
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, Nos. 34-37

September 18, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

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

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET	629-632
CALENDAR of October 21, 2003	
Morning	633
Afternoon	634
CALENDAR of October 28, 2003	
Morning	634
Afternoon	635

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, September 9, 2003**

Morning Calendar636

Affecting Calendar Numbers:

830-86-BZ	1720/28 Sheephead Bay Road, Brooklyn
263-98-BZ	118 Oxford Street, Brooklyn
849-49-BZ	110 West 57 th Street, Manhattan
931-57-BZ	535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, Staten Island
202-62-BZ	950 Allerton Avenue, Bronx
36-70-BZ	200-204 West 79 th Street, a/k/a 380 Amsterdam Avenue, Manhattan
140-71-BZ	12-40/42 150 th Street, Queens
994-77-BZ	89-43/49 Doran Avenue, Queens
1043-80-BZ	1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn
1122-81-BZ	105-14 Astoria Boulevard, Queens
37-96-BZ	1601 Bronxdale Avenue, Bronx
235-01-BZ	2009 Mermaid Avenue, a/k/a 2879 West 21 st Street, a/k/a 2882 West 20 th Street, Brooklyn
188-03-A	4 Bayview Walk, Queens
195-03-A	31 Kildare Walk, Queens
196-03-A	6 Devon Walk, Queens
197-03-A	30 Lincoln Walk, Queens
198-03-A	42 Roosevelt Walk, Queens
21-02-A thru 25-02-A	258-31/258-33/258-35/258-37/258-39 Francis Lewis Boulevard, Queens
287-02-A thru 289-02-A	3/5/7 Reynolds Court, Staten Island
177-03-A	626 West 254 th Street, Bronx
180-03-A	86 Sweetbrook Road, Staten Island

CONTENTS

Affecting Calendar Numbers:

282-01-BZ	222 Wallabout Street, Brooklyn
283-01-BZ	266 Lee Avenue, Brooklyn
384-01-BZ	218 Wallabout Street, Brooklyn
29-03-BZ	1179 East 28 th Street, Brooklyn
30-03-BZ	333/43 Lorimer Street, Brooklyn
75-03-BZ	326 Seventh Avenue, Manhattan
176-03-BZ	220-02 Jamaica Avenue, a/k/a 219-42/54 Jamaica Avenue, Queens
60-02-BZ	3849 Bedford Avenue, Brooklyn
185-02-BZ	93/101 North Ninth Street, Brooklyn
210-02-BZ thru 213-02-BZ	78-01/78-03/78-05/78-07 Myrtle Avenue, Queens
222-02-BZ	2547 East 12 th Street, Brooklyn
229-02-BZ thru 231-02-BZ	24/32/42 Walton Street, Brooklyn
241-02-BZ	130 Third Street, Brooklyn
254-02-BZ	41/45 South Fifth Street, Brooklyn
334-02-BZ thru 336-02-BZ	1281/1283/1287 Atlantic Avenue, Brooklyn
377-02-BZ	163/65 Parkville Avenue, Brooklyn
68-03-BZ	649 39 th Street, Brooklyn
73-03-BZ	400 Lenox Avenue, Manhattan
100-03-BZ	3448 Bedford Avenue, Brooklyn
138-03-BZ	79-59/77 Cooper Avenue, Queens
140-03-BZ	1855 Richmond Avenue, Staten Island
141-03-BZ	10 Graham Avenue, a/k/a 747/49 Broadway, Brooklyn
149-03-BZ	23-08 South Avenue, Queens
182-03-BZ	1238 East 24 th Street, Brooklyn
189-03-BZ	836 East 233 rd Street, Bronx
219-03-BZ	175-15 Rockaway Boulevard, Queens
220-03-BZ	175-21 149 th Avenue, a/k/a 175-48 148 th Avenue, Queens

Affecting Calendar Number:

214-02-BZ	55 Berry Street, Brooklyn
-----------	---------------------------

DOCKET

269-03-BZ B.M. 333 Pearl Street, northwest corner of Frankfort Street, Block 94, Lot 1, Borough of Manhattan. Alt.II #103518506. 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, requires a special permit from the Board as per Z.R. §22-21.

COMMUNITY BOARD #1M

270-03-BZ B.Q. 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens. N.B. #401696562. Proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

COMMUNITY BOARD #6Q

271-03-BZ B.BK. 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn. N.B. #301628969. 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.

COMMUNITY BOARD #1BK

272-03-BZ B.S.I. 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island. Applic. #500634619. Proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

COMMUNITY BOARD #3SI

273-03-BZ B.Q. 211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens. N.B. #401632630. 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.

COMMUNITY BOARD #13Q

274-03-BZ B.Q. 211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens. N.B. #401632621. 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.

COMMUNITY BOARD #13Q

275-03-BZ B.Q. 211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens. N.B. #401632612. 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.

COMMUNITY BOARD #13Q

276-03-BZ B.Q. 211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens. N.B. #401632603. 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.

COMMUNITY BOARD #13Q

277-03-BZ B.Q. 211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens. N.B. #401632596. 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.

COMMUNITY BOARD #13Q

DOCKETS

278-03-BZ B.Q. 211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens. N.B. #401632587. 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.

COMMUNITY BOARD #13Q

279-03-BZ B.Q. 211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens. N.B. #401632578. 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.

COMMUNITY BOARD #13Q

280-03-BZ B.Q. 211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens. N.B. #401632569. 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.

COMMUNITY BOARD #13Q

281-03-BZ B.Q. 211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens. N.B. #401632550. 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.

COMMUNITY BOARD #13Q

282-03-BZ B.Q. 211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens. N.B. #401632541. 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.

COMMUNITY BOARD #13Q

283-03-BZ B.Q. 211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens. N.B. #401632532. 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.

COMMUNITY BOARD #13Q

284-03-BZ B.Q. 211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens. N.B. #401632523. 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.

COMMUNITY BOARD #13Q

285-03-BZ B.Q. 211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens. N.B. #401632514. 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.

COMMUNITY BOARD #13Q

DOCKET

286-03-BZ B.Q. 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens. Applic. #401703402. 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.

COMMUNITY BOARD #14Q

287-03-BZ B.BK. 430 Keap Street, southeast corner of Hope Street, Block 2387, Lot 2, Borough of Brooklyn. N.B. #301535159. Proposed construction of a six-story residential building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

288-03-BZ B.Q. 109-17 Horace Harding Expressway, northeast corner of Saultell Avenue, Block 1969, Tentative Lot 2, Borough of Queens. Applic. #401633684. Proposed construction of a three story vertical and horizontal enlargement to an existing two story hotel, Use Group 5, located in a C2-2 within an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, height and non-complying signs, is contrary to Z.R. §33-121, §33-341, §32-641-643, §32-652 and §32-655.

COMMUNITY BOARD #4Q

289-03-BZ B.BK. 440 Morgan Avenue, southeast corner of Frost Street, Block 2869, Lot 5, Borough of Brooklyn. Applic. #301391802. The legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

COMMUNITY BOARD #1BK

290-03-BZ B.M. 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan. Alt.1 #103523457. 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), requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #6M

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

OCTOBER 21, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 21, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

254-63-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 301 East 66th Street Condominium, owner.

SUBJECT - Application July 10, 2003 - reopening for an extension of term of variance which expired June 20, 2003.

PREMISES AFFECTED - 301 East 66th Street, aka 1260-1274 Second Avenue, East side of Second Avenue from East 66th Street to East 67th Street, Block 1441, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., dba 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

873-77-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

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

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Fresh Pond Road and Metropolitan Avenue, Block 3521, Lots 35, 37, 45, Borough of Queens.

COMMUNITY BOARD #5Q

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.

SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, and is contrary to Z.R. §24-521, §24-35 and §24-34; also to permit an enlargement to the building, of Class II-D construction, located within the fire district, which is contrary to §§27-301 and 27-305 of the NYC

SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEALS CALENDAR

256-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens.

COMMUNITY BOARD #5Q

259-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Michael Giordano, owner.

SUBJECT - Application September 23, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 819 Rossville Avenue, aka 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

OCTOBER 21, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 21, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

190-03-BZ/191-03-A

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

Administrative Code.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

222-03-BZ

CALENDAR

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 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.
COMMUNITY BOARD #3Q

231-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Isaac Douek Jacqueline Douek Maurice Douek, owners.
SUBJECT - Application July 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.
PREMISES AFFECTED - 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn.
COMMUNITY BOARD #6BK

232-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Lacher Koeppel Realty Corporation, owner.
SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to Calendar No. 171-93-BZ and Z.R. 22-00.
PREMISES AFFECTED - 32-25 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens.
COMMUNITY BOARD #3Q

237-03-BZ

APPLICANT - Eric Palatnik, P.C., for Sydel Rand, owner.
SUBJECT - Application July 9, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, located in an R-2 zoning district, which does not comply with the
515-89-BZ
APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.
SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.
PREMISES AFFECTED - 50 East 78th Street, 78th Street between Madison and Park Avenues, Block 1392, Lot 47, Borough of Manhattan.
COMMUNITY BOARD #8M

zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) 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

Pasquale Pacifico, Executive Director

OCTOBER 28, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 28, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.
SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.
PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.
COMMUNITY BOARD #4BK

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.
SUBJECT - Application August 21, 2003 - reopening for an extension of time which expired October 16, 2003.
PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.
COMMUNITY BOARD #11Q

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York c/o NYC Economic Development Corp., owner; Bronx Preparatory Charter School, lessee.
SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East

CALENDAR

172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.
COMMUNITY BOARD #3BX

APPEALS CALENDAR

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.
SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.
COMMUNITY BOARD #14Q

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

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

ZONING CALENDAR

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty
REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 9, 2003
10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 17, 2003, were approved as printed in the Bulletin of June 26, 2003, Volume 88, No. 26.

Corp., owner.

SUBJECT - Application February 13, 2003 - under Z.R. §72-21 to permit the reestablishment of an expired variance, previously granted under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.
SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.
SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

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

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

COMMUNITY BOARD #12Q

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

830-86-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for A & J Properties, LLC, owner; Jack LaLanne Fitness Centers, Inc., lessee.

SUBJECT - Application June 20, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1720/28 Sheepshead Bay Road, 123.21' south of intersection of Vorhies Avenue, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

MINUTES

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and time to obtain a new certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of time to obtain a new certificate of occupancy which expired on September 21, 1999; and

WHEREAS, a public hearing was held on this application on August 5, 2003, after due notice by publication in The City Record, and laid over to September 9, 2003 for decision; and

WHEREAS, on May 5, 1987 the Board granted an application on the subject premises to permit the operation of a physical culture establishment.

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

“to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this amended resolution, *on condition*

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

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction 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

“to extend the time to complete substantial construction for a period of two (2) years from the date of this resolution, *on condition*

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

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

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

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

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application # 1708/85)

Adopted by the Board of Standards and Appeals, September 9, 2003.

263-98-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Joseph Elegudin, owner.

SUBJECT - Application June 3, 2003 - reopening for an extension of time to complete construction which expired July 24, 2003.

PREMISES AFFECTED - 118 Oxford Street, Oxford Street, 115' south of Shore Boulevard, Block 8757, Lot 90, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of time to complete substantial construction which expired on July 24, 2003; and

WHEREAS, a public hearing was held on this application on August 5, 2003 after due notice by publication in The City Record, and laid over to September 9, 2003 for decision; and

WHEREAS, on April 27, 1999, the Board granted a special permit for the subject premises for the erection of a one-family dwelling.

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

and/or configuration(s) not related to the relief granted.” (DOB Application # 300782240)

Adopted by the Board of Standards and Appeals, September 9, 2003.

849-49-BZ

APPLICANT - Jay A. Segal, Esq., for Directors Guild of America, Inc., owner.

SUBJECT - Application June 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 3, 2002.

PREMISES AFFECTED - 110 West 57th Street, south side of West 57th Street, between Avenue of the Americas and 7th Avenue, Block 1009, Lot 40, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner; Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue, a/k/a 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

202-62-BZ

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

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

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

COMMUNITY BOARD #11BX

APPEARANCES -

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

994-77-BZ

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

36-70-BZ

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

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

PREMISES AFFECTED - 200-204 West 79th Street, a/k/a 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Barbara Hair.

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

extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES - None.

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

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Anthony Scaduto, Fire Department.

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

1122-81-BZ

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for deferred decision.

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration of an existing one family dwelling, 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 - 4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik.

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 June 3, 2003 acting on ALT 1.

amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Cahalane

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug and Bill Lombardo.

For Opposition: Cidele Cohen, Urdieria Gooder, Ivana Wong, Yun Zhi Lio, Yun Zhu and Podu Seto.

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

Application No. 401508999, reads in pertinent part:

- “A1. The proposed enlargement is on a site where the building and lot are located in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3, Sect 35 of the General City Law.
- A2. a) A Certificate of Occupancy may not be issued as per Art. 3 Sect. 36 of the General City Law
- b) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated June 24, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 27, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have

MINUTES

no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 3, 2003 acting on ALT1. Application No. 401508999 is modified under the power vested in the Board by §35 and §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 June 6, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

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

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

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

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

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

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Boulevard they have no objections to the above project; and

WHEREAS, by letter dated July 8, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough

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

Adopted by the Board of Standards and Appeals on September 09, 2003.

195-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 May 27, 2003 acting on ALT 1. Application No. 401623301, reads in pertinent part:

Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401623301 is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

THAT the 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 September 09, 2003.

MINUTES

196-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 *Resolved*, that the decision of the Queens Borough Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401613170 is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

THAT the 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 September 09, 2003.

Commissioner, dated May 27, 2003 acting on ALT 1. Application No. 401613170, reads in pertinent part:

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

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

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

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 8, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

197-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 May 27, 2003 acting on ALT 1. Application No. 401636380, reads in pertinent part:

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

A2. The site and building is not fronting on an

MINUTES

official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.

- A3. The private disposal system being upgraded is in the bed of a mapped street and in the private service road is contrary to Department of Building policy"; and

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

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401636380 is modified under the power

198-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 May 27, 2003 acting on ALT 1. Application No. 401623392, reads in pertinent part:

- "A1. The site is located in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3 Sect 35. of the General City Law .
- A2. The site and building is not fronting on an

vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

THAT the 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 September 09, 2003.

official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; also no permit can be issued since the perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1)of the Administrative Code of the City of New York.

- A3. The existing private disposal system being upgraded is in the bed of a mapped street and in the private service road is contrary to Department of Building policy"; and

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

WHEREAS, by the letter dated July 24, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Boulevard they have no objections to the above project; and

WHEREAS, by letter dated July 23, 2003 the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated May 27, 2003, acting on ALT 1. Application No. 401623392 is modified under the power vested in the Board by §35 and 36 of the General City

MINUTES

Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 2, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

THAT the 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 September 09, 2003.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

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: Adam W. Rothkrug.

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

177-03-A

APPLICANT - Eric Palatnik, P.C., for Lai Ho Chen, owner.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

SUBJECT - Application May 23, 2003 - Proposed residential structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

180-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 11:40 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 9, 2003
2:00 P.M.**

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

ZONING CALENDAR

282-01-BZ

CEQR #02-BSA-030K

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC,

283-01-BZ

CEQR #02-BSA-031K

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

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

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, September 9, 2003.

384-01-BZ

CEQR #02-BSA-089K

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

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

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, September 9, 2003.

APPEARANCES - None.

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, September 9, 2003.

29-03-BZ

CEQR #03-BSA-123K

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards and is contrary to Z.R. §§23-141(a), 23-47, 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Richard Lobel.

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, acting on Application No. 30141136319 reads:

- “1. Proposed plans are contrary to Z.R. 23-141(a) in that the floor area ratio is greater than the 50% permitted.
2. Proposed plans are contrary to Z.R. 23-141(a) in that the open space ratio is less than the 1.5 permitted
3. Proposed plans are contrary to Z.R. 23-47 in that the rear yard is less than 30 feet.
4. Proposed plans are contrary to Z.R. 23-461 in

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the enlargement 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, rear and side yards and is contrary to Z.R. §§23-141(a), 23-47, 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received January 16, 2003”-(2) sheets and “July 22, 2003”-(4) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar;

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

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

THAT the above conditions shall appear on the certificate of occupancy;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4)

that the minimum side yard proposed is less than 5'-0".”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 and then laid over to June 24, 2003, July 22, 2003 and September 9, 2003 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement of 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, rear and side yards and is contrary to Z.R. §§23-141 (a), 23-47, 23-461; 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 years of this grant.

Adopted by the Board of Standards and Appeals, September 9, 2003.

30-03-BZ

CEQR #03-BSA-124K

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

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

MINUTES

Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 20, 2002, acting on Application No. 301381172 reads:

“RESPECTFULLY REQUEST RECONSIDERATION OF OBJECTION 1. ENLARGEMENT OF EXISTING TWO-STORY NON-CONFORMING USE (FACTORY, U.G. 17B) TO A FOUR STORY NON-CONFORMING USE (FACTORY U.G. 17B) IN R-6 DISTRICT IS CONTRARY TO SECTION 52-22 OF THE ZONING RESOLUTION”; and

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in *The City Record*, and laid over to June 17, 2003, July 22, 2003 and then to September 9, 2003 for

WHEREAS, the record indicates that the site is currently occupied by a non-conforming one-story and basement commercial use within the Williamsburg Section of Brooklyn; and

WHEREAS, the site’s irregular slope on Lorimer Street yields a grade level which the applicant represents is actually a basement; and

WHEREAS, moreover, the Lorimer street frontage lacks windows and is burdened with a first floor ceiling height of only nine feet, which the applicant notes is inadequate to meet the owner’s needs; and

WHEREAS, the applicant represents that the site’s irregular slope has resulted in a building burdened with no windows and a low ceiling thus lacking in the modern amenities required for a viable conforming use; and

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

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

WHEREAS, the record indicates that the operation of the subject building is wholly enclosed within the structure and that a two-story addition would not alter or adversely impact the character of the neighborhood; and

WHEREAS, the hours of operation shall be limited to Monday thru Friday 8:00 A.M. to 5:00 P.M.; and

WHEREAS, the applicant anticipates that all future hires to be from the local community and will not generate a need for parking; and

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

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

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

decision; and

WHEREAS, Community Board No. 1 in Brooklyn recommends approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22; and

WHEREAS, the subject site has a frontage of 100 feet along the easterly side of Lorimer Street, continuing southerly 100 feet along the westerly side of Montrose Avenue; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R6 zoning district, the proposed enlargement of an existing two-story non-conforming Use Group 17B building by the addition of two stories, which is contrary to Z.R. Section 52-22, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked, “Received January 16, 2003”- (1) sheet, “Received July 15, 2003”- (4) sheets, and “Received August 20, 2003”- (4) sheets; and *on further condition*;

THAT the hours of operation shall be limited to Monday thru Friday 8:00 A.M. to 5:00 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 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

MINUTES

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, September 9, 2003.

75-03-BZ

CEQR #03-BSA-140M

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner.

SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit in an M1-6 zoning district, the legalization of

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2003 acting on Application No. 103314673 reads:

“Proposed U.G. 2 residential use is not permitted as of right in M1-6 district. It is contrary to Section 42-10 Z.R.”; and

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 July 22, 2003 and then to September 9, 2003 for decision; and

WHEREAS, Community Board No. 5 in Manhattan recommends conditional approval of the subject application; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-6 zoning district, the legalization of residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00; and

WHEREAS, the subject site is located on the westerly side of Seventh Avenue, between West 28th Street and West 29th Street and is currently improved with a five-story building; and

WHEREAS, the record indicates that the ground floor is occupied by a conforming use and the three units located on the second, third, fourth and fifth floors were leased as commercial space, but are currently occupied with residential uses with home occupation; and

WHEREAS, evidence in the record indicates that the City Planning Commission granted an application for Determination of Residential Loft Occupancy for all units above the first floor in both the subject and adjacent buildings pursuant to Zoning Resolution §§15-021 and 42-133 under application number N831692ZJM; and

WHEREAS, however, a Certificate of Occupancy for residential use was never obtained for the subject building; and

WHEREAS, the record indicates that the applicant

residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #5M

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 -

documented good-faith attempts to obtain conforming tenants for the upper floors; and

WHEREAS, the applicant represents that there are unique conditions which render the subject building inefficient for conforming occupancy; and

WHEREAS, the subject building lacks an elevator and loading berths which would preclude the effective movement of commercial or manufacturing goods; and

WHEREAS, the applicant contends that the ceiling heights are too low to accommodate conforming uses; and

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

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

WHEREAS, the record indicates that the surrounding area contains a number of residential uses and community facilities; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards

MINUTES

and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-6 zoning district, the legalization of residential use, Use Group 2, on the second through fifth floors of a mixed-use building, which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 27, 2003"- (5) sheets and "Received July 9, 2003"- (1) sheet, and on further condition;

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, September 9, 2003.

176-03-BZ

CEQR #03-BSA-194Q

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

SUBJECT - Application May 22, 2003 - under Z.R. §72-21, to permit on a site previously before the Board, within a C1-2 and an R3-2 zoning district, the erection of a two-story climate controlled building of approximately 54,896 square feet of floor area with a 28,596 square foot cellar to be used for the proposed storage warehouse and a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00.

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

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THAT future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M1-6 manufacturing and commercial zoning district and may be in proximity to possible as-of-right use of any existing or future manufacturing or commercial use in the subject or adjoining buildings;

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;

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 401587369 reads:

"Proposed change of use in a C1-2 in R3-2 Zoning District from automobile repair shop (Use Group 16) and automobile sales (Use Group 16) to storage warehouse (Use Group 16) to storage warehouse (Use Group 16) is contrary to BSA Calendar numbers 652-55-BZ and 183-98-BZ and Zoning Resolution Section 32-25. Therefore must be referred to the Board of Standards and Appeals.

Proposed illuminated Signage 144 square feet and Non-illuminated signage 88 square feet in a C1-2 in R3-2 Zoning District contrary to Zoning Resolution section 32-642 and 32-643. Therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on July 15, 2003 after due notice by publication in *The City Record*, and laid over to August 12, 2003 for decision. On August 12, 2003, the application was reopened and the decision deferred to September 9, 2003; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, within a C1-2 and an R3-2 zoning district, a change of use from automobile repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00; and

WHEREAS, Community Board #12, Queens recommends approval of this application; and

WHEREAS, the subject zoning lot is an irregularly shaped parcel containing approximately 46,232 square feet with a 137.15 foot frontage on the south side of Jamaica Avenue with an average depth of 251.63 feet; and

WHEREAS, the subject zoning lot is bordered on the

MINUTES

south by an elevated Long Island Railroad right-of-way; and

WHEREAS, in 1955 under Calendar Number 625-55-BZ a change in occupancy on a portion of the Zoning Lot (Tax Lot 256 formerly known as lot 27) from garage to storage, manufacturing, dry cleaning facility, and the unenclosed parking of vehicles (Use Group 17); and

WHEREAS, the aforementioned resolution was amended in 1999 to permit a change of use from storage, manufacturing, dry cleaning facility, and the unenclosed parking of vehicles (Use Group 17) to automobile repair shop (Use Group 16); and

WHEREAS, presently, the subject zoning lot is improved with two buildings: (1) a 2,953.6 gross square

WHEREAS, the Board finds that the zoning lot's irregular shape and the aforementioned history of use with non-conforming Board approved uses creates an unnecessary undue hardship in developing the zoning lot in conformity with the current zoning regulations; and

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

WHEREAS, the record indicates that the surrounding area contains a mixture of commercial community facility and residential uses; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration with specific conditions as noted below, 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, on a site previously before the Board, within a C1-2 and an R3-2 zoning district, the erection of a two-story climate controlled building of approximately 54,896 square feet of floor area with a 28,596 square foot cellar to be used for the proposed storage warehouse and a change of use from automobile

foot one-story automobile and showroom facility and (2) a 7,837.6 gross square foot one-story automobile and repair facility; and

WHEREAS, the applicant proposes to demolish the above buildings and replace them with a two-story, 25 foot ten inches high climate controlled self-storage building containing approximately 54,896 square feet with an additional 28,596 square foot cellar area; and

WHEREAS, the applicant represents that at 25 feet ten inches high, the subject building is approximately the same height as its neighbors and lower than the Long Island Railroad elevated right of way abutting the south side of the zoning lot; and

repair shop and automobile sales to storage warehouse (Use Group 16), which is contrary to Z.R. §32-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 3, 2003"- (9) sheets and "August 1, 2003"-(1) sheet, and *on further condition*;

THAT the applicant shall comply with the following conditions requested by the New York City Department of Environmental Protection's Office of Environmental Planning and Assessment (DEP):

- As a result of the contamination levels detected on the site, a Remedial Action Plan (RAP) should be developed for the subject site and submitted to DEP for review and approval. The RAP should delineate that all excavated soils and fill materials to be removed from the site shall be properly used or disposed of in accordance with all applicable NYSDEC Regulations. Disposal of soils and fill material containing regulated concentrations of contaminants shall be at an appropriate landfill facility. Note that additional testing of the soils may be required by the disposal and/or recycling facility. Under no circumstances should surface soils and/or fills containing regulated concentrations of contaminants be utilized for backfilling and/or grading purposes.
- As a result of elevated concentrations of SVOCs and Heavy Metals exceeding NYSDEC Guidance Levels, a site-specific construction Health and Safety Plan (Construction HASP) should be prepared on the basis of workers' exposure to these contaminants for the proposed remediation. Soil disturbance should not occur without DEP's written approval of the site-specific construction HASP.
- An appropriate vapor barrier, which would sustain long term exposure to petroleum constituents (SVOCs) and heavy metals, should be incorporated into the design plan for all structures during the proposed construction project. The conceptual design of the vapor barrier system should be submitted to DEP for review and approval;

THAT the premises shall be maintained free of debris

MINUTES

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

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §72-21, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Richard Lobel.

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

185-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 7, 2003, at 1:30 P.M., for decision

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R. §23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets,

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, September 9, 2003.

(20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Richard Lobel.

THE VOTE TO CLOSED HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

222-02-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES - None.

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

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

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

MINUTES

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.
SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-l zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Ernest Migliaccio.

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

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.
SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Richard Budd.

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

334-02-BZ thru 336-02-BZ

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

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

PREMISES AFFECTED -

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

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

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

COMMUNITY BOARD #3BK

73-03-BZ

For Applicant: Mark A. Levine.

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

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

377-02-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION C**

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

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

MINUTES

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 and Joseph Holland.

For Opposition: Carlos Vargas-Ramos, Beverly Smith.

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

100-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gabe and Roberta Levy, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the legalization of an enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

PREMISES AFFECTED - 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for decision.

138-03-BZ

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

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

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

149-03-BZ

APPLICANT - Petraro & Jones, LLP, for Angelo Stratigakis, owner.

SUBJECT - Application May 14, 2003 - under Z.R. §72-21, to permit the proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does

Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross.

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

140-03-BZ

APPLICANT - Lipton Associates, for Lipton Real Estate Corp., owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1855 Richmond Avenue, east side, 650.06' south of Eton Place, Block 2030, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han and M. Lipton.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for decision.

141-03-BZ

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

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 1000 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0**ACTION OF THE BOARD** - Laid over to October 21, 2003, at 1:30 P.M., for decision.

not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

PREMISES AFFECTED - 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

MINUTES

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:

182-03-BZ

APPLICANT - Eric Palatnik, P.C., for Solomon Scharf, owner.
SUBJECT - Application May 29, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and rear yard, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1238 East 24th Street, between Avenues "L" and "M", Block 7641, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

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

189-03-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit the continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:

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

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 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

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis and Denise Scaravella.

For Opposition: Richard Hellenbrecht.

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

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, Peter Geis and Denise Scaravella.

For Opposition: Richard Hellenbrecht.

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

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

CORRECTIONS

Adjourned: 4:20 P.M.

***CORRECTION**

These resolution adopted on June 3, 2003, under Calendar No. 214-02-BZ and printed in Volume 84, Bulletin Nos. 24-25, is hereby corrected to read as follows:

214-02-BZ

CEQR#03-BSA-014K

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2002 acting on Application No. 301293570 reads:

"1. PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00.;" and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record and laid over to April 15, 2003, May 6, 2003 and then to June 3, 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, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit in an M1-2 district, the proposed construction of an existing six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00; and

WHEREAS, although the subject block falls within the M1-2 district which does not permit residential uses, the premises is located adjacent to the Special Northside Mixed-Use District, which allows a mixture of manufacturing and residential uses; and

WHEREAS, the record indicates that the manufacturing districts adjacent to the Special Northside District have historically contained mixed-use areas irrespective of a manufacturing designation housing many non-complying and non-conforming residential uses; and

WHEREAS, the applicant has demonstrated that when the current owner purchased the building it was partially occupied with illegal residential uses with conversions completed without permits

and haphazardly; and

WHEREAS, the instant proposal will provide many Quality Housing Program elements, including landscaping, laundry facilities, double glazed windows, parking, and a 12 square foot refuse-disposal room; and

WHEREAS, the record indicates that the existing building's one freight elevator is inadequate to service tenants in a six-story, 62,996 square foot building resulting in the owner not being able to retain former tenants or attracting new ones; and

WHEREAS, Z.R. §44-52 requires that a building containing 62,996 square feet of floor area have provide a minimum of four loading berths; and

WHEREAS, the applicant has demonstrated that the building is burdened with ceiling heights that are too low to accommodate manufacturing needs and that the streets surrounding the building are too narrow to accommodate large trucks and tractor-trailers; and

WHEREAS, the aforementioned unique physical conditions, narrow streets, low ceiling heights and inadequate loading docks, yields a building that despite documented efforts to obtain a conforming tenant is obsolete for conforming manufacturing uses; and

WHEREAS, therefore the Board finds the above conditions create an undue burden in conforming to applicable zoning; 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 introduction of residential uses at the subject site would not adversely affect the character of the surrounding neighborhood; and

WHEREAS, therefore, the Board finds that the instant applications 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;

CORRECTIONS

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2

district, the proposed construction of an existing six-story and cellar mixed-use building containing conforming uses at the first floor and cellar level with residential uses on the floors above which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections

above noted, filed with this application marked "Received May 15, 2003"-(13) 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 construction shall be completed in accordance with Z.R. §72-23;

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

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

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, June 3, 2003.

****The resolution has been corrected in that the part which read: "WHEREAS,...the proposed construction of a *new* six-story and cellar mixed-use building " now reads: "WHEREAS,the proposed construction of an *existing* six-story and cellar mixed-use building". Corrected in Bulletin Nos. 34-37, Vol. 88, dated September 18, 2003.**