



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner
512-8100

October 24, 1986

M E M O R A N D U M

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E. *GB*
Assistant Commissioner

SUBJECT: Substantial Construction
Section 72-23 Z.R.
Section 73-70 Z.R.
Section 74-99 Z.R.

As per Section 72-23, 73-70 and 74-99 of the Zoning Resolution, a variance or special permit "granted... shall automatically lapse if substantial construction, in accordance with the plans for which such... was granted ..., has not been completed within two years ..."

The criteria for determination of completion of substantial construction is as follows:

1. for New Buildings - the substantial enclosing and glazing of the structure,
2. for an Altered Building - sufficient completion to justify the issuance of a Temporary Certificate of Occupancy,

When substantial construction has been completed prior to the lapse of time, the owner of a premise that has been granted a zoning variance or special permit has the obligation and responsibility to request a Department inspection to have the records so noted prior to the expiration date.

When substantial construction has not been completed prior to the lapse of time, the owner of the premises must make application to the Board of Standards & Appeals or City Planning Commission prior to the expiration date to obtain an extension of the time to complete the construction. Any permit issued pursuant to a variance or special permit shall otherwise expire on the two-year anniversary date.

GEB:RH:rmr

cc: Executive Staff
Board of Standards & Appeals
Industry
Architects/Engineers Societies