

198-66-BZ

APPLICANT – Eric Palatnik, P.C., for 300 East 74 Owners, Corp., owner.

SUBJECT – Application April 17, 2007 – Extension of Time to Complete Construction to permit modification to the size, configuration and design of an existing plaza for a residential high rise building which expired on January 19, 2006; an Extension of Time to obtain a Certificate of Occupancy which expired on October 19, 2006 and a waiver of Rules of Practice and Procedure located in a C1-9 zoning district.

PREMISES AFFECTED – 300 East 74th Street, southeast corner of 2nd Avenue and East 74th Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

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 of the modification of an existing plaza for a residential building, which expired on January 19, 2006; and

WHEREAS, a public hearing was held on this application on June 5, 2007, after due notice by publication in *The City Record*, and then to decision on June 19, 2007; and

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

WHEREAS, the subject premises is located on the southeast corner of Second Avenue and 74th Street, within a C1-9 zoning district; and

WHEREAS, on May 3, 1966, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the construction of a 36-story mixed-use commercial/residential building at the site; and

WHEREAS, the grant was subsequently amended and the time to complete construction extended at various times; and

WHEREAS, most recently, on April 19, 2005, the grant was amended to permit a reduction in the size (which did not affect the required amount of space associated with the building's floor area increase) and a reconfiguration of the plaza for the 36-story building; and

WHEREAS, a condition of the grant was that work be completed within nine months of the date of the grant and a new certificate of occupancy be obtained within 18 months of the date of the grant; and

WHEREAS, the applicant represents that due, in part, to discussions with the MTA about the potential to use the plaza as a staging area for its construction work

and, in part, to financial concerns, the plaza has not been completed; and

WHEREAS, this application seeks an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, at hearing, a neighbor provided testimony that the plaza was not being secured and maintained free of debris during the construction delay; and

WHEREAS, in response, the applicant provided an affidavit from the assistant vice president of the building's owners' corporation stating that garbage and recycling will be collected and stored outside of the plaza area; and

WHEREAS, at hearing, the applicant stated that MTA would not need to use the space as a staging area and, therefore, were no longer delayed; and

WHEREAS, at hearing, the applicant stated that construction could resume in six months and would take another six months to complete; and

WHEREAS, based upon its review of the record, the Board finds that a one-year extension of term to complete construction and an additional one year to obtain a certificate of occupancy are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated May 3, 1966, so that as amended this portion of the resolution shall read: "to grant an extension of the time to complete construction for a period of one year from the date of this grant and to permit a period of two years from the date of this grant to obtain a certificate of occupancy; *on condition* that any and all work shall substantially conform to the approved drawings and *on further condition*:

THAT construction shall begin by December 19, 2007 and be substantially completed by June 19, 2008;

THAT a certificate of occupancy shall be obtained by June 19, 2009;

THAT the plaza shall be secured and maintained free of debris prior to and during construction;

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) and/or configuration(s) not related to the relief granted."

(DOB Application No. 103595012)

Adopted by the Board of Standards and Appeals, June 19, 2007.

A true copy of resolution adopted by the Board of Standards and Appeals, June 19, 2007.

Printed in Bulletin No. 24, Vol. 92.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.