
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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October 30, 2003

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DOCKETS

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312-03-A B.S.I. 144 Jackson Avenue,
west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island. Applic. #500596161. Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

313-03-A B.S.I. 146 Jackson Avenue,
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COMMUNITY BOARD #5M

315-03-A B.Q. 102-03 Dunton Court,
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316-03-A B.Q. 102-05 Dunton Court,
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317-03-A B.Q. 102-13 Dunton Court,
east of 102nd Street, Block 14240, Lot 1233, Borough of Queens. Applic. #401712269. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

318-03-A B.Q. 102-15 Dunton Court,
east of 102nd Street, Block 14240, Lot 1231, Borough of Queens. Applic. #401712250. Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

319-03-A B.Q. 102-21 Dunton Court,
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320-03-A B.Q. 102-23 Dunton Court,
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323-03-A B.Q. 117-36 166th Street,
between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens. N.B. #401401871. Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

324-03-A B.Q. 117-38 166th Street,
between 119th Avenue and Foch Boulevard, Block 12356,
Part of Lot 39, New Lot 40, Borough of Queens. N.B.
#401401862. Proposed construction of a two-story, two-
family dwelling, located within the bed of a mapped street,
is contrary to Section 35, Article 3 of the General City law.

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

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

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

SPECIAL ORDER CALENDAR

633-87-BZ

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

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

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

COMMUNITY BOARD #1BK

33-92-BZ

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

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

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

COMMUNITY BOARD #12Q

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - reopening for dismissal.

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

COMMUNITY BOARD #2M

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

268-02-BZ

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

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

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 25, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

246-03-BZ

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

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

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

COMMUNITY BOARD #14BK

248-03-BZ

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

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

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

COMMUNITY BOARD #11M

249-03-BZ

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

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

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

COMMUNITY BOARD #1BK

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

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

COMMUNITY BOARD #1BK

CALENDAR

270-03-BZ

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

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

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

COMMUNITY BOARD #6Q

272-03-BZ

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

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

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

COMMUNITY BOARD #3 S.I.

zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

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

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

294-03-BZ

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

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1

REGULAR MEETING**TUESDAY MORNING, OCTOBER 21, 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, August 5, 2003, were approved as printed in the Bulletin of August 14, 2003, Volume 88, No. 32.

SPECIAL ORDER CALENDAR**465-63-BZ**

APPLICANT - Francis R. Angelino, Esq., for Mutual Redevelopment Houses, Inc., owner; Impact Parking Corp., lessee.

SUBJECT - Application July 15, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of

MINUTES

time which expired October 10, 2002.

PREMISES AFFECTED - 333 West 26th Street, between Eighth & Ninth Avenues, north side, 245.75' west of Eighth Avenue, Block 751, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Francis R. Angelino.

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 requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution allowing for an extension of time to obtain a new certificate of occupancy which expired on October 10, 2002; and

WHEREAS, a public hearing was held on this application on September 30, 2003, after due notice by publication in The City Record, and laid over to October 21, 2003 for decision; and

WHEREAS, on October 3, 2000, the Board granted a 15 year extension of the term of the variance permitting the use of surplus spaces for transient parking, not to exceed 275 spaces.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, said resolution having been adopted on July 23, 1963 as amended through October 3, 2000, 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 thirty-six (36) months from October 10, 2002, *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;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 22, 2002; and

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

WHEREAS, on January 14, 1964, the Board granted an application to permit in a residence use district, for a term of 15 years, the use of 30 transient parking spaces, for the unused and surplus tenant spaces within an existing multiple dwelling’s accessory garage.

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB# 102240889)

Adopted by the Board of Standards and Appeals, October 21, 2003.

813-63-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.

SUBJECT - Application August 6, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 22, 2002.

PREMISES AFFECTED - 699/717 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on January 22, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from January 22, 2002 to expire on January 22, 2012, *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 6, 2003”-(1) sheet; and on further condition;

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 a License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and that a copy of the License shall be forwarded to the Board's Executive Director by October 21, 2004; and

THAT a recapture notice informing residents of their right to claim the parking spaces shall be posted by the garage and by the mailboxes;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application #103456920)

Adopted by the Board of Standards and Appeals, October 21, 2003.

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 and 11, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

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

THAT hours of operation shall remain limited to 7:00 A.M. to 5:30 P.M. Monday through Friday and Saturday 8:00 A.M. to 1:00 P.M., closed Sunday;

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

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;

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

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 9, 2003, and then to September 30, 2003 and then to October 21, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on November 9, 2002, and an amendment to the resolution; and

WHEREAS, the applicant seeks to amend the prior plan to show the installation of a fire wall on the east side of the building; and

WHEREAS, on November 9, 1992, the Board permitted a one-story enlargement to a non-conforming roofing and metal supply establishment (U.G. 17); and

WHEREAS, the applicant represents that the perimeter of the building, including the enlargement, is as approved by the Board.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution Sections 72-01 and 72-22, extends the term of the Variance which expired on November 9, 2002 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the Variance for an additional ten (10) years from November 9, 2002 expiring on November 9, 2012 and to allow the installation of a firewall on the east side of the building, 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 12, 2003"-(1) sheet; and on further condition;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted. (DOB Application #401550451)"

Adopted by the Board of Standards and Appeals, October 21, 2003.

177-86-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Harry & Brady Santoro.

MINUTES

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 851 Forest Avenue, north side 348'
West of Broadway, Block 220, Lot 78, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO GRANT -

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

Negative:0

Adopted by the Board of Standards and Appeals,
October 21, 2003.

31-96-BZ

APPLICANT - Eric Palatnik, P.C., for Jane Goldberg, owner.
SUBJECT - Application July 1, 2003 - request for a waiver of the
Rules of Practice and Procedure and reopening for an extension of
term of variance which expired February 11, 2003.

PREMISES AFFECTED - 41 East 20th Street, between
Broadway and Park Avenue South, Block 849, Lot 29, Borough of
Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and
Procedure waived, application reopened, and term of the

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

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

THAT the Department of Buildings must ensure
compliance with all other applicable provisions of the
Zoning Resolution, the Administrative Code and any other
relevant laws under its jurisdiction irrespective of plan(s)
and/or configuration(s) not related to the relief granted. ”
(DOB Application #101010790)

Adopted by the Board of Standards and Appeals,
October 21, 2003.

67-02-BZ

special permit extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this
application on September 30, 2003, after due notice by
publication in *The City Record*, and laid over to October 7,
2003 then to October 21, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the
Rules of Practice and Procedure, a re-opening, and an
extension of the term of the special permit, which expired on
February 11, 2003; and

WHEREAS, on February 11, 1997, the Board
permitted the legalization of an existing physical culture
establishment on the second floor of an existing three-story
commercial building.

Resolved, that the Board of Standards and Appeals,
waives the Rules of Practice and Procedure, *reopens and
amends* the resolution, pursuant to Z.R. §§72-01 and 72-22,
and extends the term of the Variance which expired on
February 11, 2003, so that as amended this portion of the
resolution shall read:

“to permit the extension of the term of the special
permit for an additional ten (10) years from February
11, 2003, expiring on February 11, 2013, on condition

THAT all work shall substantially conform to drawings
as they apply to the objections above noted, filed with this
application marked “Received October 10, 2003”- (2)
sheets; and on further condition;

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 individuals practicing massage at the
premises shall hold valid New York State Licenses for such
practice which licenses shall be prominently displayed;

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

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

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss,
Esq. And Juan D. Reyes, III, Esq., for Korean Presbyterian Church
of Queens, owner.

SUBJECT - Application July 18, 2003 - reopening for an extension
of time to obtain a certificate of occupancy which expired June 18,
2002.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25
Ash Avenue, 210' north of intersection of Franklin Avenue and
Bowe Street and 211' north of intersection of Ash Avenue and
Bowe Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Juan Reyes.

ACTION OF THE BOARD - Application re-opened and
time extended to obtain a new certificate of occupancy.

THE VOTE TO GRANT -

MINUTES

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requests a re-opening and amendment to the resolution to allow for an extension of time to obtain a new certificate of occupancy which expired on June 18, 2003; and

WHEREAS, a public hearing was held on this application on September 30, 2003, after due notice by publication in The City Record, and laid over to October 21, 2003 for decision; and

WHEREAS, on June 18, 2002, the Board granted a special permit pursuant to Z.R. §73-52 allowing an accessory off-site parking lot for a community facility.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Z.R. §73-52 said resolution having been adopted on June 18, 2002, 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 twenty-four months (24) months from June 18, 2003, *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)

276-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Morton Osterman.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300' north of Oriental Boulevard, and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

and/or configuration(s) not related to the relief granted.” (DOB# 401395904)

Adopted by the Board of Standards and Appeals, October 21, 2003.

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 - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

867-55-BZ, Vol. II

APPLICANT - Carl. A. Sulfaro, Esq., for 66-15 JR Realty Corp., owner.

SUBJECT - Application June 17, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 19, 2001.

PREMISES AFFECTED - 66-11 Borden Avenue, northeast corner of Clinton Avenue, Block 2394, Lot 8, Maspath, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES - None.

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

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

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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.

THE VOTE TO CLOSE HEARING -

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

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

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 -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN HEARING -

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

TO VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

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

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein and T. Younger.

THE VOTE TO CLOSE HEARING -

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

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

1043-80-BZ

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

SUBJECT - Application December 17, 2001 - request for a

Caliendo and Commissioner Miele.....4 Negative:0

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

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, a/k/a 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

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to November 25, 2003, at 10 A.M., for continued hearing.

207-68-BZ

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

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.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam 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 January 13, 2004, at 10 A.M., for decision, hearing closed.

405-82-BZ

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

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,

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Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Peter Hirshman.

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

84-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Nissan Perla

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, frontage on West side of 30th Street, east side of 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

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

134-03-A

APPLICANT - James Periconi, Esq., for Olive Freud.

OWNER OF RECORD - Hudson Waterfront Associate.

SUBJECT - Application April 21, 2003 - An appeal challenging the Department of Buildings' March 20, 2003 denial of applicant's

WHEREAS, said DOB determination states, in part, "[T]he Department properly issued its approval and permit ... for the referenced application and ... denies your revocation request" and "[B]ased upon our review, nothing in the CPC approvals conditioned the issuance of the Department's approval and permit ... on the closure of the 72nd Street off ramp. Because the building plans filed conform to building plans approved by the CPC, the Department has no basis to refuse to issue or to revoke the permit"; and

WHEREAS, Building A is located within a planned general large-scale development of residential and commercial uses, comprised of 15 development parcels, facing Riverside Drive South (the "development"); and

WHEREAS, on October 26, 1992, the City Planning Commission ("CPC") approved certain special permits related to the development (the "special permits"); and

WHEREAS, the CPC resolution approving the special permits states that the development must be constructed in accordance with plans set forth in the CPC resolution; that the development must include mitigation measures as set forth in the Final Environmental Impact Statement prepared for the development (the "FEIS"); and that the development would be allowed only after a restrictive declaration is recorded and filed; and

WHEREAS, CPC approved changes to the City Map in order to extend the existing street system into the development site, and to eliminate several streets in order to consolidate the development parcels, and also amended ZR Zoning Map 8c to allow for higher density at the

request to revoke the permit for construction at said premises, enforce the conditions of the Special Permit and Restrictive Declaration, Art. II, §2.01(d), dated December 17, 1992, and to enforce the conditions of the Mapping Agreement, dated May 27, 1998.

PREMISES AFFECTED - 240 Riverside Boulevard, a/k/a "Building A", between West 72nd Street and Riverside Boulevard, Block 1171, Lot 105, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: James Periconi.

For Opposition: Steven Russo.

For Administration: Lisa M. Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

THE RESOLUTION -

WHEREAS, the instant appeal comes before the Board in response to a determination issued March 20, 2003, by respondent New York City Department of Buildings ("DOB"), to a representative of the appellant, who had requested revocation of a DOB permit allowing construction of a residential building ("Building A") at the subject premises; and

development; and

WHEREAS, on December 17, 1992, the owner of the premises, as required by the special permits, entered into a restrictive declaration concerning the development, restricting its construction in a manner consistent with the special permits, the City Map change, and the rezoning; and

WHEREAS, on May 27, 1998, the City and the owner entered into a mapping agreement, in which the owner agreed to perform work "substantially in accordance with" the requirements set forth in a NYC Department of Transportation ("DOT") letter dated January 23, 1998, and said mapping agreement was accepted by CPC on July 16, 1998; and

WHEREAS, DOB issued excavation, foundation and structural framing permits for Building A under Application No. 101236002 on July 1, 2002, and under Application Nos. 103177893 and 103173888 on August 1, 2002, and a builder's pavement plan permit on July 24, 2002 (collectively, the "DOB permits"); and

WHEREAS, appellant claims that the special permits and the mapping agreement contain a condition providing that the developer of the premises must undertake the work necessary to connect Riverside Boulevard to 72nd Street in conjunction with the construction of Building A, as well as close the off ramp from Riverside Drive to 72nd Street, and further claims that DOB must ensure that construction of the road connection, and the ramp closure, occur simultaneously with the building construction; and

WHEREAS, by letter dated November 5, 2002,

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appellant's representative requested of DOB that work not proceed on Building A until it was established how and when construction of the roadway connection would occur; and

WHEREAS, by letter dated December 19, 2002, appellant's representative requests that the DOB permit issued on or around November 25, 2002 be revoked, and by letter January 30, 2003, repeated this request; and

WHEREAS, appellant also challenges as improper DOB's approval of amended plans for Building A in or around November 25, 2002, in that DOB did not require simultaneous construction of the road connection as a condition of approval of said amendment; and

WHEREAS, appellant maintains that since the road connection is not occurring simultaneously with construction of Building A, the DOB permits were issued improperly and must be revoked; and

WHEREAS, appellant alleges that she will "suffer the additional air pollution and traffic congestion" from construction of Building A, if the ramp is not closed and the road connection is not constructed; and

WHEREAS, DOB states that the special permits contains no provision mandating simultaneous construction of Building A and the road connection or closure of the ramp, but rather that the special permits merely reference the road connection and ramp closure as necessary; and

WHEREAS, DOB notes that no CPC approved plans related to the special permits mandate that the ramp

WHEREAS, DOB argues that the FEIS did not place conditions on the issuance of permit for construction of Building A, and, further, that DOB has no authority to enforce provisions of an environmental impact statement; and

WHEREAS, the record shows that DOB approved amended plans for the construction of Building A on November 25, 2002, but that said amended plans related to changes in the individual layout of the units within the building, and had no impact on the prior DOB authorizations related to the foundation and structural work for Building A; and

WHEREAS, the Board notes that CPC - the agency that issued the special permits, participated in the mapping agreement, and reviewed the FEIS - by letter dated August 5, 2003, supported the position of DOB in the instant appeal; and

WHEREAS, based on its review of the evidence, the Board finds that the subject DOB permits were properly issued, and that there is no requirement in any of the above-mentioned agreements, special permits or related actions, that the ramp be closed or the roadway be constructed prior to their issuance; and

WHEREAS, consequently, the Board finds that, based on the evidence, the March 20, 2003 DOB determination described above was reasonable; and

Therefore, it is resolved that the final determination of the New York City Department of Buildings, dated March 20, 2003, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, October 21, 2003.

closure or construction of the road connection occur simultaneously; and

WHEREAS, DOB maintains that the restrictive declaration does not require that ramp closure or construction of the road connection occur prior to DOB permitting of Building A; and

WHEREAS, DOB further maintains that the mapping agreement does not require prior or simultaneous construction of the road connection or ramp closure with Building A, in that the DOT letter, as incorporated into the mapping agreement, only contains the statement that street improvements are to be "completed in phases generally in conjunction with the associated phase of development", and that such language only sets forth an approximate time frame, and in no way imposes any restrictions on DOB's permitting process; and

WHEREAS, DOB notes that while the new building plans for Building A do show the building fronting on Riverside Boulevard, the permit approval only relates to the subject zoning lot's compliance with the laws of which DOB has jurisdiction, and not the streets outside of the zoning lot; and

WHEREAS, DOB further notes that the issued builder's pavement plan permit also does not require that the streets be laid out prior to permits being issued for construction of Building A, but only prior to issuance of a certificate of occupancy; and

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 - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 13, 2003 acting on ALT 1. Application No. 401618923, reads in pertinent part:

"A1- The existing building to be altered lies within the bed of a mapped street contrary to General City Law

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article 3, Section 35"; and

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

WHEREAS, by the letter dated August 11, 2003 the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

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

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 13, 2003, acting on ALT 1. Application No. 401618923 is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 16, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, 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 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

and regulations shall be complied with; *on further condition* THAT the premises shall be maintained free of debris and graffiti;

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

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

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

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

Adopted by the Board of Standards and Appeals on October 21, 2003.

45-03-A thru 64-03-A

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

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 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 -

For Applicant: Robert E. Englert.

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

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

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APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

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

259-03-A

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

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

**REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 21, 2003
2:00 P.M.**

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

ZONING CALENDAR

40-03-BZ

CEQR #03-BSA-130Q

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ben Gardner, owner.

SUBJECT - Application January 30, 2003 - under Z.R. § 72-21 to permit in an M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 124-20 Jamaica Avenue, corner of 125th Street, Block 9333, Lot 7, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Chris Wright.

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 December 31, 2002 acting on Application No. 401565356 reads:

‘THE PROPOSED RESIDENTIAL BUILDING LOCATED WITHIN AN M1-1 ZONING DISTRICT

Buildings’ policy.

PREMISES AFFECTED - 4 Newport Walk, west side, 368.86’ south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

For Applicant: Prudence DiBello

THE VOTE TO CLOSE HEARING -

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

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

IS CONTRARY TO THE USE REGULATIONS OF SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRES A VARIANCE FROM 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 September 30, 2003, and then to October 21, 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 M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, which is contrary to Z.R. §42-00; and

WHEREAS, the subject undeveloped parcel, though zoned M1-1, is located in the middle of a residential neighborhood on the corner of Jamaica Avenue and 125th Street; and

WHEREAS, the record indicates that the M1-1 designation is inconsistent with the actual uses because the majority of the area is zoned R5, R3-1 and R2; and

WHEREAS, moreover, the records shows that most of the site fronts on 125th Street, which is entirely residential, and the site is also across the street from a large R5 zone, which the applicant represents is typical of an area characterized by a residential neighborhood with supporting retail uses along the major avenues; and

WHEREAS, the Board notes that prior to 1947, the site was located in a residential zone, which was later changed to a commercial business use district and in 1961 to its present designation; and

WHEREAS, the applicant represents that 125th Street is a narrow street therefore, a conforming development would be difficult because the introduction of truck traffic to the area would burden the surrounding residential uses; and

WHEREAS, the applicant proposes to erect a 27 unit

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residential complex on a 17,403 square foot lot which would also include an as-of-right commercial component and will provide 18 parking spaces; and

WHEREAS, therefore, 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 is characterized by single and multiple family homes of one to three stories with supporting retail uses; and

WHEREAS, therefore, Board finds that the proposed
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 M1-1 zoning district, the erection of a twenty-seven unit residential complex, in a three-story building with retail uses on the ground floor, 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 October 14, 2003"- (9) 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 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, October 21, 2003.

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
CEQR #03-BSA-157K

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

SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit in an R7-1/M1-2 zoning district, the erection of two multiple dwelling, which is contrary to Z.R. §42-00.

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 - 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 March 20, 2003 acting on Lot 84 (Application No. 301410159) reads:

"PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00 77-211"; and acting on Lot 86 (Application No. 301410140) reads:

"PROPOSED RESIDENTIAL USE GROUP 2 NOT PERMITTED IN LOTS LOCATED PARTIALLY IN M1-2 ZONING DISTRICT AS PER Z.R. 42-00 77-211".

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 16, 2003 and September 30, 2003 then to October 21, 2003 for 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

MINUTES

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-1/M1-2 zoning district, the erection of two multiple dwellings, which are contrary to Z.R. §42-00; and

WHEREAS, the subject site is located on the northerly side of Flushing Avenue, 72 feet easterly of the intersection of Bedford Avenue in the Williamsburg section of Brooklyn, with 105 feet, 8 inches of frontage on Flushing Avenue; and

WHEREAS, the applicant represents that the subject parcel is vacant and irregularly shaped; and

WHEREAS, the applicant contends that there are

WHEREAS, the record indicates that due to overhead openings of a substandard height and loading access that would require blocking the intersection of Flushing Avenue and Bedford Avenue, the above buildings have inadequate and substandard loading and unloading capacities; and

WHEREAS, moreover, the floor plate divides yielding less than five thousand square feet, which is unsuitable for most industrial and/or warehouse 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 area has become increasingly residential, therefore, the introduction of twenty-six apartments will be insignificant; 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

unique conditions on the subject lot which render practical difficulty in conforming with the underlying zoning regulations; and

WHEREAS, the applicant proposes to erect two seven story Quality Housing compliant multiple dwellings containing 26 apartments (13 per building); and

WHEREAS, evidence in the record indicates that the subject site is of an irregular shape and oriented towards the street near a busy intersection; and

WHEREAS, further, the site is developed with an approximately one hundred year old hodgepodge of formerly interconnected and functionally obsolete light industrial buildings; and

Resolution, limited to the objection cited, to permit, in an R7-1/M1-2 zoning district, the erection of two multiple dwelling, 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 September 24, 2003"-(12) 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 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, October 21, 2003.

100-03-BZ

CEQR #03-BSA-159K

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

SUBJECT - Application March 28, 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 side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a).

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

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COMMUNITY BOARD #14BK

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

WHEREAS, a public hearing was held on this application on July 15, 2003 and laid over to September 9, 2003 and then to October 21, 2003 for decision; and

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

WHEREAS, a special permit is sought pursuant to Z.R. §§73-03 and 73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a); and

WHEREAS, the applicant further represents that the overall design of the proposed house will remain similar to neighborhood conditions; and

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

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to legalize the enlargement of an existing one-family dwelling, Use Group 1, in an R2 zoning district, which does not comply with the zoning requirements for side yards, rear yard, floor area ratio and open space ratio, contrary to Z.R. §§23-141, 23-47, and 23-461(a), *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 25, 2003"-(10) sheets and "Received September 30, 2003"-(1) sheet; and *on further condition*;

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated August 20, 2003, acting on Application No. 301414084 reads:

"Obtain special permit approval from the Board of Standards and Appeals as per Section 73-622 of the Zoning Resolution for the following objection:

1. Proposed side yard is contrary to Z.R: 23-461(a)
2. Proposed rear yard is contrary to ZR: 23-47
3. Proposed floor area is contrary to ZR: 23-141
4. Proposed open space ratio is contrary to ZR: 23-141"; and

THAT there shall be no habitable room in the cellar;

THAT there shall be no access to the balcony;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

141-03-BZ

CEQR #03-BSA-179K

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

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit in a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Patrick Jones.

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 -

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WHEREAS, the decision of the Borough Commissioner, dated April 11, 2003, acting on Application No. 301509231, reads:

“As per Section 36-21 ZR building is difficult (sic) in parking and as per Section 36-62 Building is difficult (sic) in loading docks referred (sic) to the Board of Standards and Appeals for a Variance.”; and

WHEREAS, a public hearing was held on this

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62; and

WHEREAS, the subject site is currently occupied by a five-story with cellar and sub-cellar, retail/commercial building, with a one story extension, said building having 112,022 square feet of floor area; and

WHEREAS, the applicant proposes to add 18,075 square feet of floor area at a newly constructed second level built above the existing one story extension; and

WHEREAS, the applicant represents that the additional floor area will be utilized as retail space, to be leased by a sporting goods retail outlet; and

WHEREAS, the applicant notes that the proposed total floor results in a floor area ratio that complies with the permitted floor area ratio for a C4-3 zoning district; and

WHEREAS, pursuant to Z.R. §§36-21 and 36-62, forty-five (45) new parking spaces and two (2) new loading berths would be required; and

WHEREAS, the applicant notes that the subject zoning lot features 15 lot lines; has frontage on four streets; and is irregularly shaped; and

WHEREAS, the applicant represents that the existing building's physical configuration is obsolete, in that the building's footprint covers the entirety of the lot, and no berths or parking spaces have historically existed at the building; and

WHEREAS, the applicant maintains that to provide required parking on the lot would require that the building's one story portion be partially demolished; that some of the proposed second floor space be eliminated; and that structural reinforcement be provided for third level rooftop parking; and

WHEREAS, the applicant states that provision of a ramp servicing the rooftop parking area would further diminish the size of the proposed second level, and that necessary curb cuts, if placed at the only feasible location, could increase traffic congestion; and

WHEREAS, the applicant notes that the subject site is well served by public transportation; that most patrons of the proposed retail outlet would arrive by public transportation; and that a municipal parking lot is three blocks away; and

WHEREAS, the applicant notes further that the existing building has not had loading berths since at least 1947, and that installing loading berths now would cause the loss of retail floor area; and

application on September 9, 2003 after due notice by publication in the City Record, and laid over to October 7, 2003 and then to October 21, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Peter Caliendo, and Commissioner Joel Miele; and

WHEREAS, the subject application has been conditionally approved by Community Board 1; and

WHEREAS, the applicant represents that the current retail uses at the building take deliveries at curbside, and that the NYC Department of Transportation, by letter dated March 18, 2003 (which is part of the subject application's record), stated that it does not object to the use of a part of the Flushing Avenue side of the building to receive curbside deliveries; and

WHEREAS, the Board finds that the site's irregular shape, history of 100 percent lot coverage, and lack of both of on-lot parking and loading berths, constitutes a unique physical condition leading to unnecessary hardship and practical difficulties in developing the site in conformity with the current zoning regulations applicable to required parking and loading berths; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site in compliance with the current zoning regulations applicable to required parking and loading berths would not yield a reasonable return; and

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

WHEREAS, the record indicates that both the use and the bulk are permitted under current zoning, that the vicinity in which the subject lot is situated is well served by public transportation; and that a parking garage is three blocks away; and

WHEREAS, the applicant represents that the immediate neighborhood is comprised primarily of a mix of retail and multiple-family residences; that five commercial buildings, one parking lot, and one mixed-use building are adjacent to the subject building; and that the proposed retail outlet will afford the residents of the immediate neighborhood an additional retail opportunity; and

WHEREAS, therefore, the Board finds that the instant application will not alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties, nor 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

MINUTES

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would

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 a C4-3 zoning district, the enlargement of an existing retail building to include new retail space (Use Group 6), which does not provide the required on-lot parking or loading berths, contrary to Z.R. §§36-21 and 36-62, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 17, 2003"-(10) sheets and "Received October 14, 2003"-(2) sheets; *and on further condition:*

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

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

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

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, October 21, 2003.

187-03-BZ

CEQR #03-BSA-203Q

APPLICANT - Marvin B. Mitzner, Esq. of Fischbein Badillo Wagner Harding, for Robert Hollander and Steve Abrahms, owners.

SUBJECT - Application June 6, 2003 - under Z.R. §73-125 to permit in an R-2 zoning district, the operation of a medical office (Use Group 4).

PREMISES AFFECTED - 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

require the preparation of an Environmental Impact Statement.

Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 7, 2003 acting on Application No. 401592772, reads:

"Special Permit under Section 73-125 of the Zoning Resolution to permit medical offices exceeding 1,500 s.f. of floor area in an R2 Zoning District granted under BSA No. 142-88-BZ expired on October 25, 1998. Obtain renewal, extension of new special permit"; and

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

WHEREAS, this is an application under Z.R. §§73-03 and 73-125, to permit the operation of a medical office (Use Group 4), located in an R2 zoning district, which requires a special permit; and

WHEREAS, both the Borough President and Community Board 11 has recommended conditional approval of this application; and

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

WHEREAS, the subject premises is an irregularly shaped lot, 100 ft. by 122 ft., improved with a one-story building with 2,580 sq. ft. of total floor area; and

WHEREAS, the subject property, under BSA calendar No. 685-78-BZ, was previously granted a special permit pursuant to Z.R. §73-125, issued for a term of five years, but not renewed; and

WHEREAS, the building located at the subject site has housed medical and dental uses for the last 25 years; and

WHEREAS, the subject property, under BSA calendar No. 142-88-BZ, was granted a second special permit pursuant to Z.R. §73-125, issued for a term of five years, and renewed for a second five-year term in 1994; and

WHEREAS, the lot area is 8,767 square feet while the open space is 6,217 square feet, and the required open space is only 3,817 square feet; and

WHEREAS, the site provides a total of six accessory off-street parking spaces, as required; and

WHEREAS, the site is buffered with mature landscaping as previously approved in the prior Board actions; and

WHEREAS, the Board finds that the applicant satisfies all the requirements of §73-125 concerning open area, distribution, parking, landscaping and screening; and

WHEREAS, the applicant represents that the facility provides necessary health care to the community, without any apparent negative impacts; and

WHEREAS, the applicant states the size of the facility is relatively small, and for that reason, should not impact traffic; and

MINUTES

WHEREAS, the owner of the premises has submitted an affidavit stating that there will be no valet parking on the subject site; and

WHEREAS, the Board finds that the subject use will not alter the essential character of the surrounding

WHEREAS, therefore, the Board finds that the application meets the general findings required for special permits, pursuant to Z.R. §73-03(a); and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and *grants* a special permit under Z.R. §73-03 and §73-125, to permit, in an R-2 zoning district, the operation of a medical office (Use Group 4), *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 6, 2003"-(2) sheets; and *on further condition*;

THAT no valet parking will occur in connection with the site;

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; and

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

189-03-BZ

CEQR #03-BSA-204X

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 in a C2-2/R5 zoning District, the legalization of an enlargement of the zoning lot housing an existing automotive service station.

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.

ACTION OF THE BOARD - Application granted on condition.

neighborhood nor will it impair the future use and development of the surrounding area; and

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

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 Borough Commissioner, dated May 19, 2003 acting on Application No. 200788870 reads:

"Proposed continuance of Gas Station use in C2-2 in R-5 Zone is not in conformance with ZR Section 32-35 and therefore requires a Special Permit by BSA pursuant to ZR Section 73-211. In addition, application to seek changes to existing signage and enlargement of zoning lot to encompass lots 44 & 41. Application must be referred to the Board of Standards and Appeals"; and

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

WHEREAS, Community Board No. 12 in the Bronx recommended approval of the application; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a C2-2/R5 zoning District, the continuance of an automotive service station use, as well as an enlargement of the zoning lot upon which the existing automotive service station is situated; and

WHEREAS, on November 6, 1958 under Calendar Number 292-58-BZ, as amended through June 27, 1995, the Board approved an automotive service station on lot 44, and the instant application seeks to legalize the enlargement of the zoning lot to encompass lot 41 and the improvements thereon; and

WHEREAS, lot 41 is approximately 25' by 170', located on the south side of the premises, contains parking, and is screened from adjacent residential uses by a 3 foot, 9 inch masonry wall supporting a 4 foot high chain link fence with privacy slats; and

WHEREAS, the record indicates that the instant application meets the requirements of Z.R. §§73-211(a) because at 14,860 square feet, it complies with the requirement that the site contain a minimum lot area of 7,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or

MINUTES

major street; and

WHEREAS, the subject site is located on Bussing Avenue and East 233rd Street, which the Board finds is a major intersection; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) though applicable is not violated by the subject application; and

WHEREAS, the Board has also determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, the applicant also proposes to install 73.10 square feet of illuminated signage and 38.6 square feet of non-illuminated signage and Z.R. §§32-643 and 32-642 allow 100 square feet and 300 square feet, respectively; 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 proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously before the Board, to permit in a C2-2/R5 zoning District, the legalization of an enlargement of the zoning lot housing an existing automotive service station, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 10, 2003"- (5) sheets; and *on further condition*;

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

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

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

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 21, 2013;

THAT construction shall be completed in accordance with Z.R. §73-70;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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;

WHEREAS, the subject property is currently improved with a 37-story mixed-use building, containing commercial

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

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

209-03-BZ

CEQR #03-BSA-213M

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 a proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37 story residential building, in an R10-H zoning district, 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.

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 June 17, 2003, acting on Application No. 103473224 reads:

"Physical Cultural Establishment is a use not permitted as of right in R10-H district and it is contrary to ZR 22-00"; and

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in *The City Record*, and then to October 21, 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 a proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37-story residential building, in an R10-H zoning district, contrary to Z.R. §22-00; and

and community facility uses on the first and second floors and residential use on the upper floors; and

MINUTES

WHEREAS, the subject building was formerly used as a hotel, but is now a residential cooperative; and

WHEREAS, the applicant represents that there is a history of commercial use of the lower floors dating back at least two decades; and

WHEREAS, the applicant asserts that lower level of the building, due to its previous configuration for hotel use, has an awkward layout and lacks a sufficient street presence for a commercial enterprise such as an independent restaurant or Use Group 6 retail; and

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

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

WHEREAS, the applicant proposes the creation of a facility with "a spa like environment", with body treatments as well as certain health related classes, and that the impact of such use on the neighborhood will be negligible; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some commercial uses; and

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

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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 a

APPEARANCES -
For Applicant: Patrick Jones.

For Opposition: Diane O'Donnell, Rosemarie Mallindo and James

proposed physical culture establishment located in a portion of the cellar, first floor and second floor of a 37 story residential building, in an R10-H zoning district, 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 "Received June 19, 2003"-(1) sheet, "October 15, 2003"-(2) sheets and "October 17, 2003"-(1) sheets, and *on further condition*;

THAT the grant of this variance will be for a term of ten (10) years, from October 21, 2003 to October 21, 2013;

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 the hours of operation shall be limited to Monday through Friday, 6:30 am to 9:00 pm, and Saturday and Sunday 8:00 am to 8:00 pm;

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

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

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

THAT where applicable, the proposed building shall comply with the requirements of Local Law 58/87;

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

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

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

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

Adopted by the Board of Standards and Appeals, October 21, 2003.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

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THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.....4
Negative:0

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

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: Ivory Martin.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for continued hearing.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Joseph Porrodelmio, Michael Inori and Szolvstorg Buckley Scotto.

For Opposition: Linda Marianno, Bette Stoltz, Cynthia Simmons, Ahia Mattera, David Morris, Enid Braun, Phaedra Thomas, Josh Wallack, Ernest Migliaccio and other.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Gary H. Silver.

THE VOTE TO CLOSE HEARING -

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

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.

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine, Robert Pauls and Ronald Bass.

ACTION OF THE BOARD - Laid over to December 9, 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: Peter Brightbell.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to January 13, 2004, 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.

Negative:0

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

360-02-BZ

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

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing

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warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

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

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

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

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

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

44-03-BZ

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

SUBJECT - Application February 7, 2003 - under Z.R. §72-21 to permit the proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, which is contrary to Z.R. §54-30.

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

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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 November 25, 2003, at 1:30 P.M., for continued hearing.

85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

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

MINUTES

Caliendo and Commissioner Miele.....4
Negative:0

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

179-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a synagogue and twenty-one apartments, Use Groups 2 and 4, with a twenty-three car garage, accessory to the residential use, located in an R6-A zoning district, which does not comply with the zoning requirements for floor area, base and building height, is contrary to Z.R. §24-11 and §23-633.

PREMISES AFFECTED - 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

190-03-BZ & 191-03-A

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

222-03-BZ

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING -

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

Administrative Code.

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: D.C. Bharrati, Satya Sanatan Dharama and Michael Just.

For Opposition: Stacy Harvey, Department of Buildings.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Negative:0

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

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

MINUTES

Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Jan Cahalane, Howard Koeppe and Frank Smith.

For Opposition: Joseph Donnelly and Howard Mantilla.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for continued hearing.

232-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Lacher Koeppe 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

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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 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

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.