
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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December 25, 2003

DIRECTORY

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DOCKETS

New Case Filed Up to December 16, 2003

371-03-BZ B.M. 655 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 1, Borough of Manhattan. Alt.1#103531830. The legalization of the eighth and ninth floors of an existing nine story building, for use as a physical culture establishment, located in a C5-3(MiD) zoning district, is contrary to Z.R.§32-10.

COMMUNITY BOARD #5M

372-03-BZ B.M. 663 Fifth Avenue, southwest corner, block bounded by Fifth and Madison Avenues, and East 52nd and East 53rd Streets, Block 1288, Lot 3, Borough of Manhattan. Alt.1#103503497. The legalization of the eighth floor, and the roof, of an existing eight story building, for use as a physical culture establishment, located in a C5-3(MiD) zoning district, is contrary to Z.R.§32-10.

COMMUNITY BOARD #5M

373-03-BZ B.BX. 293 East 207th Street, north side, 80' west of Perry Avenue, Block 3343, Lot 683, Borough of The Bronx. Applic. #200804353. Proposed off-site accessory parking lot, to be located in an R7-zoning district, is contrary to Z.R. §25-52.

COMMUNITY BOARD #7BX

374-03-BZ B.Q. 114-17 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 32, Borough of Queens. N.B.#401594976. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

375-03-BZ B.Q. 114-19 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 33, Borough of Queens. N.B.#401594985. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

376-03-BZ B.Q. 114-36A Taipei Court, south side, 351' west of 115th Street, Block 4019, Lot 13, Borough of Queens. N.B.#401595038. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-10.

COMMUNITY BOARD #7Q

377-03-BZ B.M. 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan. Applic.#103600499. Proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, is contrary to Z.R.§42-00,§42-14, §32-17 and §43-12.

COMMUNITY BOARD #2M

378-03-BZ B.BK. 2920 Coney Island Avenue, west side, 53.96' north of Shore Parkway, Block 7244, Lot 98, Borough of Brooklyn. Applic.#301642097. Proposed erection of a two story building, for use as a non-profit school for teaching circus skills, Use Group 3, located in an R3-1 zoning district, which creates non-compliance with respect to lot coverage, side and front yards, perimeter wall height, sky exposure plane and setback, is contrary to Z.R. §24-11. §24-34, §24-35 and §24-521.

COMMUNITY BOARD #15BK

379-03-A B.Q. 127 Arcadia Walk, east side, 501.12' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401731097. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

380-03-A B.Q. 3 Essex Walk, east side, 205.36' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401721446. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and does not front on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

DOCKETS

381-03-BZ B.BK. 6023 Fort Hamilton Parkway, aka 6013/23 Fort Hamilton Parkway, aka 6012/24 Tenth Avenue, and aka 973/83 61st Street, northeast corner, Block 5715, Lot 55, Borough of Brooklyn.

Alt.1#301536620. Proposed expansion of existing social security offices, and the addition of school by adding a second floor, to an existing one story building, located in an M1-1 zoning district, which does not comply with the zoning requirements for Use Group and floor area, is contrary to Z.R. §42-00, §43-12 and §43-122.

COMMUNITY BOARD 12BK

382-03-BZ B.M. 406 West 31st Street, south side, between Ninth and Tenth Avenues, Block 728, Lot 42, Borough of Manhattan. Applic.#103586193.

Proposed conversion of a fifteen-story with cellar and basement manufacturing loft building, to a dormitory, Use Group 3A, located in an M1-5 zoning district, is contrary to Z.R. §42-12.

COMMUNITY BOARD #4M

383-03-A B.M. 5 Beekman Street, southwest corner of Nassau Street, southeast corner of Theater Alley, Block 90, Lot 14, Borough of Manhattan.

Applic.#103497823. Proposed retention of the existing 10-story atrium and open access stair unenclosed, which is contrary to the "Old Code", Art.26-209(6.4.1.9)(2), as part of a "residential conversion" of an existing Commercial Class "E" building to a residential J-2 occupancy.

384-03-BZ B.BX. 804 East 138th Street, south side, 155.52' east of Willow Avenue, Block 2589, Lots 15 and 16, Borough of The Bronx. Alt.1#200812834.

Proposed operation of a Use Group 4A health facility, on a portion of a zoning lot, located in an M1-2 zoning district, is contrary to Z.R. §42-11.

COMMUNITY BOARD #1BX

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

CALENDAR

JANUARY 27, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 27, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

628-39-BZ

APPLICANT - Rothkrug, Rothkrug Weinberg & Spector, for R-9-2 Inc., owner; D2 Developers Inc., lessee.

SUBJECT - Application October 10, 2003 - reopening for an extension of term of variance which expired December 12, 2003.

PREMISES AFFECTED - 1531/41 Plimpton Avenue, northwest corner of Plimpton Avenue and Featherbed Lane, Block 2875, Lots 51 and 56, Borough of The Bronx.

COMMUNITY BOARD #5BX

973-57-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application October 16, 2003 - reopening for an extension of term of variance which expired October 28, 2003.

PREMISES AFFECTED - 60-04 Metropolitan Avenue on the southwest corner of 60th Street, Block 3492, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #5M

400-70-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corporation, owner.

SUBJECT - Application November 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 134-07 Cross Bay Boulevard (formerly 134-15 Croo Bay Boulevard) Cross Bay Boulevard at northeast corner of Linden Boulevard, Block 11493, Lots 79 & 87, Borough of Queens.

COMMUNITY BOARD #10Q

PREMISES AFFECTED - 1404/06 Stebbins Avenue, northeast corner of East 170th Street, Block 2965, Lot 36, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEALS CALENDAR

331-03-A

APPLICANT - The Agusta Group, for Nelson Catano, owner.

SUBJECT - Application October 27, 2003 - 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.

PREMISES AFFECTED - 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens.

COMMUNITY BOARD #3Q

JANUARY 27 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 27, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

239-03-BZ

APPLICANT - Jay A. Segal, Greenberg Traurig, LLP, for West Broadway Arches c/o Mr. Chuck Seltzer, owner.

SUBJECT - Application July 10, 2003 - under Z.R. § 73-01 & 73-53 to permit the proposed extension of the uses (studios w/accessory living/sleeping/accommodations) allowed on floors two through six of the West Broadway portion of the building, to the ground floor portion of the building, located in M1-5A and R7-2 zoning districts, is contrary to Z.R. §42-14D.

PREMISES AFFECTED - 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #2M

261-03-BZ

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

SUBJECT - Application August 18, 2003 - under Z.R. §72-21 to permit the legalization of an existing one story building, as an auto repair shop, Use Group 16, located in an R7-1 zoning district, which is contrary to Z.R. §23-00.

267-03-BZ

APPLICANT - Stuart A. Klein, Esq., for North 14th Street Realty Associates, LLC, owner.

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

CALENDAR

permit the proposed construction of three attached six and seven story buildings, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2/6 Berry Street, 194/96 North 14th Street, south side, between Wythe Avenue to the west and Berry Street to the east, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

271-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank Scelta, owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a five family, three-story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.

PREMISES AFFECTED - 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #1BK

290-03-BZ

APPLICANT - Petraro & Jones, LLP, for Graceful Services, Inc., owner; Joseph B. Rosenblatt, lessee.

SUBJECT - Application September 3, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, in a C2-8(TA special district), which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan.

COMMUNITY BOARD #6M

308-03-BZ

APPLICANT - Catapano Engineering, P.C., for Grand Concourse Realty Corp., owner.

SUBJECT - Application October 6, 2003 - under Z.R. §73-211 to permit the 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, which is contrary to a previous variance granted under Cal. No.193-50-BZ

SUBJECT - Application October 7, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired and for an amendment to

PREMISES AFFECTED - 20/24 2nd Avenue a/k/a 30/32 East 1st Street, northeast corner of 2nd Avenue and East 1st Street, Block 443, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

FEBRUARY 3, 2004, 1:30 P.M.

and Z.R. §32-25.

PREMISES AFFECTED - 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx.

COMMUNITY BOARD #4BX

329-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

PREMISES AFFECTED - 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn.

COMMUNITY BOARD #6BK

330-03-A

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - 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.

PREMISES AFFECTED - 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #6BK

FEBRUARY 3, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 3, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

85-58-BZ

APPLICANT - Maxfield Blaufeux & Heywood Blaufeux, for Estate of Hyman Badzanower, owner; Westfield second Associates, owner

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 3, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

221-03-BZ

APPLICANT - Martyn & Don Weston, for 253 West 28th Street,

CALENDAR

Corp., owner.

SUBJECT - Application June 26, 2003 - under Z.R. §72-21 to permit the legalization of three existing residential units, located on the third, fourth and fifth floors, of a five story mixed use building, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 253/55 West 28th Street, north side, 105'-1" east of Eighth Avenue, Block 778, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #5M

262-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sam Dagan, owner.

SUBJECT - Application August 18, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement to an existing one family dwelling, which does not comply with the zoning requirements for floor area and rear yard, is contrary to Z.R. §23-47 and §23-142.

PREMISES AFFECTED - 1564 East 28th Street, west side, between Avenue "P" and Kings Highway, Block 7688, Lot 82, Borough of Brooklyn.

COMMUNITY BOARD #15BK

273-03-BZ thru 285-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 211 Building Corp., owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

PREMISES AFFECTED -

211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens.

211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens.

211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens.

211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens.

211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens.

211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens.

211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens.

REGULAR MEETING

TUESDAY MORNING, DECEMBER 16, 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, October 7, 2003, were approved as printed in the Bulletin of October 16, 2003, Volume 88, No. 42.

211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens.

211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens.

211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens.

211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens.

211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens.

211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens.

COMMUNITY BOARD #13Q

337-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 340 Madison Owner, LLC c/o Macklowe Properties, 142 West 57th Street, owners.

SUBJECT - Application October 31, 2003 - under Z.R. §72-21 to permit the 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.

PREMISES AFFECTED - 342 Madison Avenue, (a/k/a 16 East 44th Street), west blockfront, between East 43rd and 44th Streets, Block 1278, Lots 8, 14, 15, 17, 62, 63 and 65, Borough of Manhattan.

COMMUNITY BOARD #5M

354-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Edelman, Edward & UNED Associates, LLC, owner.

SUBJECT - Application November 18, 2003 - under Z.R. §72-21 to permit the proposed physical culture establishment, in the cellar of a multi-story mixed -use building which sits on property divided by an R8-B and a C6-6/R8-B district boundary, which is contrary to Z.R. §22-10 and §32-10.

PREMISES AFFECTED - 209/15 East 51st Street, between Second and Third Avenues, Block 1325, Lot6, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

389-37-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Rosemarie Fiore, Georgette Fiore ad George Fiore, owner.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 31-08 to 31-12 45th Street, 44-09 Newtown Road, 44-16 31st Avenue, 1.01' feet west of 45th Street, Block 710, Lots 5, 6, 17, 18, 19, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

MINUTES

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application re-opened and term of variance extended.

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the term of the variance, which expired on June 13, 2003; and

WHEREAS, a public hearing was held on this application on November 18, 2003, after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

WHEREAS, on April 5, 1938 the Board granted an application to permit partially in a business use district and partially in a residence use district, use of the portion of the premises within the business district to be used for parking and storage of more than 5 motor vehicles.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R. § 11-4111, said resolution having been adopted on April 5, 1938 as amended through March 1, 1994 expiring June 13, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional five (5) years from June 13, 2003 expiring on June 13, 2008, on condition that all work shall substantially conform to drawings filed with this application marked "Received December 11, 2003- (1) sheet; and on further condition;

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

THAT any graffiti located on the premises shall be removed

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

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 January 6, 2004, at 10 A.M., for decision, hearing closed.

within 48 hours;

THAT upon expiration of the term of this Variance, the applicant/owner shall return to the Board of Standards and Appeals for an extension, and at such time, will submit with the application a financial study examining the feasibility of residential use of the premises;

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

THAT a new Certificate of Occupancy shall be obtained within one year 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 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 #401647143)

Adopted by the Board of Standards and Appeals, December 16, 2003.

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

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for postponed hearing.

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., d/b/a Castro Convertibles, owner.

SUBJECT - Application July 14, 2003 - reopening for an extension of term of variance which expired June 18, 2003.

PREMISES AFFECTED - 115-58 Dunkirk Street, westerly side of Dunkirk Street, 80' north of Newburg Street, Block 10315, Lots 134, 225, 227, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Caliendo and Commissioner Miele.....4
Negative:0
ACTION OF THE BOARD - Laid over to January 6, 2004,
at 10 A.M., for decision, hearing closed.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis,
owner.

SUBJECT - Application May 30, 2003 - request for a waiver of
the Rules of Practice and Procedure and reopening for an extension
of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st
Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough
of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

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 January 6, 2004,
at 10 A.M., for decision, hearing closed.

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

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.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., for continued hearing.

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.

Street, Block 2739, Lot 15, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Philip P. Agusta.

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 January 6, 2004,
at 10 A.M., for decision, hearing closed.

189-99-BZ

APPLICANT -The Agusta Group by Philip P. Agusta, R.A.,
M.U.P., for 460 Quincy Avenue Realty Corporation, owner.

SUBJECT - Application October 21, 2003 - request for a waiver
of the Rules of Practice and Procedure and reopening for an
extension of time to complete construction which expired November
14, 2001.

PREMISES AFFECTED - 460 Quincy Avenue, southeast corner
of Dewey Avenue, Block 5578, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., for continued hearing.

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).

7 Reynolds Court, north side, 300' east of Reynolds
Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. 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 January 6, 2004,
at 10 A.M., for decision, hearing closed.

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow
Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family
attached frame building, not fronting on a legally mapped street, and
located within the bed of a mapped street, is contrary to Sections 35
and 36, Article 3 of the General City Law.

PREMISES AFFECTED -

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69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.

67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.

65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.

63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.

61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.

59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.

55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.

53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.

51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.

49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.

45 Hall Avenue, north side, 325.62' west of

SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo3

Negative:0

Not Voting: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

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

Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.

41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.

39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island.

37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.

35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island.

29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for continued hearing.

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II and Jessica Rojas Eckert, owners.

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

APPEARANCES -

For Applicant: Joseph P. Morsellino and Thomas Gusaivelli.

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 January 6, 2004, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

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Adjourned: 10:35 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, DECEMBER 16, 2003
2:00 P.M.**

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

ZONING CALENDAR

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.
SUBJECT - Application June 3, 2003 - under Z.R. to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45.

PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Leffler.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

WHEREAS, the subject property is a triangular shaped corner lot, occupying the entire block, measuring 4,660.6 square feet in area; and

WHEREAS, the applicant states that the subject lot is presently used as green space, although it is privately owned, and is allegedly maintained by the New York City Parks Department without the consent of the owner; and

WHEREAS, the proposed building will be a two-story, two-family dwelling, with an attached 2-car garage; and

WHEREAS, the applicant proposes to have 5 feet yards on two frontages in lieu of the required 15 foot front yard, which will allow a building with a reasonable floor plan to be constructed; and

WHEREAS, the applicant represents that due to the small shape and size of the zoning lot, a conforming building would produce a very small and unmarketable floor plan; and

WHEREAS, the Boards finds that the unique physical conditions of the subject zoning lot, as discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; 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, the applicant represents that the proposed building is not out of context with the height and bulk of neighboring properties and it will not adversely impact local residential dwellings; and

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by residential uses, with houses of similar bulk and height as that proposed; and

WHEREAS, opposition to the application contends that the subject lot has been used a green space and that the proposed

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated May 27, 2003 acting on Application No. 401641201 reads: "1. The proposed 2 family dwelling encroaches [sic] on the required 15th [sic] Ft. front yards facing 165th St. and Smith Street, therefore is contrary to section 23-45 of the zoning resolution"; and

WHEREAS, a public hearing was held on this application on September 16, 2003 after due notice by publication in The City Record and then laid over to November 18, 2003 and then to December 16, 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45; and

development would negatively impact the character of the neighborhood; and

WHEREAS, the Board notes, however, that the subject lot is privately owned property and not public park land; and

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

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

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

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

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

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

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 construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, and is therefore contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with

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this application marked "Received June 3, 2003"- (8) 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 applicant will comply with all applicable fire safety measures;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and PREMISES AFFECTED - 217-25 106th Avenue, corner of 217th Street, Block 11104, Lot 268, Borough of Queens.

COMMUNITY BOARD #13Q

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 July 2, 2003, and acting on Application No. 401603121, reads:

"1) PROPOSED NEW BUILDING: WITHOUT PROVIDING ADEQUATE REAR YARD CONTRARY TO SECTION 23-47 Z.R."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47; and

WHEREAS, the zoning lot is vacant and measures 3,598 square feet in area; and

WHEREAS, the subject property fronts an unmapped and un-built cul-de-sac, which was originally intended to be a through street, and the partial de-mapping of this cul-de-sac caused the subject property to be shallow with a curved front lot line and an

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 16, 2003.

251-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47.

irregular shape; and

WHEREAS, this application seeks to construct a two-story, two-family dwelling that measures 22 feet by 47 feet 10 inches in area, 28 feet and 10 inches in height, and has a total floor area of 2, 015 square feet; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the property's unusually small depth and irregular shape, makes its occupancy for a conforming use impractical and creates practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the applicant asserts that the above mentioned physical constraints on the property make an as-of-right development financially unworkable; and

WHEREAS, the applicant represents that strict compliance with the rear yard requirements of the zoning resolution would yield unusual and thus unmarketable building configurations; and

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

WHEREAS, the record indicates that the subject property neighbors a number of two-story residential structures, as well as a multiple dwelling structure, and that the surrounding area is predominantly residential; 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 §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental

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review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard,

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

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

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with Z.R. §72-23;

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 16, 2003.

252-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47.

PREMISES AFFECTED - 217-31 106th Avenue, corner of 217th Street, Block 11104, Lot 270, Borough of Queens.

COMMUNITY BOARD #13Q

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 July 2, 2003 and acting on Application No. 401609158, reads:

"1) PROPOSED NEW BUILDING: WITHOUT

which is contrary to Z.R. §23-47, 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 31, 2003"-(10) sheets and "December 2, 2003" -(1) sheet; and on further condition;

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

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

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

PROVIDING ADEQUATE REAR YARD CONTRARY TO SECTION 23-47 Z.R."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in The City Record, and laid over to December 16, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47; and

WHEREAS, the subject property fronts an unmapped and un-built cul-de-sac, which was originally intended to be a through street, and the partial de-mapping of this cul-de-sac caused the subject property to be shallow with a curved front lot line and an irregular shape; and

WHEREAS, the applicant represents that the zoning lot has an arcing front lot line of approximately 71 feet, an angled westerly lot lone of 15 feet and 55 feet, a rear lot line of 45 feet, an easterly lot line of 137 feet and a 22 foot southerly lot line; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the property's unusually small depth and irregular shape, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant asserts that the above mentioned physical constraints on the property make an as-of-right development financially unworkable; and

WHEREAS, the applicant represents that strict compliance with the rear yard requirements of the zoning resolution would yield unusual, and thus unmarketable, building configurations; and

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

WHEREAS, the record indicates that the subject property neighbors a number of two-story residential structures, as well as a multiple dwelling structure, and that the surrounding area is

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a semi-detached two-story, two-family dwelling, Use Group 2, having on-site accessory parking, on a lot that has a non-complying rear yard, which is contrary to Z.R. §23-47, 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 31, 2003"-(10) sheets and "December 2, 2003" -(1) sheet; and on further condition;

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

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

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

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

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

THAT substantial construction be completed and a Certificate of Occupancy be obtained in accordance with Z.R. §72-23;

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 16, 2003.

253-03-BZ

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

APPLICANT - Sheldon Lobel, P.C., for 163-15 Northern Flushing Corp., owner.

SUBJECT - Application August 4, 2003 - under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. §36-21.

PREMISES AFFECTED - 163-15 Northern Boulevard, bounded by 164th Street and Station Road, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003 acting on Application No. 401690728 reads:

"1. Proposed retail space with four (4) parking spaces is contrary to ZR Section 36-21 (Parking requirements) and therefore must be filed with the Board of Standards and Appeals for their decision."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in the City Record, and laid over to December 9, 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 and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. § 36-21; and

WHEREAS, in 1952 under Calendar No. 705-51-BZ, the Board granted a variance on the subject property, noting the unique location and shape of the zoning lot, which permitted a gasoline service station;

WHEREAS, the subject property is located within C2-2 and R4 zoning district where the applicant contends that the proposed retail uses are permitted as-of-right; and

WHEREAS, the applicant represents that the subject lot is triangular in shape, measuring 196 feet by 156 feet by 125 feet, bound by Northern Boulevard, Station Road and 164th Street; and

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WHEREAS, the applicant notes that if each of the retail stores were to be developed separately, on five separate lots, accessory parking would not be required; and

WHEREAS, the applicant asserts that strict compliance with the parking requirements of the zoning resolution, namely the requirement that the subject property have 26 parking spaces, would cause the proposed structure to be inadequate in size and configuration to serve the needs of its customers; and

WHEREAS, the Board finds unique physical conditions exist on the lot, leading to practical difficulties in developing the site with a conforming or complying development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

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

WHEREAS, the record indicates that the surrounding area is largely developed with commercial and residential uses; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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 Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, on a site previously before the Board, the proposed construction of a two-story and basement retail building, with five stores, that provides 4 parking spaces instead of the required 26 parking spaces, which is contrary to Z.R. §36-21, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application
SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 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

marked "Received December 1, 2003"- (6) 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 applicant shall comply with all applicable fire safety measures;

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

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

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

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

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 16, 2003.

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

APPEARANCES -

For Applicant: Peter Brightbill.

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

203-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, PLC, lessee.
110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12 and 13, (Tentative Lot 1), Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lobel, Cris Tartaglia and John Lombardo.
THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele.....4
Negative:0
ACTION OF THE BOARD - Laid over to February 3,
2003, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright and Henry Radusky.

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

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 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, William Brothers, Antonio Martins and others.

For Applicant: Jeffrey Chester and Anthony Argento.

ACTION OF THE BOARD - Laid over to February 24,
2004, at 1:30 P.M., for continued hearing.

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to

For Opposition: Carlos Vargas-Ramos, Georgina Bailey, Paulette Akonnor, Rosetta WilliamS and Juanita H.

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 January 13,
2003, at 1:30 P.M., for decision, hearing closed.

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 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 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 1:30 P.M., for continued hearing.

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

APPEARANCES -

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 - None.

MINUTES

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 March 2, 2004, at 1:30 P.M., for continued hearing.

150-03-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and A. J. Leffler.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

SUBJECT - Application July 17, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for side yard, rear yard, floor area and open space ratio, is contrary to Z.R. §23-461, §23-47 and §23-141.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik

THE VOTE TO CLOSE HEARING -

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

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

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 February 3, 2004, at 1:30 P.M., for decision, hearing closed.

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Derrick Warmington, Lonnie W. Glover, James Guhston and J. Clifford Gacksden.

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 February 3, 2004, at 1:30 P.M., for decision, hearing closed.

244-03-BZ

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.

Negative:0

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for decision, hearing closed.

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.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra J. Altman

ACTION OF THE BOARD - Laid over to January 13, 2004 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Elisa Hwu and Sheldon Lobel

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

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 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

APPEARANCES -

For Applicant: Lyra J. Altman

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 3:55 P.M.