
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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December 19, 2002

DIRECTORY

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DOCKET

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351-02-BZ B.Q. 33-55 11TH Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens. Applic.#401547518. The reestablishment of an expired variance previously granted by the Board under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.
COMMUNITY BOARD #1Q

352-02-BZ B.BK. 2801 Emmons Avenue, northeast corner of East 28th Street, Block 8792, Lot 63, Borough of Brooklyn. Applic.#301003287. Proposed addition of a wedding chapel or a banquet hall, Use Group 9, to the existing Use Group 6, an eating and drinking establishment with restrictions on entertainment, located in a C2-2 within an R5 zoning district, in the Sheepshead Bay Special Zoning District in an F district, is contrary to Z.R. 94-061.
COMMUNITY BOARD #15BK

353-02-BZ B.BK. 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn. Alt.#301239979. Proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the zoning lot, requires a special permit from the Board as per Z.R.§73-52.
COMMUNITY BOARD #1BK.

354-02-BZ B.BK. 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn. Alt.#301420601. Proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.
COMMUNITY BOARD #15BK

355-02-BZ B.BK. 1436 East 24th Street, between Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of Brooklyn. Alt.#301400231. Proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.
COMMUNITY BOARD #14BK

356-02-BZ B.M. 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan. Applic.#103305576. Proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to Z.R. §33-20 and previous Cal. No. 67-96-BZ.
COMMUNITY BOARD #8M

357-02-BZ B.Q. 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens. Alt.#401515302. Proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, is contrary to Z.R. §33-28 and §33-23.
COMMUNITY BOARD #11Q

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

JANUARY 14, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, January 14, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

494-55-BZ

APPLICANT - Edward Lauria, P.E., for Joseph Ciervo, owner.

SUBJECT - Application November 6, 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 May 29, 2001.

PREMISES AFFECTED - 67-69 Avenue U, north side 40' East of West 11th Street, Block 7095, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #11BK

32-92-BZ

APPLICANT - John Xikis, for John Xikis, owner.

SUBJECT - Application November 20, 2002 - reopening for an extension of time to complete construction which expired December 19, 2002.

PREMISES AFFECTED - 72-06 Parsons Boulevard, aka 157-10 72nd Avenue, southwest corner of the intersection of Parsons Boulevard and 72nd Avenue, Block 6821, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1811 47th Street (aka 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEALS CALENDAR

272-02-A

APPLICANT - Patrick O'Brien, for Breezy Point Co-op, Inc., owner; William Hickey, lessee.

SUBJECT - Application October 29, 2002 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

318-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mary Malone, lessee.

SUBJECT - Application October 29, 2002 - 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.

PREMISES AFFECTED - 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - 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, which is

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contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee. SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

321-02-A

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

SUBJECT - Application October 29, 2002 - 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.

PREMISES AFFECTED - 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert Riordan, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400,

Borough of Queens.

COMMUNITY BOARD #14Q

337-02-A

APPLICANT - Thomas Avitabile, Architect, for Robert Schwimmer, owner.

SUBJECT - Application November 15, 2002 - Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #14Q

JANUARY 14, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 14, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

149-02-BZ & 150-02-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

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SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

228-01-BZ

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

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

264-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for The Rubin Cultural Trust, owner.

SUBJECT - Application September 30, 2002 - under Z.R. § 72-21 to permit the proposed addition to an existing community facility, at the second floor rear yard portion, which is not in compliance with Z.R. §33-23 regarding rear yard requirements.

PREMISES AFFECTED - 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan.

COMMUNITY BOARD #4M

266-02-BZ

APPLICANT - Harold Weinberg, P.E., for Edmund Dweck, owner.

SUBJECT - Application October 3, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 181 Jaffray Street, east side, 100'-0" north of Oriental Boulevard, Block 8753, Lot 85, Borough of Brooklyn.

COMMUNITY BOARD #15BK

273-02-BZ

APPLICANT - Harold Weinberg, P.E., for Gregory Dweck, owner.

SUBJECT - Application October 9, 2002 - under Z.R. §73-622 to permit the proposed enlargement at the rear, of an existing one family dwelling, which does not comply for floor area ratio, lot coverage, perimeter wall, setback and sky exposure plane, which is contrary to Z.R. §23-141, §54-31 and §23-631.

PREMISES AFFECTED - 615 Hampton Avenue, northwest corner of Ocean Avenue, Block 8731, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #15BK

330-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Trey Whitfield School, owner.

SUBJECT - Application November 8, 2002 - under Z.R. §72-21 to permit the proposed conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1-4 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

MINUTES

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

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

Absent: Commissioner Miele

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 29, 2002, were approved as printed in the Bulletin of November 7, 2002, Volume 87, No. 44.

SPECIAL ORDER CALENDAR

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

In Favor: Amit Itshiah.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in The City Record, laid over to August 13, 2002, September 10, 2002 November 19, 2002 and then December 10, 2002 for decision; and

WHEREAS, the Board received complaints alleging non-compliance with a Variance granted for the subject premises; and

WHEREAS, specifically, the complaints alleged that the site was being used as a large scale automobile facility,

equipped with outdoor car lifts, large banners and flags, that garbage was being stored outside, that signage exceeded what had been approved by the Board, that the operator was illegally storing and selling vehicles, that sound proofing had been removed, and that work with power tools and heavy machinery was being performed outside; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, after four hearings the applicant submitted an action plan and photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

WHEREAS, the applicant has also provided an affidavit stating that all guard dogs have been removed and landscaping installed in the area that previously house the dogs; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar; on condition that the site shall not be equipped with outdoor car lifts, large banners or flags, that all garbage shall be stored inside, that signage shall not exceeded what had been approved by the Board, that there shall be no storing or selling of vehicles, that sound proofing shall be provided and maintained removed, and that all repairs shall be performed indoors.

Adopted by the Board of Standards and Appeals, December 10, 2002.

834-60-BZ

APPLICANT- Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

THE VOTE TO GRANT -

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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, 2002, acting on Application No. 301304229 reads:

“Proposed canopy installation over pump islands is contrary to BSA Cal. # 834-60BZ”; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an amendment to the resolution and an extension of the time to obtain a Certificate of Occupancy which expired on March 2, 2000; and

WHEREAS, a public hearing was held for this application on September 24, 2002, after due notice by publication in The City Record, laid over to November 19, 2002 and then to December 10, 2002 for decision; and

WHEREAS, the applicant also seeks to amend the resolution to permit the erection of a metal canopy over the gasoline pump islands.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-412, said resolution having been adopted on March 7, 1961, as amended through March 2, 1999, so that as amended this portion of the resolution shall read:

"To permit the relocation erection of a metal canopy over the gasoline pump islands; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received March 27, 2002"-(2) sheets, "August 6, 2002"-(2) sheets, and "August 13, 2002"-(1) sheet; 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 in the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, December 10, 2002.

219-71-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

151-90-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and term of 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 application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on June 25, 2001; and

WHEREAS, a public hearing was held on this

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application on November 19, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002, for decision; and

WHEREAS, on June 25, 1991, the Board permitted in an R3-2 district, the conversion of an existing building from a school and synagogue (Use Group 3), to governmental offices (Use Group 6); and

WHEREAS, the applicant represents that there have been no substantial changes from previously approved Board plans.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on June 25, 1991 so that as amended this portion of the resolution shall read:

" To extend the term of the variance for a period of 10 years from June 25, 2001 to expire on June 25, 2011; on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 26, 2002"-(6) sheets and "November 26, 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 this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted". (DOB N.B. Application No. 401465650)

Adopted by the Board of Standards and Appeals, December 10, 2002.

145-92-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John A. Yacovone, Fire Department

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 September 9, 2002, acting on Application No. 100412554 states:

"Physical Cultural Establishment Layout, dated, October 15, 2001, does not conform to Approved BSA Cal 145-92-BZ Plans. Refer new layout back to [the] Board of Standards & Appeals for their approval of new layout."; and

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

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to reflect a reduction in the amount of floor area occupied by the physical culture establishment.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §73-11, said resolution having been adopted May 17, 1994, so that as amended this portion of the resolution shall read:

"to permit a reduction in the amount of floor area occupied by the physical culture establishment, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 10, 2002'-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition 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, December 10, 2002.

137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159 Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 9, 2000.

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PREMISES AFFECTED - 6159 Broadway, west side of Broadway 175' south of 251st Street,, Block 5814, Lot 1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

195-96-BZ

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 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 July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived and application reopened for an extension of time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a re-opening for an extension of the time to obtain a Certificate of Occupancy which expired on July 22, 1998; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002 for decision; and

WHEREAS, on July 22, 1997, the Board granted a Special Permit for a physical culture establishment.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution permitting a physical

culture establishment, adopted on July 22, 1997, to extend the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

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

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

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

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

Adopted by the Board of Standards and Appeals, December 10, 2002.

219-97-BZ

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

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

PREMISES AFFECTED - 130-11 North Conduit Avenue, North Conduit between 130th Street and 130th Place, Block 11864, Lots 13 and 16, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

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 30, 2002, acting on Application No. 400773016 states:

"Proposed amendment to BSA Cal. No. 219-97-BZ which seeks to decrease total illuminated signage by 43 sf and add a 35' by 7' addition to the proposed structure is contrary to previous BSA approval and therefore requires approval from the NYC Board of Standards and Appeals."; and

WHEREAS, the applicant has a reopening and an

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amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on February 23, 1999 the Board granted an application for the above-referenced premises permitting the construction and use of an automotive service station with an accessory convenience store; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted February 23, 1999, so that as amended this portion of the resolution shall read:

" to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 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 the above condition 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, December 10, 2002.

in this matter.

PREMISES AFFECTED - 215 East Houston Street, East Houston Street between Ludlow and Essex Streets, Block 412, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Prior variance reaffirmed.

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 subject variance was granted by the Board on February 13, 2001, under Z.R. §72-21, permitting, on a site previously before the Board, the proposed erection of a 23 story mixed use building, which exceeds the permitted floor area for residential and commercial space, O.S.R. for residential and commercial space, number of zoning rooms and violated the allowable height and setback requirements; and

WHEREAS, public hearings were held on the underlying variance application on November 21, 2000, after due notice by publication in the Bulletin, laid over to December 19, 2000, January 9, 2001, January 23, 2001 and then to February 13, 2001 for decision; and

WHEREAS, the property is zoned C6-1, which permits residential use at 3.4 F.A.R. and commercial use a base of 6.0 F.A.R., plus bonuses for a total F.A.R. of 7.2, the proposed building would have a total F.A.R., including ground floor retail, of 7.6 (23 stories); and

WHEREAS, the Board permitted a prior BSA application under calendar #479-39-BZ, for a gasoline service station which was approved in 1958; and

WHEREAS, the gas station was demolished in 1977 and the site is currently used as a public parking lot; and

WHEREAS, in its Resolution dated February 13, 2001, the Board stated the reasons why the applicant met the requirements of Z.R. §72-21; and

WHEREAS, however, by Order dated May 15, 2002, Supreme Court Justice Richard F. Braun. directed that the case be remanded to the Board solely to consider the issues of whether the presence of underground storage

189-00-BZ

CEQR #01-BSA-005M

Applicant - New York City Board of Standards and Appeals. Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT - On remand from the New York County Supreme Court for a detailed justification of the BSA grant

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tanks had caused tank leakage or soil contamination and the effect of a state historic district designation; and

WHEREAS, therefore, on remand, the Board held public hearings and required that the applicant conduct soil samplings and obtain a determination from the New York City Landmarks Preservation Commission; and

WHEREAS, this resolution is not intended to replace the original February 13, 2001 resolution, but to have the applicant address the issues of soil contamination and historic district designation; and

WHEREAS, the applicant submitted comprehensive documentation demonstrating that soil samples revealed no tank leakage or soil contamination and obtained a determination from the New York City Landmarks Preservation Commission that the proposed project would not have a significant impact on the historic district; and

WHEREAS, as in the prior hearings, the Board considered evidence and testimony from neighborhood residents, elected officials and community advocates, regarding soil contamination, historic district impacts, displacement and community character and financial analysis; and

WHEREAS, the Board finds that although issues of displacement and community character were raised by community advocates and residents during the instant proceedings, the evidence presented was substantially the same as was presented during the December 19, 2000, January 9, 2001, January 23, 2001 hearings, which the Board considered in reaching its decision of February 13, 2001; and

WHEREAS, the Board has considered all relevant areas of environmental concern, including but not limited to hazardous materials, historic resources, community and neighborhood character and finds that the proposal would create no significant impacts; and

WHEREAS, since the application meets the requirements of Z.R. §72-21, it must be sustained.

Resolved, the Board of Standards and Appeals reaffirms its issuance of a Type I Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review the Board upholds its grant of a variation in the application of the Zoning Resolution, to permit in an C6-1 zoning district, the proposed erection of a twenty-three (23) story residential building which creates non-compliance with regard to apartments permitted, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received January 30, 2001"-(5) sheets; and further condition that as in the original resolution;

THAT at least 20% of the project's dwelling units will contain two or more bedrooms, 50% of the dwelling units will contain one bedroom and at least 30% will contain studios;

THAT there will be a 20% set aside of dwelling units pursuant to the 421-a real estate tax exemption program for low income families for a term of not less than 20 years;

THAT 5% of dwelling units will be set aside pursuant to the NYCHDC New Housing Opportunities Program (NHOP) or an equivalent program for middle income families for a term of not less than 20 years;

THAT all parking will be at grade and there will not be car parking "stackers" on the surface parking lot on Essex Street

THAT the parking lot will be limited to 50 parking spaces;

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

Adopted by the Board of Standards and Appeals, December 10, 2002.

203-01-BZ

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

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

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

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department
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 22, 2002, acting on Application No. 200651482 states:

"Proposed changes in previously approved signage are contrary to BSA Calendar Number: 203-01-BZ and therefore must be referred to the Board of Standards and Appeals."; and

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

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on December 11, 2001 the Board granted an application for the above-referenced premises permitting the construction and use of an automotive

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service station with an accessory convenience store, the installation of underground gasoline storage tanks and new overhead canopy with five (5) pump islands, and the installation of associated signage; and

WHEREAS, the applicant represents that no work has been done on the site as of yet; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 56 square feet of total non-illuminated signage.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted December 11, 2001, so that as amended this portion of the resolution shall read:

" to permit the alteration to various signage, resulting in a decrease of 56 square feet of total signage, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 3, 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 the above condition 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, December 10, 2002.

204-01-BZ

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

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

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department
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 30, 2002, acting on Application No. 401166787 states:

"Proposed amendment to BSA Cal. No.: 204-01-BZ which seeks to decrease total illuminated signage by 28 sf and increase non-illuminated signage by 84 sf is contrary to previous BSA approval and therefore requires approval from the NYC Board of Standards and Appeals."; and

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

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on January 8, 2002 the Board granted an application for the above-referenced premises permitting the demolition of an existing structure, the construction and use of an automotive service station with an accessory convenience store, the installation of underground gasoline storage tanks and new overhead canopy, the rearrangement of existing pump islands, the re-landscaping of the premises, and the installation of associated signage; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 28 square feet of total illuminated signage and an increase of 84 square feet of non-illuminated signage.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted December 11, 2001, so that as amended this portion of the resolution shall read:

" to permit the alteration to various signage, resulting in a decrease of 28 square feet of total illuminated signage and an increase of 84 square feet of non-illuminated signage, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 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 the above condition shall appear on the Certificate of Occupancy;

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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, December 10, 2002.

38-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Maria Palumbo

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

In Favor: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

178-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Diego Salazar.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 57 Eagle Street/aka 233 Franklin Street, Eagle Street corner of Franklin Street, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

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, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

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

APPEARANCES -

For Applicant: H. Irving Sigman.

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 7, 2003, at 10 A.M., for decision, hearing closed.

467-71-BZ

MINUTES

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

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

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 7, 2003, at 10 A.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

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 7, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

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

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

APPEARANCES -

For Applicant: Sheldon Lobel.

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 14, 2003, at 10 A.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Adam W. 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 January 7, 2003, at 10 A.M., for decision, hearing closed.

357-86-BZ

MINUTES

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

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

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.

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 7, 2003, at 10 A.M., for decision, hearing closed.

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5
Negative:0

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

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 19, 2002, acting on NB Application No. 401401979, reads:

"Proposed construction of a trash enclosure and parking stalls at the Premises is contrary to GCL Section 35 and therefore relief from the NYC Board of Standards and Appeals is required."; and

WHEREAS, this application is to legalize the trash enclosure and parking stalls already constructed in the bed of the mapped street ;and

WHEREAS, by the letter dated April 26, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 27, 2002 , the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 29, 2002, Queens Community Board #13 adopted on July 22, 2002 to the approve the application; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated March 19, 2002 acting on N. B. Application No. 401401979, is modified under the power vested in the Board by ' 35 of the General City Law, and

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that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 10, 2002"-(1) sheet; and that the proposal comply with all applicable C2-1 in R-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002

139-02-A

APPLICANT- Fischbein Badillo Wagner Harding for Mark Perlbinder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: Michael T. Sillerman.

For Administration: Lisa Orrantia; Department of Buildings.

ACTION OF THE BOARD - Certificate of Occupancy Modified.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, this is an appeal of an April 17, 2002 Department of Buildings determination declining to seek a revocation or modification of Certificate of Occupancy Number 107549 issued on July 7, 1995, to adequately reflect the current legal status of the existing building situated on the aforementioned premises; and

WHEREAS, the subject premises is a four-story building which currently houses a retail use on the first floor and mezzanine level, and an illegal Physical Culture Establishment on the second, third and fourth floors located in C2-8A and R8-B zoning districts at the

Northeast corner of 85th Street and Third Avenue; and

WHEREAS, the current Certificate of Occupancy allows commercial occupancy on all floors but restricts the first floor to Use Group 6 Retail Sales, the mezzanine level to Mechanical Space and Accessory Office, the second floor to Use Group 9 Dance Studio and offices, and the third and fourth floors to Use Group 6 Offices; and

WHEREAS, the subject premises has been the subject of two prior Board cases filed under Calendar Nos. 34-96-BZ and 119-99-A; and

WHEREAS, under Calendar No. 34-96-BZ, an application initially was sought for a Special Permit to legalize an existing Physical Culture Establishment under Z.R. §73-36; and

WHEREAS, at the time of the initial Physical Culture Establishment (PCE) application, the Board noted that the building as originally built, had a rectangular footprint for the 1st and 2nd floors, with the 3rd and 4th floors having a smaller "L" shaped configuration, with a gap in the building's rear, existing on the 3rd and 4th floors; and

WHEREAS, upon review of the initial application, the Board noted that after a 1974 rezoning, the original building became legally non-complying with regards to commercial floor area, but was well under the limits for residential or community facility floor area; and

WHEREAS, the record indicates that before the initial Board case, Calendar No. 34-96-BZ, the building was enlarged so that the 3rd and 4th floors matched in size to the floors below; and

WHEREAS, the Board noted that as illustrated in the submitted plans by the applicant of record under Calendar No. 34-96-BZ, 2,200 square feet of floor area was added to the building on each of the third and fourth floors, by the addition of an infill at the north side of the building for a total of 4,400 square feet of new floor area; and

WHEREAS, the Board concluded that while the existing commercial floor area in the building was legally non-complying, the additional 4,400 square feet of floor area attained from the infill would have to be used in conformance with the underlying zoning regulations, limiting this space to residential and/or community facility uses; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the district, as well as expanded upon the already non-complying condition, the building was no longer qualified for the aforementioned Special Permit under Z.R. '73-36; and

WHEREAS, consequently, the applicant then revised the application to request a variance under Z.R. §72-21; and

WHEREAS, the Board determined that the variance application did not sufficiently meet the requisites of Z.R. §72-21(a) and (b) and on July 18, 2000, the Board denied the variance application, Calendar Number

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34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal was sought to revoke a Department of Buildings Permit which permitted the construction of a rear yard encroachment on the 2nd, 3rd and 4th floors to be used as mechanical space; and

WHEREAS, through the course of hearings and site inspections by the Board, it was discovered that the space which was authorized as mechanical space was in fact being used by the PCE and on April 12, 2000, under Calendar #119-99-A, the Board revoked the Department of Buildings Permit allowing the rear yard structure; and

WHEREAS, the above Board determinations were adjudicated in court, the Board's findings subsequently upheld, and the rear yard structure was subsequently removed; and

WHEREAS, by reconsideration dated August 29, 2000, the Department of Buildings accepted a new proposal by representatives of the PCE for the relocation of the new community facility floor area to the east side of the third and fourth floors, where it could be separated from the subject physical culture establishment; and

WHEREAS, Respondents represent that there is now a total 4,400 square feet of community facility floor area on the third and fourth floors of the building which is the exact amount required to compensate for the infill on the third and fourth floors; and

WHEREAS, the record indicates the subject lot has a total lot area of 10,285 square feet and the westernmost 100 feet of the subject zoning lot is located in a C2-8A zoning district, while the remainder of the parcel is located in a R8B zoning district; and

WHEREAS, prior to 1974, the subject zoning lot was situated in a C4-7 zoning district which allowed for a commercial floor area ratio of 10.0, thus rendering the commercial usage in the building lawful when built; and

WHEREAS, the Board notes that a rezoning does not require buildings to be demolished or reduced in size, but instead, governs the uses that could occupy the building after the rezoning has been enacted; and

WHEREAS, the underlying C2-8A and R8-B split zoning designation has been in effect since 1974 and limits the commercial floor area ratio to 2.0; and

WHEREAS, the total floor area of the current structure is 34,740 square feet, which is significantly below the maximum floor area permitted, but the existing commercial floor area of 30,340 exceeds the maximum commercial floor area allowed by the C2-8A regulations (20,570 square feet); and

WHEREAS, it is not disputed that commercial uses are permitted within the subject building, but whether a discontinuance of a non-conforming use has occurred under Z.R. §52-61 and whether commercial use of the third and fourth is contrary to current zoning requiring a

modification or revocation of Certificate of Occupancy Number 107549 issued on July 7, 1995; and

WHEREAS, Appellants contend that the presence of an illegal occupancy of the PCE precludes the lawful existence of a pre-existing non-conforming use as per Z.R. §52-61; and

WHEREAS, Z.R. §52-61 states that "[i]f, for a continuous period of two years, either the non-conforming use of land with minor improvements is discontinued, or the active operation of substantially all the non-conforming uses in any building or other structure is discontinued, such land or building or other structure shall hereafter be used only for a conforming use; and

WHEREAS, Respondents contend that Appellant's reliance on Z.R. §52-61 is misplaced because this section only applies to non-conforming uses and has no application to non-complying conditions; and

WHEREAS, upon a thorough review of the record and careful examination of the definition of non-conforming uses as outlined in Z.R. §12-10, the Board finds that, with the exception of 4,400 square feet addition after the 1995 Certificate of Occupancy was issued, the Building's excess commercial floor area does not constitute a non-conforming use, but rather a non-complying condition with regard to the commercial floor area as per Z.R. §33-12; and

WHEREAS, Z.R. §12-10 states that a "non-conforming" use is any lawful use whether of a building or other structure or of a tract of land, which does not conform to any one or more of the applicable use regulations of the district in which it is located, either on December 15, 1961 or as a result of any subsequent amendment thereto."; and

WHEREAS, the Board finds that there is no lapse provision for pre-existing, non-complying uses as per §54-11 which states that "The use of a non-complying building or other structure may be continued, except as otherwise provided in this Chapter."; and

WHEREAS, it has also been asserted by Appellants that the Supplementary Use Regulations as outlined in Z.R. §32-42 restrict the non-residential occupancy in the subject building to only two stories; and

WHEREAS, §32-421 states: "Non-residential uses permitted by the applicable district regulations may occupy two stories in any new development in C1-8, C1-9, C2-7 or C2-8 Districts."; and

WHEREAS, however, the Board finds Appellants' assertion to be erroneous in that §12-10 states that "no existing use shall be deemed non-conforming, nor shall a non-conformity be deemed to exist, solely because of any of the following: . . . (c) the existence of conditions in violation of either §§ 32-41 and 32-41."; and

WHEREAS, thus, the Board finds that the contention that a non-conforming condition is created by the use of more than two stories is without merit; and

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WHEREAS, while the Board concurs with Respondent's contention that the subject building is in compliance with Bulk regulations for the underlying zoning district, the Board finds that the current Certificate of Occupancy does not adequately reflect the pre-existing, legally non-compliance of the commercial usage, nor does it sufficiently list the space which must be used in conformance and compliance with the underlying zoning;

WHEREAS, although the Board does not find enough merit to revoke the current Certificate of Occupancy, as the commercial uses listed are permitted, the Certificate of Occupancy must be modified to provide an adequate representation of permitted uses; and

Therefore, it is resolved that the Certificate of Occupancy, No. 107549, issued on July 7, 1995 must be modified for the following conditions to be listed:

"THAT commercial usage in the subject building shall be limited to the pre-existing, legally non-complying 30,340 square feet of area;

THAT any additional floor area other than aforementioned 30,470 square feet and in particular, the 4,400 square foot infill addition, shall be built and used in a compliance and conformance with all underlying zoning regulations."

Adopted by the Board of Standards and Appeals, December 10, 2002.

WHEREAS, by the letter dated September 4, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 15, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 14, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. Resolved, that the decision of the Queens Borough Commissioner, dated July 17, 2001, acting on ALT 1. Application No. 401472731, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 19, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002.

233-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 17, 2001, acting on ALT 1. Application No. 401472731, reads:

"A1- The existing dwelling to be altered lies within the bed of a mapped street contrary to the General City Law, Article 3, Section 35."; and

243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law. PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

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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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 Queens Borough Commissioner, dated August 27, 2002, and updated on November 04, 2002 on Alt.1 Application No. 401515366, reads:

"1. Proposal to enlarge the existing first floor and construct a new second floor in connection with a home which is located in an R4 district but which does not front on a mapped street (Roosevelt Walk) is contrary to Article 3, Section 36 (2) of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Standards and Appeals for approval."; and

WHEREAS, by the letter dated September 18, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. Resolved, that the decision of the Queens Borough Commissioner, dated August 27, 2002 and updated on November 4, 2002 acting on Alt 1. Application No. 401515366, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 9, 2002"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 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.

COMMUNITY BOARD #14Q

APPEARANCES -

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 - Appeal 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 Queens Borough Commissioner, dated August 23, 2002 acting on ALT 1. Application No. 401415241, reads:

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

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law .

B) Existing dwelling to be altered does not at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 25, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 23, 2002 acting on ALT 1. Application No. 401415241, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 10, 2002"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals,

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December 10, 2002

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 Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

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 Queens Borough Commissioner, dated August 27, 2002 acting on ALT 1. Application No. 401425347, reads:

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

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law .

B) Existing dwelling to be altered does not at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 27, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 27, 2002 acting on ALT 1. Application No. 401425347, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially

conform to the drawing filed with the application marked, "Received September 10, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10 A.M., for postponed hearing.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a 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 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

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34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.
36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.
38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.
40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.
42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.
44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.
46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.
48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.
For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for continued hearing.

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.
OWNER OF PREMISES: Sucuri Palevic.
SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Charles L. Walker
For Administration: 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 January 14, 2003, at 10 A.M., for decision, hearing closed.

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.
For Administrative: 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 7, 2003, at 10 A.M., for decision, hearing closed.

219-02-A thru 221-02-A

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

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

PREMISES AFFECTED -

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

107-76 Watson Place, south side, 700' east of Polhemus Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

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

APPEARANCES -

For Administrative: Philip P. Agusta
For Opposition: John Yacovone, Fire Department.

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

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90,

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Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Leventis Omotade.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for continued hearing.

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: Prudence DiBello.

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 January 7, 2002, at 10 A.M., for decision, hearing closed.

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: Prudence DiBello.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, 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: Prudence DiBello.

For Administration: John Yacovone, Fire Department; Lisa Orrantia, Department.

ACTION OF THE BOARD - Laid over to January 14, 2002, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 10, 2002
1:30 P.M.**

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

MINUTES

Commissioner Miele.

ZONING CALENDAR

303-01-BZ

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT-

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 31, 2001 acting on Application No. 301230852 reads:

"Proposed construction of gasoline filling station (U.G. 16) with accessory 2,900 SF convenience store not permitted in a C1-3 in R6 Zoning District and therefore requires BSA approval"; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in The City Record and laid over to July 9, 2002, October 22, 2002, and then to December 10, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C1-3/R6 zoning district, the construction and operation of an automotive service station (Use Group 16B) with an accessory convenience store (Use Group 16E) which is contrary to Z.R. §32-25; and

WHEREAS, Automotive Service stations (Use Group 16B), are permitted as-of-right in C8, M1, M2 and M3 districts and by, special permit in C2, C4, C6, and C7

districts, with accessory uses such as the instant convenience store classified as a (Use Group 16E) use; and

WHEREAS, the instant proposal will contain 2,900 square feet of floor area, with 1392 square feet containing a sales area and will provide a solar energy collecting vehicular canopy over the proposed six (6) multi-product dispensers ("MPD's); and

WHEREAS, the site is primarily within a C1-3 zoning district with approximately 4600 square feet in an R6 district, containing approximately 20,000 square feet of lot area with frontages on Nostrand, Marcy and Myrtle Avenues; and

WHEREAS, the record indicates that Myrtle Avenue is a heavily traveled roadway; and

WHEREAS, the proposal provides parking for eight vehicles at the premises in addition to spaces at the pump islands, illuminated signage of 96.04 square feet, non-illuminated signage of 96.10 square feet, a 6-foot high chain link fence with privacy slats and evergreens that are six feet high to shield apartment buildings on adjacent lots within an R6 zoning district; and

WHEREAS, the subject parcel's history of development indicates that it housed a commercial laundry facility from the 1960's to the early 1980's, when it was destroyed by an explosion and fire, and the applicant represents that the parcel has remained vacant and undeveloped since that time; and

WHEREAS, the applicant has failed to document attempts to secure a conforming user, and the size of the lot indicates that the parcel can house a variety of viable uses; and

WHEREAS, therefore, the Board finds that the applicant has failed to satisfy the requirements of Z.R. §72-21(a)

WHEREAS, evidence in the record, including a feasibility study and financial analysis demonstrates that a conforming development could yield a reasonable return; and

WHEREAS, therefore, the Boards that the application fails to meet the requirements of Z.R. §72-21(b); and

WHEREAS, while the record indicates that the subject lot is 50 feet east of an M-1 zoning district where manufacturing and repair establishments are permitted, the applicant failed to provide the Board with proposals containing less-intensive uses; and

WHEREAS, the Board is aware that part a substantial part of the development is within an R6 zoning district; and

WHEREAS, therefore, the Board finds that the proposed application, as presented, will alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, therefore, the application fails to meet the requirements of Z.R. §72-21(c),

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WHEREAS, the applicant has failed to present proposals with differing hardships, and therefore, the Board finds that the variance requested would not be the minimum variance necessary to afford the owner relief; and

WHEREAS, therefore, the Board has determined that the application fails to meet the finding required to be made under Z.R. §72-21(e); and

WHEREAS, therefore, the Board finds that the application does not meet the requirements of Z.R. §72-21(a)(b)(c) and (e).

Resolved, that the decision of the Borough Commissioner, dated August 31, 2001 acting on Application No. 301230852 is upheld and this application is denied.

Adopted By the Board of Standards and Appeals December 10, 2002.

322-01-BZ

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

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51. PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Geis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW-

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

Negative:0

Adopted By the Board of Standards and Appeals December 10, 2002.

332-01-BZ

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

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and

portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

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

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT-

Affirmative:.....0

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

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 13, 2001 and updated November 7, 2001, acting on Alt-1. Application No. 102589110, reads:

"1. Proposed use is a physical culture establishment, which requires a special Permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36"; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in the City Record, laid over to September 10, 2002, October 22, 2002 and then to December 10, 2002 for decision; and

WHEREAS, this is an application under Z.R. §73-36, to permit partially within a C2-8A zoning district and an R8B zoning district, on a site previously before the Board, the legalization of the use of the second, third and fourth floors of an existing building as a physical culture establishment, which is contrary to Z.R. §32-10; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, R.A., Commissioner Mitchell Korbey, Commissioner Peter Caliendo, former Vice-Chair Paul Bonfilio, R.A., former Chairman Gaston Silva, R.A., former Vice-Chair Robert Flahive, P.E., former Commissioner Cecil P. Joseph, and former Commissioner Rosemary Palladino; and

WHEREAS, the subject premises is a corner zoning lot with approximately 77 feet six inches of frontage on Third Avenue and 125 feet of frontage on East 85th Street; and

WHEREAS, the subject premises is currently improved with a four story and basement commercial building, with a total lot area of 10,285 square feet, currently housing 34,740 square feet of floor area; and

WHEREAS, the subject premises has been the subject of two prior Board cases filed under Calendar Nos. 34-96-BZ and 119-99-A; and

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WHEREAS, under Calendar No. 34-96-BZ, the application originally sought a Special Permit to legalize the subject Physical Culture Establishment under Z.R. §73-36; and

WHEREAS, at the time of the initial application, the Board noted that the building originally had a rectangular foot print for the 1st and 2nd floor, with the 3rd and 4th floors having a smaller "L" shaped configuration, with a gap in the building's rear, existing on the 3rd and 4th floor; and

WHEREAS, upon review of the initial application, the Board noted that the building was non-complying with regards to commercial floor area in its original form, but was well under the limits for residential or community facility floor area; and

WHEREAS, before applying to the Board for the initial case, the applicant enlarged the 3rd and 4th floors to match the size of the floors below; and

WHEREAS, the Board noted that as illustrated in submitted plans by the applicant of record under Calendar No. 34-96-BZ, 2,200 square feet of floor area was added to the building on each the third and fourth floors, by the addition of an infill at the north side of the building for a total of 4,400 square feet of new floor area; and

WHEREAS, in response to the Board's inquiry regarding the infill, the applicant revised the proposal to contain 4,852 square feet of community facility floor area which the applicant contended would compensate for commercial floor area created by the infill; and

WHEREAS, through the course of hearings and site inspections by the Board, it was discovered that contrary to the applicant's representation, the space which was authorized only as Community Facility use was in fact being used by the physical culture establishment; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the district, as well as expanded upon the already non-complying condition, the site was no longer qualified for the aforementioned Special Permit under Z.R. §73-36; and

WHEREAS, consequently, the applicant then revised the application to request a variance under Z.R. §72-21; and

WHEREAS, upon a thorough review of the record, the Board determined that the variance application did not sufficiently demonstrate a practical difficulty on the site leading to an economic hardship in conforming with the underlying zoning regulations and therefore did not meet the requisites of Z.R. §72-21(a) and (b) and on July 18, 2000, the Board denied the variance application, Calendar Number 34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal was sought to revoke a Department of Buildings Permit which permitted the construction of a rear yard encroachment on the 2nd, 3rd and 4th floors; and

WHEREAS, evidence in the record indicates that the

Building Permit was granted by the Department of Buildings to allow for this extension to be used as mechanical space; and

WHEREAS, similar to Calendar No. 34-96-BZ, through the course of hearings and site inspections by the Board, it was again discovered that contrary to the applicant's representation, the space which was authorized as mechanical space was in fact being used by the physical culture establishment; and

WHEREAS, on April 12, 2000 under Calendar #119-99-A, the Board revoked the Department of Buildings Permit allowing the rear yard structure; and

WHEREAS, the above Board determinations were adjudicated in court, the Board's findings subsequently upheld, and the rear yard structure was subsequently removed before the instant Special Permit application was heard; and

WHEREAS, by reconsideration dated August 29, 2000, the Department of Buildings accepted a new proposal by the applicant for the relocation of the new community facility floor area to the east side of the third and fourth floors, where it could be separated from the subject physical culture establishment; and

WHEREAS, the applicant's submitted plan labeled "Drawing P/E-2", dated August 20, 2002 shows that there is now a total 4,400 square feet of community facility floor area on the third and fourth floors of the building which is the exact amount required to compensate for the infill on the third and fourth floors; and

WHEREAS, under the instant special permit application, the applicant has proposed to rectify the unlawful enlargement of the Physical Culture Establishment on the third and fourth floors by providing a scheme that purports to separate a community facility tenant from the subject physical culture establishment; and

WHEREAS, the Board finds the applicant's proposal separating the subject physical culture establishment from the community facility space on the third and fourth floors to be impractical because it divides a modest-sized community facility space between the third and fourth floors instead of consolidating the use on one floor, and does not provide a workable layout which establishes a distinct separation between the physical culture establishment space and the community facility space; and

WHEREAS, the Board notes that through the course of 6 years and 3 different Board cases, the applicant has failed to retain a community facility tenant for the community facility space; and

WHEREAS, the Board also notes that the applicant has demonstrated a pattern of misrepresentation with regard to the use of the illegally built space; and

WHEREAS, in 1974, the zoning district in which the subject premises is in was rezoned from C-47 to C2-8A;

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and

WHEREAS, physical culture establishments are permitted by special permit requiring Board discretion, in C2-8A districts, but zoning regulations restrict their occupancy to the 1st and 2nd floors of the building; and

WHEREAS, the Board, while recognizing that commercial uses are allowed on the 3rd and 4th floors of this site, also finds that the physical culture establishment use on these floors contradict the spirit of the 1974 rezoning which sought to limit the frequency and intensity of new commercial development in this district; and

WHEREAS, therefore, based upon the pattern of misrepresentation by the applicant, the impractical layout proposed, the lack of a community facility tenant, and with consideration to the rezoning by City Planning, it is

Resolved, that the decision of the Borough Commissioner, dated July 13, 2001 and updated November 7, 2001, acting on Alt-1. Application No. 102589110 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, December 10, 2002.

13-02-BZ thru 16-02-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 -

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: Jacqueline Gigliano.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

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: Jacqueline Gigliano.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Janice Cahalane.

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ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 7, 2002 acting on Application No. 500459764 reads:

"Legalization and proposed minor changes of existing U.G. 16 Automotive Service Station is contrary to Z.R. 32-25, and therefore must be referred to the BSA.

Proposed extension of existing dispenser island to include addition of multi-product dispenser and extension of term of variance in C1-2 in R3-2 zone is contrary to BSA Cal. # 141-61-BZ must be referred back to the BSA."; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record and laid over to October 29, 2002, November 19, 2002 and then to December 10, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the legalization of an existing automotive service station (Use Group 16), the removal of center island and the addition, of four multi-product gasoline dispensers, the replacement of three existing 4,000-gallon tanks and a 2,000-gallon tank will be replaced by four 10,000 gallon tanks; and

WHEREAS, the site is located at the northwest corner of Richmond Avenue and Victory Boulevard, has a gross area of approximately 12,496 square feet, with an eastern lot line of approximately 127 feet fronting on Richmond Boulevard and a southern lot line of 94 feet fronting on Victory Boulevard; and

WHEREAS, the record indicates that both Richmond and Victory Boulevards are two-way thoroughfares; and

WHEREAS, the applicant represents that the site has housed, subject to a January 6, 1970 variance, under Calendar # 141-69-BZ, an automotive service station and that although the variance lapsed on April 26, 1998, the uses at the premises have remained unchanged; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning

Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that this is a legalization and that the site has housed non-conforming uses for over 30 years; and

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

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

and

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

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

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

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

Resolved that the Board of Standards and Appeals issues 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, on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the legalization of an existing automotive service station (Use Group 16), the removal of center island and the addition, of four multi-product gasoline dispensers, the replacement of three existing 4,000-gallon tanks and a 2,000-gallon tank will be replaced by four 10,000 gallon tanks, 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 22, 2002"-(3) sheets, and "November 12, 2002" -(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 10, 2012:

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in

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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 19, 2002.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyne 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 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 decisions of the Borough Commissioner, dated December 10, 2001, acting on Application No. 401383061, reads:

“Provide 8'-0" side yard along R-5 district boundary as per ZR 23-51

Special Provisions Applying along District Boundaries.”; 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 1, 2002, November 12, 2002 and then to December 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair

Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in both an R6B and R5 zoning district, which does not comply with the zoning requirements for a side yard, and is contrary to Z.R. '23-51; and

WHEREAS, the applicant had originally proposed a three-family dwelling, but at the request of the Board, and consideration of the community, the application was revised to a two-family dwelling; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot, measuring approximately 20' by 100', divided by and R6B/R5 district boundary along the approximate center of the lot, with 10.01 feet of frontage in the R6B district and 9.99 feet of frontage in the R5 district; and

WHEREAS, the proposed two-family dwelling does not provide the required 8 foot side yard required along the westerly lot line, but complies in all other respects with the applicable zoning requirements; and

WHEREAS, the provision of the required 8 foot side would result in a twelve foot wide building, which the applicant contends, and the Board finds to be infeasible to construct; and

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

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

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in both an R6B and R5 zoning district, which does not comply with the zoning requirements for a side yard, and is contrary to Z.R. §23-51, 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 17, 2002"-(6) sheets; and on further condition;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 10, 2002.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 22, 2002 acting on Application No. 200739503 reads:

"Propose one story retail convenience store and metal canopy over pump islands accessory to automotive service station located in a R7A zone is not permitted. Proposed use is contrary to Sec. 22-00 of ZR."; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record and laid over to November 12, 2002, and then to December 10, 2002 for decision; and

WHEREAS, Community Board No. 12 in The Bronx recommended conditional approval of the subject application;

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7A zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Z.R. §22-00; and

WHEREAS, Automotive Service Stations (Use Group 16B), are permitted as-of-right in C8, M1, M2 and M3 districts and by, special permit from the Board of Standards and Appeals in C2, C4, C6, and C7 districts, with accessory uses such as the instant convenience store classified as Use Group 16E uses; and

WHEREAS, the record indicates that the subject site is unique in several respects, including having an irregular shape and limitations on access due to steep topographical conditions in the surrounding area. The site, which contains 19,570 square feet of lot area, is trapezoidal in shape, with 76' of frontage on East 233rd Street, 191' of frontage on Peters Place, 192 feet of frontage on Webster Avenue and a rear lot line of 130'; and

WHEREAS, until 1994, the subject parcel housed a diner with an accessory paved parking lot, but is presently developed with a vacant one-story 3,041 square foot commercial building with an accessory paved parking lot; and

WHEREAS, the applicant represents that due to excavation to level the site, which was part of a hill rising to the north and to the west, the site does not have access onto Peters Place, except at the 233rd Street end; and

WHEREAS, further, at the other frontages, Peters Place rises above the site, at the top of a sheer rock face that increases in height towards the rear of the property; and

WHEREAS, site's history of development with a prior non-conforming use and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in

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 - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

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complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that except for its northernmost end, the project site and the remainder of the block were zoned C8-1 until 1996, when the R7A district was mapped; and

WHEREAS, the Board notes that prior to the zoning change, the applicant's proposal would have been permitted as-of-right; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues 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 R7A zoning district, the construction and operation of a gasoline station with an accessory convenience store 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 November 4, 2002"-(1) sheet, and "September 4, 2002" -(2) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 10, 2012;

THAT the proposal shall comply with the fires safety measures stated on the Proposed Conditions Site Plan (sheet 2 of 6);

THAT the above conditions shall be noted in the Certificate of Occupancy;

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, December 10, 2002.

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 - Application granted on condition.

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 October 14, 2002, acting on ALT Application No. 301395540 reads:

A1. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE.

MINUTES

2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 OF THAT IT EXCEEDS THE MAXIMUM PERMITTED FLOOR AREA RATIO OF 50%.

3. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 OF THAT IT EXCEEDS THE MAXIMUM LOT COVERAGE OF 35%.

4. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.

5. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAXIMUM PERIMETER WALL HEIGHT OF 21'-0".

6. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT IS LESS THAN THE MINIMUM REQUIRED OPEN SPACE OF 65%.

7. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED TOTAL SIDE YARD IS LESS THAN THE MINIMUM 13'-0".;

WHEREAS, a public hearing was held on this application on November 12, 2002 after due notice by publication in The City Record, and laid over to December 10, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, rear and side yards, lot coverage, and perimeter wall height and is contrary to Z.R. §§23-141, 23-47, 23-461 and 23-631; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, rear and side yards, lot coverage, and perimeter wall height and is contrary to Z.R. §§23-141, 23-47, 23-461 and 23-63, 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 8, 2002"-(3) sheets and "November 19, 2002"-(5) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;
THAT the above conditions shall appear on the certificate of occupancy;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 10, 2002

36-01-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Doris Diether, Community Board #2; John Yacovone, Fire Department.

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

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002- under Z.R. §72-21, to permit the proposed use of the second and third

MINUTES

floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel and Carl Kruger.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING-

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

Negative:0

ACTION OF THE BOARD - Laid over to January 28, 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.

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 7, 2003, at 1:30 P.M., for decision, hearing closed.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between

28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2 P.M., for continued hearing.

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: Doris Diether, Community Board #2; Walter Chatham, Barry Mallin, Mark Esrig, Josh Simons, Andrew Dreskin, Mark Payne and others.

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 1:30 P.M., for decision, hearing closed.

86-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

MINUTES

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to January 28, 2003, 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 -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for continued hearing.

165-02-BZ thru 176-02-A

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

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is

contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

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

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

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

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky and Stuart Klein.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for continued hearing.

186-02-BZ thru 191-02-A

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

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

PREMISES AFFECTED -

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky and Stuart Klein.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 1:30 P.M., for continued hearing.

151-02-BZ

MINUTES

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Chris Wrigh.

For Opposition: George Beane and Mark Nowlan.

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 14, 2003, at 1:30 P.M., for decision, hearing closed.

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

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 January 7, 2003, at 1:30 P.M., for decision, hearing closed.

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

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 January 28, 2003, at 1:30 P.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis

For Opposition: George G. Bissell, Mandy Harris, Brown and Matthew Bernhard.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for continued hearing.

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 not comply with the zoning requirements for lot area per dwelling unit, front yards, and

MINUTES

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

APPEARANCES -

For Applicant: Irving E. Minkin

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Howard A. Zipser and Steven Sinacori.

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 7, 2003, at 1:30 P.M., for decision, hearing closed.

**SPECIAL HEARING
WEDNESDAY MORNING, DECEMBER 11, 2002
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets,

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

MINUTES

Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Gary Handel, Jack Freeman and Ethan Eldon.

For Opposition: Daryl Cochrane, Congressman Nadler; Gary Parker, Assemblymember Glick; Carin Mirowitz, Councilmember Christina Quinn; Peter Pfeffer, Kate Schmidt, MBPO; Doris Diether, CB#2; Gary Tomei, W 13th Street Block Association; Novac Noury, Phantom of the Organ; Jo Mailton, Andrew Berman, Daniel Lane, Robert Wilkins, Mark Tyler, Keith McNelly, Eli Hallwell, Robert Bookman, David Rabin, Michelle Dell, Nicolas Matar, James Cooke, Chris Rizzo, Jim Smith, Penelope Cox, Christabel Gough, Jenifer Roth, Zack Winstine, Mary O'Connor and Miriam Sarzin.

For Administration: John Scrofani, 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 March 25, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:20 P.M.