

297-06-BZ

APPLICANT – Eric Palatnik, for Montgomery Avenue Properties, LLC, owner.

SUBJECT – Application November 15, 2013 – Extension of Time to complete construction of a previously granted Variance (§72-21) for the construction of a four-story residential building with ground and cellar level retail, which expired on October 16, 2011; Waiver of the Rules. C4-2 (HS) zoning district.

PREMISES AFFECTED – 130 Montgomery Avenue, between Victory Boulevard and Fort Place, Block 17, Lot 116, Borough of Staten Island.

COMMUNITY BOARD #1SI

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 Montanez5

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 obtain a certificate of occupancy for a four-story mixed commercial and 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 a site and neighborhood examination by Commissioner Montanez; and

WHEREAS, the subject site is located on the west side of Montgomery Avenue, between Fort Place and Victory Boulevard, within a C4-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 16, 2007, when, under the subject calendar number, the Board granted a variance to permit the construction of a four-story mixed commercial and residential building contrary to ZR §§ 23-47 (rear yard) and 23-145 (lot coverage); and

WHEREAS, the applicant notes that a waiver of General City Law §35 was granted in a companion application under BSA Cal. No. 298-06-A; and

WHEREAS, pursuant to ZR §72-23, construction was to be substantially completed by October 16, 2011;

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

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

and

WHEREAS, the applicant represents that, due to protracted litigation, financing of the project was delayed and construction has not yet commenced; and

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

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to 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 *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated October 16, 2007, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy 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 a certificate of occupancy will be obtained 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 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.” (DOB Application No. 500855452)

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

