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AND APPEALS

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October 31, 2002

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DOCKET

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within the bed of a mapped street, is contrary to Sections
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273-02-BZ B.BK. 615 Hampton Avenue,
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COMMUNITY BOARD #15BK

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COMMUNITY BOARD #BK

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COMMUNITY BOARD #15BK

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west side, 280.0' north of Hampton Avenue, and south of
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COMMUNITY BOARD #15BK

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COMMUNITY BOARD #15BK

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Avenue, Block 8946, Lot 844, Borough of Brooklyn.
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with the zoning requirements for lot coverage, floor area
ratio and side yard, is contrary to Z.R. §23-141, §23-47 and
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COMMUNITY BOARD #15BK

280-02-BZ B.BK. 458/62 St. Marks Avenue,
a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and
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accessory parking with 33 spaces and a 24-hour attendant,
which is located more than 200 feet from the zoning lot,
containing the community facility (nursing home),
requires a special permit from the Board as per Z.R. §25-
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COMMUNITY BOARD #8BK

DOCKET

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COMMUNITY BOARD #15BK

282-02-BZ B.BK. 1465 East 24th Street,
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"N", Block 7657, Lot 27, Borough of Brooklyn. Applic.
#301420987. The legalization of a one story enlargement
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space ratio and rear yard, is contrary to Z.R. §23-141, §54-
31 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

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

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

SPECIAL ORDER CALENDAR

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

151-90-BZ

APPLICANT - The Agusta Group, for Carmen Bosato, owner.

SUBJECT - Application August 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 25, 2001.

PREMISES AFFECTED - 115-49 118th Street, east side of 118th Street 240' north of Sutter Avenue, Block 11711, Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York LLC, owner; Broadway Body Builders, Inc., lessee.

SUBJECT - Application September 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 403 East 91st Street, north side of East 91st Street, 94' east of First Avenue, Block 1571, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

219-71-BZ

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

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A. C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th Street, northwest corner of Broadway and West 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

CALENDAR

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard, Parsons Boulevard between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

NOVEMBER 19, 2002, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, November 19, 2002, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor arearatio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

83-02-BZ

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

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40 (Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #3M

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

239-02-BZ

APPLICANT - Deirdre A. Carson, Esq.,/Greenberg Traurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT - Application August 29, 2002 - under Z.R. §72-21, to permit the reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

CALENDAR

250-02-BZ

APPLICANT- Moshe M. Friedman, P.E., for Yaacov Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, minimum side yard and rear yard, and is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 22, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, September 10, 2002, were approved as printed in the Bulletin of September 19, 2002, Volume 87, No. 35-37.

SPECIAL ORDER CALENDAR

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 11, 2000; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in *The City Record*, and laid over to September 24, 2002, August 6, 2002, and then to October 22, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans; and

WHEREAS, at the request of the Board, the applicant has submitted a supplementary lighting level plan to become part of the record.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, adopted on April 18, 1950, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within twelve (12) months from the date of this grant; and on further condition

THAT all lighting shall comply with the BSA approved lighting plan marked “Received October 8, 2002”- (1) sheet;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB# 200149936)

Adopted by the Board of Standards and Appeals, October 22, 2002.

234-56-BZ

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

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

PREMISES AFFECTED - 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on October 1, 2002, and laid over to October 22, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the installation of a canopy above the existing gasoline pumps, the addition of an attendant's booth and the legalization of the replacement of the original eight 550 gallon tanks with three 4,000 gallon fiberglass tanks; and

WHEREAS, Community Board #7 has recommended approval of this application; and

WHEREAS, public hearings were held on a prior application concerning the subject premises, on April 3, 2001, after due notice by publication in *The City Record*, laid over to May 1, 2001, June 5, 2001, July 10, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were cancelled and this case was laid over to October 18, 2001, December 4, 2001, December 18, 2001 and then to March 5, 2002; and

WHEREAS, in response to community concerns expressed during the 2001 hearings, the Board determined that due to the small size of this site and area traffic conditions, the sale of diesel fuel creates a hazardous condition and that the hours of operation should be limited; and

WHEREAS, the Board notes that the applicant has eliminated the sale of Diesel fuel; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the variance pursuant to §11-411, said resolution having been adopted February 19, 1957, so that as amended this portion of the resolution shall read:

“to permit the installation of a canopy above the existing gasoline pumps, the addition of an attendant's booth and the legalization of the replacement of the original eight 550 gallon tanks with three 4,000 gallon fiberglass tanks, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 24, 2002”-(6) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT; there shall be no sale of diesel fuel;

THAT the hours of operation for the subject use shall be limited to Monday thru Friday 5:30 a.m. to 9:00 p.m., and Saturday and Sunday 6:00 a.m. to 6:00 p.m.

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

THAT a fence be erected and maintained between the

subject site and the adjacent commercial establishment at the south end of the property;

THAT there shall be no self-service gasoline sales;

THAT there shall be no parking on the sidewalk;

THAT there shall be no parking of trucks;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401028794)

Adopted by the Board of Standards and Appeals, October 22, 2002.

459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone, owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue, southern corner of Avenue T and Flatbush Avenue, Block 8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening and an extension of the time to obtain a Certificate of Occupancy which expired on July 25, 2002; and

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

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals

MINUTES

reopens and amends the resolution permitting the enlargement of an existing food store, adopted on January 8, 1974, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition

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

THAT all loading and unloading shall occur only between the hours of 8:00 AM- 8:00 PM;

THAT all lighting shall be directed away from adjacent residential uses;

THAT the garbage compactor shall be maintained at all times;

THAT all curb cuts and signage shall comply with previous BSA-approved plans;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

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

Adopted by the Board of Standards and Appeals, October 22, 2002.

540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, a/k/a 28-36/58 33rd Street, north west corner of Newtown Avenue and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 23, 2002; and

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

WHEREAS, the applicant seeks 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 term of the variance permitting the enlargement of an existing food store, said resolution having been adopted June 23, 1987, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from June 23, 2002 expiring June 23, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 19, 2002”-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401452833)

Adopted by the Board of Standards and Appeals, October 22, 2002.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

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APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, October 22, 2002.

201-98-A thru 203-98-A

APPLICANT - Klein & O'Brien, LLP, for Marina Development Association, L.P., owner.

SUBJECT - Application June 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 18, 2001.

PREMISES AFFECTED -

4302, 4310, 4312, 4314, 4322 West Shore Avenue, south west corner of Bay 43rd Street, and West Shore Avenue, Block 6944, Lot 480, Borough of Brooklyn.

505, 507, 515, 517, 525, 527, 535, 537, 545, 547, 555 and 557 Bay 43rd Street, Hunters Avenue and West Shore Avenue, Block 6944, Lot 321, Borough of Brooklyn.

403-11, 415, 17, 21, 23, 31, 33, 37, 39, 43, 53, 55, 59, 61, 65, 67, 75, 77, 81, 83 Bay 43rd Street, Hunter Avenue and Shore Parkway, Block 6944, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Allison Kamensky.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 18, 2001; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in *The City Record*, and laid over to October 22, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, adopted on January 8, 1974, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition

THAT a quarterly report shall be sent to the Executive Director of the BSA to document the progression of the project as it relates to the proposed construction schedule provided to the Board marked “Received October 8, 2002”;

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

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

Adopted by the Board of Standards and Appeals, October 22, 2002.

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November

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12, 2002, at 10 A.M., for decision, hearing closed.

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (a/k/a Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue, a/k/a 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

624-68-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and

reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Thomas Schneider.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

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Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated April 26, 2002, acting on N.B. Application Nos. 500524818, 500524827, reads:

- “1. Street giving access to the proposed building is not placed on the official map of the City of New York therefore:
- A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and
 - B. 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 of the Administrative Code.”; and

WHEREAS, by the letter dated June 19, 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 April 26, 2002, acting on N.B. Application No. 500524818, 500524827 are 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 May 14, 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 the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, October 22, 2002.

219-02-A thru 221-02-A

APPLICANT- The Agusta Group, for BRK Properties, Inc., owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

PREMISES AFFECTED -

- 107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.
- 107-76 Watson Place, south side, 700' east of

Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:05 A.M.

REGULAR MEETING TUESDAY AFTERNOON, OCTOBER 22, 2002 2:00 P.M.

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

ZONING CALENDAR

254-01-BZ

CEQR # 02-BSA-019Q

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to §24-11, §24-521, §24-

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34, and §24-35.

PREMISES AFFECTED - 26-06 213th Street, a/k/a 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 25, 2001 acting on N.B. Application No. 401224000, reads in pertinent part;

- “1- PROPOSED USE GROUP 4, SYNAGOGUE, EXCEEDS THE MAXIMUM PERMITTED F.A.R. PER SECTION 24-11 ZR
- 2- PROPOSED BUILDING HEIGHT PENETRATES THE REQUIRED SKY EXPOSURE PLANE PER 24-521 ZR
- 3- PROPOSED 5'-0" FRONT YARD IS CONTRARY TO SECTION 24-34 ZR
- 4- PROPOSED SIDE YARD IS CONTRARY TO SECTION 2[4]-35 ZR”;

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in *The City Record*, and laid over for continued hearing to March 5, 2002, April 23, 2002, June 18, 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, in order to address certain concerns of the community and the Board and to complete the record, the case was re-opened on September 24, 2002 for a subsequent submission from both the applicant and the opposition, and then closed and laid over to October 22, 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, Commissioner Peter Caliendo, and Commissioner Joel Miele Sr.; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the requirements of the Zoning Resolution with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to

§§24-11, 24-521, 24-34, and 24-35; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the proposed project has been significantly reduced in scope and size; and

WHEREAS, the applicant’s original proposal exceeded the maximum permitted lot coverage as per §24-11 which was cited as objection “#2” by the Buildings Department, but the revised proposal is now in compliance with lot coverage regulations; and

WHEREAS, in its Minutes for the November 5, 2001 meeting, Community Board #11 stated that “the community and the committee members were not against the Chabad but the proposed size of the building.”; and

WHEREAS, the subject premises is a corner lot, with 108.6 feet of frontage on 213th Street and 76.3 feet of frontage on 26th Avenue, a total area of 7,637.5 square feet; and

WHEREAS, the site is currently developed with a 1,800 square foot one-and-one-half story residential building, presently used as a synagogue; and

WHEREAS, evidence in the record indicates that the subject premises is located directly across the street from a sizable shopping center (situated within a C4-1 zoning district), and adjacent to a community facility building, which was the subject of a prior BSA variance, Cal. No. 581-81-BZ; and

WHEREAS, the applicant seeks to demolish the existing building and replace it with a new synagogue facility, to be utilized by the same congregation, with a total floor area of 8,789 square feet and a cellar of 3,888 square feet; and

WHEREAS, by special permit from the City Planning Commission, the applicable 0.5 FAR for community facility development could be increased to 1.0 FAR; and

WHEREAS, the proposed synagogue will have an FAR of 1.15 which exceeds the special permit FAR by only 15%; and

WHEREAS, according to the applicant, the proposed synagogue will be used for a variety of religious activities, including religious school and worship, and related religious celebrations and events; and

WHEREAS, the first floor of the proposed synagogue will contain the sanctuary, offices, a library/conference room, bathrooms, and a bridal room; the second and third floors will consist primarily of classroom space; and the cellar will contain a recreation/multipurpose room and men’s and women’s ritual baths; and

WHEREAS, the applicant has made a subsequent submission documenting the uniqueness of the lot and the programmatic needs of the congregation, which the Board finds to be comprehensive and adequate to satisfy the requirements of the Zoning Resolution; and

WHEREAS, the record indicates that the subject lot is

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an irregularly shaped, trapezoidal parcel, situated on the Southwest corner of the intersection of 26th Avenue and 213th Street, located directly opposite a large shopping center and adjacent to an existing community facility building on one side, and an 80 foot wide heavily trafficked thoroughfare on another side; and

WHEREAS, according to the applicant, the practical difficulties and unnecessary hardship arise from the application of yard regulations for a corner lot, requiring front yards on both street frontages, and requiring increased side yards resulting from the computation of the aggregate width of street walls, thus preventing the construction of a building of reasonable size sufficient to fulfill the congregation's programmatic need; and

WHEREAS, the applicant represents that as a result of the burgeoning population of the neighborhood, the congregation has outgrown the current single-family dwelling building from which it operates; and

WHEREAS, the applicant further represents that as a result of the limited area in the existing building, the congregation currently leases space in the adjacent community facility to conduct its religious education; and

WHEREAS, the applicant states that a location in this area of Queens is paramount to the Chabad of Northeast Queens, which was organized and exists to provide a facility for residents of the surrounding area who are not permitted to drive on the Sabbath; and

WHEREAS, the Board finds that the conditions peculiar to the subject zoning lot create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site to meet the programmatic needs of the congregation, therefore satisfying the requirements of §72-21(a); and

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

WHEREAS, the main entrance to the school and administrative facilities, which the applicant contends will receive the majority of the daily pedestrian and automotive traffic, has been designed to front on 26th Avenue, a heavily trafficked thoroughfare, instead of the quieter and more residential 213th Street; and

WHEREAS, the proposed synagogue has been designed with a 15-foot front yard on 213th Street in order to conform with the character of adjacent residences; and

WHEREAS, to address concerns from the Community Board and the Board concerning the overall size of the synagogue, the applicant has substantially reduced the proposed project with respect to Floor Area, lot coverage, and height; and

WHEREAS, the applicant reduced the floor area of the

school from 9,241 square feet in the original proposal to 8,789 square feet; and

WHEREAS, the applicant has reduced the height of the perimeter wall from 35.5 feet in the original proposal to 20.5 feet to better coincide with the height of the adjacent residential homes along 213th Street; and

WHEREAS, the applicant has doubled the size of the front yard along 26th Avenue from 5 feet in the original proposal to 10 feet; and

WHEREAS, the applicant has reduced the Floor Area Ratio from 1.21 in the original proposal to 1.15; and

WHEREAS, after complying with the request of the Board to substantially reduce the proposed project, the Board finds that the proposed action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, after undertaking a comprehensive review of the public hearing transcripts, the applicant's submissions, and the opposition's submissions, the Board finds that the application satisfies the requirements of §72-21(c); and

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the synagogue; and

WHEREAS, the Board has meticulously reviewed both the applicant's and the opposition's submissions and has determined that the evidence in the record supports all the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; 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 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to §24-11, §24-521, §24-34, and §24-35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received July 2, 2002" - (11) sheets and "Received August 29, 2002" - (1) sheet; and *on further condition*;

THAT, fire protection measures shall be provided and

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maintained in accordance with the BSA-approved plans;

THAT the Certificate of Occupancy will state that no on-site commercial catering will be permitted;

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

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

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

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

Adopted by the Board of Standards and Appeals, October 22, 2002.

105-02-BZ

CEQR # 02-BSA-173X

APPLICANT - Sheldon Lobel, P.C., for Moe D. Karash, owner; BP Amoco, plc., lessee.

SUBJECT - Application April 3, 2002 - under Z.R. §73-21, to permit in a C2-4/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200711970 reads:

1. Proposed construction of a new building 1680 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-4 in R6 Zoning District which is contrary to BSA calendar number 592-54-BZ and therefore must be referred to the BSA.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record*, and laid over to October 22, 2002 for decision; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #220, which is currently the site of an existing used cars sales outlet; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 13,082 square feet of lot area with approximately 181 feet of frontage along West Fordham Road, a heavily traveled roadway; and

WHEREAS, the subject site is presently improved with a single-story masonry building of 1,591 square feet housing a used car sales outlet; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 1,680 square foot automotive service station with an accessory convenience store containing 664 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 119.92 square feet of illuminated signage and 25 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for six (6) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an existing brick wall with a 4' high iron fence on the northern property line, on the south and westerly property line a proposed 6' high chain link fence with privacy slats will replace an existing brick wall with fence on top to provide screening to the adjoining lots within the C2-4/R6 zoning district; and

WHEREAS, the record indicates that a C8-3 zoning district, where automotive service stations are permitted as-of-right, is opposite the subject premises, on West Fordham Road; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 13,082 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that West Fordham Road is a heavily traveled thoroughfare and that the entrances and

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exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, therefore, the Board finds that the proposed use 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/ R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 25, 2002" - (6) sheets; and *on further condition*;

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

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M. - 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 22, 2012;

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

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 22, 2002.

111-02-BZ

CEQR # 02-BSA-179X

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, Napa Realty Corp., owner; BP Amoco, plc, lessee.

SUBJECT - Application April 5, 2002 - under Z.R. §73-21, to permit in a C2-4/ R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200711998 reads:

"1. Proposed construction of a new building 2900 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-4 in R7-1 Zoning District which is contrary to BSA calendar number 79-67-BZ and therefore must be referred to the BSA."; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record*, and laid over to October 22, 2002 for decision; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #20, which is currently the site of an existing

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used cars sales outlet; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 20,194 square feet of lot area with approximately 106 feet of frontage along Bruckner and Southern Boulevards and 200 feet of frontage along Hunts Point Avenue, all heavily traveled roadways; and

WHEREAS, the subject site is presently improved with a single-story masonry building housing an existing service station and used car sales outlet; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 2,900 square foot automotive service station with an accessory convenience store containing 1,551 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 144.92 square feet of illuminated signage and 61.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for ten (10) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an 8' high chain link fence, an 8' high metal fence on a masonry wall, and a 10' high masonry located on the southern property line, a concrete retaining wall of varying height, with a 6' high, slatted 50% opaque, chain link fence with slats shall be 100% opaque is proposed for the curved North Western property line to provide screening to the adjoining lots within the C2-4/R7-1 zoning district; and

WHEREAS, the record indicates that opposite the subject premises, on Bruckner Boulevard is an Interstate Expressway and immediately south are several vacant lots; and

WHEREAS, the subject premises is across the street from a C8-3 zoning district where Automotive and Retail Service Stations are permitted "as-of-right"; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 20,194 square feet of lot area; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that the subject premises is located at the intersection of three major streets, Hunts Point Avenue between Bruckner and Southern Boulevards all heavily traveled thoroughfares and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, therefore, the Board finds that the proposed use 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/ R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 22, 2002" -(6) sheets ; and *on further condition*;

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

THAT the chain link fence shall be maintained with a 50% opacity;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 22, 2012;

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

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

MINUTES

and/or configuration(s) not related to the relief granted;
Adopted by the Board of Standards and Appeals,
October 22, 2002.

157-02-BZ

CEQR # 02-BSA-202K

APPLICANT - Dennis D. Dell' Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, and 23-47.

PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002, acting on Application No. 301064684 reads:

- "1. PROPOSED F.A.R. AND O.S.R. CONSTITUTES AN INCREASE IN THE DEGREE OF EXISTING NON COMPLIANCE CONTRARY TO SEC. 23-14 OF THE N.Y.C. ZONING RESOLUTION.
2. PROPOSED HORIZONTAL ENLARGEMENT PROVIDES LESS THAN THE REQUIRED SIDE YARDS CONTRARY TO SEC. 23-46 Z.R. AND LESS THAN THE REQUIRED REAR YARD CONTRARY TO SEC. 23-47 Z.R."; and

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

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the proposed

enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation; 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, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, 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 May 15, 2002"- (1) sheet and "August 20, 2002"- (13) sheets; and *on further condition*;

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

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

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

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

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

Adopted by the Board of Standards and Appeals,
October 8, 2002.

163-02-BZ

CEQR # 02-BSA-206K

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

MINUTES

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R §§23-141, 23-461, 23-631 and 23-47.

PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S" and "T", Block 7300, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 9, 2002, acting on Application No. 301337998 reads:

- “1. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE.
2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAX PERMITTED FLOOR AREA RATIO OF 50%.
3. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAX. PERMITTED LOT COVERAGE OF 35%.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAX. PERMITTED WALL HEIGHT OF 21'-0".
5. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.”; and

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

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R §§23-141, 23-461, 23-631 and 23-47; 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, in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R §§23-141, 23-461, 23-631 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 May 20, 2002”-(6) sheets and “August 6, 2002”-(6) sheets; and *on further condition*;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, October 8, 2002.

MINUTES

180-02-BZ

CEQR # 02-BSA-216Q

APPLICANT - David Stadtmauer/Stadtmauer Bailkin, LLP, for Cascarino's Realty Corp., owner; Cascarino's, lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §72-21, to permit in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25.

PREMISES AFFECTED - 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Kathy Mussio.

For Administration: John Yacovone, Fire Department.

THE ACTION OF BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2002, acting on Application No. 401456287, reads in pertinent part;

“1) PROPOSED SECOND FLOOR REAR VERTICAL AND HORIZONTAL EXTENSION EXCEEDS 23'-0" HEIGHT AND MORE THAN ONE STORY, WHICH IS CONTRARY TO SECTION 33-23 Z.R.

2) PROPOSED 2nd FLOOR REAR EXTENSION WITHOUT PROVIDING A REQUIRED REAR YARD IS CONTRARY TO SECTION 33-25 Z.R.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in *The City Record* and then laid over to October 22, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25; and

WHEREAS, the subject premises is an irregularly

shaped 1,837.16 square foot parcel with approximately 20.31 feet of frontage on the eastern side of Bell Boulevard with a depth of 92.41 feet running east from Bell Boulevard and parallel with 40th Avenue; and

WHEREAS, the lot's northern boundary also runs east from Bell Boulevard and parallel with 40th Avenue for 61.76 feet where it turns north at a 90 degree angle and proceeds north for 3.95 feet where it turns east at a 90 degree angle for 12.5 feet where it turns south at a 90 degree angle for 8.37 feet where it again turns east at a 90 degree angle for 21.7 feet parallel to 40th Avenue; and

WHEREAS, the record indicates that the lot's rear yard is only 15.58 feet wide and is completely covered by the subject building's permitted first floor obstruction; and

WHEREAS, the applicant represents that, the first floor of the subject vacant two-story building is under 23 feet in height, occupies, as of right, the entire Zoning Lot; and

WHEREAS, the instant application proposes an addition at the rear of the second floor consisting of approximately 637.46 with 311.6 square feet of the proposed addition sitting within the required rear yard; and

WHEREAS, the applicant notes that the proposed addition will enable the restaurant to provide a means of egress for patrons, employees, an employee service area, a small accessory office, and patron bathrooms, on the second floor; and

WHEREAS, the Board notes that the proposed use is permitted in the C1-2 portion of the lot; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the lots irregular shape and the subject building's vacant status, creates an undue hardship with strict compliance with the use provisions of the Zoning Resolution; and

WHEREAS, evidence in the record, including an economic analysis demonstrates that a conforming residential development would not yield a reasonable return; and

WHEREAS, the record indicates that immediate vicinity of the subject premises is characterized by food, retail and other commercial uses along Bell Boulevard and 40th Avenue; and

WHEREAS, the Board notes that the owner of the proposed eating and drinking establishment operates two other locations in northeastern Queens, which the record indicates are assets to their communities; and

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

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

MINUTES

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to provide the relief requested; 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.

Resolved, that the Board of Standards and Appeals issues the Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit, in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25 on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 24, 2002"-(2) sheets and "August 6, 2002"-(4) sheets; and on further condition;

THAT all Fire Department safety measure shall be complied with in accordance with BSA approved plans;

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

THAT a new Certificate of Occupancy shall be obtained within four years from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, October 22, 2002.

205-02-BZ

CEQR #03-BSA-005Q

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Khanam Jan Nabati, owner.

SUBJECT - Application July 5, 2002 - under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41.

PREMISES AFFECTED - 108-18 171st Place, westside, 175' south of 108th Avenue, Block 10254, Lot 15, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 7, 2002 acting on Application No. 401372554, reads:

"Side Yard Contrary to 23-41

Required side yard for detached one family dwelling is 10 feet for existing narrow lot in R4 Z.D. at 5 feet each. Provided two side yards at 2.5 feet each."; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record*, laid over to October 22, 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 R.A., Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41; and

WHEREAS, the record indicates that the subject premises is an undersized lot located on the west side of 171st Place in Queens and situated in a R4 district; and

WHEREAS, the subject site has a width of 20 feet, a depth of 100 feet and a total lot area of 2,000 square feet; and

MINUTES

WHEREAS, according to the applicant, a complying building would be required to have two side yards of a minimum 5 feet, resulting in a building with a width of 10 feet; and

WHEREAS, the applicant proposes to construct a two-story plus cellar building with two side yards, each of which measures 2.5 feet; and

WHEREAS, the applicant contends and the board finds that the aforementioned unique physical condition, namely the narrowness of the lot, makes its occupancy for a conforming R4 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 5, 2002"- (9) sheets, 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". (DOB# 401372554)

Adopted by the Board of Standards and Appeals, October 22, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Antonio Vendome, Daniel Lane and Gail Guillet.

For Opposition: Doris Diether, Community Board #2; John Yacovone, Fire Department; Gary Parker, Richard Barrett and Z. Winestino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 1:30 P.M., for decision, hearing closed.

143-01-BZ

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

MINUTES

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

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

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney
Island Avenue Associates, Samuel Shpelfogel Agent, owner.
SUBJECT - Application April 25, 2002 - under Z.R. §72-21,
to permit the proposed use of the second and third floors of
an existing three story building, as business offices, Use
Group 6, located in an R6 zoning district, which is contrary
to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue,
between Brighton 8th Street and Neptune Avenue, Block
7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, Pat Singer, Domenic
Recchis, Michael C. Nelson and Sam Shpelfogel.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 1:30 P.M., for decision, hearing closed.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee
& Wythe Realty Corp., owner; 85-101 North Third Street
Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-
21, to permit the proposed 58 residential units on floors 2-
6 of an existing six story building, which number includes
legalization of 22 residential units and 10 loft law
tenancies, located in an M1-2 zoning district, which is
contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street,
northeast corner of Wythe Avenue, Block 2350, Lot 1,
Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Jack
Freeman.

For Administration: John Yacovone, Fire Department.

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

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc,
owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R.
§72-21, to permit the proposed construction of an
automotive service station with an accessory convenience
store, Use Group 16, located in a C1-3 zoning district,
which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between
Nostrand and Marcy Avenues, Block 1754, Lot 7
(previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik, Chris Tartaglia and Robert
Paves.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 1:30 P.M., for decision, hearing closed.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated
April 29, 2002 - under Z.R. §72-21, to permit the proposed
construction of a mixed-use development (commercial and
residential), located in an M1-2 zoning district, in which
the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay
and Edgewater Streets, Block 2825, Lot 1, Borough of
Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Eric Palatnik and Daniel Lane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November
26, 2002, at 1:30 P.M., for continued hearing.

332-01-BZ

MINUTES

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Sillerman.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 1:30 P.M., for decision, hearing closed.

366-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel, Ken Fischer, Terry Jacobs, Robert Pauls, Janice Cahalane and David Yassky.

For Opposition: John Yacovone, Fire Department.

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

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not

comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, a/k/a 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik and Sol Seidman.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

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

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District (M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and Dan Wartzel.

For Opposition: Theddore Havivian.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 1:30 P.M., for continued hearing.

108-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

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THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November
19, 2002, at 1:30 P.M., for continued hearing.

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November
19, 2002, at 1:30 P.M., for decision, hearing closed.

119-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph Kaufman,
owner.

SUBJECT - Application April 17, 2002 - under Z.R. §72-
21, to permit the proposed construction of two additional
floors above an existing one story manufacturing building,
to be used for residential occupancy, located in an M3-1
zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 94 North 13th Street, east side,
between North 12th and 13th Streets, Block 2283, Lot 1,
Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and Rachel Posen.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0
Absent: Commissioner Miele.....1

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

144-02-BZ & 145-02-A

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

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

PREMISES AFFECTED -

113-40 Merrick Boulevard, northwest corner of
Linden Boulevard, Block 12326, Lot 21, Borough
of Queens.

113-40 Merrick Boulevard, northwest corner of
Linden Boulevard, Block 12326, Lot 21,
Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to November
26, 2002, at 1:30 P.M., for continued hearing.

126-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Z. Zindel Inc.,
owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application April 19, 2002 - under Z.R. §72-
21, to permit the proposed construction of a new
automotive service station with an accessory convenience
store, Use Group 16, located in a C8-3 and an R-5 zoning
district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner
of Major Deegan Expressway off-ramp and Cedar Avenue,
Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartaglia.

THE VOTE TO CLOSE HEARING -

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito,
owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21,
to permit the legalization of an existing inground swimming
pool, which was constructed in the front yard of a corner

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zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 19, 2002, at 1:30 P.M., for decision, hearing closed.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 1:30 P.M., for postponed hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 1:30 P.M., for continued hearing.

199-02-BZ

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

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit the proposed construction of a nine story residence for the elderly, Use Group 2, with 71 units, which does not comply with the zoning requirements for floor area ratio, height, setback and side yard regulations, and is contrary to Z.R. §23-144, §23-633 and §23-462, located in an R7-2 zoning district.

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Glen J. Landon and Chris Wright.

For Opposition: Elissa S. Williams, Richard A. Zimmerman and Nordan M. McWenty.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

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Negative:0
Absent: Commissioner Miele.....1
ACTION OF THE BOARD - Laid over to November
26, 2002, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 7:00 P.M.

207-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Harold Gelernter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b).

PREMISES AFFECTED - 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 19, 2002, at 1:30 P.M., for decision, hearing closed.

225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners, LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-21, to permit the legalization of an existing retail drugstore, Use Group 6, in which a small portion is located in the residential portion of the split lot, is contrary to Z.R. §76-131.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Eric Palatnik, Steven DiBrienza and Sal Manino.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 19, 2002, at 1:30 P.M., for decision, hearing closed.

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CORRECTION

This resolution adopted on June 11, 2002, under Calendar No. 377-01-BZ and printed in Volume 87, Bulletin No. 25, is hereby corrected to read as follows:

377-01-BZ

CEQR #02-BSA-084R

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee. SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For the Applicant: Gerald J. Caliendo, R.A., for The City of New York D.D.C.

For Administration: 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 13, 2002 and updated November 2, 2001, acting on ALT II Application No. 500490300 reads:

1. Bulk: Existing building is non-complying. Proposed floor area will increase the degree of non-compliance for Floor Area Ratio (FAR) and is therefore not permitted as per section 54-31 of the New York City zoning resolution.
2. Zoning: Existing building is non-complying. Proposed front yards will increase the degree of non-compliance for yard requirements as per section 54-31 of the New York City zoning resolution.
3. Proposed entry platform/terrace is projecting into the bed of a mapped street and is not permitted as per section 35 of the

general city law.”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record* and laid over to June 11, 2002 for decision; and

WHEREAS, Community Board #3 in Staten Island recommends approval of the application; and

WHEREAS, the Board notes that this application was heard with a companion Administrative Appeal, filed under Calendar No. 378-01-A; 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, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31; and

WHEREAS, the existing building is non-complying and the instant application seeks an enlargement in floor area, from the existing 3,557 square feet to 3,615 square feet, that will exceed the permitted floor area by 105 square feet; and

WHEREAS, the subject proposal will consist of a two-story glass enclosed vestibule that will also require relief from front yard requirements because the existing front yards are 5 feet on Margaret Street and 7 feet on Giffords Lane and the proposed obstruction, new glass enclosed element in the front yard is not permitted; and

WHEREAS, the proposal also received an objection for its entry platform, objection #3; and

WHEREAS, the applicant represents that the existing non-complying building, constructed in 1947, is burdened with a configuration that by today’s standards and code is inefficient for providing access to the building for people with disabilities; and

WHEREAS, the record indicates that the entry vestibule along with the entry platform and proposed ramp will provide access to people with disabilities; and

WHEREAS, the Board finds that the combination of the building’s non-complying history and its obligation to comply with federal mandates create a practical difficulty and undue hardship in meeting the programmatic needs of the New York Public Library; 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, the Board notes that a public library is an as-of-right use in the subject R3-1 zoning district and the

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proposed entry platform will add a public amenity and improve access to the existing public building; 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 Type II Negative Declaration, under 6 NYCRR Part 617.13 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, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §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 December 3, 2001"-(9) sheets; and *on further condition*;

THAT the premises shall remain graffiti free at all times;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, June 11, 2002.

***The resolution has been corrected to remove the condition which read: "THAT an automatic wet sprinkler system, fire alarm system and smoke detection system shall be maintained throughout the entire building with all three systems connected to a Fire Department central station;". Corrected in Bulletin Nos. 42-43, Vol. 87, dated October 31, 2002.**