
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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May 15, 2003

DIRECTORY

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COMMUNITY BOARD #2SI

141-03-BZ B.BK. 10 Graham Avenue, aka 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn. Alt.#301509231. Proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.
COMMUNITY BOARD #1BK

142-03-BZ B.Q. 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens. Applic.#401218446. Proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.
COMMUNITY BOARD #12Q

143-03-BZ B.BK. 1734 East 24th Street, between Quentin Road and Avenue "R", 240' south of Quentin Road, Block 6806, Lot 19, Borough of Brooklyn. Alt.#301526604. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §23-141, §23-461A and §23-47.
COMMUNITY BOARD #15BK

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

JUNE 17, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 17, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

558-51-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 163-15 Northern Boulevard, Northern Boulevard and 164th Street, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.

SUBJECT - Application April 4, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

COMMUNITY BOARD #14Q

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

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

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

SUBJECT - Application September 26, 2002 - Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition 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 - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003,

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in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility".

As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

permit the legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

JUNE 17, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 17, 2003, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

267-02-BZ

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein, owner.

SUBJECT - Application October 4, 2002- under Z.R. §73-622 to permit the proposed extension of residential use into the attic, of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for rear yard, open space ratio and floor area ratio is contrary to Z.R. §23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side, 230'0" north of Avenue "N", Block 7660, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #14BK

350-02-BZ

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

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

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

COMMUNITY BOARD #3SI

360-02-BZ

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

SUBJECT - Application December 13, 2002- under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

275-02-BZ

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

SUBJECT - Application October 10, 2002- under Z.R. §72-21 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner.

SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

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PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

COMMUNITY BOARD #8M

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003 - under Z.R. § 73-621 to permit the 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.

PREMISES AFFECTED -

313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.

315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.

SUBJECT - Application - under Z.R. § 72-21 to permit the 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.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens.

COMMUNITY BOARD #12Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING MAY 6, 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 25, 2003, were approved as printed in the Bulletin of April 3, 2003, Volume 88, No. 14.

SPECIAL ORDER CALENDAR

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.

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

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 reopening for an extension of the term of the variance which expired on July 15, 2002 and for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 12, 2002, after due notice by publication in The City Record, and laid over to January 7, 2003, February 4, 2003, April 15, 2003 and then to May 6, 2003 for decision; and

WHEREAS, on April 12, 1938, the Board granted an application permitting the operation of a gasoline service station; and

WHEREAS, the applicant now seeks to amend the resolution
Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record,

to permit the elimination of the gas pumps from the premises; and
WHEREAS, the applicant represents that the subject facility will continue to provide automobile repair service (with hand tools only).

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 19, 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 July 15, 2002, to expire on July 15, 2012, and to permit the elimination of the gas pumps from the premises, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 30, 2002”-(3) 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 shall appear on the certificate of occupancy;

THAT all fencing shall be repaired within 30 days from the date of this grant and photographic evidence of the repair shall be provided to the executive director of the Board within the 30 day period;

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 # 37/58)

Adopted by the Board of Standards and Appeals, May 6, 2003.

7-57-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Kapsin & Dallis Realty Corporation.

SUBJECT - Reopening for Compliance.

PREMISES AFFECTED - 2317/27 Ralph Avenue, Block 8364, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

In Favor: Ruth Peres.

For Opposition: Lewis Fidler, City Council.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

and

WHEREAS, the Board received complaints alleging non-compliance with a Variance granted for the subject premises; and

WHEREAS, specifically, the complaints alleged that the site was being used as a parking and storage facility of car service

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vehicles. The garaging of trucks and tour buses .The hours of operation pertaining to repairs were not being adhered to; and

WHEREAS, on May 6, 2003, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, the applicant submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the SOC Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003.

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 - None.

ACTION OF THE BOARD - Application reopened, and term of Special Permit 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 reopening for an extension of the term of the variance which expired on January 6, 2003; and

WHEREAS, a public hearing was held on this application on April 15, 2003, after due notice by publication in The City Record, and laid over to May 6, 2003 for decision; and

WHEREAS, on January 6, 1981, the Board granted an application permitting an amusement arcade.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the term of the Special Permit
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 Procedure and a request for a re-hearing; and

WHEREAS, on August 14, 1990, the Board denied an application for a special permit pursuant to Section 73-243, proposing a drive-thru at the existing eating and drinking establishment; and

which expired on January 6, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Special Permit for an additional one (1) year from the January 9, 2003 to expire on January 9, 2004, 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 29, 2003”- (1) sheet; and on further condition;

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

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

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

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

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

(DOB Application # 435/81)

Adopted by the Board of Standards and Appeals, May 6, 2003.

268-89-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua L. Muss c/o Allied Enterprises, owner. Franchise Realty Interstate, lessee.

SUBJECT - Application March 13, 2003- reopening for a rehearing.

PREMISES AFFECTED - 160-11 Willets Point Boulevard, Willets Point Boulevard and Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application for rehearing granted.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

WHEREAS, during the 1998 hearings, the applicant represented a plan showing parking up to the property line, the Board informed the applicant of its concern that the design of the drive-thru would adversely impact the neighbor; and

WHEREAS, however, the applicant has revised his prior plans and the proposal now provides a wide landscaped area abutting the adjacent neighbor, which the Board notes does not adversely impact the adjacent neighbor; and

WHEREAS, therefore, the Board finds that the applicant has submitted substantial new evidence that was not available at the time

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of the initial hearing demonstrating a material change in circumstance.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and grants the application for a rehearing and permits the restoration of the application to the Zoning Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003.

95-90-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: John Belanich of Bell Realty.

SUBJECT - Reopening for Compliance.

PREMISES AFFECTED - 242-24 Northern Boulevard, Block Lot, Borough of Queens

COMMUNITY BOARD #11Q

APPEARANCES -

In Favor: Steven Sinacori, Jeff Friedman, Al Caligari and Councilman Ty Cuella.

For Opposition: Joseph P. Morsellino.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and

WHEREAS, the Board received complaints alleging non-compliance for a Variance granted under the above Calendar Number; and

WHEREAS, specifically, the complaints alleged that the site are that garbage pickup occurs after 11:00 P.M., deliveries are being made before 7:00 A.M. , trash enclosure is not roofed , dumpster does not have a rubber lid, parking lot is not secured after business hours and the landscaping is not being maintained , and

WHEREAS, on May 6, 2003, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, the
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 17, 2003, at 10 A.M., for decision, hearing closed.

763-59-BZ

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

applicant submitted letters from the Community Board , CVS and the affected residents demonstrating that the site was now in compliance with the conditions set forth in the Board's resolution; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the SOC Calendar.

Adopted by the Board of Standards and Appeals, May 6, 2003 .

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.

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

COMMUNITY BOARD #14Q

APPEARANCES - None.

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

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.

SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: John Ronan.

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.

COMMUNITY BOARD #5BX

APPEARANCES - None.

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 20, 2003, at 10 A.M., for continued hearing.

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

77-99-BZ

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

SUBJECT - Application January 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 5, 2002.

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for continued hearing.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Sai Gas, Inc., lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of time to obtain a new certificate of occupancy.

PREMISES AFFECTED - 111-05 to 111-18 Van Wyck Expressway and 111-05 Lincoln Street, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Negative:0

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

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue,

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.

SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Anthony Scaduto, Fire Department.

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 17, 2003, at 10 A.M., for decision, hearing closed.

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mitchell Kaufman, owner.

SUBJECT - Application March 14, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired February 5, 2003.

PREMISES AFFECTED - 27 West 38th Street, between Fifth and Sixth Avenues, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janet Abrams.

THE VOTE TO CLOSE HEARING -

Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

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, May 6, 2003.

345-02-A

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

SUBJECT - Application November 19, 2002 - Proposed

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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.

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 October 28, 2002 acting on N.B. Application No. 401522857, reads in pertinent part:

"Construction of a dwelling in the bed of a mapped street is contrary to General City Law Number 35 . Refer to the Board of Standards and Appeals for their determination."; and

WHEREAS, by letter dated December 9, 2002 , the Fire Department has reviewed the above project and has no objections; and

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

WHEREAS, by letter dated January 31, 2003, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated October 28, 2002 acting on N.B. Application No. 401522857, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction 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 - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

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

shall substantially conform to the drawing filed with the application marked, "Received April 28, 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, May 6, 2003

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

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 Queens Borough Commissioner, dated December 20, 2002 acting on N.B. Application Nos. 401501585, 401501629, 401501638, 401501647, 401501656, 401501594, 401501665, 401501601, 401501610 read in pertinent part:

"Application herewith filed to obtain objection and denial, in order to apply to the Board of Standards and Appeals to erect one family dwellings not fronting on a mapped street.": and

WHEREAS, this appeal is for nine one family detached homes; and

WHEREAS, by the letter dated April 15, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence

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to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated December 20, 2002 acting on N.B. Application Nos. 401501585, 629, 638, 647, 656, 594, 665, 601, 610 are 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 11, 2003"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a deed restriction which requires that a homeowner's association be formed shall be placed on the property and each homeowner shall be required to join the homeowner's association; and the homeowner's association will be responsible for maintaining the private roadways;

THAT a copy of the deed restriction shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior to the issuance of the Certificate of Occupancy;

THAT the deed restriction shall be recorded on the Certificate of Occupancy;

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;

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 -Appeal 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 decisions of the Queens Borough Commissioner, dated December 17, 2002 acting on N.B. Application Nos. 401526247, 401526256, 401526265, 401526238, 401526005, 401526014, 401526023, 401526032,

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, May 6, 2003.

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.

401526041, read in pertinent part:

"Application herewith filed to obtain objection and denial, in order to apply to the Board of Standards and Appeals to erect one family dwellings not fronting on a mapped street."; and

WHEREAS, this appeal is filed for nine one family detached homes; and

WHEREAS, by the letter dated April 15, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the Department of Transportation has requested that a stop sign be installed to regulate vehicular traffic exiting the development; 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 17, 2002 acting on N.B. Application Nos. 401526247, 256, 265, 238, 005, 014, 023, 032, 041 are 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, AReceived February 11, 2003 "(1) sheet; and that the proposal comply with all applicable R3-2 zoning district

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requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT a deed restriction which requires that a homeowner's association be formed shall be placed on the property, each homeowner shall be required to join the homeowner's association; and the homeowner's association will be responsible for maintaining the private roadways;

THAT a copy of the deed restriction shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of a Building Permit, with the exception of model homes, for which the deed restriction can be filed prior to the issuance of the Certificate of Occupancy;

THAT the deed restriction shall be recorded on the Certificate of Occupancy;

THAT a stop sign shall be installed at the end of the street that will regulate traffic exiting the development;

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

" A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated March 14, 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 28, 2003 acting on ALT 1. Application No. 401566328 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 April 18, 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

to the relief granted."

Adopted by the Board of Standards and Appeals, May 6, 2003.

65-03-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.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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 January 28, 2003 acting on ALT 1. Application No. 401566328, reads in pertinent part: 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, May 6, 2003.

66-03-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.

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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 January 28, 2003 acting on ALT 1. Application No. 401568148, reads in pertinent part:

"A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York"; 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, May 6, 2003.

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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

WHEREAS, by the letter dated March 14, 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 28, 2003 acting on ALT 1. Application No. 401568148 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 April 18, 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

Commissioner, dated January 28, 2003 acting on ALT 1. Application No. 401545404, reads in pertinent part:

" A 1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated March 14, 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 28, 2003 acting on ALT 1. Application No. 401545404 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 April 18, 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

MINUTES

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, May 6, 2003.

45-03-A thru 64-03-A

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

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

PREMISES AFFECTED -

69 Hall Avenue, north side, 595.62' west of Willowbrook Road,

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

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

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

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

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert E. Englert, A.I.A.

For Opposition: James S. Oddo, Glenna O'Hare, Brian Frayne, Alyce Gessin, Fran Lamarkin, Steve Miraglia and others.

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

79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Safdie, owner, Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north

Block 2091, Lot 85, Borough of Staten Island.

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

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

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

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

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

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

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

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

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

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

of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant Naftali Zvi Dembitzer and David Itginger.

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

ACTION OF THE BOARD - Laid over to June 17, 2003, at 10 A.M., for June 17, 2003.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, MAY 6, 2003 1:30 P.M.

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

ZONING CALENDAR

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.

MINUTES

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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 17, 2002 acting on N.B. Application No. 301293785 reads:

" PROPOSED SCOPE OF WORK IS CONTRARY TO
ZR 42-00 IN THAT USE GROUP 2 (RESIDENTIAL IS
NOT A PERMITTED USE IN AN M1-2 ZONING

WHEREAS, the subject site is located on Kent Avenue with frontages on Little Nassau Street and Park Avenue containing 2,500 square feet of lot area improved with a non-conforming two-story with cellar, two family dwelling ; and

WHEREAS, the record indicates that the subject block contains single family, multiple dwellings, religious uses and a funeral home, and that out of the existing eleven 25' lots, five have buildings that span at least two lots and three are vacant; and

WHEREAS, the applicant represents that to the south and west, the premises abuts lots housing residential uses and it would be more detrimental to develop the property with a manufacturing use in a building that houses residential and community facility uses; and

WHEREAS, evidence in the record indicates that the lot is underdeveloped when compared to the permitted manufacturing floor area and when compared with the lot area for the closest residential, R7, zone ; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the history of development with a non-conforming use and its close proximity to other residential developments create an undue hardship and a practical difficulty in complying with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by a mixture of residential, community facility, commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, and there are no manufacturing uses adjacent to the site; and

WHEREAS, therefore, the Board finds that the proposed development will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the variance 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

DISTRICT"; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to February 4, 2003, March 18, 2003, April 15, 2003 and then to May 6, 2003, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-2 zoning district, the erection of a six-story multiple dwelling (Use Group 2), which exceeds the maximum permitted floor area ratio, lot coverage and rear yard contrary to Z.R. §§42-00, 23-145 and 23-47; and the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 M1-2 zoning district, the erection of a six-story multiple dwelling (Use Group 2), which exceeds the maximum permitted floor area ratio, lot coverage and rear yard contrary to Z.R. §§42-00, 23-145 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "April 4, 2003" - (6) sheets; and on further condition;

THAT in accordance with the Board-approved plans, the premises shall provide and maintain the following:

(1) Entire building shall be fully sprinklered with an automatic wet sprinkler system connected to a Fire Department-approved Central Monitoring Station.

(2) Residential smoke detection system connected to a Fire Department-approved Central Monitoring Station shall be hardwired and be compliant with Local Law 62/81;

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

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

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

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

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

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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, May 6, 2003.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

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

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 15, 2002 acting on Application No. 301303104 reads:

"Residential use not permitted in a C8-2 Zoning District. Refer to the Board of Standards and Appeals for Bulk and Residential Use"; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 28, 2003, February 25, 2003, April 8, 2003 and then to May 6, 2003, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in a C8-2 zoning district, the erection of a nine-story multiple dwelling with 59 dwelling units (Use Group 2), which is contrary to Z.R. §32-00; and

WHEREAS, the subject site is located on an approximately 15,622 square foot parcel located on the westerly side of Coney Island Avenue, between Caton Avenue and Caton Place in Brooklyn; and

WHEREAS, the record indicates that the subject site is irregularly shaped interior lot, with a depth ranging from 150' to 175'; and

WHEREAS, the applicant has submitted test borings taken at that site which indicate that the presence of substandard soil conditions and the necessitation of the use of a pile foundation system; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely, the irregular shape and substandard soil conditions which create an undue hardship and a practical difficulty in conforming with the current zoning; and

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use would not yield a reasonable return; and

WHEREAS, in response to Board requests and concerns of the community, the applicant has reduced the height, size, and number of dwelling units; and

WHEREAS, the applicant represents that the C8-2 zoning district in which the subject property is located in, is a narrow strip which extends for only a few blocks along the west side of Coney Island Avenue; and

WHEREAS, the record indicates that the surrounding zoning districts are medium to high-density residential zones; and

WHEREAS, the neighborhood within the immediate vicinity of the site is characterized by a mixture of residential dwellings, community facilities, and a park; and

WHEREAS, the Board finds that the proposed development will neither alter the essential character of the neighborhood, nor impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

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

WHEREAS, the Board finds that the variance 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 Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 a C8-2 zoning district, the erection of a nine-story multiple dwelling with 59 dwelling units (Use Group 2), which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "May 2, 2003"- (9) sheets; and on further condition;

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

THAT any graffiti located on the premises shall be removed

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within 48 hours;

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

THAT substantial construction shall be completed in

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, May 6, 2003.

353-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Carl A. Sulfaro and Robert W. Bronzino.

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING - Application granted on condition.

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT-

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 7, 2002 acting on Application No. 301239878 reads:

"Proposed erection of one story accessory convenience store at an automotive service station (UG 16) located on a lot which is zoned R-6 and M1-1 is contrary to section 22-00 Z.R. and is hereby denied."; and

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

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. §73-52,

accordance with Z.R. §72-23;

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 April 8, 2003 and then to May 6, 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. §73-52, to allow, on a site previously before the Board, in an R6-3 and an M1-1 zoning District, the erection of a one-story, accessory convenience store, at an existing automotive service station and the extension of the existing use, into the residential portion of the zoning lot contrary to Z.R. §22-00; and

WHEREAS, the existing automotive service station has occupied the site since 1975, when it was permitted as-of-right as it was located within an M1-1 zoning district; and

WHEREAS, the record indicates that through a series of Board actions, the automotive service station expanded into the residential portion of the lot; and

WHEREAS, the applicant represents that the 28' by 50' rectangular portion within the residential portion of the lot is paved and fenced off and undeveloped and it is now proposed to construct an accessory convenience store containing 708 square feet of floor area at the rear of the property and also to remove the existing one-story storage building; and

WHEREAS, the proposal will also provide an enclosure for trash along with 10 designated parking stalls as well as new fencing and planting areas to provide a buffer located along the westerly lot line; and

WHEREAS, the Board agrees with the applicant's representation that there is not room within the service station to provide the proposed convenience store and provide adequate accessory parking spaces and adequate turning space for customers needing access to the pump islands; and

WHEREAS, the Board notes that although relatively small in size, the proposed convenience store will enable the applicant to compete with surrounding service stations that already contain accessory convenience stores; and

WHEREAS, the applicant will mitigate adverse impacts to adjacent residential uses by providing 100% enclosed privacy fence on all sides and a planting area with densely planted shrubs; and

WHEREAS, the Board finds that the introduction of the proposed convenience store will not negatively affect 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. §§73-52 and 73-03.

to allow, on a site previously before the Board, in an R6-3 and an M1-1 zoning District, the erection of a one-story, accessory convenience store, at an existing automotive service station and the extension of the existing use, into the residential portion of the zoning

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lot 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 25, 2002"- (7) 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 May 6, 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 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;

Adopted by the Board of Standards and Appeals, May 6, 2003.

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.

WHEREAS, the proposed pre-school will be located in the Tribeca neighborhood surrounded by numerous residences within Tribeca and outside of the manufacturing zoning districts; and

WHEREAS, the record indicates that special zoning regulations for the neighborhood provide enhanced opportunities for housing that typically do not exist for manufacturing districts resulting in Tribeca being a mixed-use area of residences, light

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Pat Jones.

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 March 31, 2003 acting on Application No. 103314922 reads:

"The proposed school (Use Group 3) is not permitted in the Special Tribeca Mixed Use District Area B2 Per New York City Zoning Resolution Sections:111-02(b) 111-104(d), and 41-12. Therefore a Board of Standards and Appeals variance per ZR Section 72-21 is required. This Objection Supercedes my objection dated January 17/03"; and

WHEREAS, a public hearing was held on this application on April 15, 2003 after due notice by publication in The City Record, and laid over April 29, 2003 and then to May 6, 2003 for decision; and

WHEREAS, Community Board No. 1 in Manhattan recommended approval of the subject application; 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, in an M1-5 (Special Tribeca Mixed Use District) zoning district, the establishment of a pre-school, Use Group 3, on the ground floor and cellar of the subject building contrary to Z.R. Section 42-31; and

WHEREAS, the subject building is located at the northwest corner of Beach Street and Collister Street, presently housing an art gallery with incidental storage; and

WHEREAS, applicant represents that solely interior changes will be made to accommodate the school and that the school will occupy approximately 3,200 square feet of floor area on the ground floor of the eastern side of the building housing classrooms and office space with the cellar being used for storage; and

WHEREAS, the record indicates that the remainder of the building will continue to house the existing horticultural business; and

WHEREAS, the portion of the building where the pre-school is planned has no loading area and is accessible by a four step stairway at the building's southeast corner; and

WHEREAS, the record indicates that adverse noise impacts will be mitigated by providing adequate noise separation by sound-attenuating exterior brick walls and double-glazed windows; and

manufacturing, and clusters of street-level commercial uses; and

WHEREAS, the Board agrees with the applicant's contention that the aforementioned presence of a horticulture business occupying the entire building except for the space where the school is proposed, (2) design impracticality, and (3) the Department of Buildings' treatment of the lot as being subject to the Tribeca Mixed Use district regulations create an undue hardship for the school to

meet its programmatic needs while conforming to current zoning; 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 Board notes that as a matter of law, schools are considered beneficial to the public good; and

WHEREAS, the record indicates that the surrounding neighborhood is characterized by a mixture of residential, commercial and light manufacturing uses; 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 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, in an M1-5 zoning district, the establishment of a pre-school, Use Group 3, on the ground floor and cellar of the subject building contrary to Z.R. §42-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 21, 2003"- (7) sheets; and on further condition;

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

THAT any graffiti located on the premises shall be removed 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;

THAT the approved plans shall be considered approved only

120-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Abraham Lokshin, owner; Dolphin Fitness, Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment,

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, May 6, 2003.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner. SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

114-02-BZ

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

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

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Heather Forbes, Robert Trojano, Stella Orso and Allison Kamersky.

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 20, 2003, at 1:30 P.M., for decision, hearing closed.

Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

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

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

APPEARANCES -

For Applicant: Jeffrey Chester and Dinar Chodhury.

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

214-02-BZ

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

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

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most, David Stern and Marc Esrig.

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

202-02-BZ

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

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

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

COMMUNITY BOARD #12Q

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.

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COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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.

For Opposition: Steven Bennett, Esq., R.A.

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 June 17, 2003, at 2 P.M., for decision, hearing closed.

265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekanada Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108' APPLICANT - Fredrick A. Becker, Esq., for Metropolitan Insurance and Annuity Co., owner.

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.

west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

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 June 17, 2003, at 1:30P.M., for decision, hearing closed.

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 Barbara Hair.

For Opposition: James Carballal, Mary Carballal, Pauline Compton and others.

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 June 17, 2003, at 1:30 P.M., for decision, hearing closed.

358-02-BZ

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 June 17, 2003, at 1:30 P.M., for decision, hearing closed.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

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SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman

For Opposition: Stuart Klein.

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

367-02-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jeffrey Chester, Natalia Brillante and Alexandra Lanau.

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

375-02-BZ

95-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Ross & Ross LLC, owner; Northside Center for Child Development, Inc., lessee.

SUBJECT - Application March 26, 2003 - under Z.R. §73-19 to permit the proposed head start school, Use Group 3, located in an M1-4 zoning district, which requires a special permit.

PREMISES AFFECTED - 302 East 111th Street, between First and Second Avenues, Block 1682, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Chris Wright.

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 20, 2003, at 1:30 P.M., for decision, hearing closed

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D'Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman.

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

31-03-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.

SUBJECT - Application January 21, 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 and open space ratio is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and David Shtelerman.

For Opposition: Isabella Caruso.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:10 P.M.

MINUTES

CORRECTIONS

***CORRECTION**

Z.R §§23-141, 23-461 and 23-47; and

This resolution adopted on February 25, 2003, under Calendar No. 286-02-BZ and printed in Volume 88, Bulletin Nos. 9-10, is hereby corrected to read as follows:

286-02-BZ

CEQR #03-BSA-065K

APPLICANT - Sheldon Lobel, P.C., for Moshe & Sima Mehlman, Contract Vendee.

SUBJECT - Application October 25, 2002 - 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, side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1111 East 26th Street, between Avenues "K" and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jacqueline Cigliano.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 301413058 reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- 1). Proposed floor area contrary to zr 23-141.
- 2). Proposed open space ration contrary to zr 23-141.
- 3). Proposed rear yard contrary to zr 23-47.
- 4). Proposed side yard contrary to zr 23-461.;" 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 February 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 Mitchell Korbey, 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, side and rear yard requirements, and is contrary to

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, side and rear 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 above-noted, filed with this application marked "Received October 25, 2002"-(4) sheets and "December 10, 2002"-(2) 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, February 25, 2003.

***The resolution has been corrected to add: "DOB Applic. #301413058. Corrected in Bulletin No. 20, Vol. 88, dated May 15, 2003.**

CORRECTIONS

***CORRECTION**

This resolution adopted on November 26, 2002, under Calendar No. 199-02-BZ and printed in Volume 87, Bulletin No. 48, is hereby corrected to read as follows:

199-02-BZ

CEQR #02-BSA-231M

APPLICANT - Law Offices of Howard Goldman, PLLC, for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462.

PREMISES AFFECTED - 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Chris Wright.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2002 acting on Application No. 103154532 reads:

- “1. Proposed construction of non-profit residences for the elderly does not comply with Section 23-144 of the NYC Zoning Resolution (Maximum Floor Area Ratio)
2. Proposed construction of non-profit residences for the elderly does not comply with Section 23-633 of the NYC Zoning Resolution (Height and Setback Regulations)
3. Proposed construction of non-profit residences for the elderly does not comply with Section 23-462 of the NYC Zoning Resolution (Side Yard Regulations).”;

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in *The City Record*, laid over to November 26, 2002 for decision; and

WHEREAS, the site and surrounding area had a site

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §23-144, 23-633 and 23-462; and

WHEREAS, two of the three buildings, are vacant and the third is in the process of being vacated; and

WHEREAS, the applicant represents that federal funding authorizations require the creation of 71 units with a specific design criteria for low-income supportive housing for the elderly and is therefore seeking a variance to increase the allowable Floor Area Ratio by 5%, a waiver of the height and setback requirements for the front portion of the uppermost two floors and a reduction of the minimum depth required for the side yard on the west side of the building from eight feet to five; and

WHEREAS, according to the record four units will be set aside for the mobility impaired and up to 20 units will house tenants classified as frail elderly, additionally, federal regulations will also require that a community space be allocated and an office for an on-site caseworker ; and

WHEREAS, the applicant has provided health and social services to the elderly for over 100 years; and

WHEREAS, the applicant’s other facilities include a 240-bed facility on East 5th Street and a 489-bed teaching hospital located across the street from the subject site; and

WHEREAS, the applicant is mandated to equip each apartment with safety fixtures such as help alarms, handle bars, as every room must accommodate the needs of the elderly from the very active to the severely impaired; and

WHEREAS, the applicant’s programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, this application will provide housing for senior citizens which is consistent with the residential and community facility character of the surrounding streets and the underlying R7-2 zoning district; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; 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

CORRECTIONS

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.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 58,647 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"- (12) sheets and on further condition;

THAT an Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

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

THAT the premises shall meet all applicable requirements of §12-10, *Non-profit residence for the elderly*;

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 including all fire safety and egress requirements, 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, November 26, 2002.

***The resolution has been corrected in that the part which read:** *"Therefore, it is Resolved that the Board of Standards and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 "* **now reads:** *"Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration". Corrected in Bulletin No. 20, Vol. 88, dated May 15, 2003.*

Pasquale Pacifico, Executive Director.