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OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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September 25, 2003

DIRECTORY

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CONTENTS

DOCKET	659
CALENDAR of October 28, 2003	
Morning	660
Afternoon	661

CONTENTS

MINUTES of Regular Meetings,

Affecting Calendar Numbers:

779-57-BZ	137-21 Jamaica Avenue, Queens
578-71-BZ	833/47 4 th Avenue, Brooklyn
297-72-BZ	630-646 East Fordham Road, The Bronx
546-82-BZ	148-15 89 th Avenue, Queens
1059-84-BZ	943/61 Kings Highway, Brooklyn
608-85-BZ	33-56 11 th Street, Queens
172-97-BZ	1023 Brighton Beach Avenue, Brooklyn
203-02-BZ	110-18 Northern Boulevard, Queens
101-03-A	845 United Nations Plaza, Manhattan
45-03-A thru 64-03-A	Hall Avenue, Staten Island
212-03-A & 213-03-A	129-32 & 129-36 Hook Creek Boulevard, Queens
215-03-A	11 Kildare Walk, Queens
216-03-A	73 Reid Avenue, Queens
225-03-A	21 Park End Terrace, Queens
226-03-A	30 Reid Avenue, Queens
227-03-A	5 Bath Walk, Queens
228-03-A	32 Gotham Walk, Queens
233-03-A	25 Gotham Walk, Queens

CONTENTS

Afternoon Calendar.....667

Affecting Calendar Numbers:

66-02-BZ	439 Marcy Avenue, Brooklyn
275-02-BZ	160 North Fourth Street, Brooklyn
119-03-BZ	10 Columbus Circle, Manhattan
154-03-BZ	100-05 92 nd Avenue, Queens
185-03-BZ	277 Canal Street, Manhattan
249-01-BZ	9 White Street, Brooklyn
161-02-BZ	2433 Knapp Street, Brooklyn
202-02-BZ	133-20 Rockaway Boulevard, Queens
258-02-BZ	7/13 Ash Street, Brooklyn
279-02-BZ	76 Aster Court, Brooklyn
315-02-BZ	224/27 West 60 th Street, Manhattan
350-02-BZ	6389 Amboy Road, Staten Island
83-03-BZ	2100 Hermany Avenue, The Bronx
96-03-BZ	86 Franklin Avenue, Brooklyn
97-03-BZ &	
98-03-BZ	461 & 463 Flushing Avenue, Brooklyn
111-03-BZ thru	
115-03-BZ	1685, 1687, 1689, 1691, 1693 60 th Street, Brooklyn
131-03-BZ &	
132-03-A	80-03 192 nd Street, Queens
184-03-BZ	165-02 120 th Avenue, Queens
206-03-BZ	980 Madison Avenue, Manhattan
209-03-BZ	150 Central Park South, Manhattan

DOCKET

New Case Filed Up to September 16, 2003

291-03-BZ B.BK. 1380 62ND Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn. Applic.#301534819. Proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #10BK

292-03-A B.Q. 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens. Alt.1#401684888. 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.

293-03-A B.Q. 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens. Alt.1#401689776. 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.

294-03-BZ B.M. One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan. Alt.#103495004. Proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

COMMUNITY BOARD #8M

295-03-BZ B.BX. 860/62 Castle Hill Avenue and 2201 Hermany Avenue, northeast corner, Block 3692, Lot 1, Borough of The Bronx. Applic.#200670746. The reestablishment of a previous variance granted by the Board under Cal. No. 288-58-BZ, which permitted an auto repair shop in an R3-1 zoning district, also the proposed addition of auto sales, is contrary to Z.R. §22-00.

COMMUNITY BOARD #9BX

296-03-BZ B.BK. 1619 Kings Highway, aka 1601/1621 Kings Highway and 1639/1651 East 17th Street, Block 6779, Lot 22, Borough of Brooklyn. Alt.1#301387498.

Proposed extension of an existing two story (2) commercial building, Use Group 6, to three stories, located in a C4-3 zoning district, which is in compliance with the NYC Zoning Resolution for the addition, but does not comply with the required parking requirements, as per Z.R.§36-21.

COMMUNITY BOARD #15BK

297-03-A B.Q. 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens. Applic.#401721286. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

298-03-BZ B.M. 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan. Applic.#103550195.

Proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, is contrary to Z.R.§23-145.

COMMUNITY BOARD #5M

299-03-BZ B.Q. 179-16 Grand Central Parkway, between Midland Parkway and Edgerton Boulevard, Block 9943, Lot 43, Borough of Queens. N.B.#401588242. Proposed construction of a detached one-family dwelling, Use Group 1, located in an R1-2 zoning district, which does not comply with the zoning requirements for front yard, rear yard and setback, is contrary to Z.R.§23-45, §23-52 and §23-631.

COMMUNITY BOARD #8Q

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 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

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

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

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 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

Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty 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/Phaniel 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

REGULAR MEETING TUESDAY MORNING SEPTEMBER 16, 2003 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 24, 2003, were approved as printed in the Bulletin of July 3, 2003, Volume 88, No. 27.

SPECIAL ORDER CALENDAR

MINUTES

779-57-BZ

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

578-71-BZ

APPLICANT - Walter T. Gorman, P.E., for The Richard W. Schenkel Trust and Schenkel Investments, L.P., owner; One Hess Plaza, lessee.

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

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: John Ronan and H.A. Lautenbacher-Hess.

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 10 A.M., for decision, hearing closed.

297-72-BZ

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

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

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

608-85-BZ

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

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

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

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Peter Geis.

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 10 A.M., for decision, hearing closed.

546-82-BZ

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Pasquale Carpentiere.

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

1059-84-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Barbara Hair.

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 10 A.M., for decision, hearing closed.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Nelly Bravo.

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

172-97-BZ

MINUTES

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E..

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

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

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

APPEALS CALENDAR

101-03-A

APPLICANT - BTU Design Corporation.

OWNER OF RECORD: Trump World Tower Condominium, owner.

SUBJECT - Application April 1, 2003 - An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises.

WHEREAS, the appellant asserts that the motor to the pump is underpowered, and must be changed to a 350 HP motor to adequately serve the pump; and

WHEREAS, the appellant argues that the existing installation of the pump is in violation of NFPA 20 §6-5.2.1, which governs motors for fire pump service and provides that "all motors shall be of such capacity that at rated voltage (and on ac motors at rated frequency) their full load ampere rating will not be exceeded under any conditions of pump load. Exception: general purpose (open and drip proof motors) shall not have a service factor larger than 1.15.", because §6-5.2.1 permits the subject pump's motor to operate at a maximum horsepower of 345 and not the 397 horsepower at which the pump is rated; and

WHEREAS, the appellant contends that the maximum brake horse power on the subject motor is 397 HP, and that although the motor can operate in excess of the 115% allowed, the motor's

PREMISES AFFECTED - 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Bruce M. Feit.

For Administration: Fecilia Miller, Department of Buildings.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the instant appeal comes before the Board in response to a final determination issued March 19, 2003 to BTU Design Corporation ("appellant") by the New York City Department of Buildings ("respondent" or "DOB"), concerning a fire pump and motor assembly installed at the subject premises, which states that neither the New York City Building Code (the "Building Code") nor the National Fire Prevention Association, Pamphlet 20 ("NFPA 20"), as referenced in Reference Standard 17 of the Building Code, require the field testing of the subject pump at 150% of rated capacity, and further that the manufacturer-supplied data for the pump shows that it meets the requirements for minimum, rated and peak loads; and

WHEREAS, the above determination also noted that the subject motor complied with the NFPA 20 requirement that, at peak load of the pump, the motor must be of sufficient capacity such that at rated voltage it will not have a service factor greater than 1.15, because pursuant to Building Code §27-946(a)(1), at least one 750 gallons per minute ("gpm") pump (which has an input power of 297.5 horsepower), capable of pumping water at a pressure of 50 psig above the normal static pressure, is required for the subject premises, and the motor of the pump in question has an approximately equal horsepower ("HP"), leading to a service factor of about 1, which is within the 1.15 maximum; and

WHEREAS, at present, the Building Code references the NFPA 20 issued in 1990 and not the 1999 version; and

WHEREAS, the appellant notes that the subject pump has a nameplate listing of a maximum of 397 HP, while the motor has a nameplate listing of 300 HP; and

manufacturer will not guarantee the performance of their product; and

WHEREAS, the appellant alleges that because the provisions of NFPA 20 were adopted as part of the Building Code and the subject pump and motor assembly installation violates NFPA 20, the installation is therefore in violation of the Building Code; and

WHEREAS, the appellant asserts that any UL listing for the subject pump does not extend to a motor or a pump installation or to a use that violates NFPA 20; and

WHEREAS, the appellant argues that the subject pump must be field tested at 150% of rated capacity per NFPA 20; and

WHEREAS, the respondent argues that NFPA 20 explicitly recognizes the right of local jurisdictional bodies to apply its own standards for testing and installation of standpipe systems, including pump and motor assemblies; and

WHEREAS, the respondent notes that although it adopted

MINUTES

NFPA 20 to provide guidelines for acceptance of pumps, the Building Code contains separate standards for testing, acceptance and installation of a standpipe system; and

WHEREAS, the respondent agrees that the subject pump's motor is not UL listed, but that there is no requirement in the Building Code or the NFPA 20 that requires such listing or any testing by a national laboratory; and

WHEREAS, pursuant to Building Code §27-946(a)(1), at least one 750 gpm pump is required for the subject premises; and

WHEREAS, pursuant to NFPA 20 §1-7.3.5, the service factor is a "multiplier that, when applied to the rated HP, indicates a permissible HP loading that may be carried at the rated voltage, frequency and temperature."; and

WHEREAS, the respondent argues that a motor with a HP of 297.5 is needed to meet the gpm requirement of Building Code §27-946(a)(1); and

WHEREAS, the respondent further argues that because the subject motor is rated at 300 HP, it complies with the Building Code and also does not exceed the maximum load of the pump (397 HP), as the service factor multiplier, when applied to the subject motor, leads to a 345 HP maximum capacity; and

WHEREAS, the respondent notes that the subject pump's motor is capable of meeting the requirements of Building Code §27-946(a)(1) with the HP provided; and

WHEREAS, the respondent does not require the field testing of pumps at 150% of rated capacity, and relies on a manufacturer's performance curve for data beyond 100%; and

WHEREAS, the record shows that the manufacturer's performance curve for the subject pump showed performance in compliance with the requirements of the Building Code; and

WHEREAS, the record also shows that although there is no requirement to test a manual fire pump at 150%, the company that

WHEREAS, respondent DOB has authority, pursuant to Building Code, Article 7 of Subchapter 1, to approve materials and equipment such as the pump for use in buildings; and

WHEREAS, the Board finds that the subject pump and motor assembly installation complies with Building Code §27-946(a)(1) and does not violate NFPA 20 §6-5.2.1; and

WHEREAS, the Boards finds that the subject pump and motor assembly installation is not required to be field tested, or operated, at 150% of capacity; and

WHEREAS, the Board further finds that the subject pump and motor assembly has been tested and shown to be in compliance with Building Code §27-951; and

WHEREAS, the Board, consequently, agrees with the final determination of DOB, dated March 19, 2003, as described above; and

Therefore, it is resolved that the final determination of the New York City Department of Buildings, dated March 19, 2003, is upheld and this appeal is denied.

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

45-03-A thru 64-03-A

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

manufactured the pump noted that even if the pump operated at 150% of its rating, that both the control and motor could operate at 150% of rated capacity as well; and

WHEREAS, pursuant to Building Code §27-951(h), a pump must be tested at the top of the building where it is to be installed, and the pump must deliver the full 750 gpm through three hose outlets; and

WHEREAS, the record indicates that the subject standpipe system, including the pump, was tested on three different occasions, including an endurance test for 45 minutes, and it complied with Building Code §27-951; and

WHEREAS, the record further indicates that the results of the aforementioned tests showed that even when testing the pump in excess of the required 750 gpm, the pump and motor assembly did not overheat and supplied the gpm required at the highest portion of the building, which is 72 stories above street level; and

WHEREAS, the respondent maintains that the Building Code does not require that the motor possess any certain capacity beyond that needed to enable the pump to meet its service requirements for the particular building; and

WHEREAS, the respondent notes that the subject pump operates to supply the standpipe and sprinkler systems under the direction of the New York City Fire Department (the "Fire Department") in the event of a fire, and only partial pressure may be desired or required; and

WHEREAS, the record shows that the Fire Department, after its review of the subject pump assembly installation and the instant appeal, concurred with DOB that the installation of the pump and motor assembly at the subject premises was "in compliance with all of the rules, regulations, and requirements of the New York City Administrative Code;" and

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

PREMISES AFFECTED -

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

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

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

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

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

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

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

MINUTES

Staten Island.

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

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

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

45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

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

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

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

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

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

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

215-03-A

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

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 11 Kildare Walk, east side, 154.99' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 10 A.M., for decision, hearing closed.

216-03-A

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

SUBJECT - Application June 24, 2003 - Proposed building not fronting on a legally mapped street, and located partially within the

Staten Island.

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

COMMUNITY BOARD #2SI

APPEARANCES - None.

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

212-03-A & 213-03-A

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

SUBJECT - Application June 20, 2003 - Proposed single family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General Law.

PREMISES AFFECTED -

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michael Kaye and Glen Bakhshi.

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

bed of a mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

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 10 A.M., for decision, hearing closed

225-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Msgr. Ronald A. Newland, lessee.

SUBJECT - Application July 1, 2003 - Proposed first floor enlargement, and a proposed new second story to an existing single family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Park End Terrace, north side of Rockaway Point Boulevard, 94.61' west of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

MINUTES

For Applicant: Gary Lenhart.

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 10 A.M., for decision, hearing closed

226-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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,
228-03-A

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

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

PREMISES AFFECTED - 32 Gotham Walk, west side, 62.26'
north of Stehn Promenade, Block 16350, Part of Lot 400,
Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

233-03-A

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

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

PREMISES AFFECTED - 25 Gotham Walk, east side, 102.01'
north of Breezy Point Boulevard, Block 16350, Part of Lot 400,
Borough of Queens.

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

227-03-A

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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 10 A.M., for decision, hearing closed

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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 10 A.M., for decision, hearing closed

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 16, 2003

1:30 P.M.

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

MINUTES

ZONING CALENDAR

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.
SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit, in an M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

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 M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the subject lot fronts on Marcy Avenue, Wallabout Street and Union Avenue, and is currently improved with a one-story building; and

WHEREAS, the applicant represents that the subject building is currently vacant; and

WHEREAS, the applicant contends that there are unique conditions on the subject lot which render practical difficulty in conforming with the underlying zoning regulations; and

WHEREAS, evidence in the record indicates that the subject site is of an irregular shape-cut at acute angles by a street at variance with the otherwise uniform street grid-which increases the cost of construction and reduces the efficiency of the use of the site; and

WHEREAS, the applicant asserts that existing building is burdened by an obsolete one-story building which the applicant claims is underdeveloped, with an FAR of 0.68 in a zoning district with a permitted FAR of 2.0; and

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

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

WHEREAS, the applicant represents that residential development dominates the area, with the adjacency of R6 and R7 residential districts, and the proliferation of converted loft buildings;

Negative:0

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 February 12, 2002 acting on Application No. 301253989 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN M3-1 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record, and laid over to November 26, 2002, April 8, 2003, May 20, 2003, June 3, 2003, July 22, 2003, and August 12, 2003 and then to September 16, 2003 for decision; and

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

and

WHEREAS, at the request of the Board and in response to community-based concerns the applicant has reduced the scale and scope of this project; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the construction of a 23 unit, six-story and cellar residential building, 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 August 5, 2003" - (11) sheets and "Received September 12, 2003" - (1) sheet, and on further condition;

MINUTES

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

ACTION OF THE BOARD - Application granted on condition.

APPEARANCES - None.

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 September 11, 2002 acting on Application No. 301022881 reads:

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

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record, and laid over to July 22, 2003 and August 12, 2003, and then to September 16, 2003 for decision; and

WHEREAS, Community Board No. 1 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 M1-2 zoning district, the legalization of 34 existing residential units (artist work/living studios) on the second floor of a two-story building, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant proposes to legalize the 34 existing residential units (artist work/living studios) on the second floor of the building while maintaining the approximately 11 conforming retail and manufacturing uses on the ground floor; and

WHEREAS, the record shows that the building totals 90,595 square feet of floor area, on a lot with an area of 53,500 square feet; and

WHEREAS, the applicant proposes to upgrade the second floor to be in compliance with applicable building standards for

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

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

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

275-02-BZ

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

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

residential units, including, but not limited to, the light and air requirements of the Multiple Dwelling Law; and

WHEREAS, the record further shows that the applicant documented good-faith attempts to obtain a conforming tenant on the second floor; and

WHEREAS, the record shows that the existing building is comprised of two L-shaped portions, one on the east side of the lot, and one on the west side; and

WHEREAS, the applicant states that the building consists of several different sections that appear to have been constructed at different times, leading to inconsistent construction materials throughout; and

WHEREAS, the applicant asserts that the second story floor plates of the existing building are irregular and not properly aligned, and that the second story has no elevator access, preventing continued use of the second floor by manufacturing 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 many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the applicant represents that the subject legalization is consistent with the proposed Greenpoint-Williamsburg Rezoning, which recommends that the subject lot be rezoned from M1-2 to M1-2/R6B; 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.

MINUTES

§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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration based on the condition 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 objection cited, to permit, in an M1-2 zoning district, the legalization of 34 existing residential units on the second floor of an existing two-story 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 "July 14, 2003"-(3) sheets and "Received August 28, 2003" (3) sheets, and on further condition;

THAT the applicant shall provide an alternate means of ventilation shall be provided which includes, but is not limited to the following options:

- (1) Central air-conditioning in the apartments
- (2) Provision for air conditioner sleeves for use with an air conditioner or HUD-approved fan;

THAT to ensure that there shall not be any potential noise impacts on the proposed residents due to the proximity of the project site to industrial uses in the area, a minimum window/wall attenuation of 35 dBA shall be provided for all facades of the building;

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

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

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

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

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

119-03-BZ

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

areas of environmental concern; and

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

SUBJECT - Application April 14, 2003 - under Z.R. §73-36 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10.

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 28, 2003 acting on ALT I. Application No. 1022686112 reads:

"PROPOSED PHYSICAL CULTURE ESTABLISHMENT, LOCATED IN A C6-6 ZONING DISTRICT, IS NOT A PERMITTED AS OF RIGHT USE PURSUANT TO 32-10 AND 81-10 ZR."; and

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in The City Record and held over to September 17, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit the creation of a physical culture establishment ("PCE") within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street and within the Special Midtown District, which requires a special permit pursuant to Z.R. §32-10; and

WHEREAS, the proposed PCE is to be located within portions of the ground floor and second sub-cellar of the proposed mixed-use building; and

WHEREAS, the applicant states that the hours of operation of the PCE will be Monday through Friday 5:00 A.M. to 11:00 P.M.,

MINUTES

and Saturday and Sunday 7:30 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the subject PCE will

WHEREAS, the applicant represents that the ground floor of the proposed mixed-use building will contain a significant amount of commercial floor area, extending several floors above the ground floor, and that there are no residential units directly above or adjacent to the proposed PCE; and

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

WHEREAS, the record shows that the proposed PCE will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the applicant asserts that the proposed PCE will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is to be located at the ground floor and sub-cellars of a proposed mixed-use building; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record shows that the proposed PCE will be consistent with the general purposes and provisions of the Special Purpose District as set forth in ZR§81-00 et. seq.; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-36, 73-03 and 81-13 to permit the creation of a physical culture establishment within portions of a fifty-four story mixed-use building currently under construction on a corner lot, extending from West 58th Street to West 60th Street, which requires a special permit as per Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 29, 2003" - (4) sheets and "September 2, 2003" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

have a separate dedicated entrance from West 60th Street; and

(10) years from September 16, 2003 to expire on September 16, 2013;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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

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

THAT all signage shall comply with the underlying signage regulations;

THAT the hours of operation shall be limited to Monday through Friday 5:00 A.M. to 11:00 P.M., and Saturday and Sunday 7:30 A.M. to 9:00 P.M.;

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

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

THAT the applicant shall comply with all provisions of Local Law 58/87;

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

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

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

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

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

154-03-BZ

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

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

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

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Application granted on condition.

Caliendo and Commissioner Miele.....4

Negative:0

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 12, 2003 acting on Application No. 401579449 reads:

"There are no bulk or use regulations for proposed multiple dwelling in an R3-1 zoning district. Therefore, proposed multiple dwelling is contrary to Zoning Resolution section 22-00.

Proposed multiple dwelling in R3-1 zoning district is contrary to Zoning Resolution Section 22-12."; 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 and then to September 16, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-1 zoning district, the proposed change of use of a vacant industrial building, to a multiple dwelling which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is located at a dead end of 92nd Avenue created by an unused Long Island Railroad right-of-way; and

WHEREAS, evidence in the record indicates that the subject site fronts 100.25 feet on the north side of 92nd Avenue, has a depth of 100.10 feet, and is currently improved with a vacant industrial building which was erected in 1927 as a bread bakery which was subsequently converted to a knitting mill; and

WHEREAS, the applicant proposes to convert the legally non-conforming use into a multiple dwelling that is not otherwise permitted within the Building's R3-1 residential zoning district which permits one and two-family homes; and

WHEREAS, the applicant represents the history of development of the zoning lot, including the functionally obsolete building create unique physical conditions resulting in practical difficulty in using the building for a conforming use; and

WHEREAS, the building's location on a narrow, two-way, dead-end street abutting a dormant railroad right-of-way renders the site impractical for commercial or manufacturing uses which may require loading/unloading of goods; and

WHEREAS, the record further shows that the building is ill-equipped for modern commercial/industrial use with insufficient elevator capacity; 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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

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 many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the proposal seeks to convert a non-conforming commercial building into a conforming residential use; and

WHEREAS, the record indicates that the surrounding area consists primarily of 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; 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 objection cited, to permit, in an R3-1 zoning district, the proposed change of use of a vacant industrial building, to a multiple dwelling which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "August 1, 2003" - (8) sheets, and on further condition;

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

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

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

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 the above conditions shall be noted in the Certificate of Occupancy.

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

MINUTES

185-03-BZ

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

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b).

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Steve Sinacori.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 20, 2003 acting on Application No. 1031580162 reads:

"As per ZR 42-14 D2(b). Use group 6 is not permitted below the ceiling at the first story or cellar. Therefore an extension of that use is also not permitted."; and

WHEREAS, a public hearing was held on this application on August 12, 2003 after due notice by publication in The City Record, and laid over to September 16, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b); and

WHEREAS, the subject premises is a 9,996 square foot irregularly shaped corner lot fronting approximately 127 feet on Canal Street and 62 feet on Broadway, which is currently improved with a 26,685 square foot building occupied by 15 retail stores on

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and

its first floor and cellar, and an additional retail store on the second and third floors; and

WHEREAS, the requested variance would permit retail use in 5,737 square feet of the building's 9,996 square foot first floor and an additional 214 square feet in the building's cellar; and

WHEREAS, ZR '42-12 does not permit Use Group 6 retail use below the floor level of the second story in an M1-5B zoning district; and

WHEREAS, the applicant represents that legal but non-conforming retail use currently occupies the remaining 4,259 square feet of the building's first floor; and

WHEREAS, the subject building was constructed in 1927 for a movie theater and commercial use, but that the building is obsolete for modern movie theater purposes which require a number of amenities which the building lacks; and

WHEREAS, the applicant contends that the small footprint of the building precludes renovation work to modern movie requirements; and

WHEREAS, the applicant further asserts that the subject building is ill-equipped for its as-of-right manufacturing and commercial use because of the heavily traveled frontages of the site, the lack of a loading platform or loading/unloading area, the absence of freight elevators and the building's small footprint; 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 many residential dwellings, warehouses converted to residential use, and some remaining manufacturing uses and community facilities; and

WHEREAS, the applicant represents that within the surrounding area there is a proliferation of ground floor retail 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

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 objection cited, to permit, in an M1-5B zoning district, the proposed change of use of a portion of the first floor and cellar of an existing three-story with cellar commercial building, to retail use, which is contrary to Z.R. §42-14 D2(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "June 4, 2003" - (4) sheets, and on further condition;

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

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

MINUTES

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

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

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

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

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

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

249-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Laid over to September 16, APPEARANCES - None.

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

258-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES - None.

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

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

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.
SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

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

COMMUNITY BOARD #15BK

APPEARANCES -

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

For Opposition: Frank R. Seddio, Doreen Garson, George Broadherd, R. Gavilt, D Cavanagh, Repres. Senator Golden Steven Barrison, Esq., Pres. Bay Improvement Group.

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

202-02-BZ

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

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

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

COMMUNITY BOARD #12Q

279-02-BZ

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

SUBJECT - Application May 2, 2003 - under Z.R. §73-622 to permit the legalization of a second story to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Yenny U.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

281-02-BZ

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Yenny U

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

315-02-BZ

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

SUBJECT - Application October 25, 2002- under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the APPEARANCES -

For Applicant: Gary H. Silver

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

350-02-BZ

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

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

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

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

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

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

326-02-BZ

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

SUBJECT - Application November 1, 2002- under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

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

COMMUNITY BOARD #14BK

Caliendo and Commissioner Miele.....4

Negative:0

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

83-03-BZ

APPLICANT - The Agusta Group, for Ms. Hilda Lovera, owner.
SUBJECT - Application March 12, 2003- under Z.R. §72-21 to permit the proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, which is contrary to Z.R. §23-141, §23-45 and §23-22.

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

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Philip P. Agusta.

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

MINUTES

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.
SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

97-03-BZ-98-03-BZ

APPLICANT - Agusta & Ross, for Coconut International Realty Corp./Blue Sky, Inc., owner.

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, which is contrary to Z.R. §42-00.

1685 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

1687 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

1689 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

1691 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

1693 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis

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

131-03-BZ & 132-03-A

APPLICANT - The Agusta Group, for Dr. S.K. Bhat & Dr. Unnila Bhat, owner.

SUBJECT - Application April 18, 2003 - under Z.R. §72-11, 72-21 & 73-125 to permit the proposed conversion of the first floor and cellar of an existing one family dwelling, to medical offices, and also to add a two-story enlargement, to create space necessary for larger examination rooms, creates non-compliance with respect to side yard, floor area ratio, front yard, floor area and cellar space, which is contrary to §24-35, §24-34, §22-14 and §24-161; and proposed conversion of the first floor and cellar of an existing one family dwelling, of frame construction Class IIC, to medical offices (occupancy group E), is not permitted inside the Fire District as per

PREMISES AFFECTED -

461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn.

463 Flushing Avenue, northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

Table 4-1, Section 27-302 of the NYC Building Code.

PREMISES AFFECTED - 80-03 192nd Street, southeast corner of Union Turnpike, Block 7269, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Philip P. Agusta, S. Bhat, Urmila Shivan Bhat and Pat Toro.

For Opposition: Harris Harry, J S, William Schart and Yuhsiang Niu.

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

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit

the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Vivian Cannon, Sheila Vandeyar, Maria Jarvis and Michelle Felix.

ACTION OF THE BOARD - Laid over to November 18,

MINUTES

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

206-03-BZ

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

SUBJECT - Application June 18, 2003 - under Z.R. §73-36 to permit the proposed physical establishment, located on the second floor of a five story commercial building, in a C5-1 (MP) zoning district, which requires a special permit as per Z.R. §32-10.

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

COMMUNITY BOARD #14M

APPEARANCES -

For Applicant: Fredrick A. Becker and Julia Stiles.

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

209-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 150 Central Park South Incorporated, owner; Exhale Mindbody Spa, lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the proposed physical culture establishment, located in a portion of the cellar, first floor and second floor of subject thirty-six (36) story residential building, in an R10-H zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 150 Central Park South, south side, between Avenue of the Americas and Seventh Avenue, Block 1011, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker and Julia Stiles.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:50 P.M.