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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 87, No. 29

July 25, 2002

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### DIRECTORY

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**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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| 107-02-BZ                | 298 Naughton Avenue, Staten Island                                     |
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# DOCKET

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New Case Filed Up to July 16, 2002

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**205-02-BZ** B.Q. 108-18 171<sup>st</sup> Place, westside, 175' south of 108<sup>th</sup> Avenue, Block 10254, Lot 15, Borough of Queens. Applic. #401372554. Proposed construction of a two story, one family dwelling, that does not provide the required side yards, is contrary to Z.R. §23-41.

**COMMUNITY BOARD #12Q**

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**206-02-BZ** B.Q. 166-03 21<sup>st</sup> Road, northeast corner of 166<sup>th</sup> Street, Block 5760, Lot 1, Borough of Queens. Alt.1 #401451479. Proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

**COMMUNITY BOARD #7Q**

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**207-02-BZ** B.BK. 2723 Avenue "P", northwest corner of Avenue "P" and East 28<sup>th</sup> Street, Block 7688, Lot 1, Borough of Brooklyn. Alt. #301361381. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b).

**COMMUNITY BOARD #15BK**

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**208-02-BZ** B.S.I. 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island. N.B. #500072155. Proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

**COMMUNITY BOARD #2SI**

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**209-02-BZ** B.BX. 2999 Third Avenue, west side, 121'-0" south of east 155<sup>th</sup> Street, Block 2376, Lot 51, Borough The Bronx. Applic. #200370641. The legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, requires a special permit from the Board as per Z.R. §32-31.

**COMMUNITY BOARD #1BX**

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**210-02-BZ** B.Q. 78-01 Myrtle Avenue, northeast corner of 78<sup>th</sup> Street, Block 3827, Lot 50, Borough of Queens. Applic. #401397010. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for floor area, lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §35-32, §23-141, §23-22 and §35-40.

**COMMUNITY BOARD #5Q**

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**211-02-BZ** B.Q. 78-03 Myrtle Avenue, between 78<sup>th</sup> and 79<sup>th</sup> Streets, (20' east of 78<sup>th</sup> Street), Block 3827, Lot 49, Borough of Queens. Applic. #401397877. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for floor area, lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §35-32, §23-141, §23-22 and §35-40.

**COMMUNITY BOARD #5Q**

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**212-02-BZ** B.Q. 78-05 Myrtle Avenue, between 78<sup>th</sup> and 79<sup>th</sup> Streets, (39.15' east of 78<sup>th</sup> Street), Block 3827, Lot 48, Borough of Queens. Applic. #401397886. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-22 and §35-40.

**COMMUNITY BOARD #5Q**

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**213-02-BZ** B.Q. 78-07 Myrtle Avenue, between 78<sup>th</sup> and 79<sup>th</sup> Streets, (58.30' east of 78<sup>th</sup> Street), Block 3827, Lot 47, Borough of Queens. Applic. #401397895. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-22 and §35-40.

**COMMUNITY BOARD #5Q**

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# DOCKET

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**214-02-BZ**            B.BK.            55 Berry Street,  
site fronts both North 11<sup>th</sup> and Berry Streets, Block  
2297, Lot 5, Borough of Brooklyn. N.B.  
#301293570. Proposed conversion of a light  
manufacturing building, to residential use, Use Group  
2, located in an M1-2 zoning district, is contrary to  
§42-00.

**COMMUNITY BOARD 1BK**

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**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.**

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# CALENDAR

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**SEPTEMBER 10, 2002, 10:00 A.M.**

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

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**SPECIAL ORDER CALENDAR**  
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**135-67-BZ**

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.  
SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.  
PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.  
**COMMUNITY BOARD #18BK**

**739-76-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.  
SUBJECT - Application April 6, 2001 - reopening for an extension of term of variance which expired April 10, 2001.  
PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.  
**COMMUNITY BOARD #1Q**

**199-97-BZ**

APPLICANT - Sheldon Lobel, P.C., for Jancor Inc., owner.  
SUBJECT - Application June 26, 2002 - reopening for an extension of time to complete construction which expired May 27, 2002.  
PREMISES AFFECTED - 130-138 Horace Harding Expressway, south side of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

**47-99-BZ**

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.  
SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.  
PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.  
**COMMUNITY BOARD #2S.I.**

**295-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.  
SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.  
PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.  
**COMMUNITY BOARD #12BK**

**SEPTEMBER 10, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, September 10, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**  
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**68-02-BZ**

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.  
SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit the proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.  
PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.  
**COMMUNITY BOARD #9Q**

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# CALENDAR

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## **69-02-A**

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.

SUBJECT - Application February 22, 2002 - Proposed community facility, (substance abuse treatment center), located within the bed of a mapped street, is Section 35 of the General City Law.

PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.

**COMMUNITY BOARD #9Q**

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## **103-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21, to permit the proposed enlargement of an existing two story and cellar community facility, Use Group 4, by the addition of a second story within the existing envelope in the rear yard, located in an R6 zoning district, is contrary to Z.R. §24-36.

PREMISES AFFECTED - 1516 East 24th Street, 105' south of Avenue "O", between Avenue "O" and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

**COMMUNITY BOARD #14**

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## **108-02-BZ**

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

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #12M**

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## **109-02-BZ**

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

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R6 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx.

**COMMUNITY BOARD #10BX**

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## **143-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Vivian Stok, owner.

SUBJECT - Application May 3, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area and side and rear yards is contrary to §23-141 §23-461 and §23-47.

PREMISES AFFECTED - 3468 Bedford Avenue, 350' north of Avenue "N", between Avenues "M and N", Block 7660, Lot 66, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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## **158-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Torah Academy for Girls (The Bais Yaakov of Long Island), owner.

SUBJECT - Application May 15, 2002 - under Z.R. §72-21, to permit the proposed enlargement to an existing community facility (yeshiva), Use Group 3, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, side, front and rear yards, also height and setback, is contrary to Z.R. §24-11, §24-35, §24-34, §24-382 and §24-521.

PREMISES AFFECTED - 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15591, Lot 1, Borough of Queens.

**COMMUNITY BOARD #14Q**

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*Pasquale Pacifico, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, JULY 16, 2002  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 11, 2002, were approved as printed in the Bulletin of June 20, 2002, Volume 87, No. 25.

**SPECIAL ORDER CALENDAR**

**45-90-BZ**

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES -

For Applicant: John Ronan.

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

**THE VOTE TO GRANT** -

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

Negative:.....0

Absent: Vice-Chair Babbar.....1

Abstain: Commissioner Miele.....1

**THE RESOLUTION** -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on December 4, 2001, after due notice by publication in *The City Record*, laid over for continued hearing to January 15, 2002, February 26, 2002, March 26, 2002, May 7, 2002, June 18, 2002 and then to July 16, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the enlargement of the existing building by increasing the floor area for the convenience store on the first floor and increasing the storage and office space on the second floor.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 25, 1992, amended through January 14, 1997 so that as amended this portion of the resolution shall read:

“resolution to permit the enlargement of the existing building by increasing the floor area for the convenience store on the first floor and increasing the storage and office space on the second floor; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received June 4, 2002”-(8) sheets and “June 13, 2002”-(1) sheet; and on further condition

THAT the second floor shall only be used for storage and accessory use for the employees;

THAT there shall be no public access to the second floor;

THAT there shall be no conversion of the second floor to commercial use in the future;

THAT there shall be no parking on the sidewalk;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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.” (DOB. No. 301192091)

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

**200-24-BZ**

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

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# MINUTES

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## COMMUNITY BOARD #7BX

### APPEARANCES -

For Applicant: Stephen Ely.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

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## 16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

## COMMUNITY BOARD #9BX

### APPEARANCES -

For Applicant: Hiram A. Rothkrug.

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

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## 915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

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

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

## COMMUNITY BOARD #1Q

### APPEARANCES -

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Laid over to October 1, 2002, at 10 A.M., for continued hearing.

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## 657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

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## 118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

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

## COMMUNITY BOARD #12Q

APPEARANCES - None.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4  
Negative: .....0

A b s t a i n : C o m m i s s i o n e r  
Miele.....1

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

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## 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 August 6, 2002, at 10 A.M., for continued hearing.

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## 545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road

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a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

**COMMUNITY BOARD #11BX**

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

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**641-59-BZ**

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES -

For Applicant: Kenneth H. Koons.

**ACTION OF THE BOARD** - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

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**271-90-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

**COMMUNITY BOARD #2Q**

APPEARANCES -

For Applicant: Hiram Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

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**16-99-BZ**

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

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

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

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**300-01-A**

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

Abstain: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 3, 2001 acting NB. Application No. 500484772 reads:

“A1- Proposed construction of paved parking area and related facilities within the bed of a mapped street is contrary to Section 35 of the General City Law.”; and

WHEREAS, the applicant proposes construction of a paved parking area and related facility for a one-story retail building, located within the bed of a mapped street; and

WHEREAS, by letter dated January 31, 2002, the Department of City Planning has reviewed the above project

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and has no objections; and

WHEREAS, by the letter dated June 11, 2002, Department of the Transportation has reviewed the above project and has no objections, provided "RIGHT TURN ONLY" regulatory traffic sign be installed on the curb cut along Amboy Road; and

WHEREAS, by letter dated January 15, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections, provided there remains a 15'4" clearance from the sewer on the site and an easement is constructed along the existing 8" diameter sanitary sewer; 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 October 3, 2001 acting NB. Application No. 5004847728, is modified under the power vested in the Board by §35 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 March 1, 2002"- (1) sheet; and on further condition

THAT a no "RIGHT TURN ONLY" regulatory traffic sign be installed on the curb cut along Amboy Road; and

THAT a 15'4" clearance from the sewer shall be maintained on the site and an easement shall be constructed along the existing 8" diameter sanitary sewer in compliance with DEP requests; and

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

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, July 16, 2002.

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## 89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject

lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

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## 90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, southside, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Josef Friedman.

**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

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## 94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Miro C. Stracar, Arthur Lighthall and Edward Carr.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

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**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 12:00 P.M.

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

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

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**ZONING CALENDAR**

**235-01-BZ**

**CEQR #02-BSA-004K**

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21<sup>st</sup> Street, a/k/a 2882 West 20<sup>th</sup> Street, northwest corner of West 20<sup>th</sup> Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application Denied.

**THE VOTE TO GRANT** -

Affirmative: Vice-Chair Babbar and Commissioner Caliendo.....2

Negative: Chairman Chin and Commissioner Korbey.....2

Abstain: Commissioner Miele.....1

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2001 acting on Application No. 301162328 reads:

“PROPOSED FUNERAL ESTABLISHMENT, USE GROUP 7, IN A C1-2/R5 DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS & APPEALS.”

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record* and laid over to February 5, 2002 and March 19, 2002 and then to May 7, 2002 for decision when it was re-opened and laid over for continued hearing to June 11, 2002 and then to July 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit, under Z.R. §73-27 to permit, in a C1-2 and R5 zoning district, the proposed construction of a one-story funeral establishment (Use Group 7); and

WHEREAS, by letter dated October 25, 2001, Community Board #13 has recommended the denial of this application with a vote of 33-1, with one recused; and

WHEREAS, the subject premises consist of corner lot with a total area of 26,503 square feet on a vacant parcel consisting of eleven tax lots and a portion of one addition tax lot (lot #38); and

WHEREAS, this application entails the proposed amalgamation of these separate tax lots into a single tax lot (lot #42); and

WHEREAS, the proposed funeral establishment would have a total floor area of 5,316 sq. ft., with a first floor containing four chapels, the largest of which would be approximately 800 square feet, as well as offices, an embalming room and storage; and

WHEREAS, the applicant states that a total of 35 off-street parking spaces would be provided; and

WHEREAS, as per §73-27 (a), the Board may permit funeral establishments in a C1 or C4 district provided that there are serious difficulties in locating such use where it is allowed as-of-right where it could serve the needs of its prospective clientele; and

WHEREAS, the applicant claims that Coney Island is a geographically segregated area, with limited availability of zones in which the proposed funeral establishment would be a permitted use, and that Mermaid Avenue is the principal commercial strip, with the street frontage predominantly zoned C1-2; and

WHEREAS, through numerous submissions made to the Board, several community-based organizations and individual residents have provided documentation of vacant

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parcels of land within nearby districts where the funeral establishment could be located as-of-right; and

WHEREAS, the applicant contends that none of the aforementioned parcels of land are attainable or viable for the proposed use; and

WHEREAS, however, based upon evidence in the record, repeated neighborhood visits, and testimony during hearings, the Board remains unconvinced that there are serious difficulties in locating such use in a nearby district where it is permitted as-of-right; and

WHEREAS, therefore, the Board finds that the applicant's proposal does not meet requirements of §73-27 (a); and

WHEREAS, as per §73-03 (a), the Board may grant a Special Permit provided that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived by the community by the grant of such special permit; and

WHEREAS, evidence in the record indicates that the neighborhood is dominated by a mixture of locally-oriented commercial uses and low-density residential uses; and

WHEREAS, to the immediate rear of the subject site, there exists a number of one and two-family residential dwellings; and

WHEREAS, the record indicates that a large number of the affected property and elected representatives owners have animatedly and exhaustively expressed their opposition to the subject proposal; and

WHEREAS, a number of the affected property owners have conveyed that they have made major investments in the residential revitalization of the Coney Island area, and that the proposed funeral establishment would incline the current nearby residents to relocate and would discourage further residential and commercial developments in the area; and

WHEREAS, the Board can reasonably conclude from evidence in the record, testimony from affected property owners, and overwhelming opposition from Community Board #13, that the use of this particular site for a funeral establishment is a disadvantage to the community at large and cannot be outweighed by the advantages to be derived by the community from the grant of this special permit; and

WHEREAS, the Board finds that the proposed funeral establishment application fails to meet the requirements of §73-27 (a) and §73-03 (a) and thus it must be denied.

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

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

## **393-01-BZ**

### **CEQR #02-BSA-095R**

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee. SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1 and partially within an (R3-2)(SRD) zoning district.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

### **COMMUNITY BOARD #3S.I.**

#### APPEARANCES -

For Applicant: Hiram A. Rothkrug.

**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

Abstain: Commissioner Miele.....1

#### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 15, 2001, acting on Application No. 500496377 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in *The City Record* and then to July 16, 2002 for decision; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this 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-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1/R3-2 and partially within an (R3-2)(SRD) zoning district; and

WHEREAS, the subject site is a mid-block zoning lot, with approximately 155.05' of frontage along Amboy Road by 400' in depth totaling approximately 61,600 square feet; and

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WHEREAS, the subject retail/commercial center also contains a one-story and cellar building of 13,500 square feet currently occupied by several commercial tenants; and

WHEREAS, the applicant represents that the subject lot contains an on-site accessory parking lot for 100 cars; and

WHEREAS, the applicant has provided documentation indicating that massages will be preformed by licensed massage therapists; and

WHEREAS, the record indicates that the subject physical culture establishment occupies 725.75 square feet on the first floor containing the entrance, a reception area, the cellar area contains approximately 8,366 square feet (which the applicant notes is exempt from zoning computations), containing men's and women's locker rooms, facilities for aerobic, cardio-vascular and weight training and a child care area; and

WHEREAS, the record indicates that the facility is equipped with an automatic wet sprinkler system and Fire Alarm system with both systems connected to a Fire Department approved central station and the use provides access to people with disabilities; 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. §§73-03 and 73-36; and

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

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

WHEREAS, the Board finds that the instant application is consistent with New York City's Waterfront Revitalization program; 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 Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1 and partially within an (R3-2)(SRD) 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 April 9, 2002"-(2) sheets and "July 8, 2002"-(2) sheets; and *on further condition*;

THAT the term of this special permit shall be limited to nine (9) years from the date of this grant;

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 wet sprinkler and smoke detection system connected to a Fire Department-approved central station, shall be maintained in accordance with the BSA-approved plans;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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

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

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

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

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

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## 397-01-BZ

### CEQR #02-BSA-98Q

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

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10.

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

### COMMUNITY BOARD #1Q

#### APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition.

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

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Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

## THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated December 12, 2001, acting on Alt. Application No. 401124591 reads:

“1.–BSA APPROVAL REQUIRED TO CHANGE CURRENT USE FROM WHICH WAS APPROVED UNDER BZ 334-66.”; and

WHEREAS, a public hearing was held on this application on March 15, 2002 after due notice by publication in *The City Record* and laid over to April 9, 2002, May 14, 2002, June 11, 2002 and then to July 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 R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility (Use Group 16), into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10 ; and

WHEREAS, the subject lot is 2,430 square feet in area, with approximately a 35’ frontage along Newtown Avenue, improved with a one story and mezzanine masonry building containing a total floor area of 2,698 square feet; and

WHEREAS, the current Certificate of Occupancy issued in 1967 lists occupancy of the cellar for “storage of auto supplies, the first floor for storage, display and sales of auto supplies” and the Mezzanine for the storage of automobile supplies; and

WHEREAS, the applicant represents, that, although the subject site is zoned residential, the surrounding area is substantially commercial with some residential mixed in, because 31<sup>st</sup> Street is a major thoroughfare with a major north south commercial strip running through it ; and

WHEREAS, immediately west of the property a two-story structure housing a retail use on the ground floor and an office use on the second floor, occupies the corner of Newton Avenue and 31<sup>st</sup> Street; and

WHEREAS, immediately east of the subject property sits a large eating and drinking establishment; and

WHEREAS, the Board notes that in 1966, based on the irregular shape of the lot and “limitations” imposed by bulk regulations and the commercial nature of the surrounding area, the subject building was granted a variance allowing the construction of a one-story masonry building to be used for the display and sales of auto supplies ; and

WHEREAS, the applicant represents that due to

changes to the area, the current owner, leased the entire property to an upscale lounge/restaurant establishment; and WHEREAS, the applicant also represents that although the plan examiner for the Department of Buildings raised the former Board action as an objection, the Borough Commissioner approved the plans and issued a work permit; and

WHEREAS, therefore, the aforementioned conditions and its history of development as a commercial space for more than 25 years creates an undue hardship in the development of this site with a conforming residential development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, as noted above the properties surrounding the subject building on Newton Avenue are substantially commercial; and

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future 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, therefore, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative 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 in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “July 2, 2002- (1) sheet and “July 12, 2002”, - (1) sheet”; and *on further condition*;

THAT the hours of operation shall be limited to 9:00 A.M. to 3:00 A.M.; and

THAT there shall be no loitering or queuing of patrons

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outside the premises;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant:

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

THAT in response to Fire Department concerns, the applicant shall provide and maintain:

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 including required light, ventilation, and egress from the cellar and first floor under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT a new Certificate of Occupancy be obtained within two (2) years of this grant;

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

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

## 19-02-BZ

### CEQR #02-BSA-112R

APPLICANT - Hiram A. Rothkrug, EPDSO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

### COMMUNITY BOARD #3S.I.

#### APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

Abstain: Commissioner Miele.....1

#### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2002, acting on Application No. 500507515 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in *The City Record* and laid over to July 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within an M1-1(SRD) zoning district; and

WHEREAS, the subject zoning lot contains approximately 402' of frontage along Amboy Road by 276' in depth totaling approximately 145,753 square feet; and

WHEREAS, the subject retail/commercial center also contains a one-story building of 55,000 square feet currently occupied by several commercial tenants; and

WHEREAS, the applicant represents that the subject lot contains an on-site accessory parking lot for 180 cars; and

WHEREAS, the applicant has provided documentation indicating that massages will be preformed by licensed massage therapists; and

WHEREAS, the record indicates that the subject physical culture establishment occupies 12,415 square feet on the first floor containing the entrance, a reception area, the cellar area contains approximately 8,366 square feet (which the applicant notes is exempt from zoning computations), containing men's and women's locker rooms, facilities for aerobic, cardio-vascular and weight training, a child care area and medical and training offices; and

WHEREAS, the record indicates that the facility is equipped with an automatic wet sprinkler system and Fire Alarm system with both systems connected to a Fire Department approved central station and the use provides access to people with disabilities; and

WHEREAS, the record indicates that the facility is

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managed by ten full and part-time employees, operating Monday to Friday 5:00 A.M. to 11:00 P.M., Saturday 8:00 A.M. to 8:00 P.M., Sunday 8:00 A.M. to 6:00 P.M. and has existed since 199; 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. §§73-03 and 73-36; and

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

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

WHEREAS, the Board finds that the instant application is consistent with New York City's Waterfront Revitalization program; 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 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within an M1-1(SRD) 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 January 7, 2002"-(1) sheet, "February 25, 2002"-(3) sheets, and "July 8, 2002"-(1) sheet; and *on further condition*;

THAT the term of this special permit shall be limited to eight (8) years from the date of this grant; and

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 a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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

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

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

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

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

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

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## 250-01-BZ

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

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

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

## COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Grace Lawrence.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

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## 265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

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SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

## **COMMUNITY BOARD #10Q**

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

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## **281-01-BZ**

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

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

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

## **COMMUNITY BOARD #5BX**

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 2 P.M., for deferred decision.

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## **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**

APPEARANCES -

For Applicant: Ellen Hay.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

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## **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**

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 2 P.M., for postponed hearing.

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## **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

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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**

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

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**405-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik and Sol Seidman.

For Opposition: Chester P. Lustgarten.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

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**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**

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 23, 2002, at 2 P.M., for decision, hearing closed.

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**71-02-BZ**

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Raymond Levin, Richard Gluckman and Jack Freeman.

For Opposition: Doris Diether, Community Board #2; Lora Tenenbaum, Walter Chatham, Elizabeth Thompson, Barry Mallin, Greg Peter, Joshua Simons, David Fowler, Gene Thompson, Andreas Agas, Emily Hellstrom and others.

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For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

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## 74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23<sup>rd</sup> Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

### COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Lyra Altman, Warren Meister, Ben Lifshitz and Phyllis Lifshitz.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

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## 107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Leonard Rampulla.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

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## 110-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b) , §23-461(a) and §23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 5:25 P.M.

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