

198-66-BZ

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

SUBJECT – Application July 25, 2008 – Extension of Time to Complete Construction of an existing plaza for a residential high rise building, in a C1-9 zoning district, which expired on June 19, 2008 and an Extension of Time to obtain a Certificate of Occupancy which expires on June 19, 2009.

PREMISES AFFECTED – 300 East 74th Street, between First and Second Avenues, 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, 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, an extension of time to complete construction of a modification to an existing plaza of a residential building, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on October 7, 2008 after due notice by publication in *The City Record*, and then to decision on October 28, 2008; and

WHEREAS, the site and surrounding area had site and neighborhood examinations by Chair Srinivasan and Vice-Chair Collins; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

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

WHEREAS, the Board has exercised jurisdiction over the subject site since May 3, 1966 when, 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, on April 19, 2005, under the subject calendar number, the Board granted an amendment to permit modifications to the size, configuration and design of the existing plaza for the 36-story building; and

WHEREAS, most recently, on June 19, 2007, the Board extended the time to complete construction of the modification of the existing plaza, and extended the time to obtain a certificate of occupancy; and

WHEREAS, a condition of the grant was that work be completed by June 19, 2008, and a certificate of occupancy be obtained by June 19, 2009; and

WHEREAS, the applicant represents that construction was delayed due to work related to a 2007 inspection of the building's façade, pursuant to Local Law 9, which required the installation of scaffolding around the subject premises and prevented any work on the plaza from occurring; and

WHEREAS, the applicant further represents that a leak was discovered in the parking garage below the plaza in November 2007, which requires that the membrane for the garage roof be replaced prior to commencing any work on the plaza; and

WHEREAS, the applicant states that additional time is therefore necessary to complete the project; and

WHEREAS, thus, the applicant now requests extensions of time to complete construction and to obtain a certificate of occupancy; and

WHEREAS, the applicant represents that the replacement of the membrane for the garage roof will be completed by January 2009 and the construction of the modification to the plaza will be completed by June 2009; and

WHEREAS, at hearing, the Board requested that the applicant establish that it is ready to commence work on the garage roof and plaza; and

WHEREAS, in response, the applicant submitted a contract dated September 17, 2008 for performance of the garage roof work, and plans for the garage roof work and plaza design; and

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

WHEREAS, the Board directed the applicant to install temporary fencing at the entrance of the plaza to secure the premises; and

WHEREAS, the applicant agreed to install such fencing; 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 *reopens* and *amends* the resolution, dated May 3, 1966, so that as amended this portion of the resolution shall read: "to grant a nine-month extension of time to complete construction, to expire on July 28, 2009, and a six-month extension of time to obtain a certificate of occupancy, to expire on January 28, 2010; *on condition:*

THAT construction shall be substantially complete by July 28, 2009;

THAT a certificate of occupancy shall be obtained by January 28, 2010;

THAT temporary fencing shall be installed on the perimeter of the plaza to secure the premises until construction is completed;

THAT all conditions from the prior resolution not

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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,
October 28, 2008.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 28, 2008.
Printed in Bulletin Nos. 41-43, Vol. 93.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.