
BULLETIN

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September 19, 2002

DIRECTORY

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229-02-BZ B.B.K. 24 Walton Street,
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COMMUNITY BOARD #3BK

230-02-BZ B.B.K. 32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn. Applic. #301384794. Proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

231-02-BZ B.B.K. 42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn. Applic. #301384794. Proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

232-02-BZ B.B.K. 1168 East 23rd Street, east side, 203' -4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn. Alt. 1#301340074. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).
COMMUNITY BOARD #14BK

233-02-A B.Q. 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens. Alt. 1 #401472731. Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

234-02-BZ B.Q. 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens. Applic. #s 401123663 and 401126938. Proposed construction of a three-story, four family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard, open space, height and/or setback is contrary to Z.R. §23-45, §23-12C and §23-631.
COMMUNITY BOARD #1BK

235-02-A B.Q. 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens. N.B. #401293783. Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

236-02-BZ B.B.K. 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn. Applic. #301349164. Proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.
COMMUNITY BOARD #15BK

237-02-BZ B.Q. 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens. Applic. #401402683. The legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.
COMMUNITY BOARD #3Q

238-02-BZ B.B.K. 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn. Applic. #301096757. The legalization of two residential units, in a building that is located within an area zoned for manufacturing use, is contrary to Z.R. §42-00.
COMMUNITY BOARD #8BK

DOCKET

239-02-BZ B.M. 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan. Applic. #102702522. The reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

COMMUNITY BOARD #2M

240-02-BZ B.BK. 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn. Alt. I #301271264. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

COMMUNITY BOARD #15BK

241-02-BZ B.BK. 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn. Applic. #301377445. Proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6BK

242-02-BZ B.S.I. One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island. Applic. #500554376. Proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

COMMUNITY BOARD #3SI

243-02-A B.Q. 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401515366. Proposed enlargement to the existing first floor, construction of a new second floor and the

installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

244-02-BZ B.M. 365/67 West 34th Street,

north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan. Applic. #103220220. Proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit from the Board as per Z.R. §32-00.

COMMUNITY BOARD #4M

245-02-BZ B.M. 373 West 34th Street,

northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan. Applic. #103220211. Proposed physical culture establishment, on the second floor of a two story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit from the Board as per Z.R. §32-00.

COMMUNITY BOARD #4M

246-02-A B.Q. 30½ Graham Place, south side, 13.01' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens. Alt. I #401415241. Proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

247-02-A B.Q. 30 Bayside Avenue, south side, 680' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens. Alt. I #401425347. Proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of

Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

OCTOBER 22, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 22, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

219-02-A thru 221-02-A

APPLICANT - The Agusta Group, for BRK Properties, Inc., owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

PREMISES AFFECTED - 107-72 Watson Place, south side, 700' east of Polhemus Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemus Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

107-78 Watson Place, south side, 700' east of Polhemus Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

OCTOBER 22, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 22, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District (M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

119-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph Kaufman, owner.

SUBJECT - Application April 17, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors above an existing one story manufacturing building, to be used for residential occupancy, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 94 North 13th Street, east side, between North 12th and 13th Streets, Block 2283, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

126-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Z. Zindel Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application April 19, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C8-3 and an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

MINUTES

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED - 147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED - 143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

199-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit the proposed construction of a nine story residence for the elderly, Use Group 2, with 71 units, which does not comply with the zoning requirements for floor area ratio, height, setback and side yard regulations, and is contrary to Z.R. §23-144, §23-633 and §23-462, located in an R7-2 zoning district.

PREMISES AFFECTED - 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

207-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Harold Gelernter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b).

PREMISES AFFECTED - 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners, LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-21, to permit 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.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #10BK

Pasquale Pacifico, Executive Director

MINUTES

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

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 23, 2002, were approved as printed in the Bulletin of August 1, 2002, Volume 87, No. 30.

SPECIAL ORDER CALENDAR

657-49-BZ

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, reopening and an extension of the term of the variance which expired May 20, 2000; 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 6, 2002, and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting the operation of an automobile repair shop and parking garage for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends the* term of the variance pursuant to §11-411, said resolution having been adopted December 20, 1949, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from May 20, 2000 expiring May 20, 2010, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received April 8, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT all used car sales on the premises shall take place indoors and shall be limited to 3 cars at any time;

THAT there shall be no parking of automobiles on the sidewalk at anytime;

THAT there shall be no outdoor automobile repair work done on the premises;

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

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

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (ALT. No. 230/49)

Adopted by the Board of Standards and Appeals, September 10, 2002.

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; Exxon Mobile, lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southeast corner of 81st Street and Third Avenue, Block

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5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, reopening and an extension of the term of the variance which expired December 11, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in *The City Record*, laid over to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends the* term of the variance pursuant to §11-411, said resolution having been adopted December 11, 1956, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from December 11, 2001 expiring December 11, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 27, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no coin-operated self-service car washes on the premises;

THAT there shall be no parking of automobiles on the sidewalk at any time;

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

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

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

THAT this approval is limited to the relief granted by

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

(ALT. No. 602)

Adopted by the Board of Standards and Appeals, September 10, 2002.

827-55-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.

SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired January 31, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in *The City Record*, laid over to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit a change of use within the existing building from salesroom to accessory food store; and

WHEREAS, the applicant also seeks to extend the term of the variance, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and

MINUTES

reopens and extends the term of the variance pursuant to §11-411, said resolution having been adopted January 31, 1956, so that as amended this portion of the resolution shall read:

“to permit the change of use within the existing building from salesroom to accessory food store and to extend the term of the variance for ten years from January 31, 2001 expiring January 31, 2011, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 18, 2002”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT there shall be no coin-operated self-service car washes on the premises;

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

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

THAT the expiration date of this variance shall be indicated 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 under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401419924)

Adopted by the Board of Standards and Appeals, September 10, 2002.

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

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

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired May 19, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to August 6, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the legalization of the conversion of a portion of the automobile service building to an accessory convenience store and the installation of an aboveground anti-freeze tank; and

WHEREAS, the applicant also seeks to extend the term of the Special Permit, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the Special Permit pursuant to §73-11, said resolution having been adopted May 19, 1992, so that as amended this portion of the resolution shall read:

“to permit the legalization of the conversion of a portion of the automobile service building to an accessory convenience store and the installation of an aboveground anti-freeze tank, and to extend the term of the Special Permit for ten years from May 19, 2002 expiring May 19, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received February 5, 2002”-(2) sheets and “April 15, 2002”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT all automotive repair work shall be limited to Monday-Saturday 8:00 A.M. - 7:00 P.M. and closed on Sundays;

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THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT there shall be no self-service coin-operated car wash machines on the premises;

THAT the hours of operation for the automobile vacuums shall be limited to 9:00 A.M. -7:00 P.M.;

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

THAT the expiration date of this Special Permit shall be indicated 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 under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401393835 & 401393648)

Adopted by the Board of Standards and Appeals, September 10, 2002.

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.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the time to complete construction which expired November 12, 2001; 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 and then to September 10, 2002 for decision; and

WHEREAS, the applicant represents that changes from the prior BSA approval consist of bringing up an elevator to the roof level to allow passive use of the roof, and minor rearrangement of the floor plans to meet the programmatic needs of the Czech Republic.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, said resolution having been adopted March 28, 1995, so that as amended this portion of the resolution shall read:

“to permit the addition of elevator access to the roof level, and to extend the time to complete substantial construction for a period of 24-months from November 12, 2001 expiring November 12, 2003, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received April 9, 2002”-(6) sheets, “June 4, 2002” -(1) sheet, and “July 29, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

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 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, September 10, 2002.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

MINUTES

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired December 11, 2001; and

WHEREAS, a public hearing was held on this application on March 26, 2002, after due notice by publication in *The City Record*, laid over to June 4, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the change of use from a gasoline service station to an automobile repair shop with accessory parking for more than 5 vehicles in an open area; and

WHEREAS, the applicant also seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the variance pursuant to §11-411, said resolution having been adopted March 28, 1995, so that as amended this portion of the resolution shall read:

“to permit the change of use from a gasoline service station to an automobile repair shop with accessory parking for more than 5 vehicles in an open area, and to extend the term of the variance for ten years from December 11, 2001 expiring December 11, 2011 *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received January 2, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

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

THAT there shall be no parking of automobiles on the sidewalk;

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 under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”
(ALT I. 401288940)

Adopted by the Board of Standards and Appeals, September 10, 2002.

73-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Aron Adler.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

Adopted by the Board of Standards and Appeals, September 10, 2002.

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

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

355-54-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

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

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

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

135-67-BZ

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.

SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.

PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application April 6, 2001 - reopening for an extension of term of variance which expired April 10, 2001.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of

Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

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

271-90-BZ

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

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

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

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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.

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199-97-BZ

APPLICANT - Sheldon Lobel, P.C., for Jancor Inc., owner.
SUBJECT - Application June 26, 2002 - reopening for an extension of time to complete construction which expired May 27, 2002.

PREMISES AFFECTED - 130-138 Horace Harding Expressway, southside of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

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

47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.

SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip L. Rampulla and other.

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

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.

SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis.

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

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.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 29, 2002, acting on ALT 1. Application No. 401446388, reads:

“1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, therefore:

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) Existing dwelling to be altered does not have at least does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated June 12, 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.

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Resolved, that the decision of the Queens Borough Commissioner, dated April 29, 2002 acting on ALT 1. Application No. 401446388, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received May 23, 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; 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, September 10, 2002.

Commissioner, dated May 6, 2002, acting on ALT 1. Application No. 401454387, 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 (Gotham Walk) is contrary to Article 3, Section 36(2) of the General City Law 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 June 26, 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 May 6, 2002 acting on ALT 1. Application No. 401454387, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received June 3, 2002"-(1) sheet; and that the proposal comply with 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; 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, September 10, 2002.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough

90-02-A

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

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

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

COMMUNITY BOARD #6BK

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APPEARANCES -

For Applicant: Lyra Altman.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:07 A.M.

REGULAR MEETING

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

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

ZONING CALENDAR

256-01-BZ

CEQR #02-BSA-020Q

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 in an R3-2/C1-2 zoning district, the use of the subject premises as a

gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair shop.

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 - None.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated August 14, 2001 acting on ALT.1 Application No. 401061220 reads:

“Proposed changed change in use from a gasoline service station with accessory uses to a motor vehicle repair shop for a premises located within a C1-2 within an R3-2 zoning district as indicated on map # 15-D is contrary to 32:00 ZR and contrary to the variance granted by the Board of Standard and Appeals under Calendar Number 634-54-BZ Vol. II which expired on December 16, 1983 and is hereby denied.”; and

WHEREAS, Community Board No. 13, Queens, has recommended conditional approval of this application; 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 August 13, 2002 and then to September 10, 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 and 11-413, on a site previously before the Board, to re-establish, in an R3-2/C1-2 zoning district, the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair establishment; and

WHEREAS, the subject lot is approximately 12,069 square feet located on Hempstead Avenue, a heavily trafficked thoroughfare; and

WHEREAS, the applicant represents that the area surrounding the site contains numerous gasoline service

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stations that have been abandoned and deteriorated to eyesores and unoccupied buildings; and

WHEREAS, in 1958, under Calendar Number 634-54-BZ Vol. II, the Board permitted the erection and maintenance of a gasoline service station with accessory uses, lubricatorium, car wash (non-automatic), minor repairs, office, sales and storage of automobile accessories, and parking of cars awaiting service; and

WHEREAS, the most recent term of the grant expired on December 16, 1983; and

WHEREAS, the record indicates that the gasoline service station use has been continuous since 1958 until 1998 when the gasoline storage tanks and fuel dispensing pumps were removed; and

WHEREAS, the record indicates that subsequent to the elimination of the gasoline station service use, the property was sold and now operates as an automotive repair facility providing minor repairs, lubrication, inspection, and related automotive services including the sale of automotive accessories; and

WHEREAS, the Board notes that the old underground storage tanks were the cause of a release of petroleum hydrocarbons at the subsurface levels, which the applicant represents is being managed by the New York State D.E.C. and a soil remediation system has been in place on the property since 1998, with the stack for this system located in the rear of the parking area, as indicated in plans submitted with this application; and

WHEREAS, the applicant has provided assurances that the aforementioned soil remediation system will remain in place until the subsurface is cleaned and remediated to N.Y.S.D.E. C. standards; and

WHEREAS, the present owner had been a long-time tenant, which the applicant represents has been a good neighbor with ties to the community; and

WHEREAS, the record indicates that all overnight storage of vehicles will be located within a fenced area on the side of the station; and

WHEREAS, further, the hours of operation will be limited to 8:30 A.M. to 6:30 P.M. daily; and

WHEREAS, the applicant represents that the instant proposal does not generate adverse noise heat or glare impacts upon the surrounding residential community because all lighting will be positioned down and away; and

WHEREAS, the applicant represents that signs will be limited to accessory, non-flashing business signs and that the continued use of the premises as an automobile repair with accessory parking has not and will not impair the essential character of the surrounding area nor impair its future use or development; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be

made under §§ 11-411 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. §§ 11-411 and 11-413 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, Z.R. §§ 11-411 and 11-413, on a site previously before the Board, to re-establish, in an R3-2/C1-2 zoning district, the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair shop 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 21, 2001"-(5) sheets, "August 6, 2002"-(1) sheet, and "August 27, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring on September 10, 2012;

THAT there shall be no parking of automobiles on the sidewalk;

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

THAT there shall be no coin-operated self-service car washes on the premises;

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

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

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

THAT the expiration date of this variance shall be noted on the Certificate of Occupancy;

THAT a new certificate of occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals, September 10, 2002.

**396-01-BZ
CEQR #02-BSA-097M**

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D' Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

Adopted by the Board of Standards and Appeals, September 10, 2002.

**404-01-BZ
CEQR #02-BSA-102K**

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

SUBJECT - Application May 7, 2002 - under Z.R. §73-622, to permit in an R2- zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R §§ 23-141, and 23-47.

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 29, 2002, acting on Application No. 301341581 reads, in pertinent part:

"1. Proposed plans are contrary to ZR '23-141 in that they exceed the maximum permitted Floor Area Ratio exceeds the .5 permitted and do not provide the minimum required Open Space Ratio of 150.

2. Proposed plans are contrary to ZR 23-47 in that the rear yard is less than the 30' required"; 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 to August 13, 2002 and then to September 10, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R §§ 23-141, and 23-47; and

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

WHEREAS, the applicant represents that a sprinkler system off the domestic water supply will be installed in the cellar; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the

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surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to allow, in an R2-zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§ 23-141, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 8, 2002" -(8) sheets; and *on further condition*;

THAT a sprinkler system off the domestic water supply shall be installed in the cellar;

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;

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

Adopted by the Board of Standards and Appeals, September 10, 2002.

57-02-BZ

CEQR #02-BSA-135K

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

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

district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, September 10, 2002.

58-02-A

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, September 10, 2002.

61-02-BZ

CEQR #02-BSA-137K

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 zoning district,

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which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

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

THE ACTION OF 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 February 5, 2002 acting on Application No. 301227 reads:

“The proposal to convert the 2, 3 and 4th floors of the subject building from factory to residential use in a M1-1 zoning district is contrary to Section 42-00.”; 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 August 6, 2002 and then to September 10, 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 Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant represents that the subject property was built in 1872 as a brewery, but is now essentially vacant; and

WHEREAS, the site is situated on the southwest corner of the intersection of Beaver Street and Belvidere Street, located in an M1-1 district, improved with a four-story building and contains 10,652 square feet of lot area; and

WHEREAS, the applicant proposes to convert the a portion of the second floor and the entirety of the third and fourth floors to loft-type residential units; and

WHEREAS, the applicant represents that the building currently has three commercial tenants and the owner’s use of the ground floor, and that upon conversion of the upper floors, the commercial tenancies shall be relocated to

either the first floor or a portion of the second floor; and

WHEREAS, the record indicates that in order to meet the needs of the brewery, the interior of the building was separated into five sections and divided by heavy masonry walls; and

WHEREAS, the applicant represents that these five sections are not at the same floor level, as some vary by as little as 12” and others as much as 6’9” resulting in difficulty in using the total space on any one floor for any one use; and

WHEREAS, the applicant further represents that the sizes of the sections are too small for most manufacturing and commercial uses, as the three sections fronting on Beaver Street have only 2363, 2106 and 2112 square feet of open space and the space on Belvidere Street has only 1136 square feet of open space; and

WHEREAS, evidence in the record indicates that the building is further burdened with small spacing between structural columns and the presence of only one manually operated elevator, which the applicant claims to be located in an area inaccessible to most of the building sections; and

WHEREAS, therefore, the Board finds that these unique conditions, namely the separate sections of the building, the varying floor levels, the small column spacing, and the inefficiency of the elevator’s location, create an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located adjacent to an R6 Zoning District on the east side of Belvidere Street, and on both Beaver and Belvidere Streets there exists numerous residential developments; and

WHEREAS, the applicant represents that the building will retain some of the commercial character of the M1-1 zoning district by having commercial uses on the first and second floors; 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

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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 proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 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 objections above noted, filed with this application marked "Received April 24, 2002"-(3) sheets, "July 15, 2002"-(4) sheets, and "August 20, 2002"-(4) sheets; and on further condition;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Central Station will be installed throughout the building;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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

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

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

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

Adopted by the Board of Standards and Appeals, September 10, 2002.

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

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R §§23-141, and 23-47. PREMISES AFFECTED- 1383 East 23rd Street, 80' north 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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 5, 2002 updated July 30, 2002, acting on Application No. 301300624 reads, in pertinent part:

1. Proposed plans are contrary to Zoning Resolution 23-141 in that the floor area ratio exceeds the .5 permitted and the open space ratio is less than the 150 required.
2. Proposed plans are contrary to Zoning Resolution 23-47 in that the rear yard is less than the 30' required"; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in *The City Record*, and laid over to August 13, 2002 and then to September 10, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R §§ 23-141, and 23-47; and

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the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the applicant represents that a sprinkler system off the domestic water supply will be installed in the cellar; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§23-141, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 6, 2002" -(12) sheets; and *on further condition*;

THAT a sprinkler system off the domestic water supply shall be installed in the cellar;

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;

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

Adopted by the Board of Standards and Appeals, September 10, 2002.

88-02-BZ

CEQR #02-BSA-161X

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 in a C2-2/ R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002 acting on Application No. 200711989 reads:

1. Proposed construction of a new building 2,900 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-2 in R5 Zoning District and therefore requires BSA approval as per 32-31 Z.R."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in *The City Record*, and laid over to September 10, 2002 for decision; and

WHEREAS, Community Board No. 12 in the Bronx recommended approval of the application; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 19,500 square feet of area with approximately 100 feet of frontage along East 224th Street and 175 feet of frontage along Boston Road, presently improved with 2 single-story masonry buildings of approximately 900 and 1,350 square feet; and

WHEREAS, the instant proposal will demolish both

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existing buildings and replace the existing fence sales outlet with a new 2,900 square foot automotive service station and an accessory convenience store containing 1,392 square feet of sales area; and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 77.92 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for nine vehicles; and

WHEREAS, the applicant represents that an 8' high chain link fence on the North Eastern property line will provide screening to the adjoining lots within the C2-2/R5 zoning district, and a 20' retaining wall will provide screening for lots located on the North Western property line; and

WHEREAS, applicant further represents that there will be no lubrication, repair or washing of cars at the premises; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 19,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that Boston Road is a heavily traveled thoroughfare and that the subject block is immediately across the street from a C8-1 zoning district, where Automotive Service Stations are permitted as-of-right; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store, *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 21, 2002"-(6) sheets; and *on further condition*;

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

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring September 10, 2012;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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, September 10, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Doris Diether, Community Board #2.

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

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

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125-01-BZ thru 128-01-BZ

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

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

PREMISES AFFECTED -

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein and Hiram Rothkrug.

For Opposition: Mark Levin, Joe Rizzo and Harold Fleming.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department; Regina Meyer, City Planning.

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 November 19, 2002, at 2 P.M., for decision, hearing closed.

229-01-A thru 232-01-A

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

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

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block

1881, Lot 106, Borough of Brooklyn.

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein and Hiram Rothkrug.

For Opposition: Mark Levin, Joe Rizzo and Harold Fleming.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department; Regina Meyer, City Planning.

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 November 19, 2002, at 2 P.M., for decision, hearing closed.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002- under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001- under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

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PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department; Michael Sucher.

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

265-01-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: 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 October 1, 2002, at 2 P.M., for decision, hearing closed.

332-01-BZ

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

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

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Silverman, Michael Sillerman and Mr. Lindenbarry.

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

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

405-01-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

68-02-BZ

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

SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit the proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Howard Weiss.

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 October 1, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2 P.M., for continued hearing.

69-02-A

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

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

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

COMMUNITY BOARD #9Q

For Applicant: Howard Weiss.

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 October 1, 2002, at 2 P.M., for decision, hearing closed.

71-02-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Raymond Levin and Jack Freeman.

For Opposition: Doris Diether, Community Board #2; Lora Tenenbaum, Walter Chatham, Barry Mallin, William Monhahan, Emily Hellstrom, Patrick Orban, Georgina Leaf, Joanne Mariner and others.

For Administration: Capt. Michael Maloney and John

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyne Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: 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 October 1, 2002, at 2 P.M., for decision, hearing closed.

103-02-BZ

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

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

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

COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Katz, Melvin Gross and other.

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

MINUTES

For Applicant: Howard Weiss.
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 October 1, 2002, at 2 P.M., for decision, hearing closed.

108-02-BZ

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

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

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

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartaglia.

For Opposition: Joanne Hoffman and Jeffrey Lee.

For Applicant: Howard Weiss.

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 October 8, 2002, at 2 P.M., for decision, hearing closed.

109-02-BZ

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

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

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

COMMUNITY BOARD #10BX

APPEARANCES - None.

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 October 1, 2002, at 2 P.M., for decision, hearing closed.

143-02-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

For Applicant: Howard Weiss.

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 October 8, 2002, at 2 P.M., for decision, hearing closed.

158-02-BZ

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

MINUTES

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

Pasquale Pacifico, Executive Director.

THE VOTE TO CLOSE HEARING -

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

Adjourned: 12:40 P.M.

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 6:00 P.M.

SPECIAL HEARING

WEDNESDAY MORNING, SEPTEMBER 18, 2002

10:00 A.M.

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

SPECIAL ORDER CALENDAR

189-00-BZ

Applicant - New York City Board of Standards and Appeals. Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT - On remand from the New York County Supreme Court for a detailed justification of the BSA grant in this matter.

PREMISES AFFECTED - 215 East Houston Street, Block 412, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman, Michelle Lapin and Anne Locke.

For Opposition: Harvey Epstein, Margaret Hughes, Anita Romm, Susan Howard, Kyle Pedersen, Katie Taylor, Eva Hanmart, Mabel Tso, Kevin Mai, David Powell, Niev Duffy, Sandra Levine, Michael Rosen, Lee Ann Freilien, Marcia Hall, Fan Mae Eng, Steve Seltzer, Jean Rice, Holly Kaye, Michael Lalan, Nelson Mar, Cecil Scott.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

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