

**611-52-BZ**

**APPLICANT** – Gerald J. Caliendo, for John Blumenfield - HL Dalis, Inc., owner.

**SUBJECT** – Application October 15, 2013 – Extension of Term (§11-411) of a previously approved variance permitting a one story warehouse building, which expired on May 5, 2013. R5 zoning district.

**PREMISES AFFECTED** – 35-35 24th Street, east side of 24th Street, 130.63 feet south from the intersection of 35th Avenue and 24th Street, Block 338, Lot 8, Borough of Queens.

**COMMUNITY BOARD #1Q**

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

**THE VOTE TO GRANT** –

Affirmative: Commissioner Hinkson, Commissioner Ottley-Brown and Commissioner Montanez .....3

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, an extension of time to complete construction, which expired on January 9, 2003, and an extension of term for a variance permitting a warehouse within a residence district, which expired on May 5, 2013; and

WHEREAS, a public hearing was held on this application on May 6, 2014, after due notice by publication in *The City Record*, with a continued hearing on June 17, 2014, and then to decision on August 19, 2014; and

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

WHEREAS, Community Board 1, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of 24th Street, between 35th Avenue and 36th Avenue, within an R5 zoning district; and

WHEREAS, the site has approximately 311 feet of frontage along 24th Street and 33,393 sq. ft. of lot area; it is occupied by a one-story warehouse with approximately 20,252 sq. ft. of floor area (0.61 FAR); and

WHEREAS, the Board has exercised jurisdiction over the site since May 5, 1953, when, under the subject calendar number, it granted an application to permit the continued use of an existing one-story warehouse building in a residence district, contrary to the use regulations of the 1916 Zoning Resolution; and

WHEREAS, the grant was extended at various times; most recently, on January 9, 2001, the Board amended the grant to permit a 3,720 sq.-ft. enlargement, and extended the term of the grant until May 5, 2013; and

WHEREAS, pursuant to the 2001 grant, substantial constructed was to be completed by January 9, 2003; however, the applicant states that the enlargement was never constructed due to a lack of funding; and

WHEREAS, accordingly, the applicant now seeks an extension of time of complete construction and an extension of the term of the variance; the enlarged building will have 23,972 sq. ft. of floor area (0.72 FAR); and

WHEREAS, pursuant to ZR § 11-411, the Board may, in appropriate cases, allow an extension of the term of a pre-1961 variance; likewise, the Board may, in appropriate cases, grant an extension of time to complete construction; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made for an extension of term under ZR § 11-411; in addition, the Board finds that the requested extension of time to complete the construction authorized under the 2001 grant is appropriate.

*Therefore it is Resolved*, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated May 5, 1953, so that as amended the resolution reads: “to permit an extension of time to complete construction and to permit an extension of the term of the variance for an additional ten years from May 5, 2013, expiring on May 5, 2023; *on condition*:

THAT the term of the variance will expire on May 5, 2023;

THAT the building will have a maximum of 23,972 sq. ft. of floor area (0.72 FAR);

THAT the premises will be maintained free of debris and graffiti;

THAT the above conditions will be noted in the Certificate of Occupancy;

THAT substantial construction will be completed by August 19, 2016;

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); and

THAT DOB 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.”

Adopted by the Board of Standards and Appeals, August 19, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, August 19, 2014.**

**Printed in Bulletin Nos. 32-34, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

