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# BULLETIN

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

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Volume 88, No. 42

October 16, 2003

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### DIRECTORY

**JAMES CHIN**, *Chairman*

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

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**JOEL A. MIELE, SR.**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Roy Starrin**, *Deputy Director*

**John E. Reisinger**, *Counsel*

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### CONTENTS

DOCKET .....	707
<b>CALENDAR</b> of November 25, 2003	
Morning .....	708
Afternoon .....	709

---

### CONTENTS

---

**MINUTES** of Regular Meetings,

**Affecting Calendar Numbers:**

578-71-BZ 833/47 4<sup>th</sup> Avenue, Brooklyn  
297-72-BZ 630-646 East Fordham Road, The Bronx  
1059-84-BZ 943/61 Kings Highway aka 2032 Coney Island Avenue, Brooklyn  
545-56-BZ 2001-2007 Williamsbridge Road, The Bronx  
803-61-BZ 1416 Hylan Boulevard, Staten Island  
289-63-BZ 150 East 61<sup>st</sup> Street, Manhattan  
39-66-BZ 43-70 Kissena Boulevard, Queens  
444-67-BZ 187-39 Hillside Avenue, Queens  
36-70-BZ 200-204 West 79<sup>th</sup> Street, Manhattan  
608-85-BZ 33-56 11<sup>th</sup> Street, Queens  
132-86-BZ 102-09/11 Roosevelt Avenue, Queens  
132-92-BZ 3948-52 Amboy Road, Staten Island  
31-96-BZ 41 East 20<sup>th</sup> Street, Manhattan  
172-97-BZ 1023 Brighton Beach Avenue, Brooklyn  
215-03-A 11 Kildare Walk, Queens  
216-03-A 73 Reid Avenue, Queens  
226-03-A 30 Reid Avenue, Queens  
227-03-A 5 Bath Walk, Queens  
228-03-A 32 Gotham Walk, Queens  
233-03-A 25 Gotham Walk, Queens  
287-02-A thru  
289-02-A 3, 5, 7 Reynolds Court, Staten Island  
212-03-A &  
213-03-A 129-32 & 129-36 Hook Creek Boulevard, Queens  
247-03-A 18 Gotham Walk, Queens

---

# CONTENTS

---

Afternoon Calendar.....719

**Affecting Calendar Numbers:**

297-01-BZ 201 East 23<sup>rd</sup> Street, Manhattan  
279-02-BZ 76 Aster Court, Brooklyn  
334-02-BZ 1281 Atlantic Avenue, Brooklyn  
335-02-BZ 1283 Atlantic Avenue, Brooklyn  
336-02-BZ 1287 Atlantic Avenue, Brooklyn  
249-01-BZ 9 White Street, Brooklyn  
185-02-BZ 93/101 North Ninth Street, Brooklyn  
202-02-BZ 133-20 Rockaway Boulevard, Queens  
222-02-BZ 2547 East 12<sup>th</sup> Street, Brooklyn  
258-02-BZ 7/13 Ash Street, Brooklyn  
281-02-BZ 18 Exeter Street, Brooklyn  
315-02-BZ 223/27 West 60<sup>th</sup> Street, Manhattan  
73-03-BZ 400 Lenox Avenue, Manhattan  
80-03-BZ 602 39<sup>th</sup> Street, Brooklyn  
83-03-BZ 2100 Hermany Avenue, The Bronx  
105-03-BZ thru  
107-03-BZ 45-78, 45-78A & 45-80 161<sup>st</sup> Street, Queens  
118-03-BZ 1101 Prospect Avenue, Brooklyn  
138-03-BZ 79-59/77 Cooper Avenue, Queens  
139-03-BZ 247-54 90<sup>th</sup> Avenue, Queens  
141-03-BZ 10 Graham and Flushing Avenues, Brooklyn  
144-03-BZ 188-16 Northern Boulevard, Queens  
152-03-BZ 41 Varick Avenue, Brooklyn  
178-03-BZ 114-02 VanWyck Expressway, Queens  
207-03-BZ 2316 Avenue "J", Brooklyn

**MINUTES of Special Hearing,**

**COMPLIANCE CALENDAR**

**Wednesday, October 8, 2003**

Morning Calendar..... 730

**Affecting Calendar Numbers:**

62-83-BZ 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Brooklyn  
173-94-BZ 165-10 144<sup>th</sup> Road, Queens

**ZONING CALENDAR**

**Wednesday, October 8, 2003**

Morning Calendar..... 730

**Affecting Calendar Number:**

69-03-BZ 32/40 Bond Street, Manhattan

**CORRECTIONS..... 731**

**Affecting Calendar Numbers:**

219-97-BZ 130-11 North Conduit Avenue, Queens

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# DOCKET

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New Case Filed Up to October 7, 2003

**306-03-BZ** B.BK. 192 Water Street, between Jay and Bridge Streets, Block 41, Lot 11, Borough of Brooklyn. Alt.#301159537. Proposed conversion of a four story industrial building, located in an M1-2 zoning district, into a residential dwelling, also the addition of two floors, for a total of 18 loft-style dwelling units, is contrary to Z.R. §§42-00 and 43-00.

**COMMUNITY BOARD #2BK**

**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.**

**307-03-BZ** B.M. 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan. Applic.#103516358. Proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, is contrary to Z.R.§35-24, §23-633 and §23-145.

**COMMUNITY BOARD #9M**

**308-03-BZ** B.BX. 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx. Applic.#200772654. Proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that will be used for accessory parking, is contrary to a previous variance granted by the Board under Cal. No.193-50-BZ and Z.R.§32-25.

**COMMUNITY BOARD #4BX**

**309-03-BZ** B.M. 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Applic.#103433009. Proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, is contrary to Z.R.§§23-145 and 23-633.

**COMMUNITY BOARD #2M**

**310-03-BZ** B.BK. 2223 Avenue "M", corner of East 23rd Street, Block 7640, Lot 1, Borough of Brooklyn. Applic.#301626701. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R.§23-141.

**COMMUNITY BOARD #14BK**

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# CALENDAR

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**NOVEMBER 25, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, November 25, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **633-87-BZ**

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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### **33-92-BZ**

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.

SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-02 95th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

**COMMUNITY BOARD #12Q**

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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 - reopening for dismissal.

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

**COMMUNITY BOARD #2M**

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**NOVEMBER 25, 2003, 1:30 P.M.**

### **268-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Williamsburg Bridge Towers, LLC, owner.

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, November 25, 2003, at 1:30 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

### **246-03-BZ**

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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### **248-03-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

**COMMUNITY BOARD #11M**

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### **249-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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# CALENDAR

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## COMMUNITY BOARD #8M

### 270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

### COMMUNITY BOARD #6Q

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*Pasquale Pacifico, Executive Director*

### 272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

### COMMUNITY BOARD #3 S.I.

### 294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

### REGULAR MEETING

**TUESDAY MORNING OCTOBER 7, 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, July 29, 2003, were approved as printed in the Bulletin of August 7, 2003, Volume 88, No. 30.

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### SPECIAL ORDER CALENDAR

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### 578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W.

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# MINUTES

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Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

**SUBJECT** - Application May 27, 2003 - reopening for an amendment to the resolution.

**PREMISES AFFECTED** - 833/47 4<sup>th</sup> Avenue, southeast corner of 30<sup>th</sup> Street, Block 673, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

**APPEARANCES** -

For Applicant: John Ronan.

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

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, a public hearing was held on this application on August 5, 2003, after due notice by publication in The City Record, laid over to September 16, 2003 and then to October 7, 2003 for decision; and

WHEREAS, on February 1, 1972, under Z.R. §73-11, the Board granted a special permit allowing the reconstruction of two existing automotive service stations into one automotive station with accessory uses; and

WHEREAS, Community Board 7, Brooklyn, recommends conditional approval of this application; and

WHEREAS, the instant application seeks to erect an accessory convenience store and a new steel canopy, and install six (6) multi-product dispensers and one (1) diesel pump; and

WHEREAS, the proposal will also eliminate the accessory auto repairs as the service station discontinued operation in January 2003.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Zoning Resolution Section 73-111, said resolution having been adopted on February 1, 1972 as amended through August 9, 1988, so that as amended this portion of the resolution shall read:

"to permit the erection of a new one-story accessory convenience store; the erection of a new steel canopy over six (6) multi-product dispensers and one (1) diesel dispenser, and the installation of six (6) multi-product dispensers and one diesel pump, on condition

THAT all work shall substantially conform to drawings as they

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in The City Record, laid over to October 7, 2003 for decision; and

WHEREAS, in 1949, under Calendar Number 890-48-BZ, the Board granted a variance allowing the extension of an existing garage for more than 5 automobiles, and the addition of automotive repairs and a showroom; and

WHEREAS, in 1972, under the instant Calendar Number, the premises were enlarged and a subsequent application further

apply to the objections above noted, filed with this application marked "Received September 23, 2003"- (6) sheets; and on further condition;

THAT trees and other landscaping are provided and maintained in accordance with BSA approved plans;

THAT lighting shall be positioned down and away from residential uses:

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#s301543649, 301543667 & 301543676)

Adopted by the Board of Standards and Appeals, October 7, 2003.

**297-72-BZ**

**APPLICANT** - Fischbein Badillo Wagner Harding, for J.B. Campus Realty, Ltd., owner.

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

**PREMISES AFFECTED** - 630-646 East Fordham Road, southwest corner of Belmont and East Fordham Road, Block 3078, Lot 48, Borough of The Bronx.

**COMMUNITY BOARD #6BX**

**APPEARANCES** -

For Applicant: Howard Hornstein and Barbara Hair.

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

enlarged the premises and granted a special permit for rooftop parking pursuant to Z.R. §73-49; and

WHEREAS, the record indicates that since the 1948 application, the property has housed a facility for the sales, storage and service of automobiles; and:

WHEREAS, the building sits on an irregularly shaped parcel that occupies the entire block front on the south side of East Fordham Road between Hughes Avenue and Belmont Avenue, currently zoned C8-1 for the first 100' from East Fordham Road with the remainder, less than 20% in an R6 district; and

WHEREAS, the site's lot area is approximately 23,217 square feet, with the current structure occupying approximately 20,292 square feet; and

WHEREAS, the applicant represents that the proposed bank

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# MINUTES

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would only occupy approximately 3,669 square feet of floor area; and

WHEREAS, the Board notes that banks are permitted in C8 zoning districts and that relief is only required for the portion located in the R6 district.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R. §§11-412 and 11-413, said resolution having been adopted on February 23, 1949 as amended through July 18, 1972, so that as amended this portion of the resolution shall read:

"to permit the change in use from an automotive sales and service facility (Use Group 16) to a bank (Use Group 6), 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 3, 2003"- (7) 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 Application # 200777276)

Adopted by the Board of Standards and Appeals, October 7, 2003.

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Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Zoning Resolution Sections 72-01 and 72-22, so that as amended this portion of the resolution shall read:

"to allow an extension of the permitted use to the first floor, with installation of an elevator and internal stair, and a change in the hours of operation, from 6 a.m. to midnight, Monday through Friday, 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 10, 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 hours of operation shall be limited to the following: Monday through Friday, 6 a.m. to midnight; Saturday, 9 a.m. to 6 p.m., and Sunday, 9 a.m. to 5 p.m.;

## 1059-84-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for BMS Realty Co., owner, Bally Fitness Corp., lessee.

SUBJECT - Application June 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 943/61 Kings Highway aka 2032 Coney Island Avenue, northwest corner of intersection Kings Highway & Coney Island Avenue, Block 6666, Lot 18, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

### APPEARANCES -

For Applicant: Barbara Hair and Howard Hornstein.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in The City Record, and then to October 7, 2003 for decision; and

WHEREAS, on May 7, 1985, the Board granted a special permit under Z.R. §73-36, to permit, in an C4-2 zoning district, the extension of an existing physical culture establishment ("PCE") into the second floor of a two (2) story commercial building; and subsequently granted an extension of term of said special permit on October 16, 1996; and

WHEREAS, the applicant requests an amendment to the resolution to allow an extension of the use to the first floor of the building (including installation of an elevator and an interior stair), and a change in the hours of operation to 6 a.m. to midnight, Monday through Friday; and

WHEREAS, the applicant represent that the existing conditions substantially comply with approved plans, and that the proposed extension of the PCE into the first floor of the building is not expected to adversely impact existing parking conditions.

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

THAT a new certificate of occupancy be obtained within one year from the date of this amended resolution;

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

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

(DOB Application #301528942)

Adopted by the Board of Standards and Appeals, October 7, 2003.

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## 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

APPEARANCES -

For Applicant: John Ronan.

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 October 28, 2003, at 10 A.M., for decision, hearing closed.

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## 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

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

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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 28, 2003, at 10 A.M., for continued hearing.

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## 36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

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

PREMISES AFFECTED - 200-204 West 79<sup>th</sup> Street, a/k/a 380 Amsterdam Avenue, west side of Amsterdam between West 78th

## 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

APPEARANCES -

For Applicant: Jordan Most.

**ACTION OF THE BOARD** - Laid over to November 18, 2003, at 10 A.M., for continued hearing.

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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

APPEARANCES -

For Applicant: Jordan Most.

**ACTION OF THE BOARD** - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

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Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

### COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

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 October 28, 2003, at 10 A.M., for decision, hearing closed.

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## 608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

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# MINUTES

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## COMMUNITY BOARD #1Q

### APPEARANCES -

For Applicant: Philip P. Agusta.

### 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 October 28, 2003, at 10 A.M., for decision, hearing closed.

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## 132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

## COMMUNITY BOARD #3Q

### APPEARANCES -

For Applicant: Carl A. Sulfaro.

### 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 November 25, 2003, at 10 A.M., for decision, hearing closed.

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### THE VOTE TO REOPEN HEARING -

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

### 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 October 21, 2003, at 10 A.M., for decision, hearing closed.

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## 172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11<sup>th</sup> and Brighton 12<sup>th</sup> Street, Block B-8709, L-60, Borough of Brooklyn.

## COMMUNITY BOARD #13BK

### APPEARANCES -

## 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.

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: Fredrick A. Becker, Thomas Masucci and Joseph DiStefano.

**ACTION OF THE BOARD** - Laid over to December 9, 2003, at 10 A.M., for continued hearing.

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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

### APPEARANCES -

For Applicant: Eric Palatnik.

For Applicant: Harold Weinberg, P.E..

### 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 December 9, 2003, at 10 A.M., for decision, hearing closed.

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# MINUTES

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## APPEALS CALENDAR

### 215-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Leo & Barbara MacCourtney, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system 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 - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Resolved, that the decision of the Queens Borough Commissioner, dated June 10, 2003, acting on ALT 1. Application No. 401578315 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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 private disposal system comply in all respects with DOB policy; and

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 on October 7, 2003

Commissioner, dated June 10, 2003 acting on ALT 1. Application No. 401578315, reads in pertinent part:

"A1. The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The private disposal system being upgraded in the bed of a private service road which serves as a street which is contrary to Department of Building policy"; and

WHEREAS, by the letter dated August 7, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 7, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated August 20, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

### 216-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Brendan & Joann Dolan, lessees.

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and located partially within the bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 73 Reid Avenue, east side, 287.35' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 10, 2003 acting on ALT 1. Application No. 401627343, reads in pertinent part:

"For Board of Standards & Appeals Only

A1- The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect 35 of the General City Law.

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting

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# MINUTES

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directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 29, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 6, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated September 3, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 10, 2003, acting on ALT 1. Application No. 401627343 is modified under the power vested in the Board by §§35& 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district **226-03-A**

**APPLICANT** - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; John Sullivan, lessee.

**SUBJECT** - Application July 1, 2003 - Proposed first floor alterations, and a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

**PREMISES AFFECTED** - 30 Reid Avenue, south side, 264.91' west of Marshall Avenue, Block 16350, Part of Lot 300, Borough of Queens.

## **COMMUNITY BOARD #14Q**

### **APPEARANCES** -

For Applicant: Gary Lenhart.

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

### **THE VOTE TO GRANT** -

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

Negative: .....0

### **THE RESOLUTION** -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401633194, reads in pertinent part:

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

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

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 18, 2003 , the Fire

requirements; that all applicable laws, rules, and regulations shall be complied with; 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 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 on October 7, 2003.

Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 11, 2003, acting on ALT 1. Application No. 401633194 is modified under the power vested in the Board by Section '36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 1, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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 on October 7, 2003

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# MINUTES

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## 227-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Lisa & Thomas Good, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Bath Walk, west side, 56.00' north of Proposed 12th Avenue, Block 16350, Part of Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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

THE VOTE TO GRANT -

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

Negative: .....0

Resolved, that the decision of the Queens Borough Commissioner, dated June 11, 2003, acting on ALT 1. Application No. 401633185 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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 on October 7, 2003.

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## 228-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; William F. & Kerry A. Dolan, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Gotham Walk,west side, 62.26'

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401633185, reads in pertinent part:

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

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

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated July 18, 2003, the Fire Department has reviewed the above project and has no objections; and

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

north of Stehn Promenade, Block 16350, Part of Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 11, 2003 acting on ALT 1. Application No. 401639786, reads in pertinent part:

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

WHEREAS, by the letter dated July 18, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated August 6, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated September 9, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 11, 2003, acting on ALT 1. Application No. 401639786 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning

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# MINUTES

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district requirements; that all applicable laws, rules, and regulations shall be complied with; 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 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 PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: Gary Lenhart.

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

### THE VOTE TO GRANT -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 30, 2003 acting on ALT 1. Application No. 401633167, reads in pertinent part:

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

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law
- B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated August 15, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 30, 2003, acting on ALT 1. Application No. 401633167 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 7, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

related to the relief granted."

Adopted by the Board of Standards and Appeals on October 7, 2003

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## 233-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Patti & Ken Damstron, lessees.

SUBJECT - Application July 7, 2003 - Proposed first floor alterations and additions, also a partial new second floor addition, to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

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 on October 7, 2003

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## 287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

### PREMISES AFFECTED -

- 3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.
- 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.
- 7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

## COMMUNITY BOARD #1SI

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to November 5, 2003, at 10 A.M., for continued hearing.

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## 212-03-A & 213-03-A

APPLICANT - Tai Lawal Calibre Building Services, Inc., for Nabat Development Corp., owner.

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is

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# MINUTES

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contrary to Section 35, Article 3 of the General Law.

**PREMISES AFFECTED -**

129-32 Hook Creek Boulevard, east side, between  
129<sup>th</sup> Road and 130<sup>th</sup> Avenue, Block 12891, Lot 2,  
Borough of Queens.

129-36 Hook Creek Boulevard, east side, between  
129<sup>th</sup> Road and 130<sup>th</sup> Avenue, Block 12891, Lot 4,  
Borough of Queens.

**COMMUNITY BOARD #13Q**

**APPEARANCES -**

**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  
Queens.

**COMMUNITY BOARD #14Q**

**APPEARANCES -**

For Applicant: Gary Lenhart.

**THE VOTE TO CLOSE HEARING -**

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

Negative: .....0

**ACTION OF THE BOARD -** Laid over to October 28,  
2003, at 10 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:05 A.M.

**REGULAR MEETING**

**TUESDAY AFTERNOON, OCTOBER 7, 2003**

**1:30 P.M.**

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

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**ZONING CALENDAR**

**297-01-BZ**

**APPLICANT -** Sheldon Lobel, P.C., for Snake River  
Development LLC, owner; Synergy Fitness 23rd Street Inc.,  
lessee.

**SUBJECT -** Application April 15, 2002 - under Z.R. §73-36, to

For Applicant: O. Charles Isadom.

**THE VOTE TO CLOSE HEARING -**

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

Negative: .....0

**ACTION OF THE BOARD -** Laid over to October 28,  
2003, at 10 A.M., for decision, hearing closed.

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permit the legalization of an existing physical culture establishment,  
Use Group 9, located on the second floor of an existing two story  
building, which requires a special permit as per Z.R. §32-31.

**PREMISES AFFECTED -** 201 East 23rd Street, northeast corner  
of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #6M**

**APPEARANCES -**

For the Applicant: Eric Palatnik.

**ACTION OF THE BOARD -** Application dismiss for lack of  
prosecution.

**THE VOTE TO DISMISS -**

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

Negative: .....0

**THE RESOLUTION -**

WHEREAS, this application, originally heard on June 11,  
2002, requested the legalization of an existing physical culture  
establishment, located on the second floor of an existing two story  
building at the subject premises, in a C1-2 in R3-2 zoning district;  
and

WHEREAS, a public hearing was held on this application on  
June 11, 2002 laid over to July 23, 2002, October 1, 2002,  
November 19, 2002, January 7, 2003, March 25, 2003, July 22,  
2003, and then to October 7, 2003; and

WHEREAS, the applicant has repeatedly failed to provide the  
Board with requested information pertinent to deciding this matter;  
and

WHEREAS, by letter dated September 29, 2003, the  
applicant's representative withdrew as counsel as regards the  
referenced matter; and

WHEREAS, therefore, after multiple Public Hearings and  
adjournments, the Board finds that it must dismiss this case for lack  
of prosecution.

Adopted by the Board of Standards and Appeals, October 7,  
2003.

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**279-02-BZ**

**APPLICANT -** Harold Weinberg, P.E., for Michael Pellegrino,  
owner.

**SUBJECT -** Application May 2, 2003 - under Z.R. §73-622 to  
permit the legalization of a second story to an existing one story,  
one family dwelling, Use Group 1, located in an R4 zoning district,  
which does not comply with the zoning requirements for lot  
coverage, floor area ratio and side yard, is contrary to Z.R. §23-

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# MINUTES

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141, §23-47 and §54-31.

PREMISES AFFECTED - 76 Aster Court, east side, 34'0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003, acting on Application No. 301420335, reads:

"THE ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R4 ZONING DISTRICT.

1. CREATES NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION (ZR)

2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141;

3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARDS AND IS CONTRARY TO SECTIONS 23-47 & 54-31;

4. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FRONT YARDS AND IS CONTRARY TO SECTION 54-31"; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003 and then to October 7, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, R.A., Commissioner Peter Caliendo, and Commissioner Joel Miele, P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of a second story to an existing one-story, one-family dwelling (Use Group 1), which creates non-compliances with respect to lot coverage, floor area ratio, side yards and front yard, contrary to Z.R. §§23-141, 23-47 and 54-31; and

WHEREAS, the applicant originally sought a special permit under Z.R. §73-622, but during the hearing of July 15, 2003, it was discovered that the application could not meet the special permit findings and the applicant agreed to pursue the instant variance; and

WHEREAS, the record indicates that the subject lot is both narrow and shallow, with a width of 34' and a depth of approximately 52'-6", with a lot area of 1785 square feet, which the applicant notes would not comply with the minimum lot size required under Z.R. §23-32; and

WHEREAS, the Board acknowledges that the site is within 100' of the corner, and therefore no rear yard is required; and

WHEREAS, the Board agrees with the applicant's assertions that the existing on-site structure would require massive structural alterations to comply with existing bulk regulations; and

WHEREAS, the aforementioned unique physical conditions,

For Applicant: Harold Weinberg.

**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

namely a narrow and shallow lot, makes its occupancy for a complying R4 use impractical and creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under 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.

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Z.R., limited to the objection cited, under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of a second story to an existing one-story, one-family dwelling (Use Group 1), which creates non-compliances with respect to lot coverage, floor area ratio, side yards and front yard, contrary to Z.R. §§23-141, 23-47 and 54-31; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 2, 2003"-(12) sheets, and on further condition:

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

THAT any graffiti located in 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;

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# MINUTES

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

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

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

Adopted by the Board of Standards and Appeals, October 7, 2003.

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## 334-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

**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 October 22, 2002, acting on Application No. 301220355 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to

WHEREAS, the applicant further argues that the width of the subject block creates unusually deep lots, compounding the negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is

legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00; and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is entirely within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

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# MINUTES

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

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; 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 legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §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 September 22, 2003 - (1) sheet and "May 22, 2003"- (25) sheets, and on further condition;

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

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

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

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to legalize the residential use of a building which is located partially within an M1-1 manufacturing district, contrary to Z.R. §42-00;

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, October 7, 2003.

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## 335-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

**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 7, 2002, acting on Application No. 301220382 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area

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# MINUTES

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divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is located partially within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

WHEREAS, the applicant further argues that the width of the

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 legalize the residential use of a building which is located partially within an M1-1 manufacturing district, contrary to Z.R. §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 22, 2003"- (24) sheets, "June 23, 2003"- (1) sheet and "September 22, 2003"- (1) sheet, and on further condition;

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

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

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

THAT all windows on the east side of the building shall have

subject block creates unusually deep lots, compounding the negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

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

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; 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.

an automatic dry fire sprinkler head with orifice directed against the windows, in the area as noted on the drawings marked "Received September 22, 2003";

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, October 7, 2003.

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# MINUTES

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## 336-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 1287 Atlantic Realty LLC, owner.

SUBJECT - Application November 13, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy in a one story, four unit building, which is located within an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn.

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jordan Most.

**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 7, 2002, acting on Application No. 301220373 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION"; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The City Record, and then laid over to June 3, 2003, July 15, 2003, August 5, 2003, and September 9, 2003 and then to October 7, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and

WHEREAS, the record shows that the subject lot is irregularly shaped, in that it has 70 feet of frontage along Atlantic Avenue, running north 149 feet, then east 60 feet, then north 85 feet, then west 64 feet, then north 14 feet, then west 120 feet, then south 150 feet, then west approximately 54 feet, then south 99 feet back to Atlantic Avenue; and

WHEREAS, the applicant represents that the subject lot is divided by two zoning districts, with a slight majority of the lot, fronting Atlantic Avenue, designated M1-1, and the rear portion designated R6; and

WHEREAS, the subject building is entirely within the M1-1 portion of the lot; and

WHEREAS, the applicant states that Building A was opened to residential occupancy in October 2001 and Buildings B and C were opened to residential occupancy in April 2002, and that all three buildings have been completely renovated; and

WHEREAS, the applicant argues that the configuration of the subject lot permits only irregular development that would fail to make efficient use of the land if developed as-of-right, in that the division of the site by two zoning districts would: lead to unusual building placement within the site, leave portions of the land left undeveloped and unusable, and necessitate vertical construction and attendant increased costs; and

WHEREAS, the applicant further argues that the width of the subject block creates unusually deep lots, compounding the

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 legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §42-00; and

WHEREAS, this application is one of three concurrent applications filed by the applicant, seeking to legalize three buildings located at 1281, 1283, and 1287 Atlantic Avenue, on Block 1867, Lot 72; and

WHEREAS, the three subject buildings are:

Building "A" (1287 Atlantic Avenue), with four-stories, approximately 52.3 feet in height, containing 15,588 square feet in floor area, occupied as a mixed-use building, with approximately 2,993 square feet of floor area on the ground level used by the property owner for his lighting design business and the remaining 12,595 square feet of floor area divided into 12 units and occupied residentially;

Building "B" (1281 Atlantic Avenue), with four stories, 30 feet in width, 46 feet in height, containing 6,360 square feet of floor area, and divided into 8 residentially occupied units; and Building "C" (1283 Atlantic Avenue), one-story with mezzanine, approximately 68 feet in length, 65 feet in width and 20 feet in height, containing 5,758 square feet in floor area, and divided into 4 residentially occupied units; and

WHEREAS, both the subject building and the other two buildings (plus one additional building not the subject of an application) are situated entirely on Block 1867, Lot 72; and

WHEREAS, the applicant represents that the adjacent lots 75 and 76 contain sixteen accessory parking spaces, for use by the residents of the subject buildings; and

negative effects on development created by division of the lot by two zoning districts, and leading to development which is "ununiform and obscure"; and

WHEREAS, the applicant maintains that the subject building is obsolete and not suitable for modern as-of-right use, in that it lacks elevators and has ceiling heights insufficient for stacking of goods; and

WHEREAS, the applicant notes that, prior to renovation, the subject building had been vacant for at least 10 years and had fallen into a deteriorated state; and

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

WHEREAS, the evidence in the record, including a feasibility study, shows that a complying development would not yield a reasonable rate of return; and

WHEREAS, the record indicates that the surrounding area and the subject block consists of residential uses, and some factory and warehouse uses; 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

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# MINUTES

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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 legalize the residential use of a building which is located within an M1-1 manufacturing district, contrary to Z.R. §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 22, 2003"-(24) sheets, "June 23, 2003"-(1) sheet and "September 22, 2003"-(1) sheet, and on further condition;

THAT all windows on the east side of the building shall have an automatic dry fire sprinkler head with orifice directed against the windows, in the area as noted on the drawings marked "Received SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

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

## COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Josef Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

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

## 185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

September 22, 2003";

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

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

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

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, October 7, 2003.

## 249-01-BZ

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

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner 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 continued hearing.

## 202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to permit the proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133<sup>rd</sup> and 134<sup>th</sup> Streets, Block 11757, Lot 55, Borough of Queens.

## COMMUNITY BOARD #12Q

APPEARANCES - None.

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

## 222-02-BZ

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

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to

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# MINUTES

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

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

**COMMUNITY BOARD #15BK**

APPEARANCES -

For Applicant: Hiram A. 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 November 25, 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

APPEARANCES -

For Applicant: Harold Weinberg.

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 28, 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 October 28,

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 November 5, 2003, at 1:30 P.M., for continued hearing.

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**281-02-BZ**

APPLICANT - Harold Weinberg, P.E., for Jacob Farhi, owner.  
SUBJECT - Application October 18, 2002- under Z.R. §73-622 to permit the legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, and is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

PREMISES AFFECTED - 18 Exeter Street, east side, 126'-4½" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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

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**73-03-BZ**

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129<sup>th</sup> and 130<sup>th</sup> Streets, Block 1727, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #10M**

APPEARANCES -

For Applicant: Mark A. Levine, Antonio Martins and Jack Freeman.

For Opposition: Carlos Vargas-Ramos, Beverly Smith, Daniel Perez, Georging Bailey, Rosetta Williams, Gulsen Calik, Claris C, N Schreta, Noreen Clark-Smith and Paulette Akonnor.

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

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**80-03-BZ**

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to

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# MINUTES

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permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39<sup>th</sup> Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Stuart A. Klein, Richard Lipsky, Leah Archibald and Felix Banger.

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

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**83-03-BZ**

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.  
SUBJECT - Application March 12, 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**

APPEARANCES - None.

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

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**118-03-BZ**

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11<sup>th</sup> Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

PREMISES AFFECTED - 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES -

For Opposition: EDOTT.

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

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

APPLICANT - Joseph P. Morsellino, for Joseph Parisano, owner.  
APPEARANCES - None.

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

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**138-03-BZ**

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69<sup>th</sup> Road, Block 3801, Lot 35, Borough of Queens.

**COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant: Mitchell Ross.

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

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

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Alfonso Duarte.

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# MINUTES

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For Opposition: Richard Hellenbrecht, Angela Augugliaro and Carol Gomez.

**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 December 16, 2003, at 1:30 P.M., for decision, hearing closed.

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**141-03-BZ**

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner 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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**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**

APPEARANCES -

For Applicant: H. Irving Sigman and James Rodgers.

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

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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**

permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 10 Graham Avenue, a/k/a 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

APPEARANCES -

For Applicant: Janice Cahalane and Alex Freed.

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 December 9, 2003, at 1:30 P.M., for decision, hearing closed.

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**178-03-BZ**

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

**COMMUNITY BOARD #10Q**

APPEARANCES -

For Applicant: Eric Palatnik.

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

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**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,

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# MINUTES

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between East 23rd and East 24th Streets, Block 7605, Lot 47,  
Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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

**COMPLIANCE CALENDAR**

**WEDNESDAY MORNING, OCTOBER 8, 2003**

**10:00 A.M.**

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

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**62-83-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean  
Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65,  
68, 70, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Paul Sheridan.

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

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**173-94-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Richard A. Shelala.

SUBJECT - Reopening for possible rescindment.

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

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Adam Rothkrug.

In Favor: Richard Shelala.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 4:30 P.M.

**SPECIAL ORDER CALENDAR**  
**WEDNESDAY MORNING, OCTOBER 8, 2003**

**10:00 A.M.**

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

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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 15-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**

APPEARANCES -

For Applicant: Shelly Friedman, Gary Handel, Robert Pauls

For Opposition: Jeffrey Mulligan, City Planning; Greg Torhquist,  
Susan Rosenthal, Michael Trese, Denise Martin, Keranus  
Galuppo, Sadie Brandt, Jean-Yves Noblet, David Reck, CB#2;  
Peter Hoffman, Peter Grightsill, Jones, Chair NoHo Neighbor and  
Anthony Marano.

**ACTION OF THE BOARD** - Laid over to November 12,  
2003, at 10 A.M., on the Special Hearing Calendar for continued  
hearing.

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*Pasquale Pacifico, Executive Director.*

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# MINUTES

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Adjourned: 12:30 P.M.

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## CORRECTIONS

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**\*CORRECTION**

These resolution adopted on December 10, 2002, under Calendar No. 219-97-BZ and printed in Volume 87, Bulletin Nos. 49-50, is hereby corrected to read as follows:

**219-97-BZ**

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

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

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

**COMMUNITY BOARD #10Q**

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

**ACTION OF THE BOARD** - Application reopened and resolution amended.

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2002, acting on Application No. 400773016 states:

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

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

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

WHEREAS, on February 23, 1999 the Board granted an

application for the above-referenced premises permitting the construction and use of an automotive service station with an accessory convenience store; and

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

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

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

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 2002'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

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

THAT a Certificate of Occupancy shall be obtained within eighteen (18) months from the date of this resolution;

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

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

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

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

**\*\*The resolution has been corrected to add: "THAT a Certificate of Occupancy shall be obtained within eighteen (18) months from the date of this resolution;". Corrected in**

