

**198-66-BZ**

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

SUBJECT – Application June 8, 2009 – Extension of Time to complete substantial construction of an existing plaza for a residential building which expires on July 28, 2009. C1-9 zoning district.

PREMISES AFFECTED – 300 East 74<sup>th</sup> 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 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 July 14, 2009 after due notice by publication in *The City Record*, with a continued hearing on August 11, 2009, and then to decision on August 25, 2009; and

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

WHEREAS, the subject site is located on the southeast corner of Second Avenue and East 74<sup>th</sup> 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, on June 19, 2007 and again on October 28, 2008, 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 most recent grant was that work be completed by July 28, 2009, and a certificate of occupancy be obtained by January 28, 2010; and

WHEREAS, the applicant states that work has not been completed and a certificate of occupancy will not be obtained within the noted timeframe; and

WHEREAS, accordingly, the applicant now requests an extension of time to complete the remaining

construction; and

WHEREAS, in support of the assertion that work is proceeding at the site, the applicant initially submitted photographs of the construction; and

WHEREAS, the Board directed the applicant to provide more details as to which construction had been completed and what remains and to include contracts entered into with those performing the construction work; and

WHEREAS, in response, the applicant provided a contract with a construction company, which details the scope of work remaining; and

WHEREAS, the list of proposed work includes: removing any temporary railings and temporary site protection; and installing stone walls, gates, guardrail, plantings, water fountain, electricity, plumbing, irrigation, gates; and

WHEREAS, the Board directed the applicant to avoid delay and to work diligently to complete construction within the timeframe set forth in this grant so that it will be in compliance with the original grant; and

WHEREAS, as to the certificate of occupancy requirement, the applicant states that due to the fact that on a continuous basis, there are open DOB applications for construction within the 36-story building on the site, the property owner is prevented from obtaining a certificate of occupancy, which is only possible when all work in the building has been completed; and

WHEREAS, accordingly, the Board directed the applicant to obtain a sign-off from DOB, which reflects that the subject work has been completed, notwithstanding the absence of a revised certificate of occupancy; 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 six-month extension of time to complete construction, to expire on February 25, 2010; *on condition*:

THAT construction shall be substantially complete by February 25, 2010;

THAT written verification from DOB as to the completion of the subject construction shall be obtained by April 25, 2010;

THAT all conditions from the prior resolution 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, August 25, 2009.

**A true copy of resolution adopted by the Board of Standards and Appeals, August 25, 2009.**

**Printed in Bulletin No. 34, Vol. 94.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**