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# BULLETIN

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

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Volume 88, No. 46

November 14, 2003

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### DIRECTORY

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

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**JOEL A. MIELE, SR.**

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**329-03-BZ** B.BK. 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn. Alt. Type 1 #3011533473. Proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

**COMMUNITY BOARD #6BK**

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**330-03-A** B.BK. 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn. N.B. #301499974. Proposed area of openings in the rear wall, and distance from a window to a rear lot line, for a proposed four story residential building, is contrary to Article 15, Table 3-4 of the NYC Building Code, and Article 3, Title 1, Sections 26 and 30 of the Multiple Dwelling Law.

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**331-03-A** B.Q. 37-44 103<sup>rd</sup> Street, west side, 410.75' south of 37<sup>th</sup> Avenue, Block 1768, Lot 32, Borough of Queens. Applic. #401574603. The legalization of an existing mercantile occupancy, within a frame class IID construction building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

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**332-03-BZ** B.Q. 34-38 38<sup>th</sup> Street, through block between 37<sup>th</sup> and 38<sup>th</sup> Streets, 115' north of 35<sup>th</sup> Avenue, Block 645, Lot 10, Borough of Queens. Alt. #401390936. Proposed addition to an existing sports complex, which does not comply with the zoning requirements for rear yard equivalent, number of required loading berths, and minimum vertical clearance, is contrary to Z.R. §43-28(b), §44-52 and §44-581.

**COMMUNITY BOARD #1Q**

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**333-03-BZ** B.BK. 371 Stockholm Street, between Wyckoff and St. Nicholas Avenues, Block 3249, Lot 35, Borough of Brooklyn. Applic. #301571243. The reestablishment of a variance previously granted by the Board under Cal. No. 18-77-BZ, which permitted a 40 car parking lot in an R6 zoning district.

**COMMUNITY BOARD #4BK**

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**334-03-A** B.Q. 40 Graham Place, Block 16350, Lot 400, Borough of Queens. Alt.1 #401696241. Proposed second story enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

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**335-03-A** B.Q. 47 Tioga Walk, east side, 110.96' south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401717406. Proposed enlargement, to an existing one family dwelling, located within the bed of a mapped street, 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 Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

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**336-03-A** B.Q. 112 Beach 216<sup>th</sup> Street, Block 16350, Lot 400, Borough of Queens. Alt.1 #401699961. Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**337-03-BZ** B.M. 342 Madison Avenue, (a/k/a 16 East 44<sup>th</sup> Street), west blockfront, between East 43<sup>rd</sup> and 44<sup>th</sup> Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63 and 65, Borough of Manhattan. Applic. #103434230. Proposed enlargement of an existing 21-story office, retail and church building with irregular E-shaped floor plates, will require variances to modify the Special Street Wall requirement of the Grand Central subdistrict, and permit the transfer of floor area across a zoning district boundary, which is not permitted as per Z.R. §81-621, §77-02, §33-17 and §81-211.

**COMMUNITY BOARD #5M**

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# DOCKETS

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**338-03-BZ**            B.BK.            726 Avenue "Z",  
south side, 203.56' east of Ocean Parkway, Block 7238,  
Lot 32, Borough of Brooklyn. Alt 1. #301266500. The  
legalization of commercial offices and a dental laboratory  
on the second floor of a two story building, located in an R5  
zoning district, is contrary to Z.R. §22-11.

**COMMUNITY BOARD #13BK**

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**DESIGNATIONS: D-Department of Buildings; B.BK.-  
Department of Buildings, Brooklyn; B.M.-Department of  
Buildings, Manhattan; B.Q.-Department of Buildings,  
Queens; B.S.I.-Department of Buildings, Staten Island;  
B.BX.-Department of Building, The Bronx; H.D.-Health  
Department; F.D.-Fire Department.**

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# CALENDAR

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**DECEMBER 16, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, December 16, 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**

### **772-67-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for 1234 Forest Avenue Realty Corp., owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 1234 Forest Avenue, southeast corner of Jewett Avenue, Block 354, Lot 32, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

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### **739-76-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for Cord Myer Development Corp., owner; Peter Pan Games of Bayside, owner.

SUBJECT - Application September 26, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 10, 2003.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

**COMMUNITY BOARD #7Q**

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### **109-97-BZ**

APPLICANT - The Agusta Group, for Max Blauner for Blauers, LLC, owner.

SUBJECT - Application October 24, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1201-1239 Lafayette Avenue, northwest corner of Barretto Street, and northeast corner of Tiffany Street, Block 2739, Lot 15, Borough of The Bronx.

**COMMUNITY BOARD #2BX**

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## **APPEALS CALENDAR**

### **203-02-BZ**

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

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service

### **315-03-A thru 322-03-A**

APPLICANT - Joseph P. Morsellino, Esq., for John Contrubis, et al, owner; Stellar Development, LLC, lessee.

SUBJECT - Application October 16, 2003 - Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

102-03 Dunton Court, east of 102nd Street, Block 14240, Lot 1237, Borough of Queens.

102-05 Dunton Court, east of 102nd Street, Block 14240, Lot 1235, Borough of Queens.

102-13 Dunton Court, east of 102nd Street, Block 14240, Lot 1233, Borough of Queens.

102-15 Dunton Court, east of 102nd Street, Block 14240, Lot 1231, Borough of Queens.

102-21 Dunton Court, east of 102nd Street, Block 14240, Lot 1229, Borough of Queens.

102-23 Dunton Court, east of 102nd Street, Block 14240, Lot 1227, Borough of Queens.

102-31 Dunton Court, east of 102nd Street, Block 14240, Lot 1225, Borough of Queens.

102-33 Dunton Court, east of 102nd Street, Block 14240, Lot 1223, Borough of Queens.

**COMMUNITY BOARD #10Q**

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**DECEMBER 16, 2003, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, December 16, 2003, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **164-02-BZ**

APPLICANT - Stuart A. Klein, Esq, for Marian Begley, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit the legalization of an enlargement to an existing two family dwelling, which does not comply with the zoning requirements for side yards, is contrary to Z.R. § 23-48(b), §23-48 and §23-461(a).

PREMISES AFFECTED - 1913 Hobart Avenue, west side, bounded by St. Theresa Avenue to the south and Wilkinson Avenue to the north, Block 4234, Lot 58, Borough of The Bronx.

**COMMUNITY BOARD #10BX**

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station with an accessory convenience store, Use Group 16, that is located in a C1-2 within an R5 zoning district, is contrary to §32-31.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12

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# CALENDAR

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and 13, (Tentative Lot 1), Borough of Queens.

**COMMUNITY BOARD #3Q**

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**82-03-BZ**

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**264-03-BZ**

APPLICANT - The Law Office of Fredrick A. Becker, for Samuel Halon and Chaya Halon, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and side yard, is contrary to Z.R. §23-141 and §23-461.

PREMISES AFFECTED - 2713 Avenue "N", 66' west of East 28th Street, Block 7663, Lot 5, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**286-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Classic Closeouts, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed renovation of the existing building, to facilitate a retail store with accessory storage, as well as offices with accessory storage, Use Group 6, located in C1-2 and R5 zoning districts, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens.

**COMMUNITY BOARD #14Q**

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**301-03-BZ**

APPLICANT - The Law Office of Fredrick A. Becker, for Leonard Wassner and Isabell Wassner, owners.

SUBJECT - Application September 22, 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

**REGULAR MEETING**

**WEDNESDAY MORNING, NOVEMBER 5, 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

does not comply with the zoning requirements for floor area, open space ratio, rear and side yards, and is contrary to Z.R. §23-141, §23-46 and §23-47.

PREMISES AFFECTED - 1103 East 22nd Street, between Avenues "J" and "K", Block 7604, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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*Pasquale Pacifico, Executive Director*

Tuesday morning and afternoon, September 9, 2003, were approved as printed in the Bulletin of September 18, 2003, Volume 88, No. 34-37.

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**SPECIAL ORDER CALENDAR**

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# MINUTES

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## 779-57-BZ

APPLICANT - Eric Palatnik, P.C., for Tira Holding Corporation, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 11, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 137-21 Jamaica Avenue, northeast corner of Jamaica Avenue and Van Wyck Expressway, Block 9618, Lot 30, Borough of Queens.

### COMMUNITY BOARD #12Q

#### APPEARANCES -

For Applicant: Eric Palatnik.

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

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Miele and Commissioner Caliendo.....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 laid over to October 21, 2003, and then to November 5, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on March 11, 2003, and an amendment to the resolution; and

WHEREAS, the applicant seeks approval for the addition of a small enlargement to the existing structure at the northwest corner of the premises, modifications to the interior of the existing structure, and proposed modifications to existing signage; and

WHEREAS, since October 30, 1957, the Board has exercised jurisdiction over the premises under the subject calendar number, with further actions occurring since that date, the most recent being a reopening and amendment on the SOC calendar, granted on September 23, 1994; and

WHEREAS, the record indicates that the premises has been continuously occupied as an automotive service station since 1957; and

*Resolved*, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§ 11-411 and 11-412, extends the term of the Variance which expired on March 11, 2003, so that as amended this **202-62-BZ**

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

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

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding

portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from March 11, 2003 expiring on March 11, 2013, and to approve the addition of a small enlargement to the existing structure at the northwest corner of the premises, modifications to the interior of the existing structure, and proposed modifications to existing signage, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 10, 2003”- (5) sheets; and on further condition;

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

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

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

THAT the hours of operation shall be: gas sales - 6 am to 11 pm, Monday through Sunday, auto repairs – 8 am to 6 pm, Monday through Friday, and 8 am to 3 pm on Saturday;

THAT lighting shall be positioned down and away from any adjacent residential uses;

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 #400987606)

Adopted by the Board of Standards and Appeals, November 5, 2003.

Avenue, Block 4447, Lot 62, Borough of The Bronx.

### COMMUNITY BOARD #11BX

#### APPEARANCES -

For Applicant: Elisa Hwn.

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

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,



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# MINUTES

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Commissioner Miele and Commissioner Caliendo.....4

Negative:.....0

## THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, and laid over to August 12, 2003, September 9, 2003, September 30, 2003, October 21, 2003, and then to November 5, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 3, 2001, and an amendment to the resolution; and

WHEREAS, the applicant seeks the legalization of the conversion of the repair bay area to a retail convenience store, accessory to the existing gasoline service station; and WHEREAS, the amendment will provide five (5) parking space and will alter the existing signage; and

WHEREAS, since April 3, 1956, the Board has exercised jurisdiction over the premises under different calendar numbers on the Zoning, Appeals and Special Order Calendars; and

WHEREAS, the record indicates that the premises has been continuously occupied as a gasoline service station and related uses since 1955; and

WHEREAS, on October 23, 1962, under the instant Calendar Number, the Board granted an application to permit the erection of an enlargement to the accessory building to the existing gas station at the subject site; and

WHEREAS, uses at the subject premises have been amended through December 4, 1991.

*Resolved*, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, extends the term of the Variance which expired on April 3, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from April 3, 2001, expiring on April 3, 2011, and to legalize the conversion of the repair bay to a convenience store accessory to the existing gasoline service station, and the alteration of existing signage, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 4, 2003”- (7) sheets; and on further condition;

## 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

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

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

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 #200742287)

Adopted by the Board of Standards and Appeals, November 5, 2003.

## 1152-64-BZ

APPLICANT - Eric Palatnik, P.C., for Ford Leasing Development Company, owner.

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

PREMISES AFFECTED - 2385 Richmond Avenue, between Nome Avenue and Richmond Hill Road, Block 2402, Lot 200, Borough of Staten Island.

## COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

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.

APPEARANCES -

For Applicant: Elisa Hwn.

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.

## 546-82-BZ

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# MINUTES

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APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148<sup>th</sup> Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

## COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Pasquale Carpentiere.

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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## 245-90-BZ

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

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

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

## COMMUNITY BOARD #12BK

APPEARANCES - None.

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

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## 259-03-A

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

SUBJECT - Application August 13, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road is contrary to Section 36, Article 3 of the General City Law and The Department of Buildings' policy.

*Resolved*, that the decision of the Queens Borough Commissioner, dated July 28, 2003, acting on ALT 1. Application No. 401623310 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 August 13, 2003"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements and all other applicable laws, rules, and regulations; 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 this approval is limited to the relief granted by

PREMISES AFFECTED - 4 Newport Walk, west side, 368.86' south of Breezy Point Boulevard, 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: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 31, 2003, acting on ALT 1. Application No. 401623310 reads in pertinent part:

"For Board of Standards & Appeals Only

A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate can be issued as per Article 3, Section 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 building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York.

A-2 The upgraded private disposal system is partially in the bed of a private service road contrary to Department of Buildings policy."; and

WHEREAS, by letter dated September 12, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 10, 2003, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 8, 2003, the Department of Environmental Protection has reviewed the above project and has no objections;

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

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;

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 November 5, 2003.

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# MINUTES

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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 -

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

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## 99-01-A, Vol. II

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application August 7, 2003 - To restore to calendar-proposed to legalize the conversion of a two story and cellar frame two (2) family dwelling to stores (U.G. 6).

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

### COMMUNITY BOARD #3Q

#### APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Janine A. Gaslard.

**ACTION OF THE BOARD** - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

## 326-02-BZ

### CEQR #03-BSA-073K

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit in a C4-2 zoning district, the legalization of an existing physical culture establishment, encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

#### APPEARANCES -

For Applicant: Gary H. Silver.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 10:35 A.M.

### REGULAR MEETING

**WEDNESDAY AFTERNOON, NOVEMBER 5, 2003**

**2:00 P.M.**

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

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### ZONING CALENDAR

## 258-02-BZ

### CEQR #03-BSA-042K

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

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

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

### COMMUNITY BOARD #1BK

#### APPEARANCES -

For Applicant: Kerry Johnson.

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

#### THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, November 5, 2003.

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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 Manhattan Borough Commissioner, dated April 23, 2003 acting on ALT I. Application No. 300130551 reads:

“Zoning objection for proposed use on cellar level.

Physical Culture or Health Establishments, including gymnasiums (not permitted under the Use Group 9) are Not as of Right, and require BSA approval as per Zoning Regulation section 32-31.”; and

WHEREAS, a public hearing was held on this

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# MINUTES

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application on September 16, 2003, after due notice by publication in *The City Record* and held over to October 21, 2003 and then to November 5, 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-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit, in a C4-2 zoning district, the legalization of an existing physical culture establishment ("PCE"), encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31; and

WHEREAS, the subject use is a state-of-the art fitness center offering cardio vascular equipment and facilities for weight training; and

WHEREAS, the hours of operation for the subject use will be limited to 6:00 a.m. to 11:00 p.m., Monday to Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday; and

WHEREAS, the applicant represents that the subject PCE does not and will not offer massages; and

WHEREAS, the subject building is located on the south side of Church Avenue east of the corner it forms with Flatbush Avenue, and west of Bedford Avenue; and

WHEREAS, the record indicates that the block's character is characterized by numerous low-rise retail and office commercial buildings; and

WHEREAS, the subject use is located within an existing commercially zoned building which has been commercially occupied since 1932; and

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

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located at the basement level of a one-story commercial building; and

WHEREAS, the proposed project will not interfere with

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

THAT all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited the hours of operation for the subject use will be limited to 6:00 a.m. to 11:00 p.m., Monday to Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday;

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

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

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

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection only;

the existing street system or any pending public improvement project; and

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

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36 and 73-03 to permit, in a C4-2 zoning district, the legalization of an existing physical culture establishment, encompassing approximately 13,309 square feet, at the cellar level of a one-story commercial building, contrary to Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 27, 2003"- (2) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years, from November 5, 2003 to expire on November 5, 2013;

THAT if massages are offered they will be performed by New York State licensed massage therapists;

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

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

Adopted by the Board of Standards and Appeals, November 5, 2003.

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## 44-03-BZ

### CEQR #03-BSA-133Q

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

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

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# MINUTES

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

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

## COMMUNITY BOARD #9Q

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 January 8, 2003, acting on Application No. 401592193 reads:

“Respectfully request objection to above referenced premises in that:

The proposed enlargement horizontally and vertically to the existing non conforming use group 16 in an R5 district is contrary to ZR54-30.”; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in *The City Record*, and laid over to August 12, 2003, September 30, 2003, and October 21, 2003 and then to November 5, 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

WHEREAS, the applicant has submitted an affidavit attesting that no auto dismantling is occurring or will occur on the subject premises; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent 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

Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed vertical and horizontal enlargement of an existing non-conforming one-story commercial use, Use Group 16, within an R5 zoning district, which is contrary to Z.R. §54-30; and

WHEREAS, the subject zoning lot extends 100 feet along the westerly side of 99<sup>th</sup> Street and 100 feet south of 97<sup>th</sup> Avenue, and is currently improved with a one-story commercial structure; and

WHEREAS, the applicant represents that the subject zoning lot is irregularly and asymmetrically shaped with a depth of 123 feet for only 28 feet of the width of the property; and

WHEREAS, the applicant asserts that the existing building is under-built, occupying only 40 percent of the zoning lot, resulting in the inefficient use of the lot; and

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

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

WHEREAS, the applicant states that the area is a mixed-use area, containing residential, manufacturing and commercial uses; and

WHEREAS, the record shows that there are a number of other pre-existing industrial uses on the subject block; and

foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical and horizontal enlargement of an existing non-conforming one-story commercial use, Use Group 16, within an R5 zoning district, which is contrary to Z.R. §54-30, *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 2, 2003”- (6) sheets; and *on further condition*;

THAT no auto dismantling or other UG 17 or 18 uses shall occur on the premises;

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

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# MINUTES

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, November 5, 2003.

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## 206-03-BZ

### CEQR #03-BSA-210M

APPLICANT - The Law Office of Fredrick A. Becker, for 974 Madison Avenue Company, LP, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to

WHEREAS, this is an application under Z.R. §73-36 to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment ("PCE"), located on the second floor of a five story commercial building, contrary to Z.R. §32-10; and

WHEREAS, the subject space is entered from stairs or elevators located in the ground floor lobby, which the applicant represents provides access to people with disabilities including those using wheelchairs; and

WHEREAS, the existing use is a traditional spa environment rather than a fitness-oriented facility, with hours of operation of: Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and Sunday 8:00 A.M. to 8:00 P.M.; and

WHEREAS, the record indicates that the subject use will contain treatment rooms in conjunction with the core fusion and yoga studios, with treatment rooms being used for massages and facials; and

WHEREAS, further, the applicant represents that all massages will be performed by massage therapists licensed by New York State; and

WHEREAS, the Board finds that the proposed use will

Z.R. §32-10.

PREMISES AFFECTED - 980 Madison Avenue, west side, between East 76<sup>th</sup> and East 77<sup>th</sup> Streets, Block 1391, Lot 14, Borough of Manhattan.

### COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker.

**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 Manhattan Borough Commissioner, dated June 17, 2003 acting on ALT I. Application No. 103459963 reads:

"proposed physical culture establishment is not a permitted use as of right within C5-1 zoning district hence it is contrary to ZR Sec. 32-10.;" and

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record* and held over to October 21, 2003, and then to November 5, 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-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

not alter the essential character of the surrounding neighborhood, nor will it impair the future use and development of the surrounding area; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located on the second floor of a five story commercial building; and

WHEREAS, the proposed project will not interfere with the existing street system or any pending public improvement project; and

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

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

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36, 73-03 and 99-00 et seq, to permit, in a C1-5 (MP) zoning district, the legalization of an existing physical culture establishment, located on the second floor of a five story commercial building contrary to Z.R. §32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received, October 15, 2003" - (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from November 5, 2003 to expire on November 5, 2013;

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

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

THAT all signage shall comply with applicable signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 6:30 A.M. to 9:00 P.M., and Saturday and **237-03-BZ**

**CEQR #04-BSA-007K**

APPLICANT - Eric Palatnik, P.C., for Sydel Rand, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3077 Bedford Avenue, east side, between Avenues I and J, Block 7589, Lot 25, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Eric Palatnik.

**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** -

Sunday 8:00 A.M. to 8:00 P.M.;

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

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

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

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Buildings objection only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 5, 2003.

WHEREAS, the decision of the Borough Commissioner dated June 20, 2003, acting on Application No. 301537969 reads:

1. Plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted .5.
2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150.0.
3. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than the minimum required 30''; and

WHEREAS, a public hearing was held on this application on October 21, 2003 and laid over to November 5, 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 and Commissioner Joel Miele; and

WHEREAS, a special permit is sought pursuant to Z.R. §§73-03 and 73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements

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# MINUTES

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for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, the applicant represents that the overall design of the proposed house will remain similar to neighborhood conditions, and that the scale of the home in no way impairs the future development of the surrounding area; and

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

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, contrary to Z.R. §§23-141 **233-01-BZ**

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

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

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

## COMMUNITY BOARD #4M

APPEARANCES - None.

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

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## 161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.

SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter

and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 18, 2003"-(10) sheets and "October 24, 2003"-(1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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

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

THAT the above conditions shall 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, November 5, 2003.

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wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman, Robert Pauls, Donald Letnik.

For Opposition: Dan Cavanagh, George Broadherd and Kathryn Gavitt.

**ACTION OF THE BOARD** - Laid over to February 3, 2003, at 1:30 P.M., for continued hearing.

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## 185-02-BZ



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# MINUTES

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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**

APPEARANCES -

For Applicant: Jordan Most.

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

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**350-02-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

**ACTION OF THE BOARD** - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

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**92-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.

SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, which requires a special permit.

PREMISES AFFECTED - 472 West 130<sup>th</sup> Street, southwesterly corner of the intersection of West 130<sup>th</sup> Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

**COMMUNITY BOARD #9M**

APPEARANCES -

For Applicant: Janice Cahalane.

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

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**222-03-BZ**

APPLICANT - Alfonso Duarte, for Emanuel T. Lorras, owner.

SUBJECT - Application June 27, 2003 - under Z.R. §72-21 to permit the proposed enlargement of the second floor of an existing one family dwelling, that will be converted into a two family dwelling, located in an R4 zoning district, which will encroach into the required front yard, is contrary to Z.R. §23-45 and §54-313.

PREMISES AFFECTED - 30-04 73<sup>rd</sup> Street, southwest corner of 30<sup>th</sup> Avenue, Block 1121, Lot 6, Borough of Queens.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES -

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** - Laid over to December 9, 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 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 - None.

**COMMUNITY BOARD #3Q**

APPEARANCES -

For Applicant: Alfonso Duarte.

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

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**243-03-BZ**

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

SUBJECT - Application July 16, 2003 - under Z.R. §11-412 to permit the reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2420 Amsterdam Avenue, between West 180<sup>th</sup> and West 181<sup>st</sup> Streets, Block 2152, Lots 77 and 83, Borough of Manhattan.

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# MINUTES

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## COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

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

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## 245-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua Muss c/o Allied Enterprises, owner; Franchise Realty Interstate, lessee.

SUBJECT - Application July 22, 2003 - under Z.R. §72-243 to permit the proposed accessory drive-through facility, for an existing eating and drinking establishment, Use Group 6, in a C1-2 zoning district, which is contrary to Z.R. §32-41.

PREMISES AFFECTED - 160-11 Willets Point Boulevard, northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

## COMMUNITY BOARD #7Q

PREMISES AFFECTED - 1861 East 21<sup>st</sup> Street, between Quentin Road and Avenue "R", Block 6804, Lot 66, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

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

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## 257-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Dorothy Sauerbrun, owner; Walgreens, lessee.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore, located in a C8-1 and R-5 zoning district, that provides 21 parking spaces, instead of the required 35, and also will provide a 10' side yard, rather than the required 15', is contrary to Z.R. §36-21 and §33-291.

PREMISES AFFECTED - 3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx.

## COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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,

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

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## 250-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Rebecca Jakubowitz, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

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

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## 269-03-BZ

APPLICANT - Wolf, Block, Schorr and Solis-Cohen LLP by David E. Bronston, for Southbridge Towers, Inc., owner; Cellular Telephone Company d/b/a AT&T Wireless Services, lessees.

SUBJECT - Application August 26, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility (30' radio communications monopole), on the grassy lawn portion of subject property, located in an R-8 zoning district, which requires a special permit as per Z.R. §22-21.

PREMISES AFFECTED - 333 Pearl Street, northwest corner of Frankfort Street, Block 94, Lot 1, Borough of Manhattan.

## COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Paul Vissiano, Paul Houitz and David Bronston.

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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*Pasquale Pacifico, Executive Director.*

Adjourned: 3:25 P.M.

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# MINUTES

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## SPECIAL HEARING

WEDNESDAY MORNING, NOVEMBER 12, 2003

10:00 A.M.

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

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### 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.

For Opposition: Doris Diether, Zalla Jones, Chair NoHo Neighbor and Tizane Hauolt.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 10:15 A.M.