
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 1-3

January 17, 2002

DIRECTORY

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DOCKET

New Case Filed Up to January 8, 2002

397-01-BZ B.Q. 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens. Applic.#401124591. The legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #1Q

398-01-A B.Q. 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens. Alt I.# 401293042. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

399-01-A B.Q. 59 Hillside Avenue, south side, 144.05' west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens. Alt I.# 401316054. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

400-01-A B.Q. 26 Newport Walk, west side, 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.I #401295585. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and has a private disposal system located partially within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

401-01-BZ B.BK. 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn. Applic.#301276438. Proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #15BK

402-01-BZ B.BK. 936 East 24th Street, 260' south of

Avenue "T", Block 7587, Lot 60, Borough of Brooklyn. Applic.#301276679. Proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

403-01-BZ B.BK. 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn. Alt. #301172503. The reestablishment of an expired special permit previously granted by the Board under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 54, is contrary to Z.R. §73-243.

COMMUNITY BOARD #13BK

404-01-BZ B.BK. 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn. Applic.#301281583. Proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141 and §23-46.

COMMUNITY BOARD #14BK

405-01-BZ B.BK. 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn. Applic.# 301234251. Proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

COMMUNITY BOARD #12BK

DOCKET

1-02-A B.S.I. 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island. Applic.#500504439. Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

2-02-BZ B.BX. 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx. Applic.#200702463. Proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, requires a special permit as per §73-19, and a variance to waive certain rear yard requirements, is contrary to §42-13, §43-232 and §43-302.

COMMUNITY BOARD #3BX

3-02-A B.S.I. 10 Gallant Court, east side, 679' north of Arbutus Avenue, Block 6517, Lot 105, Borough of Staten Island. Applic.#500476834. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

4-02-A B.S.I. 21 Gallant Court, east side, 402.6' north of Arbutus Avenue, Block 6517, Lot 110, Borough of Staten Island. Applic.#500476870. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

5-02-A B.S.I. 31 Gallant Court, east side, 520.1' north of Arbutus Avenue, Block 6517, Lot 115, Borough of Staten Island. Applic.#500476889. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

6-02-A B.S.I. 36 Gallant Court, west side, 596' north of Arbutus Avenue, Block 6517, Lot 120, Borough of Staten Island. Applic.#500476825. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

7-02-A B.S.I. 41 Gallant Court, east side, 620' north of Arbutus Avenue, Block 6517, Lot 130, Borough of Staten Island. Applic.#500476861. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to

Section 36, Article 3 of the General City Law.

8-02-A B.S.I. 46 Gallant Court, west side, 496' north of Arbutus Avenue, Block 6517, Lot 125, Borough of Staten Island. Applic.#500476816. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

9-02-A B.S.I. 51 Gallant Court, east side, 720' north of Arbutus Avenue, Block 6517, Lot 135, Borough of Staten Island. Applic.#500476852. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

10-02-A B.S.I. 61 Gallant Court, east side, 805' north of Arbutus Avenue, Block 6517, Lot 145, Borough of Staten Island. Applic.#500476843. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

11-02-A B.S.I. 66 Gallant Court, west side, 384' north of Arbutus Avenue, Block 6517, Lot 150, Borough of Staten Island. Applic.#500476790. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

12-02-BZ B.BK. 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn. N.B.#301272833. Proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, is contrary to Z.R. §32-25.

COMMUNITY BOARD #12BK

DOCKET

13-02-BZ B.BK. 112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn. Applic.#301240137. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

14-02-BZ B.BK. 114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn. Applic.#301240128. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

15-02-BZ B.BK. 116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn. Applic.#301240100. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

16-02-BZ B.BK. 118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn. Applic.#301240093. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

17-02-BZ B.BK. 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn. Alt.#301136367. Proposed physical culture establishment, on portions of the second and third floors of a two and three story building, located in a C4-3 zoning district, requires a special permit as per Z.R. §32-31.
COMMUNITY BOARD #BK

18-02-BZ B.BK. 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn. Alt.#I. 301230004. Proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.
COMMUNITY BOARD #18BK

19-02-BZ B.S.I. 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island. Applic.#500507515. The legalization of an existing physical culture establishment, located within a portion of a one

story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.
COMMUNITY BOARD #3SI

20-02-BZ B.M. 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan. Applic.#103046375. Proposed expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. #160-95-BZ, requires a special permit as per Z.R. §§32-10 and 32-31.
COMMUNITY BOARD #5M

21-02-A B.Q. 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens. Applic.#401378237. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

22-02-A B.Q. 258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens. Applic.#401378246. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

23-02-A B.Q. 258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens. Applic.#401378228. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKET

24-02-A B.Q. 258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens. Applic. #401378479. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

25-02-A B.Q. 258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens. Applic.#401378460. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

FEBRUARY 5, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 5, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point, Borough of Queens.

COMMUNITY BOARD #14Q

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

FEBRUARY 5, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 5, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.

PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.

SUBJECT - Application July 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use on the ground floor and loft dwellings on the upper floors, Use Groups 6 and 2, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §111-02 and §12-10.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.
SUBJECT - Application July 18, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

MINUTES

FEBRUARY 12, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 12, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner
SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

FEBRUARY 12, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 12, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

362-01-BZ

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, Proposed construction of a eleven story building, Use Groups 2, 3 and 6, located in a C1-4 overlay within an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, and minimum distance between buildings, is contrary to Z.R. §§ 33-431 and 23-711.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130

Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

402-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "I", Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

TUESDAY MORNING, JANUARY 8, 2002

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 4, 2001, were approved as printed in the Bulletin of December 13, 2001, Volume 86, No. 44.

SPECIAL ORDER CALENDAR

MINUTES

636-54-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Stephen & Jeanne Tamor (Trustees), owner; Motiva Enterprises, LLC (Shell), lessee.
SUBJECT - Application August 23, 2001 - reopening for an extension of term of variance which expired October 16, 2001.
PREMISES AFFECTED - 9612/24 Seaview Avenue, southwest corner of Rockaway Parkway, Block 8328, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #18BK

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - application reopened term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired October 16, 2001; and

WHEREAS, Community Board #18, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the Bulletin, laid over to January 8, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten(10) years

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §11-411, said resolution having been adopted October 16, 1956 as amended through, October 1, 1991, expiring October 16, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from October 16, 2001 expiring October 16, 2011, on condition that, the premises be kept clean of debris and graffiti, that all lighting will be pointed away from residential dwellings, that there will no parking on the sidewalks, that there will be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received August 23, 2001'-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No. 301226359)

Adopted by the Board of Standards and Appeals, January 8, 2002.

659-76-A

APPLICANT - Walter T. Gorman, P.E., for Dr. Allan Mirkin.,owner, Rockaway Chamber of Commerce, lessee.
SUBJECT - Application June 12, 2001 - reopening for an extension of term of variance which expires November 9, 2001.
PREMISES AFFECTED - 253 Beach 116th Street,w/s 240'south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - application reopened term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
Negative:0
Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired November 9, 2001; and

WHEREAS, Community Board #14, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the Bulletin, laid over to January 8, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §72-11 said resolution having been adopted November 9, 1976 as amended through, October 27, 1992, expiring November 9, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from November 9, 2001 expiring November 9, 2011, on condition that, the premises be kept clean of debris and graffiti, that all lighting will be pointed away from residential dwellings, that there will no parking on the sidewalks, that there will be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received June 12, 2001'-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No.401242277)

Adopted by the Board of Standards and Appeals, January 8, 2002.

MINUTES

338-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Flatlands and 107th Co., LLC, owner.

SUBJECT - Application August 10, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired July 11, 2001.

PREMISES AFFECTED - 901-949 East 107th Street, southeast corner of the intersection of 107th Street and Flatlands Avenue, Block 8215, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jon Popin.

ACTION OF THE BOARD - Application reopened and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a certificate of occupancy which expired on July 11, 2001; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 8, 2002 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 11, 1999 expiring May 11, 2019 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 8, 2002.

205-01-A

APPLICANT - Edward Lauria for U-Haul International, owner.

SUBJECT - Application June 6, 2001 - an appeal for an interpretation of Use Group 16 of the Zoning Resolution, in which the Department of Buildings has categorized “Self Storage Facility”.

PREMISES AFFECTED - 36-30 College Point Boulevard, west side, 347.08 south of Northern Boulevard, Block 4963, Lot 200, Borough of Queens.

APPEARANCES -

For Administration: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, January 8, 2002.

440-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Equiva Services, Inc., owner.

SUBJECT - Application August 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of time to obtain a Certificate of Occupancy which expired October 27, 1999.

PREMISES AFFECTED - 1896 Bruckner Boulevard, Bruckner Boulevard, southwest corner of White Plains Road, Block 3671, Lot 19, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Jon Popin.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to January 8, 2002, at 10 A.M., for continued hearing.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for continued hearing.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

SUBJECT - Application August 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

MINUTES

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for continued hearing.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 & Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: John Yacovone, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 11 A.M., for continued hearing.

236-01-A

APPLICANT - Sheldon Lobel, P.C., for Coland Real Estate, LLC, owner.

SUBJECT - Application July 13, 2001 - proposed construction of dry wells and paving treatment, within the bed of a mapped street, is contrary Section 35 of the General City Law.

PREMISES AFFECTED - 11-07 Redfern Avenue, between Beach 12th Street and approximately 140' east of Beach 11th Street, Block 15505, Lot 2, Borough of Queens.

APPEARANCES -

For Applicant: Jon Popin.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2002, at 11 A.M., for continued hearing.

266-01-A thru 278-01-BZ

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 11 A.M., for continued hearing.

298-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Rachele and James Boyhan, lessees.

SUBJECT - Application October 25, 2001 - proposed enlargement and alteration of an existing single family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Beach 221st Street, east side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:20 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 8, 2002
2:00 P.M.**

MINUTES

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

29-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Vrbnik Realty LLC, Contract Vendee .

SUBJECT - Application February 4, 2000 - under ZR §72-21, to permit the proposed residential building (Use Group 2) located in a C1-6A zoning district, which does not comply with the zoning requirements for floor area, height and setback regulations, and the maximum allowable number of dwelling units, which is contrary to ZR §23-145, §23-223(c) and §23-633.

PREMISES AFFECTED - 229 East 13th Street, between Second Avenue and Third Avenue, Block 469, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2000, acting on Applic. No. 102493204 reads:

“The proposed residential floor area exceeds maximum allowable floor area as per Section 23-145 of the Zoning Resolution.

Board of Standards and Appeals approval is required for floor area to exceed maximum allowable floor area as per Section 23-145 of the Zoning Resolution.

The proposed number of dwelling units exceeds the maximum allowable number of dwelling units as per section 23-223 (c) of the Zoning Resolution.

Board of Standards and Appeals approval is required for the number of dwelling units to exceed the maximum allowable as per section 23-223 (c) of the Zoning Resolution.

The proposed building does not comply with Section 23-633 of the Zoning Resolution, a 15’0” setback at the street wall is required and the height of the building cannot exceed the maximum building height of 70’-0”.

Board of Standards and Appeals approval is required for the building not to have a street wall setback, and for the building to exceed the maximum building height as per section 23-633 of the Zoning Resolution.

The proposed lot does not comply with section 22-145 of the Zoning Resolution. The lot coverage of 65% is required.

Board of Standards and appeals approval is required to exceed the lot coverage as per Section 22-145 of the Zoning Resolution.”

WHEREAS, a public hearing was held on this application on January 9, 2001 after due notice by publication in The City Record and laid over to February 13, 2001, March 13, 2001, June 5, 2001, June 19, 2001, August 14, 2001, October 16, 2001, November 20, 2001, December 11, 2001 and then to January 8, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit for an area variance from floor area (Section 23-145), height and setback (Section 23-633) and the number of dwelling units (Section 23-223 (c)) lot coverage (Section 23-145) for construction of a proposed residential building within a C1-6A district; and

WHEREAS, the premises is located on East 13th Street, in Manhattan, between Second and Third Avenues and has remained undeveloped for nearly thirty years; and

WHEREAS, it is within a C1-6A zoning district, which permits residential, community facility and commercial development; and

WHEREAS, the owner seeks to construct an eight story residential building with two cellar level medical offices; and

WHEREAS, the “A” finding in a variance requires that the hardship must result from the unique circumstances peculiar to the subject premises and that this condition presents a practical difficulty in meeting the requirements of the Zoning Resolution; and

WHEREAS, the applicant contends that the uniqueness of the subject lot stems from the existence of irregular conditions at the building adjacent to the Premises on 13th Street; and

WHEREAS, the applicant further contends that the conditions include cracks to the aforementioned building which start at the foundation and continue to the roof; and

WHEREAS, the applicant states that the cracks and bowing to the west wall of the adjacent building are the result of damage and water penetration; and

WHEREAS, the applicant contends this damage to the adjacent property’s foundation has continued to crack in the west wall of the adjacent structure’s cellar; and

WHEREAS, the applicant further contends this condition creates additional expenditures which must be incurred for any activity on the subject premises; and

WHEREAS, the applicant contends that these conditions require unnecessary meticulous excavation, foundation, facade installation techniques for development of the subject premises; and

WHEREAS, the applicant contends that the fact that the subject zoning lot has not been developed is also evidence of its uniqueness; and

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WHEREAS, however the record does not show how such an alleged conditions on the adjacent site or the site being vacant for thirty years leads to or demonstrates uniqueness or practical difficulty for the subject premises; and

WHEREAS, even in the event that continued vacancy might be seen as contributing to uniqueness, the fact that the lot has been vacant for thirty years is a self-created hardship; and

WHEREAS, the applicant also contends that a prior Board of Standards and Appeals grant proves uniqueness, however, that grant was for a conversion of an existing building, which has since been demolished and is no longer relevant; and

WHEREAS, the applicant fails to prove that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Zoning Resolution, and that the alleged practical difficulties or unnecessary hardship are not due to the circumstances created generally by the strict application of such provisions in the neighborhood or districts which the zoning lot is located; and

WHEREAS, the applicant's record fails to sufficiently explain why the site is different from other sites in the area and also why applicable zoning regulations result in practical difficulty because the Board noted that cracks and damage to the foundation of the adjacent site and the subject site being vacant are not unique conditions nor does this present a practical difficulty in conforming to the Zoning Resolution; and

WHEREAS, the argument that conditions primarily prevalent on the adjacent lot does not add to the applicant's argument that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use of bulk provisions of the Resolution; and

WHEREAS, the applicant has failed to meet the burden under ZR§72-21 (A) in this application; and

WHEREAS, the Board finds that the Department of Buildings acted properly in not permitting this application for non-compliance in floor area (Section 23-145), height and setback (Section 23-633) and the lot coverage (Section 11-145) number of dwelling units (Section 23-223 (c)) for construction of a proposed residential building within a C1-6A district; and

Resolved, that the decision of the Borough Commissioner dated, January 8, 2000, acting on Applic. No. 102493204 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals January 8, 2002.

295-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.
SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit, the proposed construction of a one- family dwelling

(Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §§23-141(a), 23-46, 23-45, & 23-146.

PREMISES AFFECTED - 1706 57th Street a.k.a. 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated March 2, 2001, and October 18, 2001 acting on Applic. No. 301083574, reads:

"A1. The plans are contrary to section 23-146 of the Zoning Resolution, as plans do not meet the minimum requirements for front yard, side yard, and plans exceed the permitted floor area.

2. Proposed plans are also contrary to section 23-133, balconies are not permitted in side yards."; and

WHEREAS, a public hearing was held on this application on June 19, 2001 after due notice by publication in The City Record, laid over to July 24, 2001, October 16, 2001, October 30, 2001, December 18, 2001 and then to January 8, 2002, for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed construction of a one- family dwelling (Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §23-141(a), 23-46, 23-45, & 23-146; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot measuring approximately 82' by 25' located on a wide public highway and that, compliance with applicable zoning would yield a structure that would only utilize 28% of buildable lot area; and

WHEREAS, the record indicates that premises is not located in an area that would enable it to qualify for a special permit pursuant to Z.R. §73-622; and

WHEREAS, the Board notes that most lots are adjacent to the sidewalk, the subject lot, however, is approximately 7' from the sidewalk; and

WHEREAS, the applicant notes that the 7' between the lot and the sidewalk is usually not taken by the city and would become the private ownership of the adjacent lot owner; and

WHEREAS, the applicant represents that had the owner been

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able to use the 7' between the lot and the sidewalk, then that space would be used in calculating set back requirements; and

WHEREAS, the applicant illustrates that the total width of the public area (including the sidewalk) is approximately 15'; and

WHEREAS, the applicant also suggests that a balcony is required for the purpose of religious observances; and

WHEREAS, while it may be more appropriate to place a balcony in a rear yard, the subject property sits on a corner lot and has no rear yard; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R5 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, the proposed construction of a one- family dwelling (Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §§23-141(a), 23-46, 23-45, & 23-146, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, December 10, 2001"-(1) sheet and "December 18, 2001"-(7) sheets; and on further condition;

THAT the development, as approved, is subject to

verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 8, 2002.

300-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Kolel Zichron Yosef Dovid by Mayer Laufer, President, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed construction of a five story masonry residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 5902/08 14th Avenue, between 59th and 60th Streets, Block 5712, Lots 69 thru 72, Borough of Queens.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, January 8, 2002.

54-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R §23-141, and §23-461.

PREMISES AFFECTED - 2508 Avenue J, between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 26, 2001, acting on Alt. 1. Application No. 301120711 reads, in pertinent part:

“Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- (1) proposed floor area contrary to Z.R. Sec. 23-141.
- (2) Proposed open space ratio contrary to Z.R. Sec. 23-141
- (3) Proposed side yards contrary to Z.R. Sec. 23-461”;

and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in The City Record, and laid over to , 2001, December 4, 2001 and then to January 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R. §§ 23-141, and § 23-461; and

WHEREAS, the proposed enlargement will increase the FAR to .96, decrease the Open Space Ratio .57, decrease one side yard by .16; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R §23-141, and §23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received December 19, 2001”-(6) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the

Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, January 8, 2002.

199-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Doris Mosseri, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5 zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31.

PREMISES AFFECTED - 440 Quentin Road, southwest corner of East 4th Street, between 3rd and 4th Streets, Block 6660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 30, 2001, acting on Applic. No. 301133164, reads:

BOARD OF STANDARDS AND APPEALS DENIAL
THE PROPOSED ENLARGEMENT OF THE EXISTING
ONE-FAMILY RESIDENCE IN AN R5 ZONING
DISTRICT IN THE OCEAN PARKWAY SPECIAL
ZONING DISTRICT (OP) SUB DISTRICT:

“1.INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO FRONT YARD AND IS
CONTRARY TO SECTIONS 23-45 & 54-31.

2. INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO PERIMETER WALL HEIGHT AND
IS CONTRARY TO SECTIONS 23-461 AND 54-31.

3. INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO SET BACK AND SKY EXPOSURE
PLANE AND IS CONTRARY TO SECTIONS 23-631 &
54-31.”

WHEREAS, a public hearing was held on this application on October 16 , 2001 after due notice by publication in The City

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Record, laid over to December 18, 2001 and then to January 8, 2002, for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5(Special Ocean Parkway District) zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot measuring approximately 20' by 100' located within the Ocean Parkway Special Zoning District; and

WHEREAS, the applicant notes that due to the narrowness of the lot, the proposal will occupy 2000 square of floor area, in an R5 where 3000' is permitted; and

WHEREAS, the record indicates that premises is located in an area that would enable it to qualify for a special permit pursuant to Z. R. §73-622, but that due to a 4' easement on the West side of the property a straight line enlargement would only provide the owner with a 1' gain in width; and

WHEREAS, applicant represents that once the dwelling is enlarged by 8'-6" the proposal would go beyond the existing one story structure and since the special permit does not allow for variations of the front yard, the applicant must file the subject variance application; and

WHEREAS, the applicant notes that a complying development would require two front yards and yield a house that is 5' wide; and

WHEREAS, the applicant notes further that if the subject lot were wider, the owner would utilize Z. R.§73-622 for the proposed enlargement; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R5 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5 zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 31, 2001"-(7) sheets, "December 10, 2001"-(3) sheets and "January 7, 2002"-(2) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 8, 2002.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.
SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31.

PREMISES AFFECTED - 73-15 Parsons Boulevard, between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

MINUTES

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 21, 2001 acting on Applic. No. 401166787, reads:

“Proposed construction of a new automotive service station with accessory retail convenience store within a C2-2 zoning district requires a special permit from the NYC Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on after due notice by publication in The City Record, and laid over to December 11, 2001, and then to January 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-211 on a site previously before the Board, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31; and

WHEREAS, in 1958, under Calendar Numbers 256-58-BZ & 256-58-A as amended through August 12, 1985 expiring November 26, 1990, the Board permitted the erection and maintenance of a gasoline service station with automobile repairs; and

WHEREAS, the application indicates that automobile repairs will no longer be performed at the subject premises but that gasoline sales will remain; and

WHEREAS, the subject premises currently houses an automotive service station consisting of (2428) square feet containing six (6) pump islands, (5) four thousand (4000) fuel underground fuel storage tanks; and

WHEREAS, the instant proposal seeks to demolish the existing structure and remove all existing underground storage tanks, as well as the pump islands pump islands and replace them with a two thousand nine hundred (2900) square foot convenience store, six (6) new pump islands, a canopy and three (3) new ten thousand (10,000) gallon underground storage tanks, and a on-site parking for eight (8) automobiles; and

WHEREAS, screening from adjoining residential properties will be provide by a six (6) foot high brick wall with low maintenance landscaping along the fence line in accordance with Z.R. §73-211(4)(1) and (2)

WHEREAS, the proposed convenience store use will contain 2900 square feet; and

WHEREAS, the application proposes 144.5 square feet of illuminated signage which less than the 150 square feet permitted under Z.R. §73-211(5)(1); and

WHEREAS, the size of the premises, nineteen thousand and four hundred and ninety three (19,493) meets the requirement of Z.R. §73-211(a) that the premises have a minimum area of at least seven thousand five hundred (7500 square feet); and

WHEREAS, evidence in the record reveals that entrances and exits are planned so that at maximum operation, into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 73-211; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 73-211, and grants a special permit, on a site previously before the Board, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 21, 2001”-(5) sheets; and on further condition;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT landscaping shall be provided in accordance with BSA-approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT premises be maintained free of debris and graffiti;

THAT the above conditions appear on the new Certificate of Occupancy;

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THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 8, 2002.

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp., owner.

SUBJECT - Application July 2, 2001 - under Z.R. §72-21, to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §22-00, §22-10 and §122-03.

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 18, 2001 acting on Applic. No. 200663790 reads:

A 1. In an R8 zoning district (Grand Concourse District) creation of store (Use Group 6) is contrary to section 22-00 Z.R. & Sec. 122-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on December 11, 2001, after due notice by publication in The City Record and laid over to December 4, 2001 and then to January 8, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §§22-00, 22-10 and 122-03; and

WHEREAS, the site is improved with a six story Class A multiple dwelling (new law tenement), constructed in 1922 and contains 58 apartments; and

WHEREAS, the lot coverage of the building at the site is approximately 9,500 sq. ft. and the total floor area of the building is 57,360sf; and

WHEREAS, the floor area of the stores at issue are located at the southernmost portion to the frontage on the Grand Concourse, immediately adjacent to McCellan Sreet; and

WHEREAS, the stores comprise 1464 sq. ft. of the site; and

WHEREAS, the applicant contends that there are unique physical conditions which create practical difficulties and unnecessary hardships in the building in conformance with the R8 zoning regulations; and

WHEREAS, the applicant contends the site is across the street from a new courthouse which lacks retail services and that the tenants patronize the stores; and

WHEREAS, the applicant contends that the Special Grand Concourse District narrows down at McCellan Street to exclude a portion of the east side of the Grand Concourse; and

WHEREAS, the applicant contends many areas of the Grand Concourse are designated as commercial extension areas; and

WHEREAS, the applicant contends all the apartments at the Premises have low rent; and

WHEREAS, the applicant contends the stores were erected prior to the “Americans with Disabilities Act”; and

WHEREAS, while although the site has some nearby commercial uses, there are many ground floor residential apartments through the immediate area; and

WHEREAS, the two stores were former residential units; and

WHEREAS, furthermore, the fact that there are apartments on the same level as the premises where the stores are located is demonstrative of the viability for residential use; and

WHEREAS, the Board site visit revealed that in the blocks surrounding the subject premises there are numerous multiple dwellings units; and

WHEREAS, besides dwelling units, community facilities are also permitted uses in the R8 zoning district; and

WHEREAS, the applicant’s contentions do not address practical difficulties and unnecessary hardships inherent in the zoning lot; and

WHEREAS, based upon the foregoing, the Board finds that the application as presented fails to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the applicant contends that development of this property without the food and record stores will preclude the earning of a reasonable return; and

WHEREAS, the subject premises are currently improved with a non-complying multiple dwelling which is much larger than what could be currently built under existing zoning; and

WHEREAS, the subject building contains 58 dwelling units; and

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WHEREAS, however, the applicant requests that the Board find that a reasonable return for this dramatically overbuilt property hinges upon the conversion of two residential units to a food store and a record store, even though one cannot reasonably expect high income from such a unit; and

WHEREAS, the Board finds that the application as presented fails to show an inability to obtain a reasonable return without a variance and therefore it fails to meet the requirements of Z.R. §72-21 (b); and

WHEREAS, the area immediately surrounding the subject premises is marked by medium and low density residential buildings; and

WHEREAS, the stores location is in marked contrast the surrounding homes; and

WHEREAS, while the City does have many buildings which have ground floor commercial uses mixed with upper-level residences, those mixed use buildings are in appropriately zoned commercial areas, often along streets developed for local retail uses; and

WHEREAS, in contrast, the stores in question is the lone commercial enterprise in an otherwise residential area; and

WHEREAS, the fact that the store has existed illegally for over many years does not make it more appropriate for the surrounding area; and

WHEREAS, while its lengthy existence has led to a customer base in the area, the success of a business does not mean that said business does not alter the character of the surrounding area; and

WHEREAS, the Board finds that the store in question does alter the residential character of the area and therefore is contrary to Z.R. §72-21 (c); and

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) and (c), it must be denied.

Therefore, it is Resolved that the decision of the Borough Commissioner must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, January 8, 2002.

237-01-BZ

APPLICANT - Friedman and Gotbaum, LLP by Shelly S. Friedman, Esq., for The Spence School, owner.

SUBJECT - Application July 17, 2001 - under Z.R. §72-21, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of non-compliance with respect to the rear yard requirement, in the R8B portion of the yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 56 East 93rd Street, south side, between Madison and Park Avenue, Block 1504, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant - Lori Cuisinier.

For Opposition: Patrick Jones.

For Administration: John Yacavone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Applic. No. 102773535 reads:

“That portion of the proposed 5th floor addition in the R-8B district does not comply with Z.R. §24-36 because it increases the extent of an existing rear yard non-compliance.”

WHEREAS, a public hearing was held on this application on after due notice by publication in The City Record and laid over to and then to January 8, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of noncompliance with respect to the rear yard requirement, in the R8B portion of the yard, is contrary to Z.R. §24-36; and

WHEREAS, the subject site consists of a Zoning Lot improved with the Building, a five floor plus cellar structure; and

WHEREAS, in or around 1966, the Building was converted into a residential alcohol and drug treatment facility, a Use Group 3 community facility use; and

WHEREAS, in 1972, the Building was designated as an individual New York City landmark for its distinctive architecture; and

WHEREAS, the Zoning lot is also included within the boundaries of the Carnegie Hill Historic District; and

WHEREAS, the applicant’s proposal’s configuration of the modification to the fifth floor in the area of the non-compliance presents a practical difficulty in appropriately enlarging that floor; and

WHEREAS, the as of right construction of this project would eliminate a historic garden in the rear yard, however, the applicant has voluntarily planned to preserved this garden; and

WHEREAS, the applicant represents that the proposed addition is the only means by which the floor can be configured to provide the five Lower School classrooms, which cannot be smaller than 500 sf. Each; and

WHEREAS, by law and by programmatic necessity, classrooms for children in lower grades have specific requirements; and

WHEREAS, the Lower School program cannot function without relief from the rear yard requirements for a portion of the fifth floor that does not exceed 240 sf.; and

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WHEREAS, the floor plan for the fifth floor has been developed to overcome the requirements of light and air, no less than 500 sf., and support of adequate adjoining hallways, toilets, stairways, teachers' study area and mechanical shafts; and

WHEREAS, pursuant to the current zoning it would not be practical to construct the same type of facilities within the as-of-right envelope by constructing an enlargement on the R8B portion of the site whose upper floors observed the rear yard requirements; and

WHEREAS, the applicant represents that such an enlargement would require the addition of a sixth floor; and

WHEREAS, the applicant represents the resulting floor plates on floors five and six, assuming the need to provide unnecessary vertical transportation and mechanical systems and result in an enlargement to the Building which would be considerably more visible to the public; and

WHEREAS, there is no possibility of providing a similar space anywhere else within the existing building without affecting existing rooms or required facilities and the proposed structure is the minimum addition required in order to fulfill the programmatic needs of the existing facility; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot and the record indicates that the ability to provide classrooms in this arrangement will enhance the ability of the school to operate effectively; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the school; and

WHEREAS, these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed enlargement will accommodate the students and allow for them to receive the necessary size classrooms that they need; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant represents that the proposed modification in which the fifth floor expansion is a small part is an appropriate addition to its environs; and

WHEREAS, the applicant represents that the addition provides the necessary modifications in bulk without engulfing the Building's original scale; and

WHEREAS, the appropriate character of the overall plan, including part of the fifth floor at issue in this application, has been given approval by the Landmarks Preservation Commission; and

WHEREAS, the applicant represents the variance will have minimal impact to the Building' rear yard property line neighbors and that no new non-compliance will be created; and

WHEREAS, the applicant represents that with the completion of the modification, the footprint of the building will not be altered; and

WHEREAS, the existing walls which are visible to these neighbors will not be affected; and

WHEREAS, an existing fifth floor will be extended to meet the current walls of the three floors beneath in a unified composition and the existing rear façade will remain; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size and the existing building is taller than the adjacent properties and will not be visible or have any impact and the record indicates that the subject proposal will not adversely affect the nature of the area residence district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of noncompliance with respect to the rear yard requirement, in the R8B portion of the yard, is contrary to Z.R. §24-36; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July, 17, 2001"-(6) sheets and "December 11, 2001" - (9) sheets; and on further condition;

THAT the development comply with all Fire Department conditions;

THAT the proposed development obtain approval from the Landmark Preservation Commission;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with

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all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 8, 2002.

242-01-BZ

APPLICANT - Rosenman & Colin, LLP for DPSW West 14 LLC, owner, Clay, LLC, lessee.

SUBJECT - Application July 20, 2001 - under Z.R. §73-36 to permit the proposed use of the second floor of a two story commercial building as a physical culture establishment, located in a C6-2M zoning district, which requires a special permit under Z.R. §32-31.

PREMISES AFFECTED - 25 West 14th Street, north midblock of 14th Street, between Fifth and Sixth Avenues, Block 816, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 25, 2001 acting on Applic. No. 102511541 reads:

“1. Proposed use is a physical culture establishment, which requires a special permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36.”; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The City Record and laid over to January 8, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed use of the entire second floor of a two story commercial building as a physical culture establishment, known as Clay LLC located on the north midblock of West 14th Street in a C6-2M zoning district; and

WHEREAS, the subject physical culture establishment will occupy 18,615 square feet of the second floor of the Building; and

WHEREAS, patrons will enter the Facility through a 450 square foot first floor lobby entrance on the West 14th Street frontage of the building via either the elevator or the staircase to the second floor; and

WHEREAS, in addition to the staircase, there will be an additional emergency exit from the stairs on the west side of the Facility that exit on West 14th Street; and

WHEREAS, the remainder of the first floor of the building is currently vacant, but will be occupied by a retail entity that will be separate and distinct from the Facility; and

WHEREAS, there will be public access to the retail from the West 14th Street frontage of the building; and

WHEREAS, there will be no public access between the retail and either the ground floor lobby or the Facility on the second floor; and

WHEREAS, the locker areas will provide changing areas, bathrooms and showers; and

WHEREAS, the training floor will include large and small studio spaces for group fitness instruction which include strength training, aerobics, yoga and other similar classes led by instructors; and

WHEREAS, there will be a cardiovascular training area that will have treadmills, elliptical trainers, bicycles and other cardiovascular equipment; and

WHEREAS, the remainder of the floor will include strength training equipment, free weights and stretching and warm-up areas; and

WHEREAS, there will be floor staff and personal trainers to assist and train members during their work outs; and

WHEREAS, there will be a spa facility offering massage therapy, water treatment and other similar services and the staff will consist of licensed massage therapists; and

WHEREAS, the remainder of the facility will include office space for employees, storage areas, a café serving light food and non-alcoholic refreshments (with food preparation done off premises), and a front and back lounge area for members to relax before, during and after their workout. The front area will also include a fireplace; and

WHEREAS, the facility anticipates a total of 2,000 members; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the second floor of the premises; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to the residential uses in the adjacent building; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §73-36, to permit the proposed use of the second floor of a two story commercial building as a physical culture establishment, located in a C6-2M zoning district, which requires a special permit under Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 20, 2001"-(1) sheet and "October 30, 2001"-(5) sheets and "December 18, 2001"-(4) sheets; and on further condition;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a smoke detection system as well as a wet sprinkler system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant;

THAT the hours of operation will be 5:00 A.M. to 11:00 P.M. daily;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, January 8, 2002.

243-01-BZ

APPLICANT - Edward Lauria, P.E., for American Parkinson Disease Association, Inc., owner.

SUBJECT - Application June 14, 2001 - under Z.R. §73-44 to permit the proposed reduction in the number of required parking spaces for a not-for profit office building.

PREMISES AFFECTED - 135 Parkinson Avenue, aka 1217 Hylan Boulevard, northeast corner, Block 3208, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Edward Lauria.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 17, 2001, acting on application number 500479617 reads;

"The proposed office building with 8100 square feet of floor area requires parking for 54 cars as per section 36-21 Z.R. Reduction in parking permitted only by the Board of Standards and Appeals under section 73-44 Z.R."; and

WHEREAS, Community Board #2, Staten Island recommends approval of this application; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in the Bulletin, and laid over to January 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application for a special permit under Z.R. §73-44, to allow the proposed reduction in the number of required parking spaces for a not-for profit office building; and

WHEREAS, the subject site is presently occupied by an eating and drinking establishment which will be demolished; and

WHEREAS, the proposed building will house the Head Quarters of a non-profit philanthropic organization containing offices, boardroom administration and other office uses; and

WHEREAS, the two (2) floors housing the offices have been elevated one (1) story in order to provide 20 parking spaces, at the ground level under the building; and

WHEREAS, the applicant represents that the office use does not generate vehicular traffic throughout the day as fundraising activities are performed either by mail or telephone; and

WHEREAS, the applicant notes that the parking spaces provide will only be used by employees or an occasional visitor and that the proposed 20 spaces are adequate to meet the parking needs of the non-profit organization; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the occupancy of this building shall be limited to the subject organization, who are the owners and that the arrangement and design are purely to serve the subject organization and cannot be converted to another use; and

WHEREAS, therefore, the Board finds that the applicant's proposal will not alter the essential character of the surrounding neighborhood nor impair its future development; and

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WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-44 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-44 and 73-03 and grants a special permit to allow the proposed reduction in the number of required parking spaces for a not-for profit office building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 24, 2001"-(5) sheets and "September 6, 2001"-(4) sheets; and on further condition;

THAT there shall be no change in parking category B without prior application to and approval from the Board;

THAT any change in use requires approval from the Board;

THAT the above conditions shall appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy shall be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, January 8, 2002.

245-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 601 West Associates, L.P., owner; Stretch LLC, lessee.

SUBJECT - Application July 24, 2001 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, located in an M2-3 zoning district.

PREMISES AFFECTED - 601 West 26th Street, entire block, between 11th and 12th Street Avenues, Block 672, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Francis R. Angelino.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 18, 2001 acting on Applic. No. 102690571 reads:

"Physical culture establishment is not permitted as of right as per section 73-36 of the zoning resolution and requires the Board of Standards approval."

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The City Record and laid over to and then to January 8, 2002 for decision; and

WHEREAS, Community Board #4M has recommended approval; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the proposed physical culture establishment, known as stretch LLC, to be located within a portion of the 16th floor of the subject premises, of the Starrett-Lehigh building Landmark, located in an M2-3 zoning district; and

WHEREAS, the health club will occupy approximately 5,430 square feet on a portion of the 16th floor of the subject premises; and

WHEREAS, the subject application includes the physical culture establishment which will be surrounded by commercial uses; and

WHEREAS, approximately forty percent, or 2,080 sq. ft. of the floor area of the health club will be an open stretching area dedicated to the instruction of the Pilates method of body conditioning; and

WHEREAS, adjacent to the stretching area will be an 800 sq. ft. yoga area; and

WHEREAS, there will be one, massage room of 55 sq. ft. and massages will all be performed by licensed massage therapists; and

WHEREAS, the remainder of the floor area will contain changing rooms, bathrooms, juice bar, staff room and office space; and

WHEREAS, the club will be accessed from the main entrance on the ground floor of the subject premises on West 26th Street and by elevator to the 16th floor; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the sixteenth floor of the premises; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

MINUTES

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §73-36, under Z.R. §73-36 to permit the proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, located in an M2-3 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 31, 2001"-(1) sheet; and on further condition;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, January 8, 2002.

71-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for continued hearing.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue a.k.a. 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

292-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.

SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

MINUTES

For Applicant: Lyra Altman.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for decision, hearing closed.

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fifth through seventh, and ninth floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: R. Bass.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

197-01-BZ

APPLICANT - Anthony M. Salvati, for George Dilis, owner.

SUBJECT - Application May 24, 2001 - under Z.R. §73-622 to permit the proposed one story enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirement for rear yard, which is contrary to Z.R. §23-00.

PREMISES AFFECTED - 951 81st Street, north side 223'-4" west of 10th Avenue, Block 5992, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Gloria Ippolita.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

209-01-BZ thru 214-01-BZ

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28, Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

154 Middleton Street, south side 95' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 31), Borough of Brooklyn

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

113 Lorimer Street, north side, 104'-1" west of Union Avenue Block 2241, Lot 28 (Tentative Lot 44), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Yacovone, Fire Department

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

216-01-BZ

APPLICANT - Rampulla Associates Architects, for Rampulla Planning and Development, Inc., owner; Rampulla Associates Architects, LLP, lessee.

SUBJECT - Application June 14, 2001 - under Z.R. §72-21 to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 155 3^d Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

MINUTES

APPEARANCES -

For Applicant: Philip Rampulla.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

224-01-BZ

APPLICANT - Rosenman & Colin , LLP, for Soho Grand Centre, LLC, owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th Floors, and retail use in the cellar and on the first floor. Use Group 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §43-12, §43-43 and §44-14(D)(2)(b).

PREMISES AFFECTED - 159 Grand Street, bounded by Grand, Lafayette, Howard and Centre Streets, Block 234, Lot 11, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES -

For Applicant: Gary Tarnoff.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

120-01-BZ

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.

SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit the legalization of commercial uses (Use Group 6) in an existing two story building, located in an R4 zoning district.

PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for postponed hearing.

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

MINUTES

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant:

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 505 East 188th Street, north side, 186.80' west of Bathgate Avenue, Block 3058, Lots 40 and 41 (Tentative lot 40), Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for postponed hearing.

219-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Young Israel of Forest Hills, owner.

SUBJECT - Application June 19, 2001 - under Z.R. §72-21 to permit the proposed addition of a new one-story structure, to an existing synagogue (Use Group 3) designed solely to contain an elevator and elevator lobby, which will encroach into the required front yard and is contrary to Z.R. §24-34.

PREMISES AFFECTED - 67-85 Burns Street, aka 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

250-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kearney Realty Corp., owner.

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Yvonne Barno.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

MINUTES

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: Doris Diether, Stuart Beckerman and Monica Shenouda.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug and Rabbi Joseph Blesofsky.

For Opposition: Community Board #4, Frank Skala, Charles Rinaldi, Terry Islum, Anastalia Fotaridis, William Ladd, Nancy Zegarra and others.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

MINUTES

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