
BULLETIN

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DIRECTORY

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Vacant - Counsel

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

CONTENTS

DOCKET905

CALENDAR of January 28, 2003

Morning906

Afternoon907

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, December 17, 2002**

Morning Calendar909

Affecting Calendar Numbers:

| | |
|------------|---|
| 109-34-BZ | 64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, Queens |
| 915-46-BZ | 40-08 30 th Avenue, Queens |
| 554-54-BZ | 6201 Avenue U, Brooklyn |
| 764-56-BZ | 200-05 Horace Harding Expressway, Queens |
| 798-76-BZ | 8 West 86 th Street, Manhattan |
| 71-91-BZ | 196 Beach 125 th Street, Queens |
| 292-55-BZ | 239-15 Jamaica Avenue, Queens |
| 573-55-BZ | 17-32/46 Clintonville Street, Queens |
| 838-55-BZ | 1866-90 Westchester Avenue, Bronx |
| 763-59-BZ | 1764 University Avenue, Bronx |
| 1673-61-BZ | 264 Winthrop Street, Brooklyn |
| 352-64-BZ | 408-424 East 51 st Street, Manhattan |
| 947-80-BZ | 154-158 West 18 th Street, Manhattan |
| 543-91-BZ | 8605-8613 Fort Hamilton Parkway, Brooklyn |
| 25-95-BZ | 2881 Nostrand Avenue, Brooklyn |
| 134-97-BZ | 2467 Arthur Avenue, Bronx |
| 122-99-A | 91-70 Metropolitan Avenue, Queens |

CONTENTS

Afternoon Calendar.....915

Affecting Calendar Numbers:

| | |
|-----------|---|
| 240-01-BZ | 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, Manhattan |
| 360-01-BZ | 2228 Gerritsen Avenue, Brooklyn |
| 388-01-BZ | 2071 Clove Road, Staten Island |
| 76-02-BZ | 265 Stobe Avenue, Staten Island |
| 77-02-BZ | 277 Stobe Avenue, Staten Island |
| 106-02-BZ | 4502 14 TH Avenue, a/k/a 1371 46 th Street, Brooklyn |
| 112-02-BZ | 48 Eldridge Street, Manhattan |
| 119-02-BZ | 94 North 13 th Street, Brooklyn |
| 124-02-BZ | 8000 Utopia Parkway, Queens |
| 142-02-BZ | 1070 East 24 th Street, Brooklyn |
| 193-02-BZ | 488 Morgan Avenue, Brooklyn |
| 239-02-BZ | 110 Waverly Place, Manhattan |
| 250-02-BZ | 3845 Bedford Avenue, Brooklyn |
| 36-01-BZ | 328 Spring Street, a/k/a 489-495 Washington Street, Manhattan |
| 233-01-BZ | 537 West 19 th Street, Manhattan |
| 263-01-BZ | 85/101 North Third Street, Brooklyn |
| 292-01-BZ | 69/71 MacDougal Street, Manhattan |
| 324-01-BZ | 1077 Bay Street, Staten Island |
| 369-01-BZ | 303 Seigel Street, Brooklyn |
| 29-02-BZ | 271-17 76 th Avenue, Queens |
| 41-02-BZ | 124 McLean Avenue, Staten Island |
| 82-02-BZ | 788 Kent Avenue, Brooklyn |
| 75-02-BZ | 460 Union Street, Brooklyn |
| 87-02-BZ | 8401 Flatlands Avenue, Brooklyn |
| 138-02-BZ | 4302 Farragut Road, Brooklyn |
| 152-02-BZ | 1768/81 Second Avenue, Manhattan |
| 194-02-BZ | 1775 South Avenue, Staten Island |
| 280-02-BZ | 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Brooklyn |

DOCKET

New Case Filed Up to December 17, 2002

358-02-BZ B.M. 200 Park Avenue, southern block front of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan. Alt. #103320522. Proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, requires a special permit from the Board as per §32-10.

COMMUNITY BOARD #5M

359-02-BZ B.M. 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan. Applic. #103314922. Proposed private school, Use Group 3, located in an M1-5 zoning district, requires a special permit from the Board as per Z.R. §42-31.

COMMUNITY BOARD #1BK

360-02-BZ B.BK. 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn. Applic. #301395078. Proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

361-02-BZ B.BK. 2 1 4 2 5th Street,

between Fourth and Fifth Avenues, Block 655, Lot 13, Borough of Brooklyn. Applic. #301177991. Proposed renovation and conversion of an existing factory building, to create 15 unit loft type apartments, with five parking spaces in the mews, a garden courtyard, and the addition of floor area to the center of the front structure, which does not meet the zoning requirements for rear lot line, parking, height and setback, is contrary to Z.R. §42-00, §43-61(d), §43-61(c) and §44-27.

COMMUNITY BOARD #7BK

362-02-BZ B.BK. 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn. Applic. #301477293. Proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, is contrary to Z.R. §23-141 and §54-31.

COMMUNITY BOARD #15BK

363-02-BZ B.BK. 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn. Applic. #300088819. Proposed extension of Use Group 4, medical office use and occupancy, on the second floor of a new basement and two story community facility, is not permitted as per Z.R. §22-14.

COMMUNITY BOARD #18BK

364-02-BZ B.BK. 142 West Ninth Street, southeast corner of Hamilton Avenue, Block 382, Lot 16, Borough of Brooklyn. Applic. #301410863. Proposed five story mixed use building, with retail /or office use on the ground floor, which does not comply with the zoning requirements for floor area ratio, open space and commercial use in an R-6 zoning district, is contrary to Z.R. §22-10 and §23-142.

COMMUNITY BOARD #6BK

365-02-BZ B.BK. 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn. Alt.1 #301329220. Proposed vertical enlargement of an vacant former mixed use multiple dwelling, for proposed office and showroom, located in an M1-2 zoning district, which does not comply with the zoning requirements for floor area and rear yard, is contrary to Z.R. §43-12 and §43-26.

COMMUNITY BOARD #7BK

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 28, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, January 28, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

58-99-BZ

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

SUBJECT - Application September 10, 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 October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application December 4, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68' south of South 4th Street, Block 2441, Lots 4, 104 & 107 (Tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEALS CALENDAR

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a 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 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

345-02-A

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

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

CALENDAR

JANUARY 28, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 28, 2003, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

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

COMMUNITY BOARD #10BK

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

PREMISES AFFECTED - 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx.

COMMUNITY BOARD #7BX

195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21,

Borough of Brooklyn.

COMMUNITY BOARD #5BK

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

257-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Outreach Development Corp., owner.

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #5Q

325-02-BZ

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.

SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.

PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

COMMUNITY BOARD #12BK

CALENDAR

347-02-BZ

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, DECEMBER 17, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 12, 2002, were approved as printed in the Bulletin of November 21, 2002, Volume 87, No. 45-46.

SPECIAL ORDER CALENDAR

109-34-BZ

APPLICANT- Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT- Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED- 64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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 July 7, 2002, acting on Application No. 401223868 states:

“Proposal to erect new one story enlargement at the rear of the accessor (sic) building is contrary to Section 32-35 ZR for a gasoline service station located within C1 zoning district as is inconsistent with the resolution adopted by the Board of Standards and Appeals under Cal No. 109-34-BZ”; and

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

WHEREAS, a public hearing was held on this

application on October 1, 2002, and laid over to December 17, 2002 for decision; and

WHEREAS, the subject premises is a gasoline service station that is presently under renovation pursuant to the last Board action of October 30, 2001, which permitted the erection of a metal canopy over a new fuel dispensing area, the rehabilitation of an accessory building for use as a convenience store, two bays used for the repair of motor vehicles, accessory parking for cars awaiting service, and the enlargement of a one-story 8' by 17' enlargement for use as an office and bath; and

WHEREAS, the October 30, 2001 amendment also removed a car washing bay that had been approved in 1993; and

WHEREAS, the applicant now seeks to amend the resolution by replacing all space designated for motor vehicle repair with space for the convenience store; and

WHEREAS, the applicant’s proposal erects a one-story enlargement at the rear of the building measuring approximately 975 square feet for use as a convenience store; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution Section §11-412, said resolution having been adopted November 20, 1951 as amended though October 30, 2001, so that as amended this portion of the resolution shall read:

“to permit the erection of a new one-story enlargement at the rear of the existing building for use as an accessory convenience store and to allow the elimination of all space designated for motor vehicle repair, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received November 12, 2002”-(5) sheets and “December 6, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

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

THAT any graffiti identified on the premises shall be removed within 48 hours;

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

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

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

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

MINUTES

and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

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

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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 October 31, 2002, acting on Application No. 401399624 states:

“Proposed one-story vertical enlargement to the existing accessory building for use as a convenience store at a gasoline service station located within a C1-2 within an R-5 zoning district as indicated on zoning map #9a together with a rearrangement of the gasoline pump islands and pump and overhead metal canopies is contrary to BSA Cal. No. 915-46-BZ and is hereby denied.”; and

WHEREAS, Community Board #1, Queens, recommends, conditional approval of this application; and

WHEREAS, the applicant has requested a reopening and an amendment to the resolution to permit a one-story vertical enlargement to an existing vertical enlargement to an existing masonry building and the change in use from motor vehicle servicing to an accessory convenience store, in addition, to approve site changes to eliminate the planting areas, new signs and a rearrangement of the gasoline pump islands and pumps with two metal canopies above the dispensing area; and

WHEREAS, a public hearing was held on this application on July 16, 2002, and laid over to December 17, 2002 for decision. and

Resolved, that the Board of Standards and Appeals

hereby *reopens and amends* the resolution pursuant to Zoning Resolution §11-412, said resolution having been adopted May 27, 1947 as amended through June 23, 1970, so that as amended this portion of the resolution shall read:

“to permit the erection of a new one-story 802 square foot vertical enlargement and change the use of the accessory building from automobile repair establishment to an accessory convenience store and to allow the erection of new signage and the erection of two free-standing metal canopies over the fuel dispensing areas, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received March 14, 2002”-(6) sheets and November 12, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT automobiles shall not park on the sidewalk;

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

THAT any graffiti identified on the premises shall be removed within 48 hours;

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 17, 2002.

554-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

MINUTES

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 13, 2002, acting on Application No. 300982088 states:

“Proposed changes in previously approved signage and extension of time to obtain a Certificate of Occupancy is contrary to BSA Calendar Number 554-54-BZ and therefore must be referred to the Board of Standards and Appeals”; and

WHEREAS, the applicant has requested a reopening and an amendment to the resolution issued June 27, 2001 pursuant to sections 72-01 and 72-22 of the Zoning Resolution, to alter various signs, extend the time to Complete Construction and extend the time to obtain a Certificate of Occupancy, which expires on December 27, 2002; and

WHEREAS, a public hearing was held on this application on November 26, 2002, and laid over to December 17, 2002 for decision; and

WHEREAS, the instant proposal seeks to increase the illuminated signage by 47 square feet and the non-illuminated signage by 46 square feet; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution Section §72-01 and 72-22, said resolution having been adopted April 19, 1955 as amended though June 27, 2001, so that as amended this portion of the resolution shall read:

“to permit an increase in the illuminated signage by 47 square feet to 139.69 square feet and the non-illuminated signage by 46 square feet to 98.67 square feet and to extend the time to obtain a Certificate of Occupancy to 18 months from December 27, 2002 *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 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 automobiles shall not park on the sidewalk;

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

THAT any graffiti identified on the premises shall be removed within 48 hours;

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 17, 2002.

764-56-BZ

APPLICANT - Alfonso Duarte, P.E., for Barney’s Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 5, 2002 and amended May 3, 2002, acting on Application No. 401391132 states:

“1. Proposed extension of term of variance contrary to CAL. 764-56-BZ.

2. Proposed sale of used cars contrary to CAL. 764-56-BZ”; and

WHEREAS, the applicant has requested a reopening, an extension of the term of the variance and an amendment to the resolution pursuant to sections 11-411 and 11-413 of the Zoning Resolution, to permit a ten (10) year continuation of the term of the variance for a gasoline service station (U.G.16B) and to amend the resolution to include the sale of used automobiles (U.G. 16A); and

WHEREAS, a public hearing was held on this application on October 29, 2002, and laid over to December 17, 2002 for decision.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution §§11-411 and 11-413, said resolution having been adopted October 22, 1957 as amended though July 13, 1993, expiring October 22, 2002, so that as

MINUTES

amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from October 22, 2002 expiring October 22, 2012 and to permit the sale of used automobiles , *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 3, 2002”-(2) sheets, “November 18, 2002”-(2) sheets, and “December 3, 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 there shall be no parking of automobiles on the sidewalks;

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

THAT any graffiti identified on the premises shall be removed within 48 hours;

THAT signage shall be provided in accordance with BSA approved plans;

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 17, 2002.

798-76-BZ

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT- Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on September 12, 2002; 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 17, 2002 for decision; and

WHEREAS, on July 23, 1963 Calendar 305-63-A, the Board granted an application under Section 310 of the Multiple Dwelling Law for a variance of Section 177, and Section 34 subd. 6. of the Multiple Law re-cellar apartments, and on June 7, 1977, under the instant Calendar Number granted a variance permitting in an R10 district, in an existing four story multiple dwelling, the conversion of the first floor from an apartment to a veterinarian’s establishment.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time 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 17, 2002.

71-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor Washington Hotel Inc., owner.

SUBJECT- Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened for an extension of the term of the variance and an amendment to

MINUTES

the resolution.

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 re-opening for an extension of the term of the variance and an amendment to the resolution pursuant to §72-01; 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 17, 2002 for decision; and

WHEREAS, on November 28, 1961 under Calendar Number 1169-61-BZ, for a term of 25 years, the Board granted a conditional variance permitting, the erection of a one-story and basement extension to an existing three-story and basement hotel, an enlargement to the existing dining room, a reception room and a public catering hall with accompanying business sign, and under Calendar Number 1170-61-A permitted an extension to a frame dwelling contrary to the Multiple Dwelling Law; and

WHEREAS, on September 9, 1992 under the instant calendar number the Board permitted in an R4A zoning district, the reinstatement of an expired variance that allowed a one-story enlargement to an existing hotel (Use Group 5), housing a dining room, a catering hall (Use Group 9) and the legalization of an accessory parking lot.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution §72-01, said resolution having been adopted September 9, 1992 expiring September 9, 2002 so that as amended this portion of the resolution shall read:

“to permit a ten (10) year extension to the term of the variance expiring September 9, 2012 and to approve layout changes illustrated in the drawings below, *on condition*:

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received May 30, 2002”-(6) sheets, and “October 8, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the 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 17, 2002.

292-55-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

MINUTES

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

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

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

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

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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 February 11, 2003, at 10 A.M., for decision, hearing closed.

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner.

SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.

PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Victoria St. Clair.

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.

352-64-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Lyra Altman.

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

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Stuart Beckerman.

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

543-91-BZ

APPLICANT - Fredrick A. Becker, Esq., for Barbara Salamy and Fredric Kalesh, owner; P.C. Richards and Sons, lessee.

SUBJECT - Application July 17, 2002 - reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 8605-8613 Fort Hamilton Parkway, east side of Fort Hamilton Parkway, 67.5" south of 86th Street, Block 6053, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Fredrick A. Becker and George Salamy.

THE VOTE TO CLOSE HEARING -

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

MINUTES

Negative:0
ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.
SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.
PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -
For Applicant: Peter Hirshman.
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.

134-97-BZ

APPLICANT - John A. Lentini, for Thersa Garofalo, owner; Rivoli Fuel Oil Co., Inc, lessee.
SUBJECT - Application October 17, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.
PREMISES AFFECTED - 2467 Arthur Avenue, west side of Arthur Avenue, 115.01' south of E. 189th Street, Block 3066, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -
For Applicant: John A. Lentini.
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.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.
SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right

development that were revoked by the Department of Buildings on April 23, 1999.
PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.
APPEARANCES - None.

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

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 17, 2002
2:00 P.M.**

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

ZONING CALENDAR

240-01-BZ

CEQR #02-BSA-008M

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.
SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure.
PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -
For Applicant: Hiram A. Rothkrug.
For Administration: John Yacovone, Fire Department.
ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO GRANT -

MINUTES

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 28, 2001 acting on Application No. 102896494 reads:

“Proposed physical cultural establishment in portions of the first and second floor of the existing building, in a C6-4 (LMM) zoning district, requires a special permit from the Board of Standards and Appeals.”: and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record* and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

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

WHEREAS, Community Board #1, Manhattan recommends approval of this application; and

WHEREAS, the subject premises is an oversized corner lot, currently consisting of two buildings, to be combined into a single building and zoning lot as part of a rehabilitation and change in use of the subject premises; and

WHEREAS, the zoning lot has a total square footage of 32, 921 sq. ft, with 127 feet of frontage on Park Place, 165 feet frontage on Church Street and 286.5ft. frontage on Murray street, and is currently improved with two buildings, one which is 21-stories and one which is 16-stories buildings, presently being converted from offices to residential, with retail stores at street level; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the proposed use of the first and second floor of an existing mixed-use building on Lot #27 as an Equinox physical culture establishment; and

WHEREAS, the first floor of the subject physical culture establishment will include the main entrance to the facility, retail area, and administrative offices and will have a total of 3,197 square feet of floor area; and

WHEREAS, the second floor will consist of 31,147 square feet of area, which will be utilized for locker rooms, exercise studios and equipment and related accessory facilities; and

WHEREAS, the applicant notes that the subject facility will be equipped with centrally monitored fire alarm and wet sprinkler systems throughout with both systems connected to a Fire Department approved Central Station; and

WHEREAS, the applicant represents that the subject

physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Thursday 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00P.M. and Saturday and Sunday 8:00 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

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 the required findings under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure, *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 on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment

MINUTES

without prior application to and approval from the Board;

THAT fire protection measures, including an automatic wet-sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to Monday thru Thursday, 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 8:00 A.M. to 9:00 P.M.;

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002

360-01-BZ

CEQR #02-BSA-068K

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 and 73-212, to permit on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Application No. 301239513 reads:

"1. Proposed extension of a Gasoline Service Station Use Group 16 located in a C2-2 in a R4 district is contrary to Section 32-00 of the Zoning Resolution. Previously approved by the Board of Standards and Appeals under 249-29-BZ"; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to July 9, 2002, August 13, 2002, October 8, 2002, and November 19, 2002 and then to December 17, 2002 for decision; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning District, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00; and

WHEREAS, under Calendar Number 249-29-BZ, in 1950, subject premises was developed with a one-story brick office and repair shop with an open area for the sale of gasoline fuels with accessory parking for vehicles awaiting service, housed entirely within lot 10, an amendment to the resolution permitted the erection and maintenance of an automatic car wash operation in conjunction with the automotive service station; and

WHEREAS, in 1990, the application was again amended to permit, an enlargement of the auto repair portion and the relocation of fuel dispensing area to the Avenue "U" frontage providing a small metal canopy above the fuel dispensing area; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 29,138 square feet, exceeds the minimum lot area of 7,500 square feet, required under Z.R. §73-211(a), contains frontages along Gerritsen Avenue, Knapp Street and Avenue "U", which the Board notes are heavy traffic streets, thus meeting the requirement of Z.R. §73-211(b), that lots exceeding 15,000 square feet be located on arterial highways or major streets; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances

MINUTES

and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

WHEREAS, the applicant provides signage that is limited to accessory, non-flashing business signs; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, the side lot line for lot 14 will be screened by an existing concrete and brick wall that is approximately 6 feet high and 8" thick, where the site adjoins residential uses; and

WHEREAS, similarly, the rear lot line for lot 10, located at the rear of the automatic car wash facility will be screened from the adjoining residential district by an existing 5'-6" high chain link fence with 100% privacy slats; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211, 73-212 and 73-03; 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 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 6, 2002"-(1) sheet and "Received November 4, 2002"-(6) sheets; and *on further condition*;

THAT the hours of operation for the car wash and the automobile repair shall be limited to 8:00 A.M. to 6:00 P.M. Monday through Saturday and 8:00 A.M. to 1:00 P.M. Sunday

THAT landscaping be provided and maintained in

accordance with BSA-approved plans;

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

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

THAT there shall be no automobile vacuums on the premises;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring December 17, 2012;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

388-01-BZ

CEQR #02-BSA-093R

APPLICANT - Hiram A. Rothkrug, EPDSO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level, in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

MINUTES

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 November 15, 2001 acting on Application No. 500496368 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”

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

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

WHEREAS, Community Board #2, Staten Island recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level, in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants; and

WHEREAS, the subject physical culture establishment occupies approximately 7,152.75 square feet at the first floor level, housing, a reception area, offices, men’s and women’s lavatory, an aerobics room, weight training and equipment area; and

WHEREAS, the mezzanine level contains approximately 1,708 square feet, housing a stationary bike area, medical and training offices, and a child care area; and

WHEREAS, the applicant notes that the subject facility is equipped with an automatic wet sprinkler system and a Fire Alarm system with both systems connected to a Fire Department approved Central Station; and

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Friday 5:30 A.M. to 11:00 P.M., Saturday and Sunday 7:30 A.M. to 6:30 P.M.; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, in response to Board concerns, that a sign

was being used to advertise businesses outside of the subject lot, the applicant submitted documentation and testimony indicating that the subject billboard is vacant, and the applicant also submitted an affidavit declaring that the billboard will only be used as a business sign for uses on the subject lot; and

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

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

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 the required findings under Z.R. §§ 73-03 and 73-36 to permit, within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level, in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received April 9, 2002”-(2) sheets, “August 6, 2002”-(1) sheet, and “September 10, 2002”-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from May 9, 1997, to expire on May 9, 2007:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT the billboard will only be used as a business sign

MINUTES

for uses on the subject lot;

THAT, fire protection measures, including an automatic wet-sprinkler and a fire alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to: Monday thru Friday 5:30 A.M. to 11:00 P.M., Saturday and Sunday 7:30 A.M. to 6:30 P.M.;

THAT there shall be no advertising signs on the subject lot;

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

76-02-BZ

CEQR #02-BSA-150R

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

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit in an R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Application granted on

condition

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Application No. 500509684 reads:

“PROPOSED USE OF PROPERTY FOR ADDITIONAL OUTDOOR AUTO SALES ACCESSORY TO THE EXISTING AUTO SALES LOCATED AT 1976 HYLAN BOULEVARD CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION.”; 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 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the Board notes that the subject variance this application was filed and heard in conjunction with a companion case under Calendar Number 77-02-BZ, an application under §72-21 requesting an accessory parking facility to an existing auto sales establishment located at 1976 Hylan Boulevard; 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 an R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10; and

WHEREAS, the site is a corner lot with frontages on Hylan Boulevard and Stobe Avenue with commercial developments to its north and west and vacant parcels on its east and south; and

WHEREAS, however, approximately half of the subject site is entirely within mapped wetlands with the remainder of the parcel within a wetlands adjacent area; and

WHEREAS, the applicant contends that although the

MINUTES

subject lot is approximately 7,900 square feet, no as-of-right developments are possible because residential developments within wetlands adjacent areas must be substantially buffered in order to obtain approval from the Department of Environmental conservation; and

WHEREAS, the Board notes that Hylan Boulevard is a heavily traveled commercial roadway mapped and opened to its full width of a 100 feet; and

WHEREAS, the applicant has documented due to the size of the lot the subject parcel can not accommodate a conforming R3-2 user; and

WHEREAS, therefore, the Board finds that the site's unique physical location, its proximity to the Wetlands, its history of development with a commercial automotive retail use, creates an undue hardship in developing the site with a conforming residential development; and

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

WHEREAS, the record indicates that the proposed parking of cars at the site would not be an introduction of a new commercial use in a residential district because the site houses an existing auto sales establishment at 1976 Hylan Boulevard; and

WHEREAS, the Board has informed the applicant, that this approval is conditioned on application obtaining approval from the Department of Environmental Conservation (DEC); 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, evidence in the record demonstrates that this proposal, is the minimum necessary to afford relief; 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 R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10, *on condition* that all work shall substantially conform to

drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2002"- (1) sheet, and "July 11, 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 17, 2012;

THAT the applicant obtain approval from the Department of Environmental Conservation (DEC);

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 17, 2002.

MINUTES

77-02-BZ

CEQR #02-BSA-151R

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

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Application No. 500509675 reads:

“PROPOSED ACCESSORY EMPLOYEE PARKING WITHIN A RESIDENTIAL (R3-2) ZONE CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION.”; 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 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the Board notes that the subject variance this application was filed and heard in conjunction with a companion case under Calendar Number 76-02-BZ, an application under §72-21, seeking an open auto sales establishment accessory to an existing auto sales establishment located at 1976 Hylan Boulevard; 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 an R3-2 zoning district, an accessory parking facility to an existing automobile sales establishment, which is contrary to Z.R. §22-10; and

WHEREAS, the record indicates that the subject lot is an irregularly shaped, undersized corner lot with frontages on Stobe Avenue and Boundary Avenue, with commercial developments to its north and west; and

WHEREAS, the applicant represents that the subject site is entirely within mapped wetlands adjacent area; and

WHEREAS, the applicant contends that no as-of-right developments are possible because residential developments within wetlands adjacent areas must be substantially buffered in order to obtain approval from the Department of Environmental conservation; and

WHEREAS, the applicant has documented due to the size of the lot the subject parcel can not accommodate a conforming R3-2 user; and

WHEREAS, therefore, the Board finds that the site’s unique physical conditions, namely it’s irregular shape, small size, and its proximity to the Wetlands, create an undue hardship in developing the site with a conforming residential development; and

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

WHEREAS, the record indicates that the proposed parking of cars at the site would not be an introduction of a new commercial use in a residential district because the existent adjacent parking lots; and

WHEREAS, the Board has informed the applicant, that this approval is conditioned on application obtaining approval from the Department of Environmental Conservation (DEC); 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, evidence in the record demonstrates that this proposal, is the minimum necessary to afford relief; 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

MINUTES

Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R3-2 zoning district, an accessory parking facility to an existing automobile sales establishment, which is contrary to Z.R. §22-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2002"-(1) sheet, and "July 11, 2002"-(1) sheet; 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 17, 2012;

THAT the applicant obtain approval from the Department of Environmental Conservation (DEC);

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 17, 2002.

106-02-BZ

CEQR #02-BSA-174K

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit in an R6 zoning district, the proposed enlargement of an existing childcare facility and yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 8, 2002 acting on ALT. Application No. 301161515, reads;

"Obtain approval from Board of Standards and Appeals for the following objections:

- 1). Proposed lot coverage is contrary to ZR 24-11 and 24-12
- 2). Proposed rear yard is contrary to ZR 24-36
- 3). Proposed parking contrary to 25-31"; 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 November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, Community Board No. 12 recommended approval of the application; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing childcare facility and Yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31; and

WHEREAS, the premises is an "L"-shaped parcel which fronts 45th Street, 14th Avenue and 46th Street, and consists of three Lots numbered 38, 43 and 50 on Block 5617 in Brooklyn; and

WHEREAS, the premises is currently improved with a one-story community facility building that houses a synagogue on Lot 38, and a school/yeshiva which is comprised of both a four-story structure on Lot 43, and a five-story structure on Lot 50; and

WHEREAS, the record indicates that the subject community facility is a non-profit organization founded as an educational institution for refugee children whose parents work from dawn to dusk, and that the program serves low and middle-income families in the neighboring community as a school and childcare facility; and

WHEREAS, the subject building presently houses 68 classrooms, and this proposal seeks to create three-story annex which would house an additional 25 classrooms, bringing the total number to 93; and

WHEREAS, the applicant represents that the expansion will allow an increased enrollment in childcare from approximately 425 to 552 students, and an increase in the

MINUTES

Yeshiva's enrollment from approximately 1,800 to 1,950 students; and

WHEREAS, the applicant further represents that the proposed, non-complying design is necessary so as to meet the programmatic needs of the yeshiva; and

WHEREAS, evidence in the record demonstrates an ever-increasing number of enrolled and waitlisted students, illustrated by the fact the facility is currently filled to capacity and that the pre-school program has experienced more than a 40 percent increase in population within the last five years; and

WHEREAS, efforts have been made to alleviate the hardships associated from rising enrollment, including a new floor added to the school building, and the partitioning off of a section of the cafeteria to allow for several new classrooms; and

WHEREAS, the applicant represents that the overcrowding results in an unfit learning environment and that the subject expansion is necessary to fulfill the educational and social mission of the facility; and

WHEREAS, an individualized curriculum provided by the school requires a low student to teacher ratio creating the need for additional classrooms; and

WHEREAS, the applicant states that the current structures are built to capacity and therefore, the proposed three-story annex is required; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

WHEREAS, the Board notes that both the school and synagogue are permitted uses within a R6 zoning district; and

WHEREAS, the applicant represents that there will be no increase in the number of staff; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school (Yeshiva); 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 including potential parking and traffic impacts; and

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

WHEREAS, the New York City Department of Transportation ("DOT") has reviewed the application for potential traffic safety impacts and has stated the following in its November 18, 2002 letter to the BSA:

- (1) DOT's Division of School Safety Engineering shall provide school crosswalk and school signs at 13th Avenue/45th Street and "No Standing 7AM - 6PM School Days" on the west side of 14th Avenue between 45th and 46th Streets.
- (2) DOT requested that the applicant's consultant submit accident reports for the four street intersections around the school which include 13th Avenue/45th Street, 13th Avenue/46th Street, 14th Avenue/45th Street, and 14th Avenue/46th Street; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing childcare facility and yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received November 12, 2002"-(16) sheets; and on further condition;

THAT the applicant shall comply with DOT's request for the submission of accident reports for the four street intersections around the school which include 13th Avenue/45th Street, 13th Avenue/46th Street, 14th Avenue/45th Street, and 14th Avenue/46th Street;

THAT the following proposed fire safety measures shall be implemented in the proposed addition to the school:

- (1) New cellar space will be sprinklered with a Fire Department-approved central station connection,
- (2) Fire alarm system will be installed for the entire building with a Fire Department-approved central station connection. This system shall include duct smoke detectors and smoke detectors shall be located in mechanical rooms, kitchens, assembly spaces and at every thirty feet in the corridors,

MINUTES

(3) Fire extinguishers shall be available in corridors and the place of assembly;

THAT all other fire safety measures noted in the February 2, 2002 letter from the applicant's architect shall be implemented;

THAT the premises shall not be used for commercial catering at any time;

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

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

THAT a Certificate of Occupancy shall be obtained within two (2) years 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 17, 2002.

112-02-BZ

CEQR #02-BSA-180M

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Howard Zipser.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated March 14, 2002 acting on Application No. 103112196 reads:

"IN C6-1 ZONING DISTRICT, IN ALL MANUFACTURING AND COMMERCIAL BUILDINGS ERECTED PRIOR TO DECEMBER 15, 1961, RESIDENTIAL USE SHALL NOT BE PERMITTED SECTION 15-021(e)"; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in the *City Record*, and laid over to December 17, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C6-1G zoning district, the proposed conversion from commercial to residential use of the top five floors of an existing six-story building which is contrary to Z.R. §15-021(e); and

WHEREAS, the subject site located on the eastern side of Eldridge Street, is a midblock parcel of 2,190 square feet between Hester and Canal Streets; and

WHEREAS, the subject building erected in the early 1900s with nearly identical buildings at 42, 44, and 46 Eldridge Street, as part of a residential development, and the applicant notes that the building at 46 Eldridge Street, is identical to the subject building and has retained its residential use; and

WHEREAS, the record indicates that in 1959, the building was converted from residential to commercial, housing a retail use on the first floor and a light manufacturing with accessory storage use on the second floor and the remainder of the building vacant; and

WHEREAS, the subject building is an antiquated dumbbell-shaped tenement with no elevators and burdened with a small floor plate of 1,360 square feet per floor on floors 2 through 6, low, eight foot ceilings, antiquated wiring, light floor loads and a narrow central staircase, as a result, the applicant represents that except for a ground floor retail use, despite "good faith" efforts, the owner has been unable to secure conforming tenants; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a dumbbell-shaped early 1900s tenement with no elevators and burdened with a small floor plate of 1,360 square feet per floor on floors 2 through 6, the site's history of residential development, creates an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the record suggests that the area surrounding the site is characterized by residential development or mixture of ground floor commercial with

MINUTES

residential above; and

WHEREAS, therefore, the Board finds that the continuation of an eating and drinking establishment use at the subject premises will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C6-1G zoning district, the proposed conversion from commercial to residential use of the top five floors of an existing six-story building which is contrary to Z.R. §15-021(e), *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 17, 2002"-(7) sheets; and on further condition;

THAT the applicant shall provide fire safety measures in accordance with BSA-approved plans;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

119-02-BZ

CEQR #02-BSA-182K

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

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 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 17, 2002.

124-02-BZ

CEQR #02-BSA-187Q

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit in an R4 zoning district, the combination of three existing accessory group parking facilities, into one facility with rooftop parking and the construction of a new accessory garage with rooftop parking, contrary to Z.R. §§25-11, and 25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey, Commissioner Caliendo, and
Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated March 29, 2002 acting on Application
No. 401425150 reads:

1. Proposed combination of three existing
accessory group parking facilities into a
single facility and addition of more spaces
does not comply with section 25-13 of the
NYC Zoning Resolution (Modification of
Maximum Size of Accessory Group Parking
Facilities).
2. Proposed combination of three accessory
group parking facilities into a single facility
and addition of roof parking does not comply
with Section 25-11 of the NYC Zoning
Resolution (General Provisions)”; and

WHEREAS, a public hearing was held on this
application on October 1, 2002 after due notice by
publication in *The City Record*, laid over to November 19,
2002 and then to December 17, 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 an R4 zoning district the combination of three
existing accessory group parking facilities, into one facility
with rooftop parking and the construction of a new
accessory garage with rooftop parking, contrary to Z.R.
§§25-11, and 25-13; and

WHEREAS, the Saint Johns University, founded in
1870 is regarded as a major educational institution offering
a wide range of programs for undergraduate and graduate
study with its 90 acre campus primarily located between
Union Turnpike to its north and Utopia Parkway to its east,
with 82nd Avenue/the Grand Central Parkway service road to
the south and 168th and 170th Streets to the west; and

WHEREAS, in 1998, the University began to
implement a master plan which included new sports and
recreational facilities, dormitories and new parking
facilities; and

WHEREAS, the applicant proposes to add a total of 226
accessory spaces to the roofs of three existing 225 space
parking garages located at the northwest corner of the Saint
John’s University campus and a new 477 accessory four-
level parking garage proposed at the southwest portion of
the campus to accommodate its on-campus dormitory
students; and

WHEREAS, the existing garages are open concrete
structures with four levels of parking and are accessible

through Union Turnpike and 170th Street while ingress and
egress from the new garage will be the westbound Grand
Central Parkway service road with the entrance to the garage
from an existing curb cut on the service road and would have
three lanes with a queuing capacity for sixteen (16) cars; and

WHEREAS, the garage would exit onto an
approximately 160’ long merging lane running parallel to the
service road; and

WHEREAS, the record suggests that the garages exist
and will be used for the benefit of school administrators,
visitors and the commuter and residence hall student
population; and

WHEREAS, the applicant represents that the new
parking spaces are needed to meet the university’s existing
and future parking needs because they will replace
approximately 500 parking spaces that were displaced by
construction of the dormitories, pursuant to a commitment
the school must honor with the New York State Dormitory
Authority; and

WHEREAS, the record indicates that as of September
2002, the University will house 1,900 on-campus students
and that upon completion of the planned dormitories 280
students will be housed on-campus students; and

WHEREAS, the Board is aware that the campus abuts
one and two-story single family homes on 82nd Avenue
between 172nd and 175th Streets as well as single family
homes on the west side of 170th Street between Union
Turnpike and Goethals Avenue and the Board notes that
while Union Turnpike and Utopia Parkway are both major
thoroughfares, 168th Street, 170th Street, and 82nd Avenue
are smaller streets with substantially less traffic; and

WHEREAS, the applicant’s programmatic needs
discussed above, create an undue hardship with strict
conformance with the use provisions of the Zoning
Resolution; and

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

WHEREAS, the record indicates that there have been
numerous neighborhood and complaints relating to
construction activity as well as incidences of loud or
disruptive student behavior; and

WHEREAS, the applicant notes that the University has
been a fixture in the existing neighborhood for over 50
years and that the proposed parking facilities will not
significantly alter the campus landscape nor change the
campus boundaries; and

WHEREAS, the Board notes that the three garages along
Union Turnpike are existing and that the only potential
impact will be from the new lighting on the roof which has
been designed to mitigate adverse impacts; and

WHEREAS, the applicant has illustrated that the
creation of additional on-campus parking will actually

MINUTES

reduce the demand for on-street parking in the surrounding areas; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; 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 New York City Department of Transportation ("DOT") has reviewed the environmental application for potential traffic and traffic safety impacts and identified potential significant traffic impacts at Grand Central Parkway Eastbound Service Road and 168th Street; and

WHEREAS, the DOT concurs with the consultant's proposed traffic impact mitigation measures which involve the following signal timing modifications: (1) the addition of one (1) second of green time to the Eastbound Grand Central Parkway Service Road at 168th Street and (2) the removal of one second of green time from the Northbound/Southbound approaches at 168th Streets; and

WHEREAS, the DOT has also reviewed the detailed accident assessment for the westbound Grand Central Parkway Service Road intersection with Utopia Parkway and 168th Street conducted by the applicant's consultant and found that there were 66 and 24 accidents, respectively; and

WHEREAS, furthermore, the DOT has concurred with the consultant's recommended countermeasures to improve vehicular and pedestrian traffic at these two intersections which include:

- ▼ A two-second increase in the yellow signal phase at the two intersections; and
- ▼ The installation of advance Signal Ahead intersections warning signs along the westbound Grand Central Parkway Service Road.

WHEREAS, the DOT shall investigate the feasibility of implementing the above-referenced proposed mitigation and countermeasures when the project is built and occupied in 2003 and the applicant shall inform DOT six months prior to opening of the proposed project; and

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

Therefore, it is Resolved that the Board of Standards

and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R4 zoning district, the combination of three existing accessory group parking facilities, into one facility with rooftop parking and the construction of a new accessory garage with rooftop parking, contrary to Z.R. §§25-11, and 25-13 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 29, 2002"-(10) sheets and on further condition;

"THAT the term of this variance shall be limited to ten (10) years from the date of this grant expiring December 17, 2012;

THAT the DOT shall investigate the feasibility of implementing the above-referenced proposed mitigation and countermeasures when the project is built and occupied in 2003 and the applicant shall inform DOT six months prior to opening of the proposed project;

THAT to mitigate significant traffic impacts at the Grand Central Parkway Eastbound Service Road and 168th Street, the applicant shall provide 1) the addition of one (1) second of green time to the Eastbound Grand Central Parkway Service Road at 168th Street, and 2) the removal of one second of green time from the Northbound/Southbound approaches at 168th Streets; and

THAT to mitigate traffic impacts at the Grand Central Parkway Service Road intersection with Utopia Parkway and 168th Street, a two-second increase in the yellow signal phase at the two intersections shall be provided and maintained;

THAT the installation of advance Signal Ahead intersections warning signs shall be provided and maintained along the westbound Grand Central Parkway Service Road;

THAT gate 7 shall be closed to pedestrian and vehicular traffic after 7:00 P.M. and that when Gate 7 is closed, pedestrians shall be able to access the campus from Gate 1 or Gate 6;

THAT the security personnel be provided for the booth located at Gate 6 near the corner of 170th Street and Goethals Avenue from 11:00 P.M. to 6:00 A.M.;

THAT all lighting will be positioned down and away from residential districts and that lights in the Union Street garages will be dimmed or shut off by 11:00 P.M.;

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

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

THAT all graffiti shall be removed within 48 hours of its application;

THAT substantial construction shall be completed in

MINUTES

accordance with Z.R. §72-23;

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 including all fire safety and egress requirements, 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 17, 2002.

142-02-BZ

CEQR #02-BSA-191K

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 April 22, 2002, acting on Application No. 301338559 reads:

“A1. Proposed enlargement creates non-compliance with respect to Floor Area and Open Space Ratio contrary to Section 23-141 ZR.

2. Proposed enlargement into required rear yard creates non-compliance with respect to Section 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in *The City Record*, and laid over to November 19, 2002 and then to December 17, 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 R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141 and 23-47; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received September 4, 2002”-(4) sheets and “November 12, 2002”-(8) 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

MINUTES

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 17, 2002.

193-02-BZ

CEQR #02-BSA-225K

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

SUBJECT- Application June 11, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 30, 2002 acting on Application No. 301356271, reads;

“THE PROPOSED DEVELOPMENT OF A NOT-FOR PROFIT INSTITUTION WITH SLEEPING ACCOMMODATIONS IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT.”; AND

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 17, 2002 for decision; and

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

Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00; and

WHEREAS, the subject site contains approximately 16,377 square feet in lot area fronting on the east side of Morgan Avenue between Richardson Street and Division Place; and

WHEREAS, the subject building erected in 1909 suffers from having a heavy timber construction with no steel reinforcement with floors made out of 3 1/2 inch planks, with 42 timber columns on each floor which obstruct the floor area and provide less structural stability and less floor load capacity than a steel support system that is needed for modern manufacturing; and

WHEREAS, the applicant notes that the typical ceiling height for a modern manufacturing uses is at least eighteen feet, but that the subject building is burdened with ceiling heights ranging from eight feet two inches on the upper floors to twelve feet eleven inches on the lower floors; and

WHEREAS, moreover, the applicant represents that the building's two elevators are insufficient to service the numerous manufacturing tenants to ensure a reasonable return; and

WHEREAS, the record indicates that former uses on the site included a tannery in 1933, a yarn dyeing company in 1977, an envelope manufacturer from (1979-1987) and a warehouse for printing and dye cutting in (1995); and

WHEREAS, the applicant represents that due to an increase in operational expenses and increased competition, only the first floor is occupied by a light manufacturing business with the second floor used for incidental storage, while the third, fourth and fifth floors are vacant; and

WHEREAS, the subject, not-for-profit corporation provides services for over 4,500 children and families, including foster care adoption for emotionally disturbed or developmentally disabled children, teenage mothers, homeless and runaway youths; and

WHEREAS, the instant proposal seeks to house, educate and care for developmentally disabled and special needs children providing 45 bedrooms with 90 beds, a three bed infirmary, several living area, classrooms, a gym, a kitchen, a cafeteria, several offices, conference rooms and lounges; and

WHEREAS, the record indicates that the programmatic need of this community facility, specifically the provision of transitory sleeping accommodations for clients developmental disabilities and without a family or home to provide for them; and

WHEREAS, the Board finds that there are unique conditions, namely, the obsolescence of the subject 1909

MINUTES

building with structural, column spacing and floor bearing deficiencies, the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

WHEREAS, the applicant has represents that the subject district permits light manufacturing uses and the introduction of the proposed use would not be adverse to the surrounding uses; and

WHEREAS, this Board notes that the area surrounding the subject site is characterized by a mixture of residential, school and manufacturing uses; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a conditional Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review. This Negative Declaration is based on the applicant conducting the following: (1) Limited Phase II investigation as recommended on page 27 in the Phase I Environmental Site Assessment (ESA) report; (2) The “Recommended Phase III ESA Activities” and “Recommended Compliance Activities” on page 28;

Therefore, it is also Resolved that each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00, on

condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received December 6, 2002” - (11) sheets; and *on further condition*;

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

THAT Siamese connections pursuant to Subchapter 17 of the Building Code along the perimeter on all building exposures be provided and maintained;

THAT all doors designated for egress be fireproof and self-closing and provide hourly ratings in accordance with Building Code requirements;

THAT an official fire safety plan be filed with the New York City Fire Department;

THAT in accordance with BSA approved plans, the building be equipped with an automatic wet sprinkler system and a smoke detection system connected to a Fire Department approved Central Station;

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

THAT a Certificate of Occupancy shall be obtained within two (2) years;

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 17, 2002.

239-02-BZ CEQR #02-BSA-030M

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

SUBJECT - Application August 29, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign which is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side,

MINUTES

132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Deidre A. Carson and Doris Diether, CB#2.
For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated August 19, 2002 acting on Application No. 102702522 reads:

“Restaurant use, Use Group 6A, discontinued for more than two (2) years, may not be reinstated in R7-2 zoning district located in designated historic district as per Z.R. Section 52-61”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in the City Record, and laid over to December 17, 2002 for decision; and

WHEREAS, Community Board No. 2 in Manhattan has recommended approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign which is contrary to Z.R. §§22-10 and 52-61; and

WHEREAS, the subject site is located on the south side of Waverly Place between Avenue of the Americas and Washington Square West, within the Greenwich Village Historic District with a frontage of 22' and a depth of 97'-2", improved with a non-fireproof building; and

WHEREAS, the subject R7-2 zoning district only permits residential and community facility uses; and

WHEREAS, Z.R. §52-61 states that A[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, however, Z.R. §52-61 permits certain Use Group 6 uses that have been discontinued for more than two years to be reestablished unless the property is located within a historic district; and

WHEREAS, the applicant represents that according to the Landmarks Preservation Commission the building was issued a historic designation because it was erected in 1826 as one of a series of nine houses by a former president of the New York Equitable Fire Insurance Company; and

WHEREAS, the record indicates that by 1897, a fourth story had been added and a rear extension that fully occupied the lot at the ground floor and most of the second level, to the original three-story structure; and

WHEREAS, the record indicates that by 1933, the site housed a restaurant use subsequently altered to its present design in 1949; and

WHEREAS, in 1967, the Board granted a variance permitting the front portion of the second floor as an accessory use for the restaurant; and

WHEREAS, although the variance was granted in 1968 and two extensions of time to complete the work were also granted, no Certificate of Occupancy reflecting the variances was obtained, thus, it appears that the variance was abandoned, however the record indicates that the eating and drinking establishment use has been continuous but not always open to the general public; and

WHEREAS, the subject building is burdened with an unusual configuration resulting from its 19th Century adaptation for use as a stable and carriage house and, subsequently as a restaurant; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's history with a Board approved eating and drinking establishment use, and evidence indicating that the use was never abandoned presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the record indicates that the subject premises has housed an eating and drinking use since 1933 and that Community Board #2 recommends approval of this application; and

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and other eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the continuation of an eating and drinking establishment use at the subject premises 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

MINUTES

owner or a predecessor in title; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign which is contrary to Z.R. §§22-10 and 52-61, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 29, 2002"-(4) sheets and "December 10, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring December 17, 2012;

THAT pursuant to Fire Department recommendations, sprinklers shall be provided and maintained in all commercial space;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

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

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

CEQR #02-BSA-037K

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

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

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 September 3, 2002, acting on Application No. 301397398 reads:

"Proposed extensions to existing One (1) Family Dwelling are contrary to

ZR Sec 23-141 (b) Floor Area

ZR Sec 23-141 (b) Open Space and Lot Coverage

ZR Sec 23-461 (a) Side Yards & Minimum Side Yard

ZR Sec 23-47

Rear Yard and requires a Special Permit from the Board of Standards and Appeals as per Sec 72-622"; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record*, and laid over to December 17, 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, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47; and

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

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the

MINUTES

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, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 17, 2002"-(11) 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 17, 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 and Kenneth Heller.

For Opposition: Doris Diether, Community Board #2.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Abstain: Commissioner Miele.....1

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

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to March 4, 2003, at 2 P.M., for continued hearing.

263-01-BZ

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

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

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Barbara Hair.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

MINUTES

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

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

292-01-BZ

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit the legalization of a new dining room at the rear of the structure, and a storage room in the cellar, which is part of an existing and drinking establishment, Use Group 6, located in an R7-2 zoning district, is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and 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 14, 2003, at 1:30 P.M., for decision, hearing closed.

324-01-BZ

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

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 1:30 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

For Administration: John Yacovone, Fire Department.

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

29-02-BZ

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

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

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

41-02-BZ

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

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.
PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Catherine Pirrella.

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

MINUTES

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

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

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Craig Hammerman, Ernest Migliaccio, Charlotte Morales, Henry Bar-Levav, Linda Marianno, Connie Molinari, Bette Stoltz, Enid Braun, Sandra Dowling, Dan Lathroum, George Mvriillo, Joseph Mariano, Paul Bader, Isaal Gasman and Ronda Savoy.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

87-02-BZ

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

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

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

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Sheldon Lobel, Janice Calahane and Bob Ryder.

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.

138-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Faks Realty Corporation, owner.

SUBJECT - Application April 29, 2002 - under Z.R. §72-21 to permit the proposed one-story enlargement of an existing one-story and mezzanine building, Use Group 17, located in an M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking, is contrary to Z.R. §43-12, §43-43, §43-25 and §44-21.

PREMISES AFFECTED - 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

MINUTES

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

For Administration: John Yacovone, Fire Department.

Pasquale Pacifico, Executive Director.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Adjourned: 4:20 P.M.

ACTION OF THE BOARD - Laid over to January 14,
2003, at 1:30 P.M., for decision, hearing closed.

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital,
LLC/John McGrath, owner; Johnny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36
to permit the legalization of an existing physical culture
establishment, located in a C4-3 zoning district, which
requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, southside of
Mereditth Avenue, Block 2800, Lot 37, Borough of Staten
Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Vivian Alvanez.

For Administration: John Yacovone, Fire Department.

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

280-02-BZ

APPLICANT - Slater & Beckerman, LLP, for Claysson
Marks Realty Corp., owner; CNR Health Care Network,
Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R.
§§73-01 & 73-452 to permit the proposed accessory
parking with 33 spaces and a 24-hour attendant, which is
located more than 200 feet from the zoning lot, containing
the community facility (nursing home), requires a special
permit as per Z.R. §25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a
684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50,
Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Stuart Beckerman.

For Opposiiton: Conrad Wasmer.

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 February 4,
2003, at 1:30 P.M., for decision, hearing closed.