
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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Volume 87, No. 7

February 14, 2002

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DOCKET

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40-02-A B.S.I. 79 Tyrrell Street,
northeast side, 101.20' northwest of Arthur Kill Road, Block 8000,
Lot 27, Borough of Staten Island. Applic. #500512046. Proposed
construction of a two story, two family dwelling, not fronting on
a legally mapped street, is contrary to Section 36, Article 3 of the
General City Law.

41-02-BZ B.S.I. 124 McLean Avenue,
southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough
of Staten Island. Applic. #500430250. Proposed eating and
drinking establishment with live musical entertainment and
dancing, Use Group 12, located in a C1-2 zoning district, is
contrary to Z.R. §32-15.

COMMUNITY BOARD #2SI

42-02-BZ B.S.I. 4601 Amboy Road,
northwest corner of Waimer Place, Block 5585, Lot 99, Borough
of Staten Island. Applic. #500509808. Proposed open auto sales
establishment, Use Group 16, located in an R3-2 (Special South
Richmond Development) zoning district, is contrary to Z.R. §22-
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COMMUNITY BOARD #3SI

43-02-BZ B.M. 116 East 73rd Street,
south side, between Park and Lexington Avenues, Block 1407, Lot
67, Borough of Manhattan. Applic. #102232344. The legalization
of an existing greenhouse-type structure and stairway platform,
encroaching partially within the required rear yard is contrary to
Z.R. §23-47, and a previous decision by the Board under Cal. No.
31-01-A.

COMMUNITY BOARD #8M

44-02-BZ B.BK. 1125 Gilmore Court,
north side, 100'-0" west of East 12th Street, Block 7455, Lot 56,
Borough of Brooklyn. Applic. #301172460. Proposed
enlargement of an existing one family dwelling, by enlarging the
building forward and erecting a second story, also in addition to the
enlargement, the dwelling will be converted to a two family
residence, creates non-compliance with respect to floor area ratio,
lot coverage, open space ratio and rear yard, and is therefore
contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

COMMUNITY BOARD #15BK

45-02-BZ B.BX. 443 East 186th Street,
northeast corner of Park Avenue, Block 3040, Lots 1, 35 and 33,
Borough of The Bronx. Applic. #200450038. The legalization of
an existing public parking lot, Use Group 8, located in an R7-1
zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #6BX

**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

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 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

CALENDAR

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

31-02-BZ

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

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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

MINUTES

TUESDAY MORNING, FEBRUARY 5, 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 18, 2001, were approved as printed in the Bulletin of December 27, 2001, Volume 86, No. 47.

SPECIAL ORDER CALENDAR

983-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Joyce Ross, Owner.
SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.
PREMISES AFFECTED - 134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -
For Applicant: Lyra Altman.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.
THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired March 5, 2000; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to February 5, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional fifteen (15) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted March 5, 1985, expiring March 5, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for fifteen years from March 5, 2000 expiring March 5, 2015, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall be no outdoor storage, that

all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received June 18, 2001" - (3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No. 940/83)

Adopted by the Board of Standards and Appeals, February 5, 2002.

1345-88-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1165 Gas Corp., owner.
SUBJECT - Application July 10, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired December 12, 2010 and for an amendment to the resolution.

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

COMMUNITY BOARD #4BX

APPEARANCES - None.
ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the variance extended.
THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution and extension of the term of the variance which expired on December 18, 2000; 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 15, 2002, and then to February 5, 2002 for decision; and

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

WHEREAS, this application also seeks the erection of a 45' by 24' metal canopy over the existing pump island; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on December 18, 1990 expiring December 18, 2000, so that as amended this portion of the resolution shall read:

"to permit the installation of a 45' by 24' metal canopy over the existing pump island, extend the term of the resolution for ten years from December 18, 2000 expiring December 18, 2010 on condition:

THAT all lighting shall be installed and maintained down and

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away from neighboring properties;

THAT the premises shall be maintained in substantial compliance with the drawings filed with this application marked "Received July 10, 2001"-(5) sheets and "January 8, 2002" -(1) sheet and on further condition; that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution."

(ALT.2- 200671503 / NB-288/56)

Adopted by the Board of Standards and Appeals, February 5, 2002.

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: William Warr and Neal Fartanvan.

For Administration: John Scrofani, 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 March 5, 2002, at 10 A.M., for decision, hearing closed.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

416-87-BZ

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

owner.

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

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

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Blythe S. Brewster.

For Administration: John Scrofani, 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 26, 2002, at 10 A.M., for decision, hearing closed.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

SUBJECT - Application August 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

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

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

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APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

266-01-A thru 278-01-A

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: Battalion Chief Philip Parr and John Scrofani, 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 26, 2002, at 11 A.M., for decision, hearing closed.

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Barbara Hair, Howard Hornstein and Vincent Laino.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department and John Reisinger, Department of Buildings.

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

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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For Administration: Battalion Chief Philip Parr and John Scrofani, 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 26, 2002, at 11 A.M., for decision, hearing closed.

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - 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.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 12, 2002, at 11 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 5, 2002

2:00 P.M.

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

ZONING CALENDAR

37-00-BZ

CEQR #00-BSA-092Q

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

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ.

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....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 February 25, 2000 and amended February 4, 2002 acting on NB. Application No. 2989 reads:

“1. Proposed gasoline service station, automobile repair and accessory uses, Use Group 16, in C2-2 district (previously restricted retail use district) is contrary to Section 32-25 of the Zoning Resolution.”;

and

WHEREAS, a public hearing was held on this application on February 27, 2001, after due notice by publication in *The City Record*, and laid over to April 17, 2001, May 22, 2001, June 12, 2001, July 17, 2001, September 11, 2001. All hearing scheduled for September 11, 2001 were postponed and this case was rescheduled for December 4, 2001 then deferred to January 15, 2002 and then to February 5, 2002 for decision; and

WHEREAS, Community Board No. 10 in Queens recommended conditional approval; 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

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WHEREAS, this is an application for a special permit under Z.R. §11-411, on a site previously before the Board, to allow the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ; and

WHEREAS, the site is irregular in shape with five (5) separate lot lines located along a heavily utilized commuter road, on the westerly side of Van Wyck Expressway at the intersection of Lincoln Street containing a total lot area of 10,980 square feet; and

WHEREAS, the applicant represents that the premises has been in continuous operation as an automobile repair facility with lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced since the 1957 grant; and

WHEREAS, the most recent term of the grant expired on April 9, 1992; and

WHEREAS, evidence in the record indicates that the automobile repair use has continued since the last Board approval; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to allow the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 20, 2001"- (2) sheets and "May 15, 2001"-(1) sheet; and on further condition;

THAT the term of the special permit shall be limited to five (5) years expiring on February 5, 2007;

THAT the hours of operation and hours for refuse pick-ups shall be 7 AM to 8 PM;

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

THAT there shall be no sale of vehicles on the site;

THAT there shall be no outdoor work;

THAT there shall be no auto body work or auto painting on the premises;

THAT the premises shall be maintained graffiti-free;

THAT no flags shall be allowed on the premises;

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

Adopted by the Board of Standards and Appeals, February 5, 2002.

139-01-BZ CEQR #01-BSA-130M

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scorfani, 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

MINUTES

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated March 12, 2001 acting on Application No. 102959185 reads:

“The Proposed residential dwellings in an M1-6 district are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on October 18, 2001 after due notice by publication in *The City Record* and laid over to November 20, 2001, December 11, 2001, January 15, 2002, and then to February 5, 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 legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the premises is located on the north side of 38th Street between 5th and 6th Avenues in Manhattan; and

WHEREAS, the record indicates that currently a mechanical room, boiler room and storage area occupy the cellar, a restaurant occupies the basement, a commercial loft space and storage area occupy the first floor, one apartment and storage area occupy the second floor, commercial spaces occupy the third and fourth floors, and one apartment occupies the fifth floor; and

WHEREAS, the commercial loft space on the first floor and the restaurant in the basement are complying uses within the zoning district; and

WHEREAS, the applicant represents that the owner has net leased the entire building to the owner of the restaurant that occupies the English basement, who has in turn rented out a portion of the second floor, and the entire fifth floor of the building for residential use; and

WHEREAS, this proposal seeks to legalize the aforementioned residential use on the 2nd and 5th floors, and to convert the remainder of floors two through four to residential uses; and

WHEREAS, this conversion will result in four residential units, one per floor, from the 2nd floor to the 5th floor; and

WHEREAS, the proposal indicates that the building has a stepped back feature within its floor plates, and as a result the small floor plates almost continuously get smaller on the upper floors; and

WHEREAS, the applicant represents that these setbacks and small floor plates cause uniquely shaped and irregularly sized floors, resulting in floors with square footage ranging from approximately 2,100 square feet on the first floor to 650 square feet on the fifth floor; and

WHEREAS, the applicant states that the upper floors of the

building are only accessible through one narrow stairwell or a small elevator that can only be accessed by walking down five stairs, and that the elevator cannot access the fifth floor of the building, and thus the stairs are the only means of access; and

WHEREAS, the applicant further contends, the obstacle of descending the stairs, coupled with the small size and inability of the elevator to hold large objects reduces its practicality as a conforming manufacturing or commercial use building; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

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

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use or 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 legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 12, 2001”-(11) 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

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jurisdiction of the Department;

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

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

Adopted by the Board of Standards and Appeals, February 5, 2002.

209-01-BZ & 210-01-BZ

CEQR #01-BSA-152K & CEQR #01-BSA-153K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28, Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18, 2001 acting on N.B. Applic. No. 301162177, reads:

“Proposed Residential Use (U.G.2) contrary to Section ZR Section 42-00. There are no applicable bulk, yard, or parking regulations for residential uses in Manufacturing Districts.”;

and

WHEREAS, Community Board No.1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 18, 2001, after due notice by publication in the City Record, laid over to November 20, 2001, December 11, 2001, and January 8, 2002 and then to February 5, 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 application was originally filed as one of six applications, Calendar numbers 209-214-01-BZ requesting a variance to permit the construction of a residential complex in a manufacturing district; and

WHEREAS, the original application has been amended and the applicant now seeks permission for the erection a housing complex consisting of four multiple dwellings; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary Z.R. §42-00; and

WHEREAS, the zoning lot presently fronts on two streets, approximate 105 feet upon Lorimer Street and 105 feet upon Middleton Street in the Williamsburg section of Brooklyn; and

WHEREAS, the applicant notes that upon approval the zoning lots referenced above, will be subdivided into Lots 28, 30, 41, and 43, each will be developed with a multiple dwelling; and

WHEREAS, the record indicates that the lot is presently burdened with a structurally defective and functionally obsolete four story light industrial structure; and

WHEREAS, evidence in the record, including an engineering report by reputable consultant indicates that the site was built for manufacturing use between the 1890s and 1910s and is now burdened with an insufficient number of elevators, loading docks, a large number of columns and low ceilings, deteriorated exterior walls, wooden floors with insufficient weight bearing capacity for modern manufacturing machinery; and

WHEREAS, the applicant has represented that the factory complex is now obsolete for manufacturing use as evidenced by the fact that it is currently, completely vacant, and has been under nominal, partial occupancy for the past ten years; and

WHEREAS, the record indicates that prior to being occupied by manufacturing or industrial uses, the subject site was used for residential purposes; and

WHEREAS, within the vicinity of the subject premises, other sites are in the process of complete rehabilitation and or development for modern residential use; and

WHEREAS, the instant application proposes to erect buildings containing fourteen apartments consisting of 2 to 3 bedroom units; and

WHEREAS, the applicant has represented that the proposed apartment units, if approved, will not be sub-divided to create

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additional apartments, and that rooms not labeled as bedrooms will not become bedrooms; and

WHEREAS, the site is located across the street from a residential portion of Middleton Street and mid-block across from a residential district on Marcy Avenue; and WHEREAS, the applicant represents that but for the subject site, virtually the entire block is either being used, developed or planned for residential use; and

WHEREAS, the size of the site, its history of development with a now obsolete-conforming use, and its location across from a residential zone characterized by community facility, uses and other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented substantial compliance with quality housing requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses immediately adjacent on Lot 18 as well as across the street on the Middleton Street side of the development; and

WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area; and

WHEREAS, the scale of the proposed buildings will be comparable to other R7-1 multiple dwellings previously approved by the Board in the surrounding area; and

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

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

WHEREAS, 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 Section 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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the

objections above noted, filed with this application marked "Received December 4, 2001" - (1) sheet, "December 19, 2001" - (8) sheets; "February 4, 2002" - (1) sheet; and on further condition;

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

THAT in accordance with Fire Department requirements an automatic wet sprinkler system shall be installed and maintained throughout the entire building and be connected to a Fire Department approved Central Station pursuant to Local Law 10/99;

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. §72-23.

Adopted by the Board of Standards and Appeals, February 5, 2002.

211-01-BZ CEQR #01-BSA-154K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

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COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application withdrawn.

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 WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 5, 2002.

212-01-BZ & 213-01-BZ

CEQR #01-BSA-155K & CEQR #01-BSA-156K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18, 2001 acting on N.B. Applic. No. 301162177, reads:

“Proposed Residential Use (U.G.2) contrary to Section ZR Section 42-00. There are no applicable bulk, yard, or parking regulations for residential uses in Manufacturing Districts.”;

and

WHEREAS, Community Board No.1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 18, 2001, after due notice by publication in the City Record, laid over to November 20, 2001, December 11, 2001, and January 8, 2002 and then to February 5, 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 application was originally filed as one of six applications, Calendar numbers 209-214-01-BZ requesting a variance to permit the construction of a residential complex in a manufacturing district; and

WHEREAS, the original application has been amended and the applicant now seeks permission for the erection a housing complex consisting of four multiple dwellings; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot presently fronts on two streets, approximate 105 feet upon Lorimer Street and 105 feet upon Middleton Street in the Williamsburg section of Brooklyn; and

WHEREAS, the applicant notes that upon approval the zoning lots referenced above, will be subdivided into Lots 28, 30, 41, and 43, each will be developed with a multiple dwelling; and

WHEREAS, the record indicates that the lot is presently burdened with a structurally defective and functionally obsolete four story light industrial structure; and

WHEREAS, evidence in the record, including an engineering report by reputable consultant indicates that the site was built for manufacturing use between the 1890s and 1910s and is now burdened with an insufficient number of elevators, loading docks, a large number of columns and low ceilings, deteriorated exterior

MINUTES

walls, wooden floors with insufficient weight bearing capacity for modern manufacturing machinery; and

WHEREAS, the applicant has represented that the factory complex is now obsolete for manufacturing use as evidenced by the fact that it is currently, completely vacant, and has been under nominal, partial occupancy for the past ten years; and

WHEREAS, the record indicates that prior to being occupied by manufacturing or industrial uses, the subject site was used for residential purposes; and

WHEREAS, within the vicinity of the subject premises, other sites are in the process of complete rehabilitation and or development for modern residential use; and

WHEREAS, the instant application proposes to erect buildings containing fourteen apartments consisting of 2 to 3 bedroom units; and

WHEREAS, the applicant has represented that the proposed apartment units, if approved, will not be sub-divided to create additional apartments, and that rooms not labeled as bedrooms will not become bedrooms; and

WHEREAS, the site is located across the street from a residential portion of Middleton Street and mid-block across from a residential district on Marcy Avenue; and WHEREAS, the applicant represents that but for the subject site, virtually the entire block is either being used, developed or planned for residential use; and

WHEREAS, the size of the site, its history of development with a now obsolete-conforming use, and its location across from a residential zone characterized by community facility, uses and other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented substantial compliance with quality housing requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses immediately adjacent on Lot 18 as well as across the street on the Middleton Street side of the development; and

WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area; and

WHEREAS, the scale of the proposed buildings will be comparable to other R7-1 multiple dwellings previously approved by the Board in the surrounding area; and

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

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

WHEREAS, 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 Section 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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 4, 2001" - (1) sheet, "December 19, 2001" - (8) sheets; "February 4, 2002" - (1) sheet; and on further condition;

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

THAT in accordance with Fire Department requirements an automatic wet sprinkler system shall be installed and maintained throughout the entire building and be connected to a Fire Department approved Central Station pursuant to Local Law 10/99;

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. §72-23.

Adopted by the Board of Standards and Appeals, February 5, 2002.

**214-01-BZ
CEQR #01-BSA-157K**

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

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COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application withdrawn.

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 WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 5, 2002.

219-01-BZ

CEQR # 01-BSA-162Q

APPLICANT - Rothkrug and Rothkrug, for Young Israel of Forest Hills, owner.

SUBJECT - Application June 19, 2001 - under Z.R. §72-21 to permit the proposed addition of a new one-story structure, to an existing synagogue (Use Group 3) designed solely to contain an elevator and elevator lobby, which will encroach into the required front yard and is contrary to Z.R. §24-34.

PREMISES AFFECTED - 67-85 Burns Street, a/k/a 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Adam Rothkrug.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....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 May 25, 2001 acting on ALT-2 Application No. 401236774 reads:

“New elevator enclosure is not a permitted encroachment in req'd front yard. Proposed development is contrary to ZR 24-34.”; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in *The City Record* and laid over to February 5, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition of a new one-story structure designed solely to contain an elevator and elevator lobby, to an existing community facility (Use Group 3) located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34; and

WHEREAS, the subject site is a trapezoidal shaped parcel that lies on the corner of Yellowstone Boulevard and Burns Street, with 72.2 feet of frontage on Burns Street and 159.5 feet of frontage on Yellowstone Boulevard, and a total area of 116,575

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square feet; and

WHEREAS, the applicant represents that the lot is presently developed with an existing cellar, basement and one-story synagogue (Use Group 3) serving the Young Israel of Forest Hills congregation; and

WHEREAS, the applicant proposes to add a new one-story structure, 10 feet deep by 18 feet 6 inches in length, with a total of 185 square feet in area, designed to contain an elevator and elevator lobby, which is required in order to provide handicapped and infirmly access to the varying levels of the existing facility; and

WHEREAS, the proposed structure will be located adjacent to the existing main entrance of the synagogue, on Burns Street, and will encroach within the required front yard; and

WHEREAS, the record indicates that a synagogue is a permitted use in the subject R4 zoning district, however Zoning Resolution §24-34 requires that a building in an R4 District used for community facility must provide a front yard with a minimum required depth of 15 feet; and

WHEREAS, the existing building, constructed prior to December 15, 1961 (the effective date of the current Zoning Resolution), has two 10 foot front yards and this non-compliance with Z.R. §24-34 is a pre-existing condition that the owner would like to continue in the new building; and

WHEREAS, the entrances to both the synagogue and school area both require the navigation of several steps; and

WHEREAS, the proposed design is necessary in order to meet the needs of handicapped and infirmly congregants and visitors; and

WHEREAS, the existing building currently prohibits accessibility by a number of congregants and visitors and the only way to enter the synagogue is through the proposed side on Burns Street; and

WHEREAS, the proposed structure will extend to the street line adjacent to Burns Street, for a length of 18'6" and provide street level access to an elevator lobby and the elevator itself; and

WHEREAS, the proposal seeks to eliminate the existing office in the cellar in order to provide access from the cellar to the social hall, and provide direct access from the first floor to the sanctuary; and

WHEREAS, the applicant represents that the premises is located on an irregularly-shaped corner lot, developed with an existing synagogue facility which pre-dates the current provisions of the Zoning Resolution, limiting the ability of the congregation to alter the building to provide handicapped accessibility, and thus fulfill the congregation's programmatic requirements; and

WHEREAS, these circumstances create a unique burden on the synagogue, creating the need for a non-complying design that is better satisfies its programmatic needs; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the synagogue, as the subject synagogue does provide an adequate access to accommodate handicapped and infirmly congregants and visitors; and

WHEREAS, the Board finds that there are unique conditions peculiar to this particular zoning lot that create practical difficulties and cause unnecessary hardship in strict compliance with the provisions of the zoning resolution; and

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

WHEREAS, a synagogue is permitted as of right in the subject R4 zoning district; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed addition of a new one-story structure designed solely to contain an elevator and elevator lobby, to an existing community facility (Use Group 3) located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 1, 2002"- (5) sheets; and *on further condition*;

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 a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and February 5, 2002.

MINUTES

173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.
SUBJECT - Application June 30, 2000 - under Z.R. §72-21 to permit the proposed mixed use residential/community facility building, located in an R4 zoning district, which creates non-compliance in respect to F.A.R., lot coverage, perimeter wall height, total height and lot area is contrary to Z.R. §24-11, §24-522a, §35-411 and §24-21.

OPREMISES AFFECTED - 341/349 Troy Avenue a.k.a. 1515, 1519, 1523 Carroll Street, intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Eric Palatnik and Sheldon Lobel.
For Opposition: Battalion Chief Philip Parr and John Scrofani, Fire Department.

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

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.
PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

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

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

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.
SUBJECT - Application December 4, 2000 - under ZR §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.
PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik, Sheldon Lobel and James Heineman.
For Opposition: Anthony Scavi and Bill Wissenmann.
For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik and Thomas Birchard.
For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

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

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

MINUTES

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.
SUBJECT - Application July 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use on the ground floor and loft dwellings on the upper floors, Use Groups 6 and 2, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §111-02 and §12-10.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis Angelino, Joseph Vassauo, Dennis Lee, Jack Freeman and Dana Sohile.

For Administration: Battalion Chief Phil Parr and John Scrofani, 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 26, 2002, at 2 P.M., for decision, hearing closed.

234-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Jagoon Kim.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to

permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug, Father Patrick West, and Rev. Connis Mobley.

For Opposition: Ivana Wong, Yony Hong Zheng, Po Chu Seto and others.

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

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.

SUBJECT - Application July 18, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

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

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

MINUTES

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik and Anthony Meran.

For Opposition: Battalion Chief Philip Parr and John Scrofani, Fire Department.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:45 P.M.

MINUTES

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