
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 17

April 24, 2003

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COMMUNITY BOARD #7Q

106-03-BZ B.Q. 45-78A 161st Street, north of 46th Avenue, Block 5439, Lot 89, Borough of Queens. Applic.#401560155. Proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

COMMUNITY BOARD #7Q

107-03-BZ B.Q. 45-80 161st Street, north of 46th Avenue, Block 5439, Lot 90, Borough of Queens. Applic.#401560164. Proposed erection and maintenance of a three family dwelling, Use Group 2, located in an R4 zoning district, which does not qualify for development under the Predominantly Built Up Regulations, regarding shape of lot and size of block, is contrary to Z.R. §23-141(c).

COMMUNITY BOARD #7Q

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COMMUNITY BOARD #2BK

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COMMUNITY BOARD #2BK

111-03-BZ B.BK. 1685 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn. N.B.#301430360. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

112-03-BZ B.BK. 1687 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn. N.B.#301430379. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

DOCKET

113-03-BZ B.BK. 1689 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn. N.B.#301430388. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

114-03-BZ B.BK. 1691 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn. N.B.#301430397. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

115-03-BZ B.BK. 1693 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn. N.B.#301430404. Proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the parking requirements, is contrary to Z.R.§23-141, §23-631, §23-45 and §25-23.

COMMUNITY BOARD #12BK

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

MAY 20, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 20, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26 Court Street, aka 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

132-01-BZ

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

SUBJECT - Application November 27, 2002- reopening for an amendment to the resolution.

PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

315-02-BZ

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

SUBJECT - Application October 25, 2002- under Z.R. §72-21 to permit the proposed construction of a mixed-use building,

MAY 20, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 20, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

210-02-BZ thru 213-02-BZ

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

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

PREMISES AFFECTED -

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

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

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

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

COMMUNITY BOARD #5Q

containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and

CALENDAR

§24-522.

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

COMMUNITY BOARD #7M

342-02-BZ

APPLICANT - Sheldon Lobel, P.C., for John Dioguardi, owner.
SUBJECT - Application November 15, 2002 - under Z.R. §73-53

to permit the legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, which requires a special permit.

PREMISES AFFECTED - 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #11BK

362-02-BZ

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, and is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

28-03-BZ

APPLICANT - Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to

REGULAR MEETING

TUESDAY MORNING, APRIL 15, 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, March 4, 2003, were approved as printed in the Bulletin of March 13, 2003, Volume 88, No. 11.

permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.
SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to

permit the proposed enlargement of an existing two-story non-conforming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

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

COMMUNITY BOARD #1BK

32-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jeffrey J. Edelman, owner.

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

PREMISES AFFECTED - 1052 East 26th Street, between Avenues "J" and "M", Block 7607, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

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

MINUTES

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.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, 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 applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 22, 2000, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 11, 2003, after due notice by publication in The City Record, and laid over to March 25, 2003 and then to April 15, 2003 for decision; and

WHEREAS, on December 14, 1954, the Board granted an application permitting the erection and maintenance of a gasoline service station with accessory uses; and

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a metal canopy over the concrete pump islands and the conversion of a portion of the existing building to a retail convenience store.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on April 22, 2000, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from April 22, 2000, to expire on April 22, 2010, and to permit the erection of a metal canopy over the concrete pump islands and the conversion of a portion of the existing building to a retail convenience store, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 13, 2000; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on February 7, 1961, the Board granted an application permitting the erection and maintenance of a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy

marked ‘Received, November 12, 2002’-(1) sheet and ‘March 18, 2003’-(2) sheets; and on further condition;

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

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

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

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

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

(DOB Application # 401545459)

Adopted by the Board of Standards and Appeals, April 15, 2003.

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: Arthur Sullivan.

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

THE VOTE TO GRANT -

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

Negative:0

which expired on April 13, 2000, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 2005, on condition;

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

THAT the use of any automobile vacuums shall be limited to 7:00 AM to 7:00 PM;

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

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

THAT this approval is limited to the relief granted by the Board

MINUTES

in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

(DOB NB Application #1123/60)

Adopted by the Board of Standards and Appeals, April 15, 2003.

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.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

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 applicant requested a re-opening and an

8-87-BZ

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: Arthur Sullivan.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

extension of the time to obtain a Certificate of Occupancy which expired on January 24, 2003; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on December 2, 1980, the Board granted an application permitting the maintenance of an enlargement to an existing catering establishment.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to complete construction and obtain a Certificate of Occupancy which expired on January 24, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to complete construction and obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 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 the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

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

(DOB Application #300540029)

Adopted by the Board of Standards and Appeals, April 15, 2003.

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on December 8, 2002; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on May 24, 1988, the Board granted an application permitting the change of use from a gasoline station to an automobile laundry and parking of motor vehicles.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on December 8, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on April 15, 2005, on condition;

THAT the premises shall be maintained free of debris and

MINUTES

graffiti;

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

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

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

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

(DOB Alt. Application #1712/86)

Adopted by the Board of Standards and Appeals, April 15, 2003.

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

APPEARANCES -

For Applicant: Elliott M.Glass.

ACTION OF THE BOARD - Rules of Practice and Procedure

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

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

(DOB Application # 200758518)

Adopted by the Board of Standards and Appeals, April 15, 2003.

161-02-BZ

APPLICANT: New York City Board of Standards and Appeals.

OWNER OF PREMISES: Coral Cove, LLC

SUBJECT: to dismiss the application for lack of prosecution.

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

COMMUNITY BOARD #15BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

waived, application re-opened and term of variance extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on October 22, 2001; and

WHEREAS, a public hearing was held on this application on March 25, 2003, after due notice by publication in The City Record, and laid over to April 15, 2003 for decision; and

WHEREAS, on October 22, 1991, the Board granted an application permitting the maintenance of an attendant parking lot.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on October 22, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional ten (10) years from October 22, 2001, to expire on October 22, 2011, 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 above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

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

Negative:0

Adopted by the Board of Standards and Appeals, April 15, 2003.

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red’s Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

669-80-BZ

APPLICANT - Robert A. Caneco, R.A., for Stephen Ardizzone, owner.

SUBJECT - Application December 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 7 Buttonwood Road, east side, 200' North of Willow Pond Road, Block 879, Lot 12, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for postponed hearing.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2003 - reopening for an extension of term of variance which expired January 6, 2003.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4367, Block 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Arthur Goldstein.

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 May 6, 2003, at 10 A.M., for decision, hearing closed.

1233-88-A

APPLICANT - Stadtmauer Bailkin, LLP, by Richard Bowers, for Savoy at Staten Island, L.P., owner; Sunrise Development, Inc.,

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lessee.

SUBJECT - Application December 26, 2002 - reopening for an extension of time to complete construction which expired December 5, 2002.

PREMISES AFFECTED - 801 Narrows Road North, north side of Narrows Road, north 1162'-62" east of Howard Avenue, Block 631, Lot 71, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Richard Bowers.

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.

193-92-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Rhee Enterprises, Ltd., owner; White Castle System, Inc., lessee.

SUBJECT - Application February 4, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

COMMUNITY BOARD #3Q

APPEARANCES - None.

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

27-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patrick & Dorothea Bannon, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy. PREMISES AFFECTED - 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Poppa.

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 Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548170, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law ; also no permit can be issued since proposed construction

PREMISES AFFECTED - 1303 Beach Channel Drive, northwest corner of Mott Avenue, Block 15661, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michelle Spallino.

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 May 6, 2003, at 10 A.M., for decision, hearing closed.

203-02-BZ

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

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

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

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.

A2- The upgraded private disposal system is partially in the bed of a mapped street contrary to Department of Buildings policy."; and

WHEREAS, by the letter dated October 9, 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 December 24, 2002 acting on ALT 1. Application No. 401548170 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 15, 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

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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, April 15, 2003.

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

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

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

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 10 A.M., for continued hearing.

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

APPEARANCES -

For Applicant: Pat Jones.

For Administration: Lisa Orrantia.

ACTION OF THE BOARD - Application withdrawn.

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, April 15, 2003.

21-02-A thru 25-02-A

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

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

ACTION OF THE BOARD - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

345-02-A

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

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

PREMISES AFFECTED - 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

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

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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.

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.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Laid over to May 6, 2003, 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.

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 A.M.

REGULAR MEETING
TUESDAY AFTERNOON, APRIL 15, 2003
2:00 P.M.

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

ZONING CALENDAR

65-03-A thru 67-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, Maureen & Joseph Quinlan, Patricia & Frank Cretella, lessees.

SUBJECT - Application February 10, 2003 - Proposed first story alteration, and the addition of a partial second story to an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

3 Graham Place, north side, 180' west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

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THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar and
Commissioner Miele3
Negative: Commissioner Caliendo1

Adopted by the Board of Standards and Appeals, April 15,
2003.

269-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Miriam Klein, owner.
SUBJECT - Application October 30, 2002 - under Z.R. §73-622
to permit the legalization of a prior enlargement, as well as an
additional enlargement of a single family residence, in an R3-2
Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner,
dated October 17, 2002, acting on Application No. 301383125
reads:

- A1. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAXIMUM PERMITTED FLOOR AREA RATIO OF 50%.
2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT IS LESS THAN THE MINIMUM REQUIRED OPEN SPACE OF 65%.
3. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAXIMUM LOT COVERAGE OF 35%.
5. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAXIMUM PERIMETER WALL HEIGHT OF 21'-0".
6. 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 YARD.
7. 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 18, 2003 and then laid over to April 15, 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 legalization of a prior enlargement and the proposed
enlargement of an existing single-family dwelling in an R3-2 zoning
district, which creates non-compliance with regard to floor area
ratio, open space, lot coverage, perimeter wall height, and rear and
side yard requirements, and is contrary to Z.R §§23-141, 23-461,
23-631 and 23-47; and

WHEREAS, the Board finds that the proposed enlargement

zoning district, which creates non-compliance with regards to floor
area ratio, open space, rear yard, lot coverage, perimeter wall
height and side yard, is contrary to Z.R. §23-141, §23-47 and
§23-631.

PREMISES AFFECTED - 1644 East 28th Street, between
Avenue "P" and Quentin Road, Block 6790, Lot 15, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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

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 legalization of a
prior enlargement and the proposed enlargement of an existing
single-family dwelling in an R3-2 zoning district, which creates
non-compliance with regard to floor area ratio, open space, lot
coverage, perimeter wall height, and rear and side yard
requirements, and is contrary to Z.R §§23-141, 23-461, 23-631
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 October 4, 2002"-(6) sheets,
"January 13, 2003"-(2) sheets, and "April 15, 2003"-(3) sheets;
and on further condition;

THAT there shall be no habitable room in the cellar;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 15,
2003.

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355-02-BZ

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

SUBJECT - Application December 6, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open 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 November 26, 2002, acting on Application No. 301400231 reads:

- A1. Proposed plans are contrary to ZR 23-141 in that the Floor Area Ratio exceeds the 0.5 permitted and the Open Space Ratio is less than the 150.0 required.
2. Proposed plans are contrary to ZR 23-461 in that the proposed yards are less than the minimum 5 feet required on one side.
3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than 30 feet."; and

WHEREAS, a public hearing was held on this application on April 3, 2003 and then laid over to April 15, 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 R2 zoning district, which creates non-compliance with regard to floor area, open space, 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 R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, and is contrary to 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

space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition. above-noted, filed with this application marked "Received December 6, 2002"-(12) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 15, 2003.

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, owner.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to 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 - 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 -

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WHEREAS, the decision of the Borough Commissioner, dated December 6, 2002 acting on Application No. 103305576 reads:

2. A portion of the rear yard equivalent of 20 feet is required in a part of the lot located in C2-8A District according to ZR 33-283. Proposed enlargement of the building at eighth and ninth floors with no rear yard is contrary to ZR 33-283 and increases degree of non-compliance contrary to ZR 54-31"; and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in The City Record, and laid over March 25, 2003 and then to April 29 for decision; and

WHEREAS, consequently, the applicant requested an expedited decision date of April 15, 2003 which the opposition consented to; 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 variance pursuant to Z.R. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A Zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ; and

WHEREAS, the subject property is a through lot along east 86th Street between Second and Third Avenues with a width of 75' along East 86th Street, a width of 74'6" along East 85th Street, with a lot depth of 204'4"; and

WHEREAS, under Calendar Number 67-96-BZ, the Board permitted an enlargement of the non-conforming theater section which the applicant represents already existed on the R8B portion of the site, and the applicant notes that although on the same zoning lot, the instant application seeks to enlarge the 7-story office portion of the building located entirely within the C2-8A district; and

WHEREAS, the proposal enlarges the existing office building by adding two floors of community facility space with each floor containing 6,513 square feet; and

WHEREAS, the Board notes that while the zoning lot is currently under built by 37,213 square feet in floor area, the applicant is only proposing to add 13,025 square feet; and

WHEREAS, pursuant to Z.R. §33-283, the development must provide a 40' rear yard equivalent located within 5 feet of the mid lot, requiring a setback from the existing rear wall of the office building by 15 feet; and

WHEREAS, the record indicates that the building's location, the need to buttress the building's columns and the need to brace for the additional floors, the requirement of the rear setback creates a

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. §72-21, to permit, on a site previously before the Board, under Calendar Number 67-96-BZ, in a C2-8A zoning District, the addition of two (2) floors atop an existing 7-story building to house a Use Group 4, hospital related use and offices contrary to Z.R. §33-20 and Calendar Number 67-96-BZ,

1. This building has been enlarged as per BSA approval under Cal. 67-96-BZ. New enlargement requires Board of Standards and Appeals review.

practical difficulty; and

WHEREAS, the applicant represents that a Use Group 4 hospital-related medical office would be permitted and would be compatible with an office building, the existing office building is built full to the site's midpoint, which is the district boundary, occupying what would normally be the required rear yard; and

WHEREAS, the 7th floor has a 15' front wall setback and if additional floors are added which provide a rear setback, the resulting floor plate will be approximately 70' in depth; and

WHEREAS, the Board agrees with the applicant's contention that the aforementioned floor plate is relatively small, inefficient, and would require a taller and more expensive building; and

WHEREAS, moreover, the record indicates that mechanical systems such as the plumbing risers, water tank and cooling tower exist in the rear yard portion of the building and that forcing the community facility to comply with current regulations would create a costly transfer of these systems leading to an unnecessary hardship; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a small floor plate, the need to buttress the building's columns and the need to brace for the additional floors present practical difficulties and create an undue hardship 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 proposal only seeks to extend the building by a height of 23' and the applicant represents that the absence of a rear setback at an elevation of 92' will not impact the subject lot and that the properties abutting the site to the east and west have no residential units at the 92' level; and;

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

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

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

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

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

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 9, 2002"-(4) sheets; and on further condition;

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

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

MINUTES

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 15, 2003.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.
SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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 May 6, 2003, at 1:30 P.M., for decision, hearing closed.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit the legalization of two contiguous building on one zoning lot, from a laundry facility to residential use, Use Group 2. Located in an M1-1 zoning district, is contrary to Z.R. §42-00.

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

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

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

181-02-BZ

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

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

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

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

214-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

241-02-BZ

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

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane and Sal Armond.

For Opposition: Ernest Miglaccia and Bette Stoltz

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

MINUTES

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.
SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Irving E. Minkin

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

254-02-BZ

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Basta Brightsill.

For Opposition: Anthony Scadudto, Fire Department

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

268-02-BZ

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

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A
SUBJECT - Application December 12, 2002 - under Z.R. §73-36 to permit the proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

PREMISES AFFECTED - 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Irving E. Minkin, Sheldon Lobel, Irvin E. Minkin, Robert Peguen, Scott Spector, Bobbie Williams and Rachel Nicollage.

For Opposition: Lance Blum.

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

338-02-BZ

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino, Mark Steinberg and Hiram Rothkrug.

For Opposition: Fred J. Mazzarello, Joan Vogt for Senator Padavan, Jacquelyn McCabe, Mildred Auletta and Sabina Cardali.

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 June 3, 2003, at 1:30 P.M., for decision, hearing closed.

358-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

359-02-BZ

APPLICANT - Petraro & Jones, LLP, for Wegweiser & Erlich, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §§42-31 & 73-19 to permit the proposed private school, Use Group 3, located in an M1-5 zoning district, which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

MINUTES

APPEARANCES -

For Applicant: Pat Jones

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

374-02-BZ

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

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

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for postponed hearing.

24-03-BZ

APPLICANT - Vassalotti Associates Architects, for Phillips Petroleum, owner.

SUBJECT - Application January 13, 2003 - under Z.R. § 11-411 to permit the reestablishment of an expired variance, previously granted under Cal. No. 624-39-BZ, which permitted a gasoline service station and an automobile repair facility, Use Group 16, in a C1-2 within an R2 zoning district.

PREMISES AFFECTED - 178-02/08 Union Turnpike, southwest corner of Surrey Place, Block 7227, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

APPEARANCES -

For Applicant Howard A. Zipser and others.

For Oppositon: Emily M. Lyon.

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 June 3, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

For Applicant: Hiram A. Minkin

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

36-03-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Laid over to June 3, 2003, at 1:30 P.M., for postponed hearing.

43-03-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Center For Jewish History, owner.

SUBJECT - Application February 6, 2003 - under Z.R. § 72-21 & 43-43 to permit the proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, which is contrary to Z.R. §43-43, located in a M1-6M and C6-2M zoning district.

PREMISES AFFECTED - 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan.

COMMUNITY BOARD #5M

MINUTES

CORRECTIONS

***CORRECTION**

This resolution adopted on February 26, 2002, under Calendar No. 226-01-BZ and printed in Volume 87, Bulletin Nos. 9-10, is hereby corrected to read as follows:

226-01-BZ

CEQR # 01-BSA-166M

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.

SUBJECT - Application June 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis Angelino, Joseph Vassauo and Dennis Lee.
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, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo...4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2001 acting on N.B. Application No. 102796146, reads:

“Residential Use Group 2 is not permitted within M1-5 TMU zoning district as per Section 42-00 ZR.”;and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the City Record, laid over to February 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot is located at the northeast corner of Laight and Hudson Streets, with 38 feet of frontage on the Laight Street side and 100 feet of frontage on the Hudson Street side; and

WHEREAS, the zoning lot is situated in The Tribeca Mixed Use District in an M1-5 zoning district; and

WHEREAS, the record indicates that the existing building is a vacant one-story 1,392 square foot automotive service station; and

WHEREAS, the zoning lot is a small parcel with only 3,800 square feet of area, enveloped on all sides by taller buildings; and

WHEREAS, the applicant represents that the existing structure is a functionally obsolete building, inconsistent with the existing office and loft dwellings land use pattern in the area; and

WHEREAS, the zoning lot is located immediately north of the large open space that compromises the rotary road system for vehicles exiting the Holland Tunnel; and

WHEREAS, the applicant represents that there is continuous vehicular traffic which passes directly by the zoning lot, thus making it unsuitable for conforming manufacturing or warehouse use which would require loading docks and trucks maneuvering into the building from Hudson or Laight Street; and

WHEREAS, evidence in the record, including Sanborn maps, indicates that the site was formerly a four-story residential use building with retail use on the ground floor before being demolished and converted to an automotive service station in approximately 1930; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the proposed building will have an 85 foot street wall for its six stories which is consistent with, or shorter than, the other building currently on the block; and

WHEREAS, evidence in the record indicates that the subject premises is the only lot on its block which is not developed with a five to seven story building; and

WHEREAS, the applicant represents that a number of buildings in the surrounding neighborhood have been converted to loft dwellings in recent years; and

WHEREAS, The New York City Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed work at the subject premises; and

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

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

CORRECTIONS

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, 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 "June 26, 2001"-(8) sheets and "February 12, 2002"-(1) sheets; and on further condition;

THAT the entire building shall be sprinklered with automatic wet sprinklers;

THAT the cellar, first floor, and all commercial spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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 any ground floor use be restricted to Use Group 6a or 6b, with the exception of a dry cleaning or clothes pressing establishment;

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

THAT a Certificate of Occupancy be obtained within 4 years from the date of this resolution.

Adopted by the Board of Standards and Appeals, February 26, 2002.

***The resolution has been corrected in the part of the plans which read: "June 26, 2001"-(4) sheets and "November 1, 2001"-(11) sheets;" now reads: "June 26, 2001"-(8) sheets and "February 12, 2002"-(1) sheet. Corrected in Bulletin No. 17, Vol. 88, dated April 24, 2003.**

Pasquale Pacifico, Executive Director.