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DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

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COMMUNITY BOARD #6M

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343-02-BZ B.M. 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan. Alt.1 #103157343. Proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #5M

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COMMUNITY BOARD #12BK

345-02-A B.Q. 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens. N.B. #401522857. Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

346-02-BZ B.S.I. 34 Zephyr Avenue,

south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island. Alt. #500565738. Proposed enlargement to an existing one-family dwelling, Use Group 1, located in an R3X(SRD) zoning district, which does not comply with the zoning requirements side yards and lot width, is contrary to Z.R. §107-462 and §107-42.

COMMUNITY BOARD #3SI

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COMMUNITY BOARD #6M

348-02-BZ B.Q. 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens. Applic. #401537690. Proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, requires a special permit from the Board as per Z.R. §73-30.

COMMUNITY BOARD #11Q

349-02-A B.S.I. 11 Satterlee Street, east side, 100.00' south of Amboy Road, Block 7945, Lot 70, Borough of Staten Island. Applic. #500582586. Proposed addition to an existing two story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

350-02-BZ B.S.I. 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island. Applic. #500478583. Proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #3SI

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

CALENDAR

JANUARY 7, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, January 7, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

211-74-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Connaught Tower Corporation, owner.

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

PREMISES AFFECTED - 1004-1022 Second Avenue, 300-318 East 54th Street, 301-305 and 315 East 53rd Street, east side of Second Avenue, between East 53rd and 54th Streets, Block 1346, Lots 1,49, 101, Borough of Manhattan.

COMMUNITY BOARD #6M

478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.

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

PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEALS CALENDAR

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens.

340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed reconstruction of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

349-02-A

APPLICANT - Rudolf J. Beneda, for Charles Fleming, owner.

SUBJECT - Application November 25, 2002 - Proposed , addition, to an existing two story ,one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #3SI

JANUARY 7, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 7, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14,

CALENDAR

Borough of Manhattan.

COMMUNITY BOARD #6M

240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

339-02-BZ

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

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed reestablishment of an expired variance previously granted under Cal. No. 219-71-BZ Vol. II, which permitted a warehouse with offices in an R3-2 zoning district, also the addition of Lot No. 4 to the premises, for use as the entrance ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 26, 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, October 22, 2002, were approved as printed in the Bulletin of October 31, 2002, Volume 87, No. 42-43.

SPECIAL ORDER CALENDAR

200-24-BZ

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

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

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

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

ACTION OF THE BOARD - Application reopened, resolution amended and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 17, 2002; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in *The City Record*, and laid over to November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, the application seeks to amend the resolution to reflect minor changes in the interior layout and the change of use (within the same Use Group) from a

retail food store to a bookstore.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution allowing a retail food store, adopted on March 25, 1924, to permit minor changes in the layout, change of use from a retail food store to a bookstore, and to extend the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

‘To permit changes in the interior layout, and the change of use from a retail food store to a bookstore, *on condition that*

THAT the premises shall be maintained in substantial compliance with the proposed drawings, marked ‘Received October 30, 2002’-(2) sheets; and that other than as herein amended the resolution cited above shall be complied with in all respects; and *on further condition*

THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant;

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

THAT the above conditions and all conditions from prior resolutions 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 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, November 26, 2002.

641-59-BZ

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

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

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

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

THE VOTE TO GRANT -

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

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Miele.....4
Negative:.....0
Absent: Commissioner Caliendo.....1
THE RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on May 6, 2000; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in *The City Record*, and laid over to September 20, 2002, November 12, 2002 and then to November 26, 2002, for decision; and

WHEREAS, on April 19, 1960, the Board permitted the erection and maintenance of an gasoline service station, lubritorium, office and sale of auto accessories, storage room, minor auto repairs with hand tools, non-automatic car washing, ground sign and parking and storage of more than 5 cars; and

WHEREAS, the applicant has submitted an affidavit from the owner stating that there shall be no rental of trucks or u-haul vehicles at the said premises.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and *reopens and amends* the resolution, adopted on April 19, 1960, amended through February 9, 1993, so that as amended this portion of the resolution shall read:

‘To extend the term of the variance for a period of 10 years from May 6, 2000 to expire on May 6, 2010; on condition

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

THAT the premises be maintained free of debris and graffiti;

THAT there shall be no rental of non-pleasure vehicles at the premises;

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

THAT signage shall comply with all applicable regulations at all times;

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

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received September 11, 2001”-(2) sheets and “May 21, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT 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. (DOB N.B. Application No. 1301/59)

Adopted by the Board of Standards and Appeals, November 26, 2002.

135-67-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on December 22, 1998; 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 November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, on July 11, 1967, the Board permitted the enlargement in lot area and rearrangement of an automotive service station previously before the Board.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution allowing a retail food store, adopted on July 11, 1967, to extend 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

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of this grant; on further condition

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

THAT the above conditions and all conditions from prior resolutions 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 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, November 26, 2002.

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 #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on January 13, 2001; and

WHEREAS, a public hearing was held on this application on August 13, 2002, after due notice by publication in *The City Record*, and laid over to October 1, 2002, October 22, 2002, November 12, 2002 and then to November 26, 2002, for decision; and

WHEREAS, on November 13, 1968, the Board permitted the enlargement of an existing plumbing supply and office building.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and *reopens*

and amends the resolution, adopted on November 13, 1968, amended through July 28, 1992 so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of 10 years from January 13, 2001 to expire on January 13, 2011; on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received October 1, 2002" - (4) sheets and "November 19, 2002" - (2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

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

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

THAT the 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. (N.B. 836/68)

Adopted by the Board of Standards and Appeals, November 26, 2002.

237-72-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2002, acting on Application No. 401378825 states:

"Proposal to enlarge building 15' x 24' to be used as a convenience store, rearrange interior, install 36' x 47' and 22'6" x 14' canopy over gasoline dispensers and change size of four (4) curb cuts to

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30' each at an automobile service station in a R2 zone is contrary to BSA Cal. #237-72BZ and therefore must be referred back to the BSA for their decision.”; and

WHEREAS, the decision of the Borough Commissioner, also dated June 11, 2002, acting on Application No. 401378834 states:

“Proposal to remove existing islands and dispensers, install four (4) 2'6" x 5' concrete islands with one (1) MPD on each at an automobile service station in a R2 zone is contrary to BSA Cal. #237-72BZ and therefore must be referred back to the BSA for their decision.”; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 8, 2002, and laid over to November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the rearrangement of the island layout, the installation of a canopy, the enlargement to the existing building, the addition of a convenience store, the change of one (1) 55 foot curb cut along 263rd Street to two (2) 30 foot curb cuts, and the relocation of the air pump and auto vacuum; and

WHEREAS, although the applicant has requested 24 hour operation of the proposed convenience store, the Board, upon site inspection and examination of area land use, has determined that hours of operation for the convenience store should be limited to 6:00 AM to 11:00 PM.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the variance pursuant to §11-412, said resolution having been adopted October 24, 1972, so that as amended this portion of the resolution shall read:

“to permit the rearrangement of the island layout, the installation of a canopy, the enlargement to the existing building, the addition of a convenience store, the change of one (1) 55 foot curb cut along 263rd Street to two (2) 30 foot curb cuts, and the relocation of the air pump and auto vacuum, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 26, 2002”-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the hours of operation for the convenience store shall be limited to Monday thru Sunday 6:00 a.m. to 11:00 p.m.;

THAT the hours of operation of the automobile vacuums shall be limited to Monday thru Sunday 7:00 a.m. to 7:00 p.m.;

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

THAT all landscaping shall be maintained in accordance with BSA-approved plans;

THAT there shall be no parking on the sidewalk;

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

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

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

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

Adopted by the Board of Standards and Appeals, November 26, 2002.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, north side of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 23, 2002, acting on Application No. 200719295 reads:

“1. Proposed change of use and extension of term of variance is contrary to Section 22-00 Z.R. and BSA resolution 426-81-BZ and CO 63958.”; and

WHEREAS, the applicant has requested a reopening and an amendment to change the use from a warehouse & wholesale establishment (Use Group 16) to a manufacturing establishment (Use Group 11A) for optical goods and for

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a ten year continuation of the term which expired on April 20, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in *The City Record*, laid over to November 26, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant represents that there will be six occupants at the site, an owner and five employees and that there will be no retail sales or off- the street activity; and

WHEREAS, the hours of operation will be limited to Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday from 9:00 a.m. to 12:00 p.m.

Resolved, that the Board of Standards and Appeals hereby *reopens to amend the resolution and extends the term of the variance*, said resolution having been adopted April 20, 1982 and amended November 17, 1992, so that as amended this portion of the resolution shall read:

“to permit the change of use from a warehouse & wholesale establishment (Use Group 16) to a manufacturing establishment (Use Group 11A) for optical goods and to permit the extension of the term of the variance for an additional ten (10) years from April 20, 2002 expiring April 20, 2012, *on condition*

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

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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

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

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

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

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

Adopted by the Board of Standards and Appeals,

November 16, 2002.

99-01-A

APPLICANT - Philip P. Agusta, for Serafina Balducci/Nicolo Balducci, owners.

SUBJECT - Application August 2, 2002 - reopening for a rehearing.

PREMISES AFFECTED - 37-18 74th Street, west side, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Paul Bonfilio.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application for rehearing granted.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure; and a request for a re-hearing; and

WHEREAS, on May 7, 2002, the Board denied an appeal proposing the legalization of a two story and cellar frame family dwelling converted to stores (U.G. 6) which is contrary to §27-296 and table 4-1 of the Building Code; and WHEREAS, during the prior hearings, the Board informed the appellant that because the proposal is a conversion with three different commercial uses, it must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the Board agreed with the Department of Buildings contention, that because of the change of occupancy classification from residence to mercantile use, the building must be treated like a new building; and

WHEREAS, the appellant also failed to demonstrate how the subject commercial establishment, will make its goods and services available to people with disabilities; and

WHEREAS, therefore, the decision of the Queens Borough Commissioner, dated February 14, 2001 acting on Application No. 400883763, was affirmed and the appeal was denied; and

WHEREAS, the applicant has revised his prior plans and the proposal now provides vertical access to people with disabilities; and

WHEREAS, therefore, the Board finds that the applicant has submitted substantial new evidence that was not available at the time of the initial hearing demonstrating a material change in circumstance.

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

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grants the application for a rehearing and permits the restoration of the application to the Administrative Appeals Calendar.

Adopted by the Board of Standards and Appeals, November 26, 2002.

554-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision, hearing closed.

764-56-BZ

APPLICANT - Alfonso Duarte, P.E., for Barney's Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision, hearing closed.

1237-66-BZ

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

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

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

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

798-76-BZ

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT - Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision, hearing closed.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

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Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

APPLICANT- Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT- Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

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

181-90-BZ

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

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

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

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Paul Bonfilio.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for continued hearing.

71-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor

Washington Hotel Inc., owner.

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

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision, hearing closed.

195-96-BZ

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Ellen Hay.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

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

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, 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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Stewart A. Klein.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

255-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Arthur Connor, lessee.

SUBJECT - Application September 18, 2002 - proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: 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 Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated September 11, 2002, acting on ALT 1. Application No. 401457810, reads:

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

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) Existing dwelling to be altered does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space is contrary to Section C27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated September 25, 2002,

the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 11, 2002, acting on ALT 1. Application No. 401457810, 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 September 18, 2002”- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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, November 26, 2002.

Pasquale Pacifico, Executive Director.

Adjourned: 10:45 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 26, 2002
2:00 P.M.**

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

ZONING CALENDAR

79-02-BZ

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CEQR #02-BSA-153K

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

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

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

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: John A. 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 Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2002 acting on Application No. 301126537 reads:

“The proposed residential building located within an M1-1 zoning district is contrary to the use regulations of Section 42-00 of the zoning regulation and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, Community Board #8, Brooklyn, recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in *The City Record*, laid over to October, 8 2002, November 12, 2002 and then to November 26, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of a four-story manufacturing building into a residential building housing six dwelling units with an artist workshop on the ground floor, which is contrary to Z.R. §42-00; and

WHEREAS, the subject four-story 16,322 square foot building is located on Dean Street, between Franklin and Classon Avenues; and

WHEREAS, presently, the top three floors are vacant with a month to month warehouse tenancy occupying the ground floor; and

WHEREAS, the underlying M1-1 district extends along Atlantic Avenue south from the Long Island Rail Road terminal through Prospect Heights; and

WHEREAS, the record indicates that the subject building was erected in the mid-1800’s for manufacturing uses, originally housing a 2-story brewery, with a subsequent 2-story wooden floor addition, and that for over 30 years the ground floor has housed a warehouse use with the upper three remaining vacant; and

WHEREAS, the building’s age and history of development results in it being inadequate for modern manufacturing uses because it contains no elevators, and access to the upper floors is limited to one narrow staircase constructed of eroded steel creating a condition that is not suitable for heavy manufacturing or industrial loads; and

WHEREAS, the Board agrees with the applicant’s representation that structural inconsistency between the floors makes a conforming manufacturing use impractical; and

WHEREAS, the applicant has demonstrated that efforts to lease the vacant floors to conforming tenants were unsuccessful; and

WHEREAS, the record indicates that the subject building’s floor plates and loading berths are too small for modern manufacturing use, the floor plates range from 3 to 6 thousand square feet, which the applicant represents are too small to accommodate manufacturing users other than warehouses, and the loading berth on Dean Street is only 11 feet wide and 12 feet high in violation of the minimum requirements of Z.R. 44-581; and

WHEREAS, further, the building is functionally obsolete for the purpose for which it was intended by virtue of its age, its lacks elevators, access to the upper floors is limited to one narrow staircase constructed of eroded steel, structural inconsistency between the floors, small floor plates, and inadequate loading berth; and

WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-1 use impractical and creates 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 the subject building borders R6 districts to the south and east and that the instant application will substantially conform to R6 standards; and

WHEREAS, the record indicates that within the vicinity

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of the subject premises many residential and community facility 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 relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M1-1 zoning district, the conversion of a four story industrial building into a residential building housing six dwelling units with an artist workshop on the ground floor, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 20, 2002"-(9) sheets, "September 25, 2002"-(1) sheet, and "October 29, 2002"-(1) sheet; and on further condition;

THAT, all required fire protection measures, including an automatic wet sprinkler system connected to a Fire Department-approved central station, shall be installed and maintained;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, November 26, 2002.

121-02-BZ
CEQR #02-BSA-184K

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(BR) zoning district which requires a special permit as per Z.R. §32-31.
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

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Opposition: John A. 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 Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002 acting on Application No. 301295140 reads:

"PROPOSED PHYSICAL CULTURE ESTABLISHMENT IN A C8-1 ZONING DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS PURSUANT TO SECTION 73-36 Z.R."

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in *The City Record* and laid over to November 26, 2002, for decision; and

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

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1(BR) zoning district which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject premises is located in the Special Bay Ridge District; and

WHEREAS, the premises consists of a through lot, width of 96 feet along 4th Avenue, 163 feet 5 inches of

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depth, with total area of 13,854.8 square feet, developed with a cellar, two-story and mezzanine building currently used as the Harbor Fitness Health Club; and

WHEREAS, the first floor contains racquet and handball courts, a playroom to be used in conjunction with these courts, exercise rooms, and a retail store; and

WHEREAS, the mezzanine level contains male and female toilets and locker rooms, while the second floor remains vacant; and

WHEREAS, the applicant states that the facility currently has a membership of approximately 3,000 persons, employs 20 staff, and operates a 24-hour establishment; and

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

WHEREAS, the applicant further represents no massage services are currently offered or proposed at this time; and

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36, and 73-03; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-36 and 73-03 to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1(BR) zoning district which requires a special permit as per Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 17, 2002"- (4) sheets, and "July 25, 2002"- (1) sheet; and on further condition;

THAT the term of this special permit shall be limited

to five (5) years from January 1, 2001 to expire on January 1, 2006;

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

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT 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, November 26, 2002.

197-02-BZ

CEQR #02-BSA-229K

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, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which 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

APPEARANCES -

For Applicant: Gary Silver.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 5, 2002 acting on Application No. 300627908 reads:

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“Zoning objection for proposed use on part of 1st floor and cellar level. Physical Culture of Health Establishments, including gymnasiums (Not permitted under the Use Group 9) are not as of Right, and require BSA approval as per Zoning Resolution section 32-31.”

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in *The City Record* and laid over to November 26, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject premises is a two-story commercial building with an entrance on Nostrand Avenue and East 31st Street; and

WHEREAS, the applicant represents that the total square footage of the physical culture establish is approximately 29,381 square feet, which will occupy the entire building of the subject premises; and

WHEREAS, the PCE employs approximately seven persons and has a current membership of approximately 175 persons; and

WHEREAS, the applicant represents that the hours of operation are from 6:00 A.M. to 11:00 P.M. Monday through Friday and 8:00 A.M. to 8:00 P.M. Saturday and Sunday; and

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

WHEREAS, the applicant further represents that no massage services are currently offered or proposed at this time; and

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36 and 73-03; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which requires a special permit as per Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received June 19, 2002”-(4) sheets; and on further condition;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on November 26, 2007;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

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

THAT the hours of operation shall be limited to 6:00 A.M. to 11:00 P.M. Monday through Friday and 8:00 A.M. to 8:00 P.M. Saturday and Sunday.;

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, November 26, 2002.

199-02-BZ

MINUTES

CEQR #02-BSA-231M

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

SUBJECT- Application June 21, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462.

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Chris Wright.

For Administration: 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 Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2002 acting on Application No. 103154532 reads:

- “1. Proposed construction of non-profit residences for the elderly does not comply with Section 23-144 of the NYC Zoning Resolution (Maximum Floor Area Ratio)
2. Proposed construction of non-profit residences for the elderly does not comply with Section 23-633 of the NYC Zoning Resolution (Height and Setback Regulations)
3. Proposed construction of non-profit residences for the elderly does not comply with Section 23-462 of the NYC Zoning Resolution (Side Yard Regulations).”;

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, laid over to November 26, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the

elderly, (Use Group 2), contrary to Z.R. §23-144, 23-633 and 23-462; and

WHEREAS, two of the three buildings, are vacant and the third is in the process of being vacated; and

WHEREAS, the applicant represents that federal funding authorizations require the creation of 71 units with a specific design criteria for low-income supportive housing for the elderly and is therefore seeking a variance to increase the allowable Floor Area Ratio by 5%, a waiver of the height and setback requirements for the front portion of the uppermost two floors and a reduction of the minimum depth required for the side yard on the west side of the building from eight feet to five; and

WHEREAS, according to the record four units will be set aside for the mobility impaired and up to 20 units will house tenants classified as frail elderly, additionally, federal regulations will also require that a community space be allocated and an office for an on-site caseworker ; and

WHEREAS, the applicant has provided health and social services to the elderly for over 100 years; and

WHEREAS, the applicant’s other facilities include a 240-bed facility on East 5th Street and a 489-bed teaching hospital located across the street from the subject site; and

WHEREAS, the applicant is mandated to equip each apartment with safety fixtures such as help alarms, handle bars, as every room must accommodate the needs of the elderly from the very active to the severely impaired; and

WHEREAS, the applicant’s programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

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

WHEREAS, this application will provide housing for senior citizens which is consistent with the residential and community facility character of the surrounding streets and the underlying R7-2 zoning district; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant’s programmatic needs; 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

MINUTES

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

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

Therefore, it is Resolved that the Board of Standards and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"-(12) sheets and on further condition;

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

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

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

THAT the premises shall meet all applicable requirements of §12-10, *Non-profit residence for the elderly*;

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

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

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

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

Adopted by the Board of Standards and Appeals, November 26, 2002.

232-02-BZ

CEQR #03-BSA-025K

APPLICANT - Moshe M. Friedman, P.E., for Marc Bodner, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).

PREMISES AFFECTED - 1168 East 23rd Street, east side, 203'-4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 8, 2002, acting on ALT I Application No. 301340074 reads:

"Proposed extensions to proposed One (1) Family Dwelling are contrary to
ZR 23-141(a) Floor Area Ratio
ZR 23-141(a) Open Space Ratio
ZR 23-461(a) Minimum Side Yard

and requires a Special Permit from the Board of Standards and Appeals as per Sec. 73-622."; and

WHEREAS, a public hearing was held on this application on November 12, 2002 after due notice by publication in *The City Record*, and laid over to November 26, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side yards, and is contrary to Z.R. §§23-141 and 23-461; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

MINUTES

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side yards, and is contrary to Z.R §§23-141 and 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 15, 2002"- (5) sheets, "October 22, 2002"- (1) sheet, and "November 18, 2002"- (2) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

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

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

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

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

Adopted by the Board of Standards and Appeals, November 26, 2002.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for decision, hearing closed.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.
SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.
PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 1:30 P.M., for continued hearing.

43-02-BZ

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.

PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Irving Minkin, Sheldon Lobel, George Pantelides, Ray Irrera and Sam Phillip.

For Opposition: Howard Hornstein and Peter Geis.

APPEARANCES -

For Applicant: Ellen Hay.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

Absent: Commissioner Caliendo.....1
ACTION OF THE BOARD - Laid over to January 14, 2003, at 1:30 P.M., for decision, hearing closed.

66-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Ron Webster.

For Opposition: Samuel Schaeffer.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing

85-02-BZ

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Mothiur Rahman.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 1:30 P.M., for continued hearing.

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

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 1:30 P.M., for continued hearing.

123-02-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino and Toulou Hanvis.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 1:30 P.M., for continued hearing

144-02-BZ & 145-02-A

APPLICANT - SheldonLobel,P.C.,for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED - 113-

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COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for decision, hearing closed.

179-02-BZ

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Charles R. Foy.

For Opposition: Matthew Burstein.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for decision, hearing closed.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21

to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lyra Altman, Marc Esrig, David Stern and Jeannette Gonzalez.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for continued hearing.

200-02-BZ

CEQR #02-BSA-232M

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

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for decision, hearing closed.

204-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 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 an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.

PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

MINUTES

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for decision, hearing closed.

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT- Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2

APPEARANCES -

For Applicant: David Businelli.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for continued hearing.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT- Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

249-02-BZ

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture

establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:10 P.M.