



HERRICK

Arthur C. Huh
Planning and Development Specialist
Phone: 212.592.1428
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ahuh@herrick.com

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 31 2017



250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6200 - Fax
www.nyc.gov/bsa

BY COMMUNITY BOARD

SPECIAL ORDER CALENDAR (SOC)

Application Form

RECEIVED
BOARD OF STANDARDS AND APPEALS
2017 JUL 24 A 4:44

BSA APPLICATION NO. **103-70-BZ**

Section A

**Applicant/
Owner**

Herrick, Feinstein LLP
NAME OF APPLICANT
2 Park Avenue
ADDRESS
New York NY 10016
CITY STATE ZIP
212 592-1428
AREA CODE TELEPHONE
212 545-2315
AREA CODE FAX
ahuh@herrick.com
EMAIL

203 E 74 LLC
OWNER OF RECORD
c/o B & L Management Co., LLC, 316 East 63rd Street
ADDRESS
New York NY 10012
CITY STATE ZIP
LESSEE / CONTRACT VENDEE
ADDRESS
CITY STATE ZIP

Section B

Site Data

203 East 74th Street 10021
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE
Between Third and Second Avenues
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
1429 103 Manhattan 8 n/a
BLOCK LOT(S) BOROUGH COMMUNITY DISTRICT LANDMARK/HISTORIC DISTRICT
CM Garodnick C1-9 / R8B 8c
CITY COUNCILMEMBER ZONING DISTRICT ZONING MAP NUMBER
(include special zoning district, if any)

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)
Request for approval of transfer of unused development rights from subject property to adjacent development site.

Section D

Actions

APPLICATION IS HEREBY MADE TO:
1. ☐ Waive of the Rules of Practice and Procedure (Explain in your statement)
2. ☐ Extension of Time to:
☐ Complete construction ☐ Obtain a Certificate of Occupancy Expiration Date: _____
3. ☒ Amendment to Previous Board Approval
4. ☐ Extension of Term of the:
☐ Variance ☐ Special Permit For a term of _____ years Expiration Date: _____
5. ☐ Other (Explain in your statement)
Authorizing Section(s) of the Zoning Resolution:
☐ § 11-411 ☐ § 11-412 ☐ § 11-413 ☐ §§ 72-01 and 72-22 ☐ § 73-11 ☐ Other _____

Section E
Department
Of
Buildings
Information

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| 1. Have plans been filed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Have plans been approved? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (If Yes, Date Approved <u>1973</u>) | | |
| 3. Has a permit been obtained? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (If Yes, Permit No. <u>181-69</u> Date Issued <u>1969</u>) | | |
| 4. Is work in progress? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (If Yes, Percentage of work completed _____%) | | |
| 5. Has a temporary or permanent Certificate of Occupancy been obtained? | <input checked="" type="checkbox"/> | <input 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 September 22, 1970, when the Zoning District was C1-9, an application was granted by the Board under Section 72-21 to permit:

the construction of a 10-story building that encroached on the minimum required rear yard and windows that encroached on the minimum distance to the rear lot line.

- On November, 16, 1971, the Board granted and extension of time to complete construction

- On March 28, 1971, the Board granted an amendment to the prior variance to reduce the building size from 10 stories to 7 stories with two mezzanines.

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>April 5, 2017</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 checked="" type="checkbox"/> | <input 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 of Applicant, Corporate Officer or Other Authorized Representative

Arthur Huh

Print Name

Planning & Development Specialist

Title

SWORN TO ME THIS 24 DAY OF July 2017

JAMES E. GEDEON
Notary Public, State of New York
No. 01GE6269870
Qualified in Queens County
Commission Expires October 29, 2020



HERRICK

Arthur C. Huh
Planning & Development Specialist
Phone: 212.592.1426
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.

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Amended Variance were granted and the building was constructed, the entire Property was located in a C1-9 district. In 1994, the depth of the C1-9 district was reduced from 125 to 100 feet, creating a split lot condition and placing the eastern 622 square feet of the property in a R8B zoning district, as discussed above. The portion of the building within the C1-9 district is within 100 feet of the corner and no rear yard is required; however, the building also covers the entirety of the lot within the R8B district (and beyond 100 feet from the corner) and violates the rear yard regulations, as per the Variance and Amended Variance. In 2003, two of the apartments on the first floor of the building were converted to residential use (as per DOB permit number 103153310-01-AL), and a new Certificate of Occupancy was issued by DOB, dated February 17, 2005, reflecting this change.

In accordance with the survey prepared by Fehringer Surveying P.C. and the analysis prepared by SLCE Architects, both of which are attached hereto as Exhibit B, the building contains 17,631.99 zoning square feet, in compliance with the Variance and the Amended Variance. The portion of the Property in the C1-9 district has approximately 3,601 square feet in unused development rights at a 10 FAR, and another 3,586 square feet in unused development rights at a 12 FAR, assuming use of the Inclusionary Housing bonus. The portion of the Property in the R8B district does not have any unused development rights - it is currently overbuilt by 776 square feet, as shown on the attached zoning calculations sheet prepared by SLCE Architects, LLP. However, also as shown on the zoning calculations sheet, once the larger zoning lot is created, the R8B portion of such zoning lot will not be overbuilt and will contain excess development rights.

III. Board History

On September 22, 1970, the Board granted the Variance and a modification to the MDL (103-70-BZ and 104-70-A, see resolutions attached hereto as Exhibit C), permitting the construction of a ten story building that encroached on the minimum required rear yard and windows that encroached on the minimum distance to the rear lot line on the Property. On November 16, 1971, the Board granted an extension of time to complete construction. On March 28, 1971, the Board granted the Amended Variance, which reduced the proposed building size from ten stories to seven stories with two mezzanines. The Building was constructed pursuant to the Amended Variance and there have been no subsequent amendments to the Variance.

The financial analyses that were submitted with the Variance and the Amended Variance (attached hereto as Exhibit D) do not assign any value to unused development rights. Accordingly, we have assumed that the Board did not assign value to the Property's unused development rights as part of their determination and grant.

IV. J.S. Freeman Letter

This application includes a letter from J.S. Freeman Associates, Inc., dated June 30, 2017, analyzing the Property and its potential for a transfer of unused development rights appurtenant to the Property at the time that the Variance was granted. The letter concludes that at the time of the Variance, it is likely that the transfer of development rights from the Property were not taken into consideration, and 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.

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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
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future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to its rent stabilized status as well as its limited potential for development, this building was extremely 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. 1293-1295 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, the buildings available CO's (attached hereto as Exhibit H), and DHCR records indicate that the buildings contains Class A dwelling units and are subject to rent stabilization. In addition, Lot 2 has an area of approximately 2,840 square feet and a width of 40 feet. Due to its small size which would limit any future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to their rent stabilized status as well as its limited potential for development, these building were extremely 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. In addition, Lot 3 has an area of approximately 2,200 square feet and a width of only 20 feet. Due to its small and narrow size, which would limit any future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to its rent stabilized status as well as its limited potential for development, this building was extremely 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.

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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



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Arthur C. Huh
Planning & Development Specialist
Phone: 212.592.1428
Fax: 212.545.2315
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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 2

Amended Variance were granted and the building was constructed, the entire Property was located in a C1-9 district. In 1994, the depth of the C1-9 district was reduced from 125 to 100 feet, creating a split lot condition and placing the eastern 622 square feet of the property in a R8B zoning district, as discussed above. The portion of the building within the C1-9 district is within 100 feet of the corner and no rear yard is required; however, the building also covers the entirety of the lot within the R8B district (and beyond 100 feet from the corner) and violates the rear yard regulations, as per the Variance and Amended Variance. In 2003, two of the apartments on the first floor of the building were converted to residential use (as per DOB permit number 103153310-01-AL), and a new Certificate of Occupancy was issued by DOB, dated February 17, 2005, reflecting this change.

In accordance with the survey prepared by Fehringer Surveying P.C. and the analysis prepared by SLCE Architects, both of which are attached hereto as Exhibit B, the building contains 17,631.99 zoning square feet, in compliance with the Variance and the Amended Variance. The portion of the Property in the C1-9 district has approximately 3,601 square feet in unused development rights at a 10 FAR, and another 3,586 square feet in unused development rights at a 12 FAR, assuming use of the Inclusionary Housing bonus. The portion of the Property in the R8B district does not have any unused development rights - it is currently overbuilt by 776 square feet, as shown on the attached zoning calculations sheet prepared by SLCE Architects, LLP. However, also as shown on the zoning calculations sheet, once the larger zoning lot is created, the R8B portion of such zoning lot will not be overbuilt and will contain excess development rights.

III. Board History

On September 22, 1970, the Board granted the Variance and a modification to the MDL (103-70-BZ and 104-70-A, see resolutions attached hereto as Exhibit C), permitting the construction of a ten story building that encroached on the minimum required rear yard and windows that encroached on the minimum distance to the rear lot line on the Property. On November 16, 1971, the Board granted an extension of time to complete construction. On March 28, 1971, the Board granted the Amended Variance, which reduced the proposed building size from ten stories to seven stories with two mezzanines. The Building was constructed pursuant to the Amended Variance and there have been no subsequent amendments to the Variance.

The financial analyses that were submitted with the Variance and the Amended Variance (attached hereto as Exhibit D) do not assign any value to unused development rights. Accordingly, we have assumed that the Board did not assign value to the Property's unused development rights as part of their determination and grant.

IV. J.S. Freeman Letter

This application includes a letter from J.S Freeman Associates, Inc., dated June 30, 2017, analyzing the Property and its potential for a transfer of unused development rights appurtenant to the Property at the time that the Variance was granted. The letter concludes that at the time of the Variance, it is likely that the transfer of development rights from the Property were not taken into consideration, and 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.



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

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Page 4

future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to its rent stabilized status as well as its limited potential for development, this building was extremely 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. 1293-1295 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, the buildings available CO's (attached hereto as Exhibit H), and DHCR records indicate that the buildings contains Class A dwelling units and are subject to rent stabilization. In addition, Lot 2 has an area of approximately 2,840 square feet and a width of 40 feet. Due to its small size which would limit any future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to their rent stabilized status as well as its limited potential for development, these building were extremely 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. In addition, Lot 3 has an area of approximately 2,200 square feet and a width of only 20 feet. Due to its small and narrow size, which would limit any future building envelope, it would be very unlikely that a large development would be constructed on the site utilizing additional development rights from any other property.

Due to its rent stabilized status as well as its limited potential for development, this building was extremely 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.



July 24, 2017

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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.

116 Nassau Street | Room 519
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.

real estate consulting services

j.s.freeman associates, inc.

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212. 671. 0878
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June 30, 2017

Hon. Margery Perlmutter, Chairperson
New York City Board of Standards and Appeals
250 Broadway, 29th Floor
New York, New York 10007

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

Dear Chairperson Perlmutter:

We have been asked by the owner of the captioned property (the "Property"), which received variances (No. 103-70-BZ and 104-70-A) from the Board of Standards and Appeals (the "Board") in 1970 and then amended in 1971 (the "Variance"), to advise the Board as to whether, at the time the Variance was considered, the excess development rights appurtenant to the Property had any value.

We have reviewed the Resolutions adopted by the Board for the Variance and material submitted in support of the application for the Variance. As discussed below, there were no viable opportunities for the transfer of unused development rights from the Property to adjacent properties. Therefore, the findings made for the Variance for the Property are not invalidated or called into question by the current proposal to transfer the excess development rights to the adjacent development site located at located at 1297 and 1299 Third Avenue (Block 1429, Lots 3 and 4 - the "Development Site").

At the time the Variance was granted, all adjacent which might have provided opportunities for the transfer of unused development rights were in separate ownership. To the best of our knowledge, there were no assemblages. The adjacent properties are :

- 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. 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 (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 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 building 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

to provide ongoing fiscal oversight. The climate for real estate development continued to go downhill in the mid-1970s. It was not until the early- to mid-1980's that a post-recession economic climate stabilized and again became conducive to new real estate development. No available data suggests new development was not in any way feasible or possible when the application for the Variance was made in 1970 and amended in 1971.

To summarize zoning history, until the 1961 Zoning Resolution was adopted, the 1916 Zoning Resolution restricted the size of buildings on lots which was interpreted to include any contiguous lots if the owners of those lots leased or sold their air space to the building's developer. This created an incentive for property owners to enlarge their lots only by leasing or purchasing air space, in order to avoid height and setback restrictions.

Under the 1961 Zoning Resolution, FAR became the determinant of building bulk. The 1961 Zoning Resolution did not introduce a specific development rights transfer mechanism, but its definition of "zoning lot" permitted a developer to enter into a long-term lease of contiguous lots on the same city block – and then purchase and shift unused development rights from one lot to another. A long-term lease was required to be at least fifty years in duration, with an option to renew that provided a total lease of at least seventy-five years. The long-term lease requirement posed potential problems and significant uncertainties for owners, lessees and lenders. Those uncertainties limited the use of development rights.

Except for Special Purpose Districts, such as the South Street Seaport District, which provided for the creation of a Development Bank to hold and sell transferrable development rights to designated receiving sites within the defined District, there was no general mechanism for transfers of development rights.

Since the Variance and the Amended Variance were granted in 1970 and 1971, it is 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.

To alleviate these concerns, the Zoning Resolution was amended in 1977 to eliminate the lease requirement. The amended definition of "zoning lot" now includes a tract of land consisting of two or more contiguous tax lots, located on a single block, which at the time of filing for a building permit or certificate of occupancy "is declared to be treated as one zoning lot for development purposes". This established the basis for the transfer of development rights through zoning lot merger as now practiced. The process requires that a Declaration of Zoning Lot Restrictions be executed by all parties in interest to any portion of the zoning lot and must be recorded against each relevant tax lot. In addition, a licensed New York State title insurance company must provide certification that all "parties in interest" have either joined the declaration or waived the right to do so.

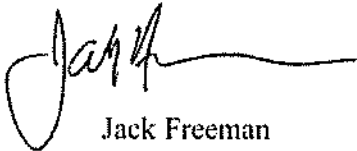
June 30, 2017
203 East 74th Street
New York, NY
Page 5

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,

A handwritten signature in black ink, appearing to read "Jack Freeman", with a long horizontal flourish extending to the right.

Jack Freeman

Exhibit A

1974 Certificate of Occupancy

HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS
CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE: 8-30-74 NO. 74804

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, 104

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	LIFT 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	n.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 30
 OF THE DEPART.

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.

Constance F. Dennis
 BOROUGH SUPERINTENDENT

JEREMIAH T. WALSH
 COMMISSIONER

OFFICE COPY-DEPARTMENT OF BUILDINGS

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 of place of beginning.

N.B. of ~~XX~~ 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:

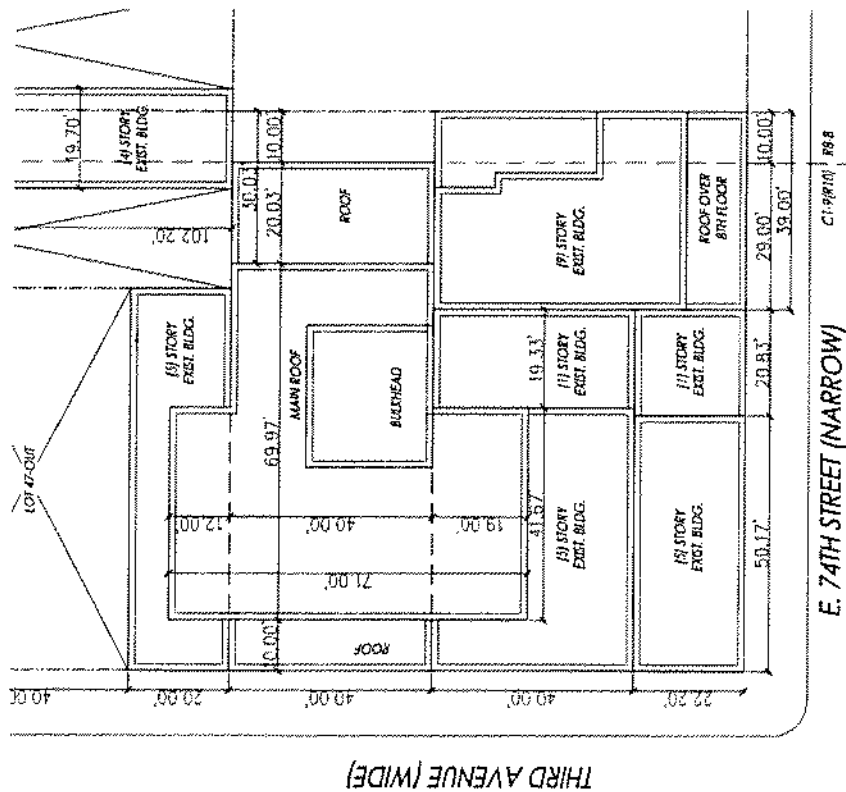
A) SANITARY SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. _____
 CITY PLANNING COMMISSION CAL. NO. _____
 OTHERS: _____

Exhibit B

Fehringer Survey



EXISTING AREA TO REMAIN				
*EXISTING FLOOR AREA BASED ON SURVEY DATED APRIL 5, 2017				
LOT	CL-9 AREA	RBB AREA	TOTAL AREA	
1	6,263 ZSF	- ZSF	6,263 ZSF	
2	10,953 ZSF	- ZSF	10,953 ZSF	
3	0 ZSF	- ZSF	0 ZSF	
4	0 ZSF	- ZSF	0 ZSF	
44	1,167 ZSF	3,052 ZSF	4,219 ZSF	
48	5,616 ZSF	- ZSF	5,616 ZSF	
103	14,330 ZSF	3,302 ZSF	17,632 ZSF	
TOTAL	30,329 ZSF	6,353 ZSF	44,682 ZSF	

REMAINING AVAILABLE ZONING FLOOR AREA					
*EXISTING FLOOR AREA BASED ON SURVEY DATED APRIL 5, 2017					
LOT	LOT	CL-3 AREA		RBB AREA 4.0/FAR	TOTAL AREA
		10.0/FAR	12.0/FAR		
1	1	9,476 ZSF	3,148 ZSF	- ZSF	12,623 ZSF
2	2	17,447 ZSF	5,680 ZSF	- ZSF	23,127 ZSF
3	3	20,000 ZSF	4,000 ZSF	800 ZSF	24,800 ZSF
4	4	20,000 ZSF	4,000 ZSF	800 ZSF	24,800 ZSF
	44	4,367 ZSF	1,107 ZSF	2,738 ZSF	8,212 ZSF
	48	9,364 ZSF	3,000 ZSF	- ZSF	12,364 ZSF
TOTAL	TOTAL	3,601 ZSF	3,586 ZSF	-776 ZSF	5,411 ZSF
		84,276 ZSF	24,921 ZSF	9,583 ZSF	113,780 ZSF

Exhibit C

Board Resolutions

MINUTES

Street, 1090
East 65th
hattan.

Francis O.
Edmund Pal-
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Previously in-

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decision of the
-412 and 72-21
R7-1 district,
previously before
a parking lot.
Avenue, west
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Donald Zucker,
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Julius Lowenthal
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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. Marko 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. Marko, 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. Bartusis.
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

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. Barbuisa.

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. X

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—Edgway 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. Minkens, 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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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. Kosma.

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

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 Tannenbaum 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

Boulevard, n. 20, Bayside, 1

APPEARANC
For Applicant
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THE VOTE—
Affirmative:
Commissioner
Commissioner
Negative: ..

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924-68-A—Vol

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SUBJECT—A;
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815, Lot 13, 1

APPEARANC
For Applicant
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THE VOTE—
Affirmative:
Commissioner
Commissioner
Negative: ..

897-65-A

APPLICANT—
and owners.
SUBJECT—A;
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APPEARANC
For Applicant
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tion amended.

THE VOTE—
Affirmative:
Commissioner
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Negative: ..

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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 C8-1 zone and partly within an R5 zone is contrary to Section 22-22 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 C8-1 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, Lot 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.

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THE VOTE—

Affirmative:
Commissioner
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Absent: Con

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Exhibit D

Financial Analysis from Original Application

EXHIBIT NO. 2

71 DEC 21 AM 9:08

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.

O.S.R.- none required

P.A.R. = 10

Lot area = $39.0' \times 62.2' = 2425.8$ sq. ft.

Maximum floor area allowed = $2425.8 \times 10 = 24,258$ sq. ft.

Actual Floor Area

Typical floor = 2167 sq. ft.

Mezzanine floor = 1078 sq. ft.

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

Mezzanine floors = 3×1078 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. $\times 10/100 = 100.6$ sq. ft. reduction

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

residential portion = 77.5 rooms.

$77.5 \times 30 = 2,325$ 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
	<hr/>
	\$1,050.00

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STANDARD & APPEALS

71 DEC 21 AM 8:00

Typical Floor: (2,3,4) The secone, third and fourth floors will contain 4 simples apartments each, 2 studios and 2 one bwdroom apartments.

1. Studio (west)	\$260.00
2. Studio (middle)	225.00
3. One bedroom (east)	360.00
4. One bedroom (rear)	400.00
<hr/>	
$\$1,245.00 \times 3 = \$3,735.00$	

Typical Floor: (5,6,7) The 5th and 6th floors will be built with 16 foot high ceilings. This will make it possible to add a mezzanine level, totaling 1/3 of the area of the lower floor of the apartment.

1. One bedroom (west)	\$400.00
2. One bedroom (middle)	375.00
3. One bedroom and balcony (east)	450.00
4. One bedroom & study	500.00
<hr/>	
$\$ 1,730.00 \times 3 = \$15,190.00$	

Total Monthly Income = \$9,975.00
Total Income per annum = \$118,700

Carrying Charges

1. Mortgage - Interest and amortization	\$ 55,000.00
2. Real Estate Taxes	20,000.00
3. Frontage tax	600.00
4. Heat (Con Ed Steam)	4,000.00
5. Management	3,750.00
6. Insurance	1,000.00
7. Electric (Halls)	500.00
8. Janitor	4,000.00
9. Vacancies	6,000.00
10. Repairs	1,500.00
11. Miscellaneous	1,000.00
<hr/>	
$\$98,350.00$	

Net Profit

$\$118,700.00 - \$98,350.00 = \$20,350.00$
1% amortization = 5,500.00

 $\$25,850.00$

Total Cash in project

$\$841,500 - \$550,000 = \$291,500.00$, or an 8.9% return on invested capital

Exhibit E

Plan of Adjacent Sites

6

1297 Third Avenue
rent stabilized
too small and narrow

1293-1295 Third Ave
rent stabilized
too small

1291 Third Avenue
rent stabilized
too small and narrow

203 East 74th St.
Variance Site

207 East 74th Street
in different zoning district

C1-9 / R8B

**Approx. Zoning District -
Boundary Line**

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 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 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.

Exhibit G

1291 Third Avenue (Lot 1) Certificates of Occupancy

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 C26-181.0 to C26-187.0 inclusive Administrative Code 21.3.1. to 21.3.7. 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 ~~located~~ at
201 East 74th Street (1891 Third Avenue)

Block **1439** Lot **1**

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.

Alt. No. **893-1952**Construction classification— **Class 3 Nonfireproof**Occupancy classification— **Heretofore Converted** Height **5** stories, **35** 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.
<p>Fuel Oil Installation approved by Fire Department April 20, 1953.</p> <p>Sec. 8.123 sub 4 Building Code, C25-273.0 Adm. Code "Prior to the occupancy of a structure erected or altered after January 1, 1932, the structure shall be protected under glass and maintained in the same condition as that of such structures."</p>					
<p>THIS CERTIFICATE IS NOT CONSIDERED A CERTIFICATE OF COMPLIANCE OR A VOUCHER FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. IT IS A DECLARATION OF THE BOARD OF STANDARDS AND APPEALS THAT THE BUILDING IS IN COMPLIANCE WITH SECTION 301 OF THE MULTIPLE DWELLING LAW.</p>					

3361, US Page

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 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 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.

646F. 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.

Exhibit H

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

DEPARTMENT OF HOUSING AND BUILDINGS
Borough of Manhattan, City of New York

No. 1000
Date August 24, 1948

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 2.1.3.1. to 2.1.3.7. (Building Code.)

This certificate supersedes C. O. No. 33419-

to the owner or owners of the building or premises:

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building—premises located at
1293-1295 Third Avenue

Block 1429 Lot 2 & 2 1/2

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.

~~XXX~~ Alt. No.— 450-1948 Construction classification—Nonfireproof Class 3

Old Law Tenement
Occupancy classification—Class A Mult.Dwell. Height 5 stories, 55 feet.

Date of completion— June 29, 1948 . Located in Business Use District.

B Area 14. Height Zone at time of issuance of permit 1180-1948

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	
Basement	on ground			2	Boiler room, storage and hand laundry.
1st floor	120			20	Store and Hand Laundry.
2nd to 5th floor, incl.	40 each				Four (4) apartments on each floor.
					Note: Not more than five (5) persons to be employed at factory work in entire building.
					Note: The floor space devoted to factory use not to exceed 25% of the total floor area of building.
					Fuel Oil installation approved by Fire Department June 9, 1948

[Signature]
Borough Superintendent.

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 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 6 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 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.



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

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Alfred Caioia, being duly sworn, deposes and says that (s)he resides
at 316 E 63rd 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

Print Title

[Signature]
Alfred Caioia
MANAGER

Sworn to before me this 17th day

Of July 2017

[Signature]
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 ~~apartment building~~ building ~~located at~~

203-205 East 74th Street

Block 1429

Lot 5/103, 104

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 Dwelling or HOUSING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE 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 P.D.
 OF THE DEPART.

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.

Concannon
 BOROUGH SUPERINTENDENT

JEREMIAH T. WALSH
 COMMISSIONER

OFFICE COPY - DEPARTMENT OF BUILDINGS

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

BEGINNING at a point on the 71 north side of East 74th Street
 distant Third Avenue feet from the corner formed by the intersection of
 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 LOT 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AUTOMATIC SPRINKLER SYSTEM	<input checked="" 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) 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: _____

HOUSING AND DEVELOPMENT ADMINISTRATION

DEPARTMENT OF BUILDINGS

CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE: 10-5-77

NO. 1 745

This certificate Amends C.O. No. 74904

ZONING DISTRICT C 1-9

THIS CERTIFIES that the ~~EXISTING~~ altered-existing building ~~located at~~ 203-205 East 74th Street

Block 1429 Lot 103 & 104

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	RESOLUTION	BUILDING CODE		DESCRIPTION OF USE
			DWELLING OR ROOMING UNITS	USE GROUP	HABITABLE ROOMS	OCCUPANCY GROUP	
Cellar	G.O.			2		D-2	Meter room, pump room, refuse room, tenants laundry, building storage, recreation room in conjunction with apartment above.
1st	40 & 100		3		5	U-2	Class "A" apartments.
2nd to 5th			3		6		Class "A" apartments.
6th			3/2		6		Class "A" apartments.
6th Mezz.			3/2		3		Class "A" apartments.
7th			3/2		6		Class "A" apartments.
7th Mezz.			3/2		3		Class "A" apartments.

Note: This Certificate of Occupancy amends Certificate of Occupancy # 74904 for changes on cellar & 1st floor only.

THIS CERTIFICATE OF OCCUPANCY SHALL BE POSTED
ON THE BUILDING WITH THE PLANS
AND SPECIFICATIONS

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.

BOROUGH SUPERINTENDENT

COMMISSIONER

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' 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 of place of beginning.

~~BOOK~~ AIT. NO. 4-77 DATE OF COMPLETION 9-15-77 CONSTRUCTION CLASSIFICATION II-B
 BUILDING OCCUPANCY GROUP CLASSIFICATION J-2 HEIGHT 70' FEET.
 7 & Cellar

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

YES	NO	YES	NO
STANDPIPE SYSTEM (C26-1702.1)		AUTOMATIC SPRINKLER SYSTEM (C26-1703.1)	
YARD HYDRANT SYSTEM (C26-1702.2)		CENTRAL STATION SUPERVISION (C26-1703.2 & 4)	
PRIVATE HYDRANT SYSTEM (C26-1702.17)		WATER FLOW ALARM (C26-1703.6)	
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM (C26-1702.21)		SIAMASE (C26-1703.14)	
SMOKE DETECTOR (C26-1703.1)		TWO AUTOMATIC SOURCES (C26-1703.9a)	
FIRE ALARM AND SIGNAL SYSTEM (C26-1704.1)		ONE AUTOMATIC SOURCE (C26-1703.9b)	
		DOMESTIC WATER SUPPLY SOURCE (C26-1703.9c)	

THE FOLLOWING PERMITTED ALTERNATE TO A REQUIRED STANDPIPE SYSTEM WAS PROVIDED OR INSTALLED (C26-1702.1d)

YES	NO
HAND OR PORTABLE FIRE EXTINGUISHERS SUBJECT TO FIRE DEPARTMENT APPROVAL (C26-1702.14a11)	
AUTOMATIC SPRINKLER SYSTEM CONNECTED TO A CENTRAL SUPERVISORY STATION (C26-1702.14a12)	

THE FOLLOWING PERMITTED ALTERNATES TO A REQUIRED AUTOMATIC SPRINKLER SYSTEM WERE INSTALLED.

YES	NO
PARTIAL SYSTEM (TABLE 17.2). CLARIFY EXTENT OF SYSTEM BELOW.	
AUTOMATIC DRY SPRINKLER SYSTEM (TABLE 17.2)	
NON AUTOMATIC DRY SPRINKLER SYSTEM (TABLE 17-2 FOOTNOTE (c))	
SMOKE DETECTOR ALARM SYSTEM (C26-1703.2)	

EXTINGUISHING AGENT IF OTHER THAN WATER: _____
 EXTENT OF PARTIAL SYSTEM: _____

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. 103/70 BY _____
 CITY PLANNING COMMISSION CAL. NO. 104/70 A _____
 OTHERS: _____



CERTIFICATE OF OCCUPANCY

Job Number ALT 103153310

Borough: MANHATTAN

Date: FEBRUARY 17, 2005

No: 103153310

This certificate supercedes 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	60'	1	1	1	2	D-20	METER ROOM, PUMP ROOM, REFUSE ROOM, TENANTS
							LAUNDRY, BUILDING STORAGE
	60'	1	1	1	6	B-20	COMMERCIAL STORAGE
1ST FLOOR	140'	31	1	1	6	C1	RETAIL/SERVICE
	140'		1	1	2	J-2	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.

Lama V. Davis

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	NORTHERLY 62'-2"	feet; thence	EASTERLY 39'	feet;
thence	SOUTHERLY 62'-2"	feet; thence	WESTERLY 39'	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 3-2 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.	103/70BZ
---	----------

CITY PLANNING COMMISSION CAL. NO.	104/70A
-----------------------------------	---------

OTHERS:



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
					D B D		G

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

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
-----------------------------	-------	---------	------------------

distance 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:

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 2/4/95 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 74 TH ST. NEW YORK, N.Y.		
Block:	1429	Lot(s):	103
Borough:	MANHATTAN		

CERTIFICATION OF INSPECTION & COMPLIANCE

Robert Laudenschlager

(Applicant, Agent, Registered Architect or Registered Engineer)

hereby states that I personally inspected the

premises and surrounding area on July 17, 2017

(Date of most recent inspection)

. 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 Fehring Surveying, P.C., not based on a site inspection.




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

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

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

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	
23-32		1,700 sf	2,425.8 sf	2,425 sf	2,425 sf	Y
23-32		18 ft	39 ft	39 ft	39 ft	Y
22-10, 32-10	1-6		2,6	2,6	2,6	Y
23-152, 23-153	24,258 sf		18,434 sf	17,632 sf	17,632 sf	Y
N/A	N/A		N/A	N/A	N/A	Y
33-122	4,851.6					
	24,258 sf		18,434 sf	17,632 sf	17,632 sf	Y
23-152, 23-153	10		7.6	7.26	7.26	Y
N/A	N/A		N/A	N/A	N/A	Y
33-12	2					Y
35-31	10		7.6	7.26	7.26	Y
23-15		N/A				Y
23-152, 23-153		N/A				Y
23-153(R8B)	70%(R8B)		64.3(R8B)	64.3(R8B)	64.3(R8B)	Y
23-22	30		19	19	19	Y
23-641/23-662	85ft/85ft		70 ft	70 ft	70 ft	Y
23-631/23-662	N/A/75ft		70 ft	70 ft	70 ft	Y
			7+2mezz	7+2mezz	7+2mezz	Y
N/A		N/A	N/A	N/A	N/A	Y
23-462		8 ft if prov.	0	0	0	Y
23-462		8 ft if prov.	0	0	0	Y
23-541/23-471		0 ft /30 ft	0 / 22.2 ft	0 / 22.2 ft	0 / 22.2 ft	N
23-641/23-662		20 ft/15 ft	N/A	N/A	N/A	Y
23-641	3.7 to 1		N/A	N/A	N/A	Y
13-10	0	3	0	0	0	Y
N/A	N/A	N/A	N/A	N/A	N/A	Y

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

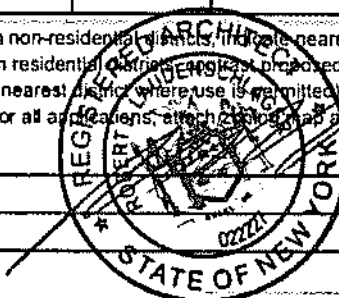
SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

LOADING BERTH (S)

OTHER:

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate 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 site map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:



FILE NO. H130007	FILE NO. 904536
EFFECTIVE DATE: APRIL 5, 2013	EXPIRATION DATE: SEPTEMBER 11, 2014
FILE NO. H130116	FILE NO. 821105
EFFECTIVE DATE: SEPTEMBER 7, 2016	EXPIRATION DATE: MARCH 17, 2018



SL	Variable	Unit	Q1	Median	Q3	Mean	Stdev	Skewness	Kurtosis
1	Age	Years	25	28	30	28.5	3.5	-0.5	0.5
2	Gender	Male/Female	Male	Male	Male	Male	0	0	0
3	Marital Status	Single/Married	Single	Single	Single	Single	0	0	0
4	Education	High School/College/Postgraduate	High School	College	Postgraduate	College	1.5	0.5	0.5
5	Income	Monthly Income	1000	1500	2000	1500	500	0.5	0.5
6	Occupation	Government/Private/Self-employed	Government	Private	Self-employed	Private	1.0	0.5	0.5
7	Health Status	Good/Fair/Poor	Good	Good	Good	Good	0	0	0
8	Smoking Status	Smoker/Non-smoker	Non-smoker	Non-smoker	Non-smoker	Non-smoker	0	0	0
9	Alcohol Consumption	Regular/Occasional/None	None	Occasional	Regular	Occasional	1.0	0.5	0.5
10	Stress Level	Low/Medium/High	Low	Medium	High	Medium	1.0	0.5	0.5

BLOCK: 1429
LOTS: 1, 2, 3, 4, 44,
48, 103

ROOF SURVEY

EAST 75TH STREET

3RD AVENUE

EAST 74TH STREET

100'-0" FROM 3RD AVENUE

ZONING: C1-9

ZONING: R8-8

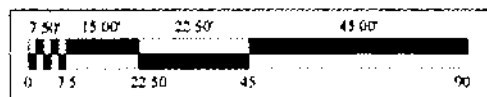
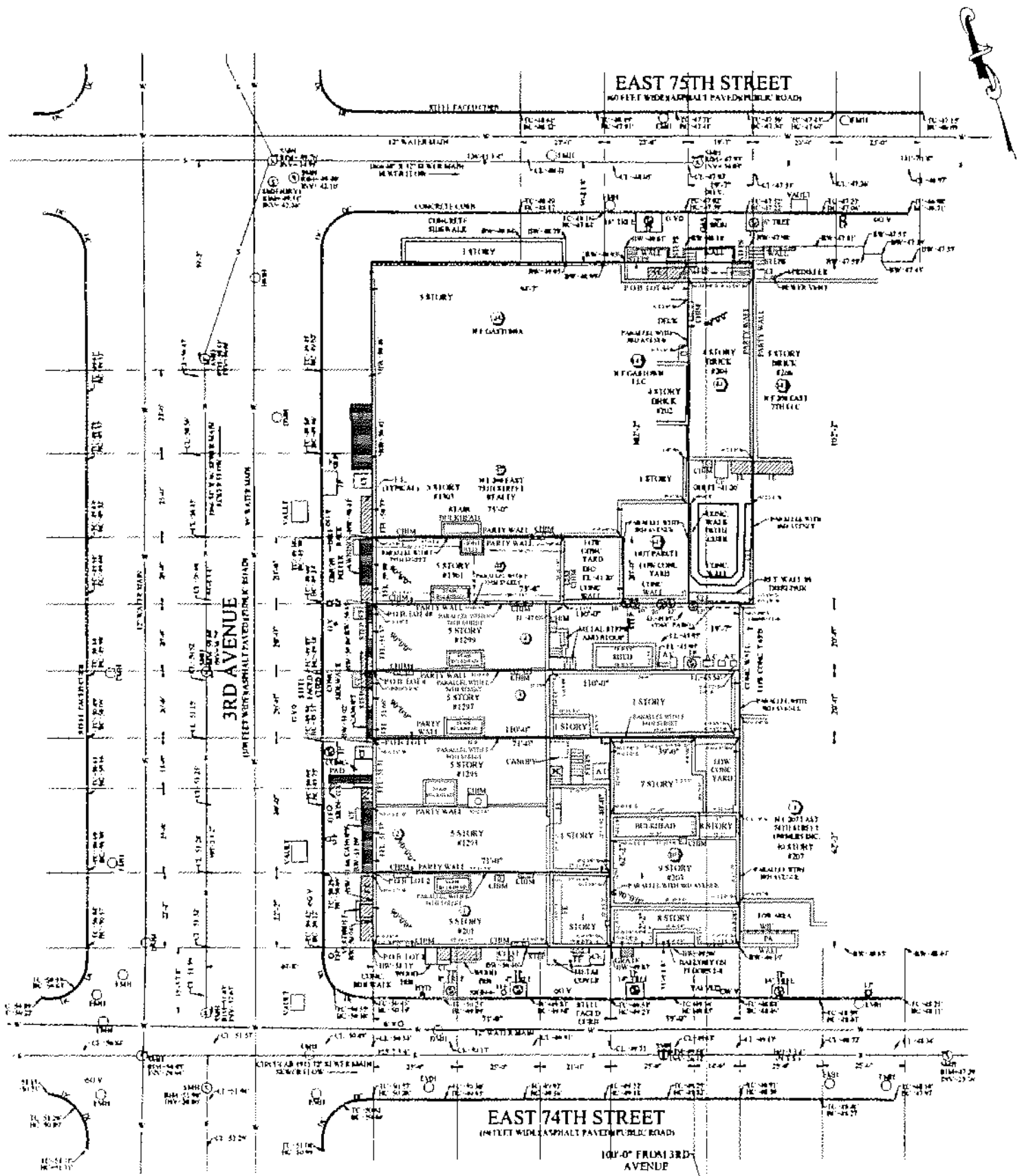
ZONING LINE PER NYC
ZONING MAP 8C
DATED JUNE 26, 2014

SCALE: 1" = 20'

SURVEYED AFTER 8.2017

NOVELTY OF PROPERTY LOCATED IN
ENCLAVE AREAS
BROOKLYN HEIGHTS
PLANNED DEVELOPMENT
CLUB OF NEW YORK
CLUB OF NEW YORK

FEHRINGER SURVEYING, P.C.
140 WEST 11TH STREET
NEW YORK, NY 10011
TEL: 212-691-1100
WWW.FEHRINGER.COM



ZONING C1-9 ZONING R4-1
ZONING LINE PER NYC
ZONING MAP NO. 1
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"

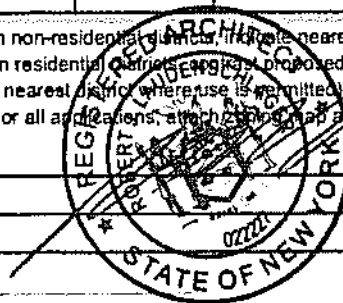
IF NOT: "N" and

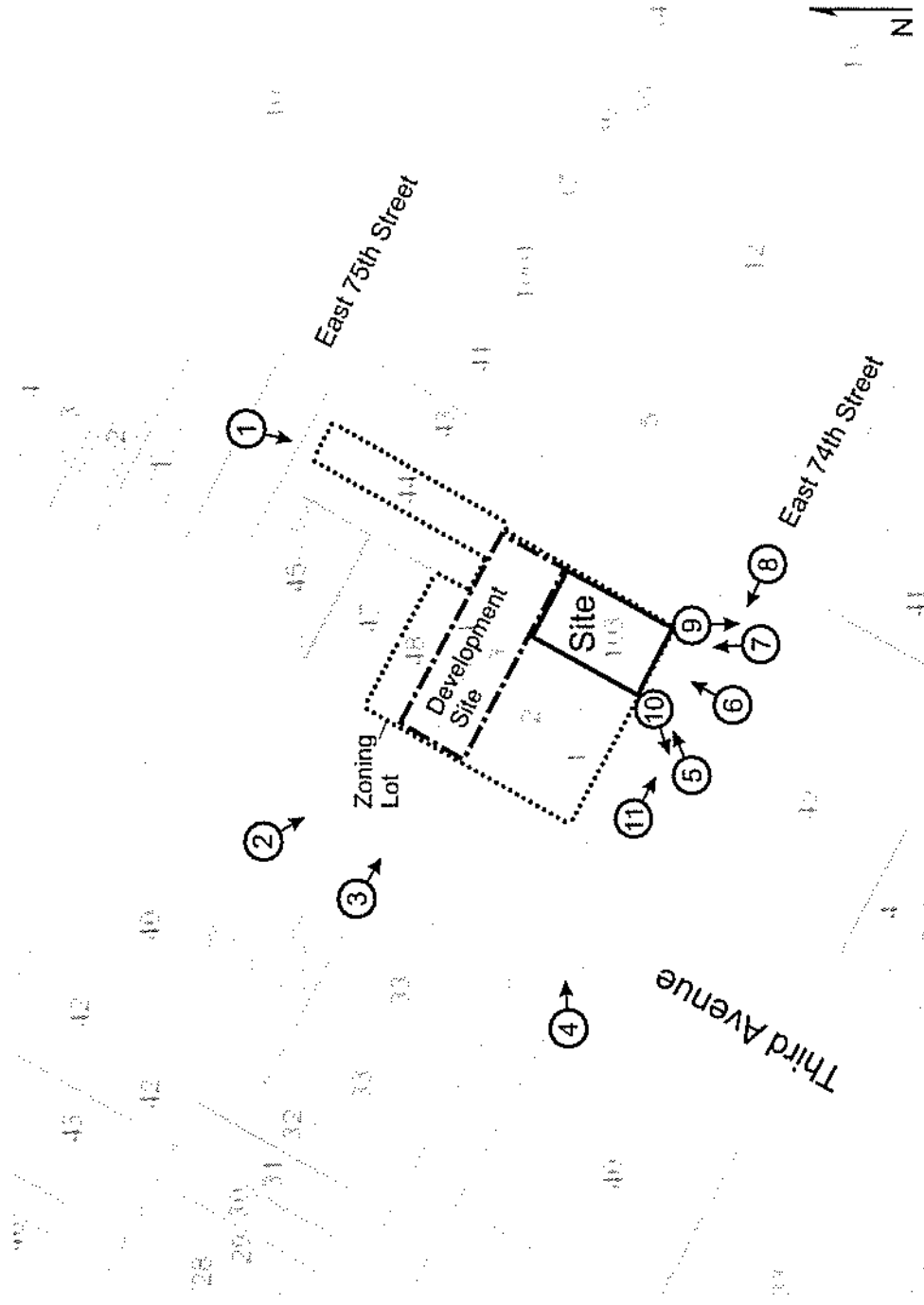
INDICATE AMT

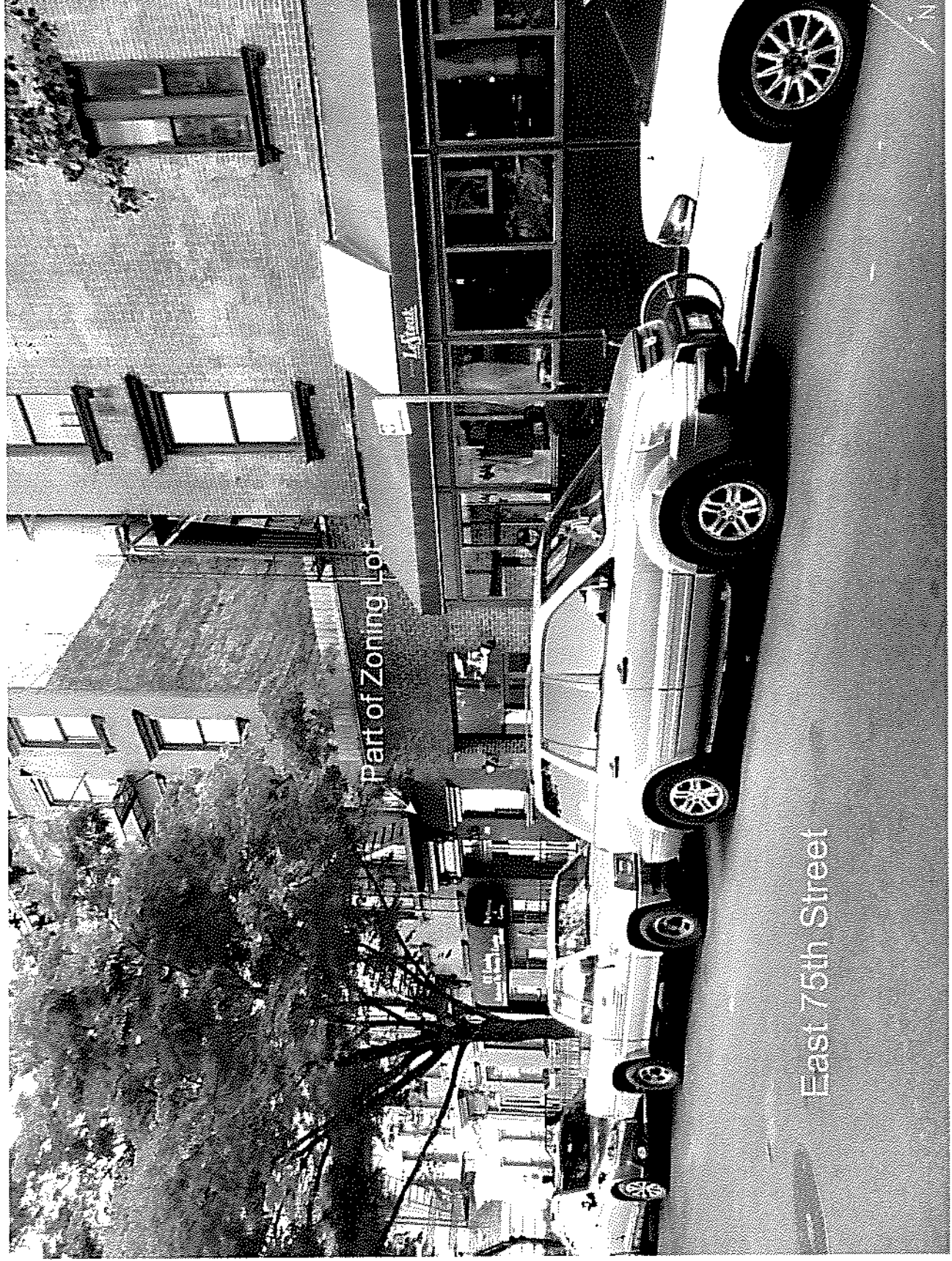
* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
23-32		1,700 sf	2,425.8 sf	2,425 sf	2,425 sf	Y
23-32		18 ft	39 ft	39 ft	39 ft	Y
22-10, 32-10	1-6		2,6	2,6	2,6	Y
23-152,23-153	24,258 sf		18,434 sf	17,632 sf	17,632 sf	Y
N/A	N/A		N/A	N/A	N/A	Y
33-122	4,851.6					
	24,258 sf		18,434 sf	17,632 sf	17,632 sf	Y
23-152,23-153	10		7.6	7.26	7.26	Y
N/A	N/A		N/A	N/A	N/A	Y
33-12	2					Y
35-31	10		7.6	7.26	7.26	Y
23-15		N/A				Y
23-152,23-153		N/A				Y
23-153(R8B)	70%(R8B)		64.3(R8B)	64.3(R8B)	64.3(R8B)	Y
23-22	30		19	19	19	Y
23-641/23-662	85ft/65ft		70 ft	70 ft	70 ft	Y
23-631/23-662	N/A/75ft		70 ft	70 ft	70 ft	Y
			7+2mezz	7+2mezz	7+2mezz	Y
N/A		N/A	N/A	N/A	N/A	Y
23-462		8 ft if prov.	0	0	0	Y
23-462		8 ft if prov.	0	0	0	Y
23-541/23-471		0 ft /30 ft	0 / 22.2 ft	0 / 22.2 ft	0 / 22.2 ft	N
23-641/23-662		20 ft/15 ft	N/A	N/A	N/A	Y
23-641	3.7 to 1		N/A	N/A	N/A	Y
13-10	0	3	0	0	0	Y
N/A	N/A	N/A	N/A	N/A	N/A	Y
OTHER:						

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate 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 Zoning Map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

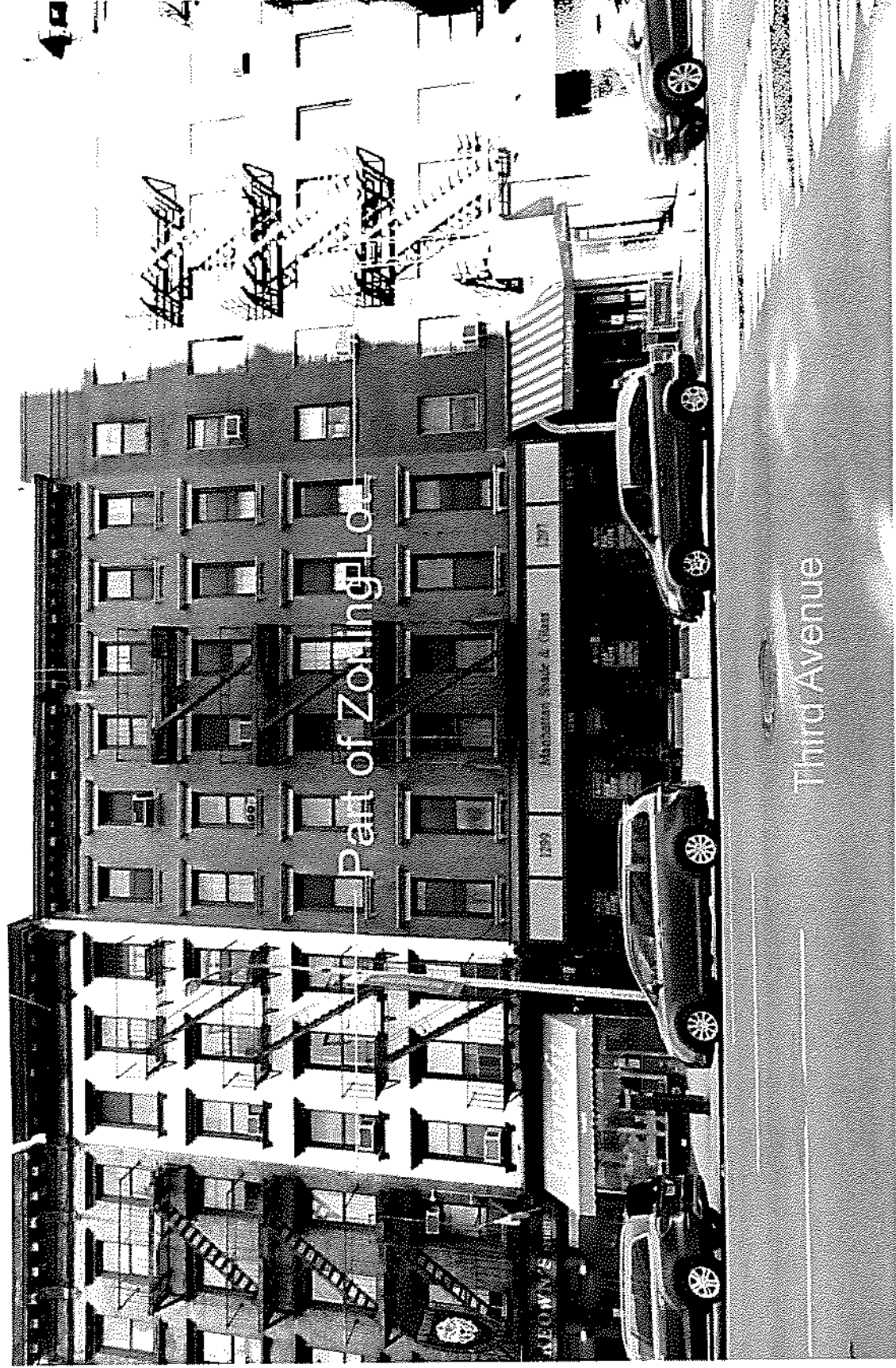
NOTES:



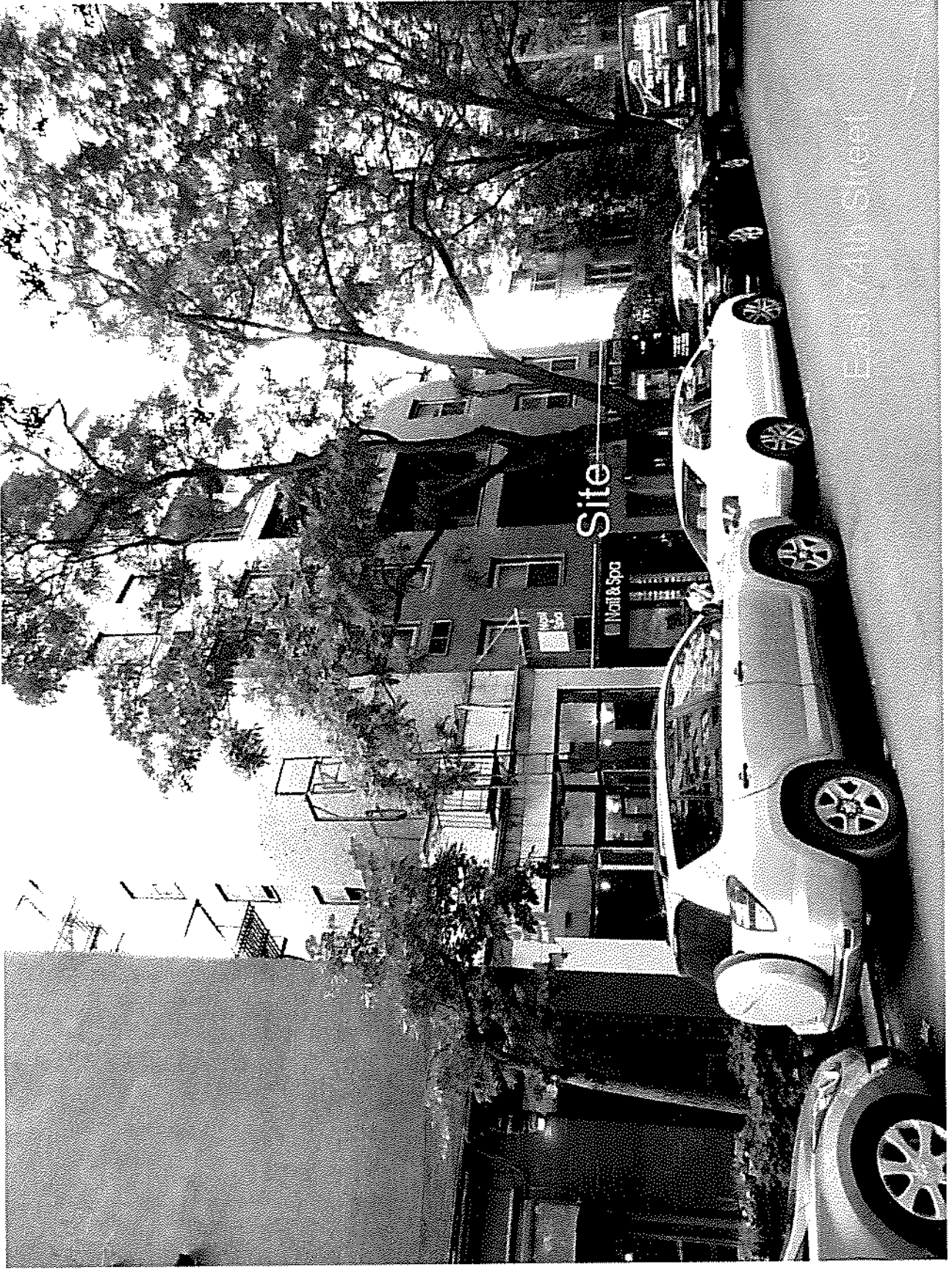


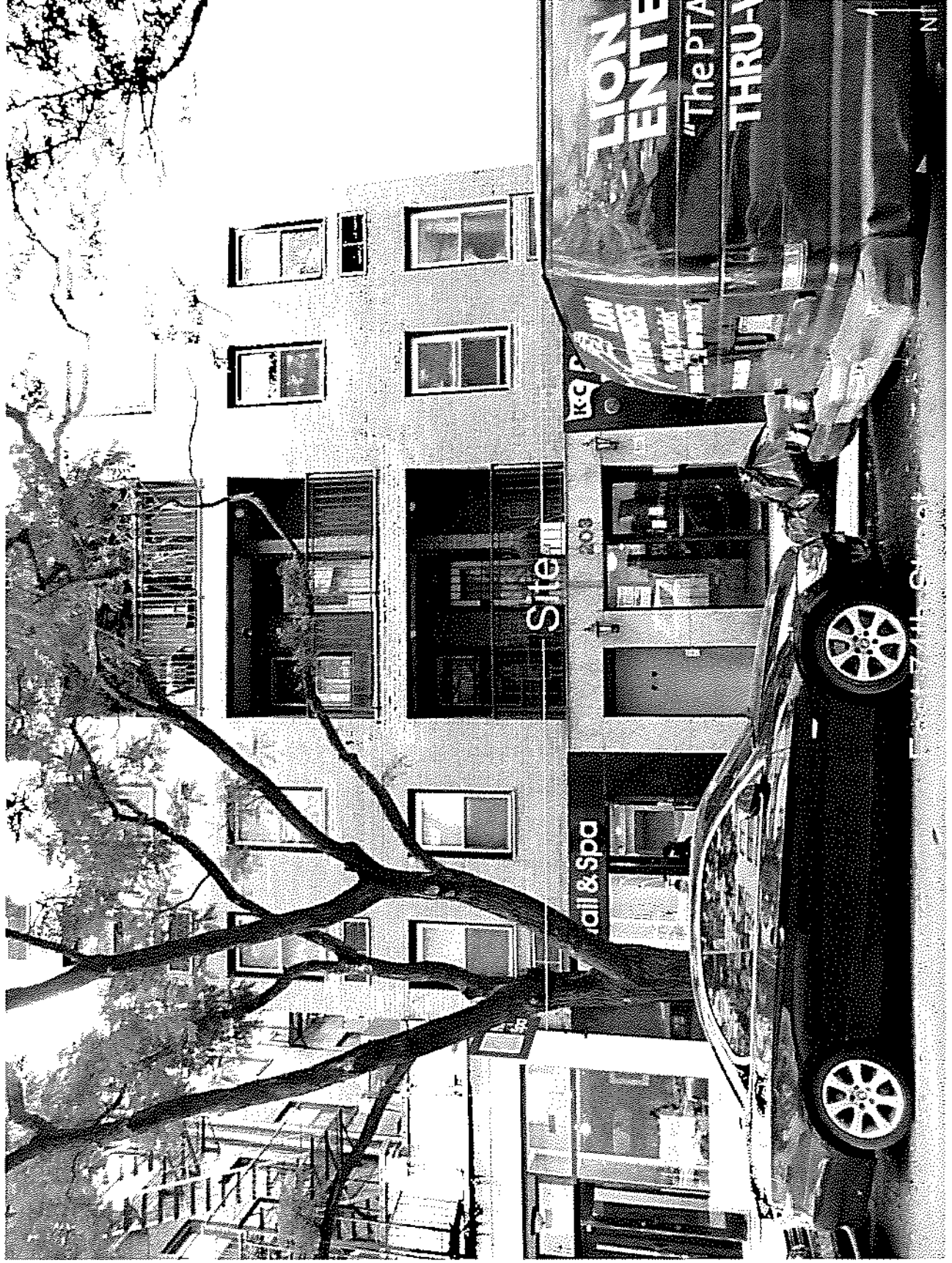


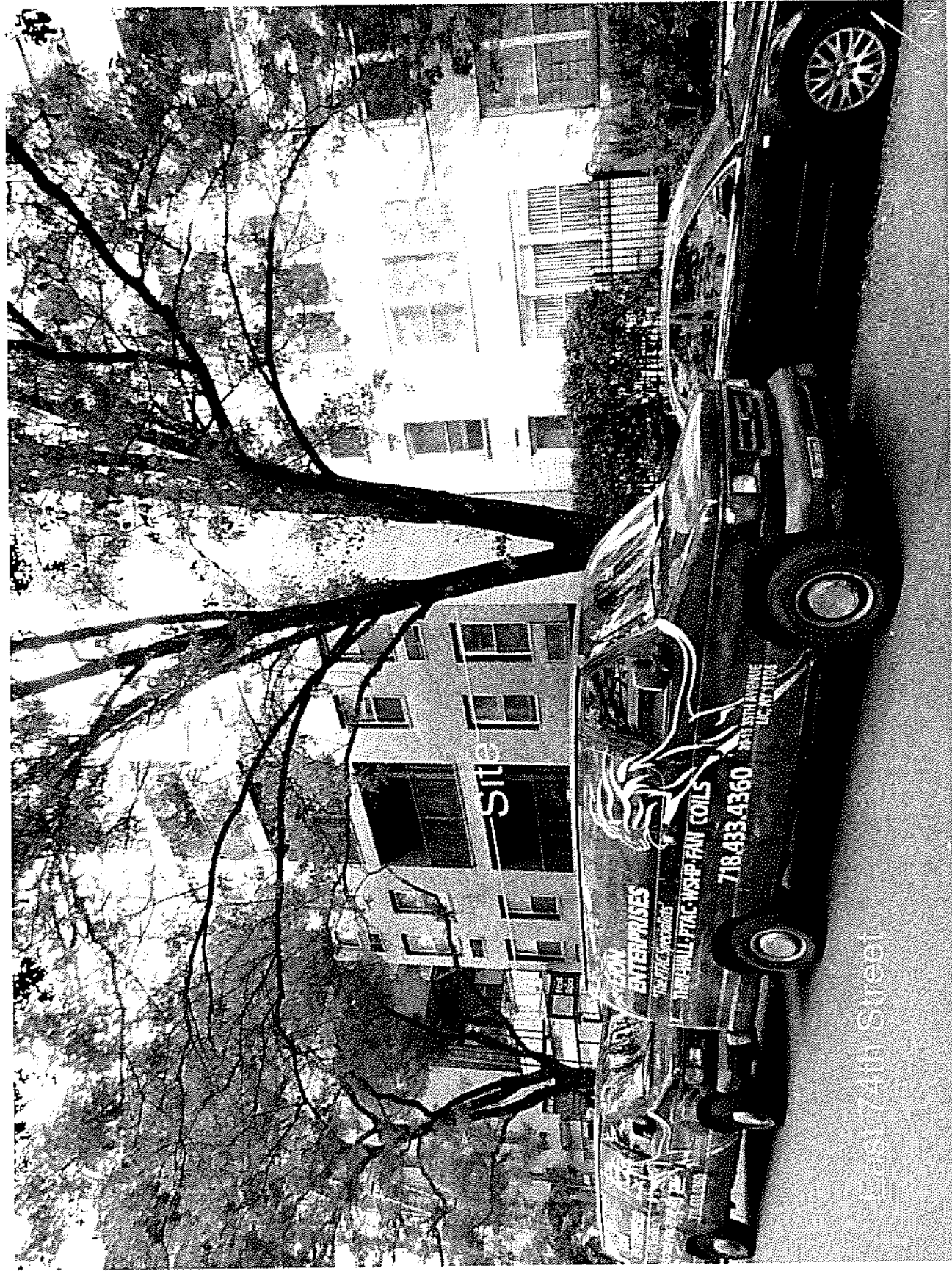


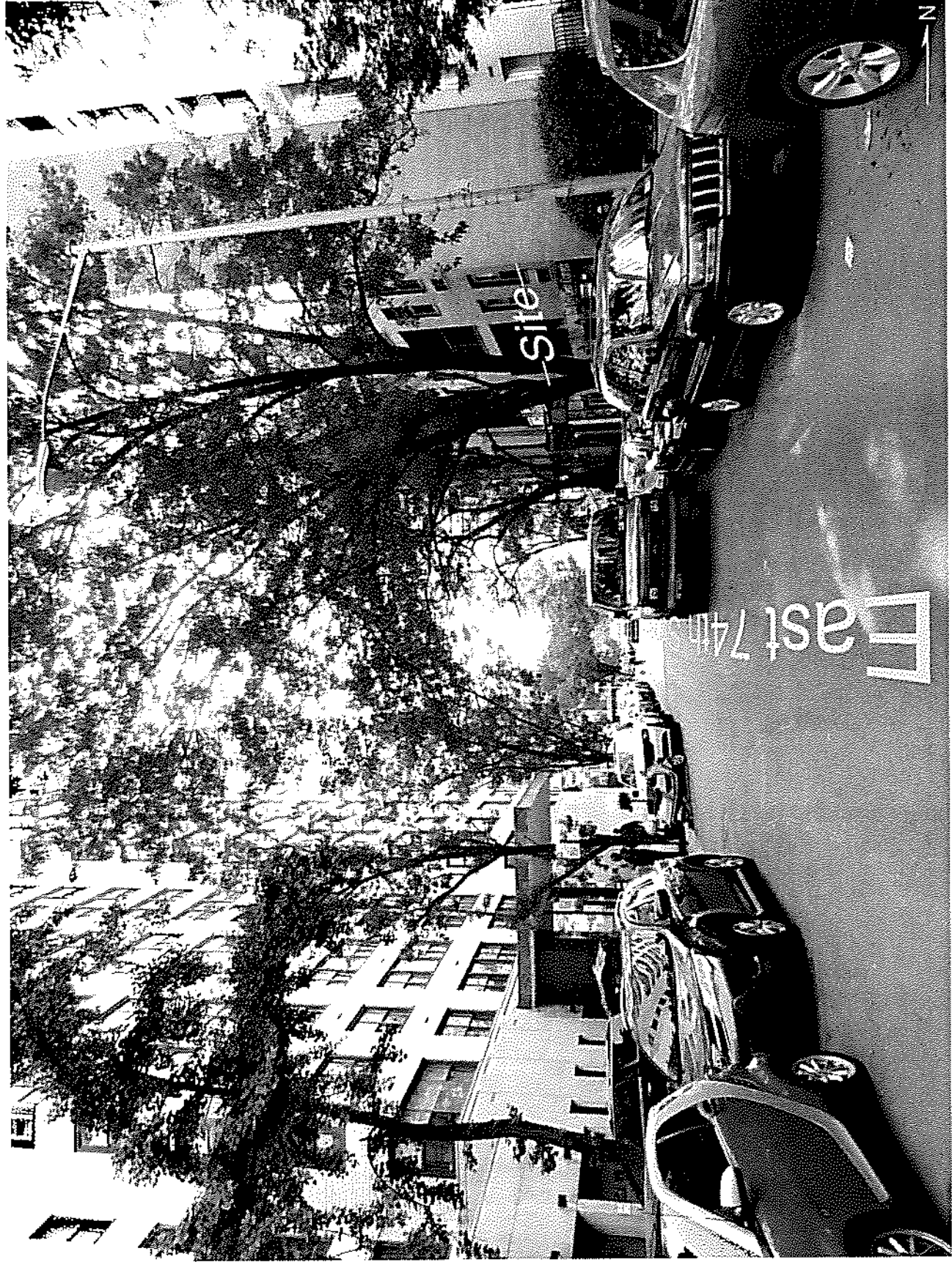


















BSA RESOLUTIONS

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MINUTES

Street, 1090
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Julius Lowenthal
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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. 23-00 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 303 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

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. JX

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

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

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 105, 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 Tanenbaum and Frank Snoopler, 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

Boulevard, n
20, Bayside, I

APPEARANC
For Applicant
ACTION OF
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THE VOTE—

Affirmative:
Commission
Commission
Negative: ..

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924-68-A—Vol

APPLICANT—
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SUBJECT—A;
Volume II;
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PREMISES /
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APPEARANC

For Applicant
ACTION OF
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THE VOTE—

Affirmative:
Commission
Commission
Negative: ..

977-65-A

APPLICANT—
and owner.

SUBJECT—A;
amendment o
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of use.

PREMISES /
side, 97.88 fe
105, Borough

APPEARANC

For Applicant
ACTION OF
tion amended.

THE VOTE—

Affirmative:
Commission
Commission
Negative: ..

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 C8-1 zone and partly within an R5 zone is contrary to Section 22-22 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 C8-1 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, Lots 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.

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627-71-BZ

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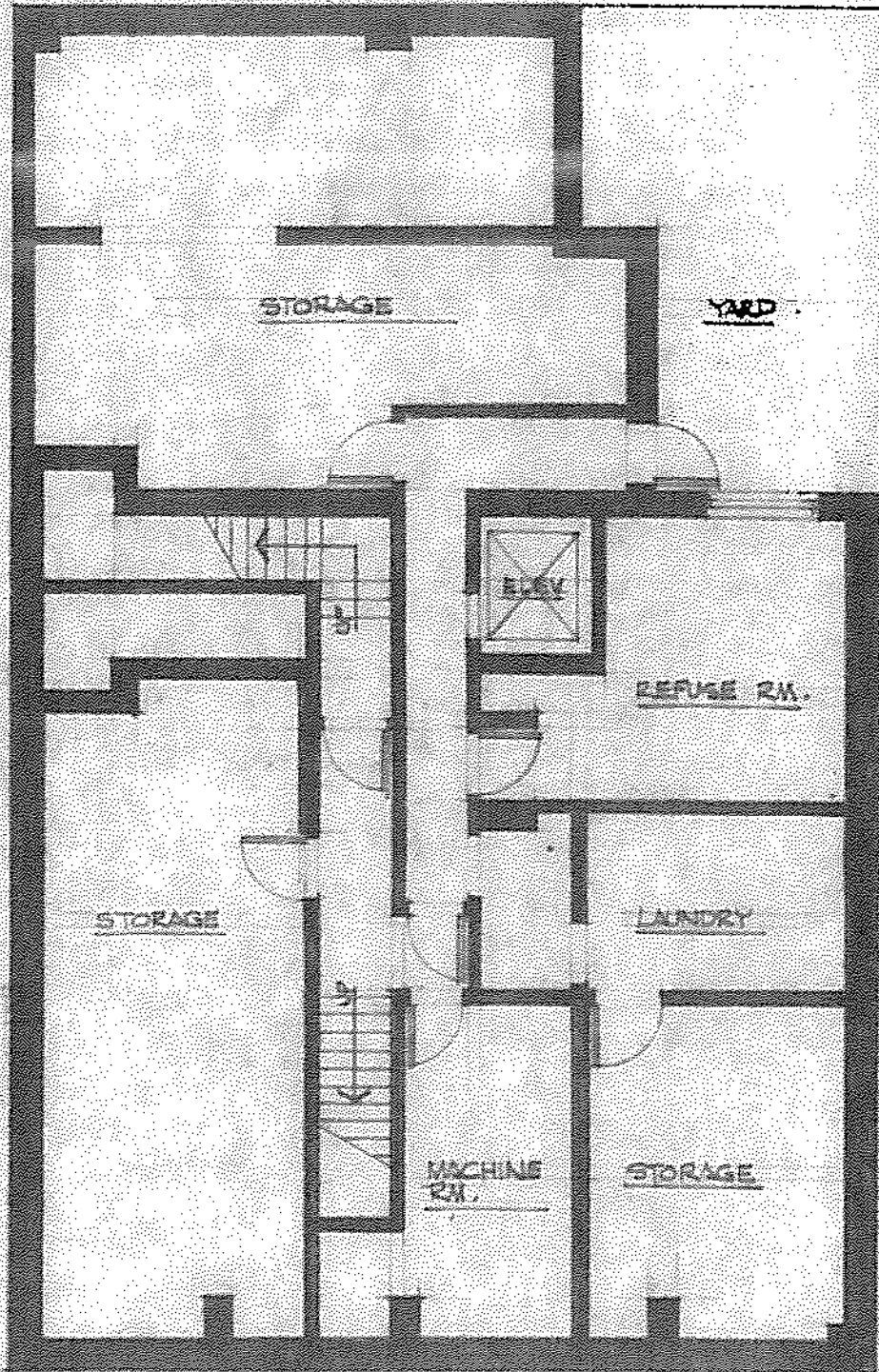
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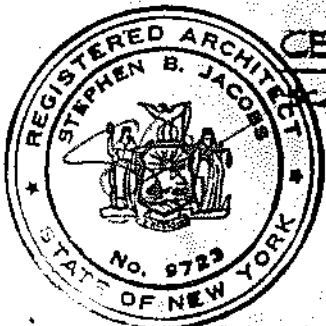
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CELLAR PLAN

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



203 EAST 74th STREET TOWNHOUSE

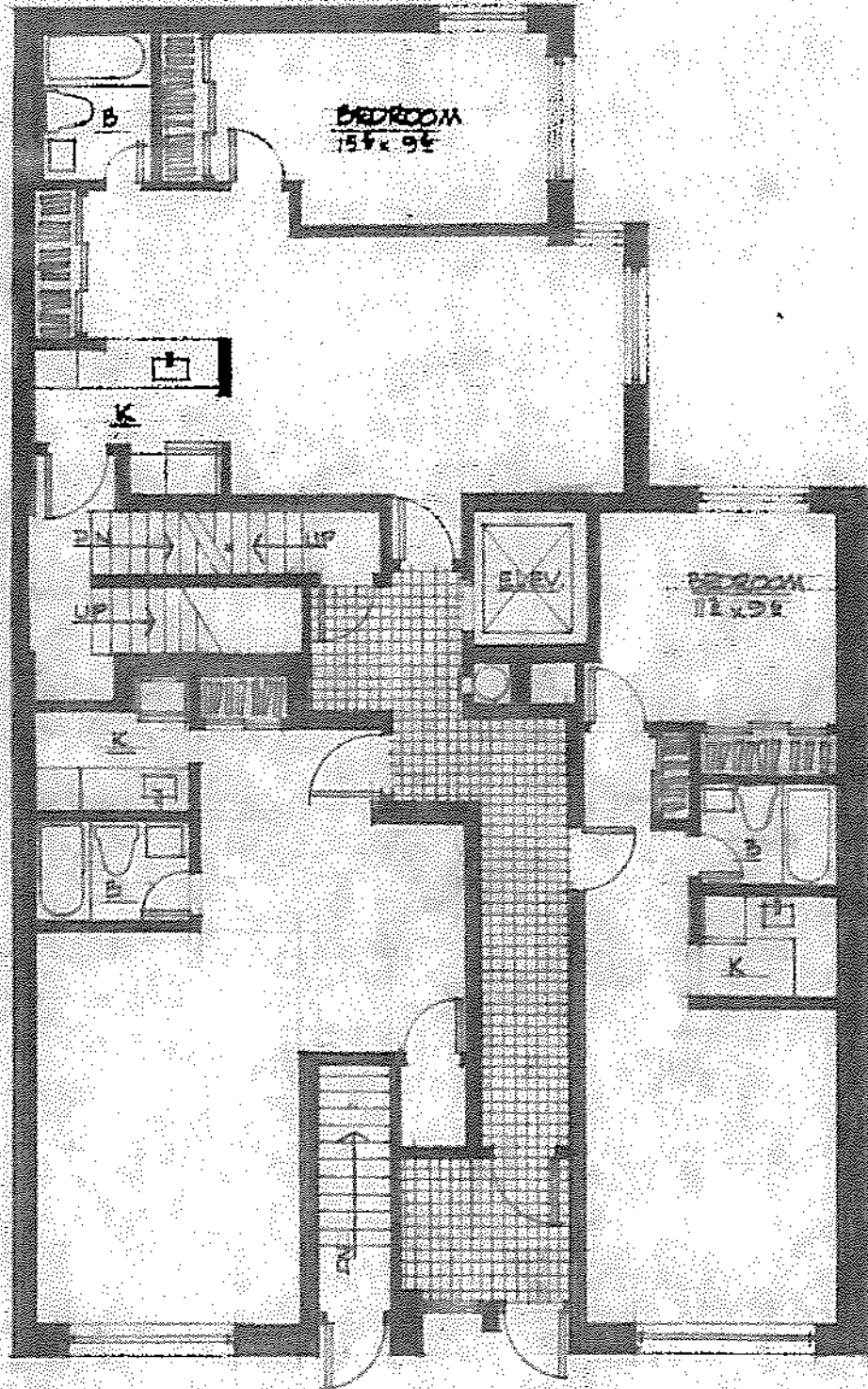
JACOBS & ASSOCIATES

29 W. 57th ST., N.Y., N.Y.

421-3712

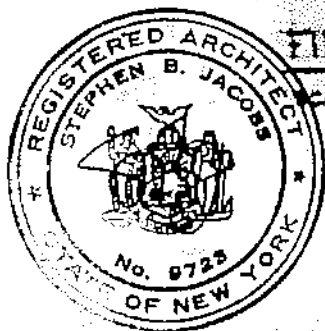
JAN 26, 1972

PROPOSED CONDITION



FIRST FLOOR PLAN

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



203 EAST 74th STREET TOWNHOUSE

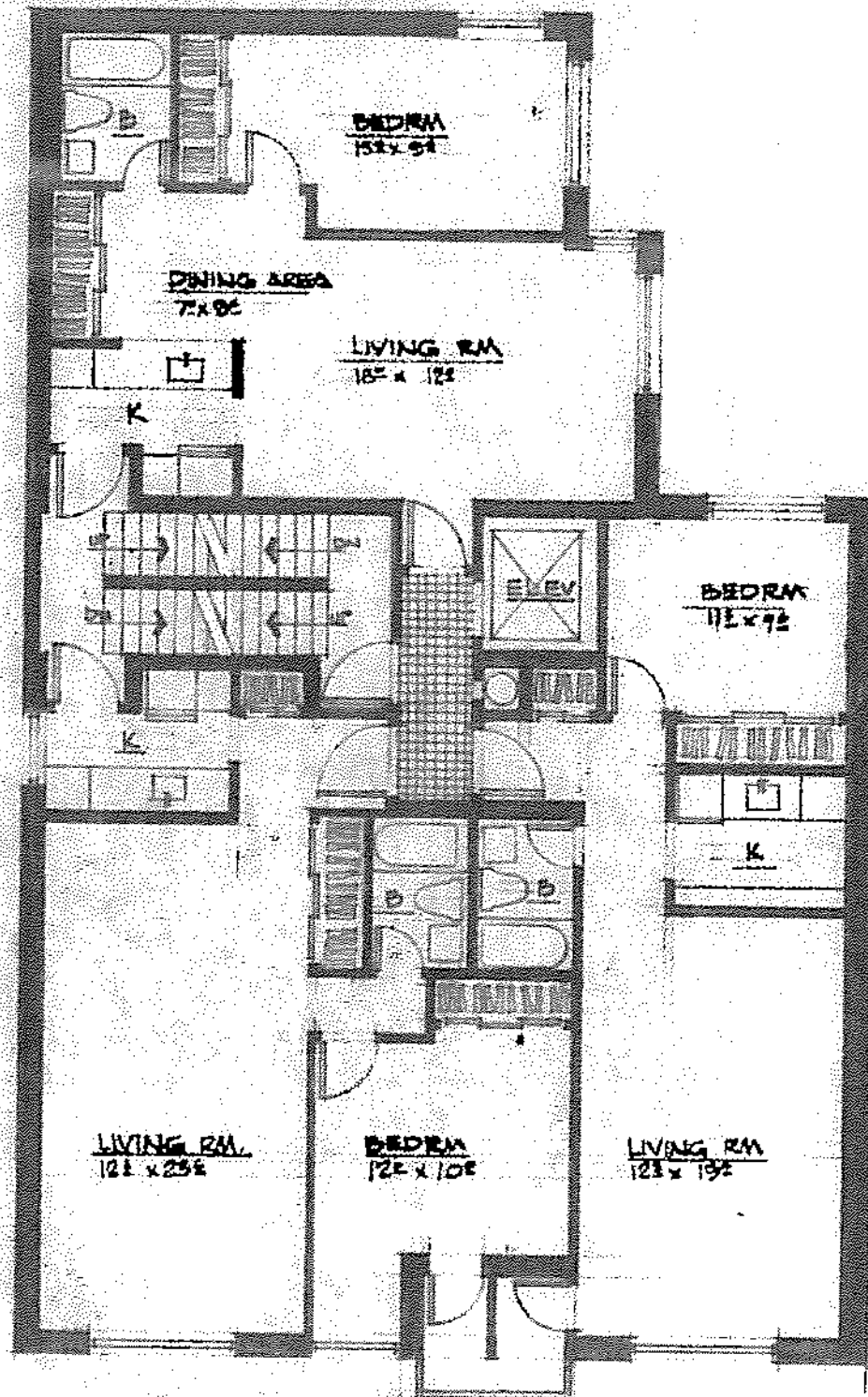
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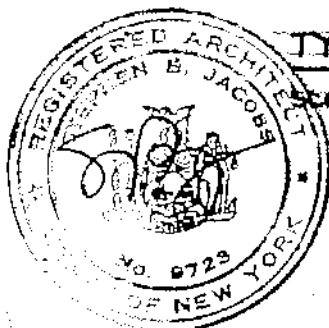
JAN 25, 1972

PROPOSED CONDITION



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

SCALE 1/8" = 1'-0"



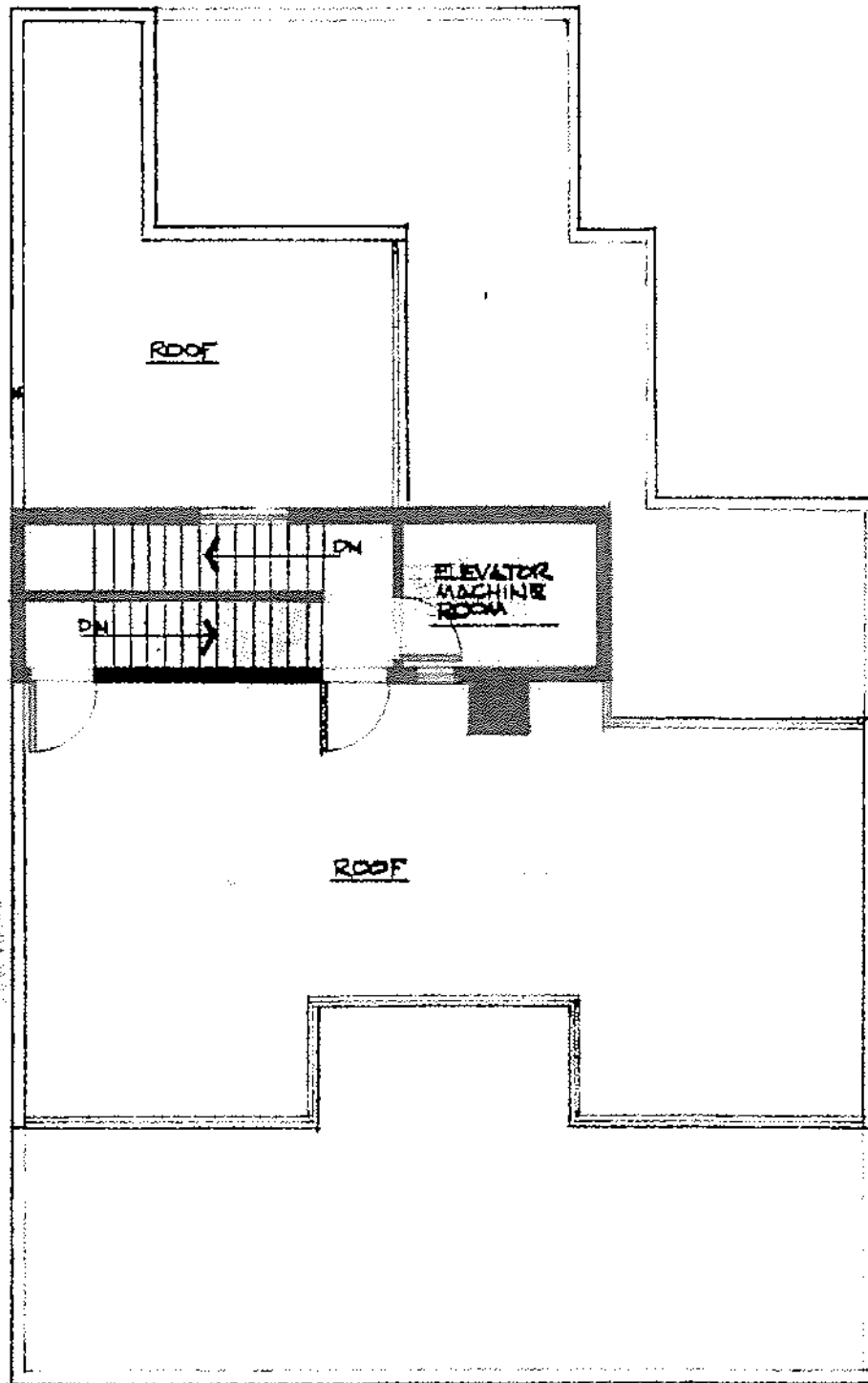
203 EAST 74TH STREET TOWNHOUSE

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

421-3712

JAN. 26, 1972

PROPOSED CONDITION



ROOF PLAN

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

203 EAST 74TH STREET TOWNHOUSE

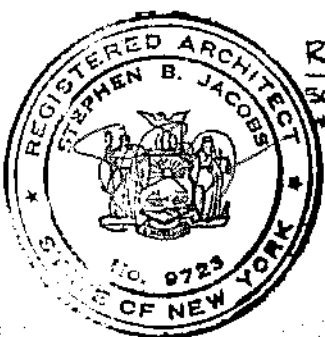
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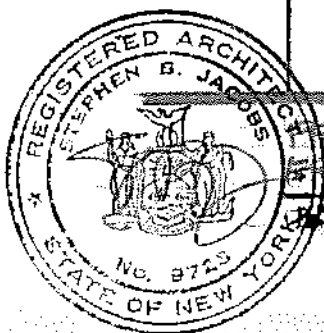
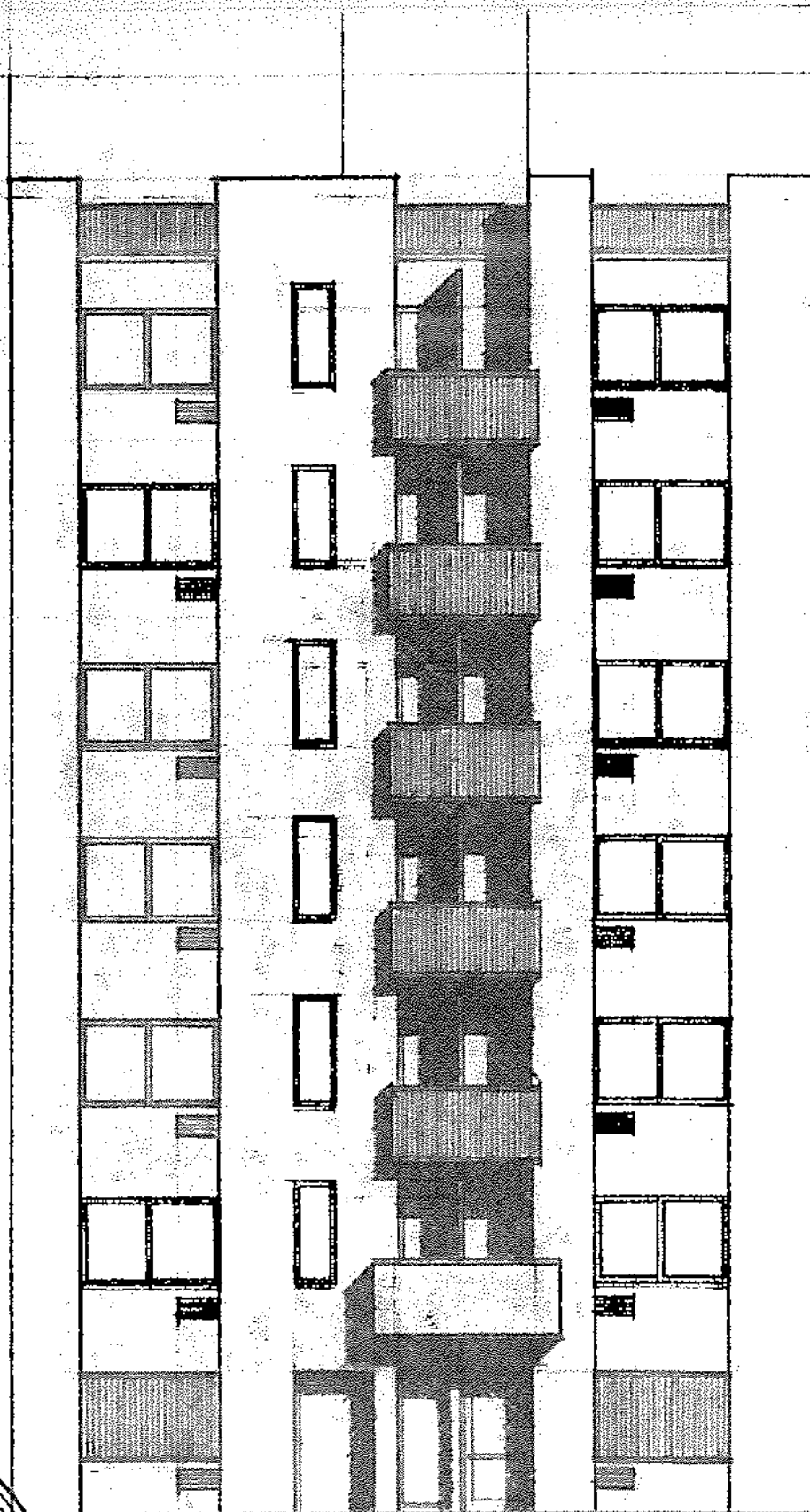
23 W. 57th ST., N.Y., N.Y.

421-3712

JAN. 26, 1972

PROPOSED CONDITION





PROPOSED
FRONT ELEVATION

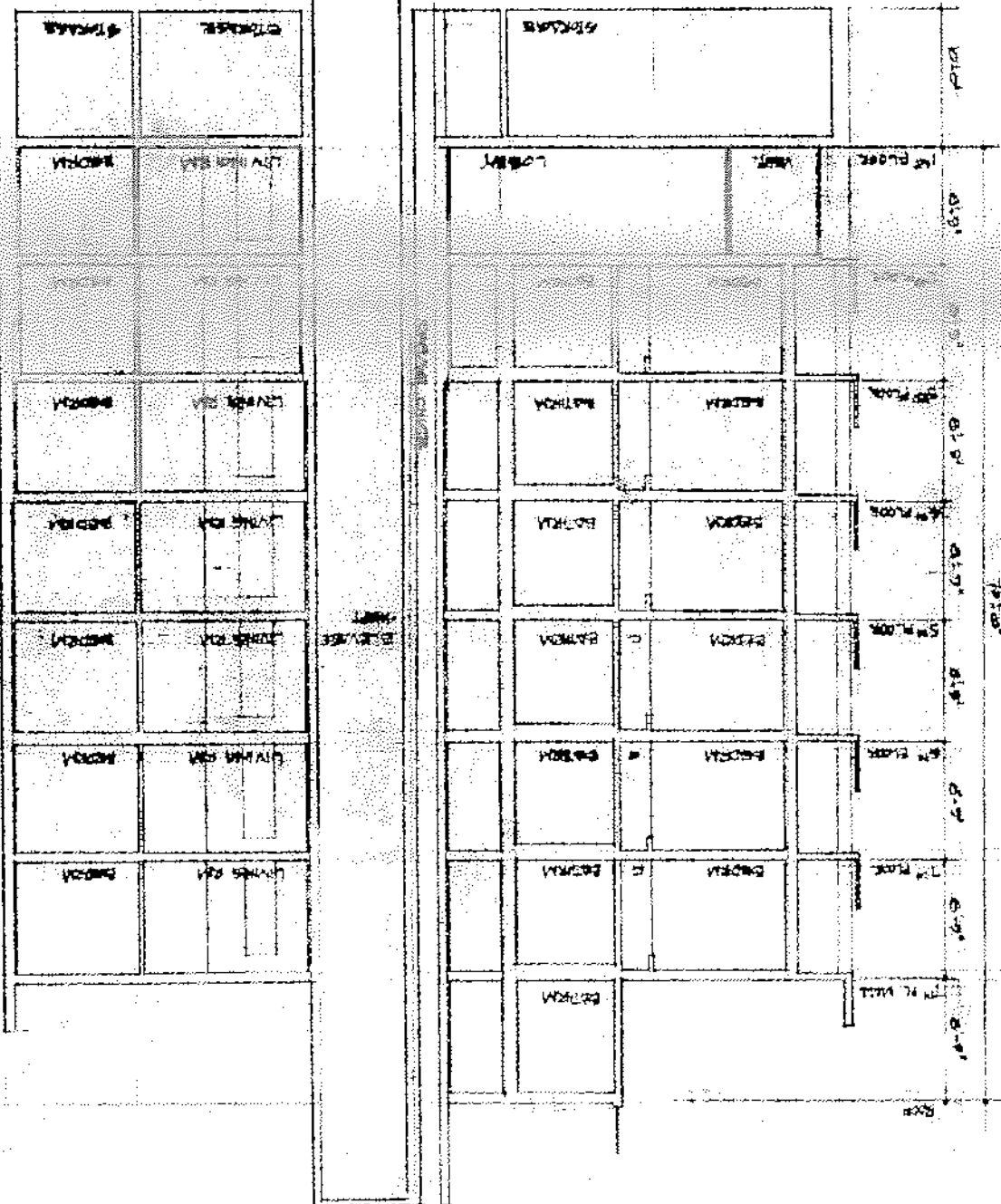
705 EAST 74TH STREET TOWNHOUSE

JACOBS & ASSOCIATES
20 W 5TH ST. N.Y. NY
16 FEB 1976

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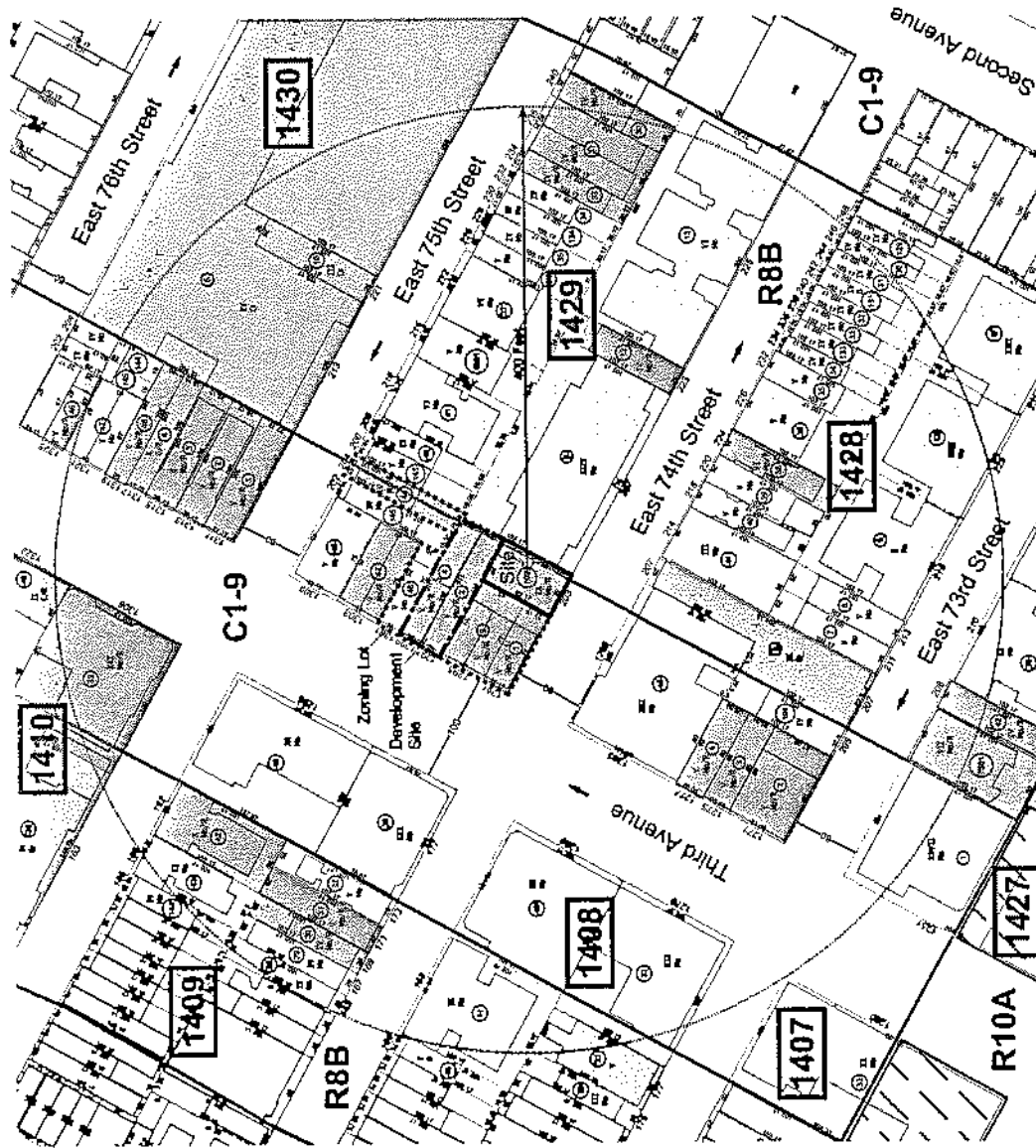
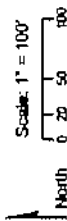
RECEIVED

PROPOSED CONDITIONS



Site Information
Block 1429, Lot 103
Zoning Map: Bc
Zoning District: C1-9
Special District: n/a
Entire Zoning Lot: Block 1429,
Lots 1, 2, 3, 4, 44, 48 & 103
Development Site: Block 1429,
Lots 3 & 4

Lot and Building Information
① - Lot Numbers (within radius)
[###] - Block Numbers
L.S.H. - Story Height
M - Multiple Dwelling
D - Dwelling
R - Retail
G - Garage
C - Commercial
I - Industrial
M - Manufacturing
W - Warehouse
A - Auto
Gr - Community Facility



- Legend**
- Subject Site
 - Entire Zoning Lot
 - Development Site
- Zoning Districts and Commercial Overlay**
- C1-1
 - C1-2
 - C1-3
 - C1-4
 - C1-5
 - Zoning District Boundary
 - Special District Boundary
 - R7A Zoning District Labels

- Land Uses**
- One and Two-Family Homes
 - Multiple Dwelling
 - Commercial
 - Mixed Use (Residential/Commercial)
 - Manufacturing
 - Open Space / Park Land
 - Institutional / Community Facility
 - Parking / Automotive
 - Vacant

Subject Site

ZONING MAP

This is the City of New York City Planning Commission

Major Zoning Classifications:
The number(s) and letter(s) that follow are the zoning classification for the subject site. For a list of the zoning classifications, see the City of New York City Planning Commission's Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
The subject site is located in a special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning:
08-28-2014 C 140181 Z04

Special Requirements:
For a list of lots subject to CDR environmental requirements, see APPENDIX C.
For a list of lots subject to "7" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

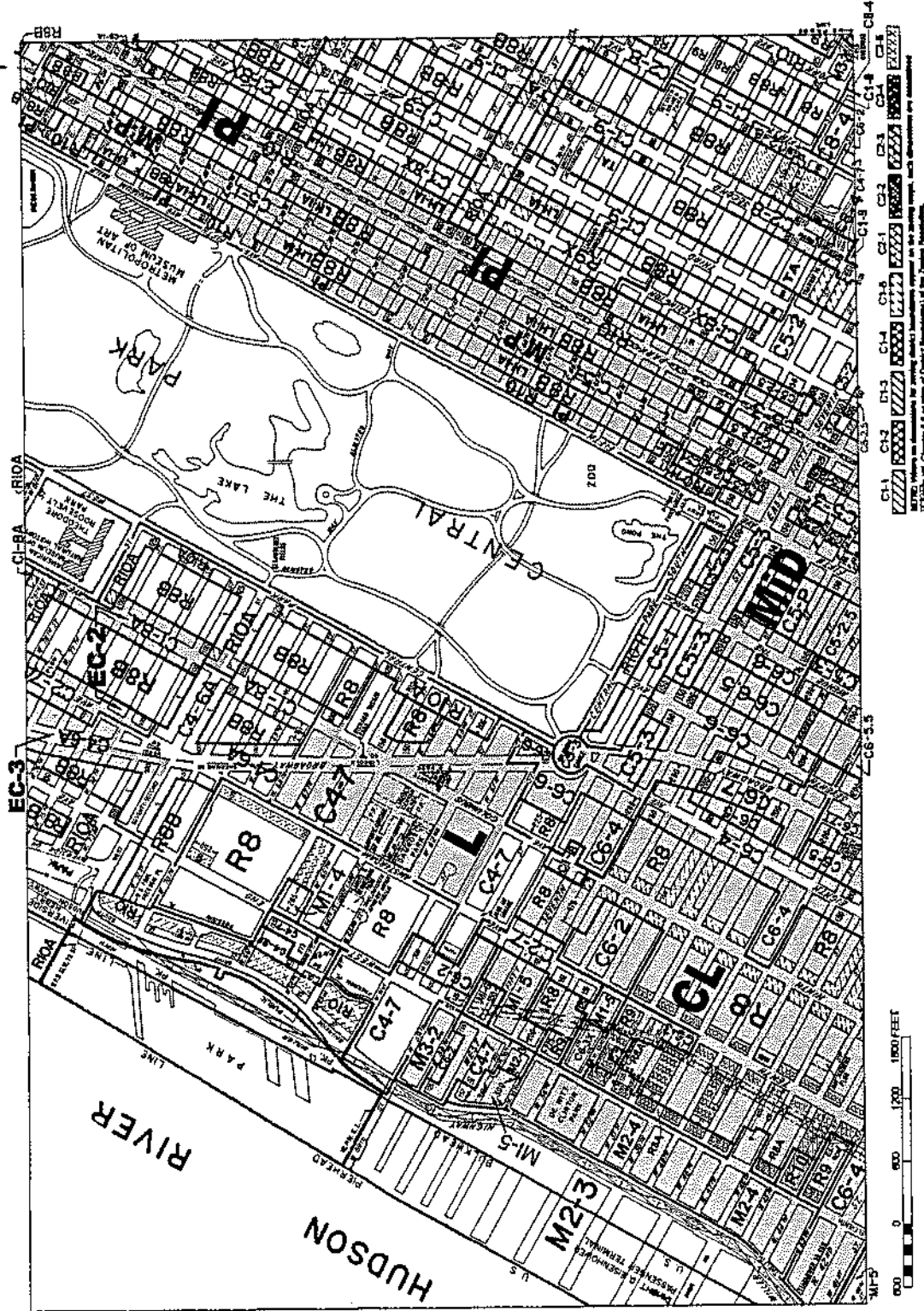
ZONING MAP 8c

MAP KEY

8a	8b
8c	8d
8e	8f

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This map is intended to show the zoning classification for the subject site. It is not intended to show the zoning classification for the entire city. For a complete list of the zoning classifications, see the City of New York City Planning Commission's Zoning Resolution.



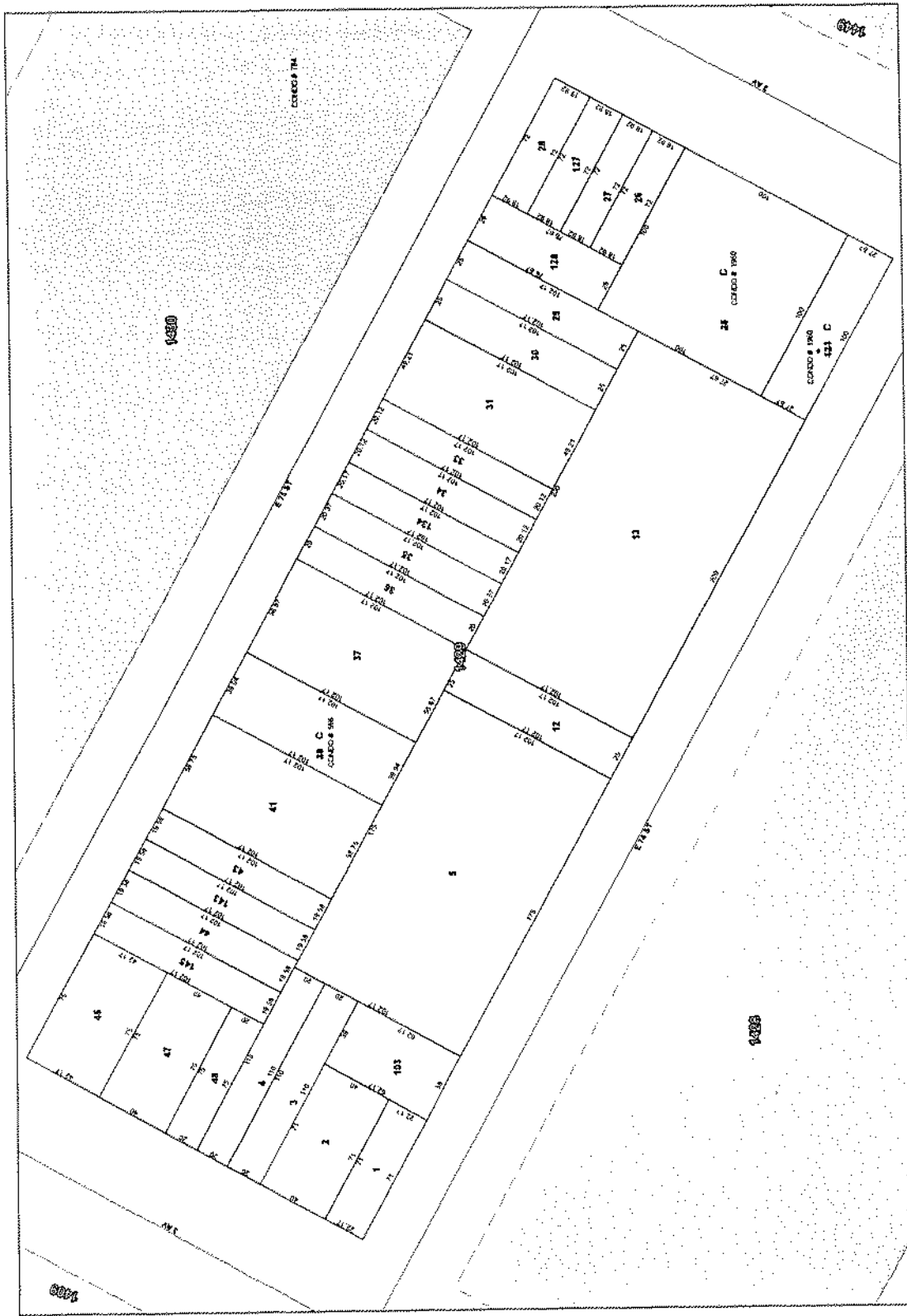


NYC Digital Tax Map

Effective Date : 02-19-2010 10:27:51
End Date : Current
Manhattan Block: 1429



- Legend**
- Streets
 - Manhattan Tax
 - Possession Hook
 - Boundary Line
 - Lot Face Possession Hook
 - Regular
 - Underwater
 - Tax Lot Polygon
 - Condo Number
 - Tax Block Polygon



NYC Finance
02-19-2010 10:27:51

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