

326-09-BZ

APPLICANT – Bryan Cave LLP, for Flushing Commons Property Owner LLC, owner.

SUBJECT – Application April 10, 2014 – Extension of Time to Complete Construction of a previously approved special permit (§73-66) for the development of four mixed use buildings (*Flushing Commons*), which expires on July 27th 2014. C4-4 zoning district. PREMISES AFFECTED – 37-10 Union Street aka 38-15 138th Street, portion of the block bounded by 37th Avenue on the north, 39th Avenue on the South, Union Street on the east and 138th Street on west, Block 4978, Lot 25, Borough of Queens.

COMMUNITY BOARD #7Q

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 an extension of time to complete construction pursuant to a special permit, which permitted the construction of four buildings contrary to the height restrictions applicable to buildings within a certain distance of LaGuardia Airport, per ZR § 61-21; and

WHEREAS, a public hearing was held on this application on May 20, 2014, after due notice by publication in *The City Record*, and then to decision on June 17, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Montanez; and

WHEREAS, the subject site is located on the majority of the block bounded by 138th Street to the west, 37th Avenue to the north, 39th Avenue to the south and Union Street to the east, within a C4-3 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 27, 2010, when, under the subject calendar number, the Board granted a special permit authorizing, within a C4-3 zoning district, the construction of four buildings in a mixed residential, commercial, and community facility development, which exceed the maximum height limits around airports, contrary to ZR § 61-21; and

WHEREAS, pursuant to ZR § 73-70, construction

was to be substantially completed by July 27, 2014; however, the applicant represents that construction has not yet commenced and will not be completed by that date; and

WHEREAS, the applicant states that after receiving the special permit, ULURP approvals, and rezoning in 2010, the developer encountered difficulties obtaining financing for the project; and

WHEREAS, the applicant states that it has secured the necessary financing to complete the project; and

WHEREAS, accordingly, the applicant now seeks an extension of time to substantially complete construction; 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 July 27, 2010, so that as amended this portion of the resolution reads: “to grant an extension of time to complete construction to July 27, 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 will be completed by July 27, 2018;

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

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. 410186427)

Adopted by the Board of Standards and Appeals, June 17, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

