
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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February 21, 2002

DIRECTORY

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DOCKET

New Case Filed Up to February 12, 2002

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. §22-10.

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

46-02-BZ B.BK. 205 State Street, aka 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn. Applic. #301246729. Proposed construction of a twenty-two story dormitory building, Use Group 3, to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

COMMUNITY BOARD #2BK

47-02-A B.S.I. 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island. Applic. #500507560. Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

48-02-A B.S.I. 3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island. Applic. #500507579. Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

49-02-BZ B.Q. 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens. N.B.# 401370413. Proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

COMMUNITY BOARD #12Q

DOCKET

50-02-BZ B.Q. 58-46 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 1, Borough of Queens. N.B.#400830437. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

51-02-BZ B.Q. 58-44 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 3, Borough of Queens. N.B.#400830446. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

52-02-BZ B.Q. 58-42 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 5, Borough of Queens. N.B.#400830455. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

53-02-BZ B.Q. 58-40 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 6, Borough of Queens. N.B.#400830464. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

54-02-A B.S.I. 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island. Applic.#500511680. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

55-02-A B.S.I. 106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island. Applic.#500511699. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

56-02-BZ B.BK. 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn. Applic.#300648823. Proposed four story and cellar school, Use Group 3, located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

COMMUNITY BOARD #12BK

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 26, 2002, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, 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 January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

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

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

295-71-BZ

APPLICANT - Steven M. Sinacori, Stadmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 98 Richmond Hill Road, south side of Richmond Hill Road, 1014' off Richmond Avenue, Block 2400 Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #5M

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

327-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 9, 2001 - request for withdrawal.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

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

CALENDAR

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

Tuesday afternoon, March 26, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - 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.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto, owner.

SUBJECT - Application January 30, 2002 - 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.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

ZONING CALENDAR

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a twenty-one story mixed use building in a C4-6A/R8 zoning district, which requires a special permit as per 32-10.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R.§32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

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

NOTICE IS HEREBY GIVEN of a public hearing,

390-01-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required

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accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #13Q

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 12, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey and Commissioner Caliendo.

2002.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, _____, were approved as printed in the Bulletin of, Volume _____, No. _____.

SPECIAL ORDER CALENDAR

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.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure and a reopening for an extension of time to complete construction; 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 and then to February 12, 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 February 4, 1947 only as to the time 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 eighteen (18) months of May 27, 2001, on condition

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

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

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

THAT the premises shall be kept clean and graffiti-free at all times, and the landscaping shall be maintained by the owner;

THAT there shall be no parking of repaired vehicles on the street.”

(N.B. 1882/45, D.O.B. 400793913 & 400784558)

Adopted by the Board of Standards and Appeals, February 12,

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 - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure and a reopening for an extension of the time to complete construction; and

WHEREAS, a public hearing was held on this application on January 29, 2002, after due notice by publication in The City Record, laid over to February 12, 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 March 23, 1999 only as to the time to the time to complete construction, so that as amended this portion of the resolution shall read:

“That the time to complete construction shall be extended to twenty-nine (29) months from March 23, 2001.”

(ALT. NO. 100664372)

Adopted by the Board of Standards and Appeals, February 12, 2002.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

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

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

MINUTES

APPEARANCES -

For Applicant: Robert M. Blakeman.

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

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

648-88-BZ

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

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

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

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

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

53-91-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

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

174-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g,

Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

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

175-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

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

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

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

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

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside

MINUTES

of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

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

16-99-BZ

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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

51-99-BZ

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

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

COMMUNITY BOARD #14BK

APPEARANCES - None.

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

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 Applicant: Phil Rampulla.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated December 14, 2001, acting on ALT 1. Application No. 500504439 reads:

“A1- Street giving access to the proposed building is not placed on the official map of the City of New York; Therefore, No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and, A2 -Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and WHEREAS, by the letter dated February 6 , 2002, the Fire

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

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated December 14, 2001, acting on ALT Application No. 500504439, 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 January 2, 2002, (1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, February 12, 2002.

MINUTES

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of

Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

REGULAR MEETING TUESDAY AFTERNOON, FEBRUARY 12, 2002 2:00 P.M.

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

ZONING CALENDAR

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.

MINUTES

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

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 18, 2000, acting on Application No. 301077750 reads:

“The proposed construction of the office and warehouse in an R5 District is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals”; and

WHEREAS, the decision of the Borough Commissioner, dated October 18, 2001, acting on Application No. 301077750 was an update of the previous decision and reads:

“The proposed construction of the mixed-use building, to contain a retail store with storage, and residential units, is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record and laid over to May 15, 2001, June 19, 2001, July 24, 2001, October 16, 2001, November 13, 2001, December 18, 2001, January 29, 2002 and then to February 26, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, 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 two-story mixed-use building, within a R5 district, with commercial use on the first floor and residential use on the second floor; and

WHEREAS, the premises is located on the westerly side of Stillwell Avenue, between Bay 49th and Bay 50th Street in Brooklyn and is located within a R5 zoning district, which permits residential and community facility development; and

WHEREAS, evidence in the record indicates that the zoning lot is currently improved with a one-story frame single family dwelling and a brick two-car garage, which is unoccupied; and

WHEREAS, the “A” finding in a variance requires that the hardship must result from the unique circumstances peculiar to the subject premises and that this condition presents a practical difficulty in meeting the requirements of the Zoning Resolution; and

WHEREAS, the applicant contends that the subject lot is irregularly and disproportionately shaped and that the current structure is obsolete and underutilized; and

WHEREAS, however, the applicant does not provide evidence that the applicable zoning requirements prevent the

owner from upgrading the structure in order to remedy the obsolete condition claimed; and

WHEREAS, although the Board observed that the site is to some extent awkwardly shaped, it found that the site’s configuration does not preclude a development consistent with the district’s zoning regulations; and

WHEREAS, the applicant cites portions of nearby streets that contain numerous commercial uses as evidence to the commercial character of the neighborhood, and yet the applicant acknowledges that these sites are in C1-2 commercial overlay districts, a district in which the subject site is not located; and

WHEREAS, the Board has found that the site’s recent history of residential use is consistent with the area and the neighborhood, which is primarily residential, notwithstanding the commercial uses along nearby avenues; and

WHEREAS, the applicant contends that the presence of the elevated subway line directly in front of the property discourages residential use development because it blocks out light and ventilation, creates noise, and causes more difficulty in maintenance of nearby properties; and

WHEREAS, the Board finds that many viable residential sites in the area are also adjacent the elevated line, and the fact that the subject site is adjacent to an elevated subway line does not relate to the site’s inherent physical characteristics; and

WHEREAS, the applicant contends that a subsurface water condition presents a burden for new residential development because it is cost prohibitive to build a residential structure with a basement; and

WHEREAS, the applicant further contends that the site has a potential flooding problem due to the low lying land which creates additional expenditures for a conforming development such as expensive excavation, foundation, and facade installation; and

WHEREAS, the Board finds that the claim regarding the effects of high water table is not a compelling uniqueness claim because it was not demonstrated that the high water table condition is unique to the subject site; and

WHEREAS, moreover, the cost for additional pilings as shown in the applicant’s feasibility analysis does not appear to be extraordinary and does not result in an unnecessary hardship; and

WHEREAS, the applicant states that utilization of the premises for residential purposes is uneconomical; and

WHEREAS, the applicant states that the premises was listed for sale with a local real estate broker for five years, but that the real estate broker was not able to find any buyer who intended to use the property for residential purposes because of the conditions of the site and the surrounding location; and

WHEREAS, the applicant claims that the site has been on the market for five years without any success, however, there is no conclusive evidence (such as advertisements in local newspapers) or testimony that the site was offered at fair market value; and

WHEREAS, the Board also noted that the site was able to sustain a viable residential use as recently as six months before the application date of the variance request; and

MINUTES

WHEREAS, the applicant's claim that an as of right community facility use is not a viable alternative was not sufficiently illustrated, because the applicant's feasibility analysis did not include a fully built as of right condition; and

WHEREAS, the Board finds that the proposed development contains a commercial activity that is inconsistent with the general retail (Use Group 6) use claimed in the plans submitted by the applicant; and

WHEREAS, the Board finds that the proposed commercial use (tile supply establishment) will have a substantially negative impact on the character of the neighborhood because of increased traffic, inadequate parking and proposed parking which is located in the rear facing residences; and

WHEREAS, the Board finds that the curb cut on the Bay 49th Street side of the proposed development introduces commercial traffic into a residential area; and

WHEREAS, moreover, the Board finds that with respect to the residential portion of the proposed building, the open space and yards provided are not consistent with residential zoning standards; and

WHEREAS, the applicant has failed to prove that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Zoning Resolution, and that the alleged practical difficulties or unnecessary hardship are not due to the circumstances created generally by the strict application of such provisions in the neighborhood or districts which the zoning lot is located; and

WHEREAS, the Board finds that the record does not show how the alleged conditions on the site make the site not viable for residential or a community facility use; and

WHEREAS, the applicant's record fails to sufficiently explain why the site is different from other sites in the area and also why applicable zoning regulations result in practical difficulty because the Board noted that the site conditions as described by the applicant are not unique and do not present a practical difficulty in conforming to the Zoning Resolution; and

WHEREAS, the applicant has failed to meet the burden under ZR§72-21 (A) in this application; and

WHEREAS, the Board finds that the Department of Buildings acted properly in not permitting this application for the proposed construction of the mixed-use building, to contain a retail store with storage, and residential units, is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals; and

Resolved, that the decision of the Borough Commissioner dated, October 18, 2001, acting on Application No. 301077750 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals February 12, 2002.

292-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.

SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, 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 February 12, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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.

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 -

MINUTES

For Applicant: Mitchell Ross.

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

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

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

138-01-BZ

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

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

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

COMMUNITY BOARD #5BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance

granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik and John Lage.

For Administration: 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.

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

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

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

MINUTES

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.
SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether and Stuart Beckerman.

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

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

322-01-BZ

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

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein, Stephen Jacobs, Jack Freeman, Ethan Eldon and Peter Geis.

For Opposition: Steven Enriquez.

For Administration: 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.

362-01-BZ

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

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

is contrary to Z.R. §§ 33-431 and 23-711.

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

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Samuel H. Lindenbaum., Gary Tarnoff, James Pouin, and Mel Burstein.

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 March 19, 2002, at 2 P.M., for decision, hearing closed.

368-01-BZ

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Richard Born, Robert B. Davis and Edward Kirkland.

For Administration: 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.

402-01-BZ

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

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Burt Russell

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.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on October 30, 2001, under Calendar No. 743-59-BZ and printed in Volume 86, Bulletin Nos. 35-44, is hereby corrected to read as follows:

743-59-BZ

APPLICANT - Harold L. Robertson, for Lewis Rudin, owner.
SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired July 12, 2001.
PREMISES AFFECTED - 38-50 East 36th Street, Park Avenue and East 36th Street, Block 865, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, Community Board #6, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record*, then laid over to September 11, 2001 for decision. On September 11, 2001 all hearing were postponed and this case was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 28, 1960 as amended through December 4, 1991 expiring on June 14, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten (10) years, from June 14, 2001, expiring June 14, 2011; that the attended transient parking shall be limited to twenty (20) unused or surplus spaces; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, “Received, September 4, 2001”- (3) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(ALT 102136886)

Adopted by the Board of Standards and Appeals, October

30, 2001.

***The resolution has been corrected to correct the Department of Buildings Alt. No. which read: “ALT. 201136886” now reads: “ALT.102136886”. Corrected in Bulletin No. 8, Vol. 87, dated February 21, 2002.**

*CORRECTION

This resolution adopted on December 18, 2001, under Calendar No. 218-01-BZ and printed in Volume 86, Bulletin Nos. 51-52, is hereby corrected to read as follows:

218-01-BZ

CEQR #01-BSA-161X

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. 24-111, 24-521, 24-34 and 25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

CORRECTIONS

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 12, 2001 acting on Applic. No. 200673789 reads:

“In an R1-2 in an NA-2 Zoning District

1. Proposed vertical extension of existing School Building is contrary to
ZR 24-111 FAR
ZR 24-521 Height, Perimeter Wall & Sky Exposure
ZR 25-31 Parking and requires a Variance from the Board of Standards and Appeals.
2. Approval from City Planning Commission required in a Special Natural Area (NA-2)
District ZR 105-02”

WHEREAS, a public hearing was held on this application on October 2, 2001, after due notice by publication in *The City Record* and laid over to October 18, 2001 and November 20, 2001 and then to December 18, 2001 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31; and

WHEREAS, the subject site is improved with an existing building which is a one story, detached brick school building; and

WHEREAS, the applicant represents the existing school requires more space in order to accommodate the growing needs of the community; and

WHEREAS, the applicant represents that the school requires more floor area in order to have more classrooms and a larger Synagogue; and

WHEREAS, the applicant represents the proposed construction takes into account the unique sensitivity of the current zoning as a Special Natural Area and in order not to disturb the ground or create more covered space, the building will only be enlarged vertically; and

WHEREAS, the applicant represents the subject premises is occupied by a brick school building on an irregularly shaped lot of 10,510'; and

WHEREAS, the applicant represents the site is bounded on three sides by streets, West 250th Street to the north, Delafield Avenue to the east, and Henry Hudson Parkway to the west; and

WHEREAS, it is proposed to vertically extend the school building without change to the existing footprint; and

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

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the Religious School-Yeshiva requiring both Synagogue study hall and classrooms in the same building; and

WHEREAS, the site itself is unique, as the lot fronts three Streets, and is graded at an extreme slope causing construction to be difficult and expensive; and

WHEREAS, the site also fronts an arterial highway- the Henry Hudson Parkway, making the site undesirable for a one family residential use; and

WHEREAS, the applicant represents and the Board agrees that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot; 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, as the building fronts a busy arterial highway and is at a different level than all the residential buildings in the neighborhood, it will not substantially impair the appropriate use or development of adjacent properties; and

WHEREAS, the Board has reviewed the applicant's proposal and finds it consistent with New York City's Waterfront policy; and

WHEREAS, the applicant represents the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size; and

WHEREAS, 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 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 the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an

CORRECTIONS

NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 20, 2001"- (9) sheets and "January 29, 2002"-(1) sheets; and *on further condition*;

THAT the development, as approved, is subject to approval from City Planning Commission as required in a Special Natural Area (NA-2) District Z.R. §105-02; and

THAT in accordance to the request from the Fire Department that the premises is not to be used for housing;

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 Appeals, December 18, 2001.

***The resolution has been corrected in that the portion which read: "Received November 20, 2001"-(7) sheets" now reads: "Received, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet". Corrected in Bulletin No. 8, Vol. 87, dated February 21, 2002.**

Pasquale Pacifico, Executive Director.

MINUTES

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