

**363-04-BZ**

APPLICANT – Moshe M. Friedman, P.E., for 6002 Fort Hamilton Parkway Partners, owners; Michael Mendelovic, lessee.

SUBJECT – Application March 25, 2010 – Extension of Time to Complete Construction of a previously approved variance (§72-21) to convert an industrial building to commercial/residential use, which expired on July 19, 2009; Waiver of the Rules. M1-1 zoning district.

PREMISES AFFECTED – 6002 Fort Hamilton Parkway, south of 61<sup>st</sup>, east of Hamilton Parkway, north of 60<sup>th</sup> Street, Block 5715, Lot 27, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Tzvi Friedman.

**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 Montanez .....5

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 complete construction for the conversion of an existing industrial building to residential/commercial use; and

WHEREAS, a public hearing was held on this application on April 20, 2010, after due notice by publication in *The City Record*, and then to decision on May 11, 2010; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, the site is located on a corner lot bounded by 60<sup>th</sup> Street to the north, Fort Hamilton Parkway to the east, and 61<sup>st</sup> Street to the south, within an M1-1 zoning district; and

WHEREAS, the site is occupied by a one- and three-story vacant warehouse/commercial building with approximately 51,474 sq. ft. of floor area; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 19, 2005 when, under the subject calendar number, the Board granted a variance to permit the conversion of an existing industrial building to residential/commercial use; and

WHEREAS, on November 21, 2006, the Board amended the grant to permit the removal of the proposed mezzanines, the reconfiguration of dwelling

units, commercial space, and the parking lot, and other interior and exterior reconfigurations to the approved plans; and

WHEREAS, substantial construction was to be completed by July 19, 2009, in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that construction has been delayed due to financing issues and the discovery of asbestos containing material at the site; and

WHEREAS, the applicant represents that it has since resolved the financing issues, performed all necessary asbestos abatement work, and provided an Asbestos Control Program certification to the Department of Buildings for approval; and

WHEREAS, thus, the applicant requests an extension of time to complete construction; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction 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 July 19, 2005, so that as amended this portion of the resolution shall read: “to grant an extension of time to complete construction for a term of four years, to expire on July 19, 2013; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction shall be completed by July 19, 2013;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

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

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

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

(DOB Application No. 301799034)

Adopted by the Board of Standards and Appeals May 11, 2010.

**A true copy of resolution adopted by the Board of Standards and Appeals, May 11, 2010.**

**Printed in Bulletin Nos. 19-20, Vol. 95.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**