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AND APPEALS

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April 25, 2002

DIRECTORY

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MITCHELL KORBAY

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Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

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113-02-A B.M. 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

114-02-BZ B.S.I. 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island. Applic.#500509773. Proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #2SL.

115-02-A B.M. 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

116-02-A B.M. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

117-02-A B.M. 437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285,

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118-02-A B.M. 320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

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

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 Island.
COMMUNITY BOARD #IS.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 of 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

392-01-A

APPLICANT - Alfonso Duarte P.E., for J & J Realty, LLC, owner.

SUBJECT - Application December 18, 2001 - The legalization of the conversion of the residential use to commercial use (office), in an existing frame (IID) structure, is contrary to § 27-297 and Table 4-1 of the NYC Administrative Code.

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

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

CALENDAR

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 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

CALENDAR

Pasquale Pacifico, Executive Director

MAY 14, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 14, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.
SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.
PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.
COMMUNITY BOARD #1Q

635-57-BZ

APPLICANT - DeCampo, Diamond & Ash by Francis R. Angelino, Esq., for Landmark East 69th Street Associates I, L.P.
SUBJECT - Application January 25, 2002 - reopening for an extension of term of variance which expired January 26, 2002.
PREMISES AFFECTED - 115 East 69th Street, north side 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.
COMMUNITY BOARD #8M

840-86-BZ

APPLICANT - Martyn & Don Weston, for 125 East 38th Street, LLC, owner; Picard International, lessee.
SUBJECT - Application February 7, 2002 - reopening for an extension of term of variance which expired March 3, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 125 East 38th Street, north west corner of Lexington Avenue, Block 894, Lot 17, Borough of Manhattan.
COMMUNITY BOARD #6M

1263-80-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America Inc., lessee.
SUBJECT - Application March 5, 2002 - request for a waiver of

the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 12, 2001.

PREMISES AFFECTED - 436 Tenth Avenue aka 432/438 10th Avenue and 461/469 West 34th Street, northeast corner of Tenth Avenue and West 34th Street, Block 732, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

32-91-BZ

APPLICANT - Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street aka 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #2BK

MAY 14, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 14, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

CALENDAR

80-02-A

APPLICANT - Kevin Saumell, R.A., for Breezy Point Cooperative, Inc., owner; Megan Fitzpatrick, lessee.

SUBJECT - Application - March 20, 2002 - Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

377-01-BZ

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 3A, located in an SRD within an R3-1 overlay zoning district, which does not comply with the zoning requirements for floor area ratio and front yards, is contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

MAY 14, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 14, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

360-01-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

378-01-A

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York - D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

383-01-BZ

APPLICANT - The Agusta Group, for Thomas Morley, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for front yard, side yard and front wall setback, is contrary to §23-45, §23-461(a) and §23-631.

PREMISES AFFECTED - 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens.

COMMUNITY BOARD #7Q

CALENDAR

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

401-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, located in an R3-2 zoning district, which is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

57-02-BZ

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Pasquale Pacifico, Executive Director

MAY 21, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 21, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

MAY 21, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 21, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

367-01-BZ

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn. 838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §42-13, §43-232 and §43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

20-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold 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 expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

37-02-BZ

APPLICANT - Harold Weinberg, P.E., for Estate of Herbert Weinberg, Harold Weinberg, owner; Miriam Weinberg Eberman, contract vendee.

SUBJECT - Application April 11, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing two family dwelling (Use Group 2) located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, and is contrary to Z.R. §23-141. §23-47 and §54-31.

PREMISES AFFECTED - 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn.

COMMUNITY BOARD #15BK

84-02-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for East End Temple Congregation El Emet, owner.

SUBJECT - Application March 25, 2002 - under Z.R. §72-21, to permit the proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group 4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, and is contrary

MINUTES

to Z.R.§24-12 and §24-33.

PREMISES AFFECTED - 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 16, 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 19, 2002, were approved as printed in the Bulletin of March 28, 2002, Volume 87, Nos. 12-13.

SPECIAL ORDER CALENDAR

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.

SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: John LaFemina.

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

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THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and
Commissioner Korbey.....3
Negative:0
Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired May 2, 2000; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 and then deferred to April 16, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional five (5) 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 May 2, 1985 expiring May 2, 2000, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for five years from July 2, 2000, expiring July 2, 2005, on condition that, the premises be kept clean of debris and graffiti,

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 "May 23, 2001"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT the lot shall be kept clean at all times;

THAT landscaping shall be maintained, including trees on the sidewalk;

THAT all trees on the approved plans shall be maintained at all times;

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 N.B. Applic. No. 1539)

Adopted by the Board of Standards and Appeals, April 16, 2002.

36-99-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and
Commissioner Korbey.....3
Negative:0
Absent: Commissioner Caliendo.....1

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 January 8, 2002 after due notice by publication in The City Record, laid over to February 5, 2002, March 5, 2002, March 26, 2002 and then to April 16, 2002 for decision; and

WHEREAS, the applicant proposes minor modifications to the approved plans and resolution granted on October 26, 1999; and

WHEREAS, the applicant represents that the sub-cellar and the one story window bay at the southeast corner have been eliminated; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on October 26, 1999 so that as amended this portion of the resolution shall read:

"to permit the elimination of the sub-cellar and the one story window bay at the southeast corner; on condition:

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received January 28, 2002"-(7) sheets, "February 25, 2002" -(1) sheet, "March 20, 2002" -(1) sheet, and "March 27, 2002" -(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT the primary function of the staircase leading from the storage shed to the cellar shall be to facilitate pool service and maintenance;

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;

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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. 300829600)

Adopted by the Board of Standards and Appeals, April 16, 2002.

752-29-BZ, Vol. IV

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Jack Gamill.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

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

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES -

For Applicant: David L. Businelli.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

SUBJECT - Application November 14, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

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

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

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For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

189-96-BZ

APPLICANT - John C Chen, A.I.A., for Ping Yee, owner; Edith D'Angelino-Canandonga, lessee.

SUBJECT - Application October 25, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 19, 2001.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

For Applicant: John C. Chen.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

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

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Femicola, owner.

SUBJECT - Application September 4, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

For Applicant: Deidre A. Carson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

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

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto,

owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Betty A. Pietrangelo.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated January 14, 2002, acting on Application No. 500512046, reads:

- “1) Street giving access to the Proposed Building is not placed on the official map of the City of New York, Therefore :
No Certificate of Occupancy can be issued as per Article 3 , Section 36 of the General City Law and,
- 2) Permit may not be issued since proposed construction does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated March 7, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 27, 2002, Community Board #3 has approved this application; 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 January 14, 2002, acting on Application No. 500512046, 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 drawing filed with the application marked, “Received April 3, 2002”-(1) sheet; and that the proposal comply with all applicable R4 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

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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 16, 2002.

99-01-A

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Opposition: John Reisinger, Department of Buildings.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

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

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 16, 2002 2:00 P.M.

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

ZONING CALENDAR

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of an eight-story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Philip 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

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 28, 2000 acting on Applic. No. 300856928 reads:

“Zoning Objection: Residential use contrary to Z.R. 42-10. Must be referred to the Board of Standards and Appeals. There are no applicable bulk yard or parking regulations.”

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in The City Record and laid over to August 14, 2001, September 11, 2001 November 20, 2001, December 4, 2001, January 5, 2002, January 29, 2002, February 12, 2002, and March 26, 2002 and then to April 16, 2002 for decision; and

WHEREAS, Community Board #1 in Brooklyn recommended approval of the subject application; 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-Chairman Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit the proposed erection of a part six story, part 8 story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10; and

WHEREAS, the subject lot fronts upon and is bounded by two city streets, 135 feet upon Middleton Street and 100 feet upon Throop Avenue in the Williamsburg section of Brooklyn; and

WHEREAS, the subject site is a long vacant tract never having been developed (other than a parking lot) since the theater formerly occupying this site was demolished in approximately 1940; and

WHEREAS, the applicant represents that across Middleton Street the zoning district is R-6, and the site is directly adjacent on both frontages to the other uses now under modernization; and

WHEREAS, the site is also across the street from a similar residential development on Broadway; and

WHEREAS, according to the applicant the site is currently being used alternatively for parking and for open storage of lumber under temporary arrangement to defray a portion of the site's carrying costs; and

WHEREAS, the applicant claims that except for the temporary occupancy, the site is vacant, and has been vacant for over fifty years; and

WHEREAS, the applicant contends that the immediate surrounding area is characterized by both residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, adjacent to and across the streets are residential uses and multiple dwellings; and

WHEREAS, the applicant proposes to erect a part six story, part 8 story, 43 unit multiple dwelling, fronting both upon Middleton Street and Throop Avenue; and

WHEREAS, an eighteen car accessory parking facility is also proposed by the applicant within the cellar of the building with a curb cut onto Throop Avenue; and

WHEREAS, according to the applicant the building will be constructed of masonry, fireproof construction and will comply with all fire safety local laws; and

WHEREAS, the applicant states that each apartment features, in addition to standard design, several bedrooms and bathrooms, dual kitchens, and study and recreation areas comply with all specified Quality Housing Amenities; and

WHEREAS, the applicant claims that the scale of the buildings will be comparable to other multiple dwellings in Williamsburg; and

WHEREAS, the subject lot is a long vacant zoning lot historically developed with a theater; and

WHEREAS, evidence in the record indicates that the site is burdened and saddled with the rubble filled cellars and remaining extensive foundations from this theater formerly located on the site; and

WHEREAS, presently the site is vacant (except for temporary parking and open storage occupancy for administrative purposes); and

WHEREAS, according to the applicant, development of this site will entail remedial measures as a result of the site's unique history of development; and

WHEREAS, this fact distinguishes this lot from others in the radius, and leads to more costly measures to properly deal with these extensive pre-existing foundations; and

WHEREAS, the applicant claims that the unique site history creates an unnecessary hardship in conforming with the strict application of the Zoning Resolution; and WHEREAS, the Board finds that the aforementioned unique physical conditions which are the result of the site's unique history of development (the remedial measures of removing the rubble filled cellars and remaining extensive foundations from this theater formerly located on the site), present a practical difficulty and unnecessary hardship for a conforming 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 conforming use would not yield 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, at the request of the Board the building has been revised from its original proposal “in essence,” to reflect R7-1 zoning district development, the building has been set back twenty five (25) feet above the sixth story, and the overall height has been reduced over seven feet; and

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WHEREAS, at the request of the Board the overall zoning lot, which is comprised of both corner and interior portion, provides R7-1 equivalent yard, lot coverage and open space; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration 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 erection of an eight-story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawing, sheet A-2, as it applies to the objections above noted, filed with this application marked "Received March 19, 2002 "-(1) sheet, and on further condition;

THAT the subject building shall be of fireproof construction, comply with all applicable fire safety codes including as noted on plan sheet A-2, Local Law 10 of 1999 and the fire alarm and sprinkler system shall be connected to a Fire Department-approved central monitoring station. The proposed building shall also be equipped with exit signs and smoke detectors as required by applicable fire safety codes;

THAT the subject building shall comply with all R7-1 zoning district regulations other than the exceptions for rear yard requirements as granted by the Board;

THAT the Certificate of Occupancy be obtained within two years;

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 16, 2002.

260-01-BZ

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with height of the front wall and side yard setback, is contrary to Z.R. §§24-551 and 24-521.

PREMISES AFFECTED - 119-15 27th Avenue, bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Chris Wright.

For Administration: Battalion Chief Philip 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 July 30, 2001 acting on Applic. No. 401230547 reads:

“Objection 1:

Proposed expansion of community facility does not comply with 24-521 of the NYC Zoning Resolution (Front Wall Setbacks for community facility building in residential district).

Objection 2:

Proposed expansion of community facility does not comply with 24-551 of the NYC Zoning Resolution (Side Yard Setbacks for Community facility building in residential district).”; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 15, 2002, February 26, 2002, March 19, 2002 and then to April 16, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of a nursing home community facility, located in an R4 zoning district, which does not comply

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with height of the front wall and side yard setback and is therefore contrary to Z.R. §§24-551 and 24-521; and

WHEREAS, the subject site consists of a 200 bed proprietary residential health care facility located at 119-15 27th Avenue in the College Point section of Queens; and

WHEREAS, the applicant proposes to modernize and expand its facility, which was constructed in the 1950's; and

WHEREAS, the existing complex includes a three-story wing that covers almost the entire southern portion of the lot, fronting on 27th Avenue, connected to a one-story wing located on the northwest and northeast corners of the lot; and

WHEREAS, the applicant proposes the demolition of the northwest wing and the construction of a four-story addition that would span almost the entire length of the lot along 26th Avenue; and

WHEREAS, the applicant represents that the southern three-story wing would remain and would be modernized; and

WHEREAS, the proposal seeks to approximately double, from 57,000 to 112,000 square feet, the gross square footage of the complex, the total number of beds would increase from 200 to 239 and the staff would increase from 250 to 260; and

WHEREAS, the applicant represents that of the residential health care facility's existing 200 beds, 121 are in non-compliance with New York State Department of Health ("DOH") regulations, primarily due to inadequate room size; and

WHEREAS, the applicant claims that these improvements would modernize the existing facility to provide state-of-the-art services to its geriatric population, bring all existing beds into compliance with current State regulations and provide additional beds for treatment of seriously impaired children and young adults; and

WHEREAS, also, the applicant further represents that the State DOH has issued a Certificate of Need authorizing the residential health care facility to increase from 20 to 39 the number of beds that will serve patients under the age of 35 with serious impairments including multiple sclerosis, muscular dystrophy and traumatic brain injuries; and

WHEREAS, the applicant is applying for two variances; and

WHEREAS, one involves a height and setback variance for the fourth floor (above elevation 35') to maintain the same floor plate as the lower levels, so as to provide the required number of beds; and

WHEREAS, the second variance involves a side yard setback along an unmapped portion of 26th Avenue; and

WHEREAS, the applicant states that Twenty-sixth Avenue currently ends at the prolongation of 120th Street and is not mapped through to 119th Street; and

WHEREAS, the applicant represents that as a result, a requirement for a side yard setback is created above the third floor in front of the new building between 119th Street and the prolongation of 120th Street; and

WHEREAS, a variance is requested by the applicant in order to maintain the same floor plate as the lower floors; and

WHEREAS, the applicant states that the proposed side yard will allow a 20-foot inner court to be provided between the new north wing and the existing south wing; and

WHEREAS, concurrently with this application to the BSA, the applicant is seeking a special permit from the City Planning Commission; and

WHEREAS, the project requires a special permit from CPC under Section 74-90 of the Zoning Resolution to allow for the expansion of a nursing home within Queens Community District 7; and

WHEREAS, also, the as-of-right FAR for a nursing home in an R4 district is 0.75 and the proposed FAR is 1.93; and

WHEREAS, a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities has also been requested; and

WHEREAS, the subject site consists of a three-story building on the south and two irregularly shaped one-story wings on the north; and

WHEREAS, the applicant represents that the three-story wing is connected to each one-story structure by a corridor, but the one-story structures are not connected to each other; and the building form is irregular and inefficient; and

WHEREAS, the applicant further represents that the northerly street, 26th Avenue, is not fully mapped adjacent to the site, while the westerly street, 119th Street, is mapped but not opened; and

WHEREAS, the applicant represents that the proposed modernization of the existing southern building and construction of a new building facing it to the north, with connections on all floors, will create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject site; and

WHEREAS, the configuration of the site results in an inability to make improvements or changes that would result in addition of floor area and the need to create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the record indicates that the ability to provide the proposed floor area will greatly enhance the day to day quality of life of the nursing home; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the nursing home, as the subject nursing home does provide an adequate area to accommodate the residents and meet DOH requirements; and

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

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a complying development will not yield a reasonable return; and

WHEREAS, the applicant states that the project is located in a low density residential neighborhood which ends one block south and one block east of the site; and

WHEREAS, the adjoining neighborhood is industrial, however, the proposed project site is the southernmost of three consecutive community facility nursing homes; and

WHEREAS, the applicant represents that the proposed expansion of nursing home community facility will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood; and

WHEREAS the applicant asserts that the additional bulk will be well distributed across the northern half of the site and the overall building will only increase by one story and the existing building will remain lower in height than the two adjacent nursing home community facilities and will be in character with the surrounding low-rise neighborhood; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the adjoining area residence district; and

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

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

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

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

WHEREAS, the Board and the NYC Department of City Planning ("DCP") has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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

Therefore, it is Resolved that the Board of Standards and Appeals adopts a Conditional Negative Declaration issued by DCP, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning

district, which does not comply with height of the front wall and side yard setback, is contrary to Z.R. §§24-551 and 24-521, on condition that all work shall substantially conform to Board approved drawings as they apply to the objections above noted, filed with this application marked "Received August 24, 2001"- (10) sheets and "November 14, 2001"- (1) sheet; and on further condition;

THAT the proposed enlargement obtain certification from CPC pursuant to Section 22-42;

THAT the proposed enlargement obtain certification from CPC pursuant to Section 74-90 of the Zoning Resolution to allow for the expansion of a nursing home within Queens Community District 7;

THAT a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities be obtained from CPC also; THAT the development shall comply with all fire safety measures noted on Sheet A-2 of the Proposed Site Plan;

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; and

THAT a new Certificate of Occupancy be obtained within four (4) years from the date of this resolution.

Adopted by the Board of Standards and Appeals, April 16, 2002.

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Application granted on condition.

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 October 9, 2001 acting on Application No. 101951802 reads:

“1) Proposed Physical Culture Establishment is not permitted as of right in C4-6A District. Therefore, it is contrary to section 32-10 Z.R..”

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 16, 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 legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district; 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 New York State 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 32-10; 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 legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received October 16, 2001”-(5) sheets and “April 5, 2002” -(1) sheet; and on further condition;

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

THAT the hours of operation shall be from Monday to Thursday 6:00 a.m. - 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. - 7:00 p.m.;

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 nine (9) 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.

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Adopted by the Board of Standards and Appeals, April 16, 2002.

368-01-BZ

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

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the addition of a small penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisiner.

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 October 31, 2001 acting on Applic. No. 103044180 reads: "The change of use from an existing Use Group 3 community facility with sleeping accommodations to proposed Use Group 5 transient hotel does not comply with Zoning Resolution Section 33-121 because the proposed transient hotel will exceed the permitted commercial FAR for commercial uses in an R8 (C2-5) zoning district."; and

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in The City Record and laid over to March 19, 2002 and then to April 16 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 Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the addition of a penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning

requirements for floor area ratio and is contrary to Z.R. §33-121; and

WHEREAS, the applicant represents that the subject lot is currently improved with a 11-story building containing 55,620 square feet of floor area (3.0 FAR), housing community facility uses consisting of 18,400 square feet of lot area, with a frontage of 184 feet on the eastern side of Ninth Avenue and a 100-foot depth along the northern side of West 16th Street and the southern side of West 17th Street; and

WHEREAS, evidence in the record indicates that the building contains 108 "hotel or dormitory room units," each of which is approximately 257 square feet, and was utilized by a not-for-profit entity to house its guests and the building; and

WHEREAS, the Zoning Lot lies entirely within an R8 (C2-5) zoning district (general residence district with a commercial overlay permitting local retail and services); and

WHEREAS, within an R8 (C2-5) zoning district, residential buildings may achieve a density of 6.02 FAR or a total maximum permitted floor area of 110,768, - 36,800 square feet of which may be utilized as commercial space; and

WHEREAS, a conversion of the existing community facility to a transient hotel as proposed in this application, will result in a total floor area of 64,180 in which the commercial portion exceeds the permitted commercial floor area by 27,380 s.f.; and

WHEREAS, the applicant states that the proposed hotel will consist of the existing 11-story structure with an additional 800 square foot penthouse/guest suite and an eating and drinking establishment comprising 6,800 square feet on the first story; and

WHEREAS, the proposed Hotel development would add 8,560 square feet of new space to the existing 55,620 square feet of floor area contained in the Existing Building; and

WHEREAS, the applicant contends that in order to be financially feasible, the Hotel must be developed as "boutique" hotel which will provide 120 rooms and 1 guest suite; and

WHEREAS, the proposed 18,400 square foot sub-cellar will accommodate the Hotel's laundry room, service areas, staff locker rooms and toilets, and mechanical equipment rooms; and

WHEREAS, the application will also provide for a 7,060 square foot accessory parking garage with a 36-car capacity which will be accessed by way of an auto ramp located on a separate zoning lot directly east of the Site along West 16th Street; and

WHEREAS, the applicant states that the Existing Building's cellar will provide a kitchen for the restaurant proposed for the first story, as well as storage areas and bathrooms; and

WHEREAS, the lobby leads into an 8,000 square foot former ballroom with a double-height ceiling that is proposed as commercial space to be occupied by Use Group 5 through Use Group 9 uses; and

WHEREAS, the applicant further states that the Hotel's mezzanine, which can be accessed by two stairways in the cellar-level commercial space (or by the elevator banks) will accommodate

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the executive offices, the Hotel staff locker rooms (including toilets, showers and lounge area or lunch room), a mechanical room and public toilets; and

WHEREAS, the applicant proposes to include approximately 7,760 square feet of new construction in the hotel's first floor that is currently non-required open space; and

WHEREAS, the Hotel will consist of a 2,500 square foot lobby in the southern section, and a 4,500 square foot restaurant (plus a 960 square foot kitchen) at the northern section; and

WHEREAS, the applicant notes that the proposed typical floor plan is largely dictated by the Existing Building's 35' by 152' configuration (on the second through eleventh floors) and the center elevator core, which occupies approximately 160 square feet of space on each floor; and

WHEREAS, the above configuration allows twelve guests rooms per floor along the western half of the Hotel's floor plate on floors two through eleven; and

WHEREAS, the applicant contends that the guest suite is an important component of this boutique hotel scheme because the building's configuration limits each room on all other floors to 225 square feet and the guest suite will draw a premium according to the applicant's feasibility study; and

WHEREAS, the applicant states that building out the existing plaza to include the restaurant/bar and lobby will enable the Hotel to provide services to its guests in a manner customary to boutique hotels in New York City; and

WHEREAS, the applicant describes the area as characterized by a mix of R8 and R8B zoned residential building types and sizes, including numerous multiple dwellings ranging from three to eight-stories (many of which are tenement "walk-ups"), loft buildings and community facilities, which are predominately located to the north, east and west of the Site; and

WHEREAS, the record indicates that the R8 zoned blocks have a C2-5 overlay running the depth of 100 feet on the west side of Ninth Avenue and north of the site and on the east side of Ninth Avenue, the 100-foot deep block-front is zoned R8B (C2-6A) between West 17th and 18th Streets and R7-B(C2-6A) between West 18th and 21st Streets; and

WHEREAS, the applicant claims that as such, ground floor retail establishments proliferate along the Avenue north of West 16th Street; and

WHEREAS, the applicant states that the area to the Hotel's east is zoned R8B (general residence district) and to the south and southwest is zoned M1-5 (loft areas located mainly within Manhattan CBD); and

WHEREAS, the Port Authority Commerce Building comprises the entire block opposite the Hotel across West 16th Street and across Ninth Avenue and west of the Hotel are located several parking garages, a community center and warehouse buildings; and

WHEREAS, the applicant represents that the Existing Building at the Site is impractical and presents a unique condition leading to a hardship due to its narrow and inefficient 35 foot by 152 foot floor plates on the second through eleventh floors; and

WHEREAS, the applicant contends that the community facility as-of-right alternative, a dormitory, would be impractical because each room could house only one student and universities generally prefer to house at least two persons per dormitory room and, moreover, its location away from existing Manhattan universities also renders it impractical; and

WHEREAS, the applicant further contends that the residential as-of-right alternative, an apartment building, would also be impractical because of the narrowness of the building, the single loaded corridors and the central elevator core which would allow for only shallow apartments; and

WHEREAS, the applicant claims that the mixed-use as-of-right alternative would also be impractical because of the extremely small apartment units and the minimum number of as-of-right hotel rooms which could be produced, thus, the Site cannot be developed within relief from the Zoning Resolution's bulk requirements; and

WHEREAS, the applicant states that although the site's lot itself measures 100 feet in depth by 184 feet in width, the Site is improved with an inefficiently shaped building that measures approximately 35 feet in depth and 152 feet in width; and

WHEREAS, according to the applicant, approximately 14'7" of the building's width comprises a north-south corridor, elevator banks, storage and mechanical rooms and two sets of stairwells; and

WHEREAS, the applicant claims that the existing configuration for this north-south floor area cannot be effectively changed and the stairwells are required as a second means of egress, thus, the open plaza area must be partially developed with Hotel's proposed eating and drinking facilities flanking a new smaller open space that leads to the new Hotel lobby; and

WHEREAS, the applicant states that the floor plans for the Hotel has been designed to overcome the difficulties and impracticalities imposed by the Existing Building by having all hotel guest rooms provide adequate square footage per person to allow a safe, healthy and uncrowded environment; and

WHEREAS, the applicant claims that the square footage required for the stairway, elevators and mechanical shafts the guest room floor approximates 39% of each floor's total square footage, and their existing location, as well as the building's narrow floor plate, negates the possibility of an internal reconfiguration; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the obsolescence due to its narrow and inefficient 35 foot by 152 foot floor plates at the second through eleventh floors, presents a practical difficulty and unnecessary hardship for the existing community facility use, which does not comply with rear yard requirements; and

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

WHEREAS, the applicant states that for all intents and purposes, the community facility is currently set up and operates as a "hotel" for Chinese students and visitors; and

WHEREAS, the applicant claims that the proposed Hotel site is located in the thriving Chelsea neighborhood, which is characterized by a mix of building types and sizes and uses, including mid- and low-rise buildings and residential, commercial and manufacturing uses; and

WHEREAS, the applicant further claims that the minimal square footage increase resulting from new construction at the Site will have no negative impact on the neighborhood; and

WHEREAS, the applicant states that the "porthole" design will be replicated on the new construction, thus creating a harmonious relationship with the existing building; 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, the Board find that this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a 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 addition of a small penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 5, 2002"-(10) sheets; and on further condition;

THAT the Certificate of Occupancy be obtained within two years;

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 16, 2002.

372-01-BZ

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

SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.

PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD -

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 October 29, 2001 acting on Application No. 301241537 reads:

"Proposed construction of gasoline filling station with accessory convenience store, Use Group 16, in a C2-2 within

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an R3-2 zoning district is contrary to BSA Calendar 94-97-BZ and therefore must be referred to the BSA.”; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 and then to April 16, 2002 for decision; and

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

WHEREAS, this is an application for a special permit under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station, Use Group 16, with an accessory convenience store located in a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Calendar Number 94-97-BZ and Z.R. §32-25; and

WHEREAS, the proposed site is comprised of lot numbers 44 and 49; and

WHEREAS, the applicant represents that lot number 44 is a square corner parcel with a lot area of 10,000 square feet, fronting on Utica Avenue and Avenue L, and is improved with an existing gasoline service station; and

WHEREAS, the applicant further represents that the adjacent lot, number 49 is the site of a now non-operating used car sales lot with 60 feet of frontage on Utica Avenue; and

WHEREAS, in 1954, under Calendar Number 928-53-BZ, the Board permitted, in a business use district, the erection and maintenance of a gasoline service station, auto washing, lubricatorium, storage and sale of accessories and office (Use Group 16) for a term of 15 years; thereafter in 1955 and 1957 the Board approved minor changes to approved plans; in 1955 the Board granted an extension of time to complete construction to December 29, 1955; in 1969 and 1979 the Board granted extension of the term of the variance for two additional terms of 10 years; and

WHEREAS, evidence in the record indicates that the premises continued to be operated as a gasoline service station until 1991 when such use was discontinued and the underground storage tanks were sealed; and

WHEREAS, in 1997, under Calendar Number 94-97-BZ, the Board granted an application to permit a change in use groups and the construction of a self-serve gas station with an accessory convenience store; and

WHEREAS, the site is improved with an existing 411 square foot brick building with six pump islands and three 10,000 gallon underground storage tanks; and

WHEREAS, the applicant seeks to demolish the existing building and to replace the existing 11,000 square foot service station with a new 16,000 square foot automotive service station with an accessory convenience store, and to install a solar energy collecting vehicular canopy over the proposed six multi-product dispensers; and

WHEREAS, the applicant represents that the proposed structure will contain 2,400 square feet of floor area, 1,144 of which will be sales area; and

WHEREAS, the proposed total illuminated signage is 98.67 square feet and the proposed total non-illuminated signage is 139.69 square feet; and

WHEREAS, the applicant states that there will be an eight (8) foot high chain link fence with privacy slats and six (6) foot high evergreens that will screen the perimeter of the site, which adjoins a residential district; and

WHEREAS, the applicant also states that there will be a five (5) foot high masonry wall with a three (3) foot high solid vinyl fence on top along the western property line; and

WHEREAS, the applicant represents that parking for nine (9) vehicles will be provided in addition to the spaces at the pump island; and

WHEREAS, this application does not conflict with the requirements of Z.R. §73-211; and

WHEREAS, Z.R. §73-211(a) requires that the site has a minimum area of 7,500 square feet; and

WHEREAS, the premises meets this requirement because it is 16,000 square feet; and

WHEREAS, Z.R. §73-211(b) requires that a site not located on an arterial highway or a major street must have a maximum area of 15,000 square feet; and

WHEREAS, since the premises is located on the corner of two major streets, Utica Avenue and Avenue L, this condition does not apply; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-211 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

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

Therefore, it is 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 each and every one of the required findings under Z.R. §73-21, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit under Z.R. §73-211 to permit the proposed expansion and construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Calendar Number 94-97-BZ and Z.R. §32-25, on

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condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 15, 2002"-(6) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years expiring on April 16, 2012;

THAT there shall be no open storage or parking of motor vehicles at the subject site;

THAT the premises shall be maintained free of graffiti and debris;

THAT the proposed accessory convenience store hours shall be limited to 5:30 AM to 12:00 Midnight daily;

THAT there shall be no sale of alcoholic beverages in this store;

THAT there shall be an eight (8) foot high chain link fence and six (6) foot high evergreens that shall screen the perimeter of the site;

THAT the fences and gates shall be of legal and uniform height;

THAT there will be no lubrication, repair or washing of cars at the Premises;

THAT the automobile vacuums shall only be used from 9 A.M. to 9 P.M.;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA-approved plans;

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

THAT a five (5) foot high masonry wall with a three (3) foot high solid vinyl fence on top along the western property line shall be provided;

THAT parking for nine (9) vehicles shall be provided in addition to the spaces at the pump island;

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

THAT a new Certificate of Occupancy be obtained within one year of the date of this 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; 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 16, 2002.

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

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 102552514 reads:

"(1) Proposed Physical Culture Establishment is a use not permitted as of right in C6-3X District and is therefore contrary to section 32-10 Z.R.."

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 16, 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 legalization of an existing physical culture establishment, located within portions of the basement, first floor and second floor of an existing 33-story commercial office structure in a C6-3X zoning district; 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 New York State licensed massage therapists; and

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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 applicant represents that no exterior alterations to the historic landmark building will be made; 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 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and
Cal. No. 379-01-BZ

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 legalization of an existing physical culture establishment, located within portions of the basement, first floor and second floor of an existing 33-story commercial office structure in a C6-3X 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"-(5) sheets and "January 16, 2002"-(1) sheet; and on further condition;

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

THAT the hours of operation shall be from Monday to Thursday 6:00 a.m. - 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. - 7:00 p.m.;

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 nine (9) 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 16, 2002.

138-01-BZ

APPLICANT - Geroge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a. 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, April 16, 2002.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

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SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Administration: Captain Arthur Haven and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE CLOSE HEARING -

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

Negative:0

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 11, 2001 acting on Application No. 401196031 reads:

“Objection #1 - The proposed enlargement of the building’s existing non-complying floor area must comply with ZR 54-31.

Objection #2 - The proposed floor area and floor area ratio exceeds that permitted by ZR 33-161.

Objection #3 - The Proposed sky exposure plane on the south exposure of the plane exceeds that permitted by ZR 33-441.”; and

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in The City Record and laid over to October 16, 2001, December 18, 2001, February 5, 2002, March 5, 2002, March 19, 2002, and then to April 16, 2002; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, 33-161 and 54-31; and

WHEREAS, Community Board 8 in Queens has approved this application; and

WHEREAS, the subject site consists of the subject premises is improved with a 400 bed skilled nursing home facility providing a full array of services, from short term rehabilitative stays to long term residences; and

WHEREAS, the facility is developed on an irregularly shaped lot of 51,748 square feet at the northeast corner of Hillside Avenue and Avon Street and in addition to the nursing home building, the site provides on-site parking for forty-one vehicles and features landscaped areas along much of its perimeter; and

WHEREAS, immediately north of and adjacent to the Premises, in an R5 zoning district, is a large 6-story apartment complex stretching to a width of almost 500 feet, on almost two acres; and

WHEREAS, east of the Premises and in the same block are a public parking lot and garage and a 12-story apartment building, each within a C2-2 district mapped within an R5 district; and

WHEREAS, across Avon Street and immediately west of the Premises is a fast food restaurant and across the four lanes of Hillside Avenue to the south is a public school and a row of low-rise buildings featuring residences above ground floor commercial uses; and

WHEREAS, the applicant proposes to modernize and expand its facility, which was constructed in 1974; and

WHEREAS, the applicant represents that the variance will allow the nursing home to meet programmatic needs brought about by (a) the current standards for geriatric care facilities that have evolved since the facility was built in 1974, and (b) the expectations of the nursing home’s clientele and referring hospitals for the level of care in contemporary nursing home facilities; and

WHEREAS, specifically, an enlargement of the penthouse floor by developing that portion of the floor designed as a rooftop sitting area, will enable the nursing home to expand its rehabilitative services such as physical therapy and occupational therapy facilities, presently located in the building’s sub-cellar level, to a new, larger space; and

WHEREAS, the applicant represents that this will provide what is considered by today’s standards to be an adequate area for modern equipment and treatment programs; and

WHEREAS, three new elevators will be installed to help alleviate severe vertical circulation problems; and

WHEREAS, the applicant states that the penthouse floor expansion and addition of three elevators (two for general circulation and one for service), as well as a small column of ancillary space on the first through eleventh floors, constitute an “enlargement” because they involve an increase in floor area; and

WHEREAS, the applicant proposes that there will also be a cellar level expansion which does not involve an increase in floor area because it occurs below grade; and

WHEREAS, the applicant states that the new subsurface space consists principally of expansion of the cellar floor for a

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dialysis center, along with a small new area on the sub-cellar floor for the relocation of a fire pump; and

WHEREAS, the applicant states that the enlargement above grade and below grade additions are necessary to insure the present and long term viability of the nursing home; and

WHEREAS, the applicant represents that there are no more options for reallocating the existing space in the building to expand existing services or necessary additional services; and

WHEREAS, the existing elevators are overburdened to a point where only a reasonable alternative is the increase in the number of nursing home's elevators; and

WHEREAS, the obsolescence of the nursing home's existing building constitutes a unique physical condition that creates practical difficulties and unnecessary hardship; and

WHEREAS, despite significant changes in applicable New York State Department of Health (DOH) regulations, increased and different services demands based on shifting industry standards, and changes in facility's patient population, the nursing home still has its original configuration; and

WHEREAS, this has resulted in inadequate physical and occupational therapy space, poor vertical circulation building-wide, and no opportunity for new and essential on-site services such as dialysis and cardiology care; and

WHEREAS, the applicant represents that the proposed modernization of the existing building will create a regular building form to meet the nursing home community facility's programmatic needs and State DOH standards; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject site; and

WHEREAS, the configuration of the site results in an inability to make improvements or changes that would result in addition of floor area and the need to create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the applicant claims that these improvements would modernize the existing facility to provide state-of-the-art services to its geriatric population; and

WHEREAS, the record indicates that the ability to provide the proposed floor area will greatly enhance the day to day quality of life of the nursing home; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the nursing home, as the subject nursing home does not provide an adequate area to accommodate the residents and meet State DOH requirements; and

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

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

WHEREAS, the applicant represents that nursing home has been part of its community for 27 years; and

WHEREAS, the applicant states as the requested variances entail no changes in use of intensity, and as the increases in floor area, footprint, and height are minor, the nursing home use and building will remain in harmony with its neighborhood; and

WHEREAS, the applicant represents that the nursing home is significantly distant from any other building, and there is no neighborhood building as high, the proposed increase in building height is modest and there will not be significant effect upon the views and access to light and air from neighboring properties; and

WHEREAS, the applicant represents that the proposed expansion of the nursing home community facility will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood; and

WHEREAS the applicant asserts that the additional bulk will be well distributed across the northern half of the site and the overall building will only increase by one story and the existing building will remain lower in height than the two adjacent nursing home community facilities and will be in character with the surrounding low-rise neighborhood; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the adjoining area residence district; and

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

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

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

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

WHEREAS, the Board and the NYC Department of City Planning ("DCP") have conducted an environmental review of the proposed action and have carefully considered all relevant areas of environmental concern; and

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

Therefore, it is Resolved that the Board of Standards and Appeals adopts a Negative Declaration issued by DCP, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the

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application of the Zoning Resolution, limited to the objections cited, to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, 33-161 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 19, 2001"- (12) sheets; and on further condition;

THAT the proposed enlargement obtain a special permit from the City Planning Commission (CPC) pursuant to Section 22-42;

THAT a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities be obtained from CPC also; THAT the development shall comply with all Fire Department requirements;

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

THAT a new Certificate of Occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, April 16, 2002.

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, April 16, 2002.

390-01-BZ /295-71-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Steven Sinacori.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE 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 December 14, 2001 acting on Application No. 500512411 reads:

“ Proposed parking requirements for proposed furniture store (Use Group 10) (PRC 81) at one space for every 400 square feet of floor area requires Special Permit from Board of Standards & Appeals pursuant to Z.R 73-44.”

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 16, 2002 for decision; and

WHEREAS, the Board notes that this application was heard with a companion Special Order Calendar case under Calendar Number 295-71-BZ; and

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

WHEREAS, this is an application for a special permit, under Z.R. §§ 73-03 and 73-44, on a site previously before the Board, to permit, in a C4-1 zoning district, the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store; and

WHEREAS, under Calendar Number 295-71-BZ the applicant requested and was granted, a reopening for an amendment to the prior resolution reflecting the erection of a 50,000 square foot building; and

WHEREAS, the proposed furniture store will be housed in a freestanding building of approximately 50,000 square feet located

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on the inboard side of the Mall's internal roadway, north of the existing Macy's store fronting on Richmond Hill Road; and

WHEREAS, the record indicates that the proposed furniture store is classified as a (Use Group 10) with a parking requirement category of "PRC B1"; and

WHEREAS, the applicant represents that the use of the proposed building will be limited to a furniture store use (Use Group 10); and

WHEREAS, the proposed use would normally generate the need for approximately 333 additional parking spaces at a rate of one space per 150 square feet of floor area; and

WHEREAS, pursuant to Z.R. section 73-44, the Board may reduce the parking requirement or ratio for uses in (Use Group 10) (PRC B1) to one space for every 400 square feet; and

WHEREAS, therefore, the applicant's proposal would trigger requirement of 125 off-street parking spaces for the proposed 50,000 square foot furniture building; and

WHEREAS, the mall's parking areas are integrated and connected; and

WHEREAS, the primary entrances to the subject furniture store are located on Richmond Avenue connected to an on-site collector/distributor road (the "Ring Road"), which provides passenger car and truck access to the various parking and loading areas; and

WHEREAS, the proposed furniture store will be located wholly within the confines of Macy's zoning lot within the mall and will be separated from residential uses and public roadways by the Ring Road; and

WHEREAS, therefore, the Board finds 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 Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-44; 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. §§ 73-03 and 73-44 on a site previously before the Board, to permit the proposed reduction in the number of accessory off-street parking spaces to one space for every 400 square feet (or 125 spaces) , for a proposed 50,000 square foot (Use Group 10) PRC B1) furniture

store, 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 18, 2001"-(4) sheets and "Received February 11, 2002"-(1) sheet; and on further condition;

THAT subsequent to the Board of Standards and Appeals determination requested by this application, the applicant shall request from the City Planning Commission, pursuant to Z.R. §§ 36-023: (i) Authorization to reduce by approximately 9.4% the accessory parking requirement for the entire Macy's zoning lot consisting of both the department store and the proposed furniture store; and (ii) Authorization that the proposed modified layout of the parking spaces on the Macy's zoning lot is arranged and located to provide adequate ingress, egress and circulation with respect to the abutting streets or uses.

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 16, 2002.

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2002, acting on Alt. 1. Application No. 301289406 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS DENIAL
"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT:

(1) CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.

(2) REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO Z.R. Sec. 23-47

(3) CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY Z.R. Sec. 23-141"; 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 16, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47 ; and

WHEREAS, the proposed enlargement will increase the FAR to .74, decrease the Rear Yard from the required 30' to twenty-three (23) feet, three (3) inches, and increases the Lot Coverage from thirty-five (35) percent to 37.5) percent; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of

Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 18, 2002" -(11) sheets and "February 26, 2002"-(3) sheets; and on further condition;

THAT there shall be no habitable room in the cellar other than the recreation room;

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 substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, April 16, 2002.

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.
SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE 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.

MINUTES

239-01-BZ

APPLICANT - The Agusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sol Korman.

For Opposition: Joan Vogt for Senator Padavan, Howard Sun, Robert Gentner, Josephine Tauroso, Albert Chevy, and others.

THE VOTE 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.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane and Susie Klen.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment

(Use Group 9A) located in an M1-1 within a C2-2 zoning district, which requires a special permit as per Z.R. §32-31 and §42-31.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE 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.

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

MINUTES

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Steven Sinacori, Howard Zipser, Jack Freeman, Peter Voletsky, Ethan Eldon, Mark Aanader and Susan Leonard.
For Opposition: Doris Diether, Zella Jones, Hayman Gross Ellen Peterson-Lewis, Thomas Cregan, Keith Crandell and Isabelle Fisher.

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

THE VOTE 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.

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Renu Shevade, Leonard Garces and others.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein, Jack Freeman and Ethan Eldon.

For Opposition: Angelina Eriquez and Francesca Randa.

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

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal and Doris Diether.

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

THE VOTE 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.

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance

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with regards to use regulations, and side and rear yards, and is contrary to Z.R. §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, aka 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

THE VOTE REOPEN HEARING -

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

Negative:0

THE VOTE 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.

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

33-02-BZ

APPLICANT - Miriam J. Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R. §23-44(a).

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential

buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES - None.

THE VOTE 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.

56-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed four story and cellar school (Use Group 3) located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Rabbi Berel Hecht and Jacob Unger.

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

THE VOTE 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.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

CORRECTIONS

CORRECTION

This resolution adopted on March 19, 2002, under Calendar No. 370-00-BZ and printed in Volume 86, Bulletin Nos. 12-13, is hereby corrected to read as follows:

370-01-BZ

CEQR # 02-BSA-078K

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §23-141, §23-47 and §23-461.
PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Captain Arthur Haven and John Scrofani, 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 14, 2001, acting on N.B. Application No. 301223423 reads:

"Proposed plans are contrary to ZR:23-141 in that they exceed the maximum permitted Floor Area Ratio of .5 and do not provide the minimum required Open Space Ratio of 150. Proposed plans are contrary to ZR:23-47 in that the proposed rear yard is less than 30 feet.

Proposed plans are contrary to ZR:23-461 in that the proposed side yards are less than the minimum 5 feet required on one side and 12 feet required on the combined sides."; 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 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor

Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §§ 23-141, 23-47 and § 23-461; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR to 1.07, decrease the Open Space Ratio to .50, reduce one side yard by from the required 5 feet to 3 feet 11 inches, and reduce the rear yard from the required 30 feet to 20 feet; and

WHEREAS, the applicant contends that the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, Community Board #14 has no objections and has approved this application; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §§ 23-141, 23-47 and § 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 27, 2001"- (7) sheets and "February 19, 2002"- (2) sheets; 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;

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

THAT a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, March 19, 2002.

CORRECTIONS

***The resolution has been corrected in that the portion of the Resolved which read: "THAT a new Certificate of Occupancy be obtained within one (1) year of this grant" now reads: "THAT a new Certificate of Occupancy be obtained within four (4) years of this grant". Corrected in Bulletin No. 17, Vol. 87, dated April 25, 2002.**

CORRECTION

This resolution adopted on March 19, 2002, under Calendar No. 362-01-BZ and printed in Volume 86, Bulletin Nos. 12-13, is hereby corrected to read as follows:

362-01-BZ

CEQR # 02-BSA-070M

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: James P. Power.

For Administration: Captain Arthur Haven and John Scrofani, 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 February 26, 2002 acting on Applic. No. 102020328 reads:

- “1) Proposed new building on a zoning lot located in C1-4 overlay and R8 zoning districts (the “subject Zoning Lot”) does not comply with the height and setback regulations of the Zoning Resolution section 33-431 along Amsterdam Ave. and Morningside Drive.

- 2) Proposed new building on the subject Zoning Lot does not provide the minimum distance between a residential building and any other building on the same Zoning Lot required by Zoning Resolution section 23-711.
- 3) Open area provided along a portion of the subject Zoning Lot’s southern side lot line does not have the minimum width required by Zoning Resolution section 33-25.”

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record* and laid over to March 19, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; and

WHEREAS, the applicant seeks to construct an 11-story, 121,982 square foot building with 8,410 square feet of retail use in a portion of the first floor and 113,345 square feet of school use on the first through eleventh floors; and

WHEREAS, the applicant states that the Zoning Lot lies partially within an R8 zoning district and partially in a C1-4 overlay district, and is located on the southeast corner of the intersection of Amsterdam Avenue and Morningside Drive, on a block bounded by Amsterdam, Morningside and West 121st Street; and

WHEREAS, the Zoning Lot is comprised of Lots 56 and 61 on Block 1963 and has a total lot area of 24,652 square feet; and

WHEREAS, the applicant represents that the Zoning Lot is irregularly shaped, with 155 feet 8 inches of frontage on the east side of Amsterdam Avenue and 200 feet of frontage on Morningside Drive; and

WHEREAS, evidence in the record indicates that the Lot 61 portion of the Zoning Lot is currently occupied by a 54-space parking lot used by affiliates of the school; and

WHEREAS, the applicants states that the Lot 56 portion of the Zoning Lot is currently occupied by a 6-story residential building, also owned by the university, which is currently under renovation and will contain 50 residential units upon completion used mainly for student housing; and

WHEREAS, the applicant contends that the existing building is underbuilt, and 20,840 square feet of unused

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development rights from Lot 56 would be incorporated into the Proposed Building; and

WHEREAS, the proposed building is 11 stories and 152 feet 8 inches tall with mechanical bulkheads rising 20 feet above the roof; and

WHEREAS, the applicant states that the proposed building maintains a continuous streetwall up to the 10th floor on Amsterdam Avenue and Morningside Drive, except for 32 feet 4 inches along the eastern end of the Morningside frontage, where the Proposed Building rises only 4 stories, and 30 feet along the southern end of the Amsterdam frontage, where the Proposed Building rises only 5 stories; and

WHEREAS, the applicant represents that the proposed building sets back 8 feet away from the Existing Building to the east along Morningside Drive and sets back 8 feet on the interior of the lot from the adjacent residential building to the south, 431 West 121st Street; and

WHEREAS, the applicant contends that the 8-foot distance from the existing Building, the 4-story height at the eastern end of the Morningside frontage, the interior lot setback from 431 West 121st Street, and the 5 story height at the southern end of Amsterdam frontage are all provided to ensure sufficient light and air for tenants of the two residential buildings; and

WHEREAS, the applicant has stated that although there are as yet no firm plans for the retail space, it is the school's policy to use ground floor retail space in its buildings to provide needed neighborhood services; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant denotes a steep downward slope on the site - 9 feet from the south to the north along Amsterdam Avenue and 4.5 feet from east to west on Morningside Drive that equates to the loss of one full floor that could have been built below the required setback; and

WHEREAS, the applicant's proposal would require to provide a reasonable height for the proposed building's lobby at the south end of the site and to provide a constant level for the second floor, 6 feet of additional height has been included at the 1st floor level; and

WHEREAS, the applicant represents that the existing building is significantly underbuilt, consumes a large amount of lot area relative to the floor area that it generates, and significantly reduces the footprint of a new development and the sufficiency of the floorplates for school use; and

WHEREAS, the applicant contends that the school requires floorplates large enough for classrooms, offices, and research space and with the proper size, location and adjacencies and these requirements cannot be met in the complying building because of the unique conditions of the zoning lot; and

WHEREAS, the applicant contends that if the existing building was not on the zoning lot, the school would have a very large footprint to work with, and could easily design a building that complies with the height, setback and minimum distance requirements; and

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

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, unique topographic conditions and the steep slope of the lot, there are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the applicant states that the proposed building is required to meet the school's programmatic needs the front height and setback variance is needed to provide the required floor area and adjacencies for the offices and research space; and

WHEREAS, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it inarguably contravenes public health, safety or welfare or creates a detriment to the character of the neighborhood; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building because of the unique conditions on the Zoning lot; and

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

WHEREAS, the applicant states that the neighborhood is primarily comprised of residential buildings, many of which have ground floor retail uses on the avenues as well as a large number of institutional buildings; and

WHEREAS, the applicant represents that the Proposed Building is contextual, as most buildings along Amsterdam Avenue between 118th and 122nd Streets rise to between 7 and 11 stories with uninterrupted streetwalls, without setback, up to the full height of their facades; and

WHEREAS, evidence in the record indicates that the surrounding buildings in the area are often organized into a number of blocks separated by narrow courtyards for light and ventilation, and are detailed with strong horizontal and vertical banding to provide a scale along the street; and

WHEREAS, the applicant maintains that the proposed project would not alter the neighborhood character, since the proposed project would be similar to those in the vicinity of the Zoning Lot; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, will not be visible or obstruct views from many cross street

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locations, will not alter the essential character of the neighborhood, that the addition is modest in size, and that the subject proposal will not adversely affect the nature of the area residence district; and

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received, March 12, 2002”-(28) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

***The resolution has been corrected to remove “the environmental proposed action”. Corrected in Bulletin No. 17, Vol. 87, dated April 25, 2002.**

Pasquale Pacifico, Executive Director.

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