
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 3, 2003

DIRECTORY

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86-03-A B.Q. 11-19 132ND Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens. Applic.#401621731. Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

87-03-A B.Q. 132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens. Applic.#401621205. Proposed retail stores, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

88-03-BZ B.M. 313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan. Applic.#103339665. Proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.
COMMUNITY BOARD #8M

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COMMUNITY BOARD #8M

90-03-BZ B.Q. 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens. Applic.#401623132. Proposed construction of a five/six story apartment building, with 34 dwelling units, located in a C2-2 within an R4 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard and parking, is contrary to Z.R. §23-141(b), §23-631(b), §23-222, §23-462(a) and §25-22.
COMMUNITY BOARD #12M

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92-03-BZ B.M. 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64. 67 and 68, Borough of Manhattan. N.B. #103157003. Proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, requires a special permit from the Board as per Z.R. §73-52.
COMMUNITY BOARD #9M

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 29, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 29, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

716-82-BZ

APPLICANT - Joseph P. Morsellino, for Cigarette Realty, owner; Staples Inc., lessee.

SUBJECT - Application February 20, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 209-30 Northern Boulevard, Northern Boulevard, east of Oceania Street, Block 7309, Lots 9, 11, 13 & 49, Borough of Queens.

COMMUNITY BOARD #11Q

286-86-BZ

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner; Union Fitness Organization, lessee.

SUBJECT - Application February 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 100 7th Avenue aka 808 Union Avenue, portion of block bounded by 7th Avenue, Union Street, 6th Avenue and President Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

PREMISES AFFECTED -

11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

259-02-A

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

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

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

COMMUNITY BOARD #3S.I.

287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island. 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.

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

COMMUNITY BOARD #1SI

76-03-A

APPLICANT - Joseph Gabriel, for Breezy Point Co-op Inc., owner; Dennis McGowan, lessee.

SUBJECT - Application March 3, 2003 - 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, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 23 Newport Walk, east side, 84' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

86-03-A & 87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.

SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #7Q

APRIL 29, 2003, 1:30 P.M.

CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 29, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

334-02-BZ thru 336-02-BZ

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

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

PREMISES AFFECTED -

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

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

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

COMMUNITY BOARD #3BK

343-02-BZ

APPLICANT - Harry A. Meltzer, R.A., for Richard Winer of RAW Corporation, owner; Peak Performance Sports Center, Inc., lessee.

SUBJECT - Application November 18, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan.

COMMUNITY BOARD #5M

370-02-BZ thru 373-02-BZ

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit the legalization of the conversion of the second floor of an **1-03-BZ**

APPLICANT - The Agusta Group, for BRK Properties Inc., owner.

SUBJECT - Application January 7, 2003 - under Z.R. §72-21 to permit the proposed erection of a two story, two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for zoning lot, front yards, floor area, and will have the required parking located within the front yard, is contrary to Z.R. §23-45, §23-141, §23-32 and

existing two story structure, to a medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

PREMISES AFFECTED - 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens.

56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens.

56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

285-02-BZ

APPLICANT - The Agusta Group, for Frank Ward, owner.

SUBJECT - Application October 23, 2002 - under Z.R. §72-21 to permit the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary to two previous variances granted under Cal. Nos. 905-53-BZ and 1052-66-BZ, which permitted a factory building in an R4 zoning district, and also Z.R. §22-00.

PREMISES AFFECTED - 900 East 213th Street, aka 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx.

COMMUNITY BOARD #12BX

329-02-BZ

APPLICANT - The Agusta Group by Paul Bonfilio, R.A., for Yury Abramov, owner.

SUBJECT - Application November 7, 2002 - under Z.R. §72-21 to permit the proposed addition to an existing one family dwelling, which creates non-compliance with respect to the required side yard, is contrary to Z.R. §23-461.

PREMISES AFFECTED - 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens.

COMMUNITY BOARD #8Q

§23-44.

PREMISES AFFECTED - 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens.

COMMUNITY BOARD #10Q

34-03-BZ

CALENDAR

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

74-03-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for F/B/O Laing P Foster, c/o Steven C. Curley, owner.

SUBJECT - Application February 25, 2003 - under Z.R. §72-21 to permit the 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, and is contrary to Z.R. §23-142.

PREMISES AFFECTED - 32 College Place, east side, 294.11' north of Love Lane, Block 236, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, MARCH 25, 2003 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 11, 2003, were approved as printed in the Bulletin of February 20, 2003, Volume 88, No. 8.

SPECIAL ORDER CALENDAR

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.

MINUTES

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Stuart Beckerman.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 12, 2002 acting on Application No. 10315998 reads:

"5. Proposed layout indicates that required open space equivalent is not provided. This is contrary to Section 15-12 ZR. When open space is provided it must be accessible to all the tenants. This is also contrary to BSA Case #947-80-BZ. 10. Proposed change of use on Second Floor from offices and Showroom (Use Group 6) to Residential (Use Group 2) is contrary to BSA Case #947-80-BZ."; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in The City Record, and laid over to March 4, 2003 and then to March 25, 2003 for decision; and

WHEREAS, on February 17, 1981, the Board granted an application permitting in an M1-5 district, the erection of a penthouse enlargement on an existing 8-story building and the conversion of all floors above the second floor from lofts into a multiple dwelling; and

WHEREAS, the applicant now seeks a removal of a condition of the Board requiring that 25 percent of the roof area be allocated as tenant recreational space, and a conversion of the second floor into residential use; and

WHEREAS, the record indicates that the subject zoning district was rezoned in 1999 from M1-5 into C6-2A which allows residential use on the second floor; and

WHEREAS, the applicant has submitted a financial analysis which sufficiently addresses the Board's concerns over the removal of the common roof deck.

Resolved that the Board of Standards and Appeals reopens and amends the variance, said resolution having been adopted on 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.

ACTION OF THE BOARD - Application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 12, 2002 acting on Application No. 400526329 reads:

"Referred to Board of Standards and Appeals for an

February 17, 1981, so that as amended this portion of the resolution shall read:

"to permit the removal of the condition of the Board requiring that "25 percent of the roof area, limited to activities not exceeding 40 pounds per square foot, be allocated as tenant recreational space" and the conversion of the second floor into residential use, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked "Received August 7, 2002" -(8) sheets; and on further condition;

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

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

THAT all conditions from the prior grant, with the exception of the aforementioned condition removed, shall remain in effect;

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

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 25, 2003.

492-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Michelle Frank, owner.
SUBJECT - Application January 3, 2002 - reopening for an amendment to the resolution.

Amendment of the previously approved plans to permit the parking of vehicles in the rear yard."; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on July 21, 1992, the Board granted an application permitting in an R2 district, the legalization of a motor vehicle repair shop with used car sales; and

WHEREAS, the applicant now seeks to extend the term of the variance, which expired on July 21, 2002, for a period of twenty (20) years, and to amend the resolution to permit the parking of cars in the rear yard

WHEREAS, upon review of this application and based upon site and neighborhood inspection, the Board finds that the rear yard should be maintained as a buffer zone between the subject premises and the adjacent residential use.

Resolved that the Board of Standards and Appeals reopens

MINUTES

and amends the resolution to extend the term of the variance which expired on July 21, 2002, so that as amended this portion of the resolution shall read:

" to extend the term of the variance for an additional twenty (20) years from July 21, 2002, to expire on July 21, 2022, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked "Received March 18, 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 there shall be no change in ownership or operating control of the premises without prior application to and approval from the Board;

THAT the rear yard landscaping and fencing shall be maintained according to BSA approved plans;

THAT the number of accessory parking spaces for motor vehicles awaiting service shall be limited to ten (10);

THAT the number of spaces in the open car sales lot of new and used cars shall be limited to fourteen (14);

THAT all conditions from the prior grant shall remain in effect;

THAT there shall be no razor wire fencing on the premises;

THAT there shall be no vehicular access to the rear yard from the side gate;

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

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

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on February 6, 1996, the Board granted an application permitting in an R6 zoning district, the enlargement of an existing funeral home.

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 complete construction which expired on February 6, 2001, so that as amended this portion of the resolution shall read:

"to extend the time to complete construction for two (2) years from the date of this grant to expire on March 25, 2005, on condition

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

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

THAT all conditions from the prior grant shall remain in effect;

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

THAT this approval is limited to the relief granted by the

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 25, 2003.

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.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an extension of the time to complete construction, which expired on February 6, 2001; and

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.

(DOB ALT. Application # 1248/89 & #301471896)

Adopted by the Board of Standards and Appeals, March 25, 2003.

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

MINUTES

Lane, Block 3357, Lot 1003, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Lance I. Michaels.

ACTION OF THE BOARD - Application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has a reopening and an extension of the time to complete construction, which expired on November 16, 2002; and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record, and laid over to March 25, 2003 for decision; and

WHEREAS, on November 17, 1998, the Board granted an application permitting the erection of a school gymnasium above an existing four-story wing of an eleven-story building.

Resolved that the Board of Standards and Appeals reopens and amends the resolution to extend the time to complete construction which expired on November 16, 2002, so that as amended this portion of the resolution shall read:

" to extend the time to complete construction for (2) years from the date of this grant to expire on March 25, 2005, on condition

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

ACTION OF THE BOARD - Application dismiss for lack of prosecution..

THE VOTE TO DISMISS -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

319-53-BZ

APPLICANT - Kenneth H. Koons, for Stanley & Roland Weisserberger, owners.

SUBJECT - Application December 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 1135 East 222nd Street, aka 3651 Eastchester Road, northwest corner of Eastchester Road, Block 4900, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

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

THAT all conditions from the prior grant shall remain in effect;

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

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 25, 2003.

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.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

426-54-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Howard Levine, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000 and Application November 12, 2002 for an amendment to the resolution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,

MINUTES

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

717-60-BZ

APPLICANT - Walter T. Gorman, P.E., for Sun Co., Inc, owner; Roy's II Auto Center Inc., lessee.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a new certificate of occupancy which expired April 13, 2000.

PREMISES AFFECTED - 2052 Victory Boulevard, southeast corner of Bradley Avenue aka 7 Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

406-82-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Adolph Clausi & Theodore Thomas, owner; Hendel Products/McDonalds, lessee.

SUBJECT - Application January 24, 2003 - reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 2411 86th Street, northeast corner of 24th Avenue and 86th Street, Block 6859, Lots 1, 69 & 71, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for decision, hearing closed.

8-87-BZ

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue, Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 10 A.M., for continued hearing

617-80-BZ

APPLICANT - Eric Palatnik, P.C., for J.S. Simcha, Inc, owner.

SUBJECT - Application January 14, 2003 - reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 770/780 McDonald Avenue, McDonald Avenue and Ditmas Avenue, Block 5394, Lots 11 & 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

APPLICANT - Walter T. Gorman, P.E., for Andre & Jose Vasquez, owner; DBA Broadway Hand Carwash, lessee.

SUBJECT - Application January 3, 2003 - reopening for an extension of time to obtain a new certificate of occupancy which expired December 8, 2002.

PREMISES AFFECTED - 4778/82 Broadway, east side Broadway, 225' north of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for decision, hearing closed.

261-90-BZ

APPLICANT - Elliott M. Glass, Architect, for Tiebout Associates, Inc., owner.

SUBJECT - Application January 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 22, 2001.

PREMISES AFFECTED - 2468-2478 Tiebout Avenue, 83.27" north of East 188th Street, 223.62" south of Fordham Road, Block 3023, Lot 4, Borough of The Bronx.

COMMUNITY BOARD #5BX

MINUTES

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 10 A.M., for decision, hearing closed.

228-01-BZ

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

SUBJECT - Application Remanded back to BSA as per Supreme
Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest
corner of the Grand Concourse and McClellan Street, Block 2463,
Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Irving Minkin.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough
Commissioner, dated August 28, 2002 acting on ALT 1.
Application No. 401463493, reads in pertinent part:

"A1- The site is located 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 C 27-291 (C26-401.1) of the Administrative Code
of the City of New York.

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

WHEREAS, by the letter dated October 9, 2003, the Fire
Department has reviewed the above project and has no objections;
and

WHEREAS, by letter dated November 15, 2003, the
Department of Transportation has reviewed the above project and
has no objections; and

WHEREAS, by letter dated February 4, 2003, the
Department of Environmental Protection 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,

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to April 15, 2003,
at 10 A.M., for decision, hearing closed.

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 - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

dated August 28, 2003 acting on ALT 1. Application No.
401463493, 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 December 10, 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 the premises shall be maintained free of debris and
graffiti;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 25,
2003.

2-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point
Cooperative, Inc., owner; Steven & Denise Domenech, lessees.

SUBJECT - Application January 8, 2002 - proposed construction
of a new second floor and upgrade of the septic system for a home
which lies within an R4 district, but does not front on a mapped

MINUTES

street which is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code.

PREMISES AFFECTED - 37 Bedford Avenue, east side 150' south of Bayside, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Resolved, that the decision of the Queens Borough Commissioner, dated January 3, 2003 and revised on February 20, 2003 acting on ALT 1. Application No. 401590444, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 8, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 25, 2003.

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 - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

Commissioner, dated January 3, 2003 and revised on February 20, 2003 acting A LT 1. Application No. 401590444, reads in pertinent part:

"1- Proposal to construct a new second floor on a home which lies within an R4 district but does not front on a mapped street is contrary to Article 3, Section 36(2) of the General City Law and Section 27-291 of the Building Code an must , therefore , be referred to the Board of Standards and Appeals for approval."; and

WHEREAS, by the letter dated January 17, 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.

Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, reads in pertinent part:

"1.- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law ; Additionally the is contrary to Section 27-291 of the New York City Building Code since it does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space."; 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 January 10, 2003 acting on ALT 1. Application No. 401570938, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 20, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March

MINUTES

25, 2003.

127-02-A thru 135-02-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, which

- 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.
- 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.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Appeals granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 10, 2003 acting on ALT 1. Application No. 401570938, reads in pertinent part:

"1.- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law ; Additionally the is contrary to Section 27-291 of the New York City Building Code since it does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space."; 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 January 10, 2003 acting on ALT 1. Application No. 401570938, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received February 20, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied

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.
- 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 25, 2003.

136-02-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, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

- 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: Hiram A. Rothkrug.

ACTION OF THE BOARD -Application withdrawn.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

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

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

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

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

6-03-A thru 14-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-03 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 2, Borough of Queens.

150-07 Waterside Court, 150th Street, west of Third Avenue, Block 4506, Lot 3, Borough of Queens

150-11 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 4, Borough of Queens

150-15 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 5, Borough of Queens.

150-19 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 6, Borough of Queens

150-23 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 7, Borough of Queens.

150-12 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 15, Borough of Queens.

150-16 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 14, Borough of Queens.

150-20 Waterside Court, 150th Street west of Third Avenue, Block 4506, Lot 13, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to April 15, 2003,

21-02-A thru 25-02-A

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

at 10 A.M., for continued hearing.

15-03-A thru 23-03-A

APPLICANT - Joseph P. Morsellino, Esq., for Waterside Estates at Cresthaven, LLC, owner.

SUBJECT - Application January 13, 2003 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

150-68 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4506, Lot 12, Borough of Queens.

150-79 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 71, Borough of Queens.

150-81 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 72, Borough of Queens.

150-83 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 73, Borough of Queens.

150-85 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 74, Borough of Queens.

150-87 Powells Cove Boulevard, west of the intersection of Third Avenue and Powells Cove Boulevard, Block 4487, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 25, 2003
2:00 P.M.**

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

ZONING CALENDAR

MINUTES

193-01-BZ

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 5, 2002, acting on Application No. 300985272, reads:

A1. THE PROPOSED USE OF THE SECOND, THIRD, FOURTH AND FIFTH FLOORS ON A BUILDING LOCATED IN AN R6 ZONE IIN THE OCEAN PARKWAY SPECIAL ZONING DISTRICT IS CONTRARY TO SECT. 22-00 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 22, 2002, December 10, 2002, January 28, 2003 and then to March 18, 2003 for decision and deferred until March 25, 2003; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed use of the second floor of an existing five-story building, as medical offices (Use Group 4), and the third floor, fourth floor and penthouse level as business offices (Use Group 6), located in an R6 (Ocean Parkway) zoning district, which is contrary to Z.R. '22-00; and

WHEREAS, the Board notes that medical offices are an as-of-right use on the first floor in the subject zoning district, and pursuant to '22-14, medical offices may be located on the second floor of a multiple dwelling provided that access to the outside is provided separately from residential uses; and

WHEREAS, the applicant now seeks to abandon residential uses on the upper levels, thereby necessitating a variance for the second floor medical use; and

WHEREAS, the subject premises located on the northwest

WHEREAS, the previous case was not located in a Special Zoning District, and it involved only cellar and first floor non-conforming uses while the subject application entails non-conforming uses on the second, third, fourth and penthouse levels; and

WHEREAS, the Zoning Resolution mandates that each and

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

corner of the intersection of Coney Island Avenue and Neptune Avenue on a lot of approximately 10,294.8 square feet; and

WHEREAS, the record indicates that the property is improved with a vacant five-story building, whose Temporary Certificate of Occupancy currently allows medical offices on the cellar, first and second floors, residential uses on the third and fourth floor, and a study room to be used in conjunction with the fourth floor on the penthouse level; and

WHEREAS, the applicant represents that substandard soil conditions were discovered during the construction process at the site which incurred additional construction costs; and

WHEREAS, the applicant has submitted boring reports from the site to document the substandard soil conditions; and

WHEREAS, the applicant also contends that the site's uniqueness can be attributed to its proximity to a high water table; and

WHEREAS, the Board notes that the subject premises is situated within the Ocean Parkway Special Zoning District which was created to enforce a more stringent set of zoning laws designed to preserve the unique character of this neighborhood; and

WHEREAS, through a series of site and neighborhood visits, and a meticulous review of land usage in the surrounding area, the Board notes that the neighborhood is residential in character with commercial use limited to the first floor level; and

WHEREAS, the Board concurs that the subject site has unique conditions stemming from subsurface soil conditions resulting in additional construction costs and has offered the applicant a scenario which would be more contextual with the character of the neighborhood;

WHEREAS, during the hearing process, the Board suggested to the applicant that ground floor commercial uses would be more contextual with the surrounding area but that commercial uses above the first floor would be out of the character of the neighborhood; and

WHEREAS, the Board has determined that the proposed use variance would undermine the intent of the residential zoning of the area and thus alter the essential character of the neighborhood and district; and

WHEREAS, therefore, the subject application fails to meet the requirements of Z.R. §72-21(c); and

WHEREAS, the applicant has sited a previous BSA variance granted under Calendar Number 549-84-BZ which it claims is analogous to the subject variance application; and

WHEREAS, the Board notes that although the unique conditions of the two cases are comparable, specifics concerning the (c) finding are dissimilar; and

every finding of Z.R. §72-21 shall be met in order to grant a variance; and

WHEREAS, the Board finds that the subject application does not meet the (c) finding and must be denied.

THEREFORE, it is resolved that the decision of the Borough Commissioner dated July 5, 2002, acting on Application No.

MINUTES

300985272 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, March 25, 2003.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee. SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard B. Hornstein.

For Opposition: Doris Diether and Stuart Beckerman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO GRANT -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 25, 2003.

305-01-BZ thru 320-01-BZ

37-03-BZ thru 39-03-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, Block 3605, Lot 20, Borough of Queens.

65-78 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 38, 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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2003 acting on Application No. 401245498

21, Borough of Queens.

65-80 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 37, 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.

65-82 Terrace Court, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 36, 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.

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.

reads:

"1. Proposed construction of residential buildings is not permitted in a manufacturing district as per Section 42-00 of the Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on March 19, 2002, May 14, 2002, July 23, 2002, October 1, 2002, November 19, 2002, January 14, 2003, and March 4, 2003 after due notice by publication in the City Record, and laid over to

MINUTES

March 25, 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 one of nineteen applications under Z.R. §72-21, to permit, in an M1-1/M-2 zoning district, the erection of nineteen three-story, three-family dwelling totaling 57 units which is contrary to Zoning Resolution Section 42-00; and

WHEREAS, the subject tentative lot was part of the former lot 200, which was a triangular shaped lot measuring approximately 363' by 508' by 436' and a total lot area of 83,875 square feet; and

WHEREAS, the instant proposal subdivides lot 200 into 20 separate lots, providing one lot for each of the nineteen residential buildings and one lot for the common development area which will be used by the nineteen residential buildings jointly; and

WHEREAS, the site is a rectangular shaped parcel located at the end of Admiral Avenue, which is a dead end street, with the Long Island Rail Road tracks running along the southern border of the site and a shopping center running along the site's eastern border; and

WHEREAS, the record indicates that the only access to and from the site is through Admiral Avenue which, the applicant represents is a residential street containing no commercial or manufacturing uses; and

WHEREAS, the evidence indicates that although the south side of Admiral Avenue falls within the M1-1 zoning district, Admiral Avenue is developed entirely residential with an R4 zoning district to the north and an R5 zoning district beyond the railroad tracks to the south; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a quasi-triangular shape totaling 83,875 square feet of area, located on a dead end street with only 63 feet of frontage, and its location in an area characterized by residential uses 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 site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the introduction of residential uses at the subject site would not upset the character of

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 25, 2003.

183-02-BZ

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

the surrounding neighborhood; and;

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1/M-2 zoning district, the erection of nineteen three-story, three-family dwelling totaling 57 units which is contrary to Z. R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 3, 2003"-(1) sheet; and on further condition;

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

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

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

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

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

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

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.

ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO REOPEN HEARING -

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

MINUTES

Negative:0
THE VOTE TO CLOSE HEARING -
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0
THE VOTE TO GRANT -
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0
THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 3, 2003 acting on ALT. Application No. 200713656 reads:

"Proposed continuous use of a lot for Public Parking Lot, UG 8 is not permitted in an R-8 zoning district and is contrary to section 22-00 ZR. Note: Cal # 660-23 BZ Vol. II expired Nov. 5. 1995-C of O 55392 (Bx)."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in the City Record, and laid over to March 4, 2003, March 18, 2003 and then to March 25, 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, former Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to re-establish a special permit previously granted under Calendar Number 660-23-BZ, in an R8-zoning district, permitting the open storage and parking of more than five (5) motor vehicles, Use Group 8, contrary to Z.R. §22-00; and

WHEREAS, the subject lot is an irregular corner lot with 190.85' of frontage along Van Cortland Avenue and 170.5' of frontage along St. George's Crescent; and

WHEREAS, on March 21, 1950, under Calendar Number 660-23-BZ, the Board legalized an existing automotive repair facility and the storage and parking of more than five vehicles on the vacant portion of the lot; and

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

THAT there shall be no commercial flags and banners on the site at any time;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

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 a new Certificate of Occupancy Shall be obtained within two (2) years of the date of this resolution;

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

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

WHEREAS, through a series of minor amendments, the site has evolved to its current form; and

WHEREAS, the most recent term of the grant expired on November 5, 1995; and

WHEREAS, the record indicates that the automotive repair facility and the storage and parking of more than five vehicles has been continuous at the site since 1950; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-411; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish a special permit previously granted under Calendar Number 660-23-BZ, in an R8- zoning district, permitting the open storage and parking of more than five (5) motor vehicles, Use Group 8, contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 19, 2003"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to five (5) years from the date of this grant expiring on March 4, 2008;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT the open storage and parking of motor vehicle shall be limited to (26) as indicated on BSA approved plans;

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 25, 2003.

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

MINUTES

Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 5, 2002 acting on ALT Application No. 500522534 reads:

“THE PROPOSED CHANGE OF USES TO A PHYSICAL CULTURE ESTABLISHMENT ONLY PERMITTED PURSUANT TO SECTION 73-36 ZR BY THE BOARD OF STANDARDS AND APPEALS THIS APPLICATION IS THEREFORE REFERRED TO THE BOARD OF STANDARDS AND APPEALS.”: and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record and laid over to March 25, 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within a C4-3 zoning district, the legalization of an existing physical culture establishment in a one-story building; and

WHEREAS, the applicant represents that the subject PCE

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 a C4-3 zoning district, the legalization of an existing physical culture establishment in a one-story 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 24, 2003”-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the December 1, 2001 to expire on December 1, 2011:

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 premises shall be maintained free of debris and graffiti;

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

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

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

commenced operation on December 1, 2001; 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.

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 25, 2003.

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

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

Negative:0

Adopted by the Board of Standards and Appeals, March 25,
2003.

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

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 a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building, on condition that all work shall substantially conform to

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 9, 2002 acting on Application No. 200370641 reads: "IN A C4-4 ZONING DISTRICT, CREATION OF A PHYSICAL CULTURE ESTABLISHMENT (GYMNASIUM) REQUIRES A SPECIAL PERMIT BY THE B.S.A. 32-31 ZR.": and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record and laid over to March 25, 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building; and

WHEREAS, the applicant represents that the subject PCE commenced operation on October 15, 2001; and

WHEREAS, the record indicates that the remainder of the subject 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

drawings as they apply to the objections above-noted, filed with this application marked "Received September 17, 2002"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the October 15, 2001 to expire on October 15, 2011;

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 premises shall be maintained free of debris and graffiti;

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

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

THAT 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

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

Adopted by the Board of Standards and Appeals, March 25, 2003.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

1. CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
2. CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.
3. PROPOSED PERIMETER WALL HEIGHT AND BUILDING HEIGHT IS CONTRARY TO ZR 23-631.
4. PROPOSED FRONT YARDS ARE CONTRARY TO ZR 23-45
5. PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461A.;" and

WHEREAS, a public hearing was held on this application on November 26, 2002 after due notice by publication in The City Record, laid over to and then to March 28, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed enlargement of a single family residence contrary to Z.R. §§23-141, 23-631, 23-45, & 23-461A; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot with a non-complying front yard; and

WHEREAS, the record indicates that if the applicant were to enlarge the first and second floor and add a useable attic in compliance with front yard regulations, the structure would have an irregular setback appearance when comparing the first floor to the

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated July 25, 2002, acting on Application No. 301349164, reads:

"BOARD OF STANDARDS AND APPEALS DENIAL
THE PROPOSED ENLARGEMENT OF THE EXISTING
ONE FAMILY RESIDENCE IN AN R3-2 ZONING
DISTRICT

other floors; and

WHEREAS, the Board notes that at the first floor the subject house is only twenty-one feet, three and one-half inches in width, the second floor would require a further setback from the front yards in addition to a setback from one side yard; and

WHEREAS, the applicant notes that compliance with side yard and front yard regulations would yield a house that is only fifteen feet in width from exterior wall to exterior wall resulting in an interior space width of approximately 13 feet; and

WHEREAS, the proposed twenty-one foot straight line extension of the second floor and attic would be in-line with the existing first floor; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R3-2 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 bulk variance 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, the property is located in an R3-2 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; 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

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review of the proposed action and the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

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 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 in an R3-2 zoning district, the proposed enlargement of a single family residence contrary to Z.R. §§23-141, 23-631, 23-45, &

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 25, 2003.

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: Lyra J. Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 9, 2002 acting on Application No. 200370641 reads:

“THE PROPOSED PHYSICAL CULTURE ESTABLISHMENT ON THE FIRST FLOOR AND MEZZANINE REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS AS PER 32-31 AND 73-36 Z.R.”: and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record

23-461A, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 6, 2003"-(9) sheets, and "March 20, 2003"-(1) sheet; and on further condition;

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

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

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

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

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

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

and laid over to March 25, 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 Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. '73-36 to permit, within C5-3 and C1-9 zoning districts, the legalization of the enlargement of an existing grandfathered physical culture establishment, located in portions of the first floor and mezzanine level of a forty-two story school and commercial building; and

WHEREAS, the applicant represents that the subject PCE commenced operation on January 1, 2003 and the enlargement was done by a previous owner in 1992; and

WHEREAS, the record indicates that the remainder of the subject building is occupied by as-of-right 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

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

MINUTES

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 C5-3 and C1-9 zoning districts, the legalization of the enlargement of an existing grandfathered physical culture establishment, located in portions of the first floor and mezzanine level of a forty-two story school and commercial building, on condition that all work shall substantially conform to drawings as they apply to the objections

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 premises shall be maintained free of debris and graffiti;

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

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

THAT 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 25, 2003.

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.

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

above-noted, filed with this application marked "Received February 6, 2003"-(5) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the January 1, 2003 to expire on January 1, 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;

WHEREAS, the decision of the Borough Commissioner, dated November 7, 2002, acting on Application No. 301420601 reads:

"1. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum 5'-0" required on one side.

2. Proposed plans are contrary to ZR 23-141 in that it exceeds the maximum permitted floor area ratio of 50%.

3. Proposed plans are contrary to ZR 23-141 in that it exceeds the maximum lot coverage of 35%.

4. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the 30'-0" that is required.

5. Proposed plans are contrary to ZR 23-141 in that it is less than the minimum required open space of 65%.

6. Proposed plans are contrary to ZR 23-461 in that the proposed total side yards is less than the minimum 13'-0"; and

WHEREAS, a public hearing was held on this application on March 4, 2003 and then to March 25, 2003 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, lot coverage, and rear and side yard requirements, and is contrary to

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Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 14, 2003"- (8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 25, 2003.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES-

For the Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 2 P.M., for continued hearing.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

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

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

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.

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

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003,
at 1:30 P.M., for decision, hearing.

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.

MINUTES

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Lenore Friedman.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 1:30 P.M., for continued hearing.

229-02-BZ thru 231-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Simon Dushinsky and Issac Rabinowitz, owner.

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 1:30 P.M., for postponed hearing.

238-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.

SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

282-02-BZ

APPLICANT - Harold Weinberg, P.E., for Roger Chehova, owner.

SUBJECT - Application October 18, 2002 - under Z.R. § 73-622

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing

to permit the legalization of a one story enlargement at the rear of an existing one family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R.§23-141, §54-31 and §23-47.

PREMISES AFFECTED - 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

284-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, for New York City Department of Citywide Administrative Services, owner; Two Trees Management Company, contract vendee.

SUBJECT - Application October 24, 2002 - under Z.R. §72-21 to permit the proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, rear yard setback, retail continuity and lot coverage, is contrary to Z.R. §23-145, §23-663(b), §33-26, §35-24 and §101-10.

PREMISES AFFECTED - 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Irv Gotbaum and Laura Cheng

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

356-02-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipser, Esq., Stadtmauer Bailkin, LLP, for 210 East 86th Street Corporation, owner.

seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

MINUTES

Z.R. §33-20 and previous Cal. No. 67-96-BZ.

PREMISES AFFECTED - 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner and Howard Zipser.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

357-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center, Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein and Garth Brown.

For Opposition: Erik Ortman, Pauline Compton, Mary F. Carballai, James Carh and Joseph Trotti

ACTION OF THE BOARD - Laid over to May 6, 2003, at 1:30 P.M., for continued hearing.

368-02-BZ

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding Corporation, owner; Astor Place Associates, LLC c/o The Related Companies, lessees.

requires a special permit under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, aka 443/49 Lafayette Street and aka 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jesse Masyr.

For Opposition: Brian Sogol, State Senator Tom Duane; Ann Arkush, Assemblymember Glick; Doris Diether, Zella Jones, NOHO Neighborhood Assoc.; Rosie Mendez, Leo Blackman, Daryl Cochrane, Simon Bankoff, Gale Saddy, Anna Sawaryn, Patricia Melvin, Bob Ortiz and Luther Harris.

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for continued hearing.

5-03-BZ

APPLICANT - Harold Weinberg, P.E., for Emanuel Alaimo, owner.

SUBJECT - Application January 13, 2003 - under Z.R. §72-21 to permit the legalization of a one story enlargement at the rear of the first floor of an existing two story mixed use building, and the erection of a small enlargement by the notch, which increases the degree of non-compliance with respect to floor area ratio, and is contrary to Z.R. §§35-30 and 54-31.

PREMISES AFFECTED - 2276 86th Street, south side, 36'-8'' west of 23rd Avenue, Block 6383, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Harold Weinberg

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 29, 2003, at 1:30 P.M., for decision, hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:40 P.M.

CORRECTIONS

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, which

***CORRECTION**

This resolution adopted on July 10, 2001, under Calendar No. 142-00-BZ and printed in Volume 86, Bulletin Nos. 29-30, is hereby corrected to read as follows:

142-00-BZ

CEQR #00-BSA-145K

APPLICANT - Sheldon Lobel, P.C., for R.E. Holding Co., owner.
SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to permit, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 240 Wythe Avenue, northwest corner of North 3rd Street, Block 2349, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 5, 2000, acting on Alt Applic. #300985450, reads:

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

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

WHEREAS, a public hearing was held on this application on April 3, 2001 after due notice by publication in The City Record, laid over to May 15, 2001, June 5, 2001, June 19, 2001 and then to July 10, 2001 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, former Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M3-1 zoning district, the conversion of an existing

residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00; and

WHEREAS, the premises is located on the northwest corner of the intersection of Wythe Avenue and North 3rd Street; and

WHEREAS, the cellar and first floor are used for warehousing, fabrics, lamp shades, and office uses, the second and fourth floors house residential uses with the third floor being mostly vacant; and

WHEREAS, the applicant seeks to legalize the residential uses on the second and fourth floor and convert the third floor to residential use; and

WHEREAS, the applicant represents that the existing warehouse use, storage of fabric and lampshades will remain on the cellar and first floor; and

WHEREAS, the applicant has agreed that any change to the existing warehouse use, will require Board approval; and

WHEREAS, the applicant has demonstrated that efforts to lease the mostly vacant third floor were unsuccessful; and

WHEREAS, the record indicates that the subject building is with insufficient elevator capacity for modern manufacturing uses; and

WHEREAS, of the twenty eight buildings located within the 400' radius, the subject premises is one of only two that are substantial scale multi-storied manufacturing buildings; and

WHEREAS, the other sizeable manufacturing building is located at 83/111 North 3rd Street and already houses residential uses on its upper floors; and

WHEREAS, the subject premises is the only building that is directly across the street from multiple family dwellings; and

WHEREAS, immediately across North 3rd Street to the south are (1) three multiple family dwellings, two having three stories and one of two stories, and (2) another three-story multiple family dwelling above a first floor commercial use; and

WHEREAS, applicant represents that there is little demand for manufacturing uses in this area and that the subject building is obsolete for most manufacturing uses as indicated by the vacancy of the third floor; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M3-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the Board notes that part of the instant application is for a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses and community facility uses are present in the subject M3-1 manufacturing zone; and

WHEREAS, the Board determines that the instant proposal is consistent with New York City’s Waterfront Development Policies;

CORRECTIONS

four story with cellar and penthouse building to commercial and

and

WHEREAS, therefore, the Board finds that this action will not

alter the essential character of the surrounding neighborhood nor

impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

WHEREAS, the Board has conducted an environmental 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 Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M3-1 zoning district, the conversion of an existing four story with cellar and penthouse building to commercial and residential uses (Use Groups 2, 6 and 16), which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 11, 2000"-(9) sheets and "January 12, 2001"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to twenty years from the date of this grant;

THAT, fire protection measures, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

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

Adopted by the Board of Standards and Appeals, July 10, 2001.

***The resolution has been corrected to remove the term which read: "THAT the term of the variance shall be limited to twenty years from the date of this grant;" and to add: "THAT any change to the existing warehouse use shall require Board approval". Corrected in Bulletin No. 14, Vol. 88, dated April 3, 2003.**

***CORRECTION**

This resolution adopted on March 4, 2003, under Calendar No. 344-02-BZ and printed in Volume 88, Bulletin No. 11 is hereby corrected to read as follows:

**344-02-BZ
CEQR#03-BSA-086K**

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 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 C8-2 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 Z.R.§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 Z.R.§33-29, which this application seeks relief from; and

CORRECTIONS

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 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 C8-2 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 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;

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;

***The resolution has been corrected in that the portion of the zoning district which read: "C8-3" now reads: "C8-2". Corrected in Bulletin No. 14, Vol. 88, dated April 3, 2003.**

Pasquale Pacifico, Executive Director.