
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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New Case Filed Up to March 4, 2003

74-03-BZ B.BK. 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn. Applic. #301383018. Proposed conversion of garage space, and the minor expansion of an existing mezzanine within an existing two story functionally obsolete carriage house, into living space to be used primary by the building's owner, in an existing single family residential building, located in an R7-1 and LH-1 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-142.

COMMUNITY BOARD #2BK

75-03-BZ B.M. 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan. Alt. #103314673. The legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, is contrary to §42-00.

COMMUNITY BOARD #5M

76-03-A B.Q. 23 Newport Walk, east side, 84' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. #401577637. Proposed alteration of an existing first floor, and to relocate the first floor bedrooms to a new second floor, in an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

77-03-BZ B.Q. 260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens. N.B. #401464857. Proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

78-03-BZ B.Q. 260-34 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 120, Borough of Queens. N.B. #401464866. Proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum

rear yard, is contrary to Z.R. §23-47.

COMMUNITY BOARD #13Q

79-03-A B.BK. 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn. An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

80-03-BZ B.BK. 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn. Applic. #301361130. Proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #7BK

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

APRIL 8, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 8, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

240-55-BZ

APPLICANT - Joseph P. Morsellino, Esq., for DLC Properties, LLC, owner.

SUBJECT - Application January 23, 2003 - reopening for an extension of time to complete construction which expires on March 6, 2003.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.

SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - request for a waiver
SUBJECT - Application January 10, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing single family residence, located in an R3-1 zoning district, which does not

of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APRIL 8, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 8, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

241-02-BZ

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

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #6BK

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, which is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

3-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Eddie Cohen, owner.

comply with the zoning requirements for floor area ratio, rear yard, perimeter wall height and building height, and is contrary to Z.R. §23-141, §23-47 and §23-631.

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PREMISES AFFECTED - 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

35-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 4, 2003
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.

Absent: Commissioner Miele.

The minutes of the regular meetings of the Board held on

MINUTES

Tuesday morning and afternoon, January 28, 2003, were approved as printed in the Bulletin of February 6, 2003, Volume 88, Nos. 5-6.

SPECIAL ORDER CALENDAR

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Samuel H. Valencia.

ACTION OF THE BOARD - Application reopened and term of special permit extended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expired on June 10, 2002, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 4, 2003, after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

WHEREAS, on February 24, 1987, the Board granted an application permitting the legalization of an eating and drinking establishment (Use Group 12).

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the Special Permit which expired on June 10, 2002, 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 the June 10, 2002 to expire on June 10, 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 July 10, 2002’-(2) sheet and ‘October 23, 2002’- (2) sheets; and on further condition;

WHEREAS, on May 6, 1997, the Board granted an application on the premises permitting the change of use from rug cleaning and storage with accessory office and warehouse to a Use Group 16 use with limitations as to the specific types of Use Group 16 uses to be permitted and on the size of the trucks permitted to service the use; and

WHEREAS, the Board determined to restrict the Use Group 16 uses which may occupy the site to the following uses which are compatible with the surrounding area:

1. Carpentry, custom woodworking, or custom furniture

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

(DOB Application # 401480651)

Adopted by the Board of Standards and Appeals, March 4, 2003.

55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a reopening for an extension of the term of the variance which expired on May 6, 2002; and

WHEREAS, a public hearing was held on this application on January 28, 2002, after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

making shops;

2. Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilating contractors' establishments, enclosed, except parking may be in an open area;
3. Sign painting shops, limited to "hand" painting or silk screening;
4. Carpet cleaning establishments
5. Moving or storage offices;
6. Packing or crating establishment;
7. Photographic developing or printing;

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8. Warehouses; and

9. Wholesale establishments with accessory storage; and

WHEREAS, the Board also placed a limitation on the size of trucks servicing the site at 30 feet; and

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 May 6, 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 the May 6, 2002 to expire on May 6, 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 30, 2002’-(4) sheets and ‘February 25, 2003’-(1) sheet; and on further condition;

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

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

THAT the 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 # 401504617)

Adopted by the Board of Standards and Appeals, March 4, 2003.

165-98-BZ

APPLICANT - Klein & O’Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15,

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received December 16, 2002’-(1) sheet, ‘January 30, 2003’-(1) sheet, and ‘February 12, 2003’-(1) sheet; and on further condition;

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

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

THAT the 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

2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: A. Kamersky.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, time to obtain a Certificate of Occupancy extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a reopening for an extension of the time to obtain a Certificate of Occupancy which expired on February 15, 2002, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 29, 2002, after due notice by publication in The City Record, and laid over to November 26, 2002, January 7, 2003, February 4, 2003 and then to March 4, 2003 for decision; and

WHEREAS, on February 15, 2000, the Board granted an application permitting the legalization of a physical culture establishment; and

WHEREAS, the applicant seeks to amend the resolution to reflect minor, non-structural changes in the interior of the premises;

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on February 15, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution, and to permit minor, non-structural changes in the interior of the premises, on condition

to the relief granted.”

(DOB Application # 300427376)

Adopted by the Board of Standards and Appeals, March 4, 2003.

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1811 47th Street (a/k/a 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application re-opened and

MINUTES

resolution amended.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 14, 2003, and laid over to February 11, 2003 and then to March 4, 2003 for decision; and

WHEREAS, on March 9, 1999, the Board granted an application for permitting the enlargement of community facility housing a synagogue; and

WHEREAS, the applicant now seeks to amend the resolution to permit the addition of a third story to the western wing of the premises, a horizontal extension to the second floor of both wings, the reconfiguration of the entry at 18th Avenue and a new balcony on the second floor at the 18th Avenue façade; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance, said resolution having been adopted March 9, 1999, so that as amended this portion of the resolution shall read:

"to permit the addition of a third story to the western wing of the premises, a horizontal extension to the second floor of both wings, the reconfiguration of the entry at 18th Avenue and a new balcony on the second floor at the 18th Avenue facade, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received February 25, 2003'-(7) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; 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;

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

Adopted by the Board of Standards and Appeals, March 4, 2003.

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

THAT the above conditions and all prior Board 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."

(DOB Application #300690072)

Adopted by the Board of Standards and Appeals, March 4, 2003.

210-02-BZ & 213-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Mark Graue.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, northeast corner of Myrtle Avenue and 78th Street and 79th Street, Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

For Applicant: Stuart Beckerman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

492-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Michelle Frank, owner.

SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 214-32 Hillside Avenue, southeast corner of Vanderveer Street and Hillside Avenue, Block 10673, Lot 3, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Richard C. Hellenbrecht.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

36-94-BZ

APPLICANT - Robert L. Henry, for Cleveland Vaughan, owner.
SUBJECT - Application December 27, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 103/105 Putnam Avenue, property is on the northside of Putnam Avenue, B/W Classon Avenue and Franklin Avenue, Block 1989, Lots 61 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Paul Duke.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

APPEARANCES -

For Applicant: Lance I. Michaels.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

202-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Hajj D. Corp.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, South Ozone Park, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

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

235-02-A

172-97-BZ

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

For Opposition: Anthony Scadut, Fire Department

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for continued hearing.

217-97-BZ

APPLICANT - Lance I. Michaels, for EZRA Academy, owner.

SUBJECT - Application December 13, 2002 - reopening for an extension of time to complete construction which expired November 16, 2002.

PREMISES AFFECTED - 119-45 Union Turnpike, northside of Union Turnpike between Queens Boulevard and Kew Forest Lane, Block 3357, Lot 1003, Borough of Queens.

COMMUNITY BOARD #6Q

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 1, 2002 acting on NB. Application No. 401293783, reads in pertinent part:

"Building is in bed of a mapped street. Refer to BSA required"; and

WHEREAS, by letter dated September 18, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

MINUTES

WHEREAS, by letter dated October 7, 2002 the Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by the letter dated January 8, 2003, the Fire Department 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 August 1, 2002 acting on NB. Application No. 401293783, is modified under the power vested in the Board by §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, November 26, 2002"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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 THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated September 11, 2002 acting on NB. Application No. 401371029, reads in pertinent part:

"Proposed structure located within street. Widen line contrary to General City Law Section 35. Refer to BSA."; and

WHEREAS, by letter dated November 20, 2002 the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 13, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 25, 2003, the Fire Department 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 September 11, 2002 acting on NB. Application No. 401371029, is modified under the power vested in the Board by §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 February 13, 2003"-(1) sheet; and that the proposal comply with all applicable C2-2 within R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens.
APPEARANCES -

For Applicant: Almadini Binani.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

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, March 4, 2003.

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

MINUTES

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated October 23, 2002 acting on ALT 1.
Application No. 401517364, reads in pertinent part:

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

A 2- The site and building is not fronting on an official
mapped street therefore no permit or Certificate of
Occupancy can be issued as per Article 3, Section 36 of the
General City Law ; also no permit can be issued since
proposed construction does not have at least 8% of the total

Resolved, that the decision of the Queens Borough
Commissioner, dated October 23, 2002 acting on ALT 1.
Application No. 401517364, is modified under the power vested
in the Board by ' 36 & 35of 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 October 29, 2002"-(1)
sheet; and that the proposal comply with all applicable R4 zoning
district requirements; that all applicable laws, rules, and regulations
shall be complied with; on further condition;

THAT 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, March 4,
2003.

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed
enlargement and alteration of an existing one family dwelling, not
fronting on a legally mapped street, and located partially within the
bed of a mapped street, is contrary to Sections 35 and 36, Article 3
of the General City Law. PREMISES AFFECTED - 232
Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot
50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joe Papa.

For Administration: John Yacovone, Fire Department.

perimeter of the building fronting directly upon a legally
mapped street or frontage space and therefore contrary to
Section 27-291 of the Administrative Code of the City of
New York .

A3- The upgraded private disposal system is
partially in the bed of a mapped street contrary to
Department of Buildings policy."; and

WHEREAS, by the letter dated November 27, 2002 the Fire
Department has reviewed the above project and has no
objections; and

WHEREAS, by letter dated December 13, 2002, the
Department of Environmental Protection has reviewed the above
project and has no objections; and

WHEREAS, by letter dated February 7, 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.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION- Appeal granted on condition.

WHEREAS, the decision of the Queens Borough
Commissioner, dated October 23, 2002 acting on
ALT 1. Application No. 401486067, reads
in pertinent part:

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

A 2- The site and building is not fronting on an official
mapped street therefore no permit or Certificate of
Occupancy can be issued as per Article 3, Section 36 of
the General City Law ; also no permit can be issued
since proposed construction does not have at least 8%
of the total perimeter of the building fronting directly
upon a legally mapped street or frontage space and
therefore contrary to Section 27-291 of the
Administrative Code of the City of New York."; and

WHEREAS, by the letter dated November 27, 2002 the Fire
Department has reviewed the above project and has no
objections; and

WHEREAS, by letter dated December 17, 2002, the
Department of Environmental Protection has reviewed the above
project and has no objections; and

WHEREAS, by letter dated February 7, 2003, the
Department of Transportation has reviewed the above project and
has no objections; and

WHEREAS, the applicant has submitted adequate evidence

MINUTES

to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401486067, is modified under the power vested in the Board by §§36 & 35of 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 October 29, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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
SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and36, Article 3 of the General City Law and the Department of Buildings Policy.
PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Joe Papa.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated October 23, 2002 acting on ALT 1. Application No. 401531357, reads in pertinent part:

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

A 2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York .

A3- The upgraded private disposal system is partially in the bed of a mapped street contrary to Department of Buildings policy."; and

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, March 4, 2003.

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert Riordan, lessee.

WHEREAS, by the letter dated December 4, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by letter dated March 4, 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 October 23, 2002 acting on ALT 1. Application No. 401531357, is modified under the power vested in the Board by §§36 & 35of 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, November 12, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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, March 4, 2003.

127-02-A thru 137-02-A

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

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street,

MINUTES

which is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED -

- 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.
- 32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.
- 34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.
- 44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.
- 46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.
- 48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
- 45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John A. Yacovone, Fire Department.

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

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: ?.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

345-02-A

APPLICANT - The Agusta Group, for D.S.B. Construction, LLC, owner.

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 85-72 159th Street, northeast corner

- 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.
- 38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.
- 40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.
- 42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 11 A.M., for continued hearing.

4-03-A

APPLICANT - Legend Architecture, for Breezy Point Cooperative, owner; Joseph W. Stevens, lessee.

SUBJECT - Application January 13, 2002 - Proposed reconstruction and enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 502 Browns Boulevard, near Hillside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Nina Ferrer.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to March 25, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 4, 2003
2:00 P.M.**

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

Absent: Commissioner Miele.

ZONING CALENDAR

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, 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: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT Application No. 103098498 reads:

“The proposed Physical Culture Establishment as per Sec 12-10 (definitions) requires Board of Standards and Appeals Approval as Per Sec. 73-36.”; and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record and laid over to January 14, 2003 for decision, reopened on January 14, 2003, and laid over to March 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. '73-36 to permit, within an M1-6M zoning district, the legalization of an existing physical culture establishment, located in the cellar and first floor of a six-story commercial building; and

WHEREAS, the subject site is located West 22nd Street between Fifth and Sixth Avenue and consists of approximately

3,445 square feet; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial tenants; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; 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, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit, within an M1-6M zoning district, the legalization of an existing physical culture establishment, located in the cellar and first floor of a six-story commercial 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 April 18, 2002”-(2) sheets, “November 6, 2002”-(1) sheet, and “January 31, 2003”-(1) sheet ; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the February 1, 2002 to expire on February 1, 2012;

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

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

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

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

MINUTES

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

244-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED -365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 7, 2002 acting on Application No.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture

103220220 reads:

“Physical Culture Establishment is not permitted as of right as per section 73-36 of the Zoning resolution and requires Board of Standards and Appeals approval.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in The City Record and laid over to March 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a four-story commercial building; and

WHEREAS, this application was filed with a companion application on the adjacent premises under Calendar Number 245-02-BZ; and

WHEREAS, the applicant represents that there will be only one facility located in two separate buildings with a convenience opening; and

WHEREAS, the subject PCE will be a personalized training facility with primarily one-on-one training resulting in limited occupancy; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial uses; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to any adjacent residential uses; 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, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

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

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

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

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

establishment, located on the second floor of a four-story commercial 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 February 21”-(3) sheets; and on further condition;

MINUTES

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on March 4, 2013:

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

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

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

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

245-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 361 West 34th Street Corp., owner; B & B Gym, Inc., lessee.

SUBJECT - Application September 9, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated August 7, 2002 acting on Application No. 103220211 reads:

“Physical Culture Establishment is not permitted as of right as per section 73-36 of the Zoning resolution and requires Board of Standards and Appeals approval.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in The City Record and laid over to March 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. '73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a two-story commercial building; and

WHEREAS, this application was filed with a companion application on the adjacent premises under Calendar Number 244-02-BZ; and

WHEREAS, the applicant represents that there will be only one facility located in two separate buildings with a convenience opening; and

WHEREAS, the subject PCE will be a personalized training facility with primarily one-on-one training resulting in limited occupancy; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial uses; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

satisfactory; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit, within an C6-2M zoning district, the proposed operation of a physical culture establishment, located on the second floor of a two-story commercial 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 February 21, 2003"- (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on March 4, 2013;

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

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

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

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed erection of a, one family dwelling, that does not provide the required lot area or required front yard contrary to Z.R. §§ 23-32, 23-45, and 107-461; and

WHEREAS, the Board notes that this application was heard with a companion appeals case under Calendar Number 317-02-A objection #3; and

WHEREAS, the subject site is a triangular parcel containing 3,731 square feet of lot area within the Special South Richmond Development District with 84.38 feet of frontage along Buffalo Street, 81.98 feet of frontage on Durant Avenue and 117.92 feet of frontage on Emmet Avenue; and

WHEREAS, Buffalo Street is a 60' wide Final Mapped Street pursuant to a Corporate Council Opinion issued June 30, 1975, Durant Avenue is a 50' wide Final Mapped Street with a Corporate

316-02-BZ

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §§23-32, 23-45 and 107-461.

PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 1, 2002 acting on Application No. 500574336, reads:

1. Proposed new building is deficient in required lot area per residence in R3-1 district, and is contrary to Section 23-32 of Zoning Resolution
2. Proposed building does not have the minimum required front yards, and is contrary to Sections 23-45 and 107-461 of Zoning Resolution
3. Proposed new building in the bed of a mapped street is contrary to Section 35 of General City Law; and

Therefore proposed building is referred to the Board of Standards and Appeals for a variance."; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, laid over to March 4, 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 R.A., former Commissioner Mitchell Korbey and Commissioner Joel Miele; and

Council Opinion issued October 1, 1975 and Emmet Avenue is a 44' wide Final Mapped Street adopted on March 19, 1964; and

WHEREAS, while Buffalo Street and Durant Avenue are open and improved Emmet Avenue is not open and remains unimproved and wooded; and

WHEREAS, the site is undersized pursuant to Z.R. §23-32 because it only contains 3,731 square feet and the statute requires a minimum lot area 3,800 square feet for a single family structure; and

WHEREAS, pursuant to Z.R. §§23-45 and 107-461, the site should provide three front yards measuring 18 feet, 18 feet and 10 feet respectively in depth; and

WHEREAS, the Board agrees with the applicant's representation that as per Z.R. §12-10, the subject property is a corner lot and is not subject to side yard or rear yard requirements;

MINUTES

and

WHEREAS, the record indicates that after the required front yards are provided the "as-of-right" building footprint is only 593 square feet; and

WHEREAS, the Board notes that existing sanitary sewers front the property: a 10 inch sanitary sewer in Durant Avenue and a 10 inch sanitary sewer in Buffalo Street; and

WHEREAS, the applicant contends and the board finds that the aforementioned unique physical condition, namely the narrowness of the lot, makes its occupancy for a conforming R3-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R.§72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the application is contextually compatible with the surrounding homes and neighborhood; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a PREMISES AFFECTED - 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 1, 2002 acting on Application No. 500574336, reads:

1. Proposed new building is deficient in required lot area per residence in R3-1 district, and is contrary to Section 23-32 of Zoning Resolution
2. Proposed building does not have the minimum required front yards, and is contrary to Sections 23-45 and

Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed erection of a, one family dwelling, that does not provide the required lot area or required front yard contrary to Z.R. §§23-32, 23-45, and 107-461; 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 25, 2002"-(2) sheets and "February 24, 2003"-(1) sheet, and on further condition;

THAT a four (4) foot high fence shall be erected and maintained along the rear property line;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

317-02-A

APPLICANT - Rampulla Associates Architects, for Lee Ugo, owner.

SUBJECT - Application October 25, 2002 - Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

107-461 of Zoning Resolution

3. Proposed new building in the bed of a mapped street is contrary to Section 35 of General City Law."; and

Therefore proposed building is referred to the Board of Standards and Appeals for a variance; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, laid over to March 4, 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 R.A., former Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the Board notes that this application was heard with a companion zoning case under Calendar Number 316-02-BZ objections # 1 and 2; and

WHEREAS, by letter dated December 24, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by letter dated February 24, 2003 the

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Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by the letter dated February 3, 2003, the Fire Department 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 Staten Island Borough Commissioner, October 1, 2002 acting on Application No. 500574336, is modified under the power vested in the Board by § 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 October 25, 2002"-(2) sheets and "February 24, 2003"-(1) sheet; and that the proposal comply with all applicable R3-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

2. Use Group 2 is not permitted as of right in C8 District and is contrary to Z.R. 32-10."; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in the City Record, and laid over to March 4, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-4 zoning district, the conversion of an existing commercial building to a single family residence, Use Group 2, which is contrary to Z.R. §§15-021 & 32-10; and

WHEREAS, the subject site is located on the corner of Washington and Jane Streets within the Greenwich Village Historic District containing 1,412.5 square feet of lot area with 25 feet of frontage along the eastern side of Washington Street and 56.5 feet along the northern side of Jane Street improved with a 3-story building that was erected in 1849 for residential use; and

WHEREAS, the subject building contains 3,412.5 square feet of floor area consisting of a 1,199 square foot cellar, a 883 square foot first floor and 771 square feet of floor area on the second and third floors; and

WHEREAS, the record indicates that the existing building is burdened with a small floor plate limiting its economic utility to a single family residential building; and

WHEREAS, the applicant represents that although the building

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o Kenneth B. Frankel, owner; Sean MacPherson, contract vendee. SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10. PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, CB#2.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated October 29, 2002 acting on Application No. 103293062 reads:

"1. Conversion of non-residential building to residential use is contrary to Z.R. 15-021(f)) in C8 Districts is under-built per the current zoning's 5.0 permitted Commercial FAR, the small floor plates limit its development viability; and

WHEREAS, in addition to small floor plates, the applicant has demonstrated that the building is obsolete for modern commercial uses because it lacks elevators and other amenities necessary for those uses; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's location on the western edge of the Greenwich Village Historic District, characterized by narrow tree-lined streets presents an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the Board notes that the existing building is one of the few non-residential structure within the subject C8-4 zone that lines the east side of Washington Street; and

WHEREAS, the instant proposal has received a Certificate of Appropriateness from the Landmarks Preservation Commission; and

WHEREAS, therefore, the Board finds that conversion of the subject 3-story commercial building to residential use will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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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 has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, in a C8-4 zoning district, the conversion of an existing commercial building to a single family residence, Use Group 2, which is contrary to Z.R. §§15-021 & 32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 29, 2002"- (7) 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

344-02-BZ

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

SUBJECT - Application November 18, 2002 - under Z.R. §73-50 to permit the proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, which requires a special permit.

PREMISES AFFECTED - 3501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated October 18, 2002 acting on Application No. 301376703 reads:

“Proposed construction of a new building housing an automotive fueling station (U.G. 16) with an accessory convenience store within required 30= rear yard setback along district boundary per section 33-29 requires a special permit approval under the provisions of Z.R. 73-50 by NYC BSA.”; and

WHEREAS, a public hearing was held on this application on February 4, 2003 after due notice by publication in The City Record, and laid over to March 4, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and

within 48 hours;

THAT construction shall be completed in accordance with Z.R. § 73-23;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Former-Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §73-50, to permit in a C8-3 zoning District, the proposed reconstruction of an existing automotive service station with a new accessory convenience store, and a waiver of the rear yard requirement under '33-29; and

WHEREAS, the subject site is primarily located within a C8-2 zoning district and falls partially within an R-5 zoning district in the rear of the premises; and

WHEREAS, although the proposed use is permitted as-of-right in the subject zoning district, R-5 district regulations require a 30 foot rear yard as mandated in '33-29, which this application seeks relief from; and

WHEREAS, the proposal seeks to construct a new automotive service station with an accessory convenience store containing 1,200 square feet of floor area at the eastern end of the premises leaving a rear yard of 5 feet; and

WHEREAS, under Z.R. §73-50, the Board may grant a waiver of rear yard requirements set forth in Z.R. §33-29 provided that such waiver will not have an adverse affect on the surrounding area; and

WHEREAS, the applicant represents that the subject premises is surrounded by numerous automotive repair establishments and that the proposed establishment will maintain consistency with the surrounding area; and

WHEREAS, therefore, the Board finds that the rear yard waiver will not have an adverse affect on the surrounding area, 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

MINUTES

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. §§73-50 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. §73-50, to permit in a C8-3 zoning District, the proposed construction of an automotive service station with an accessory convenience store, and a waiver of the rear yard requirement under Z.R. §33-29, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 25, 2002" (6) sheets; and on further condition;

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

THAT there shall be no washing of cars other than as an accessory use;

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

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

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

Adopted by the Board of Standards and Appeals, March 4, 2003.

233-01-BZ

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Philip Rampulla

For Opposition: Edward Kirkland..

ACTION OF THE BOARD - Laid over to June 17, 2003, at 2 P.M., for continued hearing.

249-01-BZ

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

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 March 4, 2013;

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 all lighting be directed down and away from residential uses;

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;

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Yacovone and Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to June 17, 2003, at 1:30 P.M., for continued hearing.

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

APPEARANCES -

For Applicant: Stanley K. Schlein.

For Opposition: Denise Bilenzikyan, Rosemarie Maldonado and Diane O'Donnell.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 2 P.M., for continued hearing.

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305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane,

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3

Negative:0

Absent: Commissioner Miele.....1

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

Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

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

96-02-BZ thru 102-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Domenick Pinto, owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21 to permit the proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, which is contrary to Z.R. §§22-10 and 22-32.

PREMISES AFFECTED -

23-27/27A Steinway Street, east side,
75.78' north of 23rd
Road, Block 793, Lot
64, Borough of Queens.

23-29/29A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 63, Borough of Queens.

23-31/31A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 62, Borough of Queens.

23-33/33A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 60, Borough of Queens.

23-35/35A Steinway Street, east side, 75.78' north of
23rd Road, Block 793, Lot 52, Borough of Queens.

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40-11 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens.
40-15 23rd Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens.

COMMUNITY BOARD #1Q

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.
PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 2 P.M., for continued hearing.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Councilman Larry Seabrook, Donna Drayton, Walter Burgin and Carmen Agueira.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

PREMISES AFFECTED - 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and

APPEARANCES - None.

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

Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1
THE VOTE TO CLOSE HEARING -
Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

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

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital, LLC/John McGrath, owner; Johny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Vivian Alvarez.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

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

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Samuel Beltron.

For Administration: John A. Yacovone, Fire Department.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Negative:0
Absent: Commissioner Miele.....1

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

222-02-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES - None.

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

328-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Three Park Avenue Building Co., LP, owner; TSI Murray Hill Inc., lessee.

SUBJECT - Application November 7, 2002 - under Z.R. §73-36 to permit the legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, which requires a special permit.

PREMISES AFFECTED - Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

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

PREMISES AFFECTED - 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn.

Commissioner Caliendo3

338-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Collpoint Enterprises, Inc., owner; Walgreen's lessee.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, and is contrary to Z.R. §§33-291 and 36-21.

PREMISES AFFECTED - 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Mark Steinberg, Frank Toglio, Jack Maddalene and others.

For Opposition: Fred J. Mazzarello, Joan Vogt for Senator Padavan, Sahima Cardali, Charles R. Corradini, Sr., Josephine Stout, Mildred Auletta and others.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

353-02-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the zoning lot, requires a special permit.

PREMISES AFFECTED - 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq. and Robert W. Bronjino and H.A. Lautenbacher.

For Opposition: Macie Winiarczyk.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

354-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Arie & Bracha Nusbaum, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, and is contrary to Z.R. §23-141, §23-47 and §23-461.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jacqueline M. Gigliano.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

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

355-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob and Audrey
Barasch, owner.

SUBJECT - Application December 6, 2002 - under Z.R. §73-622
to permit the proposed enlargement to an existing single family
residence, located in an R2 zoning district, which does not comply
with the zoning requirements for floor area ratio, rear yard, open
space, and side yard, is contrary to Z.R. §23-141, §23-47 and
§23-461.

PREMISES AFFECTED - 1436 East 24th Street, between
Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of
Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jacqueline M. Gigliano..

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Caliendo3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

matters:

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160
Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01
to permit the proposed development of a vacant six story
manufacturing building, and the addition of three floors, for
residential use, Use Group 2, located in an M2-1 zoning district,
which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,
Verona and Commerce Streets, and Atlantic Basin, Block 515,
Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Jack Freeman, Bruce
Federman, Bruce Batkin, Joel Goldstein, Buddy Scott, Richard
Maltz, John McGetrick, Simon Watson, Manny Ortiz, Anthony
Pugliese, Lou Sones, Joe Bernarro, Pat Jones, Jay McKnight and
Florence Neal.

For Opposition: Terica Watson, Jeff Levi, Ernest Mcgliaccio, Jen
Roth, Erick Tapia, Bette Stoltz, Deborah Romano for Gregory
O'Connell and Celia Manura Cacace.

: Dan Maynard, Port Authority.

ACTION OF THE BOARD - Laid over to May 21, 2003,
at 10:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:55 P.M.

MARCH 5, 2003, 10:00 A.M.

SPECIAL HEARING

NOTICE IS HEREBY GIVEN of a public hearing,
Wednesday morning, March 5, 2003, at 10:00 A.M., at 40
Rector Street, 6th Floor, New York, N.Y. 10006, on the following

CORRECTIONS

*CORRECTION

This resolution adopted on December 17, 2002, under Calendar No. 240-01-BZ and printed in Volume 87, Bulletin Nos. 51-52 is hereby corrected to read as follows:

240-01-BZ

CEQR #02-BSA-008M

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.

SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 28, 2001 acting on Application No. 102896494 and subsequently updated to Application No. 1033435561 which reads:

“Proposed physical cultural establishment in portions of the first and second floor of the existing building, in a C6-4 (LMM) zoning district, requires a special permit from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in *The City Record* and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

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

WHEREAS, Community Board #1, Manhattan recommends approval of this application; and

WHEREAS, the subject premises is an oversized corner lot, currently consisting of two buildings, to be combined into a single building and zoning lot as part of a rehabilitation and change in use of the subject premises; and

WHEREAS, the zoning lot has a total square footage of 32, 921 sq. ft, with 127 feet of frontage on Park Place, 165 feet frontage on Church Street and 286.5ft. frontage on Murray street, and is currently improved with two buildings, one which is 21-stories and one which is 16-stories buildings, presently being converted from offices to residential, with retail stores at street level; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the proposed use of the first and second floor of an existing mixed-use building on Lot #27 as an Equinox physical culture establishment; and

WHEREAS, the first floor of the subject physical culture establishment will include the main entrance to the facility, retail area, and administrative offices and will have a total of 3,197 square feet of floor area; and

WHEREAS, the second floor will consist of 31,147 square feet of area, which will be utilized for locker rooms, exercise studios and equipment and related accessory facilities; and

WHEREAS, the applicant notes that the subject facility will be equipped with centrally monitored fire alarm and wet sprinkler systems throughout with both systems connected to a Fire Department approved Central Station; and

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours of operation to: Monday thru Thursday 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00P.M. and Saturday and Sunday 8:00 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; 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, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and73-36; and

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

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

WHEREAS, therefore, the Board has determined that

the proposed action will not result in any significant environmental effects.

CORRECTIONS

Pasquale Pacifico, Executive Director.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure, *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 22, 2002"- (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012:

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

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

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

THAT fire protection measures, including an automatic wet-sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to Monday thru Thursday, 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 8:00 A.M. to 9:00 P.M.;

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

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

****The resolution has been corrected to add *DOB Applic.# 1033435561*. Corrected in Bulletin No. 11, Vol. 88, dated March 13, 2003.**