

280-01-BZ

APPLICANT – Akerman, LLP, for S&M Enterprises, owner.

SUBJECT – Application April 25, 2014 – Extension of Time to Complete Construction and obtain a Certificate of Occupancy of a previously granted Variance (§72-21) for construction of a mixed use building, which expires on May 7, 2014. C1-9 zoning district.

PREMISES AFFECTED – 663-673 2nd Avenue, west side of 2nd Avenue between East 36th and East 37th Streets, Block 917, Lot(s) 21, 24, 30, 32, 34, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver, a reopening, and an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on June 10, 2014, after due notice by publication in *The City Record*, and then to decision on July 15, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations Commissioner Ottley-Brown and former Chair Srinivasan; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application on condition that the site be designed so as not to negatively impact traffic flow; conditions include that curb cuts be on Second Avenue, the addition of any accessory parking spaces be within the building, and the location of the residential building service entrance be on East 37th Street, rather than Second Avenue; and

WHEREAS, the subject site is located on the west side of Second Avenue, between East 36th Street and East 37th Street, within a C1-9 zoning district; and

WHEREAS, on May 7, 2002, the Board granted a variance under the subject calendar number pursuant to ZR § 72-21, to permit the construction of a mixed-use building; and

WHEREAS, on September 24, 2002, the Board granted an amendment to the resolution, under the subject calendar number; and

WHEREAS, on April 11, 2006, the Board granted an extension of time of four years to complete construction and obtain a certificate of occupancy; and

WHEREAS, on March 16, 2010, the Board granted an extension of time of four years to complete construction and obtain a certificate of occupancy;

WHEREAS, the applicant explains the need for additional time as being associated with financial

A true copy of resolution adopted by the Board of Standards and Appeals, July 15, 2014.

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To Applicant

Fire Com'r.

Borough Com'r.

concerns due to the economic climate from 2007 to 2011 led and new Metropolitan Transit Authority requirements for the disposition of development rights; and

WHEREAS, the applicant notes that the majority of the site is improved with a recessed roadway exit for the Queens-Midtown Tunnel; and

WHEREAS, the applicant represents that the conditions in the area have remained the same since the initial Board approval and thus the proposal, which provides a residential density that is within the as-of-right limits for C1-9 development, remains appropriate; and

WHEREAS, the applicant submitted photographs which reflect that the surrounding area today is consistent with the conditions at the time of the original grant; and

WHEREAS, the applicant has represented to the Community Board that its recommendations have all been incorporated into the proposal; and

WHEREAS, the Board inquired about whether the current parking lot use had all necessary licenses; and

WHEREAS, in response, the applicant submitted a copy of a license for a public parking lot issued by the Department of Consumer Affairs to expire on March 31, 2015; and

WHEREAS, the applicant noted that it must return to the Board for approval if it makes changes to the proposed tenancy or use of the building; and

WHEREAS, based upon the above, the Board finds it appropriate to grant the requested extension of time.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on May 7, 2002, so that as amended this portion of the resolution shall read: “to permit an extension of time to complete construction and obtain a certificate of occupancy, for an additional period of four years from the date of the prior grant’s expiration, to expire on May 7, 2018; *on condition*:

THAT construction will be completed and a new certificate of occupancy shall be obtained by May 7, 2018;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

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 plan(s) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 102973926)

Adopted by the Board of Standards and Appeals July 15, 2014.

