

File

101-1017

The City of New York  
Housing and Development Administration  
Department of Buildings

BUREAU NO. 7-2570

To: Borough Superintendents

Date: February 6, 1970

From: John T. O'Neill  
Commissioner

ZON. RES.

Subject: Appeals to the Board of Standards and Appeals  
and/or City Planning Commission.

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It has come to the attention of this office that there have been serious errors of omission and/or commission on the part of both applicants and this Department affecting or relating to variances or special permits pending or granted by the Board of Standards and Appeals and/or the City Planning Commission.


Enclosures indicate that in one instance, an objection was raised for an appeal to the Board of Standards and Appeals which was declared irrelevant by the Board, while conversely, an objection regarding a basic question as to the relevancy of the prior special permit of the City Planning Commission which should have been raised at the same time, was not so issued.

In another instance, the procedure of the City Planning Commission to accept applications for, and issuance of, special permits without the necessity of filing of an application with this agency as a pre-requisite, or notification to this Department of the pendency of such appeal, has raised serious problems. Accordingly, all Borough Superintendents are to direct all personnel in the Engineering Bureau that the following procedure shall be adhered to with regard to contemplated or actual appeals to the Board of Standards and Appeals and/or the City Planning Commission.

1. All applicants for the proposed construction or enlargement of buildings or structures which appear to warrant a special permit or variance from the Planning Commission shall indicate in writing whether they, or any other representative of their client has filed an application for a special permit with the Planning Commission. If an application has in fact been filed, an objection shall be issued requiring a copy of the application and all plans filed at the Planning Commission to be made a part of the application of record with this Department. If no application has been filed, an objection is to be issued requiring a special permit by the Planning Commission, which shall be made part of any denials issued for subsequent appeals to the Board.

2. All objections issued by an examiner for appeals to the Board of Standards and Appeals and/or the City Planning Commission shall be reviewed by the Borough Chief Engineer of the Engineering Bureau for completeness and appropriateness after an initial review by the Supervising Examiner. It shall be required before any denials are released to the applicant for further processing with the appropriate appellant agency that he indicate in writing that to the best of his knowledge and belief, that the application and plans will, in all other respects except for those provisions of law being appealed, fully comply in all respects with all other pertinent laws, rules, and regulations, and that no other application is pending or pertinent with any other appellant agency having jurisdiction in regard to any matters affecting this application. Sufficient zoning information, including a lot diagram and related data specified in Section 241-113.2(a)(1) of the Administrative Code and such other data and calculations as is warranted, shall be required to be submitted before the Borough Chief Engineer shall authorize release of the denial.

This procedure shall take effect immediately.

  
John T. C. Keill  
Commissioner

JTO:IEB:ap

cc: Joseph Ferrero, Deputy Commissioner  
Frank Padavan, Assistant Commissioner  
Director of Operations, Thomas Burke  
Executive Staff  
All Architectural Engineering Professional Societies  
All Building Trades Organizations