

45-07-A

APPLICANT – Eric Palatnik, P.C., for Nader Kohanter, owner.

SUBJECT – Application April 25, 2014 – Application to permit an extension of time to complete construction and obtain a certificate of occupancy under the Common Law vested rights doctrine for a mixed-used residential community facility approved under the previous R6 zoning district. R4-1 zoning district.

PREMISES AFFECTED – 1472 East 19th Street, between Avenue "O" and Avenue "N", Block 6756, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Application granted.

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 an extension of time to complete construction and obtain a certificate of occupancy for a two-story mixed residential and community facility building at the subject site; 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 by Commissioner Hinkson and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on west side of East 19th Street, between Avenue N and Avenue O, within an R4-1 zoning district; and

WHEREAS, the site has 35 feet of frontage along East 19th Street and 3,500 sq. ft. of lot area; and

WHEREAS, the applicant proposes to develop the site with a two-story mixed residential (Use Group 2) and community facility (Use Group 4) building with 5,500 sq. ft. of floor area (1.49 FAR) and building height of 39’-2”; and

WHEREAS, the site was formerly located within an R6 zoning district; and

WHEREAS, the applicant states that New Building Permit No. 302041261-01-NB was issued on March 9, 2006 (the “New Building Permit”), authorizing construction of the building in accordance with the R6 zoning district regulations; and

WHEREAS, on April 5, 2006 (the “Enactment Date”), the City Council voted to adopt the Midwood

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.

Rezoning, which rezoned the site from R6 to R4-1; and

WHEREAS, the New Building Permit lapsed by operation of law on the Enactment Date because the plans did not comply with the new R4-1 zoning district regulations and foundations were not complete; and

WHEREAS, on July 10, 2007, under the subject calendar number, the Board adopted a resolution recognizing that a vested right to continue construction under the New Building Permit had accrued under the common law doctrine of vested rights, and the Board reinstated the New Building Permit for a term of four years, to expire on July 10, 2011; and

WHEREAS, the applicant states that, as of July 10, 2011, construction had not been completed and a certificate of occupancy had not been issued; accordingly, the applicant sought an extension of time to complete construction; at that time, the applicant represented that construction was delayed due to financing problems and its contractor going out of business; and

WHEREAS, on May 1, 2012, under the subject calendar number, the Board extended the time to complete construction and obtain a certificate of occupancy for a term of two years, to expire on May 1, 2014; and

WHEREAS, the applicant represents that as of May 1, 2014, construction had not been completed and a certificate of occupancy had not been issued; and

WHEREAS, the applicant notes that, since the Board’s 2012 grant, no work has been performed and a new owner has taken control of the site; and

WHEREAS, consequently, the applicant now seeks an additional four-year term in which to complete construction and obtain a certificate of occupancy; and

WHEREAS, the Board has reviewed the evidence in the record and determined that the requested extension of time is warranted; and

WHEREAS, accordingly, the Board hereby grants the owner of the site a two-year extension of time to complete construction and obtain a certificate of occupancy.

Therefore it is Resolved, that this application to renew New Building Permit No. 302041261-01-NB, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete construction and obtain a certificate of occupancy for two years from the expiration date of the prior grant, to expire on May 1, 2016.

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

