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# BULLETIN

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

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Volume 87, No. 40

October 10, 2002

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### DIRECTORY

**JAMES CHIN**, *Chairman*

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

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**PETER CALIENDO**

**JOEL A. MIELE, SR.**

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# DOCKET

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New Case Filed Up to October 1, 2002

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**257-02-BZ** B.Q. 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens. Alt.I #401495360. Proposed incorporation of an existing vacant building into the existing development (previously before the Board under (Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #5Q**

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**258-02-BZ** B.BK. 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn. Alt.I #301397165. Proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #1BK**

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**259-02-A** B.S.I. 819 Rossville Avenue, aka 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island. Applic. #500556187. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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**260-02-A** B.Q. 129-02 Liberty Avenue, southeast corner of 129<sup>th</sup> Street, Block 9583, Lot 1, Borough of Queens. N.B. #401371029. Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

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**261-02-A** B.S.I. 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island. N.B. #500525611. Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**262-02-BZ** B.BK. 4801 Tenth Avenue and 1001/47 49<sup>th</sup> Street, bounded by Fort Hamilton Parkway, 10<sup>th</sup> Avenue, between 48<sup>th</sup> and 49<sup>th</sup> Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn. Alt. #301393025. Proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, is contrary to Z.R. §24-522, §33-431 and §24-11.

**COMMUNITY BOARD #12BK**

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**263-02-BZ** B.BK. 1800 Coney Island Avenue, west side, 260'-0" north of Avenue "O", south of Avenue "N", Block 6592, Lot 34, Borough of Brooklyn. Applic. #301027314. The legalization of an existing physical culture establishment, located on the first floor of a one story masonry structure, within a C8-2 in the Ocean Parkway Special zoning district, requires a special permit from the Board as per Z.R. §73-36.

**COMMUNITY BOARD #12BK**

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**264-02-BZ** B.M. 150/54 West 17<sup>th</sup> Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan. Applic. #102555762. Proposed addition to an existing community facility, at the second floor rear yard portion, is not in compliance with Z.R. §33-23 regarding rear yard requirements.

**COMMUNITY BOARD #4M**

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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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**OCTOBER 29, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, October 29, 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**

### **219-71-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **174-94-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

**COMMUNITY BOARD #3Q**

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### **165-98-BZ**

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimmall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

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**OCTOBER 29, 2002, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, October 29, 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**

### **21-02-A thru 25-02-A**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

**COMMUNITY BOARD #13Q**

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### **127-02-A thru 137-02-A**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

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# CALENDAR

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42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.  
44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.  
46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.  
48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.  
45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.  
**COMMUNITY BOARD #3SI**

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**217-02-A**

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.  
SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.  
PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.  
**COMMUNITY BOARD #3SI**

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**233-02-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.  
SUBJECT - Application August 19, 2002 - 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.  
PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

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**243-02-A**

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.  
SUBJECT - Application September 9, 2002 - 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.  
PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.  
**COMMUNITY BOARD #14Q**

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**OCTOBER 29, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, October 29, 2002, at 2 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**12-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corporation, owner.  
SUBJECT - Application January 4, 2002 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, and is contrary to Z.R. §32-25.  
PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.  
**COMMUNITY BOARD #12BK**

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**82-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.  
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.  
PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.  
**COMMUNITY BOARD #3BK**

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**121-02-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.  
SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning which requires a special permit as per Z.R. §32-10.  
PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.  
**COMMUNITY BOARD #10BK**

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# CALENDAR

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**122-02-BZ**

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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**142-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 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 and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**151-02-BZ**

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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**162-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

SUBJECT - Application May 20, 2002 - 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 does not comply with the zoning requirements for floor area ratio and side and rear yards, and is contrary Z.R. §23-46, §23-461 and §23-141.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**197-02-BZ**

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT - Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

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**200-02-BZ**

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

SUBJECT - Application August 12, 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 C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

**COMMUNITY BOARD #11M**

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Pasquale Pacifico, Executive Director

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, OCTOBER 1, 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, August 13, 2002, were approved as printed in the Bulletin of August 22, 2002, Volume 87, No. 32-33.

**SPECIAL ORDER CALENDAR**

**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 - 130-38 Horace Harding Expressway, south side of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Application reopened and time to obtain Certificate of Occupancy 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 requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 27, 2002; and

WHEREAS, a public hearing was held on this application on September 10, 2002, after due notice by publication in *The City Record*, and laid over to October 1, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, permitting a florist shop, adopted on May 27, 1998, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read: "That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition"

THAT this approval is limited to the relief granted by

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

THAT the 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, October 1, 2002.

**109-34-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Avenue, aka 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

**COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 10 A.M., for continued hearing.

**915-46-BZ**

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

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

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

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 10 A.M., for continued hearing.

**234-56-BZ**

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

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

PREMISES AFFECTED - 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Steven Sinacori.

THE VOTE TO CLOSE HEARING -

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# MINUTES

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

**ACTION OF THE BOARD** - Laid over to October  
22, 2002, at 10 A.M., for decision, hearing closed.

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## 624-68-BZ

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

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

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

COMMUNITY BOARD #CB11

APPEARANCES -

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** - Laid over to October  
22, 2002, at 10 A.M., for continued hearing.

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## 459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone,  
owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an  
extension of time to obtain a Certificate of Occupancy which  
expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue,  
southern corner of Avenue T and Flatbush Avenue, Block  
8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Laid over to October  
22, 2002, at 10 A.M., for continued hearing.

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## 540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector,  
LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an  
extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, aka  
28-36/58 33rd Street, north west corner of Newtown Avenue  
and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Adam 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 October  
22, 2002, at 10 A.M., for decision, hearing closed.

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## 25-95-BZ

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

SUBJECT - Application July 16, 2001 - reopening for an  
extension of term of variance which expired June 11, 2001.  
PREMISES AFFECTED - 2881 Nostrand Avenue,  
Nostrand Avenue and Marine Parkway, Block 7691, Lot 19,  
Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

**ACTION OF THE BOARD** - Laid over to November  
19, 2002, at 10 A.M., for continued hearing.

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## 137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159  
Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a  
waiver of the Rules of Practice and Procedure and reopening  
for an extension of term of variance which expired  
September 9, 2000.

PREMISES AFFECTED - 6159 Broadway, west side of  
Broadway 175' south of 251st Street, Block 5814, Lot  
1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Fredrick A. Becker, Kathy Zamechansky and  
Mitchell Mecklas.

For Opposition: Council Member Oliver Koppell,  
Assemblyman Jeffrey Dinowitz, John Scrofani and John  
Yacovone, Fire Department; Robin Stevenson, Luis  
Rodrigarz, Julie Reyes and Toni Buth.

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

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# MINUTES

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## 175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Doris Diether, Community Board #2M.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Abstain: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to October 29, 2002, at 10 A.M., for decision, hearing closed.

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## 139-02-A

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

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

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

### COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: S. Scott Mason, Department of Buildings, Michael Sillerman, Julia Marx, Jesse Masy and Samuel Lindenbaum.

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 11 A.M., for decision, hearing closed.

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## 154-02-A & 155-02-A

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

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

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

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

### COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Joseph Raia

For Administration: John Scrofani and John Yacovone, 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 22, 2002, at 11 A.M., for decision, hearing closed.

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## 228-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Onofrio and Joanne Rocco, lessee.

SUBJECT - Application August 12, 2002 - proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Article 3, Sections 35 and 36 of the General City Law.

PREMISES AFFECTED - 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John Scrofani and John Yacovone, Fire Department.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 12:20 P.M.

# MINUTES

**REGULAR MEETING  
TUESDAY AFTERNOON, OCTOBER 1, 2002  
2:00 P.M.**

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

**ZONING CALENDAR**

**265-01-BZ**

**CEQR #02-BSA-026Q**

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 in an R3-1 zoning district, which creates non-compliances with respect to floor area, side, front, and rear yards, open space, and lot size, and is contrary to Z.R. §§23-141, 23-32, 23-45, 23-46 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: John Scrofani 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, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 5, 2001, and updated May 13, 2002 acting on ALT Application No. 401063558, reads:

“Respectfully request reconsideration for the existing non-comply one dwelling building. The existing floor area’s exceeded the open space is below the minimum. The side yards, the front and rear yard are not in compliance. The lot is an existing narrow lot, and the lot area is also contrary to section 23-32.”; 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 September 10, 2002, and then to October 1, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and

Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of an enlargement to an existing one-family dwelling in an R3-1 zoning district, which creates non-compliances with respect to floor area, side, front, and rear yards, open space, and lot size, and is contrary to Z.R. §§23-141, 23-32, 23-45, 23-46 and 23-47; and

WHEREAS, the record indicates that the subject premises is an undersized lot located on the south side of Russell Street, bounded by the Flinn Canal in the rear; and

WHEREAS, the applicant states that the site is improved with a home which was likely to have been used primarily as a summer bungalow; and

WHEREAS, the subject site has a width of 20 feet, a depth of 70 feet and a total lot area of 1,400 square feet, that upon which only a home of 490 square feet could be built under the current zoning; and

WHEREAS, according to the applicant, the as-of-right building would have a width of 7 feet and a depth of 25 feet; and

WHEREAS, the aforementioned unique physical condition, namely the narrow and shallow lot, makes its occupancy for a conforming R3-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and 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, 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 Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every

# MINUTES

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, under Z.R. §72-21, to permit the legalization of an enlargement to an existing one-family dwelling in an R3-1 zoning district, which creates non-compliances with respect to floor area, side, front, and rear yards, open space, and lot size, and is contrary to Z.R. §§23-141, 23-32, 23-45, 23-46 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 14, 2002"- (9) sheets, and on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, October 1, 2002.

## 281-01-BZ

### CEQR #02-BSA-028M

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

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

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

### COMMUNITY BOARD #5BX

APPEARANCES -

For Administration: John Scrofani and John Yacovone, Fire Department.

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

THE VOTE TO DISMISS -

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

Adopted by the Board of Standards and Appeals, October 1, 2002.

## 68-02-BZ

### CEQR #02-BSA-144Q

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 in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35. 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: John Scrofani and John Yacovone, Fire Department.

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

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on N.B. Application No. 401387904, reads;

- 1- "PROPOSED USE, USE GROUP 3A, (NOT FOR PROFIT OR PHILANTHROPIC FACILITY WITH SLEEPING ACCOMMODATIONS.) DOES NOT COMPLY WITH THE PERMITTED USES IN AN M1-1 ZONE; and
- 2- THE PROPOSED BUILDING IS LOCATED IN THE BED OF A MAPPED STREET (132<sup>ND</sup> STREET) AND REQUIRES BSA APPROVAL PURSUANT TO GENERAL CITY LAW SECTION 35"; AND

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in *The City Record*, and laid over to October 1, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion appeals case filed under Calendar

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Number 69-02-A objection #2; and

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

WHEREAS, Community Board #9, Queens, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35; and

WHEREAS, the subject site is located on 89<sup>th</sup> Road between 90<sup>th</sup> and Jamaica Avenues; and

WHEREAS, 89<sup>th</sup> Road is a dead end street abutting the Long Island Rail Road at the northeast end; and

WHEREAS, since, 1969, the subject community facility operates its programs from a two-story 11,000 square foot facility located at 89<sup>th</sup> Road, which is across the street from the subject premises, and

WHEREAS, the record and the Borough President's report indicates that the proposed facility, will occupy a 23,895 square foot, four (4) Story structure, consisting of (3) floors and a penthouse, allowing the applicant to provide needed services and counseling in a converted two-story industrial building for clients on an out-patient basis and will house 65 beds for in-patient care; and

WHEREAS, the applicant represents that the current facility has been adapted and rearranged to accommodate an increased client population and that the proposed site will enable the community facility to expand its services by providing (31) additional in-patient beds;

WHEREAS, the record indicates that within a 400 foot radius, the subject lot, nearly all parcels are occupied by manufacturing, industrial and warehousing uses is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 3/4" in depth; and

WHEREAS, the applicant represents that the subject building is not suitable for a commercial development because the property rests against a solid concrete abutment of the Long Island Railroad which extends over twenty feet high, making accessibility to the site by commercial vehicles difficult; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot, its location on a dead end street, and the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

for-profit purposes; and

WHEREAS, the Board notes that the subject community facility has been an asset to the community for over 32 years and that the proposed building is surrounding by manufacturing uses; and isolated at the dead end of 89<sup>th</sup> Road; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

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

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

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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 22, 2002"- (5) sheets and "September 16, 2002"- (4) sheets; and *on further condition*;

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

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

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

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

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

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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, October 1, 2002.

## 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: John Scrofani and John Yacovone, Fire Department.

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

## THE VOTE TO REOPEN HEARING -

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

Negative: .....0

## THE VOTE TO CLOSED HEARING -

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

Negative: .....0

## THE VOTE TO GRANT -

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

Negative: .....0

## THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on N.B. Application No. 401387904, reads;

- 1- “PROPOSED USE, USE GROUP 3A, (NOT FOR PROFIT OR PHILANTROPIC FACILITY WITH SLEEPING ACCOMMODATIONS.) DOES NOT COMPLY WITH THE PERMITTED USES IN AN M1-1 ZONE; and
- 2- THE PROPOSED BUILDING IS LOCATED IN THE BED OF A MAPPED STREET (132<sup>ND</sup> STREET) AND REQUIRES BSA APPROVAL PURSUANT TO GENERAL

CITY LAW SECTION 35”; AND

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in *The City Record*, and laid over to October 1, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion appeals case filed under Calendar Number 69-02-A objection #2; and

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

WHEREAS, Community Board #9, Queens, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35; and

WHEREAS, the subject site is located on 89<sup>th</sup> Road between 90<sup>th</sup> and Jamaica Avenues; and

WHEREAS, 89<sup>th</sup> Road is a dead end street abutting the Long Island Rail Road at the northeast end; and

WHEREAS, since, 1969, the subject community facility operates its programs from a two-story 11,000 square foot facility located at 89<sup>th</sup> Road, which is across the street from the subject premises, and

WHEREAS, the record and the Borough President’s report indicates that the proposed facility, will occupy a 23,895 square foot, four (4) Story structure, consisting of (3) floors and a penthouse, allowing the applicant to provide needed services and counseling in a converted two-story industrial building for clients on an out-patient basis and will house 65 beds for in-patient care; and

WHEREAS, the applicant represents that the current facility has been adapted and rearranged to accommodate an increased client population and that the proposed site will enable the community facility to expand its services by providing (31) additional in-patient beds;

WHEREAS, the record indicates that within a 400 foot radius, the subject lot, nearly all parcels are occupied by manufacturing, industrial and warehousing uses is very small and shallow, measuring approximately only 37’5 1/4” fronting on Third Avenue, and extending only 69’10 33/4” in depth; and

WHEREAS, the applicant represents that the subject building is not suitable for a commercial development because the property rests against a solid concrete abutment of the Long Island Railroad which extends over twenty feet high, making accessibility to the site by commercial vehicles difficult; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot, its location on a dead end street, and the growing

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programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

WHEREAS, the Board notes that the subject community facility has been an asset to the community for over 32 years and that the proposed building is surrounding by manufacturing uses; and isolated at the dead end of 89<sup>th</sup> Road; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

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

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

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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 22, 2002"- (5) sheets and "September 16, 2002"- (4) sheets; and *on further condition*;

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

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

THAT a Certificate of Occupancy shall be obtained

within two (2) years of occupancy;

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

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

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

Adopted by the Board of Standards and Appeals, October 1, 2002.

## 103-02-BZ

### CEQR #02-BSA-171K

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

SUBJECT - Application April 2, 2002 - under Z.R. §72-21, to permit in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which 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

For Administration: John Scrofani 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, Commissioner Caliendo and Commissioner Miele.....5

Negative: .....0

#### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 4, 2002 acting on ALT. Application No. 300189622, reads;

"Proposed 2nd Story within the Envelope of the Existing Building is contrary to Z.R. §24-36 and requires a variance from the Board of Standards and Appeals as per §72-21"; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 1, 2002 for decision; and

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

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Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which is contrary to Z.R. §24-36; and

WHEREAS, the subject site is rectangular parcel located on East 24th Street, approximately 105 south of Avenue O, developed with a two-story and cellar synagogue; and

WHEREAS, the rear yard of the subject premises is presently occupied by a one-story 23 foot high permitted obstruction; and

WHEREAS, the instant application seeks to add a second story within the existing envelope in the rear yard, and

WHEREAS, Z.R. §24-36 requires that a community facility in an R6 district provide a rear yard with a depth of not less than thirty (30) feet; and

WHEREAS, the applicant represents that the proposed non-complying design is necessary to meet the programmatic needs of the congregation, because its existing facility is not adequate to meet the expanding needs of a growing congregation;

WHEREAS, the record indicates that the instant proposal will allow rooms to separate the activities for children, young adults and seniors, as well as providing a dining room for religious observances and meetings; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

WHEREAS, the Board notes that the subject community facility is a permitted use within the subject R6 zoning district, and the record indicates the majority of the congregants live within walking distance to the proposed site; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the synagogue; and

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

WHEREAS, the Board has conducted an environmental

review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts;

THAT would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which is contrary to Z.R. §24-36, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 2, 2002"- (7) sheets and "September 25, 2002"- (1) sheet; and on further condition;

THAT in accordance with BSA approved plans and Fire Department recommendations, the applicant provide the following safety measures;

THAT the premises shall not be used for commercial catering at any time;

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

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

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

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

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

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

Adopted by the Board of Standards and Appeals, October 1, 2002.

**109-02-BZ  
CEQR #02-BSA-177X**

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 in a C2-2/ R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

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

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of The Bronx.

## COMMUNITY BOARD #10BX

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200712014 reads:

“1. Proposed construction of a new building 4,224 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 within a R6 Zoning District which is contrary to BSA calendar number 29-53-BZ and therefore must be referred to the BSA”; and

WHEREAS, a public hearing was held on this application on , 2002 after due notice by publication in *The City Record*, and laid over to October 1, 2002 for decision; and

WHEREAS, Community Board No. 10 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/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #2; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 31,560 square feet of area with approximately 230 feet of frontage along Seddon Street, 120 feet of frontage along Saint Peters Avenue, and 152 feet of frontage along East Tremont Avenue, a heavily traveled roadway; and

WHEREAS, the subject site is presently improved with a single-story 2,780 square feet masonry building with 4 car port doors; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 4,224 square foot automotive service station with an accessory convenience store containing 2,330 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 144.92 square feet of illuminated signage and 61.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump

islands, the proposal also provides parking spaces for 17 vehicles; and

WHEREAS, the applicant represents that a 6' high chain link fence with privacy slats along the top will provide screening to the adjoining lots within the C2-2/R6 zoning district, and 44 white pines will line the Southeastern property line where the site adjoins residential uses; 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 31,560 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 East Tremont Avenue is a heavily traveled thoroughfare and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; 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/ R6 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 25, 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

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ten (10) years from the date of this grant, expiring October 1, 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, October 1, 2002.

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## **233-01-BZ**

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

## **COMMUNITY BOARD #4M**

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: Neil Selkiris, John Latona and Gabriel Prem.

For Administration: John Scrofani and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 17, 2002, at 2 P.M., for continued hearing.

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## **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.

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: John Scrofani and John Yacovone, Fire Department and Michael Sucher.

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 29, 2002, at 2 P.M., for decision, hearing closed.

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## **282-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

## **COMMUNITY BOARD #1BK**

APPEARANCES-

For the Applicant: Lyra Altman.

For Opposition: John Scrofani and John Yacovone, Fire Department.

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

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## **283-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

## **COMMUNITY BOARD #1BK**

APPEARANCES-

For the Applicant: Lyra Altman.

For Opposition: John Scrofani and John Yacovone, Fire Department.

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

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**292-01-BZ**

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit the legalization of a new dining room at the rear of the structure, and a storage room in the cellar, which is part of an existing and drinking establishment, Use Group 6, located in an R7-2 zoning district, is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 ½" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

**COMMUNITY BOARD #2M**

## APPEARANCES -

For Applicant: Anthony M. Salvati and Peter Mosconi.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

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**297-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #6M**

## APPEARANCES-

For the Applicant: Eric Palatnik

For Opposition: John Scrofani and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for postponed hearing.

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**305-01-BZ thru 320-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

## PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of

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Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

## COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane, Tom Cusanelli and Hank Fabian.

For Opposition: John Scrofani and John Yacovone, Fire Department and Gary Gordanio.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

## 322-01-BZ

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

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51. PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2<sup>nd</sup> Street, Block 7129, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Rose Lee, Angelina Eriquez and Steven Eriquez.

For Administration: John Scrofani and John Yacovone, 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 December 10, 2002, at 2 P.M., for decision hearing.

## 325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

## 373-01-BZ

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

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

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

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel and Francesco Munez.

For Opposition: John Scrofani and John Yacovone, Fire Department.

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

## 374-01-BZ & 375-01-BZ

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

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

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

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

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Scrofani and John Yacovone, Fire Department.

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

## 384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between

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Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES-

For the Applicant: Lyra Altman.

For Opposition: John Scrofani and John Yacovone, Fire Department.

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

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**26-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002- under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #2S.I.**

APPEARANCES -

For Applicant: Eric Palatnik.

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

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**39-02-BZ**

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

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

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

**COMMUNITY BOARD #12Q**

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Scrofani and John Yacovone, Fire Department.

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

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**78-02-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyre 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: Adam Rothkrug.

For Administration: John Scrofani and John Yacovone, Fire Department.

THE VOTE TO REOPEN 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 12, 2002, at 2 P.M., for continued hearing.

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**87-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

APPEARANCES -

For Applicant: Eric Palatnik.

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

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**106-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit the proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik, David Shielerman and Jacob

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Joselis.

For Opposition: Ezra Friedlander.

For Administration: John Scrofani and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

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## 112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

### COMMUNITY BOARD #3M

APPEARANCES -

For Administration: John Scrofani and John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

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## 124-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed combination of three existing accessory group parking facilities, into a single facility with roof top parking, and secondly the construction of a new accessory garage with rooftop parking, for an existing university campus, located in an R4 zoning district, which is contrary to §25-11 and §25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

### COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Howard Goldman, Larry Rosenbloom, Bob Michel and Levin Lovy.

For Opposition: Ursula M. Borbeck, Dieter Borbeck, Jacqueline Forrestal and Kevin Forrestal.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

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## 157-02-BZ

APPLICANT - Dennis D. Dell'Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - 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 does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-14, §23-46 and §23-47. PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Dennis Dell'Angelo.

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 22, 2002, at 2 P.M., for decision hearing.

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## 163-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R. §23-47, §23-461 and §23-141 and §23-461.

PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S" and "T", Block 7300, Lot 72, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

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 22, 2002, at 2 P.M., for decision hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 6:30 P.M.