
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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March 27, 2003

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Lot 1, Borough of The Bronx. Applci. #200424905.
Application to reestablished and also to amend an expired
variance, for an auto repair (auto-body) shop, parking for

more than five(5) vehicles, storage, and the legalization of
a new one story structure on the same lot, is contrary to a
previous variance granted by the Board under Cal.
No.843-46-BZ, Vol. II, and Z.R. §§22-00 and 32-00.
COMMUNITY BOARD #3BX

CALENDAR

82-03-BZ B.BK. 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn. Alt.1 #301476748. Proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7BK

83-03-BZ B.BX. 2100 Hermany Avenue, southeast corner of Olmstead Avenue, Block 3685, Lot 9, Borough of The Bronx. Applic. #200706458. Proposed construction of a two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard and the maximum number of dwelling units, is contrary to Z.R. §23-141, §23-45 and §23-22.

COMMUNITY BOARD #9BX

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COMMUNITY BOARD 1Q

85-03-BZ B.BK. 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn. Applic. #301469453. Proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #1BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings,

Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

APRIL 15, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 15, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

669-80-BZ

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

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

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

COMMUNITY BOARD #2SI

1038-80-BZ

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

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

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

COMMUNITY BOARD #7Q

193-92-BZ

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

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

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

COMMUNITY BOARD #14Q

65-03-A thru 67-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Ms. Sheila Duranti, lessee.

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

PREMISES AFFECTED -

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

268-02-BZ

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

SUBJECT - Application October 4, 2002 - under Z.R. §72-21 to permit the proposed construction of a seven story Class Multiple A

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

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

COMMUNITY BOARD #14Q

72-02-A

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

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

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

COMMUNITY BOARD #4M

APRIL 15, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 15, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

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

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

CALENDAR

COMMUNITY BOARD #1BK

285-02-BZ

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

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

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

COMMUNITY BOARD #12BX

358-02-BZ

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

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

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

COMMUNITY BOARD #5M

359-02-BZ

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

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

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

COMMUNITY BOARD #1M

374-02-BZ

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

43-03-BZ

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

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

PREMISES AFFECTED - 18 West 17th Street, south side, approx. 300' west of the intersection of Fifth Avenue and West 17th

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

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

COMMUNITY BOARD #13Q

24-03-BZ

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

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

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

COMMUNITY BOARD #8Q

36-03-BZ

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

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

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

COMMUNITY BOARD #13Q

Street, Block 818, Lots 27, 31, 61, 63 and 64, Borough of Manhattan.

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, MARCH 18, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 4, 2003, were approved as printed in the Bulletin of February 13, 2003, Volume 88, No. 7.

SPECIAL ORDER CALENDAR

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

MINUTES

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 25, 2003, and laid over to March 18, 2003 for decision; and

WHEREAS, on May 2, 2000, the Board granted an application permitting the erection of a two-story and cellar professional office and retail building (Use Group 6); and

WHEREAS, the applicant now seeks to amend the resolution to permit the elimination of the 1st floor as to provide additional parking, the addition of floor area on the second and third floors, an increase in the height of the building and a change in the location on the subject lot; and

WHEREAS, the applicant represents that there will be 9 additional parking spaces provided, bringing the total to 21 parking spaces.

Resolved, that the Board of Standards and Appeals *reopens and amends* the variance, said resolution having been adopted May 2, 2000, so that as amended this portion of the resolution shall read:

“to permit the elimination of the 1st floor as to provide additional parking, the addition of floor area on the second and third floors, an increase in the height of the building and a change in the location on the subject lot, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked “Received December 24, 2002”-(3) sheets and “March 6, 2003”- (3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 25, 2003, and laid over to March 18, 2003 for decision; and

WHEREAS, on December 12, 2000, the Board granted an application permitting the legalization of an existing physical culture establishment; and

WHEREAS, the applicant now seeks to amend the resolution to permit an extension of time to install fire protection measures, and the change of ownership; and

WHEREAS, the prior Board resolution mandated that certain fire protection systems be installed within two years

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 prior Board conditions shall appear on the Certificate of Occupancy;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application #400048676)

Adopted by the Board of Standards and Appeals, March 18, 2003.

161-00-BZ

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Allison Kamersky.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

of the grant; and

WHEREAS, these fire protection measures include an automatic wet sprinkler system, an interior fire alarm system and a smoke detection system, all connected to a Fire Department-approved central station; and

WHEREAS, the applicant also seeks to amend the resolution to reflect a change of the owner of record from “Ida Greenberg” to “Ida Greenberg as trustee for Sutton Realty Associates, LLC”; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the variance, said resolution having been adopted December 12, 2000, so that as amended this portion of the resolution shall read:

“to permit the permit an extension of time to install fire protection measures for a period of one (1) year from December 12, 2002, and to permit a

MINUTES

change of ownership, *on condition*

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

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

THAT the above conditions and all prior Board conditions shall appear on the Certificate of Occupancy;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application #102889297)

Adopted by the Board of Standards and Appeals, March 18, 2003.

15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application December 4, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68' south of South 4th Street, Block 2441, Lots 4, 104 & 107 (Tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

485-76-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

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

Negative:0

Adopted by the Board of Standards and Appeals, March 18, 2003.

529-52-BZ

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

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

190-75-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES - None.

Caliendo and Commissioner Miele.....4

Negative:0

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

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

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to May 20, 2003,

MINUTES

at 10 A.M., for continued hearing.

1233-88-A

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

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Richard Bowers and Sean Ambrose.

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

36-92-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Park Circle Realty Associates, owner; Commerce Bank, N.A., lessee.

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

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

COMMUNITY BOARD #7BK

332-02-A thru 333-02-A

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

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

PREMISES AFFECTED -

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

2-03-A

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

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

331-98-BZ

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

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

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

APPEARANCES -

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

MINUTES

25-03-A

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

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

26-03-A

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

27-03-A

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

33-03-A

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

SUBJECT - Application January 28, 2003 - Proposed one story enlargement to an existing one family dwelling, not fronting on a

SUBJECT - Application January 15, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law. PREMISES AFFECTED - 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Anthony Poppa.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Miro C. Stracar.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

41-03-A

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

SUBJECT - Application January 31, 2003 - An application for the Modification of Certificate of Occupancy Number 116571, to

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reflect only lot 14, and to eliminate reference to, and metes and bounds of lots 15 and 17 in Block 1278.

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Felicia Miller, Department of Buildings, Robert Flahive, Gary Tarnoff and other.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:45 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 18, 2003 2:00 P.M.

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

ZONING CALENDAR

146-02-BZ

CEQR #02-BSA-194Q

APPLICANT - The Agusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 3, 2002 acting on ALT Application No. 401245354 reads:

“1. Proposed 2 story enlargement to existing 1 and 2 story commercial building in a C1-2 and R3-2 zone is not permitted to encroach into the R3-2 portion of the lot, therefore is contrary to Section 22-00 of the Z.R.”; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in *The City Record* and laid over to January 28, 2003 and then to March 18, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §73-52 and §73-03 to permit, within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit; and

WHEREAS, the subject site is located in the commercial portion of a commercial/residential with an existing building that houses various types of retail uses; and

WHEREAS, the applicant represents that the size of the products housed require a large accessory storage

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area that cannot be accommodated by the existing building; and

WHEREAS, therefore, the applicant proposes to erect a two-story addition located on the west side of the existing building encroaching by approximately 207 square feet into the residential portion of the split lot; and

WHEREAS, the record indicates that the proposal will extend the commercial district boundary line approximately 25' into the residential portion of the zoning lot; and

WHEREAS, the applicant notes that the total floor area planned will be less than the maximum allowed on the original commercial portion of the lot; and

WHEREAS, although there is approximately 4,480 square feet of residential lot area in the existing zoning lot, an additional residential or community facility development would require a 30' rear yard eliminating approximately 2,550 square feet of the existing 4,480 square feet, leaving only 1,930 square feet for development; and

WHEREAS, the Board finds that without the proposed extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot; and

WHEREAS, the record indicates that the proposed

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-52 and §73-03 to permit, within a C1-2/R3-2 zoning district, the proposed two-story addition to an existing retail establishment, Use Group 6, which encroaches into the residential portion of the lot requiring a special permit, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received August 6, 2002"-(5) sheets, and "February 25, 2003"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant expiring March 18, 2013;

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

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

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

THAT construction shall be completed in accordance with Z.R. §73-23;

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

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

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

WHEREAS, the record indicates that, but for 207 square feet, the proposed addition falls within the existing commercial district, and that the depth of the addition is actually less than the depth of the existing retail building; and

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 18, 2003.

322-02-BZ

CEQR #03-BSA-069R

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

SUBJECT - Application October 29, 2002 - under Z.R. §73-211 to permit on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to the reestablishment of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35.

PREMISES AFFECTED - 1840 Richmond Terrace, between

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Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 21, 2002 acting on Application No. 500567932 reads:

“Renew variance by the Board of Standards and Appeals to grant special permit to operate a automotive service station in a C2-2 9(R3-2)

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to permit the reestablishment of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35; and

WHEREAS, the applicant seeks to legalize the existing automotive service station as well as permission for the construction of two multiproduct dispensers, two 8,000 gallon underground storage tanks and a seventeen foot canopy over the proposed gas islands; and

WHEREAS, under Calendar Number 51-56-BZ, in 1956, the subject premises was developed with a one-story automotive service station with an open area for the sale of gasoline fuels; and

WHEREAS, the above special permit expired in 1983, and in 1989 under Calendar Number 80-88-BZ, the Board again legalized the premises by granting a special permit for a term of ten years; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 9,413 square feet, exceeds the minimum lot area of 7,500square feet, required under Z.R. §73-211(a), contains frontages along Clove Road and Richmond Terrace”, which the Board notes are heavy traffic streets, but the lot area does exceed 15, 000 square feet therefore, Z.R. §73-211(b), is not applicable; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

district on a site previously before the Board granted under ZR 73-211 under Calendar Number 80-88-BZ expired 9-5-99. Addition of a new 24'x36' steel framed canopy, concrete dispenser islands with (2) 8,000 gallon double wall fiberglass tanks is contrary to ZR-32-35 and therefore must be referred to the NYC BSA for a special permit pursuant to ZR Section 73-211 for the purpose of BSA extension of 10 years.”; and

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record*, and laid over March 18, 2003for decision; and

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

WHEREAS, the applicant provides signage that is limited to 90 square feet of illuminated signage which is far less than the 150 square feet permitted under Section 73-211(5)(i); and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, an eight (8) foot high fence will screen the perimeter of the site from the adjoining R3-2 District; and

WHEREAS, the record indicates that an automotive service station has existed at the premises since 1956; and

WHEREAS, therefore, the Board finds that the proposed legalization 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, 73-212 and 73-03; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 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, on a site previously before the Board, under Calendar Number 80-88-BZ, in a C2-2 zoning District, to the reestablishment

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of an expired variance allowing use of an automotive service station and the addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks contrary to Z.R. §32-35, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 3, 2003"-(5) sheets; and *on further condition*;

THAT the hours of operation shall be limited to 7:00 A.M. to 9:00 P.M. Monday through Thursday; Friday 7:00 A.M. to 9:00 P.M.; Saturday 7:00 A.M. to 11:00 P.M. and Sunday 11:00 A.M. to 6:00 P.M.;

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

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

Adopted by the Board of Standards and Appeals, March 18, 2003.

348-02-BZ

CEQR #03-BSA-089Q

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company, d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31 & 22-21 to permit in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower.

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

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: David Bronston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 25, 2002, acting on Application No. 401537690 reads:

"Respectfully requesting denial to appeal to the

premises;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring March 18, 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;

Board of Standards and Appeals for proposed monopole on grade. The proposed monopole does not comply with Zoning Resolution 22-21.";

and

WHEREAS, a public hearing was held on this application on February 25, 2003, after due notice by publication in the City Record, laid over to May March 18, 2003 for decision; and

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

WHEREAS, this is an application for a special permit under Z.R. §§73-03, 73-30, 32-31 and 22-21, to permit, in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower; and

WHEREAS, the subject lot is improved with an existing two-story building housing an eating and drinking establishment; and

WHEREAS, the record indicates that applicant has entered into a lease with the owner of the property for an approximately 300 square foot portion of the property on which the proposed communications facility will be built; and

WHEREAS, the applicant represents that the proposed facility will be comprised of a 70' wireless communications monopole, with twelve antennas attached in groups of 3 and 4 antennas to cover three sectors; and

WHEREAS, the applicant further represents that 4 equipment cabinets will be mounted to a concrete pad at the base, and the entire facility will be completely fenced, landscaped and the enclosed equipment cabinets will be sited and screened from public view; and

WHEREAS, the record indicates that the instant proposal will not generate additional traffic, noise, vibration,

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smoke, dust, odors, heat or glare and will not consume municipal services such as water, sewer, police or fire protection; and

WHEREAS, the applicant represents that the proposal is beneficial to the community because, in addition to enabling personal and business communication, it will provide improved wireless communication in the area thereby enhancing safety by facilitating immediate availability to medical and emergency services; and

WHEREAS, the proposal will comply with all applicable operational standards of the FCC; and

WHEREAS, the record indicates that the proposal will not produce any detrimental effects to the physical environment, or traffic in the neighborhood; 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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Section Z.R. §§73-03, 73-30, 32-31 and 22-21, to permit, in a C2-2 Overlay, within an R3-2 zoning district, the proposed construction of a 70' monopole communications tower, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 4, 2003"-(6) sheets; and on further condition;

THAT this special permit shall be limited to a term of (10) years from the date of this grant expiring March 18, 2013;

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;

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

Adopted by the Board of Standards and Appeals, March 18, 2003.

193-01-BZ

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

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to

and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-30, 73-03, 32-31 and 22-21; and

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

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

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Jordan Most.

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

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

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

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building,

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in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

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

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to April 15, 2003, at 1:30 P.M., for continued hearing.

91-02-BZ

For Applicant: Jordan Most.

For Opposition: A. Scaduto, Fire Department.

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

120-02-BZ

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

SUBJECT - Application April 15, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, which requires a special permit as per Z.R. §32-10.

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for continued hearing.

165-02-BZ thru 176-02-A

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

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

PREMISES AFFECTED -

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

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

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.
SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

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

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Stuart Klein.

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

186-02-BZ thru 191-02-A

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

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

PREMISES AFFECTED -

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

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

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

COMMUNITY BOARD #2BK

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APPEARANCES -

For Applicant: Stuart Klein.

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

183-02-BZ

PREMISES AFFECTED - 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

185-02-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

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

223-02-BZ & 224-02-A

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

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

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

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

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

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 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.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

237-02-BZ

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

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to

MINUTES

permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14. PREMISES AFFECTED - 37-49 91st Street, east side, between

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

248-02-BZ

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

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

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

269-02-BZ

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

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

341-02-BZ

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

SUBJECT - Application November 15, 2002 - under Z.R. §72-21 to permit the reestablishment of a previously variance granted under Cal. No. 633-66-BZ, which permitted a retail store, Use Group 6, on the first floor of a five story building, located in an R8B zoning district.

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

346-02-BZ

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

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

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Gary J. D'Orio.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 8, 2003, at 1:30 P.M., for decision, hearing closed.

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369-02-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board # 2, Lori Cuisiner and E. Rexiode.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:30 P.M.