

---

# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:  
40 Rector Street, 9th Floor, New York, N.Y. 10006.

---

Volume 87, Nos. 9-10

March 7, 2002

---

## DIRECTORY

**JAMES CHIN**, *Chairman*

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

**MITCHELL KORBAY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Roy Starrin**, *Deputy Director*

**Juan D. Reyes, III**, *Counsel*

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

## CONTENTS

DOCKET .....	127
<b>CALENDAR</b> of March 26, 2002	
Morning .....	128
Afternoon .....	128
<b>CALENDAR</b> of April 9, 2002	
Afternoon .....	130

---

# CONTENTS

---

**MINUTES** of Regular Meetings,**Tuesday, February 26, 2002**

Morning Calendar .....130

**Affecting Calendar Numbers:**

502-60-BZ	4452/6 Broadway, a/k/a 88/90 Fairview Avenue, Manhattan
416-87-BZ	547-551 West 133 <sup>rd</sup> Street, Manhattan
74-49-BZ	515 7 <sup>th</sup> Avenue and 144-158 West 38 <sup>th</sup> Street, Manhattan
611-76-BZ	43-17/21 214 <sup>th</sup> Place, Queens
1204-80-BZ	835 Tilden Street, Bronx
837-85-A	166-18 73 <sup>rd</sup> Avenue and 73-02 167 <sup>th</sup> Street, Queens
926-86-BZ	217-07 Northern Boulevard, Queens
45-90-BZ	260 Hamilton Avenue, Brooklyn
150-95-BZ	4-10 East 98 <sup>th</sup> Street, Manhattan
192-00-BZ	144-43 Farmers Boulevard, Queens
247-00-BZ	136-45 41 <sup>st</sup> Avenue, Queens
391-01-A	21 Hudson Walk, Queens
99-01-A	37-18 74 <sup>th</sup> Street, Queens
266-01-A thru 15, 17, 19, 21, 23, 27, 29, 31, 33, 37, 39, 41, and 43 Beachview Avenue, Staten 278-01-A	Island
328-01-A thru 14, 16, 18, 20 Miller Street, Staten Island 331-01-A	
394-01-A	56 William Avenue, Staten Island
398-01-A	59 Reid Avenue, Queens
399-01-A	59 Hillside Avenue, Queens
400-01-A	26 Newport Walk, Queens

Afternoon Calendar .....135

**Affecting Calendar Numbers:**

226-01-BZ	48 Laight Street and 166/72 Hudson Street, Manhattan
258-01-BZ	168/70 West 79 <sup>th</sup> Street, a/k/a 165/67 West 78 <sup>th</sup> Street, Manhattan
402-01-BZ	936 East 24 <sup>th</sup> Street, Brooklyn
71-99-BZ	56-05 69 <sup>th</sup> Street, Queens
137-99-BZ	165/67 Norfolk Street, Brooklyn
291-00-BZ	2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, Brooklyn
125-01-BZ thru 128-01-BZ	125, 131, 135 and 141 Classon Avenue, Brooklyn
238-01-BZ	135-04 11 <sup>th</sup> Avenue, Queens
239-01-BZ	135-16 11 <sup>th</sup> Avenue, Queens
260-01-BZ	119-15 27 <sup>th</sup> Avenue, Queens
294-01-BZ	125 Green Street, Brooklyn
302-01-BZ	2519/2525 Creston Avenue, Bronx
361-01-BZ	1761 East 29 <sup>th</sup> Street, Brooklyn
370-01-BZ	1041 East 24 <sup>th</sup> Street, Brooklyn
380-01-BZ	230 West 41 <sup>st</sup> Street, Manhattan
381-01-BZ	1723 8 <sup>th</sup> Avenue, a/k/a 443 18 <sup>th</sup> Street, Brooklyn

# DOCKET

New Case Filed Up to February 26, 2002

**57-02-BZ** B.BK. 194 North 14<sup>th</sup> Street, border by Wythe Avenue on the east and the corner of Nassau Avenue and Berry Street to the west, Block 2279, Lot 13, Borough of Brooklyn. Alt. #301237301. Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #1BK**

**58-02-A** B.BK. 194 North 14<sup>th</sup> Street, border by Wythe Avenue on the east and the corner of Nassau Avenue and Berry Street to the west, Block 2279, Lot 13, Borough of Brooklyn. Alt. #301237301. Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

**59-02-A** B.Q. 23-81 89<sup>th</sup> Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens. Applic. #401265554. Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

**60-02-BZ** B.BK. 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn. Applic. #300698519. The legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, is contrary to Z.R. §§23-141 and 23-47.

**COMMUNITY BOARD #15BK**

**61-02-BZ** B.BK. 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn. Applic. #301227054. Proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #4K**

**62-02-BZ** B.BK. 108 Walworth Street,

between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn. Applic. #301290993. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #3BK**

**63-02-BZ** B.BK. 110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn. Applic. #301290948. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #3BK**

**64-02-BZ** B.BK. 120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn. Applic. #301290984. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #3BK**

**65-02-BZ** B.BK. 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets (78th Street), Block 4497, Lot 1, Borough of Brooklyn. Applic. #300790366. The reestablishment of an expired variance, previously granted by the Board under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner in an R4 zoning district.

**COMMUNITY BOARD #5BK**

**66-02-BZ** B.BK. 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn. Applic. #301253989. Proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #1BK**

---

# DOCKET

---

**67-02-BZ** B.Q. 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens. Applic. #401395904. The legalization of off-street parking spaces, accessory to an existing community facility (church), requires a special permit from the Board as per Z.R.§73-452.

**COMMUNITY BOARD #7Q**

---

**68-02-BZ** B.Q. 130-20 89<sup>th</sup> Road, south side, 150' east of the intersection of 89<sup>th</sup> Road and 130<sup>th</sup> Street, Block 9357, Lots 14 and 17, Borough of Queens. N.B. #401387904. Proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #9Q**

---

**69-02-A** B.Q. 130-20 89<sup>th</sup> Road, south side, 150' east of the intersection of 89<sup>th</sup> Road and 130<sup>th</sup> Street, Block 9357, Lots 14 and 17, Borough of Queens. N.B. #401387904. Proposed community facility, (substance abuse treatment center), located within the bed of a mapped street, is Section 35 of the General City Law.

---

**70-02-BZ** B.BK. 1456 East 26<sup>th</sup> Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn. Alt. #301284054. Proposed enlargement of an existing one family dwelling, Use Group1, located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

**COMMUNITY BOARD #14BK**

---

**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, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**

---

## 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**

---

### **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**

---

### **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**

---

### **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**

---

### **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.**

---

### **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**

---

**1013-80-A**

---

*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, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

*Tuesday afternoon*, March 26, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> 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**

---

### 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 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.

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

**NOTICE IS HEREBY GIVEN** of a public hearing,

# MINUTES

## COMMUNITY BOARD #2 S.I.

### 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 13<sup>th</sup> Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

### COMMUNITY BOARD #2M

### 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 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

*Pasquale Pacifico, Executive Director*

APRIL 9, 2002, 2:00 P.M.

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, April 9, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

## ZONING CALENDAR

### 304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

### 46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 205 State Street, aka 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

### COMMUNITY BOARD #2BK

*Pasquale Pacifico, Executive Director*  
**REGULAR MEETING**

**TUESDAY MORNING, FEBRUARY 26, 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, January 15, 2002, were approved as printed in the Bulletin of January 24, 2002, Volume 87, No. 4.

# MINUTES

## SPECIAL ORDER CALENDAR

### 502-60-BZ

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

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

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

### COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Hiram Rothkrug.

**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 January 20, 2001; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record*, laid over to August 14, 2001, October 16, 2001, November 13, 2001, January 29, 2002, and then to February 26, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) 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 December 6, 1960, expiring January 20, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from January 20, 2001, expiring January 20, 2011, *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 “February 27, 2001”- (1) sheet; 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; on further condition

THAT this approval is limited to the relief granted by the

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

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

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

(ALT No. 188)

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

### 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 133<sup>rd</sup> Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

### COMMUNITY BOARD #9M

APPEARANCES - None.

**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 June 27, 1999; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, and laid over to January 15, 2002, February 5, 2002, and then to February 26, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) 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. §72-01, said resolution having been adopted June 27, 1989, expiring June 27, 1999, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from June 27, 1999, expiring June 27, 2009, *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 the existing auto spray paint area shall comply with the following laws:

# MINUTES

- 1) New York City Code: sub-chapter 7  
Article 3: Occupancies involving spraying or dip finishing (sections 27- 406, 27-412)  
Article 9: Automobile repair shops (sections 27-443, 27-449)
- 2) BSA rules covering use of equipment for spraying, storage, and drying of paints etc.,

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 "January 25, 2002"-(2) 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; on further condition

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

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

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

(ALT No. 102165791)

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

## **74-49-BZ**

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

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

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

## **COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

## **611-76-BZ**

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

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

PREMISES AFFECTED - 43-17/21 214th Place, north side

161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

## **COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Hiram Rothkrug.

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

## **1204-80-BZ**

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

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

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

## **COMMUNITY BOARD #12BX**

APPEARANCES -

For Applicant: Joseph Morsellino.

For Opposition: Larry Seabrook and others.

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

## **837-85-A**

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73<sup>rd</sup> Avenue and 73-02 167<sup>th</sup> Street, southwest corner of 73<sup>rd</sup> Avenue and 167<sup>th</sup> Street, Block 6974, Lot 19, Borough of Queens.

## **COMMUNITY BOARD #8Q**

APPEARANCES -

For Applicant: Nelly Bravo.

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

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

## **926-86-BZ**

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

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

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

# MINUTES

## COMMUNITY BOARD #11Q

For Applicant: Lyra Altman.

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

---

## 45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

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

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan.

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

---

## 150-95-BZ

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

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

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

## COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Paul Selver, Stuart Johnson, Dan Kearin, and Fred Laldar.

For Opposition: Jack Lester, John Barakat, Roger Thomas, Diane Williams, Alan Fierstein, Sally Jo O'Brien, Leslie Samuels, Corbin R. Miller, Claudia Thompson and others.

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

**ACTION OF THE BOARD** - Laid over to April 24, 2002, at 1:30 P.M., for continued hearing.

---

## 192-00-BZ

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

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

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block

13314, Lot 1, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: H. I. Sigman.

For Opposition: Richard Hellenbrecht.

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

---

## 247-00-BZ

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

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

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

## COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Don Weston.

For Opposition: Thomas James and others.

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.

---

## 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,

# MINUTES

Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Gary Lenhart.

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

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

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated December 7, 2001, acting on ALT 1. Application No. 401282152, reads:

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

- 1) A Certificate of Occupancy may not be issued as per Article 3 , Section 36 of the General City Law.
- 2) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated January 2, 2002, the Fire Department has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated December 7, 2001, acting on ALT 1. Application No. 401282152, 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 December 18, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

## 99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 and Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74<sup>th</sup> Street, West of 74<sup>th</sup> Street 161.107' south of 37<sup>th</sup> Avenue, Block 1284, Lot 47, Borough of Queens

## COMMUNITY BOARD #3Q

### APPEARANCES -

For Applicant: Nelly Bravo.

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

# MINUTES

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

**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 11 A.M., for continued hearing.

**328-01-A thru 331-01-A**

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

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

**PREMISES AFFECTED -**

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

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

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

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

**COMMUNITY BOARD #3SI**

**APPEARANCES -**

For Applicant: Victor Han.

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

**ACTION OF THE BOARD -**Laid over to March 19, 2002, at 11 A.M., for continued hearing.

**394-01-A**

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

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

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

**APPEARANCES -**

For Applicant: Alfred Saulo.

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

**398-01-A**

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

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

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

**APPEARANCES -**

For Applicant: Michelle Sherry.

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

**399-01-A**

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

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

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05'

# MINUTES

west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens.

**APPEARANCES -**

For Applicant: Michelle Sherry.  
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 11 A.M., for decision, hearing closed.

\_\_\_\_\_

**400-01-A**

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

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

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

**COMMUNITY BOARD #14BK**

**APPEARANCES -**

For Applicant: Michelle Sherry.  
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 11 A.M., for decision, hearing closed.

\_\_\_\_\_

*Pasquale Pacifico, Executive Director.*

Adjourned: 1:45 P.M.

**REGULAR MEETING  
TUESDAY AFTERNOON, FEBRUARY 26, 2002**

**2:00 P.M.**

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

\_\_\_\_\_

**ZONING CALENDAR**

**226-01-BZ**

**CEQR # 01-BSA -166M**

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.  
SUBJECT - Application June 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00.

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 and Dennis Lee.  
For Administration: Battalion Chief Phil 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 October 2, 2001 acting on N.B. Application No. 102796146, reads:

“Residential Use Group 2 is not permitted within M1-5 TMU zoning district as per Section 42-00 ZR.”;and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the City Record, laid over to February 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot is located at the northeast corner of Laight and Hudson Streets, with 38 feet of frontage on the Laight Street side and 100 feet of frontage on the Hudson Street side; and

# MINUTES

WHEREAS, the zoning lot is situated in The Tribeca Mixed Use District in an M1-5 zoning district; and

WHEREAS, the record indicates that the existing building is a vacant one-story 1,392 square foot automotive service station; and

WHEREAS, the zoning lot is a small parcel with only 3,800 square feet of area, enveloped on all sides by taller buildings; and

WHEREAS, the applicant represents that the existing structure is a functionally obsolete building, inconsistent with the existing office and loft dwellings land use pattern in the area; and

WHEREAS, the zoning lot is located immediately north of the large open space that compromises the rotary road system for vehicles exiting the Holland Tunnel; and

WHEREAS, the applicant represents that there is continuous vehicular traffic which passes directly by the zoning lot, thus making it unsuitable for conforming manufacturing or warehouse use which would require loading docks and trucks maneuvering into the building from Hudson or Laight Street; and

WHEREAS, evidence in the record, including Sanborn maps, indicates that the site was formerly a four-story residential use building with retail use on the ground floor before being demolished and converted to an automotive service station in approximately 1930; and

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

WHEREAS, the proposed building will have an 85 foot street wall for its six stories which is consistent with, or shorter than, the other building currently on the block; and

WHEREAS, evidence in the record indicates that the subject premises is the only lot on its block which is not developed with a five to seven story building; and

WHEREAS, the applicant represents that a number of buildings in the surrounding neighborhood have been converted to loft dwellings in recent years; and

WHEREAS, The New York City Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed work at the subject premises; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) 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 "June 26, 2001"-(4) sheets and "November 1, 2001"-(11) sheets; and on further condition;

THAT the entire building shall be sprinklered with automatic wet sprinklers;

THAT the cellar, first floor, and all commercial spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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

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

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

THAT any ground floor use be restricted to Use Group 6a or 6b, with the exception of a dry cleaning or clothes pressing establishment;

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

THAT a Certificate of Occupancy be obtained within 4 years from the date of this resolution.

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

## **258-01-BZ CEQR #02-BSA-022M**

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

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

PREMISES AFFECTED - 168/70 West 79<sup>th</sup> Street, a/k/a 165/67

# MINUTES

West 78<sup>th</sup> Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

## COMMUNITY BOARD #7M

### APPEARANCES -

For Applicant: Sybil H. Pollet.

For Administration: Battalion Chief Phil 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 August 21, 2001 acting on Applic. No. 102975951 reads:

- “1. Proposed enlargement of first floor is contrary to ZR 24-33 (b), (permitted obstructions in rear yards are limited to one-story in height); and
2. Proposed enlargement of third and fourth floors is contrary to ZR 24-36 and 24-382 rear yard requirements.
3. Proposed enlargement increases the degree of non-compliance pursuant to ZR 54-31.”

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record* and laid over to 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, 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 expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §§24-33(b), 24-36, 24-382, and 54-31; and

WHEREAS, the subject site is located between 78<sup>th</sup> and 79<sup>th</sup> Streets, bounded by Amsterdam and Columbus Avenues, with a total lot area of 8,785 square feet; and

WHEREAS, the applicant represents that the four brownstones which comprise the school were built prior to 1900 as a parochial school on 79<sup>th</sup> Street with residences for the nuns/teachers in the 78<sup>th</sup> Street buildings, and the structure that fills the rear yard and now houses the school's gym was built in about 1902; and

WHEREAS, in 1989, the Department of Buildings, in a reconsideration, allowed predecessor owner, a school, to install a twenty-three foot high one story gymnasium in place of an existing corridor in the rear yard to connect the 79<sup>th</sup> and 78<sup>th</sup> street buildings; and

WHEREAS, the evidence in the record indicates that the rear yard, as built, measures only 45 feet 8.5 inches and is not in compliance with the required rear yard equivalent of the zoning resolution; and

WHEREAS, the applicant represents that the existing floor area of the site is 38,009 square feet, and the proposed floor area would be 41,589 square feet which is still in compliance with what is permitted to be developed on the site; and

WHEREAS, the existing building is legally non-complying, having been erected prior to December 15, 1961, when the current zoning became effective; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot, which was developed with the pre-existing building which became non-complying when the current zoning went into effect in December 1961; and

WHEREAS, the applicant contends that the zoning lot has a narrow and irregular through-lot configuration with 50 feet of frontage 79<sup>th</sup> Street and only 36 feet of frontage on 78<sup>th</sup> Street and; and

WHEREAS, evidence in the record indicates that the subject site is located in three separate zoning districts, R-10A, R8B, and C2-7A, which complicates utilization for school purposes; and

WHEREAS, the applicant represents that the current buildings are now inadequate for the efficient operation of the institution and limit how the school might be altered to meet its programmatic needs in a manner least disruptive to students, faculty, least costly and most practical; and

WHEREAS, this is a proposal to construct four small class rooms (totaling 1,954 square feet) as a two-floor addition to an existing 100-year-old two-story extension on the 79<sup>th</sup> Street side of the school, which would be built in a non-conforming rear yard; and

WHEREAS, the proposal also seeks to permit the construction of an in-fill floor, or mezzanine, within the envelope of the existing school gym which would house classrooms and a “boulevard” connecting the 78<sup>th</sup> and 79<sup>th</sup> Street buildings; and

WHEREAS, the applicant contends that under the current zoning regulations, the school needs a variance to permit it to create the additional classrooms and extracurricular space it requires, because all of the development options lie in the R10A portion of the lot on West 79<sup>th</sup> Street; and

WHEREAS, the applicant further contends that full as-of-right development on West 79<sup>th</sup> Street would negatively affect the school's programs, would result in an inappropriate distribution on the school's property, negatively impact the Upper West Side / Central Park West Historic District in which the school is situated and would be prohibitively expensive; and

# MINUTES

WHEREAS, the applicant claims that the R10A district regulations on the 79<sup>th</sup> Street portion of the school would permit additional floors, but the vertical rather than horizontal expansion would result in disruptive, expensive and undesirable changes to the existing elevator; and

WHEREAS, the applicant represents that enlargement on 79<sup>th</sup> Street would result in an uneven distribution of children within the school building, undesirable congestion, and dangerous conditions should it be necessary to evacuate children; and

WHEREAS, therefore, the applicant contends that spreading students horizontally in a building would be more desirable; and

WHEREAS, the applicant represents that were it not for the rear yard requirements, which cannot be met without demolition of part of the school, enlargement of the third and fourth floors would not otherwise violate any height or bulk regulations; and

WHEREAS, the applicant states that since only in a small portion of the zoning lot, 2' by 102'2", lay in a C2-7A district, in which a 135' high building is permitted, additional floors in the 78<sup>th</sup> Street buildings in an R8B district would not be possible because the maximum base height has already been exceeded, and

WHEREAS, evidence in the record indicates that the school facility is located in the Upper West Side/Central Park West Historic District; and

WHEREAS, therefore, the applicant represents that even if zoning regulations permitted construction on the street side, above the existing facility on either 78<sup>th</sup> or 79<sup>th</sup> Streets, rather than in the rear, such construction would negatively impact the protected exterior of the building; and

WHEREAS, the applicant states that these variances would allow the Congregation to relocate functions to create more space within the buildings, useable for educational programs, administrative functions and generally, to upgrade existing facilities; and

WHEREAS, the applicant further contends that there is no possibility of providing a similar space anywhere else within the existing building without affecting existing rooms or required facilities, and the proposed structure is the minimum addition required in order to fulfill the programmatic needs of the existing facility; and

WHEREAS, the applicant states that the proposed non-complying design is necessary in order to meet the programmatic needs of the school and congregation, as the subject premises does provide an adequate area to accommodate its students and community functions; and

WHEREAS, the applicant represents that 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 applicant further represents that based upon the existing structures at the site, the history of the development of the zoning lot, the irregular and narrow width of the lot, its split zoning designations and historic district designation, there are unique physical conditions that create practical difficulties in

building in strict conformity with 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, Community Board 7 of Manhattan approved the portion of the application for a variance to allow the addition of approximately 1200 square feet of floor area by splitting the height of the existing gymnasium, thereby creating an additional floor and improving circulation between the applicant's properties on West 78<sup>th</sup> Street and West 79<sup>th</sup> Street; and

WHEREAS, the Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed plans; and

WHEREAS, the applicant represents that the proposed additions will minimal impact on any adjacent property, and will not alter the essential character of the neighborhood; 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 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 expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §§24-33(b), 24-36, 24-382, and 54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 22, 2001"-(4) sheets and "November 1, 2001"-(11) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

THAT the development, as approved, is subject to

# MINUTES

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, February 26, 2002.

## 402-01-BZ

### CEQR #02-BSA-100K

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

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the enlargement of a 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 Administration: 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 December 24, 2001, acting on Alt. Application No. 301276679 reads:

“Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- (1) proposed floor area contrary to Z.R. 23-141.
- (2) Proposed open space ratio contrary to Z.R. 23-141
- (3) Proposed side yards contrary to Z.R. 23-461
- (4) Proposed rear yard contrary to Z.R. 23-47”;

and

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record*, and laid over to February 26, 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, a special permit is sought under Z.R. §73-622 to allow the enlargement of a 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; and

WHEREAS, the subject site is located within the area described under item (b) of §73-622; in an R2 district within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue; and

WHEREAS, the proposed enlargement will increase the FAR to .98, decrease the Open Space Ratio to .607, truncate the side yard to 3 feet 11.5 inches, and shorten the rear yard to 20 feet; and

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow the enlargement of a 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, *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 19, 2002”- (4) sheets and “February 26, 2002”-(1) sheet; and *on further condition*;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one (1) year of this

# MINUTES

grant.

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

## 71-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69<sup>th</sup> Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

### COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane, Philip Agusta and Vincent Petretre.

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.

## 137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Andrew Siegel.

For Opposition:

**ACTION OF THE BOARD** - Laid over to September 24, 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: Sheldon Lobel and James Heineman.

For Opposition: Anthony Scavo, Henry Stricoff and Bill Wissenmann.

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.

## 125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Opposition: Ruben Pratis, Wilma Maynard and Mark A. Levin.

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

**ACTION OF THE BOARD** - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

## 238-01-BZ

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

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

# MINUTES

§23-221 and §23-45.

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

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Philip P. Agusta.

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

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

**239-01-BZ**

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

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

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

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Philip P. Agusta.

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

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

**260-01-BZ**

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with F.A.R., height of the front wall and side yard setback, is contrary to Z.R. §24-551 and 24-521.

PREMISES AFFECTED - 119-15 27<sup>th</sup> Avenue, bounded by 27<sup>th</sup> Avenue, 119<sup>th</sup> Street and 26<sup>th</sup> Avenue, Block 4291, Lot 20, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

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 deferred decision.

**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.

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

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Sheldon Lobel and Michael Piskun.

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.

**302-01-BZ**

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

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

**COMMUNITY BOARD #7BX**

APPEARANCES -

For Applicant: Deirdre Carson.

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.

**361-01-BZ**

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

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

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

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani,

---

# MINUTES

---

Fire Department.

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

---

**370-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.  
SUBJECT - Application November 27, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, and side and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.  
PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Lyra Altman.

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.

---

**380-01-BZ**

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

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

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

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Fredrick A. Becker.

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.

---

**381-01-BZ**

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

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing community facility (Use Group 4) located in an R5

zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

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

**COMMUNITY BOARD #7BK**

APPEARANCES -

For Applicant: Adam Rothkrug.

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 26, 2002, at 2 P.M., for decision, hearing closed.

---

*Pasquale Pacifico, Executive Director.*

Adjourned: 5:30 P.M.

---

# MINUTES

---

[BLANK PAGE]