

154-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Sandy Bergen, LLC, owner.

SUBJECT – Application February 22, 2018 – Extension of Time to Complete Construction of a previously approved Variance (§72-21) permitting the construction of a retail building (UG 6), contrary to use regulations (§22-10) which expired on February 4, 2018. R5 zoning district.

PREMISES AFFECTED – 1054-1064 Bergen Avenue, Block 8341, Lot(s) 118 & 121, Borough of Brooklyn.

COMMUNITY BOARD #18BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown, Commissioner Sheta and Commissioner Scibetta.....5

Negative:0

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application on April 10, 2018, after due notice by publication in *The City Record*, and then to decision on April 10, 2018; and

WHEREAS, the subject site is located on the block bounded by Ralph Avenue, Bergen Avenue, East 73rd Street and Avenue K, in an R5 zoning district, in Brooklyn; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 4, 2014, when, under the subject calendar number, the Board granted a variance to permit the development of a one-story commercial building (Use Group 6) on condition that the bulk parameters of the building be one story, a maximum of 5,162 square feet of floor area (0.04 FAR), side yards with minimum depths of five feet and 57 feet, a maximum wall height of 18 feet and accessory parking for 18 automobiles; that no fewer than 141 parking spaces (123 accessory to residences and 18 accessory to the commercial building) be provided at the subject site; that signage comply with C1 zoning district regulations; and that the above conditions appear on the certificate of occupancy; and

WHEREAS, the time to complete construction having expired, the applicant now seeks an extension; and

WHEREAS, based upon its review of the record, the Board has determined that the requested extension of time to complete construction is appropriate with certain conditions as set forth below.

A true copy of resolution adopted by the Board of Standards and Appeals, April 10, 2018.

Printed in Bulletin Nos. 15-16, Vol. 103.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

Therefore it is Resolved, that the Board of Standards and Appeals does hereby *reopen and amend* the resolution, dated February 4, 2014, so that as amended this portion of the resolution shall read: “to *permit* an extension of time to complete construction of three (3) years, expiring April 10, 2021; *on condition* that all work and site conditions shall conform to the Board-approved plans; and *on further condition*:

THAT the bulk parameters of the building shall be limited to the following: one story, a maximum of 5,162 square feet of floor area (0.04 FAR), side yards with minimum depths of five feet and 57 feet, a maximum wall height of 18 feet and accessory parking for 18 automobiles;

THAT no fewer than 141 parking spaces (123 accessory to residences and 18 accessory to the commercial building) shall be provided at the subject site;

THAT signage shall comply with C1 zoning district regulations;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained within three (3) years, by April 10, 2021;

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 objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, April 10, 2018.

