

**150-04-BZ**

APPLICANT – Sheldon Lobel, P.C., for Shun K. and Oi-yee Fung, owners.

SUBJECT – Application January 25, 2013 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) to build a new four-story residential building with a retail store and one-car garage, which expired on March 29, 2009; Waiver of the Rules. C6-2G LI (*Special Little Italy*) zoning district.

PREMISES AFFECTED – 129 Elizabeth Street, west side of Elizabeth Street between Broome and Grand Street, Block 470, Lot 17, Borough of Manhattan.

**COMMUNITY BOARD #2M**

**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 and an extension of time to complete construction in accordance with the conditions of a variance; and

WHEREAS, a public hearing was held on this application on A, after due notice by publication in *The City Record*, and then to decision on May 14, 2013; and

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

WHEREAS, the site is located on the west side of Elizabeth Street, between Broome Street and Grand Street, within a C6-2G zoning district and the Special Little Italy District; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 29, 2005 when, under the subject calendar number, the Board granted a variance for construction of a four-story building, with a retail use and a one-car garage on the ground floor, and residential use on the upper floors, contrary to ZR §§ 23-32 and 109-122; and

WHEREAS, a condition of the grant was that the construction be completed pursuant to ZR § 72-23, which requires substantial completion within four years, by March 29, 2009; and

WHEREAS, the applicant states that construction

has been delayed due to a dispute with the adjacent church over the ownership of a portion of the site; the dispute has now been settled and the disputed portion of the site has been conveyed to the church; and

WHEREAS, the applicant states that it and the church are in the process of finalizing updated surveys and deeds with new legal descriptions for each of the affected properties (Lot 16 and Lot 17); and

WHEREAS, the applicant states that once the new metes and bounds of the subject Lot 17 are established, it will file an application at the Board to amend its plans; and

WHEREAS, the applicant now seeks to extend the time to complete construction in accordance with the variance for an additional four years; and

WHEREAS, based upon its review of the record, the Board finds the requested waiver and extension of time are 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, as adopted on March 29, 2005, so that as amended this portion of the resolution shall read: “to extend the time to complete construction for a period of four years from May 14, 2013, to expire on May 14, 2017; *on condition* that all work will substantially conform to the approved plans; and *on further condition*:

THAT substantial construction be completed by May 14, 2017;

THAT all conditions from prior resolutions not specifically waived 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) 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)/configuration(s) not related to the relief granted.” (DOB Application No. 103299048)

Adopted by the Board of Standards and Appeals, May 14, 2013.

**A true copy of resolution adopted by the Board of Standards and Appeals, May 14, 2013.**

**Printed in Bulletin No. 20, Vol. 98.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

