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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

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Volume 88, No. 33

August 21, 2003

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### DIRECTORY

**JAMES CHIN**, *Chairman*

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

**PETER CALIENDO**

**JOEL A. MIELE, SR.**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Roy Starrin**, *Deputy Director*

*Vacant - Counsel*

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Morning Calendar .....

**Affecting Calendar Numbers:**

256-02-BZ 160 Imlay Street, Brooklyn

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# DOCKET

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New Case Filed Up to August 12, 2003

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**254-03-A**            B.Q.        423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens. Applic.#401495048. Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

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**255-03-BZ**            B.BK.        1019 Surf Avenue, between West 8th and West 12th Streets, Block 7628, Lot 236, Borough of Brooklyn. Applic.# 301502835. The legalization of an existing furniture store, Use Group 10, located in a C7 zoning district, also a request to vary the requirement of maintaining a loading berth on the premises, is contrary to Z.R. §32-10 and §36-62.  
**COMMUNITY BOARD #13BK**

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**256-03-A**            B.Q.        62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens. Applic.#401705561. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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**257-03-BZ**            B.BX.        3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx. N.B.#200782849. Proposed erection and maintenance of a drugstore, located in a C8-1 and R-5 zoning district, that provides 21 parking spaces, instead of the required 35, and also will provide a 10' side yard, rather than the required 15', is contrary to Z.R. §36-21 and §33-291.  
**COMMUNITY BOARD #12BX**

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**258-03-BZ**            B.BK.        47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn. Applic.#301619336. The legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.  
**COMMUNITY BOARD #1BK**

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**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.**

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# CALENDAR

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**SEPTEMBER 30, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, September 30, 2003, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **465-63-BZ**

APPLICANT - Francis R. Angelino, Esq., for Mutual Redevelopment Houses, Inc., owner; Impact Parking Corp., lessee. SUBJECT - Application July 15, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 10, 2002.

PREMISES AFFECTED - 333 West 26th Street, between Eighth & Ninth Avenues, north side, 245.75' west of Eighth Avenue, Block 751, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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### **813-63-BZ**

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application August 6, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 22, 2002.

PREMISES AFFECTED - 699/717 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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### **31-96-BZ**

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.

SUBJECT - Application July 1, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20<sup>th</sup> Street, between Broadway and Park Avenue South, Block 849, Lot 29, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **67-02-BZ**

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss,

### **148-03-BZ**

APPLICANT - Francis R. Angelino, Esq., for North West Real Estate, LLC, owner.

SUBJECT - Application May 12, 2003- under Z.R. §72-21 to permit the proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a

Esq. And Juan D. Reyes, III, Esq., for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application July 18, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired June 18, 2002.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of intersection of Franklin Avenue and Bowe Street and 211' north of intersection of Ash Avenue and Bowe Street, Block 5184, Lots 9 and 53, Borough of Queens.

**COMMUNITY BOARD #7Q**

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## **APPEALS CALENDAR**

### **91-03-A**

APPLICANT - Paul Gregory, R.A., for 349 Broadway Group LP, owner.

SUBJECT - Application March 21, 2003 - Proposed increase in the number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding sprinklers.

PREMISES AFFECTED - 349 Broadway , aka 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan.

**COMMUNITY BOARD #1M**

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**SEPTEMBER 30, 2003, 1:30 P.M.**

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

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## **ZONING CALENDAR**

### **120-03-BZ**

APPLICANT - Mothiur Rahman, for Earth Properties & Construction Corp., owner.

SUBJECT - Application April 16, 2003- under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8, located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx.

**COMMUNITY BOARD #5BX**

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penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29), Borough of

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# CALENDAR

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Manhattan.

## COMMUNITY BOARD #5M

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### 150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

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*Pasquale Pacifico, Executive Director*

**OCTOBER 7, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, October 7, 2003, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### 545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Auto Repairs/Service Station; lessee.

SUBJECT - Application July 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road aka 1131-39 Neill Avenue, northwest corner of Neill Avenue, Block 4306, Lot 20, Borough of The Bronx.

## COMMUNITY BOARD #11BX

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PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

## COMMUNITY BOARD #3SI

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## APPEALS CALENDAR

### 803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

## COMMUNITY BOARD #2SI

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### 289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

SUBJECT - Application July 1, 2003 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

## COMMUNITY BOARD #8M

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### 39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application August 4, 2003 - 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 April 30, 2003.

PREMISES AFFECTED - 43-70 Kissena Boulevard, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

## COMMUNITY BOARD #7Q

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### 132-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph DiStefano, owner.

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

### 247-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Bruce Hannaway, lessee.

SUBJECT - Application July 30, 2003 - Proposed alteration and enlargement of an existing single family residence, not fronting on a legally mapped street, is a contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 18 Gotham Walk, west side, 226.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of

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# CALENDAR

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Queens.

**COMMUNITY BOARD #14Q**

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**OCTOBER 7, 2003, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, October 7, 2003, at 2:00 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**105-03-BZ thru 107-03-BZ**

APPLICANT - Joseph P. Morsellino, for Joseph Parisano, owner.  
SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

**PREMISES AFFECTED -**

45-78 161st Street, north of 46th Avenue, Block 5439, Lot 88, Borough of Queens.

45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89, Borough of Queens.

45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90, Borough of Queens

**COMMUNITY BOARD #7Q**

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**139-03-BZ**

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.  
SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side,

**207-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Charles Herzka, owner.  
SUBJECT - Application June 19, 2003 - 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 floor area ratio, open space ratio, and side and rear yards, is contrary to §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 2316 Avenue "J", south side, between East 23rd and East 24th Streets, Block 7605, Lot 47, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

**COMMUNITY BOARD #13Q**

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**144-03-BZ**

APPLICANT - H. Irving Sigman, for Ching Kuo Chiang, owner.  
SUBJECT - Application May 8, 2003 - under Z.R. § 72-21 to permit the proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

PREMISES AFFECTED - 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens.

**COMMUNITY BOARD #11Q**

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**152-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Derby Textile Co., owner.

SUBJECT - Application May 15, 2003 - under Z.R. § 72-21 to permit the proposed conversion of the Third and Fourth floors, of an existing four story and cellar building, located in an M1-2 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41 Varick Avenue, northwest corner of Harrison Place, Block 2999, Lot 24, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**OCTOBER 8, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, October 8, 2003, at 10:00 A.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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# CALENDAR

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## ZONING CALENDAR

### 69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 14-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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*Pasquale Pacifico, Executive Director*

### REGULAR MEETING TUESDAY MORNING AUGUST 12, 2003 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 3, 2003, were approved as printed in the Bulletin of June 12, 2003, Volume 88, Nos. 24-25.

### SPECIAL ORDER CALENDAR

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### 242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15 Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

**COMMUNITY BOARD #2Q**

APPEARANCES -

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** - Application re-opened and resolution amended.

THE VOTE TO GRANT-

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

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# MINUTES

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**THE RESOLUTION-**

WHEREAS, a public hearing was held on this application on July 22, 2003 after due notice by publication in The City Record, and laid over to August 12 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for a change in existing signage from 60 square feet of illuminated signage and 50 square feet of non-illuminated signage for a total of 110 square feet of signage to 66.25 square feet of illuminated signage and no non-illuminated signage for a total of 66.25 square feet of signage; and

WHEREAS, the applicant has also requested the legalization of changes to the site subsequent to the Board approval dated November 9, 1954. These changes include the demolition of the approved structure and the elimination of accessory uses to erect a kiosk for the dispensing of gasoline, the elimination of a masonry wall on the 46th Road to construct two curb cuts, and the addition of a 25'-0" curb cut fronting 21st Street; and

WHEREAS, on November 9, 1954, as amended through April 8, 1955, the Board granted an application to permit in a business use district the reconstruction of an existing gasoline service station to include auto washing, lubritorium, motor vehicle repairs, storage and sale of accessories, and office; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit a change in existing signage from 60 square feet of illuminated signage and 50 square feet of non-illuminated signage for a total of 110 square feet of signage to 66.25 square feet of illuminated signage and no non-illuminated signage for a total of 66.25 square feet of signage and the legalization of changes to the site subsequent to the Board approval dated November 9, 1954. These changes include the demolition of the approved structure and the elimination of accessory uses to erect a kiosk for the dispensing of gasoline, the elimination of a masonry wall on the 46th Road to construct two curb cuts, and

PREMISES AFFECTED - 6602 New Utrecht Avenue aka 6602-6610 New Utrecht Avenue, aka 1472-1478 66th Street, northeast corner of New Utrecht Avenue and 66th Street, Block 5762, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

**APPEARANCES -**

For Applicant: Josef Friedman.

**ACTION OF THE BOARD -** Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

**THE VOTE TO GRANT-**

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

**THE RESOLUTION -**

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on May 29, 2003; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit a change in use, pursuant to Z.R. § 11-413, from gasoline service station to automobile repairs with hand tools only, no body work or heavy transmission work, lubritorium,

the addition of a 25'-0" curb cut fronting 21st Street," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 27, 2003"- (5) sheets; and on further condition;

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

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

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."

(DOB Applications #401607436, 401607454, 401408115, 401607445, 401408133, and 401408124)

Adopted by the Board of Standards and Appeals, August 12, 2003.

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**921-57-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Aeomt Realty, Inc., owner.

SUBJECT - Applications April 28, 2003 and May 29, 2003 - reopening for an extension of term of variance which expired May 29, 2003 and for an amendment to the resolution.

auto-washing, offices, automobile sales, parking and storage of motor vehicles; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

WHEREAS, on May 13, 1958, the Board granted an application to erect and maintain in a business district a gasoline service station with accessory uses for a term of fifteen years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to §11-413, said resolution having been adopted on May 13, 1958 as amended through February 1, 1994, to extend the term of the Variance which expired on May 29, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from May 29, 2003 to expire on May 29, 2013 and to permit a change in use, pursuant to Z.R. § 11-413, from gasoline service station to automobile repairs with hand tools only, no body work or heavy transmission work, lubritorium, auto-washing, offices, automobile sales, parking and storage of motor vehicles, on condition

THAT all work shall substantially conform to drawings as they

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# MINUTES

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apply to the objections above noted, filed with this application marked "Received May 29, 2003"- (2) sheets and "Received July 21, 2003- (1) sheet; and on further condition;

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

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

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."

(DOB Application #301499108)

Adopted by the Board of Standards and Appeals, August 12, 2003.

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## 548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the

WHEREAS, in its resolution dated May 25, 1971, as amended through February 4, 1992, the Board granted an application to permit, in an R3-2 district, the erection and maintenance of an automotive service station with accessory signs restricted to the pumping of gasoline which omits automotive service and repair for a term of ten years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the Variance which expired on May 25, 2001, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from May 25, 2001 to expire on May 25, 2011 and to legalize a change in use from an accessory storage building to a convenience store, 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 5, 2003"- (4) sheets; and on further condition;

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

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

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

Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

## COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT-

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

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on May 25, 2001; and

WHEREAS, the applicant has also requested an amendment to the resolution for the legalization of a change in use from an accessory storage building to a convenience store as approved by the Department of Buildings under application 401505457; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

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

(DOB Application #401636510)

Adopted by the Board of Standards and Appeals, August 12, 2003.

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## 323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003 - reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

## COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Jeremiah H. Candreva.

**ACTION OF THE BOARD** - Application re-opened and time extended to complete construction.

THE VOTE TO GRANT-

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

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and amendment to the resolution to allow for an extension of time to

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complete construction for which the term expired on April 27, 2003; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12 2003 for decision; and

WHEREAS, on April 27, 1999 the Board granted a special permit to permit, within an M2-3 zoning district within the Special Clinton District, the enlargement of an existing two-story non-residential building, which created a non-compliance with regards to floor area.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, , said resolution having been adopted on April 27, 1999, so that as amended this portion of the resolution shall read:

"to extend the time to complete construction so that construction shall be completed within twenty four (24) months from the date of this amended resolution, on condition

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

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

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

**THE VOTE TO CLOSE HEARING -**  
Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative: .....0 **THE VOTE TO GRANT-**

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

**THE RESOLUTION-**

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record, and the decision handed down on August 12, 2003; and

WHEREAS, the applicant has requested an amendment to the special permit, to permit an expansion in the floor area of the school to include the third floor of the subject premises; and

WHEREAS, on August 14, 2001 the Board granted a special permit pursuant to Z.R.73-19, which allowed for the operation of a school at the subject premises located in a C6-2, M1-5 zoning district; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, pursuant to Z.R. §73-11, so that as amended this portion of the resolution shall read:

"to permit an expansion in the floor area of the school to include the third floor of the subject premises," 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 11, 2003"-(1) sheet and "August 12, 2003"-(1) sheet; and on further condition;

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

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

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, August 12, 2003.

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**221-01-BZ**

APPLICANT - The Law Office of Fredrick A. Becker, for Charand Associates, LLC, owner; The Learning Spring Foundation, Inc., lessee.

SUBJECT - Application July 11, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 252-254 West 29th Street, south side of West 29th Street, Block 778, Lot 70, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** -Application re-opened and resolution amended.

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."

(DOB Application # 102557537)

Adopted by the Board of Standards and Appeals, August 12, 2003.

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**402-01-BZ**

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 936 East 24th Street, East 24th Street, 260' south of Avenue I, Block 7587, Lot 60, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

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# MINUTES

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For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

**THE VOTE TO GRANT-**

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

**THE RESOLUTION -**

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to complete construction and obtain a new Certificate of Occupancy, for a term which expired on February 26, 2003; and

WHEREAS, the applicant has also requested an amendment to the resolution to permit minor modifications to the previously approved plans, namely, a decrease in floor area, an increase in "to extend the time to complete construction and to extend the time to obtain a new Certificate of Occupancy so that construction shall be completed and a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this amended resolution and to permit minor modifications to the previously approved plans, namely, a decrease in floor area, an increase in open space, a decrease in perimeter wall height and total height, interior partition changes, elimination of the attic as living space, and window and door location changes," on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 6, 2003"-(5) sheets; and on further condition;

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

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

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."

(DOB ALT 1 Application # 301276679)

Adopted by the Board of Standards and Appeals, August 12, 2003.

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## 867-55-BZ, Vol. II

**APPLICANT** - Carl A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

**SUBJECT** - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

**PREMISES AFFECTED** - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspeth, Borough

open space, a decrease in perimeter wall height and total height, interior partition changes, elimination of the attic as living space, and window and door location changes; and

WHEREAS, a public hearing was held on this application on July 22, 2003, after due notice by publication in The City Record, and laid over to August 12, 2003 for decision; and

WHEREAS, on February 26, 2002, the Board granted an application to permit the enlargement of a single family residence, Use Group 1, which did not comply with the zoning requirements for floor area, open space, ratio, and side and rear yards; and

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to complete construction, which expired on February 26, 2003, so that as amended this portion of the resolution shall read:

of Queens.

## COMMUNITY BOARD #5Q

**APPEARANCES -**

For Applicant: Carl A. Sulfaro.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 10 A.M., for postponed hearing.

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## 202-62-BZ

**APPLICANT** - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

**SUBJECT** - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

**PREMISES AFFECTED** - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

## COMMUNITY BOARD #11BX

**APPEARANCES -**

For Applicant: Janice Cahalane.

**THE VOTE TO CLOSE HEARING -**

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

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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## 444-67-BZ

**APPLICANT** - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

**SUBJECT** - Application June 3, 2003 - reopening for an amendment to the resolution.

**PREMISES AFFECTED** - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

## COMMUNITY BOARD #8Q

**APPEARANCES -**

For Applicant: Eric Palatnik.

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

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## 1122-81-BZ

APPLICANT - The Agusta Group, for Brothers Roofing Supplies Co., Inc., owner.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 9, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 105-14 Astoria Boulevard, southwest corner of 106th Street and Astoria Boulevard, Block 1692, Lots 3, 5, 9 & 11, Borough of Queens.

### COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

APPEARANCES -

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** - Laid over to September 30,

2003, at 10 A.M., for continued hearing.

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## 145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to September 30,

2003, at 10 A.M., for postponed hearing.

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## 134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

### COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: James Periconi, Jason Haber on behalf of Assemblyman Steinf, Leon Mitrani, Edgar Freud, Hugh Ferlenson.

For Opposition: David Paget, T. Caffrey and Michael Bradley

For Administration: Lisa Orantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Caliendo and Commissioner Miele.....4 Negative:  
.....0

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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## 245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 10 A.M., for decision, hearing closed.

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## 195-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Charles & Margaret Collins, lessees.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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## 196-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Raymond G. Strype, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, and has a private disposal

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system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Loretta Papa.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner  
SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Loretta Papa.

### THE VOTE TO CLOSE HEARING -

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

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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## 198-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James and Nancy Denison, lessee.

SUBJECT - Application June 13, 2003 - Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Loretta Papa.

### THE VOTE TO CLOSE HEARING -

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

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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Caliendo and Commissioner Miele.....4 Negative:  
.....0

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 10 A.M., for decision, hearing closed.

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## 197-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph & Kathleen Lynch, lessees.

*Pasquale Pacifico, Executive Director.*

Adjourned: 11:30 P.M.

## REGULAR MEETING TUESDAY AFTERNOON, AUGUST 12, 2003 1:30 P.M.

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

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## ZONING CALENDAR

## 178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00.

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

## COMMUNITY BOARD #1BK

### APPEARANCES -

For Applicant: Peter Hirshman and Kenneth Heller.

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

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2002, acting on Application No. 300463228 reads:  
"THE CONVERSION OF EXISTING LAUNDRY

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FACILITY TO CLASS "A" MULTIPLE DWELLING IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT AND IS CONTRARY TO 42-00 ZR AND IS REFERRED TO THE BSA.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, and laid over to April 15, 2003, and then to June 3, 2003, and then to July 22, 2003 and then to August 12, 2003 for decision; and

WHEREAS, the subject site has a frontage of 200 feet along Eagle Street and 100 feet on Franklin Street and is improved with a three-story loft building at 233 Franklin Street and a one-story building at 57 Eagle Street; and

WHEREAS, the record indicates that the site was originally developed as a factory in 1918 and in 1930 was changed to a laundry facility; and

WHEREAS, the applicant represents that the history of development of the site has resulted in a building burdened with no freight elevator and lacking in the modern amenities required for a viable conforming use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

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

WHEREAS, the record indicates that the subject site is located directly across the street from the Special Franklin Street zoning district which permits residential development within the M1-1 district; and

WHEREAS, the Board notes that the subject application is consistent with the New York City Department of City Planning's currently proposed Greenpoint and Williamsburg rezoning plan; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application

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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00; and

of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the legalization of two contiguous buildings on one zoning lot from a laundry facility to a multiple dwelling, Use Group 2, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 23, 2002"- (4) sheets, "Received May 20, 2003"- (3) sheets, and "Received July 15, 2003"- (3) sheets; and on further condition;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, August 12, 2003.

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## 265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

## COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

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

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## THE VOTE TO GRANT -

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

WHEREAS, the decisions of the Borough Commissioner, dated August 5, 2002 acting on Alteration Application No. 102824678 reads:

"PROPOSED EXTENSION DOES NOT MAINTAIN THE REQUIRED 30' REAR YARD AS PER SEC. 54-31 ZR."

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 17, 2003, and then to July 15, 2003, and then to August 12, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, the rear enlargement of the first and second floors of an existing community facility, which is located in an R8 and R10 zoning district, which creates rear yard non-compliance and is contrary to §24-36 and §54-31; and

WHEREAS, the subject property served as a school and is currently being converted for accessory uses by the adjoining Church located at 17 East 94th Street; and

WHEREAS, the record indicates that the 17 East 94th Street location is inadequate to meet the Church's programmatic needs because it has a lot width of less than 20'; and

WHEREAS, the subject building contains a cellar, basement, and four stories in height; and

WHEREAS, the applicant represents that, in order to accommodate the programmatic needs of the community facility, adequate room must be provided for food preparation areas as well as research areas; and

WHEREAS, the applicant further represents that the subject premises is currently too small to meet the programmatic needs of the community facility, and the 167 square foot, two-story rear extension will provide the additional space needed by the church; and

WHEREAS, the proposed first floor of the extension will serve as an archive and study area and the second floor will serve as a food preparation area; and

WHEREAS, the applicant represents that there will be no increase in the occupancy of the building as a result of the proposed rear extension; and

WHEREAS, the record indicates that the subject building can easily be converted for Church accessory uses, since it formerly housed a community facility use; and

WHEREAS, the applicant asserts that there will be no increase in traffic attributable to the proposed change in use; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the 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

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

Negative: .....0

## THE RESOLUTION -

organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the subject building is located in a neighborhood containing residential uses; and

WHEREAS, the Board finds that a community facility may exist in the area 'as of right'; and

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

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

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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, the conversion of, a Use Group 4, school, for accessory church uses with a two-story expansion, contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 23, 2002"- (7) sheets and "June 4, 2003"- (3) sheets and on further condition;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, August 12, 2003.

## 363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit, in an R4 zoning district, the extension of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. §24-14. PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

## COMMUNITY BOARD #18BK

### APPEARANCES -

For Applicant: Francis R. Angelino and Lisa Vengelas.

**ACTION OF THE BOARD** -Application granted on condition THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 18, 2002 and updated July 24, 2003 acting on Application No. 30008819 reads:

"(1) MEDICAL OFFICES (U.G. 4) IS NOT PERMITTED, AS OF RIGHT USE ON THE SECOND AND THIRD FLOORS (THE TWO TOP FLOORS). FOR A R4 DISTRICT AND AS SUCH, MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS FOR APPROVAL."; and

WHEREAS, a public hearing was held on this application on July 22, 2002 after due notice by publication in The City Record and laid over to August 12, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '72-21 to permit, in an R4 zoning district, the extension of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. Section

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 Type I 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 R4 zoning district, the extension

24-14; and

WHEREAS, the applicant notes that medical offices or group medical centers are limited to a location below the level of the first story ceiling, except that in multiple dwellings such uses may be located on the second floor, if a separate access is provided and such use existed on January 1, 1948; and

WHEREAS, the subject premises is an irregular L- shaped parcel on the northeast corner of Flatlands Avenue and East 94th Street totaling approximately 24, 825 square feet of lot area; and

WHEREAS, the site contains frontages of approximately 200' feet on the north side of Flatlands Avenue between East 94th and East 95th Streets, approximately 224'-10.5" on the east side of East 94th Street running north to Conklin Avenue, a frontage of approximately 41' on the south side of Conklin Avenue, then running south 100', east 74' south 50' east 85' to a frontage of 95' running south on the west side of East 95th Street; and

WHEREAS, the record indicates the zoning lot has remained vacant for several years and that test borings show poor soil conditions which limit development to three stories; and

WHEREAS, therefore, the Board finds that there are unique conditions to the lot, namely. an irregular L shaped parcel, an inability to retain a conforming user and poor soil conditions, causing the development to be in conflict with applicable bulk requirements creating an undue hardship and a practical difficulty in conforming with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the immediate vicinity, while zoned for residential use is characterized by commercial establishments and community facilities, creating a mixed used character; and

WHEREAS, the Board finds that the proposed development, will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

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

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

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

of a use group 4, Medical office use and occupancy to the first and second floors of a basement and two story building, which is contrary to Z.R. §24-14; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 23, 2003"-(4) sheets,; and on further condition;

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

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

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

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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, August 12, 2003.

## 366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES -

For Applicant: Josef Friedman.

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

### THE VOTE TO CLOSE HEARING -

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

Negative: .....0

### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

WHEREAS, the applicant represents that the Synagogue located on the first floor will not be used simultaneously with the Synagogue located in the cellar; and

WHEREAS, the applicant asserts that the "as of right" conditions require two 11' side yards and two 15' front yards, therefore permitting only a 4' wide building, which makes a complying or conforming development difficult thus posing an unnecessary hardship on the owner; and

WHEREAS, the applicant asserts that religious custom, namely the location of the Synagogue and the parsonage on the same lot and religious requirements, namely separate private entrances for both male and female members of the congregation, create the a practical difficulty in the construction of a conforming development; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the aforementioned unique

Caliendo and Commissioner Miele.....4

Negative: .....0

### THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated December 12, 2002 acting on ALT I. Application No. 301476203 reads:

"PROPOSED CONVERSION OF EXISTING NON-CONFORMING TWO (2) FAMILY RESIDENCE TO CONFORMING SYNAGOGUE AND RABBI'S APARTMENT (RECTORY) IS CONTRARY TO Z.R. SEC- 24-111 & 23-141 FLOOR AREA, Z.R. SEC 24-11 MAXIMUM LOT COVERAGE, Z.R. SEC 24-34 FRONT YARD, Z.R. SEC 24-35 SIDE YARDS AND REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS AS PER Z.R. SEC 72-21"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 17, 2003 and July 22, 2003 and then to August 12, 2003 for decision; and

WHEREAS, Community Board No. 14 in Brooklyn recommended conditional approval of this 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 Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R2 zoning district the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and Rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, and 24-35; and

WHEREAS, the subject parcel is a 30' by 100' corner lot, which is currently improved with a two and one-half story with cellar, two-family dwelling, a porch and a garage; and

WHEREAS, the owner proposes the construction of a one and two story extension to the existing building and a cellar Mikva and Synagogue, a synagogue on the first floor, and a Rabbi's apartment on the second floor and in the attic; and physical conditions, namely the narrowness of the narrowness of the subject lot, create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; 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 the surrounding area consists largely of residential uses mixed with some community facility uses; and

WHEREAS, the applicant represents that the existing synagogue and cellar have been upgraded to IIC construction and that the proposed addition will be IC construction; and

WHEREAS, the applicant has submitted, in response to the Board's Executive session of July 21, 2003, a copy of the prepared deed for the subject property; and

WHEREAS, the applicant represents that the entire building will contain a wet sprinkler system, with a fire alarm system directly

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connected to a central station and hard-wired smoke detectors which will be connected to an approved Fire Department central station; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R2 zoning district, the conversion of a 2 story and attic, two-family dwelling to Use Group 4 synagogue and rabbi's apartment (rectory), which does not comply with the zoning requirements for floor area, front yards, lot coverage, and side yards and is contrary to Z.R. §§24-111, 23-141, 24-34, 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, August 12, 2003.

## **376-02-BZ**

APPLICANT - Harold Weinberg, P.E., for Joseph Stern, owner.  
SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

## **COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Harold Weinberg

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

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

24-35, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 19, 2003"- (3) sheets, "Received May 29, 2003"-(2) sheets, "Received July 29, 2003"-(3) sheets, "Received December 18, 2002"-(1) sheet and on further condition;

THAT the maximum occupancy of the subject building shall be limited to 120 persons;

THAT the side exit door is to only be used for the Rabbi's private family use;

THAT there shall be no cooking on the premises and the kitchen shall be used for warming food only;

THAT the Mikva hours shall be limited to between 6:15 AM and 8:15 AM in the morning and from about 2 hours before sunset to sunset, Fridays and Holiday eve.

THAT the rectory (apartment) at the second story and attic shall be limited to occupancy of the Rabbi and the immediate family (single family only). The plans have been updated to show New York City Building Code Occupancy Group "J3".

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

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

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

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

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

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

Caliendo and Commissioner Miele.....4

Negative: .....0

## **THE RESOLUTION**

WHEREAS, the decision of the Borough Commissioner, dated December 26, 2002, acting on Application No. 301480966 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R2 ZONING DISTRICT

1. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION

2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION

3. REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

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neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47; and

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

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

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; 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 enlargement of An existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, and rear yard and is contrary to Z.R. §§23-141, 54-31, 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection

### 71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner. SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

### COMMUNITY BOARD #8M

#### APPEARANCES -

For Applicant: Kramer Levin, Gary R. Tarnoff and Richard S. Thomas.

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

#### THE VOTE TO REOPEN HEARING -

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

Negative: .....0

#### THE VOTE TO CLOSE HEARING -

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

Negative: .....0

above-noted, filed with this application marked "Received June 6, 2003"-(7) sheets and "July 24, 2003"- (4) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located 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;

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, August 12, 2003.

#### THE VOTE TO GRANT -

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

Negative: .....0

#### THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 11, 2003 acting on Application No. 103304657 reads:

"1) Proposed new building is on a zoning lot located in R10/C1-5, R8/C1-5, R8 and C2-8 zoning districts and does not comply with the floor area regulations of Zoning Resolution Sections 33-121, 33-122, 24-11, 23-15 and 35-31.

2) Proposed new building does not comply with the front height and setback regulations of Zoning Resolution Section 24-522 and 33-431 along East 70th Street and York Avenue and rear setback regulations of the Zoning Resolution Section 24-552.

3) Proposed new Building does not provide rear yard required pursuant to Zoning Resolution Sections 24-36, 33-26 and 33-292

4) Proposed new building contains more accessory parking spaces than allowed by Zoning Resolution Section 13-133 and 13-143.

5) Proposed curb cut on York Avenue is contrary to Zoning Resolution Section 13-142 "; and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record and laid over to July 22, 2003, and then to August 12, 2003 for

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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 and Commissioner Peter Caliendo; and

WHEREAS, Community Board #8, Manhattan, recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-10, R8, C1-5 overlay and C2-8 zoning districts, the proposed erection of a new ambulatory care building housing 13 stories with two floors of mechanical space above, contrary to zoning requirements for floor area, front and rear height and setback, rear yard, accessory parking and curb cut contrary to Z.R. §§ 33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142; and

WHEREAS, the applicant seeks to construct a 13-story building with two mechanical floors above, approximately 232 feet tall, with 233,903 square feet for floor area to be used in furtherance of the Applicant's patient care, educational and research missions; and

WHEREAS, the subject zoning lot is located on the block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street consisting of lots 1,28, 29, 30, 105, 1001-1210 and

WHEREAS, the Applicant has concluded that the Proposed building requires floor plates of approximately 20,000 gross square feet because ambulatory care, by its nature, requires large floor plates that efficiently accommodate large practices that share common resources; and

WHEREAS, the Applicant contends that the floor plates that may be constructed on the parking lot site alone are insufficient for the applicant's programs, and that therefore the proposed building would entail the demolition of the one-story portion of the fifteen story student dormitory owned by the Applicant immediately to the west of the parking lot site, and the incorporation of the underlying land into the development site, creating 19,983 square foot footprint for the proposed building, which can accommodate floor plates that are appropriately sized for the applicant's ambulatory care needs; and

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

WHEREAS, the applicant contends that if the existing buildings were not on the zoning lot, the Applicant would have a very large footprint to work with, and could easily design a building that complies with the front and rear height and setback and rear yard requirements; and

WHEREAS, the requested modification if the curb cut regulations also arises out of the fact that Zoning Lot is already largely developed, in that if the existing buildings were not on the Zoning Lot, more of the East 70th Street frontage could be used for the new building and two curb cuts could be accommodated on East 70th Street without displacing much of the lobby and the building core; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, and two recent zoning actions that have severely reduced the allowable floor area on the zoning lot, there

1300-1301 with a total lot area of 80,434 square feet; and

WHEREAS, the applicant represents that the zoning lot is irregularly shaped with 100 feet 5 inches of frontage on the west side of York Avenue, the block's entire 613 feet 0 inches of frontage on the south side of East 70th Street, the block's entire 200 feet 10 inches of the East side of First Avenue, and 188 feet 0 inches of frontage on the north side of East 69th Street; and

WHEREAS, the Zoning Lot is currently improved with eight buildings, a 15-story dormitory building owned by the applicant, a 39-story residential building on the corner of East 70th Street and First Avenue, three 5-story residential buildings fronting on First Avenue and three 5-story residential buildings fronting of East 69th Street ; and

WHEREAS, evidence in the record indicates that Lots 28 and 29 of Block 1464 are currently occupied by a temporary parking lot used by staff of the applicant; and

WHEREAS, the applicant contends that because of growth in patient volume and advances in ambulatory patient care, education and research in recent years, the Applicant's existing facilities are no longer adequate and that it therefore requires a new ambulatory care building containing at least 200,000 programmable square feet; and

are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the states that the Proposed Building is required to meet the school's programmatic needs, including the Applicant's programmatic need for additional floor area in order to locate all the program floors above grade and all of the parking spaces below grade; and

WHEREAS, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it inarguably contravenes public health, safety or welfare or creates a detriment to the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the Board finds that there are physical conditions attributed to the existing zoning lot, namely inadequate floor plates zoning designations, the history of development with medical facility uses, and the functional inadequacies of existing buildings, creates a practical in developing the site in compliance with the current zoning and meeting the applicant's programmatic needs; and

WHEREAS, the area surrounding the site is characterized by large scale institutional buildings on the east and on its west side by a mixture of low-rise tenements and high density residential towers; and

WHEREAS, therefore, the Board finds that the Board finds that there are physical conditions attributed to the existing zoning lot, namely inadequate floor plates zoning designations, the history of development with medical facility uses, and the functional inadequacies of existing buildings, creates a practical in developing the site in compliance with the current zoning and meeting the applicant's programmatic needs; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the applicant states that the proposed building

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would be shorter than a complying building could be and similar in height to the buildings on the west side of York Avenue; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1932; and

WHEREAS, the record indicates that the area surrounding the subject Zoning Lot is characterized by large-scale institutional buildings-hospitals, schools, research facilities as well as a mixture of low-rise tenements and high-density residential towers; and

WHEREAS, the applicant represents that the proposed building would also not impair the appropriate use and development of adjacent property, since the 15-story dormitory building located immediately to the west of the development site is owned by the Applicant and has no east-facing windows, and the building located immediately south of the development site, is likewise owned by the

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-10, R8, C1-5 overlay and C2-8 zoning district, the proposed erection of a new ambulatory care building housing 13 stories with two floors of mechanical space above contrary to zoning requirements for floor area, front and rear height and setback, rear yard, accessory parking and curb cut contrary to Z.R. §§ 33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142, 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 24, 2003"- (9) sheets and "June 10, 2003"-(2) sheets; and on further condition;

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

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

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

THAT the applicant shall comply with all applicable fire safety measures;

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

applicant and currently used for student housing and administrative purposes and has no north-facing windows along the lot line; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property 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, therefore, 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 Z.R. §72-21; and

to the relief granted.

Adopted by the Board of Standards and Appeals, August 12, 2003.

## 145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.  
SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141.

PREMISES AFFECTED - 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

#### APPEARANCES -

For Applicant: Janice Cahalane.

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

#### THE VOTE TO GRANT -

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

Negative: .....0

#### THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated April 9, 2003, acting on ALT Application No. 301523750 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION

2. PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'0" AND 10'0" TOTAL REQUIRED AS PER

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## SECTION 23-48

3. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 for decision; and

WHEREAS, the premises and surrounding area had site 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 perimeter wall height will comply with all applicable zoning regulations; 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 enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 5, 2003"- (9) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located 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;

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, August 12, 2003.

## 151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §73-622 to

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141; and

permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION**

WHEREAS, the decision of the Borough Commissioner, dated August 1, 2003, acting on ALT Application No. 301527122 reads:

"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE-FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRAY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION

2. PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'0" AND 10'0" TOTAL REQUIRED AS PER SECTION 23-48

3. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION; and

WHEREAS, a public hearing was held on this application on July 22, 2003 and then laid over to August 12, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141; 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

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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 enlargement to permit the enlargement of a one-family residence, Use Group 1, in an R3-2 zoning district which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, and is contrary to Z.R. §§23-141, 23-48, 23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 5, 2003-(9) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located 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;

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, August 12, 2003.

## **377-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tarnopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

## **284-01-BZ**

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

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 9, 2003, at 1:30 P.M., for continued hearing.

## **176-03-BZ**

APPLICANT - Stadtmauer Bailkin, LLP, for 219-44 Jamaica Avenue, 220-02 Jamaica Avenue, LLC, owner; Public Storage, Inc, lessee.

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit within a C1-2 and R3-2 zoning district a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, southern side of Jamaica Avenue between Springfield Boulevard and 222<sup>nd</sup> Street, Block 10789, Lots 256 and 264, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Steven Sinacori.

**ACTION OF THE BOARD** - Laid over to September 9, 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 11<sup>th</sup> Avenue, Borough of Manhattan.

**COMMUNITY BOARD #4M**

APPEARANCES -

For Applicant: Irving Minkin and Ken Heller.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to November 5, 2003, at 1:30 P.M., for decision, hearing closed.

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

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Partnership, owner.

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

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

## COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Pat Jones.

For Opposition: Diane O'Donnell and Denise Bilezikjian.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

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## 66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

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## 258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit the proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for continued hearing.

## 44-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josephine Valletta, owner; Nissan Lift of New York, lessee.

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of

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## 275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §72-21 to permit the legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

## COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

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## 315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60<sup>th</sup> Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

## COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

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an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

PREMISES AFFECTED - 97-20 99<sup>th</sup> Street, 100' south of 97<sup>th</sup> Avenue, between 97<sup>th</sup> and 101<sup>st</sup> Avenues, Block 9075, Lot 32,

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Borough of Queens.

## COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Janice Cahalane.

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

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## 119-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Columbus Centre, LLC, owner; Equinor Columbus Centre, Inc., lessee.

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, within portions of the ground floor and second sub-cellar of fifty-four mixed use building, currently under construction, located in an C6-6(MiD) zoning district, which requires a special permit as per Z.R. §§32-10 and 81-10.

PREMISES AFFECTED - 10 Columbus Circle, a/k/a 301 West 58th Street, a/k/a 300 West 60th Street, northwest corner of west 58th Street and Columbus Circle, Block 1049, Lot 29, Borough of Manhattan.

## COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

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## 142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

## COMMUNITY BOARD #12Q

APPEARANCES - None.

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

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APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway,

## 146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

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

## COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael T. Sillerman.

For Opposition: Marvin Mitzner.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for decision, hearing closed.

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## 154-03-BZ

APPLICANT - Steven Sinacori for Stadtmauer Bailkin, LLP, for 100-05 92nd Avenue Realty, Corporation, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed change of use of a vacant industrial building, to a multiple dwelling, Use Group 2, located within an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 100-05 92nd Avenue, corner of 102nd Street, Block 9306, Lot 30, Borough of Queens.

## COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Steven Sinacori.

For Opposition: Carl Perrera.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed.

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## 178-03-BZ

southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

## COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

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**179-03-BZ**

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

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633. PREMISES AFFECTED - 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Howard Hornstein.

For Opposition: Steven Eriquez, Francesca Renda and Angelina Eriquez.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for continued hearing.

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**185-03-BZ**

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for AJJ Canal, LLC, owner.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

PREMISES AFFECTED - 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Howard Zipser.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to September 16, 2003, at 1:30 P.M., for decision, hearing closed

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**WEDNESDAY MORNING, AUGUST 13, 2003**

**10:00 A.M.**

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

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**70-03-BZ****187-03-BZ**

APPLICANT - Marvin B. Mitzner, Esq. of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit the reestablishment of an expired special permit, previously granted under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

**COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Marvin Mitzner and Peter Geis.

For Opposition: Maria Passas and William Drosopoulos.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 4:30 P.M.

**DISMISSAL CALENDAR**

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Flatlands 84th Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 761 East 84th Street, east side of East 84th Street, 89' north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

APPEARANCES -

For Applicant: Carl A. Sulpharo, Esq.

**ACTION OF THE BOARD** - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, August 13, 2003.

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## 77-03-BZ & 78-03-BZ

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Better Luxury Home, Inc.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 260-32 Grand Central Parkway, east side of Grand Central Parkway, 9' south of Grand Central Parkway and 267th Street, Block 8443, Lot 123, Borough of Queens.

### COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald Caliendo.

**ACTION OF THE BOARD** - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, August 13, 2003.

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## 85-03-BZ

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: 926 Bedford LLC, owner.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 922/926 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner of Bedford Avenue and Willoughby Avenue, Block 1914, Lots 43, 44, 46 (tentative Lot 43), Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** - Application withdrawn.

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Sando Realty by David Mosher  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

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## 276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Morton Osterman.

THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, August 13, 2003.

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## 177-86-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harry & Brady Santoro  
SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 851 Forest Avenue, north side 348' West of Broadway, Block 220, Lot 78, Borough of Staten Island.

### COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 10 A.M., on the Special Order Calendar.

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## 132-92-BZ

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: Joseph DiStefano.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road, between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Laid over to October 7, 2003, at 10 A.M., on the Special Order Calendar.

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## 263-02-BZ

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 10 A.M., for Special Order Calendar.

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## 361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.  
OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.  
PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

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## COMMUNITY BOARD #7BK

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to November 18, 2003, at 10 A.M., for Special Order Calendar.

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## 290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th Street,

## 84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, aka 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

## COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 10 A.M., on the Special Order Calendar.

Block 4019, Lot 137, Borough of Queens.

114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens.

114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.

114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.

114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.

114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.

114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

## COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

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*Pasquale Pacifico, Executive Director*

Adjourned: 10:20 A.M.

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# MINUTES

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**SPECIAL MEETING  
WEDNESDAY MORNING, AUGUST 13, 2003  
11:00 A.M.**

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

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**ZONING CALENDAR**

**256-02-BZ**

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets, and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES -

For Applicant: Chris Wright, Howard Goldman.

For Opposition: Peter Brightbill.

**ACTION OF THE BOARD** - Laid over to November 18, 2003, at 1:30 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:10 A.M.