

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 April 13, 2026, under Calendar No. 99-14-BZ, is hereby corrected to read as follows:

BOARD OF STANDARDS AND APPEALS

MEETING OF: April 13, 2026
CALENDAR NO.: 99-14-BZ
PREMISES: 432-434 West 31st Street, Manhattan
Block 728, Lot 55

ACTION OF BOARD — Application granted on condition.

THE VOTE —

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

THE RESOLUTION —

I. The Request

This is an application for an extension of time to complete construction and obtain a certificate of occupancy, pursuant to a previously granted variance, under Z.R. § 72-21, which permitted the construction of a 25-story hotel building that does not comply with underlying bulk regulations of Z.R. § 93-42, and expired on January 10, 2026.

A public hearing was held on this application on March 23, 2026, after due notice by publication in *The City Record*, and then to decision on April 13, 2026.

II. Location

The Premises are located at the southeast intersection of West 31st Street and Dyer Avenue, within a C6-4 zoning district and the Special Hudson Yards District, in Manhattan. With approximately 42 feet of frontage along West 31st Street, 92 feet of frontage along Dyer Avenue, and 5,049 square feet of lot area, the Premises are currently occupied by a four-story, mixed-use, retail and residential building.

III. Board History

The Board has exercised jurisdiction over the Premises since July 12, 2016, when, under the subject calendar number, the Board granted a variance, under Z.R. § 72-21, to permit the construction of a 25-story hotel building that does not comply with Z.R. § 93-42 (a), (b) and (c), on condition that all work substantially conform to BSA-approved plans; the following be the bulk parameters of the building: a maximum lot coverage of 94.2% above the height of 150' and no setbacks, as indicated on the BSA-approved plans; an E designation (E-390) be placed on the site to ensure proper hazardous materials remediation; the conditions be listed on the certificate of occupancy; prior to DOB's issuance of any building permit, the Mayor's Office of Environmental Remediation ("OER") issue a Notice to Proceed or a Notice of No Objection pursuant to the site's E designation (E-390); prior to DOB's issuance of a certificate of occupancy, OER issue a Notice of No Objection or a Notice of Satisfaction; 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); 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 10, 2022, under the subject calendar number, the Board amended the resolution to grant a four-year extension of time to complete construction, to January 10, 2026, on condition that substantial construction be completed by January 10, 2026; the following be the bulk parameters of the building: a maximum lot coverage of 94.2% above the height of 150' and no setbacks, as indicated on the BSA-approved plans; an E designation (E-390) is placed on the site to ensure proper hazardous materials remediation; prior to DOB's issuance of any building permit, OER issue a Notice to Proceed or a Notice of No Objection pursuant to the site's E designation (E-390); prior to DOB's issuance of a certificate of occupancy, OER issue a Notice of No Objection or a Notice of Satisfaction; the above conditions appear on the certificate of occupancy; a certificate of occupancy, also indicating the Board's approval and calendar number, be obtained by January 10, 2026; approval is 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; 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.

IV. Proposal

The time to substantially construct and obtain a certificate of occupancy having expired, the applicant now seeks an extension of time. While the applicant represents that it has undertaken extensive efforts to secure a hotel brand, operating structure, design, programmatic work, and site-related, regulatory, and pre-construction matters, it has not yet begun construction due to a failure to secure construction financing and an inability to secure a hotel franchise agreement. The applicant asserts that it has made considerable efforts and expenditures in order to obtain the approvals necessary to commence construction of the approved building, citing “a series of significant market, regulatory, and third-party obstacles” as the reason for the delay in construction. Furthermore, the applicant submitted a preliminary schedule, estimating construction to begin on July 2, 2027 and end on January 10, 2030.

V. Board Review

At hearing, the Board raised concerns about the applicant’s proposed timeline to complete construction and obtain a certificate of occupancy, as well as the outstanding violations at the Premises. In response, the applicant provided a letter clarifying the status of any open violations against the property, which the applicant declares would be remedied upon demolition of the existing building, along with a new construction timeline for the 48 months to be completed on January 10, 2030 and clarified that the proposed building would have 25 stories.

VI. Decision

Based upon its review of the record, the Board has determined that a four-year 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 July 12, 2016, as amended through January 10, 2022, 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 four years, expiring on January 10, 2030, *on condition*:

THAT substantial construction shall be completed by January 10, 2030;

THAT the following shall be the bulk parameters of the building: a maximum lot coverage of 94.2% above the height of 150’ and no setbacks, as indicated on the BSA-approved plans;

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THAT an E designation (E-390) is placed on the site to ensure proper hazardous materials remediation;

THAT prior to DOB's issuance of any building permit, OER shall issue a Notice to Proceed or a Notice of No Objection pursuant to the site's E designation (E-390);

THAT prior to DOB's issuance of a Certificate of Occupancy, OER must issue a Notice of No Objection or a Notice of Satisfaction;

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. 99-14-BZ'), shall be obtained within four years, by January 10, 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, April 13, 2026.



CERTIFICATION

This copy of the resolution is hereby filed by the Board of Standards and Appeals on August 25, 2026.


Carlo Costanza,
BSA Executive Director