
BULLETIN

OF THE
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AND APPEALS

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August 22, 2002

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222-02-BZ B.BK. 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn. Applic.#301377169. Proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, is contrary to Z.R.§23-141b, §23-22 and §25-23.

COMMUNITY BOARD #15BK

223-02-BZ B.M. 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan. Applic.#102820066. The legalization of of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, is contrary to Z.R. §23-142 and §54-31.

COMMUNITY BOARD #7M

224-02-A B.M. 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan. App #102820066. The legalization of an existing rental apartment in the cellar of a six story building, which does not comply with §§34.6 and 216 of the Multiple Dwelling Law and §§27-2082 and 27-2085 of the Housing Maintenance Code.

225-02-BZ B.BK. 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn. N.B.#Applic.301281752. The legalization of an existing retail drugstore, Use Group 6, in which a small portion is located in the residential portion of the split lot, is contrary to Z.R. §76-131.

COMMUNITY BOARD #6BK

226-02-BZ B.M. 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan. Applic.#103185964. Proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

COMMUNITY BOARD #6M

227-02-BZ B.BX. 527 East 233rd Street aka 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx. Applic.#200739503. Proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

COMMUNITY BOARD #12BX

228-02-A B.Q. 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens. Applic.#401506884. Proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, is contrary to Article 3, Sections 35 and 36 of the General City Law.

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

CALENDAR

OCTOBER 8, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 8, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1237-66-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, THE BRONX.

COMMUNITY BOARD #12BX

237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

SUBJECT - Application June 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

OCTOBER 8, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 8, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

216-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Thomas Concannon, lessee.

SUBJECT - Application July 25, 2002 - proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

OCTOBER 8, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 8, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of

CALENDAR

Staten Island.

COMMUNITY BOARD #2S.I.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice Clemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street aka 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx.

COMMUNITY BOARD #12BX

76-02-BZ/77-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

Pasquale Pacifico, Executive Director

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 13, 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, July 16, 2002, were approved as printed in the Bulletin of July 25, 2002, Volume 87, No. 29.

SPECIAL ORDER CALENDAR

607-51-BZ

APPLICANT - Vassalotti Associates, Architects, for Phillips Petroleum

SUBJECT - Application May 14, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired July 14, 1999.

PREMISES AFFECTED - 161-01 Union Turnpike, northwest corner of 162nd Street and Union Turnpike, Block 6831, Lot 118, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on July 14, 1999; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in The City Record, and laid over to August 13, 2002 for decision.

Resolved, that the Board of Standards and Appeals

reopens and amends the resolution, permitting a gasoline service station with accessory uses, adopted on March 4, 1952, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twelve (12) months from the date of this grant and on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, August 13, 2002.

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD -Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested are-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in The City Record, laid over for continued hearing to July 23, 2002 and then to August 13, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution, permitting construction of a mixed use building with commercial and community facility uses, to reflect minor changes in the previously approved plans; and

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WHEREAS, the proposed alterations include an increase in the height of the 12th Floor from 12' to 16', the elimination of the elevator to the sub-cellar and its replacement with a handicapped lift, the increase in the building height from 143' to 152'6", the increase in the first floor height from 13'6" to 14'2", the increase in the height of the second floor parking from 11' to 12', the increase in the height of the cellar level to 13'10", the increase in the sub-cellar height to 12', the elimination of the atrium, the relocation of four elevators from the eastern and western side of the building to the southern side of the building, and the relocation of the car lift from the western side of the building to the eastern side, and relocation of the loading dock from the eastern side of the building to the western side.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on December 19, 2000, pursuant to Z.R. §§72-01 and 72-22, so that as amended this portion of the resolution shall read:

"To permit an increase in the height of the 12th Floor from 12' to 16', the elimination of the elevator to the sub-cellar and its replacement with a handicapped lift, the increase in the building height from 143' to 152'6", the increase in the first floor height from 13'6" to 14'2", the increase in the height of the second floor parking from 11' to 12', the increase in the height of the cellar level to 13'10", the increase in the sub-cellar height to 12', the elimination of the atrium, the relocation of four elevators from the eastern and western side of the building to the southern side of the building, and the relocation of the car lift from the western side of the building to the eastern side, and relocation of the loading dock from the eastern side of the building to the western side; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 16, 2002"-(19) 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; 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. 301275386)

Adopted by the Board of Standards and Appeals, August 13, 2002.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Amit Itshiah and Lorin Lewis.

For Opposition: Gary N. Rawlins and Jeannette Rauslins.

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

624-68-BZ

APPLICANT-Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #CB11

APPEARANCES -

For Applicant: Adam Rothkrug.

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

87-94-BZ

APPLICANT - Martyn & Don Weston Architects, for Czech Republic, owner.

SUBJECT - Application April 9, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 12, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side 250' west of 1st Avenue, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Don Weston.

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 September

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

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.

PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

280-01-BZ

APPLICANT - Howard A. Zipser, Esq of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan Transport Authority, S & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

APPEARANCES -

For Applicant: Howard Hornstein and Costas Kondylis.

For Opposition: Hugh McGlincy and Keelan Noble.

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 September 24, 2002, at 10 A.M., for decision, hearing closed.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 22, 2002 acting on ALT 1. Application No. 401425800, reads:

"1. Proposal to enlarge the existing first floor , construct a new second floor addition and install a new septic system in connection with a home which lies within an R4 zoning district but which does not front on a mapped street (Seabreeze Walk) and simultaneously lies within the bed of a street that is mapped (Rockaway Point Blvd.) is contrary to Article 3, Sections 36(2) and 35 of the General City Law respectively and contrary to Section 27-291 of the Building Code and must , therefore, be referred back to the Board of standards and Appeals for approval."; and

WHEREAS, by the letter dated May 7, 2002, the Department of Transportation has reviewed the above project and has no objections provided that the septic system does encroach into the City owned portion of Rockaway Point Boulevard; and

WHEREAS, in response to the Department of Transportation's request the applicant has rearranged the septic system so that no portion encroaches into the City owned portion of Rockaway Point Boulevard; and

WHEREAS, by letter dated May 20, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 19, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated March 22, 2002, acting on ALT 1. Application No. 401425800, is modified under the power vested in the Board by § 35 & § 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 August 5 , 2002"-(1) sheet; and that the proposal

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comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, August 13, 2002

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 and Arthur Lighthall.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT-

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2002, acting on Application Nos. 401298582 & 401238148, reads:

“(1) THE SITE AND BUILDING ARE NOT FRONTING ON AN OFFICIAL MAPPED STREET AND ARE CONTRARY TO ARTICLE 3, SECTION 36 OF THE GENERAL CITY LAW, ADDITIONALLY, THE BUILDING IS CONTRARY TO SECTION 27-291 OF THE NEW YORK CITY BUILDING CODE SINCE IT DOES NOT HAVE AT LEAST 8% OF THE TOTAL PERIMETER OF THE BUILDING FRONTING

DIRECTLY UPON LEGALLY MAPPED STREET OR FRONTAGE SPACE.

2) PROPOSED REAR YARD IS CONTRARY TO THE ZONING RESOLUTION 23-47”; and

WHEREAS, by the letter dated May 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the record indicates that the subject house is part of an existing development, located entirely within the boundaries of the Zoning Lot 400, Block 16355, and is entirely under the ownership of the Breezy Point Cooperative; and

WHEREAS, the applicant contends and the Board agrees that the only zoning limitations applicable for the subject lot are the Maximum Floor Area Ratio, Maximum Lot Coverage, Minimum Open Space and Permissible Lot area per Dwelling Density, which the Board finds, the proposed alteration complies with; and

WHEREAS, the instant application seeks to enlarge the existing structure by erecting a cellar and a second story; and

WHEREAS, the record indicates that the existing first floor setback remains as originally accepted between individual houses within the development and that the Breezy Point Cooperative, Inc.; and

WHEREAS, the aforementioned cooperative limits any enlargement within 6 feet from the existing building wall located at the particular walk; and

WHEREAS, the Board notes that the history of development in Breezy Point indicates that voluminous applications have received Article 3, Section 36 of the General City Law objections without rear yard objections; and

WHEREAS, the Board notes that unlike a proposed development, the subject appeal is for an existing home; and

WHEREAS, Z.R. §23-47 governs minimum required rear yards in R1, R2, R3, and R4 zoning districts; and

WHEREAS, the record indicates that since all houses in the Breezy Point Cooperative Development are within the same large zoning lot and the subject building does not abut a zoning lot line, the Board finds, that the appellant cannot and need not comply with Z.R. § 23-47 because a rear yard must be measured for a zoning lot line; and

WHEREAS, the Board notes there are unique circumstances concerning the history of development and the existing conditions within the Breezy Point Cooperative that merit the relief granted with regard to '23-47; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated March 27, 2002, acting on

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Application Nos. 401298582 & 401238148, objections #1, is modified under the power vested in the Board by §36 of the General City Law, Objection #2 is reversed, 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 2, 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 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, August 13, 2002.

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: John Scrofani, Fire Department.

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

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, south side, 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 September 10, 2002, at 11 A.M., for continued hearing.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: S. Scott Mason, Department of Buildings and Julia Marx.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 11 A.M., for continued hearing.

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Joseph Raia

For Administration: 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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159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.
OWNER OF PREMISES: Sucuri Palevic.
SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.
PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.
COMMUNITY BOARD #1S.I.
APPEARANCES - None.

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

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.
SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

APPEARANCES -
For Applicant: Gary Lenhart and Arthur C. Lighthall.
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 September 10, 2002, at 11 A.M., for decision, hearing closed.

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.
SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 24 Gotham Walk, west side, 135'

north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q
APPEARANCES -
For Applicant: John Ronan.
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 September 10, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:10 P.M.

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 13, 2002
2:00 P.M.

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

ZONING CALENDAR

288-01-BZ

APPLICANT - Peter J. Mugavero, R.A., A.I.A., for Frank Casamento, owner; DBA CG & C Prime Meat, lessee.
SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit, in an R5 zoning district, the proposed second story vertical addition to an existing one-story masonry retail establishment, Use Group 6, which is contrary to Z.R. §53-31.
PREMISES AFFECTED - 8008/10 18th Avenue, west side, 51'-9" south of 80th Street, Block 6284, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #11BK
APPEARANCES -
For Applicant: Alfio J. Cali.
For Administration: Captain Mike 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, Commissioner Caliendo and
Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated November 16, 2001, acting on ALT.
I Application No. 301266243 reads:

"Proposed second floor extension is an increase to the
existing non-conforming commercial use in a
Residence District. Z.R. 54-31."; and

WHEREAS, a public hearing was held on this
application on July 23, 2002 after due notice by publication
in The City Record, laid over to August 13, 2002 for
decision; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Commissioner
Mitchell Korbey and Commissioner Joel Miele Sr., P.E.;
and

WHEREAS, this is an application under Z.R. §72-21,
to permit, in an R5 zoning district, the proposed second
story vertical addition to an existing one-story masonry
retail establishment, Use Group 6, which is contrary to Z.R.
§53-31; and

WHEREAS, the subject lot is 4,773.75 square feet in
area and is developed with a one-story brick building,
4,520.43 square feet in area; and

WHEREAS, the applicant represents that the existing
building has been at this site for over eighty years, and the
current owner purchased this property in 1980 to develop
a specialty food store; and

WHEREAS, the applicant seeks the enlargement of the
existing retail store by constructing a second story, which
will include the relocated kitchen from the first floor, staff
offices, staff preparation area and staff locker rooms with
toilet facilities; and

WHEREAS, the applicant states that the current
building has a retail area, kitchen area and meat department,
all of which are too small to meet the demands of the
burgeoning population and customer base in the area; and

WHEREAS, the applicant further represents that the
owner had unsuccessfully searched for a larger site within
the neighborhood to relocate, and has determined that an
enlargement to the existing building is necessary to ensure
the survival of the business; and

WHEREAS, based upon evidence in the record and
testimony provided, the Board finds that the proposed
addition of a second story will enable the existing facility
to maintain its economic viability and retail
competitiveness; and

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

WHEREAS, the record indicates that the subject
premises is located on a highly commercial street, despite
its R5 zoning designation; and

WHEREAS, the applicant indicates that the proposed
vertical enlargement will be designed to blend in
aesthetically with neighboring buildings; and

WHEREAS, the record indicates that there will not be
an increase in the number of persons, staff or patrons,
occupying the building and therefore there will be no
additional traffic or pedestrian traffic created; and

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

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

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

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

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

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

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 R5 zoning district, the proposed second story vertical
addition to an existing one-story masonry retail
establishment, Use Group 6, which is contrary to Z.R.
§53-31, on condition that all work shall substantially
conform to drawings as they apply to the objections above
noted, filed with this application marked "Received April
25, 2002"-(5) sheets and "July 30, 2002"-(2) sheets; and on
further condition;

THAT any change in use shall be referred back to the
Board;

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

THAT the above conditions shall appear in 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

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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, August 13, 2002.

18-02-BZ

APPLICANT- Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT- Application January 7, 2002 - under Z.R. §§ 11-412 & 11-413 to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubritorium and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II).

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 1, 2000 acting on ALT. Application No. 401042732 reads:

"Proposed automobile laundry (car wash) use group 16 not permitted as-of-right in a R5 zoning district."; 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, 2002 and then to August 13, 2002 for decision; and

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

Mitchell Korbey and Commissioner Joel Miele Sr., P.E.; and

WHEREAS, this is an application under Z.R. §11-412 and 11-413, on a site previously before the Board, to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubritorium and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II); and

WHEREAS, in 1957, under Calendar Number 652-54-BZ (Vol. II, the Board permitted for a term of 15, years, in a former residence and business use district, that is presently zoned R5, the erection and maintenance of a gasoline service station, lubritorium, and minor automotive repair facility; and

WHEREAS, the subject site previously housed twelve (12) gasoline storage tanks which received prior Board and Fire Department approval and Certificate of Occupancy # 163580 from the Department of Buildings; and

WHEREAS, the record indicates that the twelve (12) 550-gallon gasoline tanks were removed from the site on June 8, 1989 in accordance with Federal and State guidelines; and

WHEREAS, the applicant represents that prior to the instant proposal the site had undergone substantial excavation and ground disturbance, and that since the subject carwash will be erected within the footprint of the existing automobile repair building and tank field, it would not require or cause any new ground disturbance to occur; and

WHEREAS, the Board's environmental analysis has revealed no foreseeable significant environmental impacts: and

WHEREAS, therefore, the Board finds that the past excavations and ground disturbance has eliminated the potential for the recovery of archaeological significant remains; and

WHEREAS, the record indicates that the only change to the operations of the site from its original approval was that, pursuant to federal regulations, the operator removed all in-ground gasoline storage tanks: and

WHEREAS, the record indicates that the automotive service/repair/lubritorium has been continuous since 1957; and

WHEREAS, the record indicates that the subject premises is a large rectangular parcel located on the southeasterly corner of Flatlands Avenue and East 87th Street, with its primary access and orientation on Flatlands Avenue a 100' wide busy commercial thoroughfare, containing two-way traffic and six lanes; and

WHEREAS, the application seeks to alter and modernize the subject premises and change the primary use to auto laundry, detailing and lubritorium with accessory

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sales (Use Groups 16B & 16E); and

WHEREAS, the proposal will also provide Queuing/Reservoir space for twenty (20) vehicles per washing lane (10 spaces on approach and 10 spaces in the drying area) which the applicant notes is double the standard provided in section 32-25 of the zoning resolution, which the Board finds should ease congestion at the site; and

WHEREAS, the proposal will also provide accessory parking for five vehicles, located adjacent to the accessory sales portion of the altered premises; and

WHEREAS, the record indicates that the instant proposal does not increase the size of the subject zoning lot and that all activity is contained on the zoning lot originally approved by the Board; and

WHEREAS, the applicant represents and the Board agrees, that pursuant to Z.R.§52-332, in Residence Districts, a non-conforming use listed in Use Group 16 may be changed to another U.G. 16 use; and

WHEREAS, the record indicates that the proposed change from the previously approved automotive service establishment with accessory sales and lubrication (Use Group 16 E and B) use will not impair the essential character or future use of development of the area because the essential character of the area within the vicinity of Flatlands Avenue is more commercial than residential; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §§11-412 and 11-413 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. §§11-412 and 11-413 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubrication and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II); on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August

13, 2002" -(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on August 13, 2012;

THAT there shall be no cars parking on or obstructing the sidewalk;

THAT the hours of operation shall be limited to Monday-Thursday 7:00 A.M.- 8:00 P.M., Friday-Saturday 7:00 A.M.- 9:00 P.M., and Sunday 9:00 A.M.- 6:00 P.M.;

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

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

THAT the premises shall be kept graffiti-free;

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

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

THAT the above conditions shall appear in 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, August 13, 2002.

27-02-BZ

CEQR#02-BSA-115M

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman and Doris Diether, Community Board #2.

For Opposition: Stuart Klein.

ACTION OF THE BOARD -Application dismissed for lack of prosecution.

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THE VOTE TO DISMISS -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, August 13, 2002.

46-02-BZ

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

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and lot coverage requirements of Z.R. §§101-133.

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

COMMUNITY BOARD #2BK

APPEARANCES -

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

ACTION OF THE BOARD - Application granted on condition.

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

THE VOTE TO GRANT -

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

Negative:.....0

Not Voting: Commissioner Korbey1

THE RESOLUTION -

WHEREAS, the decision of the Borough

Commissioner, dated February 5, 2002, acting on Application No. 301246729, reads:

“The proposed dormitory building (Use Group 3) to be located within a C5-4 Zoning District within the Special Downtown Brooklyn District violates a variance from the NYC Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 9, 2002 after due notice by publication in The City Record, laid over to June 18, 2002, August 6, 2002 and then to August 13, 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. and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance under Z.R. §72-21, to permit, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and lot coverage requirements of Z.R. §§101-133; and

WHEREAS, the subject site is currently used as a surface parking lot housing a small parking attendant's shed at the northern edge of lot 1, but the record indicates that prior to 1977, the Eastern (Lot 1) portion of the site housed community facility uses; and

WHEREAS, as originally proposed, the instant application contains two lots which total approximately 24,290 square feet with frontages of approximately 220' 8.5" along State Street and 100' 2.25" along Boerum Place; and

WHEREAS, in addition to the variance requested, the applicant must obtain a special permit from the City Planning Commission pursuant to Z.R. §74-52 to allow public parking garage in high density central areas; and

WHEREAS, the applicant represents that the subject community facility, founded in 1901, for the purpose of furthering the study of law, is situated in close proximity to Brooklyn Borough Hall, and county and federal buildings; and

WHEREAS, the applicant further represents that since its foundation the school has grown from 18 students to its current enrollment of over 1,500 students; and

WHEREAS, presently, the school operates seven small residence halls housing approximately 140 students, or nine percent of its students, which the applicant notes results in the inability for many students to live in close proximity to the classroom buildings, libraries and administrative offices of the school; and

WHEREAS, the record indicates that as a result of a recent rezoning approved in July 2002 by the City Planning Commission and the City Council, the subject lots are zoned C5-4, within the Special Downtown Brooklyn District; and

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WHEREAS, as a result of the aforementioned rezoning the instant application encompasses portions of three blocks and increases the amount of floor area available on the site; and

WHEREAS, at its ground level and lower floors, the proposed structure will be built to the State Street and Boerum Place street lines and will provide a 30' rear yard adjacent to the residences fronting on Schermerhorn Street; and

WHEREAS, at the sixth floor, a 15-foot setback will be provided along portions of the State Street frontage, and at the seventh floor, a 15-foot setback will be provided along other portions of the State Street frontage and an approximately 42 to 47 foot setback along the building's entire Boerum Place frontage; and

WHEREAS, the proposal will also contain a 215-car public parking garage located in three below-grade levels with vehicular access via a ramp leading from Boerum Place, along the northern property line of the site, with pedestrian access via a State Street entrance; and

WHEREAS, in addition to containing a parking garage, the below-grade levels will provide space for storage and building services, the first floor will contain a lobby, common areas, security offices, a student lounge and mail rooms with some dormitory rooms while the upper floors will house additional dormitory rooms and common areas, with a dining room, kitchen; and

WHEREAS, under current C5-4 district regulations, Sections 101-13, 101-132 and 101-133 require that above a height of 150 feet, no level of the building may occupy more than 40 percent of the lot area of the zoning lot and that at each level above 150 feet, the building must be setback a minimum of 15 feet from Boerum Place and 20 feet from State Street; and

WHEREAS, in addition to the aforementioned minimum setback distances, each level may occupy 2,000 square feet within 40 feet of Boerum Place and 2,250 square feet within 50 feet of State Street; and

WHEREAS, the record indicates that pursuant to Section 101-133, the instant proposal exceeds by 4,086 square feet, the restriction on square footage permitted in buildings within 50 feet of a narrow street; and

WHEREAS, the instant proposal does not meet the 15-foot minimum setback from State Street because above 85 feet, the building will contain bay windows which will only be setback 13 feet from State Street; and

WHEREAS, a 20-foot minimum setback is required above 150 feet from State Street and the subject proposal only provides 13 feet from State Street, and the tower portion of the building will only provide a setback of approximately 15 feet from State Street; and

WHEREAS, lot coverage regulations permit a 40% maximum tower lot coverage on floors above 150 feet and the instant proposal provides for a 41% lot coverage; and

WHEREAS, the Board finds that the site's history of development with a community facility use, the narrowness, size and configuration of the lot create practical difficulties with strict compliance of the zoning resolution and meeting the programmatic needs of the subject school; 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 Board notes that the applicant, has reduced the original proposal by removing two stories and reducing the floor height by approximately 60 feet; and

WHEREAS, the site is located in area characterized by a mixture of parking, residential and office and other community facility uses; and

WHEREAS, the record indicates that within the vicinity of the site there are 12- and 14-story residential and institutional buildings along Boerum Place, and office and institutional buildings along Livingston Street that are between 18- and 31-stories; and

WHEREAS, further, the record indicates that the subject proposal will not adversely affect the goals of the Special Downtown Brooklyn District, as the subject structure will house a residential use; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 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, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and

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lot coverage requirements of Z.R. §§101-133, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 8, 2002"- (16) sheets and "Received August 9, 2002 "- (1) sheet; and on further condition;

THAT an Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT a fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT a smoke detection system connected to a Fire Department approved Central Station be installed throughout all non- residential and non- parking areas in the entire building;

THAT a rate of rise heat detection system connected to a Fire Department approved Central Station shall be installed and maintained in all parking areas of the building;

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

THAT any change in use or ownership shall require BSA approval;

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; 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 including all fire safety and egress requirements, 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, August 13, 2002.

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT- Application April 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10.

PREMISES AFFECTED- 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

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, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated April 4, 2002 acting on Application No. 401420020 reads:

"The proposed change of use from Use Group 16C to Use Groups 16B and 16C is contrary to Zoning Resolution Section 32-10. The zoning lot is presently zoned C3."; and

WHEREAS, a public hearing was held on this application on July 9, 2002 after due notice by publication in The City Record and laid over August 6, 2002 and then to August 13, 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 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 a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10; and

WHEREAS, Community Board #7 of Queens recommends approval of this application; and

WHEREAS, the Queens Borough President has recommended approval of this application, on condition that landscaping buffers are provided;

WHEREAS, the record indicates that the subject property is a large parcel of land, with a total lot area of 110, 869 and currently developed with a automobile storage facility; and

WHEREAS, the applicant proposes to continue use of the property for the storage of automobiles, but as storage for new automobiles awaiting delivery to the customer; and

WHEREAS, this proposal also seeks the construction of a one-story building to be used for preparation of the new cars for delivery; and

WHEREAS, the subject site was rezoned in 1996 from M1 to C3; and

WHEREAS, the applicant represents that the site was developed with a car storage facility prior to the rezoning, and has since become a pre-existing, non-conforming use; and

WHEREAS, the Board finds that as a result of unique conditions inherent to the subject zoning lot, namely the

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history of development and subsurface soil conditions that require piles, there exist practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the proposed building will have a lot coverage of only 9% and will be located adjacent to the adjoining zoning lot, designated as M1-1, currently occupied by a fuel company depot with oil tank storage; and

WHEREAS, the applicant notes that approximately 30-35 cars will be delivered for preparation weekly and approximately the same number leave the premises weekly for delivery to the customer; and

WHEREAS, the proposed hours of operation are Monday thru Friday 8:00 A.M. - 5:00 P.M.; and

WHEREAS, the applicant represents that the automobile storage use has existed on the site for many years and the new structure will not have any street impact or adverse affects on the neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of 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 application is the minimum variance 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.

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 and grants a variation in the application of the Zoning Resolution, to permit the proposed construction of a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10, on condition that the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 17, 2002"-(1) sheet and "July 25, 2002" -(2) sheets; and on further condition;

THAT all lighting shall be directed away from residential housing;

THAT the hours of operation shall be limited to Monday-Friday 8:00 A.M.- 5:00 P.M.;

THAT the site shall be buffered with landscaping in accordance with the aforementioned Board-approved plans;

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;

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, August 13, 2002.

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 - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 29, 2002, acting on Application No. 500529680, reads:

“The proposed location of two accessory off-street parking spaces in the R3-2 portion of the zoning lot for a Use Group 6 retail store is contrary to Section 22-00 of the New York City Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in The City Record, laid over to August 13, 2002 for

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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 for a special permit under Z.R. §73-52, to permit, in an R3-2 zoning district, the proposed addition of two accessory off- street parking space for a Use Group 6 retail store, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is a corner lot occupying 14,757 of lot area containing 126.86 feet of frontage on Hylan Boulevard and 169 feet of frontage on Naughton Avenue within a C1-2 and an R3-2 zoning district; and

WHEREAS, the C1-2 Zoning District boundary line extends 150 feet south from and parallel to the Hylan Boulevard lot line placing the majority of the site within the C1-2 Zoning District; and

WHEREAS, the record indicates that conforming plans and applications were filed with and approved by the Department of Buildings to erect a one-story 5,479 square feet retail store(Use Group 6) with accessory parking for 18 cars; and

WHEREAS, the instant proposal seeks two (2) additional parking spaces, to be located in the residential portion of the lot, requiring the instant special permit application because pursuant to Z.R. §73-52, a special permit is required when a zoning lot is divided by a boundary between two different zoning districts in which different uses are permitted; and

WHEREAS, the applicant represents that by providing two (2) additional parking spaces within the residential portion of the lot, the applicant can meet the parking requirement of one space for every 300 square feet allowing for the construction of 600 square feet at the mezzanine level ; and

WHEREAS, the proposed mezzanine level will house an accessory office space use (Use Group 6); and

WHEREAS, the Board notes that the addition of the mezzanine level does not exceed the maximum Floor Area Ratio of 1.0; and

WHEREAS, the record indicates that out of 14,757 square feet of lot area only 2,999.25 is zoned R3-2, and that small portion is burdened with a trapezoid shape totalling 16 feet 10 inches of frontage on Naughton Avenue, leading to the applicant's representation that, without the requested extension, it would not be economically feasible to use or develop the subject residential portion of the zoning lot for a permitted use; and

WHEREAS, the record suggests that in order to develop the residential portion of the lot with a permitted use (single family house) Z.R. § 23-32 would require 3,800

square feet of lot area and a minimum lot width of 40 feet, making the subject lot deficient in width and lot area; and

WHEREAS, the site was previously occupied by a building housing a retail store and offices with an accessory parking lot, which was subsequently demolished and the lot made vacant; and

WHEREAS, the instant proposal will provide a five foot wide planting strip along the west property line, which will include four feet high densely planted evergreen shrubs in front of a six foot high opaque fence, which the Board finds to be an adequate buffer to ensure the quiet enjoyment of the residential neighbors; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§ 73-03 and 73-52; 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 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. 73-03 and §73-52, to permit, in an R3-2 zoning district, the proposed addition of two accessory off- street parking space for a Use Group 6 retail store, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 3, 2002" -(1) sheet; and on further condition;

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

THAT there shall be no loitering on the premises;

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

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

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

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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 August 13, 2002.

125-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Marmon Enterprises, Inc., owner; Walbaums, lessee.

SUBJECT - Application April 19, 2002- under Z.R. §11-41, to permit the reestablishment of an expired variance previously granted by the Board under Cal.No.550-71-BZ, which permitted a supermarket, located in an R2 zoning district.

PREMISES AFFECTED - 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated March 21, 2002 acting on Application No. 401387290 reads:

“ THE TERM OF THE VARIANCE UNDER BOARD OF STANDARDS AND APPEALS CALENDAR No. 550-71-BZ, BUL. #44, VOL. II HAS EXPIRED AND IS REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS FOR FURTHER ACTION. "; and

WHEREAS, Community Board No. 11, Queens, has recommended conditional approval of this application; and WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in the City Record, and laid over to August 13, 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. §11-411, in an R2 zoning district, on a site previously before the Board, to re-establish the use of the subject premises as a supermarket (Use Group 6) previously granted under Calendar Number 550-71-BZ; and

WHEREAS, on May 15, 1962, under Calendar Number 311-61- BZ, the Board permitted for a term of twenty- five (25) years, a supermarket at the subject premises ; and

WHEREAS, on October 12, 1971, under Calendar Number 550-71- BZ, the Board permitted an enlargement of the aforementioned supermarket pursuant to Z.R. §11-412; and

WHEREAS, the applicant asserts that the 1971 resolution did not reference a term and that the Department of Buildings issued a Certificate of Occupancy without a term limitation; and

WHEREAS, the record indicates that the supermarket use has been continuous since 1962; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 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.

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. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish use of the subject premises as a supermarket (Use Group 6) previously granted under Calendar Number 550-71-BZ on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 19, 2002" -(5) sheets; and on further condition;

THAT the term of the variance shall be limited to fifteen (15) years from the date of this grant expiring on August 13, 2017;

THAT any change in use, ownership or lessee shall require Board approval;

THAT the premises shall remain graffiti-free at all times;

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

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

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

THAT photographic evidence as to the installation and maintenance of landscaping shall be submitted to the Board no later than October 1, 2002;

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, August 13, 2002.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2002 acting on N.B. Application No. 301065638, reads;

“School (U.G. 3) is not a permitted, as-of-right, use in a M1-2 District and, as such, must be referred to the Board of Standards and Appeals for approval, as per section 42-00 of the Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on August 6, 2002 after due notice by publication in The City Record, and laid over to August 13, 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 and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, Community Board # 6 in Brooklyn has recommended approval of this application; and

WHEREAS, the subject lot is a vacant 2,625 square foot parcel located on 3rd Avenue, between President and Carroll Streets, situated in an M1-2 zoning district; and

WHEREAS, the proposed school will be a handicap-accessible, 6,180 square foot, three-story building which will house two classrooms, an evaluation office, occupational and speech therapy rooms, business office, and elevator, kitchen facilities and toilets; and

WHEREAS, the proposed school's hours of operation will be 9:00 AM to 3:30 PM Monday through Friday;

WHEREAS, the record indicates that the subject lot is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 33/4" in depth; and

WHEREAS, the applicant represents that the school is a non-profit school for very young children with developmental challenges, requiring additional space for occupational, physical and speech/language therapies as well as special education; and

WHEREAS, the record indicates that the school is presently located in a small, pre-school building located at 284 Third Avenue (across from the subject premises) and has school offices that are currently located at 279 Third Avenue; and

WHEREAS, the applicant states that the school has outgrown its present facilities, resulting in overcrowding and the rejection of potential students; and

WHEREAS, the applicant further represents that the construction of a new building, the consolidation of classroom and office space into one building and the ability to increase enrollment, is necessary in order to meet the programmatic needs of the school; and

153-02-BZ

APPLICANT- Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT- Application May 10, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Francis R. Angelino.

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

ACTION OF THE BOARD - Application granted on condition.

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

THE VOTE TO GRANT -

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

Negative:.....0

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WHEREAS, the record indicates that the applicant has unsuccessfully attempted to find other potential locations, where the school would be permitted as-of-right and which were of adequate size to fulfill the school's programmatic needs; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot and the programmatic needs of the school, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the Site to meet the programmatic needs of the school; and

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

WHEREAS, the applicant states that the proposed building is designed to blend into the mix of institutional, residential and commercial buildings and uses in the neighborhood; and

WHEREAS, the record indicates that the block is made up of two and three-story buildings with storefronts on the ground level that are primarily used for retail purposes as well as two that are currently in use by the school and one that is in use as a social club; and

WHEREAS, the applicant represents most students arrive at the school in two small school buses contracted by the New York City Department of Transportation, and that a small number of students from the surrounding neighborhood are walked to and from school by parents/caregivers; and

WHEREAS, the applicant states that there will be adequate separation from noise, traffic, and other adverse effects of the manufacturing district; and

WHEREAS, therefore, the Board finds that the proposed action will not alter the essential character of the surrounding neighborhood or 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, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 proposed building will contain an automatic wet sprinkler system to be installed in the cellar and an interior alarm system throughout the building with both systems to be connected to a Fire Department approved central station; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered

all relevant areas of environmental concern including potential parking and traffic impacts; 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 proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. 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 construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 26, 2002"-(8) sheets and "August 13, 2002"-(1) sheet; and on further condition;

THAT the maximum number of students shall be limited to 70;

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

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

THAT a Certificate of Occupancy shall be obtained within two years 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; 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, August 13, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots

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1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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 September 10, 2002, at 2 P.M., for decision, hearing closed.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder 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 October 1, 2002, at 2 P.M., for deferred decision.

303-01-BZ

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartaglia.

For Opposition: Steven B. Eriquez and Francesca A. Renda.

ACTION OF THE BOARD - Laid over to October 22, 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: Howard Hornstein and Peter Geis.

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

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

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

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15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro, Harbinder Singh and Rob Bronzino.

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

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Augusta & 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 October 1, 2002, at 2 P.M., for continued hearing.

404-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maurice Wachsmann, owner.

SUBJECT - Application May 7, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, and is contrary to Z.R. §23-141 and §23-46.

PREMISES AFFECTED - 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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 September 10, 2002, at 2 P.M., for decision, hearing closed.

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing

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 23rd Street, 80' north

MINUTES

of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

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 September 10, 2002, at 2 P.M., for decision, hearing closed.

10, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

88-02-BZ

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

SUBJECT - Application March 27, 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 R5 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

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 September

CORRECTIONS

*CORRECTION

This resolution adopted on April 23, 2002, under Calendar No. 376-01-A and printed in Volume 87, Bulletin No. 18, is hereby corrected to read as follows:

376-01-A

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H. Irving Sigman.

ACTION OF THE BOARD - Appeal Granted.

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 Department of Buildings, dated November 30, 2001 acting on Applic. No. 401376239, refused to apply the Special Provisions for Existing Narrow Zoning Lots for corner lots of Sect. 23-48 and denied a reduction of the side yard; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to April 9, 2002 and then to April 23, 2002 for decision; and

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), disapproving the appellant's application for a cellar and first story enlargement to an existing single family detached residence located on a corner lot in an R1-2 zoning district pursuant to Sect. 23-48; and

WHEREAS, on November 8, 2001 an application was filed to erect a cellar and one-story enlargement consisting of 264 square feet to an existing one family dwelling located on a corner lot with an eastern side yard of 18'-6" and the southern side yard is 4'-11"; and

WHEREAS, Zoning Resolution §23-461(a) requires that in an R1-2 zoning district a single detached residence provide two side yards with a minimum total width of 20', with one of the side yards measuring at least 8' in width; and

WHEREAS, the appellant's proposal would reduce the eastern side yard from its current width of 18'-6" to a width of 6'-9"; and

WHEREAS, the DOB contends that it disapproved the appellant's application because the proposed enlargement would create a new non-compliance within the minimum required side yard width pursuant to Zoning Resolution §23-461; and

WHEREAS, Zoning Resolution §23-48 allows for a reduction of the required side yards if the zoning lot consists of a tract of land which (a) has less than the prescribed minimum lot width of 60' and (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

WHEREAS, the Board finds that the applicant's proposal falls within the minimum lot requirements of Zoning Resolution §23-32 and that §23-48's side yard reduction for existing narrow zoning lots does apply to this application because the appellant has established that the zoning lot is less than 60' wide; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001 acting on Applic. No. 401376239, is modified and this appeal is granted on condition that the proposal comply with all applicable R1-2, zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on *further condition*;

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

THAT the 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 23, 2002.

***The resolution has been corrected to remove the part in the conditions related to approved plans. There were no plans approved. Corrected in Bulletin Nos. 32-33, Vol. 87, dated August 22, 2002.**

CORRECTIONS

CORRECTION

This resolution adopted on June 18, 2002, under Calendar No. 20-02-BZ and printed in Volume 87, Bulletin No. 26, is hereby corrected to read as follows:

20-02-BZ

CEQR # 02-BSA-113M

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 expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar 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

APPEARANCES - None.

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 January 4, 2002 acting on Application No. 103046375 reads:

“Proposed physical culture establishment is not permitted as of right under Z.R. 32-10. Proposed design layout is contrary to Z.R. 32-18. Physical Culture Establishments require approval by the Board of Standards and Appeals as per ZR 32-31.”

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record and laid over to June 18, 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 expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-

4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31; and

WHEREAS, the applicant seeks to legalize the expansion of the facility from the 15,368 square feet granted in the 1997 under BSA Calendar No. 160-95-BZ, to 24,496 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

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

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

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

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

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

WHEREAS, the applicant represents that the hours of operation will be Monday-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.; 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 expansion of an existing physical culture establishment, located in portions

of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received May 29, 2002"-(5) sheets; and on further condition;

THAT the hours of operation shall be Monday-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 all massages will all be performed by New York State licensed massage therapists;

CORRECTIONS

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 shall be provided and 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 term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on June 18, 2012;

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, June 18, 2002

***The resolution has been corrected in that the part which read:** *"THAT the term of this special permit shall coincide with the term of the original grant under BSA Calendar #160-95-BZ, to expire on February 27, 2006;"*
now reads: *"THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on June 18, 2012;".* **Corrected in Bulletin Nos. 32-33, Vol. 87, dated August 22, 2002.**

MINUTES

NOTICE

**THE PUBLIC HEARING WHICH WAS
SCHEDULE FOR AUGUST 20, 2002 IS
CANCELLED.**

*Pasquale Pacifico
Executive Director*