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BOARD OF STANDARDS AND APPEALS

MEETING OF: April 27, 2026
CALENDAR NO.: 214-13-A
PREMISES: 219-08 141st Avenue, Queens
Block 13145, Lot 15

ACTION OF BOARD — Application granted.

THE VOTE —

Affirmative: Chair Chanda, Commissioner Ottley-Brown, and
Commissioner Yoon.....3
Negative:.....0
Absent: Vice-Chair Scibetta and Commissioner Sheta.....2

THE RESOLUTION —

I. The Request

This is an application for a waiver of the Board’s Rules of Practice and Procedures (“Board’s Rules”) and an extension of time to obtain a certificate of occupancy for a previously established right to complete construction pursuant to common law vesting, which expired on January 26, 2025.

A public hearing was held on this application on April 13, 2027, after due notice by publication in *The City Record*, and then to decision on April 27, 2026.

Community Board 13, Queens, recommends denial of this application, stating that

- the owner neglected to do the filing on time on multiple occasions denoting a lack of seriousness for the maintenance of this property;
- the building looks out-of-character with the single-family homes on the block and in this neighborhood, resembling more of an apartment building and
- the building appears like it will be overpopulated with more than the allocated number of tenants.

II. Location

The Premises are located on the south side of 141st Avenue, between 219th Street and 222nd Street, within an R3X zoning district, in Queens. With approximately 44 feet of frontage on 141st Avenue, 67

feet of depth, and 2,791 square feet of lot area, the Premises are currently occupied by an unfinished, two-story, two-family residence.

III. Board History

The Board has exercised jurisdiction over the Premises since February 25, 2014, when, under the subject calendar number, the Board granted a reinstatement of the DOB Permit No. 402424747-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, based on the common law doctrine of vested rights, for four years, to expire on February 14, 2018.

On July 24, 2023, under the subject calendar number, the Board granted an application, based on the common-law doctrine of vested rights, to extend the time to obtain a certificate of occupancy for 18 months, by January 26, 2025.

IV. Proposal

The time to obtain a certificate of occupancy having expired, the applicant now seeks an extension. Because this application was filed more than one year after but less than two years after the expiration of term, the applicant requests a waiver, pursuant to § 1-14.2 of the Board's Rules, of § 1-07.3(c)(2) of the Board's Rules, to permit the filing of this application. The applicant states that the delay in obtaining a certificate of occupancy was due to the DOB file for the Premises having been administratively closed for many years and required reopening, which prevented completion of the final administrative close-out.

In this instant application, the applicant cites *Putnam Armonk, Inc. v. Town of Southeast*, 52 A.D.2d 10, 13 (2d Dep't 1976), stating that "once a vested right has accrued, it may be lost only through abandonment, recoupment of investment, or the demonstration of an overriding public interest" in support of its claim that its common law vested right to complete construction has not lapsed. First, the applicant asserts that there is no evidence of any intent to abandon the vested right as construction of the building is complete and required substantial investment and states that any prior delays were temporary and attributable to external conditions beyond its control, including pandemic-related disruptions and subsequent administrative delays. Next, the applicant states that it has not recouped its investment as the building cannot be lawfully occupied without a final certificate of occupancy, and the denial of the requested extension would result in substantial economic hardship. Lastly, the applicant claims that there is no overriding public health, safety, or welfare concern that would justify extinguishing its vested right as the building's use is within the neighborhood context, and there are no

open violations or adverse conditions. The applicant represents that it expects to obtain the certificate of occupancy by December 2026

V. Board Review

At hearing, the Board directed the applicant to clarify what work the applicant has done towards the completion of construction since the last grant in July 2023. In response, the applicant submitted photographs showing that electrical work and the repair of the drywall and stoops have been completed and that now that it has saved up the requisite funds to complete the rest of the work, it should be able to do so by July-August of 2026.

VI. Decision

Based on the foregoing, the Board finds that the evidence in the record supports the extension of time to obtain a certificate of occupancy based on the previous establishment of a right to continue construction of the building at the Premises.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *wave* its Rules of Practice and Procedures and *amends* the resolution, dated July 24, 2023, so that as amended this portion of the resolution shall read: “to extend the time to obtain a certificate of occupancy for four years, expiring April 27, 2030”.

Adopted by the Board of Standards and Appeals, April 27, 2026.

CERTIFICATION

**This copy of the resolution
dated April 27, 2026
is hereby filed by the
Board of Standards and Appeals
on May 26, 2026.**



**Carlo Costanza
Executive Director**