

74-49-BZ

APPLICANT – Sheldon Lobel, P.C., for 515 Seventh Avenue, LLC, owner.

SUBJECT – Application August 26, 2013 – Extension of Time to obtain a Certificate of Occupancy for an existing parking garage, which expired on January 11, 2012; Waiver of the Rules. M1-6 (*Garment Center*) zoning district.

PREMISES AFFECTED – 515 Seventh Avenue, southeast corner of 7th Avenue and West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

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, and an extension of time to obtain a certificate of occupancy for an existing parking garage; and

WHEREAS, a public hearing was held on this application on October 29, 2013, after due notice by publication in *The City Record*, with a continued hearing on January 14, 2014, and then to decision on February 11, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, the site is located on the southeast corner of the intersection at Seventh Avenue and West 38th Street, within an M1-6 zoning district within the Special Garment District; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 29, 1949 when, under the subject calendar number, the Board granted a variance to permit the construction of a garage building for a term of 20 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on March 17, 2009, the Board granted an extension of the term until June 28, 2019; and

WHEREAS, in addition, on January 11, 2011, the Board granted an extension of time to obtain a certificate of occupancy, which expired on January 11, 2012; and

WHEREAS, the applicant now requests an extension of time to obtain a certificate of occupancy; and

A true copy of resolution adopted by the Board of Standards and Appeals, February 11, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, at hearing, the Board directed the applicant to: (1) explain why a DOB permit has not yet been obtained for the parking stackers, given that obtaining a permit was a condition of the prior grants; (2) provide a timetable for the necessary repairs, including waterproofing; and (3) clarify whether the location of the stackers is in accordance with the BSA-approved plans; and

WHEREAS, in response, the applicant states that in order to obtain a permit to legalize the stackers, it must submit a report of special inspection completed by an engineer on DOB form TR1; the applicant represents that it has retained a consultant to complete the form and expects to submit the form and obtain the permit soon; and

WHEREAS, the applicant notes that, on December 16, 2013, it obtained an engineer's report confirming that the existing building is structurally capable of carrying the loads imposed by the stackers (in addition to anticipated snow loads); and

WHEREAS, as to the timetable of necessary repairs, the applicant states that the work requires warmer weather and that it is in the process of obtaining a contractor so that work may commence in the spring; and

WHEREAS, as to the location of the stackers, the applicant provided a photograph showing that the stackers have been moved further back from the parapet wall in order to be less visible from the street; and

WHEREAS, based upon the above, the Board finds that the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated March 29, 1949, so that as amended this portion of the resolution shall read: "to grant a one year extension of time to obtain a certificate of occupancy, to expire on January 11, 2015; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT a certificate of occupancy will be obtained by January 11, 2015;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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." (DOB Application Nos. 102460089 and 121851683)

Adopted by the Board of Standards and Appeals February 11, 2014.

