 75TH STREET

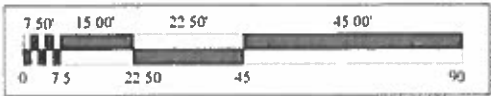
(60 FEET WIDE ASPHALT PAVED PUBLIC ROAD)



EAST 74TH STREET

(60 FEET WIDE ASPHALT PAVED PUBLIC ROAD)

100'-0" FROM 3RD AVENUE



ZONING C1-9 ZONING R8-8

ZONING LINE PER NYC
ZONING MAP BC
DATED JUNE 26, 2014

BSA CALENDAR NO. 103-70-BZ BLOCK 1429 LOT 103

SUBJECT SITE ADDRESS 203 East 74th Street

APPLICANT Herrick, Feinstein LLP

ZONING DISTRICT C1-9/R8B PRIOR BSA # _____

SPECIAL/HISTORIC DISTRICT n/a

COMMUNITY BOARD 8

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

OVER/UNDER

LOT AREA 23-32 1,700 sf 2,425.8 sf 2,425 sf 2,425 sf Y

LOT WIDTH 23-32 18 ft 39 ft 39 ft 39 ft Y

USE GROUP (S) 22-10, 32-10 1-6 2,6 2,6 2,6 Y

FA RESIDENTIAL 23-152,23-153 24,258 sf 18,434 sf 17,632 sf 17,632 sf Y

FA COMMUNITY FACILITY N/A N/A N/A N/A N/A Y

FA COMMERCIAL/INDUST. 33-122 4,851.6

FLOOR AREA TOTAL 24,258 sf 18,434 sf 17,632 sf 17,632 sf Y

FAR RESIDENTIAL 23-152,23-153 10 7.6 7.26 7.26 Y

FAR COMMUNITY FACILITY N/A N/A N/A N/A N/A Y

FAR COMMERCIAL/INDUST. 33-12 2 Y

FAR TOTAL 35-31 10 7.6 7.26 7.26 Y

OPEN SPACE 23-15 N/A Y

OPEN SPACE RATIO 23-152,23-153 N/A Y

LOT COVERAGE (%) 23-153(R8B) 70%(R8B) 64.3(R8B) 64.3(R8B) 64.3(R8B) Y

NO. DWELLING UNITS 23-22 30 19 19 19 Y

WALL HEIGHT 23-641/23-662 85ft/65ft 70 ft 70 ft 70 ft Y

TOTAL HEIGHT 23-631/23-662 N/A/75ft 70 ft 70 ft 70 ft Y

NUMBER OF STORIES 7+2mezz 7+2mezz 7+2mezz Y

FRONT YARD N/A N/A N/A N/A N/A Y

SIDE YARD 23-462 8 ft if prov. 0 0 0 Y

SIDE YARD 23-462 8 ft if prov. 0 0 0 Y

REAR YARD 23-541/23-471 0 ft /30 ft 0 / 22.2 ft 0 / 22.2 ft 0 / 22.2 ft N

SETBACK (S) 23-641/23-662 20 ft/15 ft N/A N/A N/A Y

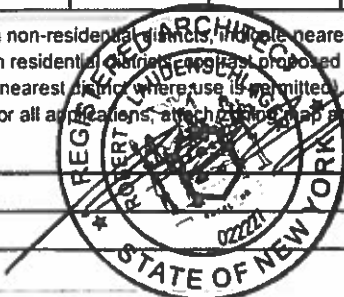
SKY EXP. PLANE (SLOPE) 23-641 3.7 to 1 N/A N/A N/A Y

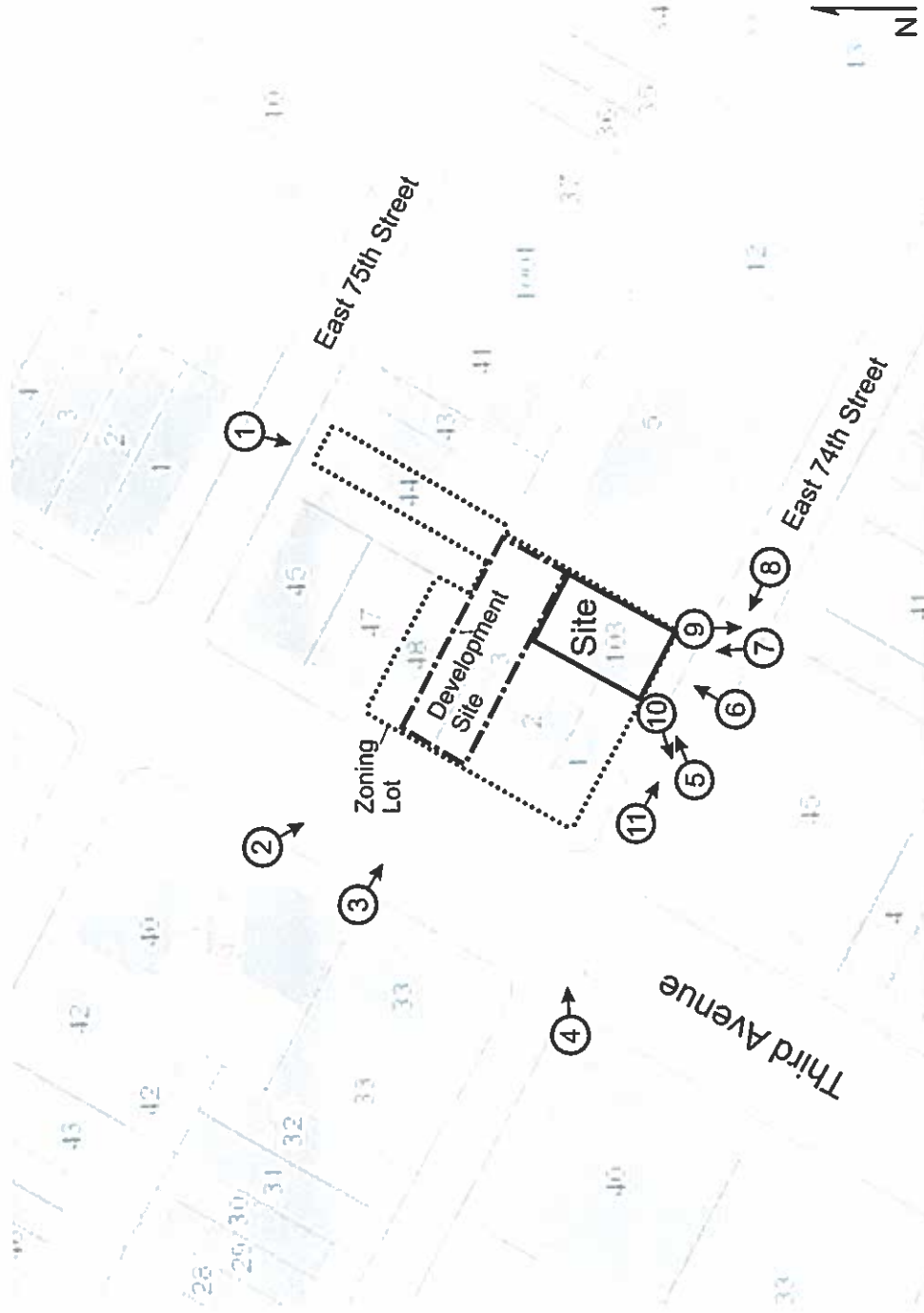
NO. PARKING SPACES 13-10 0 3 0 0 0 Y

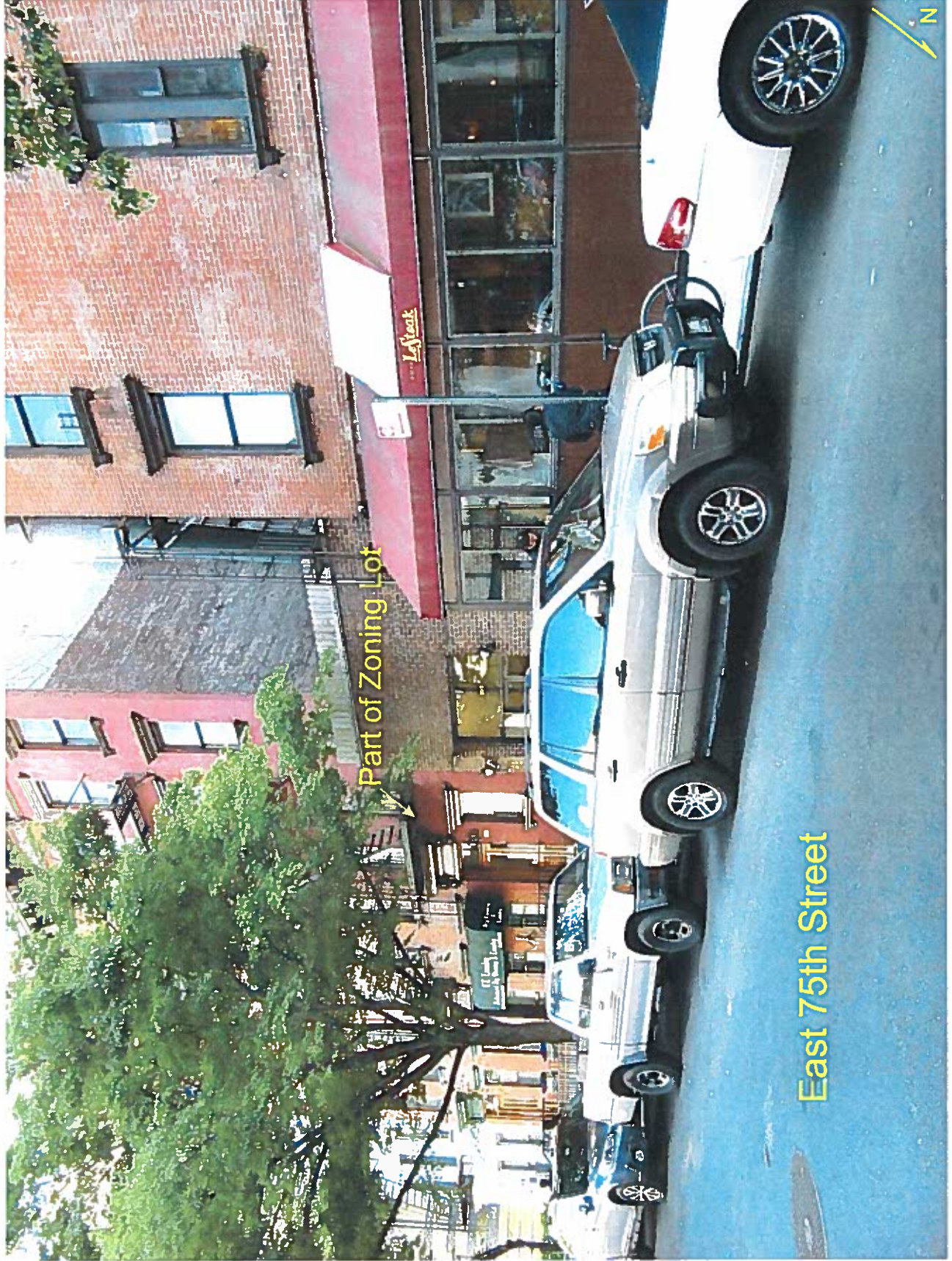
LOADING BERTH (S) N/A N/A N/A N/A N/A Y

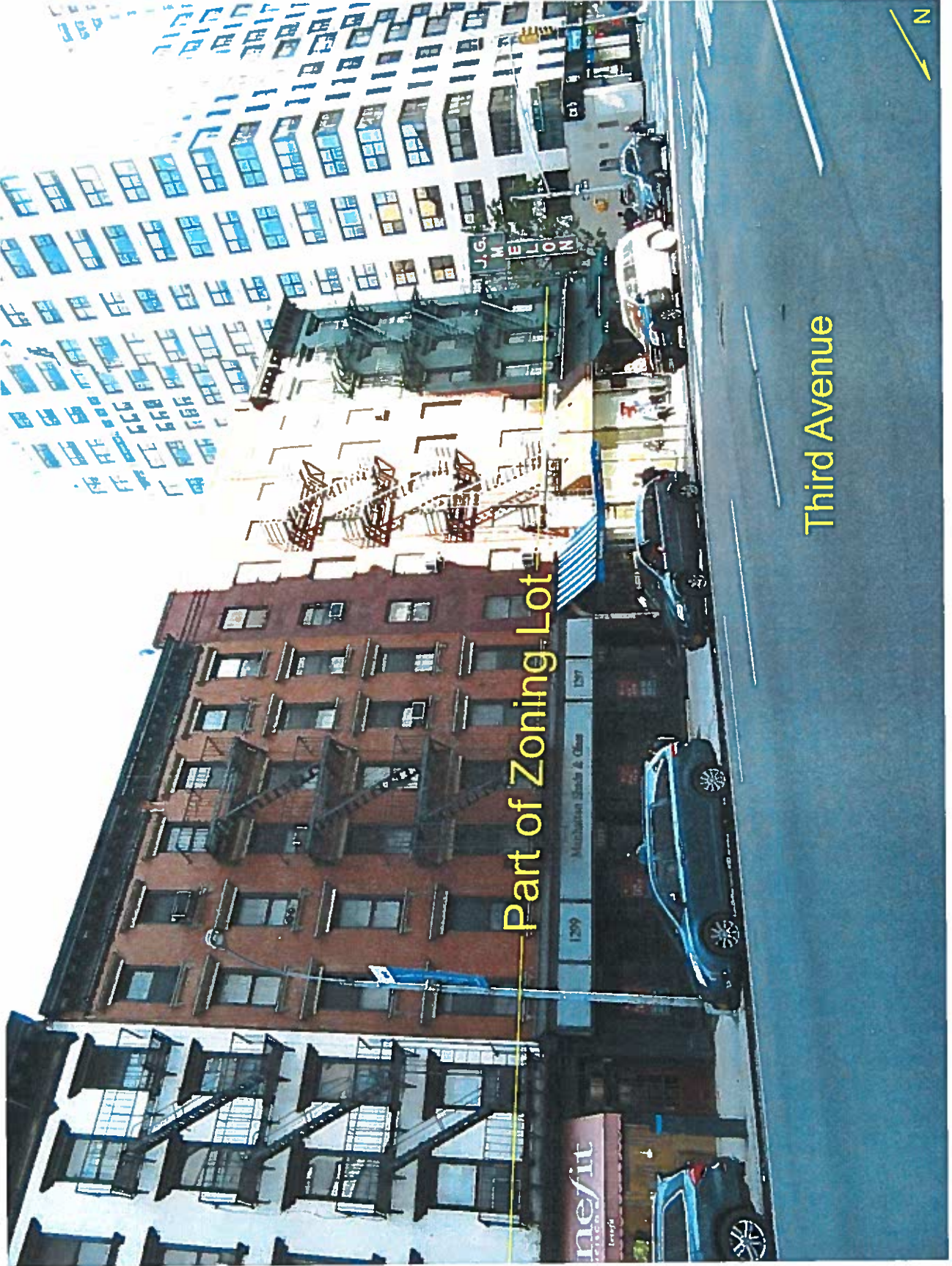
OTHER: _____

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, in the nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach a site plan and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:





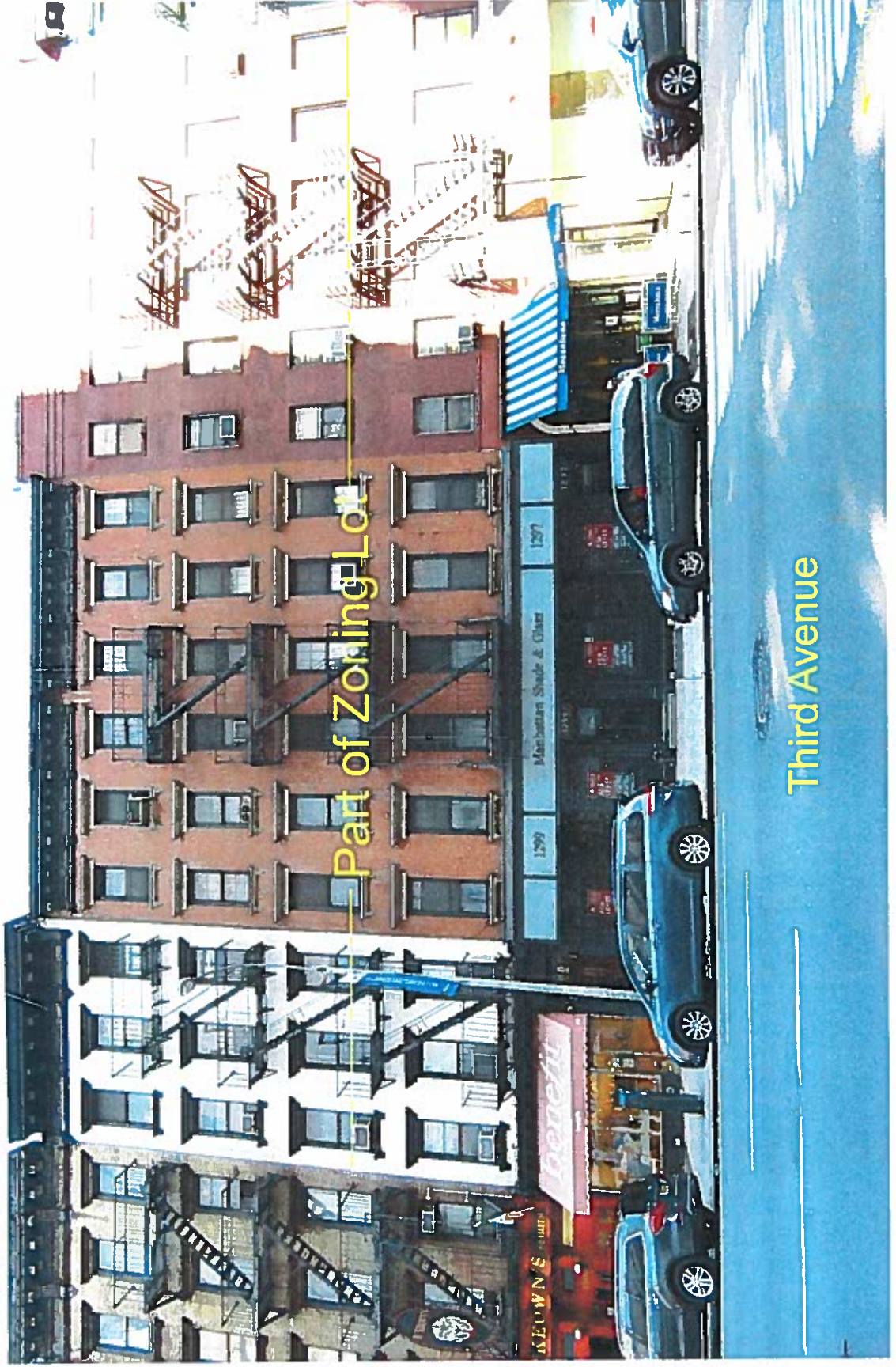


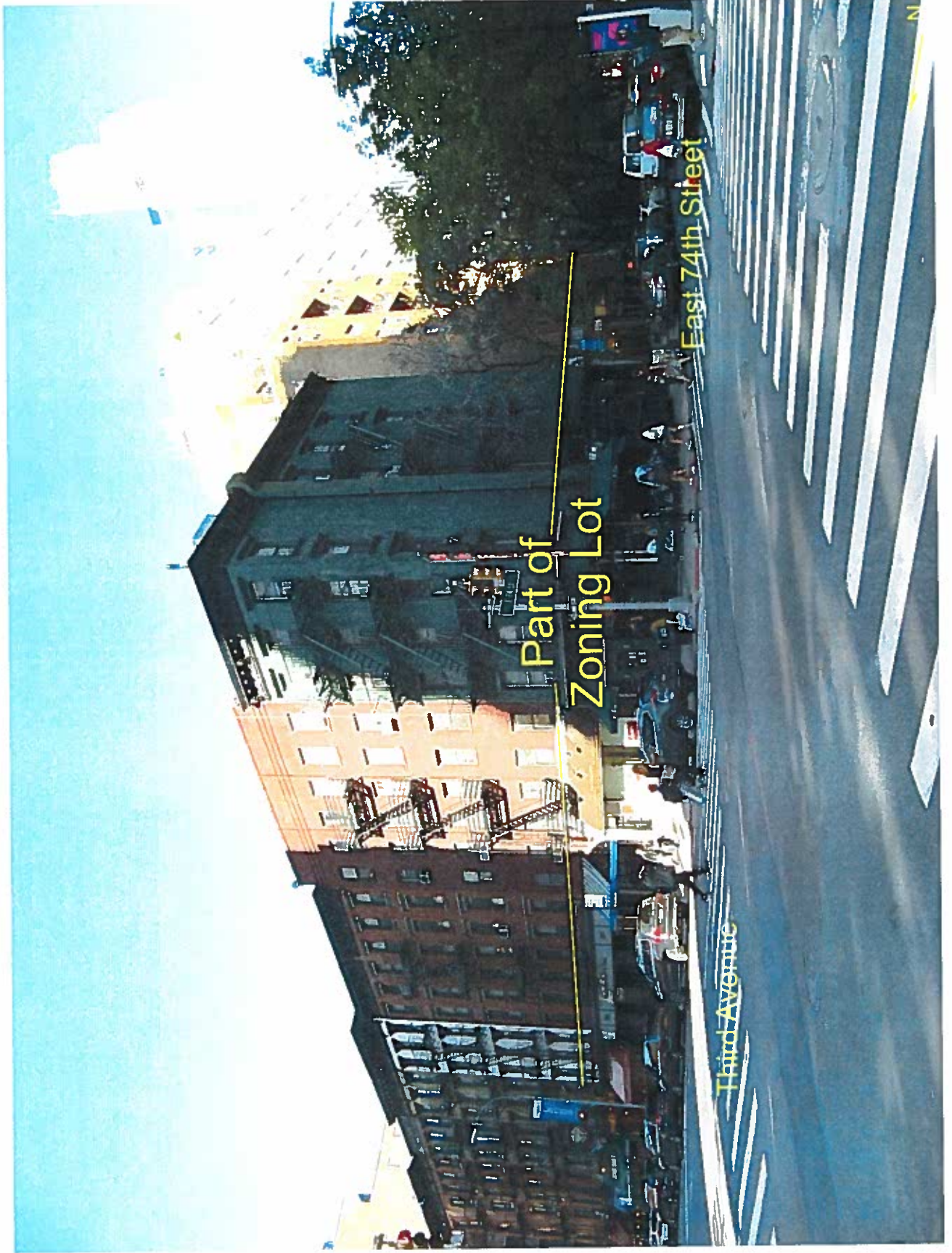


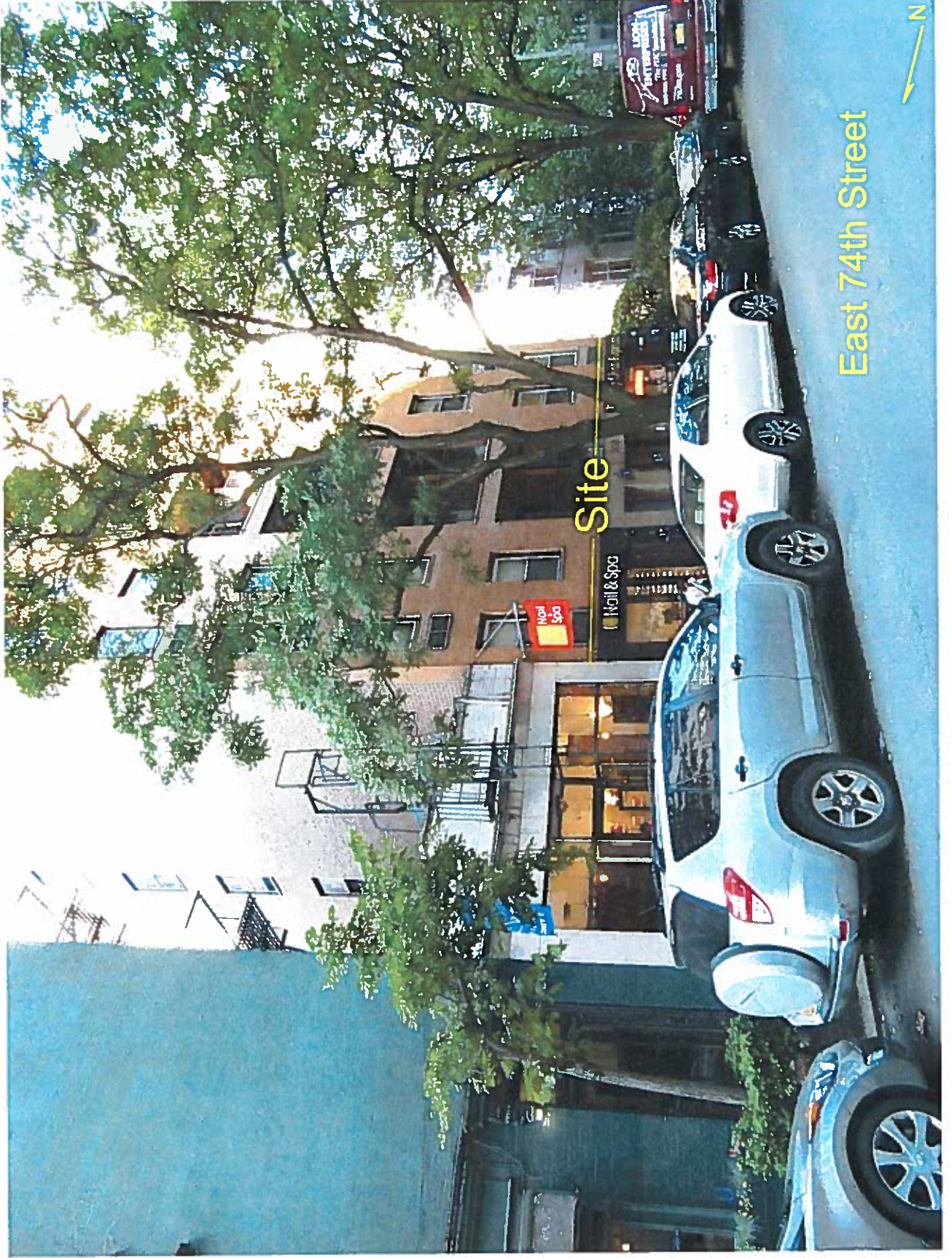
Part of Zoning Lot

Third Avenue

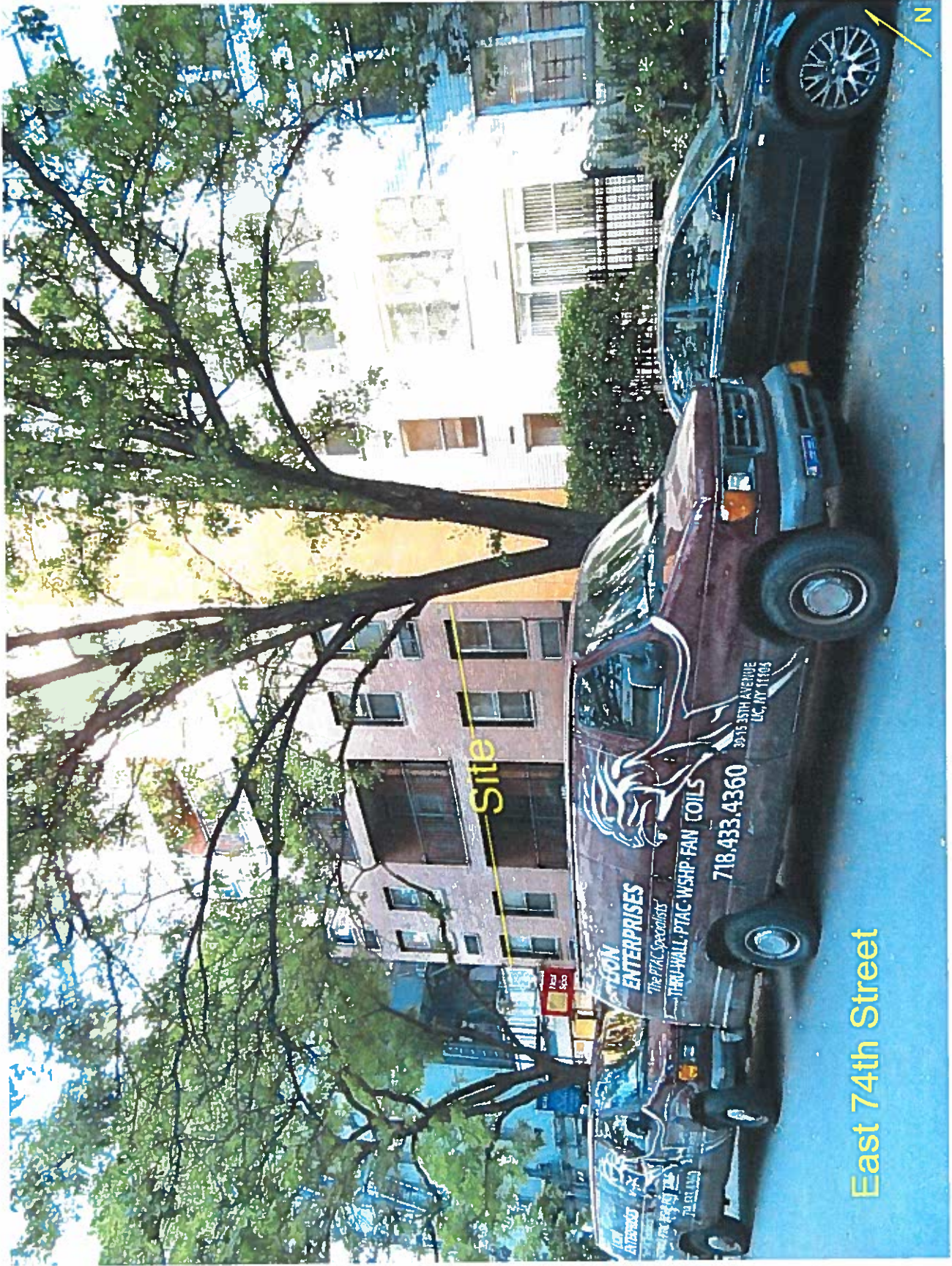
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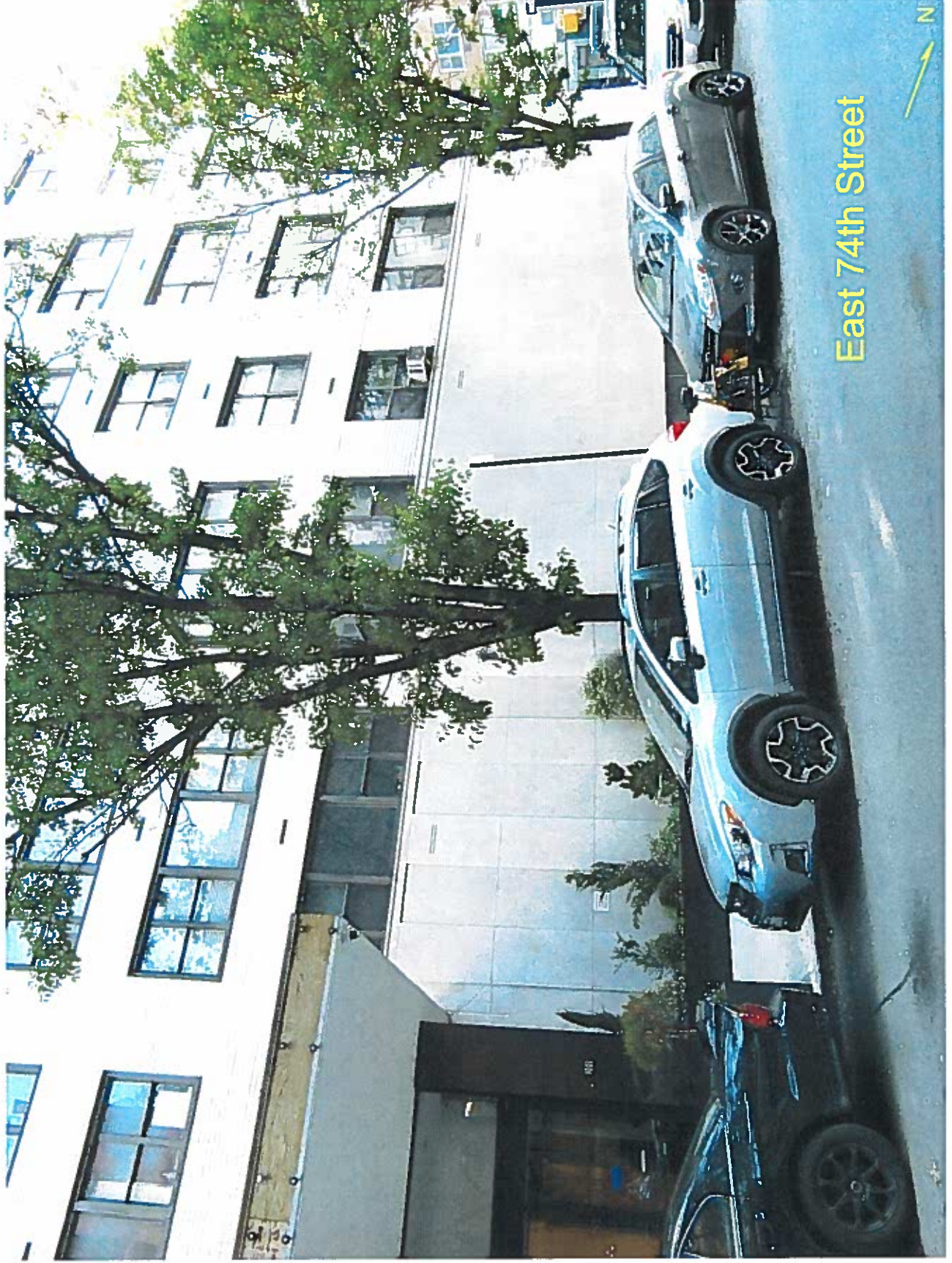


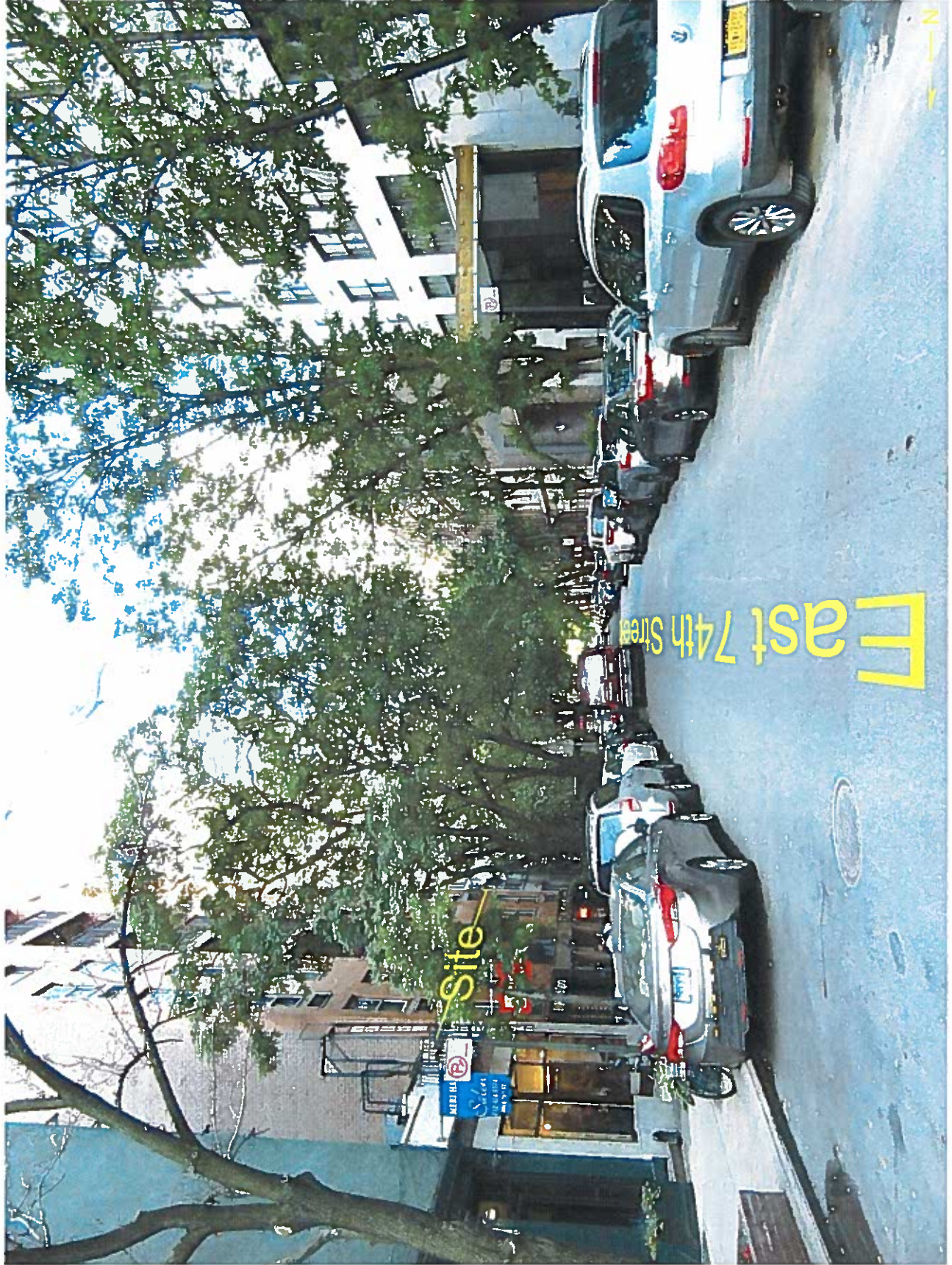












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ACTION OF BOARD—Laid over to October 6, 1970, at 10 A.M. for continued hearing; applicant to file additional information; previously inspected.

358-70-BZ

APPLICANT—Buckley and Kisseloff for 50 Broad Street Inc. and 42 New Street Inc., owner.

SUBJECT—Application June 19, 1970—decision of the Borough Superintendent, under Sections 73-68 and 72-21 of the Zoning Resolution, to permit in a C5-5 district, the erection of a twenty story enlargement to an existing twenty story building that will create non compliance in floor area ratio and penetrates the sky exposure plane.

PREMISES AFFECTED—50 Broad Street, west side, 169 feet south of Exchange Place, 44 New Street, Block 24, Lots 19, 36, Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel J. Kisseloff.
For Opposition: None.

ACTION OF BOARD—Laid over to October 6, 1970, at 10 A.M., at the request of the applicant.

376-70-BZ

APPLICANT—New York Telephone Company, owner.

SUBJECT—Application July 1, 1970—decision of the Borough Superintendent, under Sections 11-412 and 73-65 of the Zoning Resolution, to permit in a C2-2 district, the erection of an enlargement to the second floor and a new third floor at an existing telephone exchange and garage previously before the Board that exceeds the permitted floor area ratio and penetrates the sky exposure plane.

PREMISES AFFECTED—4770 White Plains Road, east side, block front from Penfield Street to 242nd Street, Block 5114, Lot 14, Borough of The Bronx.

APPEARANCES—

For Applicant: Edward B. Cadley, J. M. Diet and Arthur M. Clements.
For Opposition: None.

ACTION OF BOARD—Laid over to October 6, 1970, at 10 A.M., for continued hearing. Laid over at the request of the Community Planning Board. Previously inspected.

411-69-BZ—Vol II

APPLICANT—Albert J. Marlo for North Star Homes, Incorporated, owner.

SUBJECT—Application reopened January 6, 1970 as Volume II—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in an R3-3 district, the erection of a one story and mezzanine building for use as a warehouse with accessory offices, loading and parking.

PREMISES AFFECTED—120-40 to 120-60 168th Street, northwest corner of Baisley Boulevard, Block 12383, Lot 17, Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Albert J. Marlo, M. S. Greenbaum and Thelma D. Miller.
For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

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

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on February 25, 1970, after due notice by publication in the Bulletin; laid over to March 10, 1970; then to June 30, 1970; then to July 14, 1970; then to September 22, 1970; and

WHEREAS, the decision of the Borough Superintendent, dated December 23, 1969, acting on N. B. Applic. 304/1968, reads:

"1. Warehouse (Use Group 16D), offices (Use Group 6B) with accessory off street parking, loading and unloading uses in R3-2 are not permitted as per Sec. 22-00 Z. R.

2. There are no bulk, parking, signs and curb cuts requirements stated in Zoning Resolution for this proposed non-conforming and non-complying building. As such determination of Board of Standards and Appeals required"

and

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

WHEREAS, the Board finds that on the basis of the record in this case it is unable to make findings b and c, under Section 72-21 of the Zoning Resolution.

Resolved, that the decision of the Borough Superintendent, dated December 23, 1969, acting on N. B. Applic. 304/1968, Objection Nos. 1 and 2, be and it hereby is affirmed and that the application be and it hereby is denied.

103-70-BZ 9/22/70

APPLICANT—Stephen B. Jacobs for 203 East 74th Street Realty Corporation, owner.

SUBJECT—Application February 19, 1970—decision of the Borough Superintendent under Section 72-21 of the Zoning Resolution, to permit in a C1-9 district, the erection of a ten story mixed building that encroaches on the required rear yard with windows that encroach on the minimum distance to a lot line.

PREMISES AFFECTED—203 East 74th Street, north side, 71 feet west of Third Avenue, Block 1429, Lot 103, Borough of Manhattan.

APPEARANCES—

For Applicant: Stephen B. Jacobs and E. A. Barbuis.
For Opposition: Harry Katz.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

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

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on July 7, 1970, after due notice by publication in the Bulletin; laid over to July 21, 1970; then to September 22, 1970; and

WHEREAS, the decision of the Borough Superintendent, dated September 18, 1970, acting on N. B. Applic. 181/1969, reads:

"A 4. Provide a 30'-0" rear yard for that portion of the lot 100' from the corner. Sect. 23-541 of the Zoning Resolution.

A 11. Legal required windows at rear less than 30'-0" to rear and side lot line are contrary to Sect. 23-861 of the Zoning Resolution."

and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under

MINUTES

SUBJECT—Application for consideration—reopening for extension of term of variance which expires October 24, 1971—decision of the Borough Superintendent; previously granted on condition, under Section 7h of the Zoning Resolution, to permit in a residence use district, the maintenance of a parking lot for the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—173 East 205th Street, north side, 189.60 feet east of Grand Concourse, Block 3312, Lots 63 and 65, Borough of The Bronx.
For Applicant: Kenneth H. Koons.

APPEARANCES—

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 October 24, 1961, on certain conditions; and

WHEREAS, a public hearing was held on this application on November 16, 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 October 24, 1961, only as to the term of variance, so that as amended this portion of the resolution shall read:

"granted for a term of five years from October 24, 1971, to permit . . . ; on condition that the sidewalk and curb cut be repaired in accordance with the rules and regulations of the Department of Highways; that other than as herein amended the resolution above cited shall be complied with in all respects; and that a new Certificate of Occupancy shall be obtained." (Alt. 356-61)

454-68-BZ

APPLICANT—James F. Reid for Charles F. Zweifel and Company, Incorporated, owner.

SUBJECT—Application for consideration—reopening for extension of time to complete, which expired October 1, 1971 and for amendment—decision of the Borough Superintendent; previously granted on condition, under Section 72-21 of the Zoning Resolution, permitting in a C5-3 district, the erection of a two story enlargement to an existing two story commercial building that encroaches on the required rear yard.

PREMISES AFFECTED—148 East 40th Street, south side, 158 feet west of Third Avenue, Block 895, Lot 60, Borough of Manhattan.

APPEARANCES—

For Applicant: James F. Reid.

ACTION OF BOARD—Application reopened, time to complete work extended and resolution amended.

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 October 1, 1968, on certain conditions; and

WHEREAS, time to obtain permits and complete work was last extended on October 20, 1970, and

WHEREAS, the applicant requested a further extension of time to obtain permits and complete work and an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution adopted on October 1, 1968, as amended through October 20, 1970, by adding thereto:

"that substantial construction shall be completed within one year from October 1, 1971; and that the existing conforming use of the building may continue, substantially as shown on the drawings approved by the resolution adopted by the Board on October 1, 1968, on condition that other than as herein amended the resolution above cited shall be complied with in all respects." (Alt. 916-68)

103-70-BZ

11/16/71

APPLICANT—Stephen B. Jacobs for 203-205 East 74th Street Corporation, owner.

SUBJECT—Application for consideration—request to waive the Rules of Procedure and reopening for extension of time to complete, which expired September 22, 1971; and for amendment—decision of the Borough Superintendent; previously granted on condition under Section 72-21 of the Zoning Resolution, permitting in a C1-9 district, the erection of a ten story mixed building that encroaches on the required rear yard with windows that encroach on the minimum distance to a lot line.

PREMISES AFFECTED—203 East 74th Street, north side, 71 feet west of Third Avenue, Block 1429, Lot 103, Borough of Manhattan.

APPEARANCES—

For Applicant: Stephen B. Jacobs.

ACTION OF BOARD—Rules of Procedure waived, application reopened and time to complete work 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 September 22, 1970, on certain conditions; and

WHEREAS, the applicant requested an extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby waive the Rules of Procedure and *reopen and amend* the resolution adopted on September 22, 1970, only as to the time to complete the work, so that as amended this portion of the resolution shall read:

"that substantial construction shall be completed within one year from the date of this amended resolution." (N. B. 181-69)

383-70-BZ

APPLICANT—Lama and Vassalotti for Joseph Trabbaum and Frank Stoopler, owners.

SUBJECT—Application for consideration—reopening for extension of time to complete, which expires November 10, 1971—decision of the Borough Superintendent; previously granted on condition, under Sections 73-211 and 73-212 of the Zoning Resolution, permitting in a C2-2 district, the enlargement in lot area and the reconstruction of an automotive service station with accessory uses and accessory signs previously before the Board.

PREMISES AFFECTED—196-35 to 196-49 (196-41 official) Northern Boulevard, 42-62 to 42-72 Francis Lewis

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20, Bayside, I

APPEARANC
For Applicant
ACTION OF
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THE VOTE—
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Commissioner
Negative: ..

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SUBJECT—A₁
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APPEARANC
For Applicant
ACTION OF
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THE VOTE—
Affirmative:
Commissioner
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Negative: ..

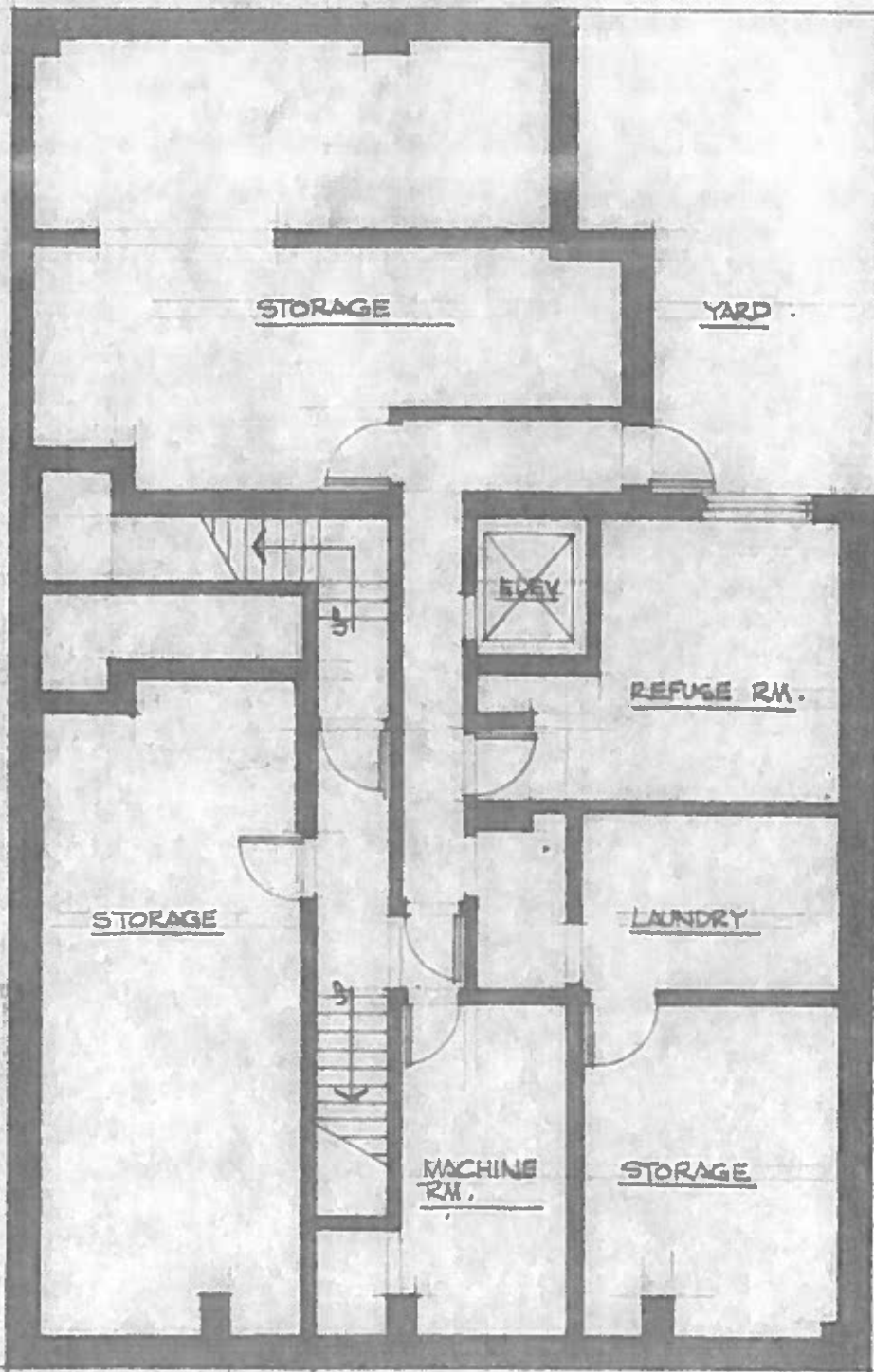
697-65-A

APPLICANT—
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SUBJECT—A₁
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PREMISES /
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APPEARANC
For Applicant
ACTION OF
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THE VOTE—
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Commissioner
Commissioner
Negative: ...



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CELLAR PLAN

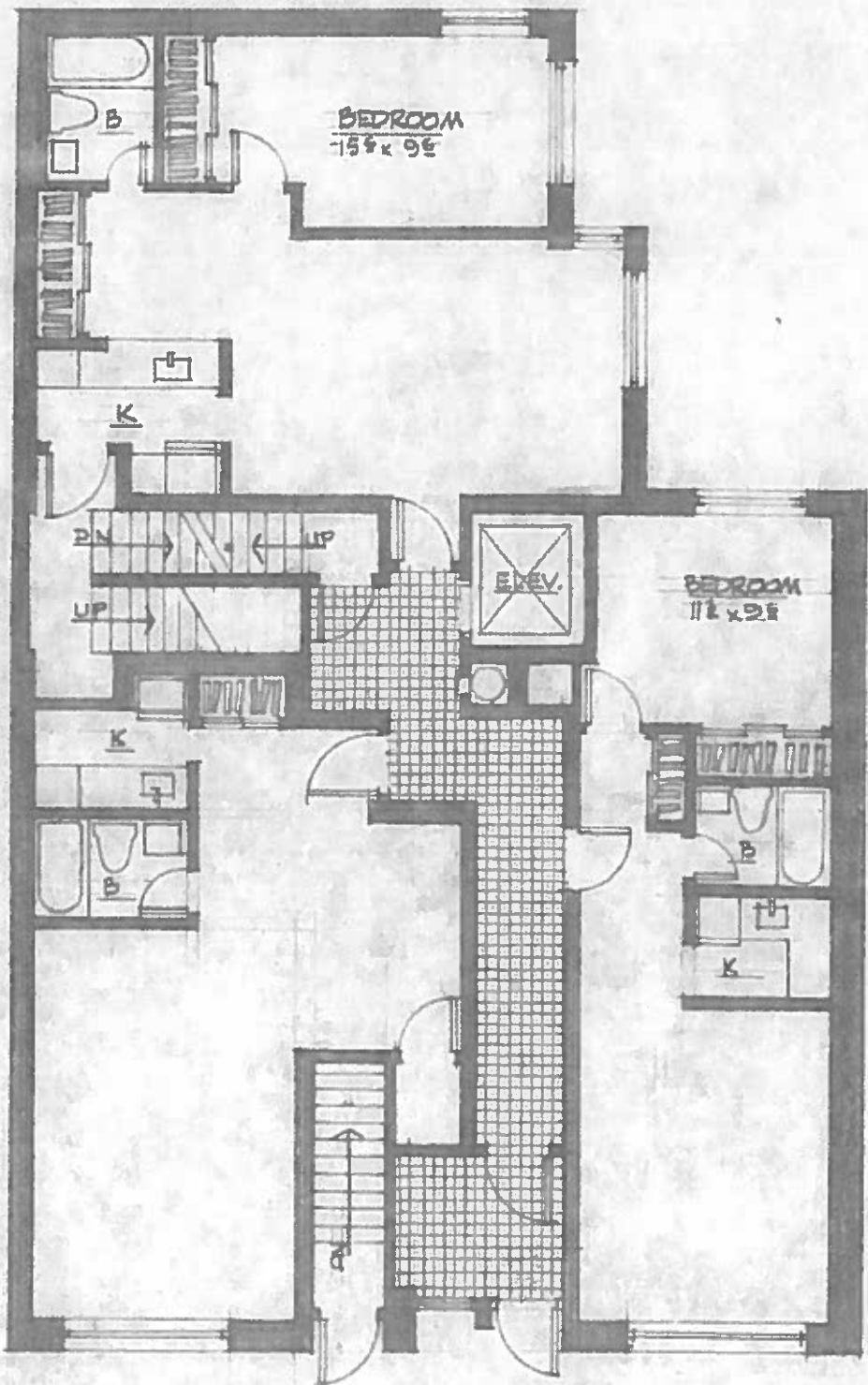
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203 EAST 74TH STREET TOWNHOUSE

JACOBS & ASSOCIATES
 29 W. 57TH ST., N.Y., N.Y. 421-3712

JAN 26, 1972
PROPOSED CONDITION



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 29 W. 57th St.
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 JAN 26 1972

FIRST FLOOR PLAN

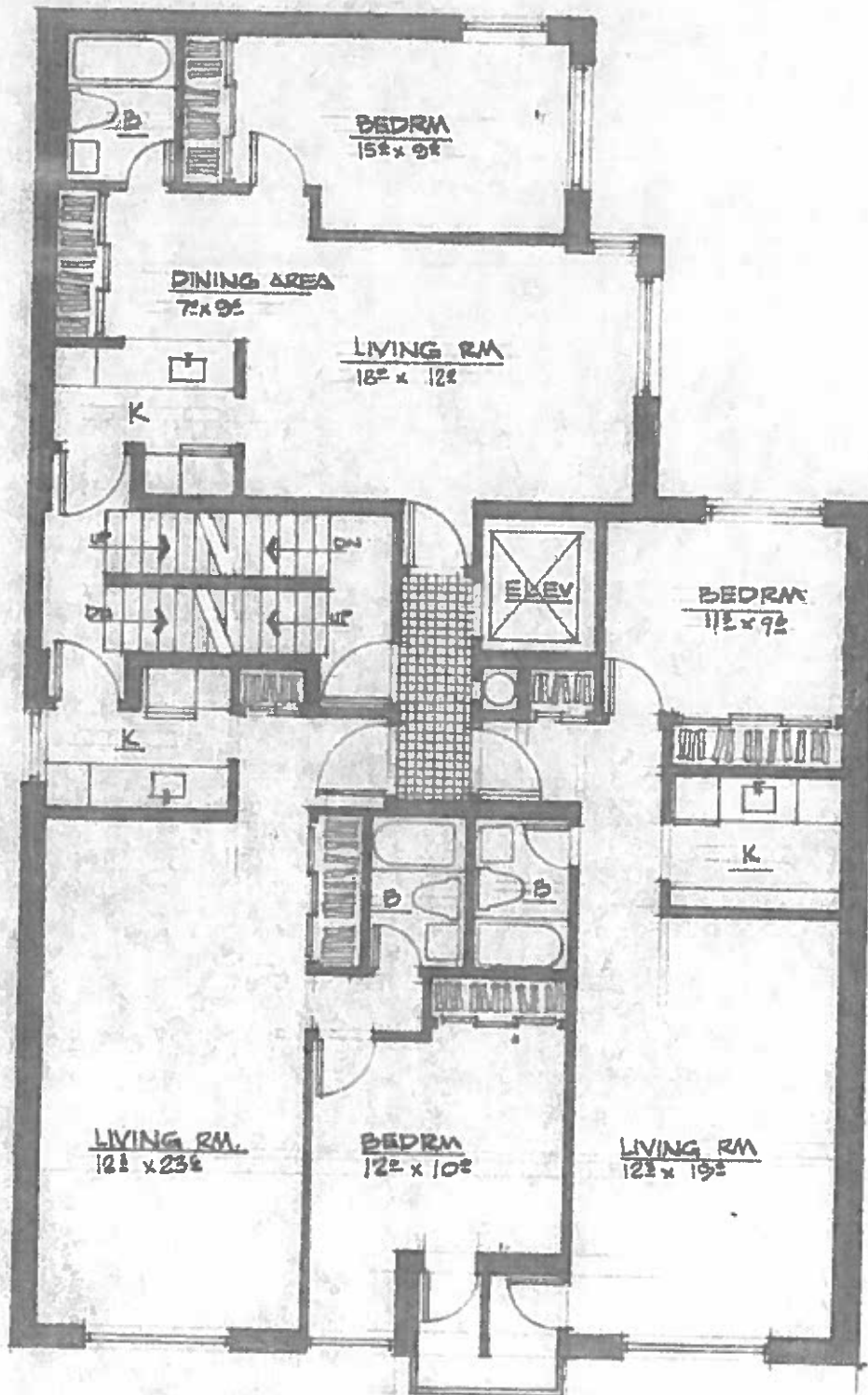
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203 EAST 74th STREET TOWNHOUSE

JACOBS & ASSOCIATES
 29 W. 57th ST., N.Y., N.Y. 421-3712

JAN 26, 1972
PROPOSED CONDITION



TYPICAL FLOOR 2, 3, 4, 5, & 6

SCALE: 1/8" = 1'-0"

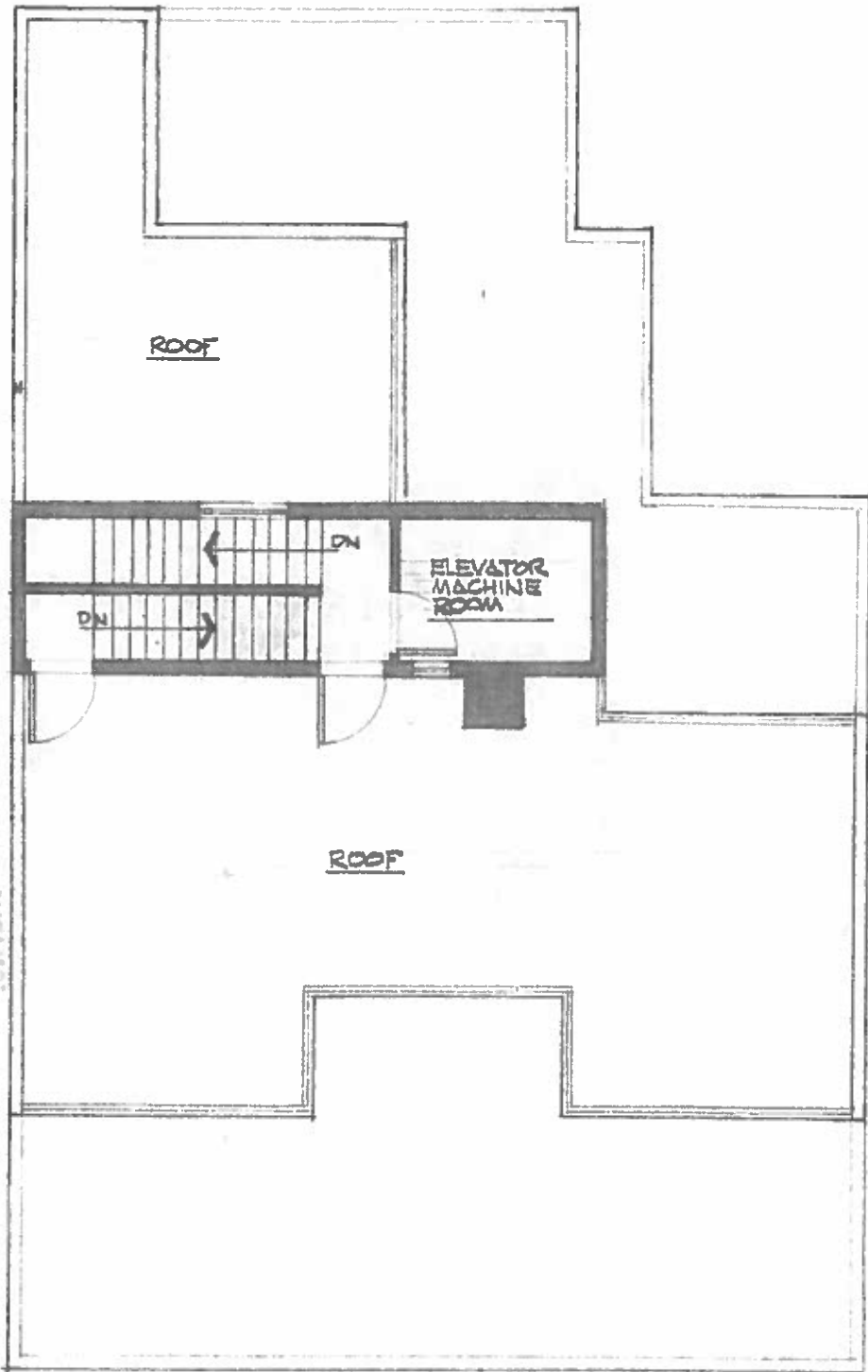


203 EAST 74TH STREET TOWNHOUSE

JACOBS & ASSOCIATES
29 W. 57TH ST., N.Y., N.Y.
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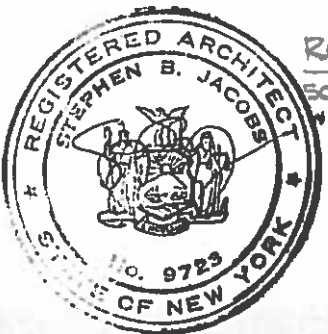
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ROOF PLAN

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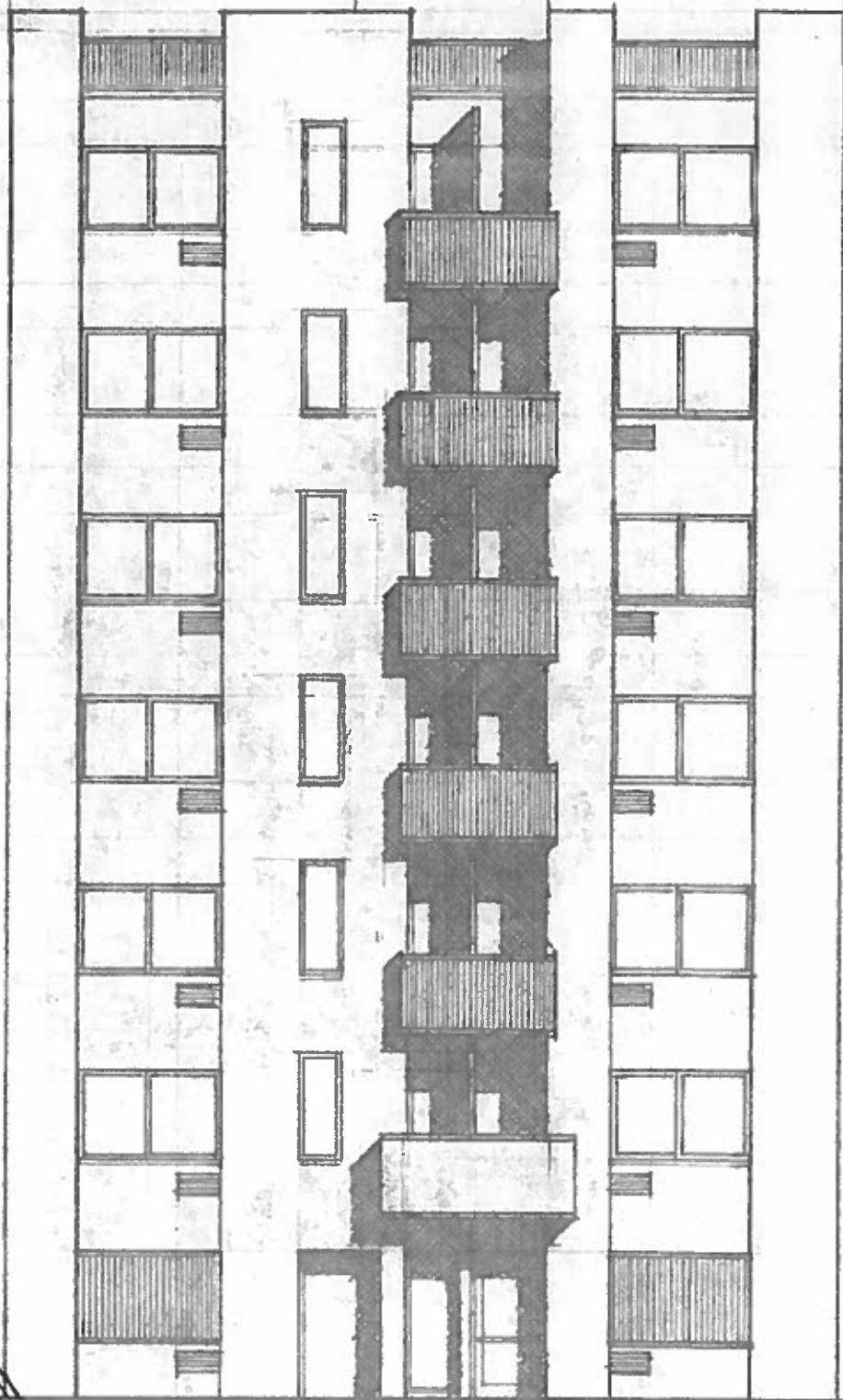
208 EAST 74TH STREET TOWNHOUSE

JACOBS & ASSOCIATES
 29 W. 57TH ST., N.Y., N.Y.

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JAN. 26, 1972

PROPOSED CONDITION



PROPOSED
FRONT ELEVATION
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705 EAST 74TH STREET TOWNHOUSE
JACOBS & ASSOCIATES
20 W 5TH ST. N.Y. N.Y. 421-3712
16 FEB 1972

PROPOSED CONDITIONS



SECTION

