

75-06-BZ

APPLICANT – Eric Palatnik, P.C., for Cord Meyer Development Company, owner.

SUBJECT – Application April 27, 2011 – Extension of Time to complete construction of a variance (§72-21) for a mixed use building contrary to FAR, open space and sky exposure plane regulations, and an amendment to eliminate a sub-cellar and modify the building envelope. C1-2/R7-1 district.

PREMISES AFFECTED – 108-20 71st Avenue, northeast corner of Queens Boulevard and 71st Avenue. Block 2224, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES – None.

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 reopening, an extension of time to complete construction and obtain a certificate of occupancy for a previously approved variance, and an amendment to permit certain modifications to the previously-approved plans; and

WHEREAS, a public hearing was held on this application on September 20, 2011, after due notice by publication in *The City Record*, with a continued hearing on October 25, 2011, and then to decision on November 15, 2011; and

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

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, certain members of the community provided testimony in opposition to this application; and

WHEREAS, the subject site is located on the northwest corner of Queens Boulevard and 71st Road, with additional frontage on 71st Avenue; and

WHEREAS, the site is irregularly-shaped, with 87.5 feet of frontage on 71st Avenue, 191.45 feet of frontage on Queens Boulevard, 91.36 feet of frontage on 71st Road, and a lot area of approximately 27,002 sq. ft.; and

WHEREAS, a small triangular portion of the site along 71st Avenue is within an R7-1 zoning district and the remainder of the site is within a C1-2 (R7-1) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since August 7, 2007 when, under the subject calendar number, the Board granted an application under ZR § 72-21, to permit the construction of a 16-story residential building with 102 units, a community facility, commercial use, and 126 parking spaces, which does not comply with residential floor area and open space

regulations, contrary to ZR §§ 23-142, 35-22, and 35-33; and

WHEREAS, substantial construction was to be completed by August 7, 2011 in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that construction has been delayed due to financing concerns; and

WHEREAS, accordingly, the applicant now requests an extension of time to complete construction; and

WHEREAS, the applicant also seeks an amendment to permit certain modifications to the previously-approved plans; and

WHEREAS, specifically, the applicant proposes to: (1) shift the proposed building towards 71st Avenue and away from 71st Road; (2) increase the open space ratio from 15.2 percent to 17.6 percent; (3) eliminate the sub-cellar; (4) decrease the community facility floor area from 2,313 sq. ft. to 800 sq. ft. and provide a corresponding increase in the commercial floor area from 16,065 sq. ft. to 17,578 sq. ft.; (5) increase the number of stories from 16 to 17, while maintaining the previously approved height of 178 feet; and (6) re-design certain building elements related to fire safety and egress to accommodate the new Building Code; and

WHEREAS, the applicant represents that the proposed modifications were deemed necessary to avoid interfering with the existing supermarket business located on the site, which the construction of the previously-approved building would have disrupted; and

WHEREAS, the applicant states that the proposed changes will not result in an increase in the previously-approved floor area, height, or unit count of the building, and will actually increase the open space ratio, thereby bringing it closer to compliance with the required open space ratio of 22 percent; and

WHEREAS, the Board notes that the relocation of the tower will not have an adverse impact on the adjacent residential uses, as it is set back 25'-0" from the street and set back an additional 10'-9" above a height of 159'-0", and the tower complies with all zoning requirements and does not encroach into the required height and setback along 71st Avenue; and

WHEREAS, based upon the above, the Board finds that the requested extension of time and amendment to the plans are 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 August 7, 2007, so that as amended this portion of the resolution shall read: "to grant an extension of time to complete construction and obtain a certificate of occupancy, to expire on November 15, 2015, and to permit the noted modifications to the previously-

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approved plans; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 7, 2011"-seventeen (17) sheets and *on further condition*:

THAT substantial construction shall be completed and a new certificate of occupancy obtained by November 15, 2015;

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 the Department of Buildings 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. 420370592)

Adopted by the Board of Standards and Appeals,
November 15, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, November 15, 2011.
Printed in Bulletin Nos. 46-47, Vol. 96.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.