

369-05-BZ

APPLICANT – Eric Palatnik, P.C., for Flatland 3706 Real Estate, LLC, owner.

SUBJECT – Application February 7, 2014 – Extension of Time to Complete Construction of a previously approved variance (§72-21) to construct a four-story multiple dwelling, which expires on October 17, 2014. R3-2(HS) zoning district.

PREMISES AFFECTED – 908 Clove Road, between Bard and Tyler Avenues, Block 323, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4
Negative:.....0
Absent: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit, within an R3-2 zoning district, within the Special Hillside Preservation District, the construction of a three-story Use Group 2 multiple dwelling for adults age 55 and over, which expires on October 17, 2014; and

WHEREAS, a public hearing was held on this application on March 25, 2014, after due notice by publication in *The City Record*, and then to decision on April 8, 2014; and

WHEREAS, the subject site is located on the south side of Clove Road, between Broadway and Bement Avenue, within an R3-2 (HS) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since October 17, 2006 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of a three-story, 25-unit Use Group 2 multiple dwelling for adults age 55 and over; and

WHEREAS, substantial construction was to be completed by October 17, 2010, in accordance with ZR § 72-23; however, as of that date, only the foundation and the sanitary and storm sewer lines on Clove Road had been completed; accordingly, on October 26, 2010, the Board extended the time to complete construction for four years, to expire on October 17, 2014; and

WHEREAS, the applicant states that, subsequent to

the 2010 extension of time to complete construction, work ceased and the site went into foreclosure and a new developer took ownership of the site on July 10, 2013; and

WHEREAS, accordingly, the applicant now seeks additional time to obtain funding and complete construction; and

WHEREAS, at hearing, the Board directed the applicant to repair the construction fence around the site; the Board also questioned whether the requested three years would be sufficient to complete construction, given that the applicant has represented that funding has not yet been secured; and

WHEREAS, in response, the applicant submitted photos showing that the fence had been repaired; and

WHEREAS, as to whether a three-year extension of time would be sufficient, the applicant responded that it while is anticipated that three years will be sufficient, a four-year extension would be preferred; 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 *reopens* and *amends* the resolution, dated October 17, 2006, so that as amended the resolution reads: “to grant an extension of the time to complete construction for a term of four years from April 8, 2014, to expire on April 8, 2018; *on condition*:

THAT substantial construction will be completed by April 8, 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 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. 500740665)

Adopted by the Board of Standards and Appeals, April 8, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

