
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, Nos. 1-3

January 16, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	4
CALENDAR of February 4, 2003	
Morning	6
Afternoon	8
CALENDAR of February 11, 2003	
Morning	9
Afternoon	10.

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, January 7, 2003**

Morning Calendar10

Affecting Calendar Numbers:

1673-61-BZ	264 Winthrop Street, Brooklyn
1207-66-BZ	305 Washington Avenue, Brooklyn
1237-66-BZ	1 East 233 rd Street, The Bronx
106-76-BZ	129-03 North Conduit Avenue, Queens
172-86-BZ	256-10 Union Turnpike, Queens
111-94-BZ	3543-49 Broadway, Manhattan
174-94-BZ	99-07 Roosevelt Avenue, Queens
467-71-BZ	56-01 Main Street, Queens
13-78-BZ	144-20 Liberty Avenue, Queens
165-98-BZ	3701 Mermaid Avenue, Brooklyn
551-37-BZ	233-02 Northern Boulevard, Queens
211-74-BZ	1004-1022 Second Avenue, Manhattan
374-75-BZ	380-394 Amsterdam Avenue, Manhattan
1043-80-BZ	1680/88 Albany Avenue, Brooklyn
478-91-BZ	1911 Richmond Avenue, Staten Island
217-02-A	20 Englewood, Staten Island
219-02-A thru	
221-02-A	Watson Place, Queens
251-02-A	11 Suffolk Walk, Queens
260-02-A	129-02 Liberty Avenue, Queens
340-02-A	19 Atlantic Walk, Queens
349-02-A	183-01 Horace Harding Expressway, Queens

CONTENTS

Afternoon Calendar.....19

Affecting Calendar Numbers:

234-01-BZ	80 North 5 th Street, Brooklyn
263-01-BZ	85/101 North Third Street, Brooklyn
374-01-BZ	836 Kent Avenue, Brooklyn
375-01-BZ	838 Kent Avenue, Brooklyn
144-02-BZ/145-02-A	113-40 Merrick Boulevard, Queens
179-02-BZ	158-05 Union Turnpike, Queens
182-02-BZ	2990 Victory Boulevard, Staten Island
204-02-BZ	144-31 Farmers Boulevard, Queens
249-02-BZ	2501 Grand Concourse, The Bronx
262-02-BZ	4801 Tenth Avenue, Brooklyn
249-01-BZ	9 White Street, Brooklyn
297-01-BZ	201 East 23 rd Street, Manhattan
363-01-BZ thru	
365-01-BZ	3304, 3306 & 3308 Rombourts Avenue, The Bronx
366-01-BZ	500 Driggs Avenue, Brooklyn
373-01-BZ	372 Avenue U, Brooklyn
83-02-BZ	925 Bergen Street, Brooklyn
226-02-BZ	319/21 East 21 st Street, Manhattan
229-02-BZ thru	
231-02-BZ	24, 32 & 42 Walton Street, Brooklyn
236-02-BZ	2324 Avenue R, Brooklyn
240-02-BZ	1745 East 23 rd Street, Brooklyn
339-02-BZ	147-65/76 Springfield Boulevard, Queens

DOCKET

New Case Filed Up to January 7, 2003

366-02-BZ B.BK. 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn. Alt.#301476203.

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

COMMUNITY BOARD #14BK

367-02-BZ B.M. 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan. Alt.#103336267. The legalization of an existing dance studio, Use Group 9, located in the cellar of a five story multi-family building, is not permitted in an R8-B zoning district, and is therefore contrary to Z.R. §22-10.

COMMUNITY BOARD #8M

368-02-BZ B.M. 22/36 Astor Place, aka 443/49 Lafayette Street and aka 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan. Applic.#103219553. Proposed development of a 22 story and cellar mixed use building, on a site divided by a district boundary, requires a special permit from the Board under Z.R. §73-52, to extend the C6-2 use and bulk regulations 25' into the adjacent M1-5B zoning district.

COMMUNITY BOARD #2M

369-02-BZ B.M. 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan. Applic.#103309279. Proposed conversion of an existing two-story commercial building into a residential dwelling, with a minor rooftop addition, located in a C8-4 is contrary to Z.R. §32-10 and §15-021.

COMMUNITY BOARD #2M

370-02-BZ B.Q. 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens. Applic.#401482766.

The legalization of the conversion of the second floor of an existing two story structure, to a medical office, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear yard, is contrary to Z.R. §22-14 and §24-36.

COMMUNITY BOARD #7Q

371-02-BZ B.Q. 56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens. Applic.#401482784. The legalization of the conversion of the second floor of an existing two story structure, to a medical office, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

372-02-BZ B.Q. 56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens. Applic.#401482891. The legalization of the conversion of the second floor of an existing two story structure, to a medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

373-02-BZ B.Q. 56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens. Applic.#401482775. The legalization of the conversion of the second floor of an existing two story structure, to medical offices, Use Group 4, located within an R4 zoning district, and also does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §22-14, §24-35 and §24-36.

COMMUNITY BOARD #7Q

DOCKET

374-02-BZ B.Q. 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of 4 Queens. N.B.#401573784. Proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, requires a special permit from the Board as per Z.R. §73-481 and §73-49.

COMMUNITY BOARD #13Q

375-02-BZ B.BK. 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn. N.B.#301480733. Proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards, front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

COMMUNITY BOARD #12BK

376-02-BZ B.BK. 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn. Applic.#301480966. Proposed two story rear enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

COMMUNITY BOARD #14BK

377-02-BZ B.BK. 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn. Alt.1#301340582. The proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

COMMUNITY BOARD #12BK

1-03-BZ B.Q. 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens. Applic.#401547643. Proposed erection of

a two story, two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for zoning lot, front yards, floor area, and will have the required parking located within the front yard, is contrary to Z.R. §23-45, §23-141, §23-32 and §23-44.

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

FEBRUARY 4, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 4, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

152-95-BZ

APPLICANT - Gerald J. Caliendo, R.A., for McDonald's Corporation, owner; Krim Kris, Inc., lessee.

SUBJECT - Application July 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2001.

PREMISES AFFECTED - 32-55 31st Street, east side of 31st Street 256.97' north of 34th Avenue and 31st Street, Block 611, Lot 11, Borough of Queens.

COMMUNITY BOARD #1Q

FEBRUARY 4, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 4, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

178-02-BZ

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

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

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

COMMUNITY BOARD #1BK

274-02-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products N.A. (owner lot 18), owner; Gasatria Oil Corporation, lessee.

SUBJECT - Application October 9, 2002 - under Z.R. §73-50 to permit the proposed construction of a new automotive service

317-02-A

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

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

station, with an accessory convenience store, Use Group 16, located in a C8-3 zoning district, situated within the required 30' rear yard setback along district boundary, which requires a special permit.

PREMISES AFFECTED - 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx.

COMMUNITY BOARD #5BX

278-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Steven Mishan, owner.

SUBJECT - Application October 16, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

286-02-BZ

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

SUBJECT - Application October 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

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

COMMUNITY BOARD #14BK

316-02-BZ

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

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

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

COMMUNITY BOARD #3S.I.

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

COMMUNITY BOARD #3SI

344-02-BZ

CALENDAR

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

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

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

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

FEBRUARY 11, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 11, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

426-54-BZ

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

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

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
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

223-02-BZ & 224-02-A

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

East 57th Street, 120' west of Third Avenue, Block 1312, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #6M

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

APPEALS CALENDAR

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.

FEBRUARY 11, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 11, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

120-02-BZ

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

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, Borough of Manhattan.

COMMUNITY BOARD #7M

CALENDAR

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

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

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

REGULAR MEETING

TUESDAY MORNING, JANUARY 7, 2003

10:00 A.M.

Present: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

Absent: Chairman Chin and Vice-Chair Babbar

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 19 2002, were approved as printed in the Bulletin of November 28, 2002, Volume 87, No. 47.

SPECIAL ORDER CALENDAR

Staten Island.

COMMUNITY BOARD #1SI

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.

COMMUNITY BOARD #1Q

Pasquale Pacifico, Executive Director

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner. SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.

PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Victoria St. Clair.

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

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

MINUTES

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for an extension of the term of the variance, permitting a non-transient parking lot, which expired on October 25, 2002; and

WHEREAS, a public hearing was held on this application on December 17, 2002, after due notice by publication in The City Record, laid over to January 7, 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.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and pursuant to Z.R. §11-411, reopens and extends the term of the variance, said resolution having been adopted June 26, 1962, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the October 25, 2002 to expire on October 25, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received October 30, 2002'-(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;

THAT a License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: H. Irving Sigman.

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

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 18, 2002, acting on Application No. 301369800 reads:

"the proposed extension of the term of the variance and the proposed minor modifications of the artist supply & bookstore, Use Group 6, of providing additional sales area and accessory office space in lieu of a portion of the storage area at the basement level are contrary to the Board of Standards and Appeals Resolution Cal. #1207-66 BZ, adopted on March 16, 1993, and are referred back to the Board for reconsideration."; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening for an amendment to the

that a copy of the License shall be forwarded to the Board's Executive Director by January 7, 2004; and

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

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this grant;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 # 3235/61)

Adopted by the Board of Standards and Appeals, January 7, 2003.

1207-66-BZ

APPLICANT - H. Irving Sigman, for Young Kil Kwon, owner.
SUBJECT - Application October 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 5, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 305 Washington Avenue, a/k/a 321 Dekalb Avenue, northeast corner of Washington and Dekalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

resolution and an extension of the term of the variance which expired on July 5, 2002; and

WHEREAS, a public hearing was held for this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the replacement of storage area with additional sales area and accessory office space on the basement level of the subject premises; and

WHEREAS, the applicant represents that there will be no visible alterations to the exterior of the premises.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-413, said resolution having been adopted on May 2, 1967, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of ten (10) years from July 5, 2002, to expire on July 5, 2012, and to permit additional sales area and accessory office space on the basement level in place of storage area; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received October 10, 2002"-(6) sheets; and on further condition

THAT the conditions from all prior BSA resolutions for this

MINUTES

site shall remain in effect;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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, January 7, 2003.

1237-66-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, The Bronx.

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, January 7, 2003.

106-76-BZ

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

SUBJECT - Application September 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 20, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 129-03 North Conduit Avenue,

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalan.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the applicant requested a re-opening for an extension of the time to obtain a Certificate of Occupancy which expired on November 14, 2002; 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 and then to January 7, 2003 for decision; and

WHEREAS, on April 11, 1967, the Board granted an application under §§72-01 and 72-22 permitting the erection and maintenance of a gasoline service station with accessory uses.

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

northeast corner of 129th Street, Block 11863, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 23, 2002, acting on Application No. 401504412 reads:

- A1) PROPOSED NEW CONVENIENCE STORE, CHANGES TO THE FUEL DISPENSING AREA WITH ADDITIONAL PUMPS, NEW CANOPY, ALTERATION TO THE PROPERTY AND MODIFICATIONS OF CURB CUTS IS CONTRARY TO BSA #106-76 BZ ALSO PROPOSING TO CONTINUE TO OCCUPY THE PROPERTY AS A GASOLINE SERVICE STATION BEYOND JULY 20th, 2001 IS CONTRARY TO BSA CAL. 106-76 BZ

- 2) EXTEND USE PERMITTED BY 105-76 BZ

MINUTES

EXPIRED 7-20-2001. REFER BACK TO BSA REQUIRED."; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening for an amendment to the resolution and an extension of the term of the variance which expired on July 20, 2001; and

WHEREAS, a public hearing was held for this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 2003 for decision; and

WHEREAS, on July 20, 1976, an application was granted by the Board under Z.R.§72-21 to permit the erection and maintenance of an automotive service station with accessory uses; and

WHEREAS, the applicant now seeks to amend the resolution to permit the addition of a one-story convenience store, new fuel dispensers, a new canopy and alteration to the existing curb cuts.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R.§72-01, said resolution having been adopted on July 20, 1976, amended through August 4, 1998, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of 10 years from July 20, 2001 to expire on July 20, 2011, and to permit the addition of a one-story convenience store, new fuel dispensers, a new canopy and alteration to the existing curb cuts; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received September 27, 2002"-(6) sheets, and "December 31, 2002"-(1) sheet; 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;

THAT the above conditions shall appear 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

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, January 7, 2003.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and pursuant to Z.R. "72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted March 31, 1987, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the March 31, 2002 to expire on March 31, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 27, 2002"-(3) 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 site shall remain in effect;

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 # 400227447)

Adopted by the Board of Standards and Appeals, January 7, 2003.

172-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, Llp for Jomar Associates, LLC, NY, owner.

SUBJECT - Application March 27, 2002 - reopening for an extension of term of variance which expired March 31, 2002.

PREMISES AFFECTED - 256-10 Union Turnpike, southside Union Turnpike, 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE RESOLUTION** -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting a professional office building in an R2 district, which expired on March 31, 2002; and

WHEREAS, a public hearing was held on this application on December 10, 2002, after due notice by publication in The City Record, laid over to January 7, 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.

111-94-BZ

MINUTES

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Jay Segal.

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

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE
" To extend the term of the variance for a period of five (5) years from April 4, 2000 to expire on April 4, 2005; on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received January 6, 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 a License from the Department of Consumer Affairs shall be obtained within one year from the date of this grant, and that a copy of the License shall be forwarded to the Board's Executive Director by January 7, 2004; and

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 N.B. Application No. 100494635)

Adopted by the Board of Standards and Appeals, January 7, 2003.

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the special permit which expired on April 4, 2000; and

WHEREAS, a public hearing was held on this application on November 11, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002 and then to January 7, 2003 for decision; and

WHEREAS, on April 4, 1995, the Board granted an application under Z.R. §73-42, to permit the expansion of an existing commercial use into a residential district, by the legalization of an accessory parking lot; and

WHEREAS, the applicant represents that there have been no substantial changes from previously approved Board plans.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on April 4, 1995 so that as amended this portion of the resolution shall read:

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting an automotive sales establishment, which expired on May 6, 2002; and

WHEREAS, a public hearing was held on this application on October 29, 2002, after due notice by publication in The City Record, laid over to December 10, 2002 and then to January 7, 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.

Resolved, that the Board of Standards and Appeals reopens and extends the term of the variance, said resolution having been adopted May 6, 1997, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the May 6, 2002 to expire on May 6, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 23, 2002"- (2) 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 site shall remain in effect;

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

MINUTES

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#401458971)

Adopted by the Board of Standards and Appeals, January 7, 2003.

467-71-BZ

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

SUBJECT - Application September 20, 2002 - reopening for an 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 -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

165-98-BZ

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Richard Budd.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

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

551-37-BZ

amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for deferred decision.

13-78-BZ

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

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

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

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

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for continued hearing.

211-74-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Connaught Tower Corporation, owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1004-1022 Second Avenue, 300-318 East 54th Street, 301-305 and 315 East 53rd Street, east side of Second Avenue, between East 53rd and 54th Streets, Block 1346, Lots 1,49, 101, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Robert Flahive and Gary Tarnoff.

For Opposition: Philip Schneider.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

MINUTES

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue, Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Barbara Hair.

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

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.

SUBJECT - Application September 16, 2002 - reopening for an extension of term of variance which expired September 15, 2002.

PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: David L. Businelli and Rudolf J. Beneda.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

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

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.

For Administrative: John A. Yacovone, Fire Department.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated July 1, 2002 acting on N.B. Application No. 500526807, reads:

“A1. Street giving access to the proposed building is not placed on the official map of the City of New York therefore :

A. No Certificate of Occupancy can be issued as per Article 3, Section. 36 of the General City Law and

B. Permit may not be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated October ,16, 2002 , the Fire Department has reviewed the above project and has no objections provided the building will be fully sprinklered; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated July 1, 2002 acting on N.B. Application No. 500526807, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received November 25, 2002”-(1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

219-02-A thru 221-02-A

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

MINUTES

owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.
PREMISES AFFECTED -

107-72 Watson Place, south side, 700' east of Polhemas
107-78 Watson Place, south side, 700' east of Polhemas
Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

APPEARANCES -

For Administrative: Nelly Bravo

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 17, 2002 acting on N.B. Application Nos. 401466604, 401466613, 401466622 reads:

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

WHEREAS, by the letter dated September 9, 2002, the Fire Department has reviewed the above project and has no objections provided all buildings are fully sprinklered; and

WHEREAS, by the letter dated October 21, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

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

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

Resolved, that the decision of the Queens Borough Commissioner, dated July 17, 2002 acting on N.B. Application Nos. 401466604,401466613,401466622, are modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 13, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

Adopted by the Board of Standards and Appeals, January 7, 2003

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 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 - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE**

RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401465758, reads:

“For Board of Standards and Appeals Only

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

A-2 - the site and building is not fronting on an official mapped street therefore , no permit or Certificate of Occupancy can be issued as per Art. 3 , proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.

A3- the upgraded private disposal system is partially in the bed of a mapped street and a private service road , contrary to Department of Buildings policy.”; and

WHEREAS, by the letter dated October, 8, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated October 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections ; and

WHEREAS, by the letter dated November 15, 2002, the

MINUTES

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 28, 2002 acting on ALT 1. Application No. 401465758, is modified under the power vested in the Board by §35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 17, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

260-02-A

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

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

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

APPEARANCES -

For Applicant: Almadini Binani.

For Administration: John Yacovone, Fire Department.

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

340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed reconstruction 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 - 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Tim Costello.

For Administration: John Yacovone, Fire Department.

REGULAR MEETING

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

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for decision, hearing closed.

349-02-A

APPLICANT -Rudolf J. Beneda, for Charles Fleming, owner.

SUBJECT - Application November 25, 2002 - Proposed , addition, to an existing two story ,one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

TUESDAY AFTERNOON, JANUARY 7, 2003

MINUTES

2:00 P.M.

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

ZONING CALENDAR

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2001 and updated November 16, 2001 acting on Application No. 300855135 reads:

"Proposed conversion of commercial building into a multiple dwelling is not permitted in an M1-2 district as per 42-00 of the Zoning Resolution and, as such, must be referred to the Board of Standards and Appeals for approval "; and

WHEREAS, a public hearing was held on this application on January 31, 2002 after due notice by publication in The City Record and laid over to February 5, 2002, April 9, 2002, May 14, 2002, July 9, 2002, and August 6, 2002 for continued hearings and laid over to October 8, 2002 for decision. The case was re-opened on October 8, 2002 and laid over to November 26, 2002 for continued hearing to accept further submissions, and then laid over to January 7, 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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program Policies; 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

Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the conversion to residential use of 26,845 square feet of a 212,277 square foot building contrary to Z.R. §42-00; and

WHEREAS, originally, the subject lot was improved with two buildings which were later joined resulting in the present building with differing heights, with one portion of the building being three stories and the other four stories extending the entire length of the block along the southerly side of Wythe Avenue, continuing southeasterly 263 feet along the northeasterly side of North 4th Street and the southwesterly side of North 5th Street; and

WHEREAS, the applicant represents that due to the building's design history, the present structure is burdened by numerous support columns with columns in the east side of the building being eight feet wide, broadening at the base and the top of the columns reducing the cubic square feet of stackable space, while the west portion of the building was built with less intrusive columns and fronts along Wythe Avenue with attractive views of the Manhattan skyline; and

WHEREAS, the record indicates that the building is functionally obsolete for the purpose for which it was intended by virtue of its vertical arrangement of space with ceiling heights that limit industrial/manufacturing uses; and WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area, and with floor plates interrupted by support columns; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing or warehouse facility; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the property is located in an M1-2 manufacturing zone; and

WHEREAS, the Board notes that the instant proposal creates a mixture of a residential and manufacturing use by limiting residential occupancy to the fourth floor; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses are present and that the surrounding area is characterized by numerous renovated, converted residential lofts; and
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

MINUTES

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. '72-21 to permit, in an M1-2 zoning district, the conversion to residential use of 26,845 square feet of a 212,277 square foot building contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 15, 2002"-(8) sheets; and on further condition;

THAT residential uses shall be limited to the existing fourth floor as illustrated in the BSA-approved plans; and

THAT in accordance with Fire Department recommendations and Board approved plans the premises shall provide and maintain a wet sprinkler system connected to a Fire Department approved center station;

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, January 7, 2003.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee &

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the creation of 59, residential units, of which 27 require a legalization, 22 will be new and 10 will be existing loft law tenancies located on floors 2-6 of an existing six-story building which is contrary to Z.R. §42-00; and

WHEREAS, the subject site is improved with two attached structures, a six-story and a five-story, erected in 1910 operating as one building, located on the northeast corner of the intersection of North 3rd Street and Wythe Avenue; and

WHEREAS, the subject building covers the entire lot with the two attached structures separated by a structural wall and

Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Hornstein and Barbara Hair.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 27, 2001 acting on Application No. 300128047 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN AN M1-2 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS. "; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in the City Record, and laid over to July 23, 2002, October 22, 2002, December 17, 2002 and then January 7, 2003 for decision; and connected at each floor by common hallways; and

WHEREAS, the area of each floor is divided into two parts, approximately 9,100 square feet (the six-story structure) and 18,300 square feet (the five-story structure); and

WHEREAS, the record indicates that a structural wall divides the five-story structure into two parts with approximately 12,200 square feet on the western portion and 6,100 square feet on the eastern portion which the applicant represents divides the floor area into parcels of 9,100 square feet, 12,200 square feet and 6,100 square feet; and

WHEREAS, the applicant also contends that the existence of 10 loft law tenancies on the 3rd and 4th floors creates an obstruction for a conforming manufacturing use; and

WHEREAS, the record indicates the building lacks a loading dock and only contains one elevator within the six- story structure

MINUTES

and one elevator within the five-story structure; and

WHEREAS, the applicant has provided substantial documentation demonstrating that despite "good faith" marketing attempts a conforming tenant could not be obtained; and

WHEREAS, the Board notes that the applicant was able to effectively demonstrate that at the time of the illegal residential conversion, the building was functionally obsolete for a conforming use; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's history with a 1910 attached structure which divides floor area into three parcels, and documentation that extensive marketing efforts could not produce a conforming tenant create an undue hardship in developing the site with a conforming development; and

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

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by a mixture of commercial and other residential uses; and

WHEREAS, in response to Board concerns, the proposal provides 25 accessory parking spaces located on lot 2, adjacent to the subject premises; and

WHEREAS, therefore, the Board finds that the proposed legalization and introduction of residential uses at the subject premises will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

WHEREAS, the Board has conducted an environmental

Adopted by the Board of Standards and Appeals, January 7, 2003.

374-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit in an M1-2 zoning district, in an M1-2 zoning district, the creation of 59, residential units, of which 27 require a legalization, 22 will be new and 10 will be existing loft law tenancies located on floors 2-6 of an existing six-story building which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 15, 2002"-(7) sheets and "January 6, 2003"-(1) sheet; and on further condition;

THAT pursuant to Fire Department recommendations, an automatic wet sprinkler system is installed and connected to an approved Central Station is provided and maintained;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

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.

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2002 acting on N.B. Application No. N.B. #301168224 reads:

"Proposed multiple dwelling (U.G.2) in subject M1-1 zoning district is contrary to Z.R. 42-10. Must be referred back to the BSA. There are no applicable bulk, parking or yard regulations"; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record and laid over to October 1, 2002, November 12, 2002, December 10, 2002 and then to January 7, 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, the erection of a part three and

MINUTES

part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10; and

WHEREAS, this application was filed and heard in conjunction with an application for the adjacent parcel of land at 838 Kent Avenue on lot #37, to also build a part three and part four-story multiple dwelling;

WHEREAS, the subject site for both buildings is comprised of two tax lots, numbered 36 and 37, which front 51.5 feet on Kent Avenue on the northwestern edge of the Bedford Stuyvesant section of Brooklyn; and

WHEREAS, the proposal seeks to erect two, part three and part four-story buildings containing a total of six apartments, ranging in size from approximately 1,000 to 1,500 square feet; and

WHEREAS, evidence in the record indicates that the site was developed with a blend of brick and frame mixed-use buildings from the turn of the century until the 1970's; and

WHEREAS, the record also indicates that the aforementioned mixed-use developments began to diminish in the 1950's when a fire damaged the existing building, and the

WHEREAS, applicant represents that subsequent to the fire the subject site was used intermittently for marginal businesses such as open storage and automobile parking, car parts and repair activities; and

WHEREAS, the record indicates that the site is currently vacant, with open and loosely paved area; and

WHEREAS, the evidence submitted to the Board indicates that due to the fire, deterioration and demolition of the buildings previously on the site, there exists extensive foundations and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 10, 2002" - (1) sheet and "December 4, 2002"- (9) sheets; and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet F-1) the premises shall provide and maintain the following:

rubble-filled cellars from the various old buildings, which must be removed prior to any new construction on the site; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the existing foundations and rubble-filled cellars, which create an unnecessary hardship in complying 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 a mixture of residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, including a multiple dwelling adjacent to the site on the southern side; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the applicant has made revisions to the project to better conform with the character of the neighborhood including the provision of parking spaces and the setting back of the partial fourth-story to preserve street wall continuity; and

WHEREAS, the applicant has stated that the proposed buildings will substantially comply with all R-6A Quality Housing standards; 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

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

(2) Residential smoke detection shall be hard wired and be compliant with Local Law 62/81.

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, January 7, 2003.

375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is

MINUTES

contrary to Z.R. §42-10.

PREMISES AFFECTED - 838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2 **THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2002 acting on N.B. Application No. 301168215 reads:

"Proposed multiple dwelling (U.G.2) in subject M1-1 zoning district is contrary to Z.R. 42-10. Must be referred back to the BSA. There are no applicable bulk, parking or yard regulations"; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record

WHEREAS, evidence in the record indicates that the site was developed with a blend of brick and frame mixed-use buildings from the turn of the century until the 1970's; and

WHEREAS, the record also indicates that the aforementioned mixed-use developments began to diminish in the 1950's when a fire damaged the existing building, and the

WHEREAS, applicant represents that subsequent to the fire the subject site was used intermittently for marginal businesses such as open storage and automobile parking, car parts and repair activities; and

WHEREAS, the record indicates that the site is currently vacant, with open and loosely paved area; and

WHEREAS, the evidence submitted to the Board indicates that due to the fire, deterioration and demolition of the buildings previously on the site, there exists extensive foundations and rubble-filled cellars from the various old buildings, which must be removed prior to any new construction on the site; and

WHEREAS, the Board finds that there are unique conditions to the lot, namely the existing foundations and rubble-filled cellars, which create an unnecessary hardship in complying 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 a mixture of residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, the Board notes that there are residential uses in close proximity to the subject site, including a multiple dwelling adjacent to the site on the southern side; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the applicant has made revisions to the project to better conform with the character of the neighborhood including the provision of parking spaces and the setting back of the

and laid over to October 1, 2002, November 12, 2002, December 10, 2002 and then to January 7, 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, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10; and

WHEREAS, this application was filed and heard in conjunction with an application for the adjacent parcel of land at 836 Kent Avenue on lot #36, to also build a part three and part four-story multiple dwelling;

WHEREAS, the subject site for both buildings is comprised of two tax lots, numbered 36 and 37, which front 51.5 feet on Kent Avenue on the northwestern edge of the Bedford Stuyvesant section of Brooklyn; and

WHEREAS, the proposal seeks to erect two, part three and part four-story buildings containing a total of six apartments, ranging in size from approximately 1,000 to 1,500 square feet; and partial fourth-story to preserve street wall continuity; and

WHEREAS, the applicant has stated that the proposed buildings will substantially comply with all R-6A Quality Housing standards; 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 the variance application is the minimum variance necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the erection of a part three and part four-story multiple dwelling (Use Group 2), which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "April 10, 2002" -(1) sheet and "December 4, 2002"- (9) sheets; and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet F-1) the premises shall provide

MINUTES

and maintain the following:

- (1) Entire building shall be fully sprinklered with an automatic wet sprinkler system connected to a Fire Department-approved Central Monitoring Station.
- (2) Residential smoke detection shall be hard wired and be compliant with Local Law 62/81.

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

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2002 acting on Application No. 401297743 reads:

"1. Proposed construction of New Building automobile service establishment, Use Group 16, with an accessory convenience store in a C2-2 within an R3-2 zoning district is contrary to BSA Calendar 845-50 and therefore must be referred to the BSA.

2. Proposed construction of a new automobile service station with accessory retail convenience store at the Premises is contrary to GCL Section 35 and therefore relief from the NYC Board of Standards and Appeals is required."; 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 October 22, 2002, November 26, 2002 and then to January 7, 2003 for decision; and

WHEREAS, the Board notes that the instant application was heard with a companion Appeals case under Calendar Number 145-02-A, objection #2; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; 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, January 7, 2003.

144-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R3-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #21; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 22,364 square feet of lot area with approximately 167 feet of frontage along Merrick Boulevard and 127 feet of frontage along Linden Boulevard, both heavily traveled roadways; and

WHEREAS, the subject site is presently improved with a single-story masonry building of 2,435 square feet housing an existing automotive service station; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 2,900 square foot automotive service station with an accessory convenience store containing 1,392 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 139.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for eleven (11) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an existing 5' high brick wall, a proposed 6' high chain link fence with slats, and an existing chain link fence will remain to provide separation for the existing park located at the northwest property line to provide screening to the adjoining lots within the C2-2/R3-2 zoning district; and

WHEREAS, the record indicates that opposite the subject premises, on Bruckner Boulevard is an Interstate Expressway and immediately south are several vacant lots; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed use must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 22,364 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that the subject premises is located at the intersection of two major streets, Merrick and Linden Boulevards both heavily traveled thoroughfares and that the

MINUTES

entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, the record indicates that opposite the subject premises on Merrick Boulevard sits another automotive service station; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R3-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 4, 2002" -(6) sheets; and on further condition;

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

THAT there shall be no lubrication, repair or washing of cars at the premises;

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

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring January 7, 2013;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant

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, January 7, 2003.

145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - Proposed demolition of an

WHEREAS, therefore, 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 16, 2002 acting N.B. Application No. 401297743, reads:

"Proposed construction of New building automobile service establishment, use Group 16, with an accessory convenience store in a C2-2 within an R3-2 Zoning District is contrary to BSA calendar 845-50 and therefore must be referred to the BSA. Development in the bed of a mapped street is contrary to GCL 35."; and

WHEREAS, the Board notes that the site is the subject of a companion zoning case under Calendar No. 144-02-BZ; and

WHEREAS, Community Board No. 12 Queens has recommended approval of this application; and

WHEREAS, by the letter dated June 14, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 9, 2002, the Department of Environmental Protection has reviewed the above project and has notified the Board that Drainage Plan No. 41 SWC(55)/41SA(72) calls for a future 10" diameter Sanitary and a future 15" diameter Storm sewer to be installed in 113th Avenue between Merrick Boulevard and 169th Street; and

WHEREAS, however, the portion of the proposed construction intruding onto 113th Avenue is approximately 25 ft. wide and the remaining 25ft. of 113th Avenue will be sufficient for future installation, maintenance and/or reconstruction of the drainage plan sewer; and

WHEREAS, therefore the DEP requests that the B.S.A. reserves 25 ft. of the remaining portion of mapped 113th Avenue for future drainage plan sewer.; and

MINUTES

WHEREAS, by letter dated October 3, 2002, the applicant has agreed to DEP's request and has duly noted it on the BSA approved plans; and

WHEREAS, by letter dated November 1, 2002, the Fire

Resolved, that the decision of the Queens Borough Commissioner, dated April 4, 2002 acting on N.B. Application No. 401297743, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawings filed with the application marked, "Received November 4, 2002"-(6) sheets; and that the proposal comply with all applicable C2-2 /R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT, 25 ft of the remaining portion of mapped 113th Avenue be reserved for a future drainage plan sewer ; and

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

179-02-BZ

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Charles R. Foy.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and

WHEREAS, under Zoning Resolution Section 73-243, the application must demonstrate that the drive-through facility provides reservoir space for not less than ten automobiles, cause minimum

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

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

Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2002 and updated on November 8, 2002 , acting on Application No. 401400140 reads:

"Proposed use of drive thru pick-up window for eating and drinking establishment (U.G. 6) in C1-2 in R3-2 is contrary to section 32-15"; and

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

WHEREAS, Community Board No. 8 in Queens recommends approval of this application; 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, this is an application for a special permit under Z.R. Sections 73-03 and 73-243, to permit, in a C1-2 zoning district within an R3-2 zoning district, the proposed accessory drive-thru facility for a fast food restaurant contrary to Z.R. Section 32-15; and

WHEREAS, the premises is located on the north side of Union Turnpike between Parsons Boulevard and 79th Avenue with frontages of 125.2' along Union Turnpike, 152.45' along Parsons Boulevard and side lot lines measuring 123.79' and 126.56' presently developed with an automotive service station establishment of approximately 2,354 square feet, that is no longer operating; and

WHEREAS, the applicant represents that the subject lot is irregular because its four lot lines have different dimensions due to the Union Turnpike frontage not meeting the side lot line at a right angle; and

WHEREAS, a C1-2 zoning district extends 100' into the site from the Parsons Boulevard frontage leaving 23'8" of the zoning lot falling within the adjoining R3-2 zoning district; and

WHEREAS, since the portion of the zoning lot within the R3-2 zoning district is less than 25', pursuant to Z.R. Section 77-12, the entire zoning lot is treated as being within the C1-2 zoning district; and

WHEREAS, Certificate of Occupancy Number Q53642 issued in 1949, permits a one-story, non-fireproof gasoline station, sales room and store room with minor repairs; and

WHEREAS, the instant application seeks to replace the existing automotive service facility with a drive-thru lane that would be accessory to fast-food restaurant; and

interference with traffic flow in the immediate vicinity, the eating and drinking establishment with accessory drive-thru facility complies with accessory off-street parking regulations, the character of the

MINUTES

commercially- zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward motor vehicles, the drive-thru facility will not have an undue adverse impact on the immediate residences and that there is an adequate buffer between the drive-thru facility and adjacent residential uses ; and

WHEREAS, Union Turnpike is a heavily trafficked commercially oriented road with a concrete medium dividing east and west traffic; and

WHEREAS, the instant proposal contains reservoir space for sixteen (16) automobiles, demonstrates that a traffic light at the intersection of Union Turnpike and Parsons Boulevard ensures that the drive-thru facility will cause minimum interference with traffic flow in the immediate vicinity, provides 16 off-street accessory parking spaces exceeding, the nine required under applicable accessory off-street parking regulations; and

WHEREAS, the record also indicates that within 500' of the premises retail and automotive uses predominate, that adequate buffering from adjacent residential uses as the closest residential use is approximately 180' away on 154th Street and the applicant will provide a 5' landscaped buffer area at the rear of the site; and

WHEREAS, the Board notes that the proposed restaurant will eliminate a heavy automotive use that has occupied the site for more than 50 years, that the subject drive-thru lane will be more than 10' from the zoning lot's rear lot line and that a 6' fence with privacy slats will be installed further minimizing adverse impacts on the nearby residences; and

WHEREAS, the Board finds that the proposed application 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 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.

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03.

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. Sections Z.R. Sections 73-03 and 73-243, to permit, in a C1-2 zoning district within an R3-2 zoning district, the proposed accessory drive-thru facility for a fast food restaurant contrary to Z.R. Section 32-15, on condition that all work shall substantially Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0
Absent: Chairman Chin, Vice-Chair Babbar.....2
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 26, 2002 acting on Application No. 500512331

conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 24, 2002"-(10) sheets; and on further condition;

THAT the pursuant to the Board's Negative Declaration, the applicant shall address the items requested in the New York City Department of Environmental Protection's ("DEP") letter dated October 15, 2002. These items include the following:

- (1) Conduct further Phase II testing on the site.
- (2) Appropriate excavation and disposal of contaminated soil.
- (3) Proper closure of USTs.
- (4) Submitting a work plan and an investigative Health & Safety Plan for DEP's approval prior to sampling;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on January 7, 2008;

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

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

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, January 7, 2003.

182-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc lessee.

SUBJECT - Application May 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

PREMISES AFFECTED - 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

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

"Proposed construction of a new building to be operated as an automotive service station (U.G. 16 with an accessory convenience store on a lot located partially within the C1-2 zone in a R3-2 zoning district, and partially within the R3-2 zoning district is contrary to Z.R. Section 32-25, Z.R. Section 22-00, and BSA Calendar #32-57-BZ. Proposed use is not as of right, and

MINUTES

therefore must be referred to the Board of Standards and Appeals for approval"; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 7, 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 R3-2 zoning district with a C1-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. Section 32-25; and

WHEREAS, the subject parcel contains approximately 22,616 square feet of lot area at the southeast corner of Victory Boulevard and Richmond Avenue, with 178 feet of frontage along Richmond Avenue and 126 feet of frontage along Victory Boulevard located primarily within a C1-2 overlay in an R3-2 zoning district with a small rectangular portion at the south end of the property falling within the R3-2 district; and

WHEREAS, the proposed structure will contain 4,224 square feet of floor area, 2,252 square feet of which will be a sales area with a solar energy collecting vehicular canopy over the six (6) multi-product dispensers ("MPD's"); and

WHEREAS, the proposal provides reservoir space for 12 automobiles in addition to the spaces provided at the pumps and entrances and exits are planned so that at maximum operation, vehicular movement into or from the site will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, applicant represents that the perimeter of the site adjoining the R3-2 zoning district, will be screened by a six (6) foot high chain link fence with privacy slats and that the signage 98.67 of illuminated proposed is less than the one-hundred fifty (150) square feet permitted under Z.R. Section 73-211(5)(1) and

WHEREAS, the record indicates that both Richmond and Victory Boulevards 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 Zoning Resolution Section 73-211; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the erection of a new automotive service station, with an accessory convenience store, (Use Group 16b) contrary to Z.R. Section 32-25, 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 19, 2002"- (7) 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 January 7, 2013:

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

WHEREAS, the applicant represents that the site has housed, subject to a July 25, 1957 variance, under Calendar Number 32-57-BZ, an automotive service station as amended through September 11, 1990, and that although the variance lapsed the uses at the premises have remained unchanged; and

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, 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 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 1921 and that it would meet the Special Permit findings of Z.R. Section 73-211; 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 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 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.

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, January 7, 2003.

MINUTES

204-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 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 an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.
PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 20, 2002 acting on Application No. 401398233 reads:

"Proposed construction of a New Building to be operated as a gasoline filling station with an accessory convenience store (U.G. 16) in an R3-2 Zoning District which is contrary to BSA Calendar 703-56BZ and therefore must be referred to the BSA."; and

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

WHEREAS, Community Board No. 12 in Queens recommends approval of the application; 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 proposed development has been designed to minimize adverse impacts on the surrounding neighbors as lighting will be directed away from adjacent residential users, providing landscaping and fences to buffer the site from residential neighbors, is located on a service road for the Southern Parkway, a heavily traveled parkway; and

WHEREAS, the Board notes that the subject property is located in an area characterized by commercial uses and an automotive use has occupied the premises for more than 45 years; 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 the variance application is the minimum variance necessary to afford the owner relief; 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, on a site previously before the Board, in an R3-2 zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Calendar Number 703-56- BZ and Z.R. §22-00; and

WHEREAS, Automotive Service Stations (Use Group 16B), are permitted as-of-right in C8, M1, M2 and M3 districts and by, special permit from the Board of Standards and Appeals in C2, C4, C6, and C7 districts, with accessory uses such as the instant convenience store classified as Use Group 16E uses; and

WHEREAS, the proposed structure will contain 2,400 square feet of floor area of which 1,135 square feet will be used as sales area with a solar energy collecting vehicular canopy with roof-mounted solar panels over the proposed four (4) multi-product dispensers on an irregular trapezoid parcel with 141.7 feet of frontage along North Conduit Avenue, 102.04 feet of frontage along Farmers Boulevard and 121.4 feet of frontage along 144th Road ; and

WHEREAS, in 1958 under Calendar Number 703-56-BZ, the Board granted a variance permitting a gasoline service station with an accessory building which received subsequent amendments in April 1984 and February 1987; and

WHEREAS, site's configuration with a trapezoidal shape, its history of development with a prior non-conforming Board approved gasoline service station with accessory building use, 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, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, on a site previously before the Board, in an R3-2 zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Calendar Number 703-56- BZ and 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 November 15, 2002"-(7) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten (10)

MINUTES

years from the date of this grant expiring on January 7, 2013;

THAT the proposal shall comply with the fires safety measures stated on the Proposed Conditions Site Plan sheet (1 of 10);

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, January 7, 2003.

249-02-BZ

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 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 Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the cellar of an existing five story building, located in an R8 and R8/C1-3 zoning district, which is contrary to Z.R. §32-31; and

WHEREAS, subject building was formerly used as a department store, and is located on the northwest corner of the intersection of Fordham Road and the Grand Concourse in the Bronx; and

WHEREAS, the subject building covers its entire 55,197 square foot lot area, with the exception of two small triangular portions at the intersections of the Grand Concourse and Fordham Road, and Fordham Road and East 190th Street; and

WHEREAS, the subject building is located in three zoning districts: a C4-4, an R8/C1-3, and an R8, and is also situated within the Special Grand Concourse District; and

WHEREAS, a variance, rather than a special permit, is required because 13,830 square feet of the proposed PCE would be in the R8 and R8/C1-3 zoning districts in which a special permit may not be granted; and

WHEREAS, the proposed health club would occupy 35,028 square feet of area in the cellar and 1,852 square feet of area on the first floor, to be used as an entrance; and

WHEREAS, the record indicates that the building has a subcellar, cellar, four full stories and a partial fifth story and has always been used as a single purpose department store building;

R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated August 21, 2002 acting on Application number 200675359 reads;

“HEALTHCLUB NOT PERMITTED IN C1-3 IN R8 ZONING DISTRICT. VARIANCE REQUIRED AS PER SECTION 32-31 Z.R.”; and

WHEREAS, Community Board #3, Queens, recommends conditional approval of this application; and

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

and

WHEREAS, the applicant represents that building is functionally obsolete due to the design and layout of the building as a single purpose department store; and

WHEREAS, evidence in the record indicates that the subject building has no windows, five escalators and only one passenger elevator, significant bathrooms only on alternate floors, one modest lobby, high ceilings, and a HVAC system that must be either on or off for the entire building; and

WHEREAS, the applicant states that the aforementioned conditions result in extraordinary costs in rehabilitating the building to earn a reasonable return; and

WHEREAS, the applicant represents that the redevelopment plan for the building includes multiple as-of-right retail uses on the first and second floors, with the upper three floors to be used as offices and classrooms; and

WHEREAS, the applicant further represents that retail use in the cellar is not feasible and that the only conforming option would be retail storage, which produces almost no income; and

WHEREAS, the Board finds that there are physical conditions attributed to the existing building, namely the varying zoning designations, the history of use, and the functional obsolescence, which creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the record indicates that subject building is located on two heavily trafficked thoroughfares and that the surrounding area is primarily commercial in nature; and

MINUTES

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 unnecessary hardship associated with a conforming use of the zoning lot was not caused by the owner, nor by a predecessor in interest, but is inherent in the site; and

WHEREAS, the hardship results from the strict application of the Zoning Resolution to the subject zoning lot; 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 notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the zoning district; and

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, to permit the legalization of an existing physical culture establishment, on the cellar of an existing five story building, located in an R8 and R8/C1-3 zoning district, which is contrary to Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 20, 2002"-(13) sheets; and on further condition;

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 substantial construction shall be completed in accordance with '72-23; and

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

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

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

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

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

Adopted by the Board of Standards and Appeals, January 7, 2003.

WHEREAS, the proposed physical cultural establishment will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; 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 & 73-36; and

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

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

262-02-BZ

APPLICANT - Howard Z. Zipser/Stadtmauer Bailkin, for Maimonides Medical Center, owner.

SUBJECT - Application September 26, 2002 - under Z.R. §72-21 to permit the proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to Z.R. §24-522, §33-431 and §24-11.

PREMISES AFFECTED - 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard A. Zipser.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative:., Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated September 6, 2002 and October 21, 2002, acting on Alteration Application Nos. 301393025 & 301417367 reads:

"1. PROPOSED ADDITIONAL LOT COVERAGE OF 7, 128 SQ. FT. FOR A TOTAL LOT COVERAGE OF 57,702.0 SQUARE FEET VIOLATES PERMITTED LOT COVERAGE AND IS CONTRARY TO Z.R. SECTION 24-11

2. PROPOSED 134 FT. 10 IN. HEIGHT OF NEW ADDITION WITH SETBACK ALONG 48TH STREET FRONTAGE AND PROPOSED 141. 11IN. HEIGHT OF NEW ADDITON WITHOUT SETBACK ALONG FORT HAMILTON PKWY VIOLATES PERMITTED HEIGHT AND SETBACK REGULATIONS AND ARE CONTRARY TO Z.R. SECTIONS 24-522 AND 33-431."; and

MINUTES

3. Proposed enlargement to a non-conforming building as per lot coverage (24-11) of the Zoning Resolution) increases the degree of non-compliance and, as such, must be referred to the Board of Standards and Appeals for approval.

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the subject application on November 26, 2002; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record, and laid over to January 7, 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, in 1967, the City Planning Commission classified the site as a Large Scale Community Facility Development because the term "Hospital" no longer adequately reflected the spectrum of activities and services being provided; and

WHEREAS, the lot is improved with several medical buildings totaling 330,242.0 square feet of floor area housing the nine-story Gellman Pavilion, the eight-story Kronish Pavilion, the two-story Emergency Department, and the seven-story Aron Building; and

WHEREAS, the proposed 76,236 square foot addition will be erected as an in-fill addition to the existing Aron Building connecting to the Gellman Pavilion through a new vertical core ; and

WHEREAS, the enlargement among other things, will enable the applicant to provide an atrium of approximately 1,920 square foot and a four level public corridor system of approximately 4,744 square feet (1,186 square feet per floor) accommodating additional visitors and provide additional space for community-based programs; and

WHEREAS, specifically, the new addition to the Aron Building, will house the creation of a 10,000 square foot Neo-natal Intensive Care Unit ("NICU") on the 1st floor located horizontally contiguous to the Labor/Delivery area enabling an increase to the bassinet capacity from 26 to 31, with, space previously housing the NICU on the fifth floor will be renovated and used for medical/surgical, MICU and step down beds; and

WHEREAS, further, expansion of the Aron Building will also enlarge the adult and pediatric Emergency Treatment facilities and will provide a separation of the Pediatric Emergency Department from the main emergency facilities and a renovation of Obstetric Post Partum beds, and other amenities; and

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

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

WHEREAS, the record indicates that there are numerous buildings within the immediate area which are in scale with the proposed infill addition to the Aron Building and would be in scale with an align vertically with the adjacent nine-story Gellman Pavilion to the West; and

WHEREAS, therefore, the Board finds that the subject

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6/C1-3 zoning district, the erection of a nine-story (L1+8) building, within a community facility in violation of the requirements for lot coverage and height and setback contrary to Z.R. §§ 24-522, 33-431 and 24-11; and

WHEREAS, the applicant is a 705 bed not-for-profit, health care and acute care hospital and teaching institution providing primary, secondary and tertiary health care; and

WHEREAS, the 61,249.10 square foot zoning lot fronts on Fort Hamilton Parkway for approximately 203 feet, on 48th Street for approximately 327.11 feet, on 49th Street for approximately 291.5 feet, and on Tenth Avenue for approximately 200.4, with the Fort Hamilton Parkway and 10th Avenue frontages running the entire block between 48th and 49th Streets; and

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 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 R6/C1-3 zoning district, the erection of a nine-story (L1+8) building, within a community facility in violation of the requirements for lot coverage and height and setback contrary to Z.R. §§ 24-522, 33-431 and 24-11, contrary to Z.R. §§23-144, 23-633 and 23-462 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "November 8, 2002"- (1) sheet and "September 26, 2002 - (17) sheets and on further condition;

THAT in accordance with the Board-approved Fire Protection Synopsis Plan (Sheet ZG-5) the premises shall provide and maintain the following:

- (1) An Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department-approved Central Station;
- (2) A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

MINUTES

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

249-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Yacovone, Fire Department.

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

297-01-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES-

For the Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to March 25, 2003, at 2 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of

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, January 7, 2003.

The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2 P.M., for continued hearing.

366-01-BZ

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Kenneth K. Fisher and Robert Pauls.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for decision, hearing closed.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....3
Negative:0
Absent: Chairman Chin, Vice-Chair Babbar.....2

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wrih.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

229-02-BZ thru 231-02-BZ

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

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John A. Yacovone, Fire Department.

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

226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser.

For Opposition: Debra Aaron.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for decision, hearing closed.

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.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 1:30 P.M., for continued hearing.

240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

Brooklyn.

COMMUNITY BOARD #15BK

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of

MINUTES

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative:, Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....3

Negative:0

Absent: Chairman Chin, Vice-Chair Babbar.....2

ACTION OF THE BOARD - Laid over to January 28,
2003, at 1:30 P.M., for decision, hearing closed.

339-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield
LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21
to permit the proposed reestablishment of an expired variance
previously granted under Cal. No. 219-71-BZ Vol. II, which
permitted a warehouse with offices in an R3-2 zoning district, also
the addition of Lot No. 4 to the premises, for use as the entrance
ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard,
northeast corner of 147th Avenue, Block 13363, Lots 4 and 6,
Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Barbara E. Brown, SRCAA, Inc., Richard C.
Hellenbrecht and D. Warmington.

For Administration: John Yacovone, Fire Department.

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

Pasquale Pacifico, Executive Director.

Adjourned: 2:55 P.M.