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BOARD OF STANDARDS AND APPEALS

MEETING OF: **May 11, 2026**
CALENDAR NO.: **24-09-BZ**
PREMISES: **78-10 164th Street, Queens**
 Block 6851, Lots 9, 11, 12, 23, and 24

ACTION OF BOARD — Application granted on condition.

THE VOTE —
Affirmative: Chair Chanda, Commissioner Ottley-Brown,
 Commissioner Sheta, and Commissioner Yoon.....4
Negative:.....0
Absent: Vice-Chair Scibetta and Commissioner Sheta.....1

THE RESOLUTION —

I. The Request

This is an application for an extension of time to complete construction, which expired on January 24, 2026, pursuant to a variance that permitted the enlargement of a community facility contrary to bulk requirements.

A public hearing was held on this application on April 13, 2026, after due notice by publication in *The City Record*, and then to decision on May 11, 2026.

II. The Location

The Premises, which consist of Lots 9, 11, 12, 23, and 24, are located on the east end of Block 6851, bounded by 164th Street to the east, 78th Avenue to the north, and 78th Road to the south, within an R3-2 zoning district, in Queens. The Premises have approximately 200 feet of frontage along 164th Street, 157 feet of frontage along 78th Avenue, 143 feet of frontage along 78th Road, and 29,933 square feet of lot area, and are occupied by a four-story nursing care facility.

III. Board History

The Board has exercised jurisdiction over the Premises since July 26, 2011, when, under the subject calendar number, the Board granted a variance to permit the horizontal enlargement of an existing four-story (including basement) nursing care facility (Use Group 3), contrary to floor area ratio (“FAR”) (Z.R. § 24-11), front yard depth (Z.R. § 24-34), lot coverage (Z.R. § 24-11), wall height/sky exposure plane (Z.R. § 24-521), and rear yard (Z.R. § 24-382) requirements, on condition that any and all work substantially conform to the BSA-approved plans; the following be the bulk parameters of the building: 60,366 square feet of floor area (2.02 FAR); a front

yard of 9'-7" along 164th Street; lot coverage of 73 percent for the corner lot portion of the site; a wall height of 34'-8"; intrusion into the sky exposure plane; and intrusion into the required rear yard equivalent for the through-lot portion of the site, as indicated on the BSA-approved plans; prior to the issuance of any NYC Department of Buildings ("DOB") permits, the applicant obtain a certification from the City Planning Commission pursuant to Z.R. § 22-42; prior to the issuance by DOB of a temporary or permanent certificate of occupancy, the applicant or successor obtain from the NYC Department of Environmental Protection a Notice of Satisfaction; all garbage remain within the designated trash compactor area until pickup, which occur no later than 7:30 a.m.; substantial construction be completed pursuant to Z.R. § 72-23; the approval be limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; the approved plans be considered approved only for the portions related to the specific relief granted; and 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.

On January 24, 2022, under the subject calendar number, the Board waived its Rules of Practice and Procedures and extended the time to complete construction for four years, to expire on January 24, 2026, on condition that the following be the bulk parameters of the building: 60,366 square feet of floor area (2.02 FAR); a front yard of 9'-7" along 164th Street; lot coverage of 73 percent for the corner lot portion of the site; a wall height of 34'-8"; intrusion into the sky exposure plane; and intrusion into the required rear yard equivalent for the through lot portion of the site, as indicated on the BSA-approved plans; prior to the issuance by DOB of a temporary or permanent certificate of occupancy, the applicant or successor obtain from DEP a Notice of Satisfaction; all garbage remain within the designated trash compactor area until pickup, which occur no earlier than 7:30 a.m.; the sidewalk and parking area be repaired or replaced as necessary to be maintained in first-class condition at all times; the gate not swing onto the sidewalk; the sprinklers be maintained in accordance with Fire Department direction; the trailers be removed and maintained out of the required side yard in accordance with DOB direction; substantial construction be completed, as determined by an inspection by the Department of Buildings, within four years, by January 24, 2026; the above conditions appear on the certificate of occupancy; a certificate of occupancy, also indicating this approval and calendar number), be obtained within four years by January 24, 2026; 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 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 plans or configurations not related to the relief granted.

IV. The Proposal

The time to complete construction having expired, the applicant now seeks an extension. The applicant represents that construction of the previously approved enlargement has not yet begun. Regarding the reasons for this delay, the applicant asserts that financial complications resulting from the COVID-19 pandemic delayed pre-development processes. However, the applicant indicates that the project's owner and operator structure has been determined and it is now prepared to move forward with construction, including the immediate next steps of design feasibility review, architectural and operational review, necessary New York state government and City agency coordination, and financing, to complete the work within four years.

V. Board Review

At hearing, the Board raised concerns about a storage trailer located along the 78th Road frontage of the subject facility, in accordance with the Board's relevant prior condition. In response, the applicant submitted photographs demonstrating the removal of the trailer.

By letter dated April 1, 2026, the Fire Department states that it has determined that the existing fire alarm system, filed in 2018 under DOB Job # 421638311, had never been approved. The building is currently occupied. Based on the foregoing, the Fire Department has no objection to the instant application, subject to the following condition: 1. Prior to the issuance of construction permits, the existing fire alarm system shall be tested before a representative of the Fire Department and determined to be in good working order as required by FC 901.5 and FC 901.17.

VI. The Decision

Based upon its review of the record, the Board has determined that the requested extension of term and amendment are appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *wave* its Rules of Practice and Procedures and *amend* the variance, under BSA Cal. No. 24-09-BZ, dated July 26, 2011, as amended through January 24, 2022, so that as amended this portion of the resolution shall read: "to extend the time to complete construction for four years, for a previously approved variance permitting the enlargement of a four-story community facility contrary to bulk requirements, *on condition*:

THAT the following shall be the bulk parameters of the building: a maximum of 60,366 square feet of floor area (2.02 FAR); a minimum front yard depth of 9'-7" along 164th Street; a maximum lot coverage of 73 percent for the corner lot portion of the site; a maximum wall height of 34'-8"; intrusion into the sky exposure plane; and intrusion into the required rear yard equivalent for the through lot portion of the site, as indicated on the BSA-approved plans;

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THAT prior to the issuance by DOB of a temporary or permanent certificate of occupancy, the applicant or successor shall obtain from DEP a Notice of Satisfaction;

THAT all garbage shall remain within the designated trash compactor area until pickup, which occur no earlier than 7:30 a.m.;

THAT the sidewalk and parking area shall be repaired or replaced as necessary to be maintained in first-class condition at all times;

THAT the gate shall not swing onto the sidewalk;

THAT the sprinklers shall be maintained in accordance with Fire Department direction;

THAT prior to the issuance of construction permits, the existing fire alarm system shall be tested before a representative of the Fire Department and determined to be in good working order as required by FC 901.5 and FC 901.17;

THAT the trailers shall be removed and maintained out of the required side yard in accordance with DOB direction;

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. 24-09-BZ'), shall be obtained within four years, by May 11, 2030;

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, May 11, 2026.

CERTIFICATION
This copy of the resolution
dated May 11, 2026
is hereby filed by the
Board of Standards and Appeals
on June 15, 2026.


Carlo Costanza
Executive Director