
BULLETIN

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DOCKET

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42-03-BZ B.M. 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan. Applic.#103349093. 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 from the Board as per Z.R. §32-10.

COMMUNITY BOARD #5M

43-03-BZ B.M. 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan. Applic.#103307440. Proposed six-story addition on top of an existing six story community facility building, which will result in a street wall above the permitted 85 foot height, and will penetrate the sky exposure plane, is contrary to Z.R. §43-43.

COMMUNITY BOARD #5M

44-03-BZ B.Q. 97-20 99TH Street, 100' south of 97th Avenue, between 97th and 101st Avenues, Block 9075, Lot 32, Borough of Queens. Applic.#401592193. Proposed enlargement, both vertically and horizontally of an existing non-conforming one story commercial use, Use Group 16, located in an R5 zoning district, is contrary to Z.R. §54-30.

COMMUNITY BOARD #9Q

45-03-A B.S.I. 69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island. Applic.#500405019. Proposed one 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.

46-03-A B.S.I. 67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island. Applic.#500405028. Proposed one 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.

47-03-A B.S.I. 65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island. Applic.#500405037. Proposed one 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.

48-03-A B.S.I. 63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island. Applic.#500405046. Proposed one 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.

49-03-A B.S.I. 61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island. Applic.#500405055. Proposed one 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.

50-03-A B.S.I. 59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island. Applic.#500405064. 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.

51-03-A B.S.I. 55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island. Applic.#500405073. Proposed one 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.

DOCKET

52-03-A B.S.I. 53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island. Applic.#500405082. Proposed one 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.

53-03-A B.S.I. 51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island. Applic.#500405091. Proposed one 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.

54-03-A B.S.I. 49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island. Applic.#500405108. Proposed one 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.

55-03-A B.S.I. 45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island. Applic.#500405117. 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.

56-03-A B.S.I. 43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island. Applic.#500405126. Proposed one 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.

57-03-A B.S.I. 41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island. Applic.#500405135. Proposed one 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.

58-03-A B.S.I. 39 Hall Avenue, north side, 250.62' west of Willowbrook Road, Block 2091, Lot 68, Borough of Staten Island. Applic.#500405144. Proposed one 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.

59-03-A B.S.I. 37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island. Applic.#500405153. Proposed one 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.

60-03-A B.S.I. 35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island. Applic.#500405162. 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.

61-03-A B.S.I. 31 Hall Avenue, north side, 267.12' west of Willowbrook Road, Block 2091, Lot 65, Borough of Staten Island. Applic.#500405171. 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.

DOCKET

62-03-A B.S.I. 29 Hall Avenue, north side, 143.62' west of Willowbrook Road, Block 2091, Lot 63, Borough of Staten Island. Applic.#500405180. 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.

63-03-A B.S.I. 27 Hall Avenue, north side, 118.43' west of Willowbrook Road, Block 2091, Lot 62, Borough of Staten Island. Applic.#500405199. 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.

64-03-A B.S.I. 25 Hall Avenue, northwest corner of Willowbrook Road, Block 2091, Lot 60, Borough of Staten Island. Applic.#500405206. 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.

65-03-A B.Q. 11 Fulton Walk, east side, 119.9' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1#401566328. 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.

66-03-A B.Q. 40 Beach 220th Street, west side, 180' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1#401568148. Proposed first story alteration, and the addition of a new 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.

67-03-A B.Q. 3 Graham Place, north side, 180'

west of Beach 201 Street, Block 16350, Lot 400, Borough of Queens. Alt.#1401545404. Proposed first story enlargement, 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.

68-03-BZ B.BK. 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn. N.B.#301031194. Proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, is contrary to Z.R. §42-00 and §44-21.

COMMUNITY BOARD #7BK

69-03-BZ B.M. 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan. N.B.#103340396. Proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

COMMUNITY BOARD #2M

70-03-BZ B.BK. 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn. Alt.1#301476114. The reestablishment of an expired variance, previously granted by the Board under Cal. No. 29-68-BZ, which permitted a one story contractor's establishment, in an R-5 zoning district, also the legalization of a one story enlargement to the establishment, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

DOCKET

71-03-BZ B.M. 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. Applic.#103304657. 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.
COMMUNITY BOARD #8M

72-03-A B.M. 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan. Applic.#103314922. An appeal challenging the determination of the Department of Buildings' dated January 17, 2003, in which the Department has stated that for a proposed pre-school use, both a special permit and a use variance is required.

73-03-BZ B.M. 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan. N.B. #103272076. Proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.
COMMUNITY BOARD #10BK

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

MARCH 18, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 18, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

529-52-BZ

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

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

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

COMMUNITY BOARD #3Q

485-76-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Giuseppe Ventimiglia, owner.

SUBJECT - Application June 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired October 19, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 70-01/09 65th Street, corner formed by main intersection of Otto Road and South side of 70th Avenue, Block 3644, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

1233-88-A

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

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

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

COMMUNITY BOARD #1S.I.

27-03-A

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

36-92-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Park Circle Realty Associates, owner; Commerce Bank, N.A., lessee. SUBJECT - Application January 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210/218 Prospect Park Southwest, aka 254/262 Park Circle, northwest corner of intersection formed by Prospected Park West and Park Circle, Block 5287, Lots 44 & 47, Borough of Brooklyn.

COMMUNITY BOARD #7BK

331-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Sean Porter, owner.

SUBJECT - Application May 15, 2002 - reopening for an extension of term of variance which expired April 20, 2002.

PREMISES AFFECTED - 1426-1428 Fulton Street, Fulton Street between Brooklyn Avenue and Kingston Avenue, Block 1863, Lots 9 7 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEALS CALENDAR

25-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Herbert R. Bergner, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

26-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Peter Duggan, lessee.

SUBJECT - Application January 15, 2003 - Proposed enlargement of 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 - 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system

CALENDAR

located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy. PREMISES AFFECTED - 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

33-03-A

APPLICANT - Miro C. Stracar, P.E., for Breezy Point Cooperative, owner; Mr. & Mrs. Dwyer, lessee.

SUBJECT - Application January 28, 2003 - Proposed one story enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 160 Ocean Avenue, west side, 73' from Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

41-03-A

APPLICANT - NYC Department of Buildings, for 340 Madison Avenue Owner, LLC, Fifth Church of Christ Scientist, owner in part.

SUBJECT - Application January 31, 2003 - An application for the Modification of Certificate of Occupancy Number 116571, to reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

PREMISES AFFECTED - 342 Madison Avenue, a/k/a 16 East 44th Street, Block 1278, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

MARCH 18, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 18, 2003, at 1:30 P.M., at 40 Rector **341-02-BZ**

APPLICANT - Martyn & Don Weston, for 231 East 58th Street Associates, owner.

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a previously variance granted under Cal. No. 633-66-BZ, which permitted a retail store, Use Group 6,

Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

237-02-BZ

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.

PREMISES AFFECTED - 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

248-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Chambers 105 Acquisition, LLC, owner; The Big Workout, Inc., dba 2477 Fitness Club, lessee.

SUBJECT - Application September 12, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar of a five story building, requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 105/07 Chambers Street (aka 160/70 Church Street and 89/91 Reade Street, Church Street, between Chambers and Reade Streets, Block 145, Lots 1001, 1002 and 1003, Borough of Manhattan.

COMMUNITY BOARD #1M

269-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Miriam Klein, owner.

SUBJECT - Application October 30, 2002 - under Z.R. §73-622 to permit the legalization of a prior enlargement, as well as an additional enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

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

COMMUNITY BOARD #15BK

on the first floor of a five story building, located in an R8B zoning district.

PREMISES AFFECTED - 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #6M

CALENDAR

346-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Anthony & Nancy Pimpinella, owner.

SUBJECT - Application November 19, 2002 - under Z.R. §72-21 to permit the proposed enlargement to an existing one-family dwelling, Use Group 1, located in an R3X(SRD) zoning district, which does not comply with the zoning requirements side yards and lot width, is contrary to Z.R. §107-462 and §107-42.

PREMISES AFFECTED - 34 Zephyr Avenue, south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

369-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Judith Frenkel, owner; Andrea Rosen, contract vendee.

SUBJECT - Application January 9, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing two-story commercial building, into a residential dwelling, with a minor rooftop addition, which is contrary to Z.R. §32-10 and §15-021, located in a C8-4 zoning district.

PREMISES AFFECTED - 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 11, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 7, 2003, were approved

as printed in the Bulletin of January 16, 2003, Volume 88, Nos. 1-3.

SPECIAL ORDER CALENDAR

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

MINUTES

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the applicant requested a Waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on January 15, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to November 19, 2002, December 17, 2002, January 28, 2003, and then to February 11, 2003 for decision; and

WHEREAS, on January 15, 1957, the Board granted an application permitting a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the variance which expired on January 15, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the January 15, 2002 to expire on January 15, 2012, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received January 14, 2003'-(1) sheet; and that other than herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the premises shall be maintained free of debris and

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a one-story enlargement to a plumbing supply establishment with accessory storage, and a one-story enlargement used as accessory garage and spaces for off street loading, which expires on June 27, 2003; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in The City Record, laid over to January 7, 2002, January 28, 2003 and then to February 11, 2003 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

graffiti;

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

THAT the hours of operation for any automobile vacuums shall be limited to 9:00 AM to 7:00 PM:

THAT there shall be no coin-operated car washes on the premises;

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

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# 200718054)

Adopted by the Board of Standards and Appeals, February 11, 2003.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

Resolved, that the Board of Standards and Appeals, pursuant to Z.R. §§72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted June 27, 1978 as amended through April 26, 1994 expiring June 27, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the June 27, 2003 to expire on June 27, 2013, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 4, 2002'-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the conditions from all prior BSA resolutions for this

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site shall remain in effect;

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

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

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

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

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

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

(DOB # 401497689)

Adopted by the Board of Standards and Appeals, February 11, 2003.

256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

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

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

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

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

(DOB # 500577949)

Adopted by the Board of Standards and Appeals, February 11, 2003

186-99-BZ

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for an extension of the term of the special permit, permitting the alteration and change in use of an existing two (2) story building into a dental laboratory with a reduction in the required parking, which expired on November 23, 2002; and

WHEREAS, a public hearing was held on this application on January 28, 2003, after due notice by publication in The City Record, and laid over to February 11, 2003 for decision; and

WHEREAS, Community Board #1 has recommended approval of this application; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals, reopens and extends the term of the special permit, said resolution having been adopted November 30, 1982, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from the November 23, 2002 to expire on November 23, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 22, 2002' -(4) sheets and 'February 4, 2003' -(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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

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

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

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

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION-

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WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and obtain a Certificate of Occupancy which expired on June 27, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to November 12, 2002, January 28, 2003, and then to February 11, 2003 for decision; and

WHEREAS, on June 27, 2001, the Board granted an application permitting the reestablishment of an automotive repair shop with accessory uses on the premises.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; 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.”

Adopted by the Board of Standards and Appeals, February 11, 2003.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

763-59-BZ

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

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

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

426-54-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

421-62-BZ

APPLICANT - Omer Fenik Architects, for Gotham Towne House Owners Corp., owner; Rapid Park Industries, lessee

SUBJECT - Application August 22, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires November 20, 2003.

PREMISES AFFECTED - 153 East 57th Street, intersection of East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

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APPEARANCES -

For Applicant: Peter Hirshman.

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

830-62-BZ

APPLICANT - Omer Fenik Architects, for 157 East 57th Street, LLC, owner; Rapid Park Industries, lessee.

SUBJECT - Application August 22, 2002 - reopening for an extension of term of variance which expired November 29, 2002.

PREMISES AFFECTED - 157 East 57th Street, northwest corner of Third Avenue and East 57th Street, Block 1312, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

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

186-98-BZ

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

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

21-02-A thru 25-02-A

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

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

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

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

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

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

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

COMMUNITY BOARD #12BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10 A.M., for decision, hearing closed.

228-01-BZ

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

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

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

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: David Rosenbaum, Irving Minkin, Peter Farinella, Simon Greisman, C. Smith, Mildred Oliveri, Carmen Diaz and others.

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

127-02-A thru 137-02-A

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

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

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

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown

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Avenue, Block 4686, Lot 10, Borough of Staten Island.
45 Aviston Avenue, west side, 150' south of Tarrytown
Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.
For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 1, 2003,
at 10 A.M., for continued hearing.

235-02-A

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

APPEARANCES -

For Applicant: Anthony Paea.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 4, 2003,
at 10 A.M., for continued hearing.

2-03-A

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

SUBJECT - Application January 8, 2002 - proposed construction
of a new second floor and upgrade of the septic system for a home
which lies within an R4 district, but does not front on a mapped
street which is contrary to Article 3, Section 36(2) of the General
City Law and Section 27-291 of the Building Code.

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

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

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

Pasquale Pacifico, Executive Director.

Adjourned: 12:15 P.M.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003,
at 10 A.M., for decision, hearing closed.

252-02-A

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

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

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

COMMUNITY BOARD #14Q

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 11, 2003

2:00 P.M.

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

ZONING CALENDAR

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome
and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21,
to permit the proposed construction of a twenty-six story, mixed-

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use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Doris Diether, Community Board #2.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo4

Negative:0

Not Voting: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 8, 2001, acting on Application No. 102600794,

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven-story building, with residential uses on the second through eleventh floors, and commercial uses on the ground floor, located in an M2-4 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the subject premises is located at the intersection of Washington and Spring Street, composed of two tax lots (#66 and 68), and has a total area of 7,805 square feet; and

WHEREAS, the applicant represents that Lot 66 is currently improved with a one-story automobile repair building, and Lot 68 is improved with a two-story food distribution and warehouse building; and

WHEREAS, the applicant seeks to demolish the existing buildings on the site, and erect the proposed building, utilizing transferred development rights from various contiguous zoning lots; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming development; and

WHEREAS, these conditions include the functional obsolescence of the existing buildings on the site, the adjacency of the lot to the main tube of the Holland Tunnel, and the location of the lot; and

WHEREAS, the applicant represents that the two existing buildings located on the subject lots are functionally obsolete, each lacking in sufficient space for a conforming use, and that the costs to upgrade the buildings to permitted uses are prohibitive ;

WHEREAS, evidence in the record indicates that the location on Spring Street, a highly-traveled arterial leading to the Holland Tunnel, and the narrow frontage on Washington Street render a conforming manufacturing or commercial building infeasible; and

WHEREAS, the Board notes that due to the high level of traffic and the relatively narrow width of Spring Street, maneuvering space required for a tractor trailer vehicle to access an off-street enclosed loading dock is impractical; and

WHEREAS, the aforementioned unique physical conditions of the lot makes its occupancy for a conforming use impractical and

reads:

1. Proposed residential uses (U.G. 2A and 2B) are not permitted in an M2-4 zoning district pursuant to Sec. 42-00 Z.R.
2. Proposed mixed use building does not comply with the Bulk and/or Parking Regulations of Chapters 3 & 4, Article IV of the New York City Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on December 12, 2001 after due notice by publication in The City Record, laid over to March 27, 2002, June 18, 2002, September 10, 2002, October 22, 2002, December 10, 2002, January 28, 2003 and then to February 11, 2003 for decision; and

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

creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has provided several as-of-right scenarios and a feasibility study and has sufficiently demonstrated that each one of these developments would not yield a reasonable return; and

WHEREAS, therefore the Board finds that the applicant has demonstrated that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that surrounding neighborhood is characterized by residential and mixed-use developments; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has significantly reduced the height and overall bulk of the project, resulting in less floor area, and a reduction in the number of dwelling units; and

WHEREAS, the Board notes that the Department of City Planning has undertaken a zoning study which proposes to change the M2-4 district in which the subject parcel is located, to a C6-2A; and

WHEREAS, the Board also notes that the proposed development would comply in significant respect with the C6-2A use and bulk regulations; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

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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 the proposed construction of an eleven-story building, with residential uses on the second through eleventh floors, and commercial uses on the ground floor, located in an M2-4 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the

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, February 11, 2003.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.
SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Application No. 300596399 reads:

“THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. CREATES NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATION BY EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.
2. CREATES NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION.
3. THE PROPOSED ENLARGEMENT IN THE REAR

objections above noted, filed with this application marked "Received October 1, 2002"-(8) sheets; and on further condition;

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

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

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

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

YARD REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in The City Record, and laid over to June 18, 2002, October 1, 2002, October 29, 2002, January 14, 2003 February 4, 2002 and then to February 11, 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, and rear yard requirements, and is contrary to Z.R §§23-141 and 23-47; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear yard requirements, and is contrary to Z.R §§23-141 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 March 6, 2002”-(7) sheets, "May 22, 2002" -(1) sheet, "February 3, 2003" -(1) sheet and "February 6, 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

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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 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 4, 2003

38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §§23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002, acting on Application No. 301252294 reads:

“THE ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT IS CONTRARY TO THE ZONING RESOLUTION IN THAT:

1. THE FLOOR AREA RATION EXCEEDS THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION AND SECTION 54-31;
2. THE OPEN SPACE RATIO IS LESS THAN THE ALLOWABLE OPEN SPACE RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION;
3. THE LOT COVERAGE EXCEEDS THE MAXIMUM AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION;
4. THE REAR YARD IS LESS THAN 30' AND IS

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;

CONTRARY TO SECTION 23-47 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on January 28, 2002 after due notice by publication in The City Record, and laid over to February 11, 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 R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, open space, and rear yard requirements, and is contrary to Z.R. §§23-141, 23-47 and 54-31; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-1 zoning district, which creates non-compliance with regard to floor area, lot coverage, open space, and rear yard requirements, and is contrary to Z.R. §§23-141, 23-47 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received December 2, 2002”-(2) sheets, and “January 31, 2003” -(11) 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;

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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 11, 2003

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R.§42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2002 acting on N.B. Application No. 401204166 reads:

"1. Residential use is contrary to Z.R. 42-00 BS & A approval required"; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record and laid over to November 26, 2002, January 14, 2003, and then to February 11, 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 Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M2-1 zoning district, the erection of a six-story mixed use building consisting of commercial uses on the second and third

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 M2-1 zoning district, the erection of a

floor and residential uses on floors four through six, which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the underlying M2-1 zoning district was created to accommodate a wartime manufacture of marine engines that needed a waterfront facility to accommodate its facility; and

WHEREAS, the applicant represents that many industrial uses find the subject site undesirable because of the narrowness of the streets and the poor accessibility to major arterial highways resulting in a tendency towards residential and commercial development; and

WHEREAS, the record indicates that a significant portion of the lot is under water and is not usable for as-of-right development because the soil conditions of the site require pilings; and

WHEREAS, the proposal will provide a lobby on the first floor, offices on the second floor and third floors with the fourth through sixth floors housing residential uses; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely poor soil conditions and the site's location directly across from an area that is almost entirely developed with residential uses, which create an unnecessary hardship in conforming strictly with the Zoning Resolution; 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 existing building is totally within the bulk requirements of the M2-1 zoning district and is located in an area characterized by a mixture of residential, office, and commercial uses; and

WHEREAS, the Board notes that development of the site with industrial uses is less compatible than the proposed mixed use building; and

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

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

WHEREAS, the Board finds that this variance 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.

six-story mixed use building consisting of commercial uses on the second and third floor and residential uses on floors four through six, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked

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Received "January 7, 2003" - (12) sheets; and on further condition;

THAT the above condition 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 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, February 11, 2003.

195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 31, 2002 acting on Application No. 301172503 reads:

"Eating and Drinking establishment with accessory drive

WHEREAS, the record indicates that the site is irregularly-shaped containing 132 feet in width at its widest point at the southern edge of the property and 87 feet in width at the northern edge and dissected by a district boundary line; and

WHEREAS, the site's history of development with non-conforming Board- approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility

through is not permitted in a R-4 zone refer to Board of Standards and Appeals"; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record and laid over to February 11, 2003 for decision; and

WHEREAS, Community Board #5, Brooklyn, recommends approval of this application; and

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

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R-4 zoning district the reestablishment of an expired variance previously granted under Calendar Number 231-72-BZ, permitting an eating and drinking establishment with an accessory drive-through facility, and the legalization of an enlargement of the subject premises contrary to Z.R. § 22-10; and

WHEREAS, the subject property is located in the East New York section of Brooklyn between Drew and Ruby Streets, on a lot containing 20,000 square feet with approximately 200' of frontage along Linden Boulevard; and

WHEREAS, on October 31, 1972 the Board granted a use variance permitting for a term of ten years an eating and drinking establishment with accessory parking, on condition that the hours of operation be limited to 11:00 a.m. to midnight; and

WHEREAS, since 1972, the property has been improved with a one-story eating and drinking establishment with a drive-through facility with accessory parking for eighteen vehicles; and

WHEREAS, however, the last extension of the term expired May 8, 1999, and pursuant to the Zoning Resolution the 1972 variance has lapsed; and

WHEREAS, the record indicates that Linden Boulevard is a major commercial thoroughfare and a conduit for JFK Airport traffic; and

WHEREAS, the subject property is bordered on the east by Ruby Street which abruptly dead ends parallel to the property's northern lot line and abuts a vacant lot, which the applicant represents is slated for residential development; and

WHEREAS, the record indicates that west of the subject property, Drew Street is characterized by a mixed commercial and residential development; and

WHEREAS, the Board agrees with the applicant's representation, that although the variance lapsed, the uses at the premises have remained unchanged and a residential development would be inappropriate and out of character; and

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 commercial uses; and

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

WHEREAS, the hardship herein was not created by the

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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 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 Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R-4 zoning district the reestablishment of an expired variance previously granted under Calendar Number 231-72-BZ, permitting an eating and drinking establishment with an accessory drive-through facility, and the legalization of an enlargement of the subject premises contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 29, 2002" (6 sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 11, 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 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;

"Proposed construction of a new building to be operated as an automotive service station as a gasoline filling station with an accessory convenience store (Use Group 16) in a C2-2 within an R7-2 Zoning District is contrary to BSA Calendar 493-41-BZ and therefore must be referred to the BSA."; 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 and then to February 11, 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 and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R7-2 zoning district with a C2-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. §22-00; and

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, February 11, 2003.

200-02-BZ

CEQR #02-BSA-232M

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Janice Cahalane.

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

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 11, 2002 acting on Application No. 103080336 reads:

WHEREAS, the subject parcel contains approximately 17,508 square feet of lot area at the northeast corner of First Avenue and 119th Street, with 100 feet of frontage along First Avenue and 175 feet of frontage along 119th Street: and

WHEREAS, the applicant notes that the portion of the lot within the C2-2 overlay qualifies for a special permit, but that the portion within the R7-2 district requires a variance; and

WHEREAS, the proposed structure will contain 2,930 square feet of floor area, housing a sales area with a solar energy collecting vehicular canopy over the six (6) multi-product dispensers ("MPD's"), and the installation of three (3) 12,000-gallon double wall fiberglass underground storage tanks ; and

WHEREAS, the proposal provides reservoir space for 10 vehicles in addition to the spaces provided at the pumps and entrances and exits are planed so that at maximum operation, vehicular movement into or from the site will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, the total proposed illuminated signage is 98.67

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square feet, is less than the one-hundred fifty (150) square feet permitted under Z.R. Section 73-211(5)(1), and the total proposed non-illuminated signage is 107.94 square feet; and

WHEREAS, applicant represents that the perimeter of the site adjoining the R7-2 zoning district, will be screened by an existing six (6) foot high masonry wall with a 5-foot high chain link fence and by a 33.1' by 100.91' mulch area that will be constructed on portion of the lot within the residential zone; and

WHEREAS, the record indicates that both First Avenue and 119th Street are two-way heavily traveled thoroughfares; and

WHEREAS, therefore, the Board finds that the instant application, as designed, would meet the special permits findings of Z.R. §73-211

WHEREAS, the applicant represents that the site has housed, subject to a September 30, 1941 variance, under Calendar Number 493-41-BZ, an automotive service station as amended through June 11, 1985, and that although the variance lapsed the uses at the premises have remained unchanged; and

WHEREAS, the site's history of development with non-conforming Board approved uses, housing automotive uses for over 60 years creates an unnecessary hardship in conforming strictly with the Zoning Resolution; 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 commercial uses; and

WHEREAS, the Board notes that the site has housed non-conforming gas station use since 1941 and that it would meet the Special Permit findings of Z.R. §73-211; and

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 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, February 11, 2003.

206-02-BZ

APPLICANT - Alfonso Duarte, for John Jerome, owner.
SUBJECT - Application July 9, 2002 - under Z.R. §72-21 to permit the proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

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

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

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 and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, on a site previously before the Board, to permit, in an R7-2 zoning district with a C2-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on February 11, 2013: PREMISES AFFECTED - 166-03 21st Road, northeast corner of 166th Street, Block 5760, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated June 28, 2002, acting on Application No. 401451479, reads:

"Proposed enlargement on second floor encroaches into front yard and is contrary to Sect. 23-45 Z.R."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record, laid over to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of a single family dwelling on the

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second floor, which will encroach upon one of the front yards, and is contrary to Z.R. §23-45; and

WHEREAS, the record indicates that the subject premises is located on the southeasterly corner of 166th Street and 21st Avenue in Queens, and is presently improved with a single family dwelling consisting of a cellar, first floor and unfinished attic; and

WHEREAS, the existing structure presently encroaches 4'-4" upon the front yard along 166th Street for the first and second floors; and

WHEREAS, the proposed enlargement will be an extension of the existing attic; and

WHEREAS, the applicant represents that it is not feasible or practical to set the proposed enlargement on the second floor back the required 4' -4" as per the underlying zoning regulations; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed enlargement of a single family dwelling on the second floor, which will encroach upon one of the front yards, and is contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, July 9, 2002"-(4) sheets and "November 18, 2002" -(4) sheets; and on further condition;

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

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

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

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

Adopted by the Board of Standards and Appeals, February 11, 2002.

257-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Outreach Development Corp., owner.

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development(Previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

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

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

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

not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 29, 2002 acting on Alt.1 Application No. 401495360 reads:

"THE PROPOSED DEVELOPMENT OF A NOT-FOR PROFIT INSTITUTION WITH SLEEPING ACCOMMODATIONS U.G.-3A IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT AS PER Z.R. 42-00."; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record, and laid over to February 11, 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 Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, on a site previously before the Board, the enlargement an extension of a Use Group 3, community facility with sleeping accommodations, contrary to Z.R. §42-00; and

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WHEREAS, the subject premises consists of a 75' frontage by 100' in depth originally developed with three residential buildings, two of which were the subject of a prior variance granted under Calendar Number 211-82-BZ; and

WHEREAS, on August 10, 1982 for a term of 20 years, the Board permitted the enlargement and conversion of two existing residential buildings, Use Group 2, into a single building for use a philanthropic non-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 Zoning District, affecting the premises at 16-12 and 16-14 Weirfield Street (block 3550 lots 14 and 16; and

WHEREAS, the applicant notes that lots 14 and 16 were subsequent combined into single lot #14, and that in granting the prior variance the Board found that the buildings were designed for residential use and that the surrounding area a mix of residential commercial and manufacturing occupancies; and

WHEREAS, the record indicates that as approved and existing, lot 14 is developed with a cellar and three-story building

WHEREAS, the proposal will enable the relocation and expansion of the existing kitchen, creation of a new Family Orientation and Treatment Room, new classrooms offices and bedrooms; and

WHEREAS, the record indicates that in part due to its original design and occupancy as a residential building, the subject building is not viable for a conforming industrial user; and

WHEREAS, the applicant's programmatic needs discussed above, its history of development with residential and community facility uses, creates an undue hardship with strict conformance with the use 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, the applicant represents that its student capacity will remain at 40 and the floor area ratio will remain at 2.2: and

WHEREAS, the record indicates that the subject building is located in a neighborhood containing a mixture of residential and community facility uses; 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

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 Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable

totaling 11,000 square feet in area and a floor area ratio of 2.2; and

WHEREAS, the instant applicant is a non-profit community facility providing educational and residential facilities for troubled youth; and

WHEREAS, the record indicates that the applicant's program has been successful resulting in the need to expand services and facilities beyond the capacity of the existing structure; and

WHEREAS, the applicant represents that the proposal will enable it to accommodate people with disabilities in accordance with Local Law 58/87; and

WHEREAS, In response to its increased programmatic needs the applicant acquired the subject vacant building at 16-16 Weirfield Street and proposes to incorporate this building into the existing development and erect a one-story addition in the rear of the building resulting in the creation of a single building that will be used to provide sleeping accommodations for youths; and

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, on a site previously before the Board, the enlargement an extension of a Use Group 3, community facility with sleeping accommodations, contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "September 23, 2002"- (9) sheets; and on further condition;

THAT the term of the variance shall be limited to twenty (20) years from this grant expiring February 11, 2023;

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws 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, February 11, 2003.

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325-02-BZ

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.
SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.
PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

"THE USE OF THE PREMISES AS A PHYSICAL CULTURE ESTABLISHMENT (BATHS AND MASSAGES), NOT CLASSIFIED IN A USE GROUP, REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS AND IS REFERRED TO THE BSA.": and

WHEREAS, a public hearing was held on this application on January 28, 2002 after due notice by publication in The City Record and laid over to February 11, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a M1-2 zoning district, the proposed conversion of a former supermarket into a physical culture establishment; and

WHEREAS, by letter dated May 10, 2002, Community Board #5 recommends approval of this application; and

WHEREAS, the subject site is improved with a one-story masonry structure located on the westerly side of McDonald Avenue, south of 20th Avenue, with an accessory parking lot abutting the site; and

WHEREAS, the applicant represents that the PCE would occupy 13,977.6 square feet of floor area after an as-of-right expansion of 1264 square feet; and

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

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 30, 2002 acting on Application No. 301410934 reads:

significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36 to permit, within a M1-2 zoning district, the proposed conversion of a former supermarket into a physical culture establishment, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 31, 2002"-(6) sheets and "December 16, 2002" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited ten (10) years;

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

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

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

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

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

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

THAT the approved plans shall be considered approved only 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, February 11, 2003.

347-02-BZ

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

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SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th

THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 11, 2002 acting on Alt-1. Application No. 10326436-1 reads:

"Objection #1

New construction proposed in the rear yard required pursuant to Zoning Resolution Section 24-36 on interior lot portion, located in R8B zoning district, of zoning lot exceeds 23 feet above curb level for permitted obstruction in a rear yard, contrary to Zoning Resolution Section 24-33"; and

WHEREAS, a public hearing was held on this application on January 28, 2003 after due notice by publication in The City Record and laid over to February 11, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, 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, the proposed four-story 24,510 square foot addition to an existing community facility (Use Group 3) contrary to Z.R. §24-36; and

WHEREAS, the subject library is part of a complex containing 42,314 square feet of lot area located on an irregularly-shaped parcel, at the western portion of the block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue; and

WHEREAS, the subject lot is presently improved with six buildings, three of which are designated landmarks that the applicant represents, will be preserved and enhanced through the construction program; and

WHEREAS, in the R7-2 portion of the zoning lot, a maximum Floor Area Ratio of 6.5 is permitted for community facility uses and a maximum of 3.44 for residential uses, in the R8B portion of the lot a maximum Floor Area Ratio of 4.0 is permitted for community facility uses and a maximum of 4.0 for residential uses; and

WHEREAS, the record indicates, that the proposed addition will be erected completely as-of-right, except that in a small, 10 foot 1 inch by 25 foot 10 inch interior portion of the Zoning Lot, the height of the atrium will exceed the 23 foot height limit for a permitted obstruction within a mandatory rear yard area by 5 feet; which the applicant represents is required so that the roof of the atrium does not directly adjoin, and therefore partially block, several windows of one of the subject library's landmark structures; and

WHEREAS, the record indicates that the neighborhood surrounding the site is characterized by office, hotel, residential, and

Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: James Power.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, the instant application involves the Pierpont Morgan Library, the Morgan House, the Mckim Building, the Library Annex and a one-story Cloister, which connects the Library Annex to the McKim Building, the five-story Office Annex on East 37th Street, and the glass-enclosed Garden Court, which fronts on Madison Avenue and connects the Morgan House to the Library Annex and the Cloister; and

WHEREAS, the applicant notes that requested variance will enable the roof of the new atrium to connect to the marble façade of the Mckim building at its cornice line, thereby leaving all the windows of the landmark building unobstructed.

WHEREAS, the subject library was founded in 1924 as both a research library and museum, which has grown to house over 350,000 pieces on zoning lots that are improved with buildings that have received enlargements and additions with height variations, and erected at different times; and

WHEREAS, the applicant represents that the requested variance will enable the library to meet its programmatic requirement of providing larger storage space, creation of additional reading rooms, galleries, display areas and for its large collection and its many educational programs; and

WHEREAS, the proposal will require preserving three historic buildings, demolishing the later additions to the complex and construction of the proposed addition; and

WHEREAS, the proposed addition will require a distinctive steel-and-glass structure housing three distinctive pavilions fronting on East 36th Street, Madison Avenue and East 37th Street, along with an enclosed connecting space to be known as the atrium or the "Piazza"; and

WHEREAS, the applicant represents that each pavilion will be no higher or wider than the adjacent building in order to respect the small scale of the landmark structures; and

WHEREAS, the record indicates that following construction of the 24,510 square foot Proposed Addition, the Zoning Lot will be improved with a total of 66,048 square feet, which is 152,583 square feet less than is allowed by the Zoning Resolution; and

WHEREAS, the Board agrees with the applicants assertion that the existing Mckim Building is a condition that is peculiar to and inherent in the zoning lot that are not due to the strict application of the provisions of the Zoning Resolution, but by the need to design a building that meets the programmatic needs of the Library and respects and enhances the existing Mckin building; 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 applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and other community facility uses; and

WHEREAS, the applicant represents that proposed

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enlargement to the site will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the 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, therefore, 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 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, the proposed four-story 24,510 square foot addition to an existing community facility (Use Group 3) contrary to Z.R. §24-36, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 22, 2002"- (19) sheets; and on further condition;

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

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

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit the legalization of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, which is contrary to Z.R. §23-142 and §54-31; and does not comply with §§34.6 and 216 of the Multiple Dwelling Law and § 27-2082 and 27-2085 of the Housing Maintenance Code.

PREMISES AFFECTED - 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86,

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, February 11, 2003.

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, 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.

For Administration: John Yacovone, Fire Department.

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

208-02-BZ

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

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

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

COMMUNITY BOARD #2

APPEARANCES -

For Applicant: David Businelli.

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

223-02-BZ & 224-02-A

APPLICANT - Sheldon Lobel, P.C., for 320 West 84th Street, Corp, owner.

Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Irving E. Minkin.

For Administration: John Yacovone, Fire Department.

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

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236-02-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

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

244-02-BZ & 245-02-BZ

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

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker and Liza Benhanon.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

APPEARANCES -

For Applicant: Louise Cusinier, Doris Diether, CB#2, Matt Markowitz and Sean Macpherson.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

322-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marylena Auto Repair Inc., owner.

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit the reestablishment of an expired variance, previously granted under Cal. No. 80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, which is contrary to Z.R. §32-35. PREMISES AFFECTED - 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

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

323-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Irving J. Gotbaum, Esq., for 783 W. Street Corp./Blansig Realty Corp., c/o Kenneth B. Frankel, owner; Sean MacPherson, contract vendee.

SUBJECT - Application October 29, 2002 - under Z.R. §72-21 to permit the proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §§15-021 & 32-10.

PREMISES AFFECTED - 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan.

COMMUNITY BOARD #2M

351-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP by Steven Sinacori, for 33-11 Associates, owner; Operative Cake Company, lessee.

SUBJECT - Application December 3, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

PREMISES AFFECTED - 33-55 11th Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens.

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COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Commissioner Miele.....5

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 2:30 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on November 19, 2002, under Calendar No.49-02-BZ and printed in Volume 87, Bulletin No. 47, is hereby corrected to read as follows:

49-02-BZ

CEQR#02-BSA-132Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, southwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on NB Application No. 401370413, reads:

"PROPOSED ONE-FAMILY DWELLING DOES NOT PROVIDE THE REQUIRED FRONT YARD, OPEN SPACE, SKY EXPOSURE CLEARANCE, WIDTH OR LOT AREA, AND EXCEEDS THE PERMITTED FLOOR AREA IN AN R2 ZONING DISTRICT, AND MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to October 10, 2002, and then to November 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and

exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; and

WHEREAS, the record indicates that the subject premises is an triangularly shaped lot with 39.9 feet of frontage on Pineville Lane and 96.8 feet of frontage on Lucas Street, and a total of 1,759 square feet of lot area; and

WHEREAS, the applicant states that the site is currently vacant, and the proposal seeks to erect a two-story and cellar one-family dwelling; and

WHEREAS, the applicant represents that due to the corner location on the site 15 foot front yards are required along both Pineville Lane and Lucas Street, which effectively prohibits the construction of any structure on the small lot; and

WHEREAS, the aforementioned unique physical condition, namely irregularly shaped small corner lot with its triangular shape, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

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

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; 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 27, 2002"-(7) sheets, and on further condition;

CORRECTIONS

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, November 19, 2002.

****The resolution has been corrected in that the portion of the premises which read: "northwest corner" now reads: "southwest corner". Also, the DOB Application No. which read: "401270413"; now reads "401370413". Corrected in Bulletin No. 8, Vol. 88, dated February 20, 2003.**

Pasquale Pacifico, Executive Director.