

1070-84-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Epsom Downs, Inc., owner.

SUBJECT – Application November 7, 2013 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG6 Eating and Drinking establishment (*The Townhouse*) which expired on July 9, 2010; Extension of time to obtain a Certificate of Occupancy which expired on January 9, 2003; Waiver of the Rules. R8 zoning district.

PREMISES AFFECTED – 234 East 58th Street, south side of East 58th Street, Block 1331, Lot 32, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for the continued operation of an eating and drinking establishment (Use Group 6) on a site within an R8B zoning district, which expired on July 9, 2010, and an extension of time to obtain a certificate of occupancy, which expired on January 9, 2003; and

WHEREAS, a public hearing was held on this application on February 11, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 4, 2014, and then to decision on March 25, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is an interior lot located on the south side of East 58th Street, between Second Avenue and Third Avenue, within an R8B zoning district; and

WHEREAS, the site has 3,015 sq. ft. of lot area and is occupied by a six-story mixed residential and commercial building with 13,650 sq. ft. of floor area (4.5 FAR); and

WHEREAS, the applicant notes that portions of the cellar and first floor of the building are occupied by an eating and drinking establishment known as “The Townhouse Bar,” which has been in operation for more than 20 years; and

WHEREAS, the Board has exercised jurisdiction over the site since July 9, 1985, when, under the subject calendar number, the Board granted a variance to permit the conversion of portions of the cellar and first story of an existing mixed residential and commercial building from showrooms (cellar) and apartments (first floor) to an

eating and drinking establishment (Use Group 6) within what was then an R8 zoning district, contrary to use regulations and for a term of 15 years, to expire on July 9, 2000; and

WHEREAS, the grant was amended and extended over the years, most recently on January 9, 2001, when the Board extended the term for ten years, until July 9, 2010; a condition of the grant was that a new certificate of occupancy would be obtained by January 9, 2003; and

WHEREAS, accordingly, the applicant now requests an extension of the term of the grant for ten years and an extension of time to obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may extend the term of a variance; and

WHEREAS, at hearing, the Board directed the applicant to: (1) notify the tenants within the building of the application; and (2) confirm that the musical entertainment performed at the establishment is within the parameters of Use Group 6; and

WHEREAS, in response, the applicant submitted: (1) proof that the tenants were notified; and (2) an amended statement clarifying that there is not a set time or a cover charge for its musical performances; in addition, the applicant notes that the establishment’s capacity is below 200 persons; and

WHEREAS, the Board has reviewed the application and has determined that this application is appropriate to grant, with certain conditions.

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, as adopted on July 9, 1985, so that as amended this portion of the resolution will read: “to grant an extension of the variance for a term of ten years from the prior expiration, to expire on July 9, 2020, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received November 7, 2013’- Five (5) sheets; and *on further condition*:

THAT the term of the variance will expire on July 9, 2020;

THAT the occupancy of the establishment will not exceed 200 persons;

THAT the above condition will be listed on the certificate of occupancy;

THAT an amended certificate of occupancy will be obtained by March 25, 2015;

THAT all conditions from prior resolutions not waived herein by the Board remain in effect;

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

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

Adopted by the Board of Standards and Appeals, March 25, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

