
BULLETIN

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AND APPEALS

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DOCKET

New Case Filed Up to January 29, 2002

28-02-BZ B.M. 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan. Applic.#103047016. The legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #5M

29-02-BZ B.Q. 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens. Alt.-I 401379156. Proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

COMMUNITY BOARD #13Q

30-02-BZ B.M. 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan. Applic. #103006658. The legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, requires a special permit as per Z.R. §32-10.

COMMUNITY BOARD #8M

31-02-BZ B.BK. 1924 East 24th Street (Mansfield Place), west side, 186'-8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn. Applic.#301284296. Proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

COMMUNITY BOARD #14BK

32-02-BZ B.BK. 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

Applic.#301116664. Proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

33-02-BZ B.Q. 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens. Applic.#s 401381330, 401380698 and 401381205. Proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R. §23-44(a).

COMMUNITY BOARD #16Q

34-02-BZ B.BK. 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn. Applic.#301289406. Proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

COMMUNITY BOARD #15BK

35-02-A B.Q. 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens. Alt.1#-401365982. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

DOCKET

36-02-BZ B.M. 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan. Applic.#103066389. Proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, requires a special permit from the Board as per Z.R.§32-31.

COMMUNITY BOARD #7Q

37-02-BZ B.BK. 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn. Applic.#301279097. Proposed enlargement of an existing two family dwelling, Use Group 2, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141. §23-47 and §54-31.

COMMUNITY BOARD #15BK

38-02-BZ B.BK. 1210 82nd Street, south side, 100'-4" east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn. Applic. #301252294. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #10BK

39-02-BZ B.Q. 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens. Applic.#401368531. 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.

COMMUNITY BOARD #12Q

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

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

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

SPECIAL ORDER CALENDAR

74-49-BZ

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

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

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

COMMUNITY BOARD #5M

611-76-BZ

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

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

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

COMMUNITY BOARD #11Q

1204-80-BZ

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

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

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

COMMUNITY BOARD #12BX

150-95-BZ

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

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

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

COMMUNITY BOARD #11M

192-00-BZ

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

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

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

COMMUNITY BOARD #13Q

247-00-BZ

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

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

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

COMMUNITY BOARD #7Q

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

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

APPEALS CALENDAR

328-01-A thru 331-01-A

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

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

PREMISES AFFECTED -

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

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

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

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

COMMUNITY BOARD #3SI

394-01-A

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

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

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

398-01-A

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

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

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

399-01-A

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

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

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

400-01-A

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

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

by the Breezy Point Cooperative, which is contrary to
Department of Buildings policy.

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

COMMUNITY BOARD #14BK

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

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

ZONING CALENDAR

302-01-BZ

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

SUBJECT - Application October 31, 2001 - under Z.R. §11-411
§73-01, to permit the proposed the reestablishment of a previous
variance under Cal. #861-48-BZ, which permitted an accessory
parking facility for commercial use located in an R8 zoning district.
PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest
corner of East 191st Street, Block 3175, Lot 26, Borough of The
Bronx.

COMMUNITY BOARD #7BX

361-01-BZ

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

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

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

COMMUNITY BOARD #15BK

370-01-BZ

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

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

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

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

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COMMUNITY BOARD #14BK

380-01-BZ

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

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

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

COMMUNITY BOARD #5M

381-01-BZ

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

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

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

COMMUNITY BOARD #7BK

MARCH 5, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 5, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an

amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

SUBJECT - Application November 14, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

758-84-BZ

APPLICANT - David L. Businelli, for Richard Sgarlato, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2000.

PREMISES AFFECTED - 1444 Clove Road, Block 658, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.

SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1SI.

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Femicola, owner.

SUBJECT - Application September 4, 2001 - reopening for an

CALENDAR

amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

MARCH 5, 2002, 11:00 A.M.

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

APPEALS CALENDAR

376-01-A

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

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

COMMUNITY BOARD #7Q

MARCH 5, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 5, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of

Brooklyn.

COMMUNITY BOARD #1BK

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

359-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bnos Zion of Bobov, owner.

SUBJECT - Application November 13, 2001 - under Z.R. §72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-11.

PREMISES AFFECTED - 5002 14th Avenue, aka 1384 50th Street, southwest corner, Block 5649, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

369-01-BZ

CALENDAR

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.
PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.
COMMUNITY BOARD #1BK

372-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc, lessee.
SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.
PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.
COMMUNITY BOARD #18BK

MARCH 19, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 19, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.
SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.
PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.
COMMUNITY BOARD #8M

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.
SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.
COMMUNITY BOARD #2M

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.
SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.
PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.
COMMUNITY BOARD #8M

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.
SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.
SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.
PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.
COMMUNITY BOARD #11BX

52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner.
SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.
PREMISES AFFECTED - 17/21 West 52nd Street, north side of

CALENDAR

West 52nd Street, between Fifth and Sixth Avenues, Block 1268,
Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

MARCH 19, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday afternoon, March 19, 2002, at 2 P.M., at 40 Rector
Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

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.

PREMISES AFFECTED - 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 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

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for
Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21,
to permit proposed residential use in its upper six stories and a
portion of its first story, in a seven story former warehouse
building, also the construction of a new eighth story for said use,
located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125'
east of Greenwich Street, Block 597, Lot 48, Borough of
Manhattan.

COMMUNITY BOARD #2M

397-01-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton
Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc.,
lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21,
to permit the legalization of the conversion of an accessory auto
supply storage facility, into an eating and drinking establishment,
Use Group 6, located in an R-6 zoning district, is contrary to Z.R.
§22-10.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th
and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

MINUTES

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, JANUARY 29, 2002 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 11, 2001, were approved as printed in the Bulletin of December 20, 2001, Volume 86, Nos. 45-46.

SPECIAL ORDER CALENDAR

440-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Equiva Services, Inc., owner.

SUBJECT - Application August 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of time to obtain a Certificate of Occupancy which expired October 27, 1999.

PREMISES AFFECTED - 1896 Bruckner Boulevard, Bruckner Boulevard, southwest corner of White Plains Road, Block 3671, Lot 19, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedures

MINUTES

waived; application reopened and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedures and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on December 4, 2001, after due notice by publication in The City Record, laid over to January 8, 2002 and then to January 29, 2002 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and reopens and amends the resolution adopted on December 16, 1997 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within forty-two (42) months of October 27, 1999.”

Adopted by the Board of Standards and Appeals, January 29, 2002.

113-00-BZ thru 117-00-BZ

APPLICANT - Sheldon Lobel, P.C., For Cong. Tehilo Leduvid and M & G Housing, owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 760 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 125), Borough of Brooklyn.

762 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 126), Borough of Brooklyn.

764 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 127), Borough of Brooklyn.

766 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 128), Borough of Brooklyn.

768 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 129), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the

resolution previously approved on August 15, 2001; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 29, 2002 for decision; and

WHEREAS, this application seeks to rotate the orientation of the buildings on the lot; and

WHEREAS, however, the applicant represents that in order to erect rectangular buildings, it is necessary to align the buildings at a 90-degree angle at the corner of Flushing Avenue and Kent Avenue; and

WHEREAS, the street wall of the most northeasterly building (760 Kent Avenue) would be located 5'1 1/4" from the front lot line, and the rear yards would no longer be 20 feet from the rear lot line; and

WHEREAS, the rear yards would gradually reduce from the yard closest to Flushing Avenue to the yard furthest from Flushing Avenue; and

WHEREAS, the size of the rear yard in the building furthest from Flushing Avenue would be 15'9 1/4" from the rear lot line; and

WHEREAS, this application also seeks to make the roofs of the buildings flat instead of pitched as originally approved by the Board; and

WHEREAS, this application seeks to remove the half shaft on Flushing Avenue in order to permit the construction of an attic and to reduce construction cost; and

WHEREAS, the applicant seeks to add 1.3 apartments in order to defray some of the construction costs; and

WHEREAS, the addition of 1.3 apartments and the removal of the aforementioned half shaft would increase the Floor Area Ratio of the building from 3.98 to 4.3; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure and reopens and amends the resolution adopted on August 15, 2001, so that as amended this portion of the resolution shall read:

“To permit the rotation of the orientation of the buildings on the lot to align the buildings at a 90-degree angle at the corner of Flushing Avenue and Kent Avenue, to make the roofs of the buildings flat instead of the existing pitched roofs, to remove the half shaft on Flushing Avenue in order to permit the construction of an attic and to reduce construction cost and to add 1.3 apartments in order to defray some of the construction costs”; on condition:

THAT all construction shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 21, 2001”- (1) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects and on further condition; that a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 29,

MINUTES

2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.
SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

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

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001- request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue, southeast of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Opposition: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over without date to be heard with companion BZ case.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.

SUBJECT - Application July 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

MINUTES

For Applicant: Eric Palatnik.

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

16-95-BZ

APPLICANT - The Agusta Group, for STA Parking Corp., owner.

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 434 East 77th Street, aka 433 East 76th Street, south of East 77th Street, 150' west of York Avenue, Block 1471, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

107-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Confectionary Realty Corp., owner.

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Scrofani and Arthur Haven, Fire Department.

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

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, MANHATTAN.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deidre Carson

For Administration: John Scrofani, Fire Department.

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

151-01-A thru 161-01-A

APPLICANT - Rothkrug & Rothkrug, for Nicole Development Corporation, owner.

SUBJECT - Applications April 20, 2001 - proposed two family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

28 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 1, Borough of Staten Island.

29 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 168, Borough of Staten Island.

25 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 170, Borough of Staten Island.

24 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 172, Borough of Staten Island.

20 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 174, Borough of Staten Island.

19 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 176, Borough of Staten Island.

15 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 178, Borough of Staten Island.

16 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 184, Borough of Staten Island.

20 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 186, Borough of Staten Island.

24 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 188, Borough of Staten Island.

28 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 190, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 29, 2002.

236-01-A

APPLICANT - Sheldon Lobel, P.C., for Coland Real Estate, LLC, owner.

MINUTES

SUBJECT - Application July 13, 2001 - proposed construction of dry wells and paving treatment, within the bed of a mapped street, is contrary Section 35 of the General City Law.

PREMISES AFFECTED - 11-07 Redfern Avenue, between Beach 12th Street and approximately 140' east of Beach 11th Street, Block 15505, Lot 2, Borough of Queens.

APPEARANCES -

For Applicant: Jon Popin.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated June 14, 2001, acting on N.B. Application No. 401016440, reads:

“1. Proposed construction of Dry Wells and paving treatment within a bed of a mapped street (Beach 12th Street) is contrary to Section 35 of General City Law .”

WHEREAS, by the letter dated November 9, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 19, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 10, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, there exists a condemnation clause within the deed that is in the chain of the aforementioned property which reads:

“In the event of the acquisition by the City of New York by condemnation or otherwise of any part of or portion of the above premises lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the present City Map, the party of the second part the heirs or successors and assigns of the party of the second party, shall only be entitled as compensation for such acquisition by The City to the amount of one dollar, and shall not be entitled to compensation for any buildings of structures erected thereon within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired.”

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 14, 2001, acting on N.B. Application No. 401016440, is modified under the power vested in the Board by § 35 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 15,2001”-(1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT any rights of the City of New York stated in the indenture of October 28, 1983 which reads:

“In the event of the acquisition by the City of New York by condemnation or otherwise of any part of or portion of the above premises lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the present City Map, the party of the second part the heirs or successors and assigns of the party of the second party, shall only be entitled as compensation for such acquisition by The City to the amount of one dollar, and shall not be entitled to compensation for any buildings of structures erected thereon within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired.”

shall remain in full force and effect, and

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

298-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Rachele and James Boyhan, lessees.

SUBJECT - Application October 25, 2001 - proposed enlargement and alteration of an existing single family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Beach 221st Street, east side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough

MINUTES

Commissioner, dated September 17, 2001, acting on ALT 1. Application No. 401297798, reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York, Therefore:

a) A Certificate of Occupancy may not be issued as Per Article 3, section 36 of the General City Law.

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

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

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 17, 2001, acting on ALT 1. Application No. 401297798, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received October 25, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - 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.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen V. Cutrona.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for continued hearing.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Honey Burman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Scrofani and Arthur Haven, Fire Department; Lisa Orrantia.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

MINUTES

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 29, 2002

2:00 P.M.

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

ZONING CALENDAR

97-00-BZ

APPLICANT - Sheldon Lobel, P.C., for 1833 Nostrand Avenue Corp., owner.

SUBJECT - Application March 29, 2000 - under Z.R. §72-21, to permit, in the proposed change of use from the non-conforming, automotive repair shop (Use Group 6) to retail convenience store, located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 502 Avenue P, Avenue P and East 5th Street, Block 6637, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 15, 2000, acting on Alt. Application No. 300991121, reads:

“Proposed retail convenience store, partially within an R6 District and partially within a C1-4 District is contrary to Section 22-00 of the Zoning Resolution and therefore must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on October 17, 2000 after due notice by publication in The City Record, laid over to December 5, 2000, January 23, 2001, May 1, 2001, June 12, 2001, July 17, 2001, August 14, 2001, October 16, 2001, December 4, 2001, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed change of use from the non-conforming, automotive repair shop (Use Group 16) to retail convenience store (Use Group 6), located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00;

and

WHEREAS, the record indicates that the site is located on the southeast corner of East 5th Street and Avenue P in Brooklyn and lies within the OP special district; and

WHEREAS, given the history of prior commercial use, there exists practical difficulty in conforming with the requirements of the site, especially the R6-A portion, a relatively minor portion of the lot; and

WHEREAS, the site is 6,000 square feet in size, and lies on a split lot with approximately 50 feet of the site located in an R6-A zoning district and the remainder of the premises located within a C1-4 zoning district; and

WHEREAS, the proposal seeks to completely renovate the existing 1971 square foot structure; and

WHEREAS, the remainder of the lot will be resurfaced and parking spaces for seven vehicles will be created; and

WHEREAS, all existing signage will be removed and replaced with 51.2 square feet of illuminated signage; and

WHEREAS, the proposal indicates that deliveries will occur approximately five times per week to the Premises and will be brought into the store through the proposed western entrance; and

WHEREAS, refuse will be picked up by a commercial carter approximately 3 times per week ; and

WHEREAS, in response to concerns by the surrounding residential neighbors over noise, traffic, parking and debris, the Board addressed restricting the hours of the proposed use; and

WHEREAS, the applicant agrees with the Board’s restriction, limiting the hours of operation from 6:00 A.M. to 8:00 P.M. Monday through Friday, 6:00 A.M. to 6:00 P.M. Saturday and 6:00 A.M. to 8:00 P.M. on Sunday; and

WHEREAS, the proposal seeks to replace an existing non-conforming automotive repair shop with a proposed Use Group 6 store; and

WHEREAS, the Premises has housed an automotive service station since the original grant on June 27, 1961 (248-61-BZ); and

WHEREAS, the Board decreed a uniqueness determination during the granting of the first variance, and the conditions at the Premise have not changed substantially since the granting of that first variance; and

WHEREAS, the applicant states that use of the Premises as an automotive service station was discontinued in 1996; and

WHEREAS, the aforementioned history of development makes its occupancy for a conforming 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, an automotive service station occupied the Premises for almost forty years; and

WHEREAS, the site is situated in between a R6A and a C1-4 district; and

WHEREAS, the majority of the Premises is located within

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the C1-4 zoning district which would permit the proposed use as of right; and

WHEREAS, the Premises is located on a corner of Avenue P, which contains considerable commercial uses; and

WHEREAS, however, the Board notes that most commercial uses in the immediate area have hours of operation within 6:00 A.M. to 8:00 P.M., and none operate 24 hours a day; and

WHEREAS, the Board considered the applicant's request that the proposed store be allowed to operate 24 hours; and

WHEREAS, the Board finds that if the proposed store were to operate 24, hours it would be out-of character-with the adjoining residential community and other commercial establishments; and

WHEREAS, therefore, the Board determines that the proposed use will operate between the hours of 6:00 A.M. and 8:00 P.M. Monday through Friday, 6:00 A.M. to 6:00 P.M. Saturday and 6:00 A.M. to 8:00 P.M. on Sunday, so as to stay within the character of the 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.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in the proposed change of use from the non-conforming, automotive repair shop (Use Group 6) to retail convenience store, located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received August 24, 2001"-(7) sheets; and on further condition;

THAT deliveries shall occur approximately five times per week to the Premises and will be brought into the store through the proposed western entrance;

THAT refuse shall be picked up by a commercial carter approximately 3 times per week ;

THAT fire protective measures for the exterior walls will

include solid masonry, fire-protected (Old Code) 3 hour rated exterior walls;

THAT fire protective measures for the roof will consist of existing steel beams with 3x rafters, wood members protected with 1" of cement plaster for a 1 hour rating;

THAT fire protective measures for the fire alarm system will include smoke detectors with fan cut-offs installed in the HVAC system;

THAT fire protective measures for emergency exits will consist of two exits direct to exterior located at a maximum reasonable travel distance, illuminated exits with internally illuminated exit signs and path of travel lighting with battery back up for all lighting and signage;

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

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

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

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

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; and

Adopted by the Board of Standards and Appeals, January 29, 2002.

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Bass.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 13, 2001 acting on Alt. Application number 102061055 reads:

“1.) Proposed use of a Physical Culture Establishment (as defined in Z.R. §12-10) requires special permit from the BSA as per Z.R. §73-36.”;and

WHEREAS, a public hearing was held on this application on September 25, 2001 after due notice by publication in The City Record and laid over to October 16, 2001, December 4, 2001, and January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application for under Z.R. §§73-03 and 73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject development includes the physical culture establishment which will be surrounded by commercial uses; and

WHEREAS, the subject physical culture establishment will occupy 10,700 square feet of floor area; and

WHEREAS, the facility will be a boutique one-on-one personal training facility; and

WHEREAS, the fifth and six floors will be used primarily for free weights and exercise machines, the seventh floor will be used for restrooms, exercise machines and massage tables, and the ninth floor (penthouse) will be used for office space, a juice bar/lounge, boxing studio and massage room; and

WHEREAS, the massage tables and massage rooms will be used for massage and all massage therapists will be licensed by the State of New York; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the fifth through seventh, and ninth (penthouse) floors of the premises; and

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

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

WHEREAS, the 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. §§ 73-03 and 73-36; 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. §§73-03 and 73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 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 August 13, 2001”-(3) sheets; and on further condition;

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, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from February 1, 1998;

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

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; and

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

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

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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; and

Adopted by the Board of Standards and Appeals, January 29, 2002.

197-01-BZ

APPLICANT - Anthony M. Salvati, for George Dilis, owner.
SUBJECT - Application May 24, 2001 - under Z.R. §73-622 to permit, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00.

PREMISES AFFECTED - 951 81st Street, north side 223'-4" west of 10th Avenue, Block 5992, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 21, 2001 acting on Application No. 301119448 reads, in pertinent part:

FOR DENIAL TO THE BSA

“THE PROPOSED ADDITION TO THE EXISTING ONE FAMILY IS NOT PERMITTED AS PER 114-00 ZR AND REQUIRES A SPECIAL PERMIT AS PER 73-622 ZR FROM THE BSA.

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in The City Record, laid over to December 4, 2001, January 8, 2002, and then to January 29, 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, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00; and

WHEREAS, the Board notes that since the proposed deck is within three feet of the lot line, it must be composed of non-combustible material; and

WHEREAS, the proposed enlargement will only decrease the rear yard to 25' "0"; and

WHEREAS, the perimeter wall height of '0" will comply with the applicable zoning regulations; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit in an R4 zoning district, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, December 20, 2001"-(9) sheets; and on further condition;

THAT the proposed deck be composed of non-combustible material;

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; and

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, January 29, 2002.

216-01-BZ

APPLICANT - Rampulla Associates Architects, for Rampulla Planning and Development, Inc., owner; Rampulla Associates Architects, LLP, lessee.

SUBJECT - Application June 14, 2001 - under Z.R. §72-21 to permit the legalization of the premises as a professional office

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(Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 155 3rd Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 6, 2001 acting on Application No. 500467657 reads:

- “1) The proposed conversion of an existing Community Facility Building (Use Group 3) to Professional Offices (Use Group 6) in an R3-1 Zoning District is contrary to Section 22-00 of the Zoning Resolution.
- 2) There are no bulk, yard or parking requirements for a Professional Office use located in a Residential District.”; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the premises is located in the New Dorp section of Staten Island, on a 7,500 square foot corner lot with 100 feet of frontage on 3rd Street and 75 feet of frontage on Rose Avenue; and

WHEREAS, the site is improved with an existing basement and one story brick building; and

WHEREAS, the record indicates that the New York Public Library owned and operated the building from 1927 to 1984; and

WHEREAS, the subject premises has been occupied exclusively as a professional office (Use Group 6b) for the past 16

years; and

WHEREAS, the history of development of the site predates the enactment of the 1961 Zoning Resolution; and

WHEREAS, the original construction of the building as a library, is not in compliance within an R3-1 zoning district; and

WHEREAS, evidence in the record indicates that the walls of the premises are 16" thick and made of terra cotta block and brick; and

WHEREAS, because of the weight of the copper and slate roof, the columns, posts and girders are 6" by 12" and 4" by 12"; and

WHEREAS, the original construction of the building required increased wall and column thickness that makes current renovation or adaptation into conforming uses prohibitively difficult; and

WHEREAS, the applicant represents that compliance with zoning regulations would entail either the establishment of a community facility, such as a doctor's office, or the demolition of the structure and the construction of a semi-detached residence; and

WHEREAS, there is no usable rear yard or side yard for normal residential recreational use; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that either of the two aforementioned conforming developments are extremely costly and would not yield a reasonable return; and

WHEREAS, the proposed legalization would not necessitate any construction or alteration of the current appearance, and therefore character of the neighborhood would not be affected; and

WHEREAS, the applicant represents that an architect's office (Use Group 6B) is a low volume, low impact use that generates less vehicular traffic than a library or medical facility; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning

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Resolution, to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 14, 2002"-(3) sheets and "January 29, 2002"-(1) sheet; and on further condition;

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

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 29, 2002.

224-01-BZ

APPLICANT - Rosenman & Colin , LLP, for Soho Grand Centre, LLC, owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th floors, and retail use in the cellar and on the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b).

PREMISES AFFECTED - 159 Grand Street, bounded by Grand, Lafayette, Howard and Centre Streets, Block 234, Lot 11, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES -

For Applicant: James P. Power.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 24, 2001 acting on N.B. Application number 102450553 reads;

"1A. Proposed new building on zoning lot located in M1-5B zoning district does not comply with floor area regulations as set forth in Zoning Resolution Section

43-12.

2A. Proposed new building does not comply with the height and setback regulations of Zoning Resolution Section 43-43.

3A. Proposed new building is occupied by hotel and retail uses below the floor level of the second story contrary to the Use Regulations of Zoning Resolution Section 42-14 (D)(2)(b)."; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 8, 2002, and then to January 29, 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 Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel use on the first through 12th floors, and retail use in the cellar and on portions the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b); and

WHEREAS, the subject premises is a "L" shaped zoning lot located on Tax Lot 11, Block 234, with 25 feet 5 inches of frontage on the south side of Grand Street, 25 feet 3 inches of frontage on the east side of Lafayette Street, and a total area of 2,669 square feet; and

WHEREAS, the premises has a depth of 79 feet 11 inches from Grand Street and of 50 feet 7 inches from Lafayette Street; and

WHEREAS, the record indicates that the premises is currently occupied by a two-story live poultry market, which would be demolished; and

WHEREAS, the proposed building is a 12-story, 118-foot high with 1,658 square feet of retail use on portions of the first floor, fronting on Lafayette Street, and 13,486 square feet of hotel use on floors one through twelve for a total of 15,144 square feet, or 5.67 FAR; and

WHEREAS, the proposed building would rise without setback to its full height on the Grand Street frontage; and

WHEREAS, the proposed building would extend only 55 feet 4 inches into the lot, and provide a rear court of 24 feet 7 inches; and

WHEREAS, first floor retail use would front on Lafayette Street and complement the hotel use, which would front on Grand Street and there would be a door between the two ground floor uses; and

WHEREAS, the Grand Street frontage would contain a full lobby and reception desk for the hotel; and

WHEREAS, the applicant represents that the hotel would have a total of 42 hotel rooms ranging in size from 153 to 180

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square feet; and

WHEREAS, floors two through eleven would have four rooms each, and floor twelve would have two rooms and a terrace above a rear setback over the 11th floor; and

WHEREAS, the zoning lot is a shallow, undersized, and irregularly shaped parcel; and

WHEREAS, the applicant represents that the shallow depth and irregular shape of the Zoning Lot, together with the Multiple Dwelling Law requirements, require the construction of two separate portions, with a small connection between them in order to maximize the floor plates on each floor effectively; and

WHEREAS, the construction of a complying building with comparable floor area on the zoning lot would necessitate two separate foundations, exterior walls, facades and stairways, and thus increasing construction costs significantly; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the proposed building would be slightly shorter than the adjacent building on the corner of Grand and Centre Streets, which rises to a full 10 stories without setback; and

WHEREAS, the proposal states that the Grand Street facade would be composed of white brick, red sandstone and dark-green window treatments to match the adjacent buildings, and the Lafayette Street facade would be a one-story structure with a combination of stone and brick masonry treatments; and

WHEREAS, the applicant represents that uses in the proposed building would be consistent with and enhance those in surrounding neighborhood; and

WHEREAS, ground floor retail use would be similar to those in most of the neighboring buildings along Grand, Lafayette and Centre Streets; and

WHEREAS, the applicant has provided documentation that the proposed use will be operation by a nationally recognized chain that provides comprehensive hotel uses; and

WHEREAS, the applicant has assured the Board that hotel rooms will not be rented on an hourly basis; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the

preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th floors, and retail use in the cellar and on the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 22, 2001"-(8) sheets and "December 26, 2001"-(2) sheets; and on further condition;

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

THAT hotel rooms will not be rented on an hourly basis;

THAT any eating and drinking establishment be restricted to Use Group 6a or 6c;

THAT an interior fire alarm system connected to a central alarm system will be installed;

THAT a hard wired smoke detector connected to a central system will be installed;

THAT a wet sprinkler system will provided throughout the entire building;

THAT an automatic smoke exhaust system will be provided for the elevator machine room;

THAT an emergency power system will be provided for all emergency light and smoke exhaust fans in hotel guest rooms;

THAT all required egress doors exiting the building will have panic type hardware;

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

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

208-00-BZ

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52,

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Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

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

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Peter Hirshman

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

226-00-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Scrofani and Arthur Haven, Fire Department.

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

248-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Tile and Stone Warehouse Inc., owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed construction of a building to be used as a

retail/office and warehouse, in an area zoned for residential use (R-5) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2398 Stillwell Avenue, west side, between Bay 49th and Bay 50th Streets, Block 6904, Lots 19 and 31, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Scrofani and Arthur Haven, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Dennis Gayne and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

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

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Dennis Gayne

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and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

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

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Robert Gentner and William Deakin.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

239-01-BZ

APPLICANT - The Agusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group

1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Eric Palatnik, Radame Perez, Jose Perez and Daniel Lance.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

258-01-BZ

APPLICANT - Sybil H. Pollet for Congregation Rodeph Sholom, owner.

SUBJECT - Application August 22, 2001 - under Z.R. §72-21 to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §24-33(b), §24-36, §24-382 and §54-31.

PREMISES AFFECTED - 168/70 West 79th Street, a/k/a 165/67 West 78th Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Sybil Pollet and Robert A. Kandel.

For Opposition: Elizabeth Klaber, Bob Lamm and John ?.

For Administration: John Scrofani and Arthur Haven, Fire

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Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

259-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner.
SUBJECT - Application August 23, 2001 - 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 1-2 zoning district, which is contrary to Z.R. §32-25.
PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Chris Tartogolia and Eric Palatnik.

For Opposition: Richard Hellenbrecht, Michael Gordon, Zacharia Johny and Richard Albert.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively) , located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent, residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser, Howard Hornstein, Sam Schwartz, Mark Adams Taylor, Mark Perlbinde, Al Meyer, David West, Jerome Haimes, Steve Sinacori, Mildred Miele and Carmela Cuomo.

For Opposition: Carole Slater, Mark London, Keelan Noble, Johns Johnson, Walter Amundsen, Tim Noble, Pat Decker, Darlene Ertrachter, Hugh McGlincy, Dino Palermo, James Horvath, Israel Pavo, Alene S. Yarrow, Betsy Heer and others.

For Administration: John Scrofani and Arthur Haven, Fire Department.

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

295-01-BZ

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

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

SPECIAL HEARING

WEDNESDAY MORNING, JANUARY 30, 2002

9:30 A.M.

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

ZONING CALENDAR

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6c, requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

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COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Honer Cook and Sungwon Cho.

For Opposition: Doris Diether and Stuart Klein.

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2:00 P.M., for continued hearing.

SPECIAL HEARING

WEDNESDAY AFTERNOON, JANUARY 30, 2002

1:30 A.M.

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

ZONING CALENDAR

261-01-BZ

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: R. Davis, D. Helpem, S. Quinn, L. Zaffanella and W. Bally.

For Opposition: Christine Quinn, Stephen Kass, Nadler, Mark Ginkberg, Mark Shapiro, John Melito, Sylvia Lachter, Marty Algaze, Peter Weiner, David Berliner and others.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2002, at 1:30 P.M., for continued hearing.

223-01-BZ

APPLICANT - Marvin B. Mitzner, Esq., for Fischbein Badillo Wagner Harding for Lower East Side Service Center, Inc., owner.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed construction of an 8-story building (community facility), which will connect on seven levels to an existing 7-story building, which does not comply with zoning requirements for F.A.R. and height of the front wall setback, which is contrary to Z.R. §33-123 and §33-432.

PREMISES AFFECTED - 33 Division Street a/k/a 46 East Broadway, block between Market and Catherine Streets, Block 281, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: Doris Diether.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 30, 2002.

Pasquale Pacifico, Executive Director.

Adjourned: 1:40 P.M.

MINUTES

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