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# BULLETIN

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

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Volume 87, No. 4

January 24, 2002

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### DIRECTORY

**JAMES CHIN**, *Chairman*

**SATISH BABBAR**, *Vice-Chair*

**MITCHELL KORBAY**

**PETER CALIENDO**

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**Pasquale Pacifico**, *Executive Director*

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279-01-BZ	2106/30 McDonald Avenue, Brooklyn

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# DOCKET

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New Case Filed Up to January 15, 2002

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**26-02-BZ** B.S.I. 1680 Richmond Avenue,  
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Staten Island. Applic. #500459764. The reestablishment of an expired  
variance previously granted by the Board under Cal. No.141-69-BZ for  
an automotive service station, and a proposal for minor modifications  
to the pump islands, is contrary to Z.R. §32-25.  
**COMMUNITY BOARD #2SI**

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**27-02-BZ** B.M. 287 Hudson Street,  
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M1-6 zoning district, is contrary to Z.R. §52-35.  
**COMMUNITY BOARD #2M**

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

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# CALENDAR

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**FEBRUARY 12, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 12, 2002, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **16-99-BZ**

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner  
SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

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

**COMMUNITY BOARD #14BK**

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### **51-99-BZ**

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.  
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, February 12, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **362-01-BZ**

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, Proposed construction of a eleven story building, Use Groups 2, 3 and 6, located in a C1-4 overlay within an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, and minimum distance between buildings, is contrary to Z.R. §§ 33-431 and 23-711.

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

**COMMUNITY BOARD #9M**

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### **368-01-BZ**

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

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

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

**COMMUNITY BOARD #4M**

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### **402-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family

**FEBRUARY 12, 2002, 2:00 P.M.**

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# CALENDAR

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residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "T", Block 7587, Lot 60, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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*Pasquale Pacifico, Executive Director*

**FEBRUARY 26, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 26, 2002, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **74-49-BZ**

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

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

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

**COMMUNITY BOARD #5M**

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### **611-76-BZ**

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

**COMMUNITY BOARD #11Q**

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### **1204-80-BZ**

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

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

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

**COMMUNITY BOARD #12BX**

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### **150-95-BZ**

APPLICANT - Paul Selver, Esq., for St. Bernard's School, Inc., owner.

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

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

**COMMUNITY BOARD #11M**

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### **192-00-BZ**

APPLICANT - H. Irving Sigman, for 144-43 Farmers Boulevard, Realty Corp., owner.

SUBJECT - Application October 24, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **247-00-BZ**

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

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

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

**COMMUNITY BOARD #7Q**

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**FEBRUARY 26, 2002, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 26, 2002, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**APPEALS CALENDAR**

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# CALENDAR

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## **328-01-A thru 331-01-A**

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

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

PREMISES AFFECTED -

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

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

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

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

**COMMUNITY BOARD #3SI**

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## **394-01-A**

APPLICANT - Alfred V. Saulo, Architect, for Sonny Marotte, owner.

SUBJECT - Application December 18, 2001 - Proposed construction of a two family residence, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 William Avenue, south side, 680.0' east of Hillcrest Street, Block 5282, Lot 40, Borough of Staten Island.

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## **398-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Rosemary Gurry, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

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## **399-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Anthony and Christine Allocco, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05' west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens.

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## **400-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Judy Andariese, lessee.

SUBJECT - Application December 19, 2001 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law and to upgrade private disposal system which is partially located in the bed of a private service road maintained by the Breezy Point Cooperative, which is contrary to Department of Buildings policy.

PREMISES AFFECTED - 26 Newport Walk, west side 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14BK**

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**FEBRUARY 26, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, February 26, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **302-01-BZ**

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

SUBJECT - Application October 31, 2001 - under Z.R. §11-411

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# MINUTES

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§73-01, to permit the proposed the reestablishment of a previous variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

**COMMUNITY BOARD #7BX**

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**361-01-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit proposed enlargement to an existing one family dwelling (Use Group 1) located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, perimeter wall, open space, lot coverage and side and rear yards, is contrary to Z.R. §§23-141(a) and (b), §23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**370-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §73-622,

to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, and side and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**380-01-BZ**

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

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21 story commercial office structure, in an M1-6 zoning district, requires a special permit as per Z.R. §42-10.

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

**COMMUNITY BOARD #5M**

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**381-01-BZ**

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing community facility (Use Group 4) located in an R5 zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

PREMISES AFFECTED - 1723 8th Avenue, aka 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING**

**TUESDAY MORNING, JANUARY 15, 2002**

**10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 4, 2001, were approved as printed in the Bulletin of December 13, 2001, Volume 86, No. 44.

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**SPECIAL ORDER CALENDAR**

**329-59-BZ**

APPLICANT - Rosenman & Colin, LLP, for Coliseum Tenants Corp., c/o Rosedale Management Co., Inc., owner; Central Parking System of New York, Inc., lessee.

# MINUTES

SUBJECT - Application August 24, 2001 - 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 November 17, 1999.

PREMISES AFFECTED - 910-924 Ninth Avenue, a/k/a 22-44 West 60<sup>th</sup> Street, east side of Ninth Avenue, between 58<sup>th</sup> Street and West 60<sup>th</sup> Street, Block 1049, Lot 1, Borough of Manhattan.

## COMMUNITY BOARD #4M

### APPEARANCES -

For Applicant: Albert Fredericks.

**ACTION OF THE BOARD** - Rules of Practice and Procedure Waived, application reopened and time to obtain a certificate of occupancy extended.

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a re-opening and an extension of the time to obtain a certificate of occupancy which expired on November 17, 1999; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on September 15, 1959 as amended through November 17, 1998 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one (1) year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 15, 2002.

## 727-59-BZ

APPLICANT - Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner; Garage Management Corp., lessee.

SUBJECT - Application July 13, 2001 - reopening for an extension of term of variance which expired July 12, 2001.

PREMISES AFFECTED - 2-8 Fifth Avenue, 14 Washington Square and 4-6 West 8<sup>th</sup> Street, Block 551, Lot 1, Borough of Manhattan.

## COMMUNITY BOARD #2M

### APPEARANCES -

For Applicant: Lyra Altman and Doris Diether, Community Board #2.

**ACTION OF THE BOARD** - Application reopened term of variance extended.

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired July 12, 2001; and

WHEREAS, Community Board #2, Manhattan, has recommended unanimous approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the *Bulletin*, laid over to January 15, 2002 for decision; and

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

*Resolved*, that the Board of Standards and Appeals hereby *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted July 12, 1960 as amended through, July 12, 1991, expiring October 16, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from July 12, 2001 expiring July 12, 2011, *on condition*:

THAT a sign be posted and maintained at the entrance of the garage informing residents of their right to recapture any of the spaces devoted to transient parking on thirty (30) day notice to the owner or operator of the garage, that all cars parked in the garage facility shall be private-non commercial passenger type motor vehicles; that all rate signs shall be posted directly inside the entrance doors of the garage; that the premises be kept clean of debris and graffiti, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 13, 2001” - (1) sheet and “Received January 14, 2002” - (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.”

(ALT No.905/59)

Adopted by the Board of Standards and Appeals, January 15, 2002.

## 964-87-BZ

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

SUBJECT - Application November 14, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 6, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 780/798 Burke Avenue, southwest corner of Barnes Avenue, Block 4571, Lot 28, Borough of The Bronx.

## COMMUNITY BOARD #12BX

### APPEARANCES -

For Applicant: Michelle Spallino.

**ACTION OF THE BOARD** - Rules of Practice and Procedure

# MINUTES

waived, application reopened, resolution amended and term of the special permit extended.

## THE VOTE TO REOPEN HEARING -

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

Negative: .....0

## THE VOTE TO CLOSE HEARING -

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

Negative: .....0

## THE VOTE TO GRANT -

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

Negative: .....0

## THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution and extension of the term of the special permit which expired on February 6, 2000; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision; and

WHEREAS, this application also seeks the installation of a 24'x 36' canopy over the existing gasoline dispensers.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 6, 1990 expiring February 6, 2000, so that as amended this portion of the resolution shall read:

“To permit the installation of a 24'x 36' canopy over existing gasoline dispensers and to legalize the existing pump island with four dispensers on condition:

THAT the term of the variance shall be limited to ten (10) years from February 6, 2000, expiring February 6, 2010 and on further condition:

THAT there shall be no sale of diesel fuel;

THAT there shall be no fueling of trucks on the premises;

THAT there shall be no sale of used cars on the premises;

THAT there shall be no outdoor storage;

THAT outdoor repairs shall not be performed at the site;

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

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

THAT the premises shall be maintained in substantial with the drawings filed with this application marked “Received November 14, 2001”-(2) sheets and “Received December 7, 2001”- (1) sheet and on further condition; that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 15, 2002.

**983-83-BZ**

APPLICANT - Sheldon Lobel, P.C., for Joyce Ross., Owner.

SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.

PREMISES AFFECTED - 134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137<sup>th</sup> Avenue, Block 12300, Lot 30, Borough of Queens.

## COMMUNITY BOARD #12Q

### APPEARANCES -

For Applicant: Lyra Altman.

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

## THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 5, 2002, at 10 A.M., for decision, hearing closed.

## 416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133<sup>rd</sup> Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

## COMMUNITY BOARD #9M

### APPEARANCES -

For Applicant: Blythe S. Brewster.

**ACTION OF THE BOARD** - Laid over to February 5, 2002, at 10 A.M., for continued hearing.

## 648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

## COMMUNITY BOARD #2S.I.

### APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: Kevin Fullington.

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

## 1345-88-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1165 Gas Corp., owner.

# MINUTES

SUBJECT - Application July 10, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired December 12, 2010 and for an amendment to the resolution.

PREMISES AFFECTED - 1165 Ogden Avenue, northeast corner of West 167<sup>th</sup> Street, Block 2528, Lot 35, Borough of The Bronx.

**COMMUNITY BOARD #4BX**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 5, 2002, at 10 A.M., for decision, hearing closed.

**45-90-BZ**

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

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

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

**COMMUNITY BOARD #6BK**

APPEARANCES -

For Applicant: Walter T. Gorman and John Ronan.

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

**ACTION OF THE BOARD** - Laid over to February 26, 2002, at 10 A.M., for continued hearing.

**289-01-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Dana and Joseph Henry, lessee.

SUBJECT - Application October 18, 2001 - proposed alteration and enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and is contrary to Section 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 398-1/2 Sea Breeze Avenue, between Hillside and Sea Breeze Avenues, west of Beach 182<sup>nd</sup> Street, Block 16340, Part of Lot 50, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

Korbey and Commissioner Caliendo.....4

Negative: .....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 17, 2001, acting on ALT 1. Application No. 401282143, reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the 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 a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.

A2- Existing Dwelling to be altered lies within the Bed of a mapped street contrary to Article 3, Section 35 of the General City Law.”; and

WHEREAS, by letter dated December 4, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 5, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 11, 2001, the Department of Transportation 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 August 17, 10, 2001, acting on ALT 1. Application No. 401282143, is modified under the power vested in the Board by §35 and §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, October 18, 2001”-(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 the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, January 15, 2002.

**290-01-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Marie and Daniel McCarthy, lessee.

SUBJECT - Application October 18, 2001 - proposed alteration and enlargement, to an existing one family dwelling, not fronting on

# MINUTES

a legally mapped street, which is contrary to Section 36, Articles 3 of the General City Law.

PREMISES AFFECTED - 13 Beach 220<sup>th</sup> Street, southeast corner of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 17, 2001, acting on ALT 1. Application No. 401298172 reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the 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.”; and
- b) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.

WHEREAS, by the letter dated December 5, 2001, 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 August 17, 2001, acting on ALT 1. Application No. 401298172, 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 October 18, 2001”-(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 the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, January 15, 2002.

**296-01-A**

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

SUBJECT - Application October 24, 2001 - proposed enlargement of the existing first floor and the construction of a new second floor to an exiting one family dwelling, not fronting on a legally mapped street, and also lies within the bed of mapped street, which is contrary to Section 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 171 Ocean Avenue, north side, 110' west of Breezy Point Boulevard, Block 16350, Part of the Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: John Ronan.

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

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 8, 2001, acting on ALT 1. Application No. 401311941 reads:

- “1. Proposal to enlarge the existing first floor and construct a new second floor on a home which lies within an R4 zoning district but which does not front on a mapped street (Ocean Avenue) and simultaneously lies within the bed of a street that is mapped (Beach 207<sup>th</sup> Street) is contrary to Article 3, Sections 36(2) and 35 of the General City Law respectively and contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board Standards and Appeals for approval.”; and

WHEREAS, by letter dated November 23, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 28, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 5, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence

# MINUTES

to warrant this approval under certain conditions.

*Resolved*, that the decision of the Queens Borough Commissioner, dated October 8, 2001 acting on ALT 1. Application No. 401311941, is modified under the power vested in the Board by §35 and §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 October 24, 2001"-(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 the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, January 15, 2002.

## 122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69<sup>th</sup> Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

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

*Pasquale Pacifico, Executive Director.*

Adjourned: 10:50 A.M.

## REGULAR MEETING TUESDAY AFTERNOON, JANUARY 15, 2002 2:00 P.M.

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

## ZONING CALENDAR

### 304-00-BZ

#### CEQR #01-BSA-073R

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit in a C1-8 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21.

PREMISES AFFECTED - 2044 Hylan Boulevard, southeast corner of Adams Avenue, Block 3670, Lot 1, Borough of Staten Island.

#### COMMUNITY BOARD #2SI

APPEARANCES -

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

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2000, acting on ALT.1 Applic. No. 500429244, reads:

"OBJECTION #1 - PROPOSED EXTENSION TO EXISTING AUTO REPAIR CENTER-USE GROUP 16B IN A C8-1 DISTRICT, IS NOT PERMITTED DUE TO THE INCREASED BULK AS PER SECTION 33-122 OF THE ZONING RESOLUTION

OBJECTION #2 - PROPOSED EXTENSION TO EXISTING AUTO REPAIR CENTER - USE GROUP 16B IN A C8-1 DISTRICT, IS NOT PERMITTED DUE TO THE INCREASED PARKING REQUIRED, AS PER SECTION 36-21 OF THE ZONING RESOLUTION.";

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid over to December 18, 2001, and then to January 15, 2002 for decision; and

WHEREAS, Community Board 2 recommends approval of the application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-1 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21; and

WHEREAS, the proposal seeks to enlarge an existing 6000 square foot auto repair center (Use Group 16B) on an existing 6852.21 square foot lot; and

WHEREAS, the record indicates that the subject building is located on the northerly side lot line adjacent to the front lot line along Hylan Boulevard and adjacent to the easterly side lot line; and

WHEREAS, this section of Hylan Boulevard has become increasing commercial with many automotive uses; and

WHEREAS, the site's history of conforming commercial use, and site's uniquely undersized lot presents practical difficulty and unnecessary hardship for the existing Use Group 16 use, and the additional floor area is the minimum amount necessary to relieve this hardship; and

WHEREAS, the record indicates that the owner requires additional floor area for the display of specialty items in order to compete with the increasing number of other automotive service centers on Hylan Boulevard and to maintain existing relationship with suppliers; and

WHEREAS, the proposal calls for an enlargement of the second floor which will be placed on the columns above the parking areas and driveways on the open portion of the lot housing a sales area of approximately 2243.8 square feet; and

WHEREAS, a C8-1 zone permits a floor area ratio (FAR) of one (1); and

WHEREAS, since the proposed enlargement for 2850 square feet, exceeds 852.21 square feet, the proposal requires the instant variance application; and

WHEREAS, the record indicates that Hylan Boulevard is a major thoroughfare serviced by major express and local bus routes connecting the north and south shores of Staten Island; and

WHEREAS, the subject premises is located in an area characterized by retail and, commercial uses including automotive sales and service centers, car washes, and gasoline service stations; and

WHEREAS, the aforementioned unique physical constraints of the building make its occupancy for a complying C8-1 use impractical and create an unnecessary hardship in developing the site in compliance with the current zoning; and

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

WHEREAS, the property is located in a C8-1 Commercial zone; and

WHEREAS, the record indicates that within the vicinity of the subject premises many retail and commercial automotive uses are present; and

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

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

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in a C1-8 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21, 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 18, 2001"-(-5) sheets; and on further condition;

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

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

Adopted by the Board of Standards and Appeals, January 15, 2002.

## **305-00-BZ CEQR #01-BSA-074R**

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 268 Adams Avenue, south side, 100' east of Hylan Boulevard, Block 3672, Lot 14, Borough of Staten

# MINUTES

Island.

## COMMUNITY BOARD #2SI

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2000, acting on ALT.1 Applic. No. 500429253, reads:

“OBJECTION #1 - PROPOSED PUBLIC PARKING LOT FOR 17 CARS (PUBLIC USE/USE GROUP 8) WITHIN AN R3-2 DISTRICT IS CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid over to December 18, 2001, and then to January 15, 2002 for decision; and

WHEREAS, Community Board 2 recommends approval of the application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10; and

WHEREAS, under Calendar Number 304-00-BZ, an application was made for an enlargement to an existing 6000 square feet automotive repair center; and

WHEREAS, the record indicates that the enlargement proposed under Calendar Number 304-00-BZ triggered a requirement for additional parking; and

WHEREAS, the existing 7,053.25 square foot lot (the subject property) is a large tract of land measuring approximately 80' X 90', zoned R3-2, with commercial uses to the right and heavy commercial uses in the (C8-1) district across the street; and

WHEREAS, the applicant represents that this area along Hylan Boulevard suffers from lack of street parking and general congestion; and

WHEREAS, the record indicates that Hylan Boulevard is a major thoroughfare serviced by major express and local bus routes connecting the north and south shores of Staten Island; and

WHEREAS, the subject premises is located in an area characterized by retail and, commercial uses including automotive sales and service centers, car washes, and gasoline service stations; and

WHEREAS, the aforementioned unique physical constraints of the building site make its occupancy for a conforming R3-2 use impractical and create an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the record indicates that within the vicinity of the subject premises many retail and commercial automotive uses are present and that there is a demand for parking; and

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

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

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 11, 2002”-(1) sheet; and on further condition;

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

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

Adopted by the Board of Standards and Appeals, January 15, 2002.

## 286-01-BZ CEQR # 02-BSA-033R

APPLICANT - Rampulla Associates, A.I.A., for Robert Rampulla, owner.

SUBJECT - Application October 15, 2001 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45.

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PREMISES AFFECTED - 165 Bryson Avenue, southeast corner of Waters Street, Block 1474, Lot 20, Borough of Staten Island.

## COMMUNITY BOARD # 1S.I.

APPEARANCES - None.

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

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2001 acting on Alt. Applic. No. 500487877, reads:

- “1. The proposed new building in an R-2 zoning district to be occupied as a one-family detached residence, use group 1, does not have minimum required front yard on Bryson Avenue and is contrary to section 23-45 of the zoning resolution.”; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45; and

WHEREAS, a similar application (Calendar No. 524-86-BZ) on the site was denied on the grounds of objections for the front yard, side yard, height and open space requirements; and

WHEREAS, however, the current proposal has only one objection; and

WHEREAS, the applicant represents that the site measures 25' x 100' and contains 2,500 square feet of lot area; and

WHEREAS, the property is located in an R-2 residential zone; and

WHEREAS, applicant states that the property has 25' of frontage on Waters Avenue and 100' of frontage on Bryson Avenue; and

WHEREAS, the site is currently vacant and unimproved; and

WHEREAS, applicant represents that the lot has frontage on two separate streets; Waters Avenue and Bryson Avenue are 60' wide final mapped streets; and

WHEREAS, the applicant represents that, therefore, as per Z.R. §12-10, the subject property is a corner lot and is not subject to any rear yard requirements; and

WHEREAS, applicant represents that a 15' front yard is required on Bryson Avenue and a 15' front yard is required on Waters Avenue; and

WHEREAS, applicant represents that a 5' side yard is required along the side lot line; and

WHEREAS, the aforementioned unique physical condition,

the narrowness of the lot, makes its occupancy for a complying R-2 use impractical creating an unnecessary hardship in developing the site in complying with the current zoning; and

WHEREAS, the applicant represents that the above referenced conditions leave no reasonable possibility constructing a conforming development; and

WHEREAS, the record demonstrates that because of the narrowness of the zoning lot it becomes impossible to comply to the applicable provisions of the Zoning Resolution to construct a residence or any other allowable building type on this property either detached or otherwise and the only alternative the owner has is to seek relief by variance application; and

WHEREAS, the applicant represents that most homes within the immediate neighborhood are one and two story detached residences; and

WHEREAS, the proposed dwelling would be no higher than the existing two story houses within the area and that the design of the house would be in character with its immediate neighborhood; and

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

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

WHEREAS, the present overall dimension of the subject lot was created by the owner who created the street system and subdivided the lots; and

WHEREAS, the lot has been undersized (25' x 100') since before the enactment of 1961 zoning resolution and, therefore, complies with Z.R. §23-33 Special Provisions for existing small lots; and

WHEREAS, the requested reduction in the required front yard from 15' to 5' is to develop a single family home; and

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is

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contrary ZR §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 15, 2001"- (5) sheets; and on further condition;

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

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

THAT a certificate of occupancy be obtained within two (2) years.

Adopted by the Board of Standards and Appeals, January 15, 2002.

## 37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

### COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

## 226-00-BZ

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

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

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

### COMMUNITY BOARD #1BK

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to January 29,

2002, at 2 P.M., for continued hearing.

## 138-01-BZ

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

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

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

### COMMUNITY BOARD #5BK

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

## 139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38<sup>th</sup> Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

## 260-01-BZ

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

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply

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# MINUTES

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

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

## **COMMUNITY BOARD #7Q**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to February 26, 2002, at 2 P.M., for deferred decision.

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## **261-01-BZ**

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

## **COMMUNITY BOARD #4M**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to January 30, 2002, at 9:30 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 2:05 P.M.

# MINUTES

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 35-11 Prince Street, east side, 105.57' south of 35<sup>th</sup> Street, Block 4958, Lot 1, Borough of Queens.

## **COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Laid over to March 5, 2002, SOC Calendar at 10 A.M., for postponed hearing.

**DISMISSAL CALENDAR**  
**WEDNESDAY MORNING, JANUARY 16, 2002**  
**10:00 A.M.**

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

### **233-01-BZ**

APPLICANT - New York City of Standards and Appeals.

OWNER: Heller Realty Corporation.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 537 West 19<sup>th</sup> Street, northwest corner of 11<sup>th</sup> Avenue, Block 691, Lot 11, Borough of Manhattan.

### **COMMUNITY BOARD #4M**

APPEARANCES - None.

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

### **240-01-BZ**

APPLICANT - New York City of Standards and Appeals.

OWNER: Lionshead 110 Development, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

### **COMMUNITY BOARD #1M**

APPEARANCES - None.

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

### **246-01-BZ**

APPLICANT - New York City of Standards and Appeals.

OWNER: Q. P. Development Corporation.

### **279-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Howard Friscia, 2128 McDonald Avenue, 2130 McDonald Avenue, Alice Lee and Vincezo Morello, owner; Magen David Yeshivah, lessee.

SUBJECT - Application September 7, 2001 - under Z.R. §72-21 and §73-19, to permit the proposed community facility (school), Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to Z.R. §42-00, §24-11, §24-34, §24-35, §24-36, §24-521, and also requires a special permit as per Z.R. §73-19.

PREMISES AFFECTED - 2106/30 McDonald Avenue, a/k/a 143/45 Lake Street, between Avenues S and T, Block 7087, Lots 14, 22, 24, 73 and 76, Borough of Brooklyn.

### **COMMUNITY BOARD #11BK**

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Peter Santon, Elton Eldon and other.

For Opposition: William Cohen, Assemblyman 47<sup>th</sup> District; Richard J. Clarke, Community Board 11; Kathleen Lembo, Josephine Dimino Lorraine Lapetina, Colleen Florek, Anthony Piazza, Frances Mattered, Frances Mulvaney, John Balaes, Mary Placanica and others.

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

**ACTION OF THE BOARD** - Laid over to March 6, 2002, Special Hearing, at 9:30 A.M., for continued hearing.

*Pasquale Pacifico, Executive Director.*

Adjourned: 12:13 P.M.

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# MINUTES

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