

Note. —This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.

CORRECTION: This resolution, adopted on July 13, 2026, under Calendar No. 2019-205-BZ, is hereby corrected to read as follows:

BOARD OF STANDARDS AND APPEALS

MEETING OF: July 13, 2026
CALENDAR NO.: 2019-205-BZ
PREMISES: 485 Van Sinderen Avenue, Staten Island
Block 3799, Lots 1

ACTION OF BOARD — Application granted on condition.

THE VOTE —

Affirmative: Chair Chanda, Vice-Chair Scibetta, Commissioner

Sheta, and Commissioner Yoon.....4

Negative:.....0

Absent: Commissioner Ottley-Brown.....1

THE RESOLUTION —

I. The Request

This is an application for an extension of time to complete construction, which expired on June 24, 2026, and to obtain a certificate of occupancy, which will expire on March 21, 2027, for a variance that permitted, in an M1-1 zoning district, the development of a nine-story residential building with 129 units of affordable independent residences for seniors that would not comply with zoning regulations for use (Z.R. § 42-10), floor area (Z.R. § 43-12), height and setback (Z.R. § 43-43), and rear yards (Z.R. § 43-302).

A public hearing was held on this application on June 15, 2026, after due notice by publication in *The City Record*, and then to decision on July 13, 2026.

II. The Location

The Premises are located on the east side of Van Sinderen Avenue, within an M1-1 zoning district, in Brooklyn. The Premises have approximately 239 feet of frontage along Van Sinderen Avenue, a depth ranging from 87 feet along the north lot line to 90 feet along the south lot line, and 25,790 square feet of lot area, and are currently vacant.

III. Board History

The Board has exercised jurisdiction over the Premises since March 8, 2021, when, under the subject calendar number, the Board granted a variance, under Z.R. § 72-21, to permit—in an M1-1 zoning district—the development of a nine-story residential building with 129 units of affordable

independent residences for seniors that would not comply with zoning regulations for use (Z.R. § 42-10), floor area (Z.R. § 43-12), height and setback (Z.R. § 43-43), and rear yards (Z.R. § 43-302); on condition that all work, operations, and site conditions conform to the BSA-approved plans; the maximum bulk parameters of the building be as follows: a maximum of 103,012 square feet of floor area (3.99 FAR), a maximum street-wall height of 84'-4" that penetrates a 1:1 sky exposure plane, and a rear yard with a minimum depth of 20'-0", as illustrated on the Board-approved drawings; the subject building be developed as 100 percent housing for seniors affordable for those in the 60 percent AMI and lower income range; the variance grant be exclusively for the benefit of the subject applicant, Community Counseling & Mediation; the variance grant not be transferred to another developer without the express consent of the Board, which developer also be an experienced not-for-profit low-income housing developer; the building, once constructed, remain affordable at the 60 percent AMI and lower income range for the life of the building; a composite window-wall attenuation be required as follows: 31 dba is required for north facade (along Dumont Avenue); 31 dba be required for east facade (along Snediker Avenue); 38 dba be required for south facade (along Livonia Avenue); 40 dba be required for west facade (along Van Sinderen Avenue); an alternate means of ventilation be required for all residential or administrative/office uses; the property shall participate in the Brownfield Cleanup Program; issuance of building permits be conditioned on the issuance of a letter of acceptance into the NYSDEC Brownfield Cleanup Program and an executed Brownfield Cleanup Agreement; the remedial action work plan (RAWP) which would include a site-specific construction health & safety plan (CHASP) be prepared and shall be subject to NYSDEC review and approval; issuance of any certificate of occupancy be conditioned on the issuance of a certificate of completion from NYSDEC; if the project property does not complete the approved Brownfield Cleanup Program remedy and receive a certificate of completion, the applicant be required to return to BSA for an application amendment and shall submit testing results and a Remedial Action Plan for review and approval by DEP; the new building be set back from the Van Sinderen Avenue street line as indicated on the Board-approved drawings; there be a new dedicated Fire Department connection furnishing water for the standpipe system to 485 Van Sinderen Avenue (Jean's Place) building from Snediker Avenue with proper signage; there be direct access 24/7 from Snediker Avenue building (Beverly's Place), by means of a two-hour rated corridor with two 1-½ hour doors, to access the Proposed Building at 485 Van Sinderen Avenue courtyard and rear of building; there be a permanent easement for emergency service access from Snediker Avenue through "Beverly's Place" multipurpose room; a Group R-2 fire alarm system with one-way voice communication be installed along with a fire alarm annunciator also installed at the Snediker Avenue emergency service access; the fire alarm panel be monitored by a Certificate of Fitness (F-53) holder; signage on Snediker Avenue side of door indicate emergency access to 485 Van Sinderen Avenue; a new fire hydrant be installed at the corner of Van Sinderen Avenue and Dumont Avenue; new "no standing" signs be installed

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along the north side of Dumont Avenue and the entire block length of Van Sinderen; the above conditions shall appear on the certificate of occupancy; a certificate of occupancy, also indicating this approval and calendar number (BSA Cal. No. 2019-205-BZ) with references to the restrictive declarations recorded in the Office of the City Register, entitled “FDNY Emergency Services Access Agreement” (City Register File No. 2021000186198) and entitled “Declaration of Restrictive Covenants” (City Register File No. 2021000186197), be obtained within four years and an additional six months, in light of the current state of emergency declared to exist within the City of New York resulting from an outbreak of novel coronavirus disease, by December 3, 2025; a restrictive declaration, entitled “FDNY Emergency Services Access Agreement,” be recorded against the property in the Office of the City Register (City Register File No. 2021000186198) substantially conforming to the form and substance of the following:

THIS FDNY EMERGENCY SERVICES ACCESS AGREEMENT (this “Agreement”) is made as of the ____ day of _____, 2021 by and between BEVERLYS PLACE HOUSING DEVELOPMENT FUND CORPORATION a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201 (“Grantor”), and JEANS PLACE HOUSING DEVELOPMENT FUND CORPORATION, a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201 (“Grantee”).

RECITALS

WHEREAS, Grantor is the owner in fee of certain land, with the improvements thereon, in the County of Kings, City and State of New York, generally known by the street address 404 Snediker Avenue, Brooklyn, New York, designated as Lot 26 in Block 3799 on the Tax Map of the City of New York, County of Kings (the “Tax Map”) and more particularly described on Exhibit A annexed hereto (said land being herein called “Parcel A;” said improvements, together with any future replacements thereof and/or new building(s) permitted on Parcel A, being herein collectively called the “Grantor Building”);

WHEREAS, Grantee is the owner in fee of certain land, with the building and improvements thereon, in the County of Kings, City and State of New York, generally known by the street address as 485-515 Van Sinderen Ave., Brooklyn, New York, designated as Lot 1 in Block 3799 on the Tax Map and more particularly described in Exhibit B annexed hereto (said land being herein called the “Parcel B;” said building and improvements, together with any future replacements thereof permitted in accordance with this Agreement, being herein collectively called the “Grantee Building”);

WHEREAS, Grantee has requested by application under BSA Calendar No. 2019- 205-BZ (the “Application”), that the New York City Board of Standards and Appeals (the “Board”) grant a variance under ZR § 72-21 (the “Variance”), to permit the development of a nine-story building at the Premises with 129 units of affordable housing (the “Affordable Units”), contrary to ZR §§ 42-10 (use), 43-12 (FAR), 43-43 (height and setback), and 43-302 (required rear yard along district boundary)

within the subject M1-1 zoning district (the “Proposed Development”);
and

WHEREAS, the Board has asked the New York City Fire Department (“FDNY”) to review Grantee’s plans for the Proposed Development, and FDNY has conditioned its recommendation that the Board approve the Proposed Development upon the establishment and recording of a permanent easement for the benefit of FDNY firefighting and emergency services personnel, allowing access from Snediker Avenue to the Grantor Building through a portion of the Grantee Building (“FDNY emergency services access”).

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants the following easement to Grantee:

1. Grantor hereby grants to Grantee, and its heirs, successors and assigns, a permanent and perpetual easement in, on, through and over the portion of the Grantor Building shown on Exhibit C hereto and described in Exhibit D hereto, solely for the purpose of providing FDNY emergency services access to the Grantee Building;
2. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;
3. This Agreement may not be amended or terminated without the prior written consent of the FDNY;
4. Failure to comply with the terms of this Agreement may result in the revocation of a building permit or certificate of occupancy by the Department of Buildings, as well as any other authorization or waiver for the Grantee Building granted by the Board, including but not limited to, the Variance; and
5. FDNY, as the third-party beneficiary of this Agreement, shall have the authority to enforce the provisions of this Agreement in any manner authorized by law, rule, or regulation.
6. This Agreement shall be recorded by Grantee and Grantor at the city register’s (county clerk’s) office against Parcel A and Parcel B and the cross-reference number and title of this Agreement shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to buildings located on Parcel A and Parcel B and in any deed for the conveyance thereof;

a restrictive declaration, entitled “Declaration of Restrictive Covenants,” be recorded against the property in the Office of the City Register (City Register File No. 2021000186197) substantially conforming to the form and substance of the following:

THIS DECLARATION OF RESTRICTIVE COVENANTS (the “Declaration”), dated this ____ day of _____, 2020, is made by JEAN’S PLACE HOUSING DEVELOPMENT FUND CORPORATION (the “Declarant”), a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of Brooklyn, being known and designated as Block 3799, Lot 1 on the Tax Map of the City of New York

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for Kings County, as more particularly described in Exhibit A annexed hereto and made a part hereof (the “Premises”); and

WHEREAS, the Declarant has requested by application under BSA Calendar No. 2019-205-BZ (the “Application”), that the New York City Board of Standards and Appeals (the “Board”) grant a variance under ZR § 72-21 (the “Variance”), to permit the development of a nine-story building at the Premises with 129 units of affordable housing (the “Affordable Units”), contrary to ZR §§ 42-10 (use), 43-12 (FAR), 43-43 (height and setback), and 43-302 (required rear yard along district boundary) within the subject M1-1 zoning district (the “Proposed Development”); and

WHEREAS, the Board has conditioned its issuance of the Variance on the Declarant declaring that the Affordable Units shall be income-restricted housing units as defined in ZR §12-10 and restricting the rent charged for the Affordable Units to a maximum of 60% the area median income for New York City (“AMI”) for the life of the Proposed Development; and

WHEREAS, ZR §12-10 defines income-restricted housing units as dwelling units that comply with the definition of affordable housing unit set forth in ZR § 23-911 (General definitions), or any other dwelling unit with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the income index, as defined in ZR§ 23-911 and as prescribed by a City, State or Federal agency, law, regulation or regulatory agreement, for a period of not less than 30 years; and

WHEREAS, pursuant to ZR § 23-911, an affordable housing unit includes a dwelling unit that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a regulatory agreement, to occupancy by certain households; and

WHEREAS, 100 percent (100%) of the Affordable Units in the Proposed Development will qualify as affordable housing units under ZR § 23-911 and shall be rented to households with incomes at or below sixty percent (60%) of AMI; and

WHEREAS, the Board requires the Declarant to execute and record in the Office of the City Register of the City of New York this Declaration prior to obtaining building permits for the Premises.

NOW THEREFORE, in consideration of the Board’s approval of the Application, Declarant does hereby declare that the Declarant and its successors and/or assigns shall be responsible for compliance with the following restrictions:

1. All dwelling units in the Prosed Development will be low-income affordable housing units;
2. All dwelling units in the Proposed Development will be provided to tenants whose annual income is at or below sixty percent (60%) of AMI;
3. All dwelling units in the Proposed Development will remain as affordable housing units for the life of the building;
4. Except as otherwise set forth herein, this Declaration may not be modified, amended, or terminated without the prior written consent of the Board;

5. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the Declarant and its heirs, legal representatives, successors and assigns;
6. Failure to comply with the terms of this Declaration, which remain uncured within thirty (30) days of Declarant's receipt of a written notice to comply may result in the revocation of a building permit or Certificate of Occupancy, as well as any other authorization or waiver granted by the Board, including but not limited to, the Application; and
7. In the event that (a) the Declarant elects to abandon the Application or (b) the underlying zoning district is changed such that the relief provided by the Application is no longer required, this Declaration may be cancelled by the recordation of a Notice of Cancellation at the City Register's Office against the Premises, and upon the filing of such Notice of Cancellation, this Declaration shall automatically cease, extinguish, and be void and of no further force or effect;

the approval be limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings; the approved plans be considered approved only for the portions related to the specific relief granted; and the Department of Buildings 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.

On August 29, 2022, under the subject calendar number, the Board determined by letter that proposed programmatic changes to the BSA-approved plans, without any additional waivers—including a decrease in floor area to 122,963 gross square feet and 100,407 zoning floor area (roughly 3.89 FAR), a reduction in lot coverage to 13,449 (52%), a reconfiguration of dwelling units resulting in a total of 132 units, removal of the ninth floor and reduction in total building height to 94'-6", and a 3'-6" increase in setback distance of the southern entry court to 21'-6"—were in substantial compliance with the Board's prior grant and that the Board had no objection to the request on condition that the Department of Buildings ensure that any proposed changes or development on the Premises comply with all applicable provisions of the Zoning Resolution, Building Code, or any other relevant law.

IV. The Proposal

The time to complete construction and obtain a certificate of occupancy having expired, the applicant now seeks an extension. The applicant represents that it has been working with the Department of Housing Preservation and Development ("HPD") to secure financing, which was delayed by the COVID-19 pandemic but is now nearing completion. The applicant adds that work that has been completed to date includes demolition of an existing building on the Premises, soil remediation, and soil testing for foundation drawings. In addition, the applicant notes that a Declaration of Restrictive Covenants and an FDNY Emergency Services Access Agreement have been recorded against the Premises as required by the prior grant. The applicant asserts that it would be able to complete construction and obtain a certificate of occupancy by 2030.

V. The Decision

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 variance, under BSA Cal. No. 2019-205-BZ, dated March 8, 2021, as amended by Letter of Substantial Compliance through August 29, 2022, so that as amended this portion of the resolution shall read: “to extend the time to complete construction for four years, to expire on July 13, 2030, for a previously approved variance that permitted, in an M1-1 zoning district, the development of a nine-story residential building with 129 units of affordable independent residences for seniors that would not comply with zoning regulations for use (Z.R. § 42-10), floor area (Z.R. § 43-12), height and setback (Z.R. § 43-43), and rear yards (Z.R. § 43-302), *on condition*:

THAT the maximum bulk parameters of the building shall be as follows: a maximum zoning floor area of 100,407 square feet (roughly 3.89 FAR), a maximum street-wall height of 84'-4" that penetrates a 1:1 sky exposure plane, and a rear yard with a minimum depth of 20'-0", as illustrated on the Board-approved drawings;

THAT the subject building shall be developed as 100 percent housing for seniors affordable for those in the 60 percent AMI and lower income range;

THAT this variance grant is exclusively for the benefit of the subject applicant, Community Counseling & Mediation;

THAT this variance grant may not be transferred to another developer without the express consent of the Board, which developer must also be an experienced not-for-profit low-income housing developer;

THAT the building, once constructed, shall remain affordable at the 60 percent AMI and lower income range for the life of the building;

THAT a composite window-wall attenuation is required as follows: 31 dba is required for north facade (along Dumont Avenue); 31 dba is required for east facade (along Snediker Avenue); 38 dba is required for south facade (along Livonia Avenue); 40 dba is required for west facade (along Van Sinderen Avenue); an alternate means of ventilation is required for all residential or administrative/office uses;

THAT the property shall participate in the Brownfield Cleanup Program;

THAT issuance of building permits shall be conditioned on the issuance of a letter of acceptance into the NYSDEC Brownfield Cleanup Program and an executed Brownfield Cleanup Agreement;

THAT the remedial action work plan (RAWP) which would include a site-specific construction health & safety plan (CHASP) shall be prepared and shall be subject to NYSDEC review and approval;

THAT issuance of any certificate of occupancy shall be conditioned on the issuance of a certificate of completion from NYSDEC;

THAT if the project property does not complete the approved Brownfield Cleanup Program remedy and receive a certificate of completion, the applicant shall be required to return to BSA for an application amendment

and shall submit testing results and a Remedial Action Plan for review and approval by DEP;

THAT the new building shall be set back from the Van Sinderen Avenue street line as indicated on the Board-approved drawings;

THAT there shall be a new dedicated Fire Department connection furnishing water for the standpipe system to 485 Van Sinderen Avenue (Jean's Place) building from Snediker Avenue with proper signage;

THAT there shall be direct access 24/7 from Snediker Avenue building (Beverly's Place), by means of a two-hour rated corridor with two 1-½ hour doors, to access the Proposed Building at 485 Van Sinderen Avenue courtyard and rear of building;

THAT there shall be a permanent easement for emergency service access from Snediker Avenue through "Beverly's Place" multipurpose room;

THAT a Group R-2 fire alarm system with one-way voice communication shall be installed along with a fire alarm annunciator also installed at the Snediker Avenue emergency service access;

THAT the fire alarm panel shall be monitored by a Certificate of Fitness (F-53) holder;

THAT signage on Snediker Avenue side of door shall indicate emergency access to 485 Van Sinderen Avenue;

THAT a new fire hydrant shall be installed at the corner of Van Sinderen Avenue and Dumont Avenue;

THAT new "no standing" signs shall be installed along the north side of Dumont Avenue and the entire block length of Van Sinderen;

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. 2019-205-BZ), shall be obtained within four years, by July 13, 2030;

THAT a restrictive declaration, entitled "FDNY Emergency Services Access Agreement," shall be recorded against the property in the Office of the City Register (City Register File No. 2021000186198) substantially conforming to the form and substance of the following:

THIS FDNY EMERGENCY SERVICES ACCESS AGREEMENT (this "Agreement") is made as of the ____ day of _____, 2021 by and between BEVERLYS PLACE HOUSING DEVELOPMENT FUND CORPORATION a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201 ("Grantor"), and JEANS PLACE HOUSING DEVELOPMENT FUND CORPORATION, a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201 ("Grantee").

RECITALS

WHEREAS, Grantor is the owner in fee of certain land, with the improvements thereon, in the County of Kings, City and State of New York, generally known by the street address 404 Snediker Avenue, Brooklyn, New York, designated as Lot 26 in Block 3799 on the Tax Map of the City of New York, County of Kings (the "Tax Map") and more particularly described on Exhibit A annexed hereto

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(said land being herein called “Parcel A,” said improvements, together with any future replacements thereof and/or new building(s) permitted on Parcel A, being herein collectively called the “Grantor Building”);

WHEREAS, Grantee is the owner in fee of certain land, with the building and improvements thereon, in the County of Kings, City and State of New York, generally known by the street address as 485-515 Van Sinderen Ave., Brooklyn, New York, designated as Lot 1 in Block 3799 on the Tax Map and more particularly described in Exhibit B annexed hereto (said land being herein called the “Parcel B,” said building and improvements, together with any future replacements thereof permitted in accordance with this Agreement, being herein collectively called the “Grantee Building”);

WHEREAS, Grantee has requested by application under BSA Calendar No. 2019- 205-BZ (the “Application”), that the New York City Board of Standards and Appeals (the “Board”) grant a variance under ZR § 72-21 (the “Variance”), to permit the development of a nine-story building at the Premises with 129 units of affordable housing (the “Affordable Units”), contrary to ZR §§ 42-10 (use), 43-12 (FAR), 43-43 (height and setback), and 43-302 (required rear yard along district boundary) within the subject M1-1 zoning district (the “Proposed Development”); and

WHEREAS, the Board has asked the New York City Fire Department (“FDNY”) to review Grantee’s plans for the Proposed Development, and FDNY has conditioned its recommendation that the Board approve the Proposed Development upon the establishment and recording of a permanent easement for the benefit of FDNY firefighting and emergency services personnel, allowing access from Snediker Avenue to the Grantor Building through a portion of the Grantee Building (“FDNY emergency services access”).

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants the following easement to Grantee:

1. Grantor hereby grants to Grantee, and its heirs, successors and assigns, a permanent and perpetual easement in, on, through and over the portion of the Grantor Building shown on Exhibit C hereto and described in Exhibit D hereto, solely for the purpose of providing FDNY emergency services access to the Grantee Building;

2. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;

3. This Agreement may not be amended or terminated without the prior written consent of the FDNY;

4. Failure to comply with the terms of this Agreement may result in the revocation of a building permit or certificate of occupancy by the Department of Buildings, as well as any other authorization or waiver for the Grantee Building granted by the Board, including but not limited to, the Variance; and

5. FDNY, as the third-party beneficiary of this Agreement, shall have the authority to enforce the provisions of this Agreement in any manner authorized by law, rule, or regulation.

6. This Agreement shall be recorded by Grantee and Grantor at the city register's (county clerk's) office against Parcel A and Parcel B and the cross-reference number and title of this Agreement shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to buildings located on Parcel A and Parcel B and in any deed for the conveyance thereof.

THAT a restrictive declaration, entitled "Declaration of Restrictive Covenants," shall be recorded against the property in the Office of the City Register (City Register File No. 2021000186197) substantially conforming to the form and substance of the following:

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Declaration"), dated this ____ day of _____, 2020, is made by JEAN'S PLACE HOUSING DEVELOPMENT FUND CORPORATION (the "Declarant"), a New York not-for-profit corporation having an office at 25 Elm Place, 2nd Floor, Brooklyn, NY 11201.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of Brooklyn, being known and designated as Block 3799, Lot 1 on the Tax Map of the City of New York for Kings County, as more particularly described in Exhibit A annexed hereto and made a part hereof (the "Premises"); and

WHEREAS, the Declarant has requested by application under BSA Calendar No. 2019-205-BZ (the "Application"), that the New York City Board of Standards and Appeals (the "Board") grant a variance under ZR § 72-21 (the "Variance"), to permit the development of a nine-story building at the Premises with 129 units of affordable housing (the "Affordable Units"), contrary to ZR §§ 42-10 (use), 43-12 (FAR), 43-43 (height and setback), and 43-302 (required rear yard along district boundary) within the subject M1-1 zoning district (the "Proposed Development"); and

WHEREAS, the Board has conditioned its issuance of the Variance on the Declarant declaring that the Affordable Units shall be income-restricted housing units as defined in ZR §12-10 and restricting the rent charged for the Affordable Units to a maximum of 60% the area median income for New York City ("AMI") for the life of the Proposed Development; and

WHEREAS, ZR §12-10 defines income-restricted housing units as dwelling units that comply with the definition of affordable housing unit set forth in ZR § 23-911 (General definitions), or any

other dwelling unit with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the income index, as defined in ZR§ 23-911 and as prescribed by a City, State or Federal agency, law, regulation or regulatory agreement, for a period of not less than 30 years; and

WHEREAS, pursuant to ZR § 23-911, an affordable housing unit includes a dwelling unit that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a regulatory agreement, to occupancy by certain households; and

WHEREAS, 100 percent (100%) of the Affordable Units in the Proposed Development will qualify as affordable housing units under ZR § 23-911 and shall be rented to households with incomes at or below sixty percent (60%) of AMI; and

WHEREAS, the Board requires the Declarant to execute and record in the Office of the City Register of the City of New York this Declaration prior to obtaining building permits for the Premises.

NOW THEREFORE, in consideration of the Board's approval of the Application, Declarant does hereby declare that the Declarant and its successors and/or assigns shall be responsible for compliance with the following restrictions:

1. All dwelling units in the Proposed Development will be low-income affordable housing units;

2. All dwelling units in the Proposed Development will be provided to tenants whose annual income is at or below sixty percent (60%) of AMI;

3. All dwelling units in the Proposed Development will remain as affordable housing units for the life of the building;

4. Except as otherwise set forth herein, this Declaration may not be modified, amended, or terminated without the prior written consent of the Board;

5. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the Declarant and its heirs, legal representatives, successors and assigns;

6. Failure to comply with the terms of this Declaration, which remain uncured within thirty (30) days of Declarant's receipt of a written notice to comply may result in the revocation of a building permit or Certificate of Occupancy, as well as any other authorization or waiver granted by the Board, including but not limited to, the Application; and

7. In the event that (a) the Declarant elects to abandon the Application or (b) the underlying zoning district is changed such that the relief provided by the Application is no longer required, this Declaration may be cancelled by the recordation of a Notice of Cancellation at the City Register's Office against the Premises, and upon the filing of such Notice of Cancellation, this Declaration shall automatically cease, extinguish, and be void and of no further force or effect.

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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;

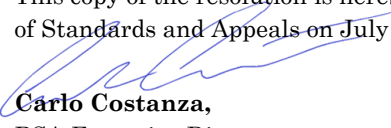
THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, July 13, 2026.



CERTIFICATION

This copy of the resolution is hereby filed by the Board of Standards and Appeals on July 30, 2026.


Carlo Costanza,
BSA Executive Director