
BULLETIN

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DOCKET

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315-02-BZ B.M. 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan. Applic. #103273208. Proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

COMMUNITY BOARD #7M

316-02-BZ B.S.I. 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island. N.B. #500574336. Proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §23-32, §23-45 and §107-461.

COMMUNITY BOARD #3SI

317-02-A B.S.I. 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island. N.B. #500574336. Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

318-02-A B.Q. 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. #401496252. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

319-02-A B.Q. 38 Graham Place, Block 16350, Lot 400, Borough of Queens. Alt. #401517364. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

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321-02-A B.Q. 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1. #401486058. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

322-02-BZ B.S.I. 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island. Applic. #500567932. The reestablishment of an expired variance, previously granted by the Board under Cal. #80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, is contrary to Z.R. §32-35.

COMMUNITY BOARD #1SI

323-02-BZ B.M. 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan. Applic. #103293062.

Proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §15-021 and §32-10.

COMMUNITY BOARD #2M

324-02-BZ B.BK. 752 Pacific Street, between Carlton and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn. Applic. #301378818. Proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8BK

DOCKET

325-02-BZ B.BK. 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn. Alt.1 #301410934. Proposed conversion of a former supermarket, into a physical culture establishment, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #12BK

326-02-BZ B.BK. 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn. Alt.1 #300130551. The legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, requires a special permit from the Board as per Z.R. §32-31.

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

DECEMBER 10, 2002, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

1207-66-BZ

APPLICANT - H. Irving Sigman, for Young Kil Kwon, owner.

SUBJECT - Application October 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 5, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 305 Washington Avenue, a/k/a 321 Dekalb Avenue, northeast corner of Washington and Dekalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #2BK

467-71-BZ

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

SUBJECT - Application September 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

106-76-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT- Application September 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 20, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 129-03 North Conduit Avenue, northeast corner of 129th Street, Block 11863, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

285-85-BZ

APPLICANT - Sheldon Lobel, P.C., for Henry Inselstein, owner.

SUBJECT- Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 7, 2000. PREMISES AFFECTED - 2353-2355 Coney Island Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

172-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, Llp for Jomar Associates, LLC, NY, owner.

SUBJECT- Application March 27, 2002 - reopening for an extension of term of variance which expired March 31, 2002.

PREMISES AFFECTED - 256-10 Union Turnpike, southside Union Turnpike, 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

CALENDAR

DECEMBER 10, 2002, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 10, 2002, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

146-02-BZ

APPLICANT - The Augusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

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

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

182-02-BZ

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

SUBJECT - Application May 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

PREMISES AFFECTED - 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

CALENDAR

201-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paco Page, LLC, owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted under Cal. No.855-25-BZ and Z.R. §32-25.

PREMISES AFFECTED - 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island.

COMMUNITY BOARD #3SI

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

262-02-BZ

APPLICANT - Howard Z. Zipser/Stadtmauer Bailkin, for Maimonides Medical Center, owner.

SUBJECT - Application September 26, 2002 - under Z.R. §72-21 to permit the proposed erection of a nine story (L1+8) building, within the medical center community

facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to Z.R. §24-522, §33-431 and §24-11.

PREMISES AFFECTED - 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 12, 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, October 1, 2002, were approved as printed in the Bulletin of October 10, 2002, Volume 87, No. 40.

SPECIAL ORDER CALENDAR

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.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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 30, 2002, acting on N.B.

Application No. 1036-54 reads:

“1. Proposal to extend the term of variance beyond October 14, 2000 for an existing gasoline service station located in a C1-2 within R-5 zoning district as indicated on zoning map 2-b is contrary to section 32-25 Z.R. and contrary to BSA Cal. No. 52-55 BZ and is hereby denied.” and

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening and an extension of the term of the variance permitting a gasoline service station with accessory uses, which expired October 14, 2000; 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 and then to November 12, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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, said resolution having been adopted July 26, 1955, 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 October 14, 2000 expiring October 14, 2010, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 11, 2002”-(4) sheets and “October 15, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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.”

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

MINUTES

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 ACTION OF BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended, 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 -

WHEREAS, the decision of the Borough Commissioner dated March 19, 2002, acting on Application No. 301156905 reads:

“1. Proposed 72' x 24' canopy over gasoline dispensers at gasoline service station, lubritorium, minor repairs, hand tools for adjustment only, car washing, storage of motor vehicles in a R4 zone is contrary to BSA Cal. # 618-55BZ and therefore must be referred back to the Board.,” and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an amendment to the resolution and extension of the term of the variance permitting a gasoline service station with accessory uses which expires on May 22, 2001; and

WHEREAS, a public hearing was held for this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to August 6, 2002, adjourned until September 24, 2002, laid over to October 22, 2002 and then to November 12, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional ten (10) years; and

WHEREAS, the applicant has submitted an affidavit which states that there shall be no vehicle rentals on the premises; and

WHEREAS, the applicant also seeks to amend the resolution to reflect the relocation of the pump islands and gasoline dispensers and to permit the erection of a 72' x 24' canopy; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to §11-411, said resolution having been adopted on May 26, 1956, as amended through May 18, 1993, so that as amended this portion of the resolution shall read:

“To permit the relocation of the pump islands and gasoline dispensers and the erection of a 72' x 24' canopy, and to extend the term of the variance for ten years from May 22, 2001 expiring May 22, 2011; *on condition*

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received May 2, 2002”-(4) sheets; *and on further condition*

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no outdoor lifts on the premises at any time;

THAT there shall be no vehicle rentals on the premises at any time;

THAT all fences shall be provided and maintained in compliance with BSA-approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the above conditions shall appear in 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.”

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

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.

MINUTES

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 ACTION OF BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended, 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 -

WHEREAS, the decision of the Borough Commissioner dated March 19, 2002, acting on Application No. 200303572 reads:

“1. In an R4 zoning district, proposed change in convenience store layout, pump island arrangement and metal canopy is contrary to Board of Standards and Appeals variance under cal 393-59-BZ. Additionally, extension of term of variance beyond March 18, 2005 is contrary to BSA variance under cal. 393-59 BZ adopted September 12, 1995.,” and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an amendment to the resolution and extension of the term of the variance permitting a gasoline service station with accessory uses which expires on March 18, 2005; and

WHEREAS, a public hearing was held on this application October 22, 2002, after due notice by publication in *The City Record*, laid over to November 12, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional fifteen (15) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit changes in the layout of the convenience store, the pump islands and the metal canopy.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to § 11-411, said resolution having been adopted on May 12, 1953, as amended through May 18, 1993, so that as amended this portion of the resolution shall read:

“To permit the erection of a new canopy, and to extend the term of the variance for ten years from January 15, 2002 expiring January 15, 2012; *on condition*

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received March 28, 2002”-(1) sheet, “October 8, 2002”-(1) sheet, “October 16, 2002”-(1) sheet, and “October 30, 2002”-(1)

sheet; *and on further condition*

THAT there shall be no sale of vehicles on the premises at any time;

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT all signage shall comply to C-2 Zoning District regulations;

THAT the above conditions shall appear in 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.”

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

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.

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 decision of the Borough Commissioner, dated May 1 2002 acting on ALT Application No. 249/69 reads:

“1. Proposed continued use of lot for non-transient parking- pleasure type automobiles, beyond 2/28/03 in a R7-1 Zoning District is contrary to CO 67047 BS&A Cal. 542-69-BZ Sec. 22-00 Z.R.”; and

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance, permitting an

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existing non-transient parking lot, which expires October 5, 2003; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in *The City Record*, laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

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 pursuant to Z.R. §72-01 and 72-22, *reopens and extends the term of the variance*, said resolution having been adopted December 9, 1969 as amended through October 5, 1993 expiring October 5, 2003, 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 the date of this grant expiring November 14, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 17, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition;*

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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.”

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

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, a/k/a 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Doris Diether, Community Board #2M and Robert Riccio.

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 -

WHEREAS, the decision of the Borough Commissioner, dated August 19 2002 acting on Application No. 101884445 reads:

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 29,, 2002, and then to November 12, 2002 for decision; and

WHEREAS, On April 21, 1998, the Board permitted, in an M1-5A zoning district, the erection of an eight-story, 43-unit, multiple- dwelling with retail uses on the ground floor; and

WHEREAS, the Board notes that this case was subject to litigation at every level of the state court system, and on November 28, 2000, the New York State Court of Appeals upheld the Board’s grant; and

WHEREAS, during the public hearings held in 1997 and 1998, the Board heard the subject application simultaneously with Calendar Number 174-97-BZ, but the sites are legally distinct, are located on different blocks, are architecturally distinct buildings and carry different calendar numbers; and

WHEREAS, during the 1997 and 1998 hearings the aforementioned property were under common ownership and were heard simultaneously as the owner desired to develop them at the same time; and

WHEREAS, however, the Board notes that each application presented separate evidence illustrating that each parcel on its own met the variance criteria under Z.R. §72-21; and

WHEREAS, specifically, the Board determined that each property presented its own physical hardships and provided a separate financial analysis demonstrating that each property would suffer economic hardship; and

WHEREAS, the Board notes that the Landmarks Preservation Commission required that the buildings be designed as separate buildings; and

WHEREAS, therefore, by letter dated February 1,

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2001, a prior condition requiring that Certificates of Occupancy be simultaneously obtained for Calendar #174-97-BZ and the subject application was eliminated; and

WHEREAS, in response to opposition concerns, the applicant demonstrated that a condition requiring that Certificates of Occupancy be simultaneously obtained for Calendar #174-97-BZ and the subject application is not practicable because he does not own the other property and the condition is contrary to customary land-use practice; and

WHEREAS, the Board notes that the elimination of the condition that Certificates of Occupancy be simultaneously obtained for the instant application and Calendar # 174-97-BZ was addressed during the instant proceedings, and through this resolution the Board reaffirms the determination made in the letter dated February 1, 2001; and

WHEREAS, the Board recalls that during the 1997 and 1998, hearings the community desired a development of lesser density; and

WHEREAS, the instant application seeks to reduce the number of dwelling units previously approved from 43 with an open recreation area on the lower roof for building residents to 15 dwelling units; and

WHEREAS, this amendment also seeks to create building recreation space on the main building roof and to create two private terraces on the 7th floor/roof; and

WHEREAS, the applicant notes that by reducing the number of units the size of the units will be significantly increased, as desired by the community; and

WHEREAS, the applicant represents that the proposed recreation space will require bringing the elevator up an additional story; and

WHEREAS, the applicant represents and the Board agrees, that the proposed amendment falls within the envelope previously approved by the Board, reduces the number of dwelling units thereby lessening the residential density; and

WHEREAS, the record indicates that as part of the Department of Environmental Conservation process, Mobil/Exxon, the party responsible for cleaning the site, must perform excavations at the site; and

WHEREAS, the Board notes that excavations require foundation/excavation permits from the Department of Buildings; and

WHEREAS, the applicant has provided assurances that the only construction will be that which is necessary to complete the DEC protocol and ensure site safety.

Resolved, that the Board of Standards and Appeals pursuant to Zoning Resolution § 72-01 *reopens and amends* the resolution, adopted on April 21, 1998, so that as amended this portion of the resolution shall read:

“to permit the reduction in the number of dwelling units from 43 to 15; to create building recreation space on the main building roof and to create two private

terraces on the 7th floor/roof, and to permit elevator service up an addition story; on condition

THAT no construction shall commence prior to a Department of Buildings permit being issued, other than that which is needed to complete Department of Environmental Conservation Protocol;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 21, 2002”-(5) sheets, and “October 8, 2002”-(3) 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 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, November 12, 2002.

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

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 26, 2002, at 10 A.M., for decision, hearing closed.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue,

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Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

551-37-BZ

APPLICANT- Joseph P. Morsellino, for BeverlyFetner, et al., owner; Red's Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for postponed hearing.

74-49-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janet Abrams.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

641-59-BZ

APPLICANT- KennethH. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED- 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

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 26, 2002, at 10 A.M., for decision, hearing closed.

135-67-BZ

APPLICANT- Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.

SUBJECT - Application May 31, 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 which expired December 22, 1998.

PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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 26, 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.

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 26, 2002, at 10 A.M., for decision, hearing closed.

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237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

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

PREMISES AFFECTED - 262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

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 26, 2002, at 10 A.M., for decision, hearing closed.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, northside of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

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

111-94-BZ

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block

2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Jay Segal.

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

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Abrams.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 10 A.M., for continued hearing.

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

99-01-A

APPLICANT - Philip P. Agusta, for Serafina Balducci/Nicolo Balducci, owners.

SUBJECT - Application August 2, 2002 - reopening for a rehearing.

PREMISES AFFECTED - 37-18 74th Street, west side, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

140-02-A

APPLICANT- New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD- Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the letter from the Commissioner of the Department of Buildings dated April 29,, 2002 reads:

“1. The Department of Buildings submits this application pursuant to New York City Charter 645 (b)(3) (e) and 666 (6) (a) to review and set aside Certificate of Occupancy No. Q4010229338 issued December 30, 1999 (the “CO”) to 67-35 73rd Place, Queens (the “premises”). The evidence before the Department demonstrates that the CO, which states that the legal use of the premises is four family dwelling was issued in error.”; and

WHEREAS, the Department of Buildings seeks to revoke Certificate of Occupancy Number 401029338 on the basis that the conversion from a 2 family to a 4 family dwelling violates the Multiple Dwelling Law and the Zoning Resolution; and

WHEREAS, the subject premises is located in an R5 zoning district, consisting of a three story building with a cellar and a 2 car garage at the first floor level, on a parcel that is 22.42 feet wide by 93.25 feet deep; and

WHEREAS, the record indicates that the current Certificate of Occupancy permits at the basement level, (1) dwelling, at the first floor level, (1) dwelling and a two car garage, at the second floor level, (1) dwelling and at the third level, (1) dwelling; and

WHEREAS, on October 8, 1999, the Department of Buildings received job application Number 401029338, a self-certification application to legalize the existing

condition, “to Convert a two family into a 4 family dwelling”; and

WHEREAS, the current Certificate of Occupancy was issued on December 30, 1999, however, a March 2002 audit revealed that the Certificate of Occupancy is defective because it violates Section 34(6) of the Multiple Dwelling Law by not providing required light and air for the cellar unit; and

WHEREAS, a further examination of the plans also revealed that the paved rear yard violates Local Law 103 of 1989 because it does not provide storm drainage, that it violates Multiple Dwelling Law Section 52(5)(a) because there is no fire rated separation above the below grade stories and violates Multiple Dwelling Law Section 187 by not providing two means of egress from the cellar, and that the conversion to a four family dwelling also violates the lot area provisions of Z.R. Section 32-222; and

WHEREAS, the appellant also notes that the cellar is misidentified as a basement and that the applicant also failed to obtain approval for the fire escape in the non-complying rear yard, which was necessary to provide a second means of egress; and

WHEREAS, Z.R. Section 23-222 provides that in R5 Zoning Districts, the required lot area per dwelling unit shall be at least 605 square feet; and

WHEREAS, the subject proposal of four dwelling units yields a required lot area of 2,420 square feet, but the lot is only 2,091 square feet, resulting in a deficiency of 329 square feet, therefore the appellant contends that the current Certificate of Occupancy improperly allows a four family multiple dwelling; and

WHEREAS, therefore, the Board finds, that the appellant has submitted adequate evidence to warrant the revocation of Certificate of Occupancy Number 4010229338.

Resolved, that the application of the Commissioner of the Department of Buildings dated April 29, 2002 seek revocation of Certificate of Occupancy No. 4010229338 is hereby granted.

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

246-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Justin Billows, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30½ Graham Place, south side, 13.01' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

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COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: 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 10 A.M., for decision, hearing closed.

247-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. John Achilleas, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Bayside Avenue, south side, 680' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: 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 10 A.M., for decision, hearing closed.

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December

10, 2002, at 10 A.M., for continued hearing.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners. SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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

253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees. SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement.

PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

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

255-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Arthur Connor, lessee.

SUBJECT - Application September 18, 2002 - proposed

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alteration to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

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 26, 2002, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 12, 2002

2:00 P.M.

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

ZONING CALENDAR

143-01-BZ

CEQR #01-BSA-131M

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, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00.

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

COMMUNITY BOARD #3M

APPEARANCES -

For 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 March 16, 2001 acting on Application No. 102953476 reads:

“1) Use Group 6B, a veterinary hospital is not permitted in an R7-2 zoning district. It is contrary to 22-00 Z.R.”

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in the *City Record*, and laid over to February 5, 2002, March 5, 2002, April 9, 2002 and then to May 7, 2002 for decision; the decision was deferred until May 21, 2002 and then to June 4, 2002; on August 6, 2002 the case was re-opened and laid over for continued hearing on September 24, 2002 when it was closed, and a decision date was set for November 12, 2002 for decision; and

WHEREAS, Community Board No. 3 in Manhattan has recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is located on the north side of East 9th Street, improved with a six-story multiple dwelling containing approximately 12,236 square feet of floor area; and

WHEREAS, the applicant notes that the majority of the premises houses an as-of-right residential use, but that the cellar and half of the first floor presently house a veterinary clinic; and

WHEREAS, originally the proposal sought to legalize the veterinary use at the cellar and half of the first floor, but in response to Board concerns, the proposal has been modified, and only the cellar level will be occupied by the veterinary use with the first floor reverting to an as-of-right residential use; and

WHEREAS, the applicant represents that the subject cellar level is burdened by an unusually low height of just 5'-6" at its lowest point (which runs the entire length of the cellar) and approximately 8'-0" at its highest point; and

WHEREAS, further, the subject cellar space has

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historically housed a non-residential and medical-related use; and

WHEREAS, the applicant contends that the existing and proposed veterinary hospital use is quite similar to the legal, medical office use; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions and the site's history with a veterinary hospital use, present an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the applicant asserts that many below-grade and ground floor commercial and retail uses exist on this portion of East 9th Street; and

WHEREAS, the applicant notes that this is a legalization and that no animals will board at the premises, therefore there are no adverse affects to the surrounding neighbors; and

WHEREAS, therefore, the Board finds that this action, as modified, 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, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 30, 2002"-(2) sheets; and on further condition;

THAT the first floor at the premises shall revert to a conforming use within one (1) year from the date of this grant;

THAT there shall be no boarding of animals at the

premises;

THAT the term of this variance shall be limited to five (5) years from the date of this grant, expiring November 12, 2007;

THAT a new Certificate of Occupancy shall be obtained within one year 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; 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, November 12, 2002.

217-01-BZ

CEQR #01-BSA-160X

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 505 East 188th Street, north side, 186.80' west of Bathgate Avenue, Block 3058, Lots 40 and 41 (Tentative lot 40), Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismissed due to lack of prosecution.

THE VOTE TO DISMISS -

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

Negative:0

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

257-01-BZ

CEQR #02-BSA-021K

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong

MINUTES

by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21, to permit the proposed construction of a three-story 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, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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 August 20, 2001 acting on DOB Application No. 301192563, reads in pertinent part;

- “1. EXCEEDS THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 24-111 OF THE ZONING RESOLUTION;
2. EXCEEDS THE ALLOWABLE MAXIMUM PERMITTED LOT COVERAGE AND IS CONTRARY TO SECTION 24-11;
3. HAS DEFICIENT SIDE YARDS AND IS CONTRARY TO SECTION 24-35 OF THE ZONING RESOLUTION;
4. HAS DEFICIENT FRONT YARDS AND IS CONTRARY TO SECTION 24-34 OF THE ZONING RESOLUTION;
5. DOES NOT COMPLY WITH THE SETBACK AND SKY EXPOSURE REQUIREMENTS OF SECTION 24-521 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this

application on July 23, 2002 after due notice by publication in *The City Record*, and laid over for continued hearing to September 10, 2002, October 1, 2002, and then to October 29, 2002 for decision; and

WHEREAS, Community Board No. 14 in Brooklyn recommends approval of the application; and

WHEREAS, upon extensive review of the record, the Board requested additional information to document the programmatic needs of the congregation; 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 three-story 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, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521; and

WHEREAS, the subject premises is a corner lot, located on the southeast corner of Bedford Avenue and Avenue K, with 50 feet of frontage on Avenue K and 100 feet of frontage on Bedford Avenue, a total area of 5,000 square feet; and

WHEREAS, the subject premises is located directly across the street from a synagogue currently utilized by the congregation, which was the subject of a prior BSA variance; and

WHEREAS, the record indicates that the current synagogue was built in the mid-1980's when the congregation was comprised of approximately 100 families; and

WHEREAS, the applicant represents that membership has since expanded to 275 families, and that the current structure is no longer able to meet the programmatic needs of the congregation; and

WHEREAS, the record indicates that the burgeoning population in the community and the increased membership of the congregation has resulted in the dire need of additional facilities for classrooms, study areas, a library and office and meeting space; 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

MINUTES

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 applicant represents that as a result of the burgeoning population of the neighborhood, the congregation has outgrown the current facility from which it operates; and

WHEREAS, the applicant further represents that the congregation does not have sufficient space to operate its educational programs and senior citizens programs, nor does it have adequate areas designated for private consultations and conferences; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; 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 applicant has indicated that there shall be no commercial catering on the premises; and

WHEREAS, at the request of the Board, the applicant has provided a shadow survey, examining potential loss of sunlight on adjacent properties, which demonstrates minimal impact; 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 three-story 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, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521, 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 16, 2002"-(9) sheets and "Received October 3, 2002"-(4) sheets; and *on further condition*;

THAT, fire protection measures shall be provided and 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, November 12, 2002.

405-01-BZ

CEQR #02-BSA-103K

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 both an R5 and C2-3/R5 zoning districts, which does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64.

PREMISES AFFECTED - 1275 36th Street, a/k/a 123 Clara

MINUTES

Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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 October 4, 2001 acting on N.B. Application No. 301234251, reads;

“PROPOSED NEW SCHOOL BUILDING EXCEEDS THE PERMITTED FLOOR AREA RATIO AND LOT COVERAGE UNDER SECTION 24-11 BZ, MAXIMUM BUILDING HEIGHT UNDER SECTION 24-521 BZ AND DOES NOT COMPLY WITH THE FRONT YARD REGULATIONS UNDER SECTION 24-34 BZ AND THE SIDE YARD REGULATIONS UNDER SECTION 24-35 BZ AND THEREFORE MUST BE APPROVED BY THE BOARD OF STANDARDS AND APPEALS.

THE INNER COURT AS SHOWN ON DRAWING NO. 5 DOES NOT COMPLY WITH SECTIONS 23-851 AND 24-64 AND MUST ALSO BE APPROVED BY THE BOARD OF STANDARDS AND APPEALS.”; and

WHEREAS, a public hearing was held on this application on July 15, 2002 after due notice by publication in *The City Record*, and laid over to September 10, 2002, October 22, 2002 and then to November 12, 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 Babbar, Commissioner Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application 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 both an R5 and C2-3/R5 zoning districts, which does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64; and

WHEREAS, by letter dated April 23, 2002, Community Board #12 unanimously recommended approval of this application stating that “This is a much needed facility and will enhance [the] community as well.”; and

WHEREAS, the subject site is trapezoidal shaped parcel of land, situated on the southeast corner of the intersection of Clara Street and 36th Street in Brooklyn; and

WHEREAS, the property is currently improved with a one-story masonry building, a one-story block shed and one-story frame building, all of which the applicant proposes to demolish and develop with a five-story and cellar school and synagogue; and

WHEREAS, the applicant represents that the proposed structure will have 60 classrooms plus a cellar with a children’s dining room, kitchen and offices; and

WHEREAS, the proposed school will have a staff of 50 people and will provide religious and secular education to approximately 950 male students, grades 9 through 12, ages 15-19; and

WHEREAS, the proposed hours of operation will be 9:00 AM to 6:00 PM Monday through Thursday and 8:00 AM to 1:00 PM on Friday; and

WHEREAS, the proposed building will be built and utilized by the United Talmudical Academy (“UTA”) of Borough Park, a community based not-for-profit corporation which currently has four other locations in Borough Park; and

WHEREAS, the applicant represents that the burgeoning population of the surrounding community has resulted in a waiting list of students who wish to attend the academy; and

WHEREAS, the applicant further represents that allowing these students to attend the academy’s existing facility would create overcrowding, and result in an unfit learning environment for young children; and

WHEREAS, the record indicates that there exists a dire need for additional space to facilitate the academy’s community-based programs, including the Head Start Program, special education classes for children with disabilities, weekend and holiday programs for children with troubled homes, and after school classes and activities for children with diminished opportunities at home; and

WHEREAS, in order to meet these programmatic needs, a new structure for the school and synagogue must be constructed at a centralized location within the community such as this, to allow many of the students and congregants to walk to school and services in observation of religious holidays; and

WHEREAS, the applicant represents the strains of the resources in the current facilities create a practical difficulty and unnecessary hardship that requires the construction of a new structure and a waiver of the floor area, building height, lot coverage, yard and inner court requirements to meet the programmatic need of the academy;

WHEREAS, in addition, where a non-profit community facility’s programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the

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Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; 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 on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, both the school and synagogue uses are permitted as-of-right in both a R5 and C2-3/R5 zoning districts, and this variance only pertains to the bulk of the building; and

WHEREAS, the applicant represents that most of the students and faculty will be drawn from the immediate area and will walk to the school/synagogue thus alleviating concerns of adverse parking impacts on the community; and

WHEREAS, at the request of the Board and in response to community-based concerns the project has been reduced in height, and the inner courtyard has been enlarged; and

WHEREAS, by letter dated August 16, 2002, the New York City Department of Transportation Traffic Safety Division has listed a number of conditions to ensure traffic safety, all of which the applicant has agreed to comply with; and

WHEREAS, therefore, the Board has determined 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, 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 school; 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 Board has determined that the proposed action 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 five-story school building and synagogue, Use Groups 3 and 4, located in both an R5 and C2-3/R5 zoning districts, which

does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64; *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 29, 2002" - (11) sheets; and *on further condition*;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT, the DOT shall place signs in front of the new high school building stating that there is to be no standing from 7:00 AM to 7:00 PM on school days, for school buses;

THAT the areas designated for school buses are 112 feet for three school buses in front of 1275 36th Street, and 155 feet for four school buses on the side of Clara Street;

That two school crossing guards shall be assigned to two of the uncontrolled intersections at 36th Street and Clara Street and Clara Street and Chester Avenue;

THAT school crossing signs, crosswalks and crossing messages shall be installed and maintained in compliance with DOT recommendations;

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

THAT all of 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.

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

281-99-BZ

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

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use

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Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman, Andy Rudfio, Arnold F. Fleming.

For Opposition: Senator Carl Krugor, Assemblyman Frank R. Seddio, Councilman Lewis Felder, Jermone Abott, Herbert Jawitz, Ann Mandelbaum, Carol Abrams and Sol Needle.

For Administration: John A. 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 January 28, 2003, at 2 P.M., for decision, hearing closed.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman, Josef Friedman and Jose Leon.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

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: Kenneth K. Fisher, Robert Pauls and Orit Jackier.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel and Marc Esrig.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

13-02-BZ thru 16-02-BZ

MINUTES

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

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: 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.

62-02-BZ thru 64-02-BZ

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

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: 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.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyre Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Lyra Altman.

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.

79-02-BZ

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

SUBJECT - Application March 20, 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 building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Administration: John A. 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 26, 2002, at 1:30 P.M., for decision, hearing closed.

MINUTES

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Calahane.

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

146-02-BZ

APPLICANT - The Agusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for postponed hearing.

193-02-BZ

APPLICANT - Sheldon Lobel, P.C., for St. Christopher-Ottolie, owner.

SUBJECT - Application June 11, 2002 - under Z.R. §72-21, to permit the proposed conversion of a five story building, located in an area zoned for manufacturing use, into a not-for-profit institution with sleeping accommodations, Use Group 3, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 488 Morgan Avenue, east side, between Richardson Street and Division Place, Block 2851, Lots 1 and 70, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Roger Bennett, Bob McMahon, Benjamin Charrat, Douglas O'Dell and Janice Cahalan.

For Opposition: Theresa Cianciatts, Steven Hermatuik and others.

For Administration: 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 17, 2002, at 1:30 P.M., for decision, hearing closed.

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice Clemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street, a/k/a 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Stanley K. Schlein and Christopher J. Higgins.

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.

232-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Marc Bodner, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).

PREMISES AFFECTED - 1168 East 23rd Street, east side, 203'-4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman.

THE VOTE TO CLOSE HEARING -

MINUTES

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 decision, hearing closed.

270-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Roselyn Zelman,
owner.

SUBJECT - Application October 8, 2002 - under Z.R. §73-
622, to permit the proposed enlargement of a single family
residence, in an R3-2 zoning district, which creates
non-compliance with regards to floor area ratio, open
space, rear yard, lot coverage, perimeter wall height and
side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 1649 East 28th Street, between
Avenue "P" and Quentin Road, Block 6791, Lot 50,
Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

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

Pasquale Pacifico, Executive Director.

Adjourned: 6:00 P.M.