
BULLETIN

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DIRECTORY

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MINUTES of Regular Meetings,
Tuesday, April 9, 2002

Afternoon Calendar236

Affecting Calendar Numbers:

71-99-BZ	56-05 69 th Street, Queens
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46-02-BZ	205 State Street, a/k/a 58 Boerum Place, Brooklyn

DOCKET

New Case Filed Up to April 9, 2002

86-02-BZ B.BK. 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn. Applic. #301301446. Proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), is contrary to Z.R.§97-22.

COMMUNITY BOARD #1BK

87-02-BZ B.BK. 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn. N.B.#301292553. Proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #18BK

88-02-BZ B.BX. 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx. Applic. #200711989. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, requires a special permit from the Board as per Z.R.§32-31.

COMMUNITY BOARD #12BX

89-02-A B.Q. 244-10 Merrick Boulevard, a/k/a 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens. Applic. #401401979. Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

90-02-A B.BK. 392 11th Street, south side, 47'-3 " west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn. Alt.1 #301035396. Proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

91-02-BZ B.BK. 3032/42 West 22nd Street,

180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn. N.B. #301111384. Proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

COMMUNITY BOARD #13BK

92-02-BZ B.M. 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan. N.B. #103084877. Proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6- 2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, is contrary to §96-102 and §33-341.

COMMUNITY BOARD #4M

93-02-A B.Q. 465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401425800. Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

94-02-A B.Q. 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Applic. #401298582. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

DOCKET

95-02-A B.Q. 28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Applic. #401238148. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

96-02-BZ B.Q. 23-27/27A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 64, Borough of Queens. Applic. #401268301. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven- three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

97-02-BZ B.Q. 23-29/29A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 63, Borough of Queens. Applic. #401268294. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

98-02-BZ B.Q. 23-31/31A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 62, Borough of Queens. Applic. #401268105. Proposed construction of ne three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

99-02-BZ B.Q. 23-33/33A Steinway Street, east side, 75.78' north of 23RD Road, Street, Block 793, Lot 60, Borough of Queens. Applic. #401268141. Proposed construction of one three-story attached mixed-use building, which is part of a

development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

100-02-BZ B.Q. 23-35/35A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 52, Borough of Queens. Applic. #401268405. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

101-02-BZ B.Q. 40-11 23RD Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens. Applic. #401420510. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

102-02-BZ B.Q. 40-15 23RD Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens. Applic. #401414821. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

DOCKET

103-02-BZ B.BK. 1516 East 24th Street, 105' south of Avenue "O", between Avenue "O" and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn. Alt. #300189622. Proposed enlargement of an existing two story and cellar community facility, Use Group 4, by the addition of a second story within the existing envelope in the rear yard, located in an R6 zoning district, is contrary to Z.R.§24-36.

COMMUNITY BOARD #14BK

104-02-BZ B.Q 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens. N.B.#401420020. Proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, is contrary Z.R. §32-10.

COMMUNITY BOARD #7Q

105-02-BZ B.BX. 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx. Applic. #200711970. Proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C2-4 within an R6 zoning district, is contrary to Z.R.§32-31.

COMMUNITY BOARD #7BX

106-02-BZ B.BK. 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn. Alt. #301161515. Proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

COMMUNITY BOARD #12BK

107-02-BZ B.S.I. 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island. Applic. #500529680. Proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, is contrary to Z.R. §22-00.

COMMUNITY BOARD #2SI

108-02-BZ B.M. 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan. N.B.# 103117093. Proposed construction of a new

automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #12M

109-02-BZ B.BX. 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx. Applic. #200712014. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R6 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #10BX

110-02-BZ B.BK. 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn. Alt.I # 301237249. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b) , §23-461(a) and §23-47.

COMMUNITY BOARD #15BK

111-02-BZ B.BX 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx. Applic. #200711998. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-1 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #2BX

112-02-BZ B.M. 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan. Applic. #103112196. Proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, is contrary to Z.R. §15-021(e).

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

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.
SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application February 6, 2002 - reopening for an extension of term of variance which expired January 6, 2002.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

CALENDAR

APRIL 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 23, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrender Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. #742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

MAY 7, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.
SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten

CALENDAR

Island.

COMMUNITY BOARD #1S.I.

MAY 7, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.

PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

MAY 7, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 7, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th

MINUTES

Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

403-01-BZ

APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.

SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit the reestablishment of an expired special permit previously granted 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, located in a C7-2 zoning district, which is contrary to Z.R. §73-243.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #13BK

17-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the 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, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

36-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit the legalization of off-street parking spaces, accessory to an existing community facility (church), located in an R3-2 zoning district.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 9, 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, March 5, 2002, were approved as printed in the Bulletin of March 14, 2002, Volume 87, No. 11.

MINUTES

SPECIAL ORDER CALENDAR

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 1015-61-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to March 26, 2002, and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to permit the change of use from an automotive related service establishment (Use Group 16) to a laundromat (Use Group 6).

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §11-413, said resolution having been adopted November 21, 1961, so that as amended this portion of the resolution shall read:

"to permit the change of use on the lot from an automotive related services establishment (Use Group 16) to a laundromat (Use Group 6) and to limit the term of the variance for ten years from April 9, 2002 expiring April 9, 2012, *on condition that*, the premises be kept clean of debris and graffiti,

THAT this variance shall expire with the change of use, ownership or lessee;

THAT all lighting will be pointed away from residential dwellings;

THAT all landscaping shall be maintained according to BSA approved plans;

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 November 20, 2001"-(2) sheets, "February 1, 2002"-(1) sheet, "March 19, 2002"-(1)

sheet, "March 26, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted"

(ALT No. 200670979)

Adopted by the Board of Standards and Appeals, April 9, 2002.

334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: Battalion Chief Phil Parr and 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, April 9, 2002.

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.

SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Elise Wagner and Jeremiach Candreva.

ACTION OF THE BOARD - Application reopened and resolution amended.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Korbey4

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in The *City Record*, laid over to April 9, 2002 for decision; and

WHEREAS, the applicant seeks a minor modification of the prior variance to permit the subdivision without creating new non-compliance and to limit the future use of the southern portion of the site to on-site open space; and

WHEREAS, the applicant represents that upon completion of the subdivision the site will be treated as two separate zoning lots; and

WHEREAS, the proposed amendment will enable a new building to be constructed with windows that provide required light and air for dwelling units on its western facade; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 30, 1970, so amended through April 3, 1990 so that as amended this portion of the resolution shall read:

“to permit the subdivision of the subject lot and establish two (2) separate lots (the “North Lot” and the “Open Space Lot” respectively): *on condition that*

THAT the North Lot shall be maintained in substantial compliance with plans marked “December 7, 2001”-(5) 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 for the North Lot shall be obtained within one year from the date of this amended resolution; on further condition

THAT the newly created South Lot shall remain as open space pursuant to the Declaration dated February 20, 2002 for the term of the variance;

THAT the newly created South Lot shall be merged with the adjacent lot to the east prior to the issuance of a Certificate of Occupancy for the new building to be built on the adjacent lot to the east. This merger will enable the new building to be constructed to have windows on its western facade that provide legal light and air for dwelling units pursuant to the Zoning Resolution and the Building Code. This portion of the newly created lot shall not be considered for any additional zoning benefits to the currently existing east lot;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB. 103030051)

Adopted by the Board of Standards and Appeals, April 9, 2002.

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Elliott M. Glass.

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

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired February 10, 2001; and

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in the *City Record*, and laid over to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for use of the Quick Response Service to provide elevator-in-readiness service for an additional ten (10) years.

WHEREAS, by letter dated January 31, 2002, the Fire Department has no objections.

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 February 10, 1981, expiring February 10, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from February 10, 2001, expiring February 10, 2011, *on condition that*, Quick Response Service or any other approved agency, is mandated to perform the service, and that the records and reports required shall be maintained by the Fire Department; that the service shall be maintained in accordance with the requirement of the general resolution adopted by the Board under Calendar Number 630-56-GR; that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

MINUTES

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, April 9, 2002.

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 26, 2002; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City Record*, and laid over to March 19, 2002, and then to April 9, 2002 for decision; and

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

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. §§72-01 and 72-22, said resolution having been adopted January 26, 1982, as amended through July 14, 1992, so that as amended this portion of the resolution shall read:

“to extend the of the variance to ten (10) years from January 26, 2002, expiring January 26, 2012, *on condition that*, the premises be kept clean of debris and graffiti;

THAT this variance shall expire with any change of use, ownership or lessee;

THAT there shall be no outdoor parking of vehicles on the premises;

THAT all lighting shall be pointed away from residential dwellings;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received August 27, 2001”-(1) sheet, “March 1, 2002” -(1) sheet; 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; on further condition

THAT all other conditions of the prior grant remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(ALT No. 200683449)

Adopted by the Board of Standards and Appeals, April 9, 2002.

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.

SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.

PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Christopher Caslin.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired September 15, 2001; and

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in *The City Record*, and laid over to April 9, 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. §72-01 and 72-22, said resolution having been adopted September 15, 1981 as amended through September 15, 1991 expiring September 15, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from September 15, 2001, expiring September 15, 2011, *on condition that*, THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received, January 25, 2002”-(12) 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; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB No. 10298647719)

Adopted by the Board of Standards and Appeals, April 9, 2002.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.
SUBJECT - Application July 5, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired November 4, 2000; 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 29, 2002, February 26, 2002, March 19, 2002, and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional five (5) years; and

WHEREAS, this application also seeks a minor alteration within the existing structure, to remove the interior showroom and replace it with offices.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §72-01, said resolution having been adopted November 4, 1987, expiring November 4, 2000, so that as amended this portion of the resolution shall read:

“to permit the replacement of the interior showroom with offices, and to extend the term of the resolution for five years from November 4, 2000, expiring November 4, 2005, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall 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 previously Board approved plans marked “Received, July 5, 2001”-(2) sheets and “February 27, 2002”-(1) sheet; 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; on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(ALT No. 231/86)

Adopted by the Board of Standards and Appeals, April 9, 2002.

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52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner.
SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.

PREMISES AFFECTED - 17/21 West 52nd Street, north side of West 52nd Street, between Fifth and Sixth Avenues, Block 1268, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: James P. Power.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on January 6, 2002; and

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in *The City Record*, laid over to April 9, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 6, 1998 expiring January 6, 2002 only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That substantial construction be completed and a new Certificate of Occupancy shall be obtained within four (4) years of January 6, 2002; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, April 9, 2002.

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Don Weston.

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City Record*, laid over to March 19, 2002 and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to rearrange the location of the treatment rooms to the lower floor; and

WHEREAS, one treatment room will be located on the first floor to accommodate people with disabilities; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §73-11, said resolution having been adopted May 1, 2001, expiring May 1, 2011, so that as amended this portion of the resolution shall read:

“to allow the relocation and arrangement of the treatment rooms to the lower floor, *on condition that*, one treatment room accessible to people with disabilities be located on the first floor, that there shall be no change in ownership or operating control, that the hours of operation shall remain limited to 9:00 A.M. to 9:00 P.M. seven days a week, that the maximum occupancy for the First Floor shall be 18 persons, and the maximum occupancy for the cellar shall be 16 persons, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with Board approved plans marked “Received, October 15, 2001”- (1) sheet and “March 22, 2002” -(1) sheet; 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

MINUTES

resolution; on further condition

THAT the maximum occupancy load for each floor shall be noted on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB No. 401139335)

Adopted by the Board of Standards and Appeals, April 9, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.
SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.
SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Applicant: Robert M. Blakeman and Michael Raso.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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 April 23, 2002, at 10 A.M., for decision, hearing closed.

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.

SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Barbara Hair.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

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

MINUTES

10, 2001.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

266-01-A thru 278-01-A

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: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal 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 Staten Island Borough Commissioner, dated August 27, 2001, acting on N.B. Application Nos. 500424873, 500424882, 500424891, 500424908, 500424917, 500424926, 500424935, 500424944, 500424953, 500424962, 500424971, 500424980, 500424999 reads:

“1. The street giving access to the proposed building is not duly placed on the official map therefore :

- a) No Certificate of Occupancy can be issued as Per Article 2, Section 36 of the General City Law.
- b) Proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 (Building Code).”

WHEREAS, by the letter dated February 1, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated August 27, 2001, acting on ALT 1. Application No. 500424873, 500424882, 500424891, 500424908, 500424917, 500424926, 500424935, 500424944, 500424953, 500424962, 500424971, 500424980, 500424999, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the Board approved plans filed with the application marked, “Received March 19, 2002”-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 9,

MINUTES

2002.

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

18 Miller Street, west side, 203.5' north of Constant Avenue, Block 374, Lot 200, Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue, Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Victor Han.

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

ACTION OF THE BOARD - Appeal 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 Staten Island Borough Commissioner, dated November 8, 2001, acting on N.B. Application Nos. 500490088, 500490104, 500490097, and 500490667 reads:

“1- Proposed building in the bed of a Mapped street, contrary to Section 35 of the New York City General Law.”; and

WHEREAS, the applicant proposes to build four, two-family semi-attached homes within the bed of a mapped, (Elmira Avenue), but unimproved street, and

WHEREAS, by letter dated January 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 31, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 23, 2002, the Department of City Planning has reviewed the above project and has no objections; and

WHEREAS, the applicant has represented that parking pads will be provided in the rear of the property; and

Resolved, that the decisions of the Staten Island Borough Commissioner, dated November 8, 2001, acting on N.B.

Application Nos. 500490088, 500490104, 500490097 and 500490667 is hereby granted under the power vested in the Board by §35 of the General City Law, and that these appeals are granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the applications marked, “Received March 5, 2002”-(1) sheet; that the proposals comply with all applicable R3-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 9, 2002

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen V. Cutrona.

For Administration: Battalion Chief Phil Parr and John Yacovone,

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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 April 23, 2002, at 11 A.M., for decision, hearing closed.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department; Lisa Orrantia, Department of Buildings.

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 May 7, 2002, at 11 A.M., for decision, hearing closed.

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benschaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H.Irving Sigman.

For Administration: Lisa Orrantia, Department of Buildings.

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 April 23, 2002,

at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 9, 2002

2:00 P.M.

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

ZONING CALENDAR

71-99-BZ

CEQR # 99-BSA-126Q

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) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27.

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: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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 February 4, 2002 acting on Applic. No. 400913179 reads:

"1. The proposed 2nd story enlargement encroaches on the rear yard and is therefore contrary to section 33-26 &

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33-27 of the zoning Resolution.”

WHEREAS, a public hearing was held on this application on September 28, 1999 after due notice by publication in *The City Record* and laid over to October 19, 1999, November 23, 1999, January 16, 2001, December 4, 2001, January 8, 2002, February 26, 2002, March 19, 2002 and then to April 9, 2002 for decision. On April 9, 2002 the case was reopened and decision rendered; and

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

WHEREAS, this is an application 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 R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27; and

WHEREAS, the subject site is Lot 7 of Block 2500, Queens County, on the New York City Tax Map, commonly known as 56-05 69th Street, Queens, NY, and is located approximately 100 feet from the northeasterly intersection of Grand Avenue and 69th Street; and

WHEREAS, the applicant contends that the lot area of the site is 5,834 square feet, and is currently improved with a one story and cellar office building that covers 5,696 square feet of the lot; and

WHEREAS, the applicant states that the building is an odd shape built out to the odd shape lot, and has a dimension of 22.95' by 54.73' by 70.81' by 59.39' by 101.93'; and

WHEREAS, the applicant proposes that the second floor is to be the exact shape of the first floor and built out over first floor; and

WHEREAS, Community Board 5 has recommended approval of this application but with off street parking to be provided for an additional (11) employees' vehicles, which together with the four (4) employee parking spaces in the bank lot on 69th Street will bring the total available and designated for employee parking in this lot to fifteen (15) spaces; and

WHEREAS, the subject lot is located within an R6B/C1-2 zoning district; and

WHEREAS, the applicant represents that the proposed additional second floor will eliminate the practical difficulty associated with the existing building; and

WHEREAS, the applicant states that currently, the employees work in the existing one story and cellar area, but when the second floor is completed, two of the existing departments will be located to the second floor and a conference room will be added; and

WHEREAS, the applicant also states that the proposed two story building will contain 11,392 feet of floor area that will require 19 parking spaces under zoning requirements; and

WHEREAS, the applicant represents that as the subject lot is 98% covered, there is no space for the required parking; and

WHEREAS, according to the applicant, the proposed building

on the subject lot is required to provide 19 parking spaces and 8 spaces on another nearby lot utilized by the bank; and

WHEREAS, the applicant states that the bank owns lots with 54 parking spaces and will add 11 parking spaces; and

WHEREAS, the applicant claims that the 65 parking spaces will accommodate the 27 required parking spaces and have an excess of 38 parking spaces to be provided; and

WHEREAS, the applicant states that the lot is oddly shaped; and

WHEREAS, the applicant claims that the lot has a frontage along the east side of 69th Street and extends easterly at a 90 degree angle on the northerly side of the lot 59.9 feet; the lot extends easterly at a 90 degree angle on the southernly side of the lot 11.607 feet, then extends northeasterly at an approximate 150 degree angle 54.73 feet; then northwesterly at an approximate 130 degree angle, where it meets the easternly bound extension on the northerly side of the lot; and

WHEREAS, the applicant states that the subject building is built out over the 98% of the lot along the odd dimensions; and

WHEREAS, the applicant claims that the use of the building is diminished by the reduction of efficiency of the odd shaped lot; and

WHEREAS, the factors that under Z.R. §33-27, this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, combined with its irregularity, contribute to the finding of a unique physical condition; and

WHEREAS, according to the applicant, the existing one-story building is built out over 98% of the lot and covers the portion of the lot that would be the required rear yard area for the second floor enlargement; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, the site's history of conforming commercial use, site's uniquely oddly shaped lot, present a practical difficulty and unnecessary hardship for the existing Use Group 6 use, which does not comply with rear yard requirements; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying bulk would not yield the owner a reasonable return; and

WHEREAS, 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, under Z.R. §33-27, since this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, the required rear yard of twenty feet may be reduced by one foot for each two feet by which the maximum depth of such interior lot is less than 70 feet; and

WHEREAS, in addition, the degree of non-compliance to the rear yard requirement is not as great as it would be if it were greater than 70', and is therefore a minimal variance; and

WHEREAS, the Board find that this proposal is the minimum

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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 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, to permit the proposed second story enlargement to an existing bank (Use Group) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 4, 2002"-(6) sheets; and on further condition;

THAT the Certificate of Occupancy be obtained within two years;

THAT the Certificate of Occupancy will state that the facility shall provide the required accessory parking spaces for employees and customers;

THAT the Certificate of Occupancy for the subject lot shall note the specific address, block and lot number for the accessory parking facility;

THAT the Certificate of Occupancy for the accessory parking facility shall note that the parking provided is reserved for employees and customers of the subject facility;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 9, 2002.

291-00-BZ

CEQR # 01-BSA-064K

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.

SUBJECT - Application December 4, 2000 - under ZR §73-19 to

permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and 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 November 13, 2000, acting on Applic. #301079124, reads:

"Proposed use is contrary to Z.R.32-12 and 32-31 in that a school (community facility) use group 3A as per Z.R. 22-13 is allowed within a C8-2 zoning district only by special permit issued by the New York City Board of Standards and Appeals in accordance with standards set forth in Article VII, Chapter 3 (Z.R. 73-19)"; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in the Bulletin, laid over to August 14, 2001, October 16, 2001, November 13, 2001, December 18, 2001, February 5, 2002, February 26, 2002, March 19, 2002 and then to April 9, 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 to allow use of the premises as a Use Group 3A school, a use that is not permitted in a C8-2 (OP) zoning district; and

WHEREAS, the site is located on the southwest corner of Coney Island Avenue and Avenue T; and

WHEREAS, the applicant seeks permission to construct a school for approximately 250 non-residential students with special needs in grades 9-12; and

WHEREAS, the site will also provide non-residential office space for approximately 40 staff members consisting of teachers, Rabbis, administrators and office staff; and

WHEREAS, the subject school was founded in 1981 and the use is currently located at 2066 East 9th Street in the Flatbush section of Brooklyn; and

WHEREAS, the applicant represents that the Flatbush location is not large enough to meet the current programmatic needs of the school; and

WHEREAS, under Z.R. §73-19, the Board may permit schools in a C8 district provided that four findings are met: (a) that

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the within the neighborhood there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right; (b) that such school is located not more than 400 feet from the boundary of a district wherein such school is permitted as of right; (c) that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and (d) that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from the school; and

WHEREAS, evidence in the record indicates that the applicant has documented attempts to locate a site where the school of required size would be permitted as-of-right; and

WHEREAS, the site is located directly across from an R-5 zoning district where school uses are permitted as-of-right; and

WHEREAS, the applicant has met the statutory pre-requisite that the school not be located more than 400' from the boundary of a district wherein such school would be permitted as-of-right; and

WHEREAS, the applicant represents that to minimize adverse noise effects to the surrounding neighbors, sound attenuation will be provided in the form of double-glazed windows; and

WHEREAS, the proposal includes measures to minimize any potential adverse effects, including those from noise and traffic, associated with the surrounding non-residential uses, including sound attenuating exterior walls of solid masonry construction and double-glazed sealed windows throughout the remainder of the building; and

WHEREAS, the building directly to the west of the site houses a residential use; and

WHEREAS, the applicant represents no students will be bused to the school because 90% of the students will either walk or take mass transit; and

WHEREAS, in response to the Board's request the applicant has represented that the school will provide a crossing guard at the intersection of Coney Island Avenue and Avenue T; and

WHEREAS, in response to community and Board concerns regarding parking and traffic congestion, the applicant represents that only approximately 10% of the students will arrive by private automobile; and

WHEREAS, by letter dated March 5th 2002, the New York City Department of Transportation's School Safety Division has reviewed the project and has no objections provided the following conditions are met: that the enrollment at the proposed school shall be limited to 250 students; that the school shall provide a crossing guard at the intersection of Coney Island Avenue and Avenue T during the proposed school's arrival and departure times (8:00 to 8:30 AM and 5:00 to 6:00 PM Monday through Thursday and 8:00 to 8:30 AM and 12:15 to 12:45 PM on Friday; that the applicant shall implement a safe route to school by

providing school crosswalks and school warning signs at intersections; that a No Standing zone shall be established along Avenue T in front of the main entrance to the school, as identified on the plan; and that the no standing regulations shall be in effect from 7:00 AM to 6:00 PM on Monday through Thursday and 7:00 to 12:15 PM on Friday;

WHEREAS, evidence in the record indicates that the proposed project will be consistent with the City's Local Waterfront Revitalization Program policies; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made for a school under Z.R. §73-19; 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 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-19 and grants a special permit under Z.R. §73-19 to allow use of the premises as a Use Group 3A school, a use that is not permitted in a C8-2 (OP) zoning district, which is contrary to Z.R. §22-12, §32-12 and §32-31; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 18, 2001"- (13) sheets and on further condition;

THAT the enrollment at the proposed school shall be limited to 250 students;

THAT the school shall provide a crossing guard at the intersection of Coney Island Avenue and Avenue T during the proposed school's arrival and departure times (8:00 to 8:30 AM and 5:00 to 6:00 PM Monday through Thursday and 8:00 to 8:30 AM and 12:15 to 12:45 PM on Friday;

THAT the applicant shall implement a safe route to school by providing school crosswalks and school warning signs at intersections;

THAT a No Standing zone shall be established along Avenue T in front of the main entrance to the school, as identified on the plans;

THAT the No Standing regulations shall be in effect from 7:00 AM to 6:00 PM on Monday through Thursday and 7:00 to 12:15 PM on Friday;

THAT the applicant has stated that all sound attenuation measures shall be provided and maintained in accordance with BSA-approved plans;

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

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THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

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, April 9, 2002.

380-01-BZ

CEQR # 02-BSA-086M

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 zoning district.

PREMISES AFFECTED - 230 West 41st Street, southside, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Battalion Chief Phil Parr and 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 November 15, 2001 acting on Application No. 103031924 reads:

“1) Proposed Physical Culture Establishment is a Use not permitted as of right in M1-6 District and is contrary to section 42-10 Z.R..”

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City*

Record and laid over to March 19, 2002 and then to April 9, 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, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 zoning district; and

WHEREAS, the subject premises is located within the Special Midtown District; and

WHEREAS, the applicant represents that the health club will occupy approximately 21,814 square feet in portions of the cellar, first floor and second floor of the subject premises; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; 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 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. §§73-36 and 42-10; 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. §73-36 to permit the proposed physical culture establishment, located in portions of the

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cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 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 December 3, 2001"-(4) sheets and "March 7, 2002"-(2) sheets; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

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 (10) years from the date of this grant;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 9, 2002

208-00-BZ

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

ACTION OF THE BOARD - Laid over to May 7, 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: Battalion Chief Phil Parr and 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 May 21, 2002, at 2 P.M., for decision, hearing closed.

143-01-BZ

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

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: Eric Palatnik, Sally Haddock and Chuck Walsh.

For Opposition: Battalion Chief Phil Parr and 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 May 7, 2002, at 2 P.M., for decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

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SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2M.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2M.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Janice Cahalane, George Fonnessa, Joe Nicholas, Daniel Davis and Sheldon Lobel.

For Opposition: Sandra Antoniani.

For Administration: Battalion Chief Phil Parr and 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 May 14, 2002, at 2 P.M., for decision, hearing closed.

259-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner.

SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Robert Pauls, Chris Tartogolia and Eric Palatnik.

For Opposition: Richard Hellenbrecht and Richard Albert.

For Administration: Battalion Chief Phil Parr and 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 April 23, 2002, at 2 P.M., for decision, hearing closed.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively), located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent,

MINUTES

residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser and Howard Hornstein.

For Opposition: Carole Slater, Dan Steinberg, Keelan Noble, Johna Till Johnson, Mark London, Hugh McGlincy, Tim Noble, Alene S. Yarrow and others.

For Administration: Battalion Chief Phil Parr and 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 May 7, 2002, at 2 P.M., for decision, hearing closed.

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel, Eric Palatnik and Anthony Meran.
For Administration: Battalion Chief Phil Parr and 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 May 21, 2002, at 2 P.M., for decision, hearing closed.

302-01-BZ

CEQR # 02-BSA-041X

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411, §73-01, to permit the proposed the reestablishment of a previous

variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for deferred decision.

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Kahn, Sheldon Lobel, Neil Golombeck, Benzion Weinberg, Richard Bienenfeld, Edward Klein, Harold B. Schonfeld, Reuben Rudman, David Stimler, Avraman Binsky, Miriam Lock and Brian Rothschild and others.

For Opposition: David Roth, Milton Pincus, Abraham Shalo, Ozzie J. Greenberg, Dr. Leon A. Petch, Harriet Polinsky.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department, Herzl Eisenstodt.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

397-01-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc., lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit 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.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffery Chester and Glenn Isaacs.

MINUTES

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

ACTION OF THE BOARD - Laid over to May 14, 2002,
at 2 P.M., for continued hearing.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin,
for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to
permit the proposed construction of a twenty-two story
dormitory building (Use Group 3) to be located within a C5-4
zoning district within the Special Downtown Brooklyn District,
which does not comply with the zoning requirements regarding
setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum
Place, northwest corner, Block 271, Lots 1 and 8, Borough of
Brooklyn.

COMMUNITY BOARD#2BK

APPEARANCES -

For Applicant: Raymond Levin, Jan G. Weyler and John Tripp.

For Opposition: Frances Yaucutt, Thomas Glynn, Irma Kenneth,
Amy Breedlove and Michael Rohret.

ACTION OF THE BOARD - Laid over to June 18, 2002,
at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 7:45 P.M.