

**381-04-BZ**

APPLICANT – Sheldon Lobel, P.C., for 83 Bushwick Place, LLC, owner.

SUBJECT – Application December 6, 2013 – Extension of Time to Complete Construction of a previously granted Variance (72-21) for the construction of a four-story residential building with parking which expired on September 12, 2010; Waiver of the Rules. M1-1 zoning district.

**Community Board #1BK**

PREMISES AFFECTED – 83 Bushwick Place aka 225-227 Boerum Street, northeast corner of the intersection of Bushwick Place and Boerum Street, Block 3073, Lot 97, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to complete construction for a four-story residential building; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on the northeast corner of Bushwick Place and Boerum Street, within an M1-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 12, 2006, when, under the subject calendar number, the Board granted a variance to permit the construction of a four-story residential building contrary to use regulations; and

WHEREAS, pursuant to ZR § 72-23, construction was to be substantially completed by September 12, 2010; and

WHEREAS, the applicant represents that, due to severe economic hardship, construction pursuant to the variance has not commenced; and

**A true copy of resolution adopted by the Board of Standards and Appeals, February 4, 2014.**

**Printed in Bulletin No. 6, Vol. 99.**

**Copies Sent**  
**To Applicant**  
**Fire Com'r.**  
**Borough Com'r.**

WHEREAS, accordingly, the applicant now seeks an extension of time (four years) to substantially complete construction; and

WHEREAS, at hearing, the Board directed the applicant to remove the graffiti from the site; and

WHEREAS, in response, the applicant agreed to have the graffiti removed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated September 12, 2006, so that as amended this portion of the resolution shall read: “to grant an extension of time to complete construction to February 4, 2018; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction be completed by February 4, 2018;

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

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); 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. 301866032)

Adopted by the Board of Standards and Appeals, February 4, 2014.

