

77-05-BZ

APPLICANT – Wachtel & Masyr, LLP, for Jack Ancona, owner.

SUBJECT – Application February 21, 2012 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to permit the construction of a 12-story mixed use building, containing residential (UG2) and retail uses (UG6) which expired on February 28, 2010; waiver of the Rules. M1-6 zoning district.

PREMISES AFFECTED – 132 West 26th Street, between Avenue of the Americas and Seventh Avenue, Block 801, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #4M

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 waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to complete construction of a previously granted variance to permit the construction of a 12-story mixed-use residential/retail building, which expired on February 28, 2010; and

WHEREAS, a public hearing was held on this application on March 27, 2012, after due notice by publication in *The City Record*, and then to decision on May 1, 2012; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, and Commissioner Hinkson; and

WHEREAS, the subject site is located on the south side of West 26th Street between Sixth Avenue and Seventh Avenue, within an M1-6 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since February 28, 2006 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of a 12-story mixed-use building with commercial use on the first and second floors and residential use above, contrary to ZR § 42-00; and

WHEREAS, substantial construction was to be completed by February 28, 2010, in accordance with ZR § 72-23; and

WHEREAS, the applicant states that due to financing delays, additional time is necessary to complete the project; thus, the applicant now requests an extension of time to complete construction; and

A true copy of resolution adopted by the Board of Standards and Appeals, May 1, 2012.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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 *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated February 28, 2006, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of four years, to expire on May 1, 2016; *on condition*:

THAT substantial construction shall be completed by May 1, 2016;

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. 104039728)

Adopted by the Board of Standards and Appeals, May 1, 2012.