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BOARD OF STANDARDS AND APPEALS

MEETING OF: February 27, 2023
CALENDAR NO.: 2017-43-BZ
PREMISES: 140 Hendricks Avenue, Staten Island
Block 44, Lot 19

ACTION OF BOARD — Application granted.

THE VOTE —

Affirmative: Chair Chanda, Vice-Chair Scibetta, Commissioner Ottley-Brown, Commissioner Sheta, and Commissioner Yoon.....5
Negative:.....0

THE RESOLUTION —

This is an application for an extension of time to complete construction and obtain a certificate of occupancy pursuant to a variance, granted under Z.R. § 72-21, that permitted the construction of a single-family residential building and expired on January 15, 2023.

A public hearing was held on this application on January 24, 2023, after due notice by publication in *The City Record*, and then to decision on February 27, 2023.

The Premises are located on the south side of Hendricks Avenue, between Jersey Street and Bismark Street, within an R3-A zoning district and the Special Hillside Preservation District, on Staten Island. With approximately 25 feet of frontage along Hendricks Avenue, 100 feet depth, and 2,500 square feet of lot area, the Premises are currently vacant.

The Board has exercised jurisdiction over the Premises since January 15, 2019, when, under the subject calendar number, the Board permitted, within an R3A zoning district, the construction of a detached, single-family residence that does not comply with zoning regulations for side yards and open area, contrary to Z.R. § 23-461(c), on condition that all work substantially conform to drawings approved by the Board; the following be the bulk parameters of the site: two side yards, each a minimum of five feet in width, as reflected on the BSA-approved plans; substantial construction be completed pursuant to Z.R. § 72-23; a certificate of occupancy, also indicating the approval and calendar number be obtained within four years, by January 15, 2023; the approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); DOB 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.

The time to complete construction and obtain a certificate of occupancy having expired, the applicant seeks an extension. The applicant represents that construction delays at the subject site have occurred due, in part, to the fact that the site has been sold twice since the Board’s 2019 approval, and the abutting

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residences required shoring up at the foundations before proceeding with construction.

At hearing, the Board expressed concerns about the length of time it would take to complete the proposed construction. In response, the applicant submitted a construction timeline which projected that construction would be completed by April 2024 and requested a three-year extension from the date of approval in order to complete substantial construction and obtain a certificate of occupancy.

Based upon its review of the record, the Board has determined that the requested extension of time to complete construction and obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution, dated January 15, 2019, so that as amended this portion of the resolution shall read: “to extend the time to complete construction and obtain a certificate of occupancy for three years, to February 27, 2026, *on condition*;

THAT the following shall be the bulk parameters of the site: two side yards, each five feet in width, as reflected on the BSA-approved plans;

THAT substantial construction shall be completed pursuant to Z.R. § 72-23;

THAT substantial construction shall be completed by February 27, 2026, as evidenced by an inspection and determination by the Department of Buildings;

THAT the development shall comply with the 2014 New York City Building Code;

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

THAT a certificate of occupancy, also indicating this approval and calendar number (“BSA Cal. No. 2017-43-BZ”), shall be obtained within three years, by February 27, 2026;

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;

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, February 27, 2023.



CERTIFICATION
This copy of the resolution
dated February 27, 2023
is hereby filed by the
Board of Standards and Appeals
on April 17, 2023.

Carlo Costanza
Executive Director

