
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DOCKETS

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93-03-BZ B.Q. 217-20 39th Avenue, northeast corner of 218th Street, Block 6255, Lots 18, Borough of Queens. Applic. #401469077. Proposed addition 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 front yard, is contrary to Z.R. §§23-141 and 54-313.

COMMUNITY BOARD #7Q

94-03-BZ B.M. 622/26 Broadway, aka 156/60 Crosby Street, east side of Broadway, 118' north of East Houston Street, Block 522, Lot 5, Borough of Manhattan. Applic. #103414217. The legalization of retail use, Use Group 6, in the cellar of an existing six story building, located in an M1-5B zoning district, is contrary to Z.R. §42-14(2)(b).

COMMUNITY BOARD #2M

95-03-BZ B.M. 302 East 111th Street, between First and Second Avenues, Block 1682, Lot 46, Borough of Manhattan. Applic. #103409401. Proposed head start school, Use Group 3, located in an M1-4 zoning district, requires a special permit from the Board as per Z.R. §73-19.

COMMUNITY BOARD #11M

96-03-BZ B.BK. 86 Franklin Avenue, aka 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn. Applic. #301491936. Proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #3BK

97-03-BZ B.BK. 461 Flushing Avenue, northside, 72' east of Bedford Avenue, Block 2263, Lot 86, Borough of Brooklyn. Applic. #301410159. Proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an R7-1/M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

98-03-BZ B.BK. 463 Flushing Avenue,

northside, 124'10" east of Bedford Avenue, Block 2263, Lot 84, Borough of Brooklyn. Applic. #301410140. Proposed erection of a multiple dwelling, Use Group 2, upon a vacant irregularly shaped zoning lot, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

99-03-BZ B.BK. 1173 East 24th Street, between Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn. Alt. #301474492. Proposed enlargement of 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 side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

100-03-BZ B.BK. 3448 Bedford Avenue, between Avenues "M" and "N", Borough of Brooklyn. Alt. 1 #301414084. The legalization of an enlargement of 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, open space ratio, balconies, and side and rear yards, is contrary to Z.R. §23-141, §23-461 (a), §23-47 and §23-131.

COMMUNITY BOARD #14BK

101-03-A B.M. 845 United Nations Plaza, between 47th and 48th Streets, Block 1340, Lot 23, Borough of Manhattan. An appeal challenging a final determination by the Department of Buildings, dated March 19, 2003, regarding manual fire pump and motor at said premises.

102-03-BZ B.BK. 291 Kent Avenue, 35/37 South Second Street and 29/33 South Third Street, east side of Kent Avenue, between South Second and Third Streets, Block 2415, Lots 10, 14, 15, 41-43, 114 and 116, Borough of Brooklyn. Applic. #301429069. Proposed development of two residential buildings with underground accessory parking and an open recreation space between the two buildings, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

DOCKETS

103-03-A B.Q. 7 East Market Street,
north side, 15' east of Beach 201st Street, Block 16350,
Part of Lot 300, Borough of Queens. Applic. #401626576.

Proposed construction of a new one story addition to an
existing one family dwelling, not fronting on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

104-03-BZ B.BK. 6161 Strickland Avenue,
between Mill Avenue and East 60th Place, Block 8470, Lot
1110, Borough of Brooklyn. Alt.1 #301521921.

Proposed physical cultural establishment, to be located in
a portion of an existing one story building, in an R3-1 and
C2-2 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #18BK

**DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department of
Buildings, Manhattan; B.Q.-Department of Buildings,
Queens; B.S.I.-Department of Buildings, Staten Island;
B.BX.-Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.**

CALENDAR

MAY 6, 2003, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.
SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 72-09 Main Street, southeast corner of 72nd Avenue, Block 6660, Lot 1, Borough of Queens.
COMMUNITY BOARD #8Q

268-89-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Joshua L. Muss c/o Allied Enterprises, owner. Franchise Realty Interstate, lessee.
SUBJECT - Application March 13, 2003- reopening for a rehearing.
PREMISES AFFECTED - 160-11 Willets Point Boulevard, Willets Point Boulevard and Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.
COMMUNITY BOARD #7Q

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Sai Gas, Inc., lessee.
SUBJECT - Application March 7, 2003 - reopening for an extension of time to obtain a new certificate of occupancy.
PREMISES AFFECTED - 111-05 to 111-18 Van Wyck Expressway and 111-05 Lincoln Street, Block 11639, Lot 12, Borough of Queens.
COMMUNITY BOARD #10Q

43 Hall Avenue, north side, 300.62' west of Willowbrook Road, Block 2091, Lot 70, Borough of Staten Island.
41 Hall Avenue, north side, 275.62' west of Willowbrook Road, Block 2091, Lot 69, Borough of Staten Island.
39 Hall Avenue, north side, 250.62' west of Willowbrook Road,

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.
SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.
COMMUNITY BOARD #8Q

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mitchell Kaufman, owner.
SUBJECT - Application March 14, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired February 5, 2003.
PREMISES AFFECTED - 27 West 38th Street, between Fifth and Sixth Avenues, Block 840, Lot 26, Borough of Manhattan.
COMMUNITY BOARD #5M

45-03-A thru 64-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.
SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.
PREMISES AFFECTED -
69 Hall Avenue, north side, 595.62' west of Willowbrook Road, Block 2091, Lot 85, Borough of Staten Island.
67 Hall Avenue, north side, 570.62' west of Willowbrook Road, Block 2091, Lot 80, Borough of Staten Island.
65 Hall Avenue, north side, 545.62' west of Willowbrook Road, Block 2091, Lot 79, Borough of Staten Island.
63 Hall Avenue, north side, 520.62' west of Willowbrook Road, Block 2091, Lot 78, Borough of Staten Island.
61 Hall Avenue, north side, 495.62' west of Willowbrook Road, Block 2091, Lot 77, Borough of Staten Island.
59 Hall Avenue, north side, 465.62' west of Willowbrook Road, Block 2091, Lot 76, Borough of Staten Island.
55 Hall Avenue, north side, 435.62' west of Willowbrook Road, Block 2091, Lot 75, Borough of Staten Island.
53 Hall Avenue, north side, 410.62' west of Willowbrook Road, Block 2091, Lot 74, Borough of Staten Island.
51 Hall Avenue, north side, 385.62' west of Willowbrook Road, Block 2091, Lot 73, Borough of Staten Island.
49 Hall Avenue, north side, 355.62' west of Willowbrook Road, Block 2091, Lot 72, Borough of Staten Island.
45 Hall Avenue, north side, 325.62' west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.
Block 2091, Lot 68, Borough of Staten Island.
37 Hall Avenue, north side, 225.62' west of Willowbrook Road, Block 2091, Lot 67, Borough of Staten Island.
35 Hall Avenue, north side, 200.62' west of Willowbrook Road, Block 2091, Lot 66, Borough of Staten Island.

CALENDAR

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

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

COMMUNITY BOARD #2SI

79-03-A

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

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

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

MAY 6, 2003, 1:30 P.M.

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

ZONING CALENDAR

265-02-BZ

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

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

PREMISES AFFECTED - 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

31-03-BZ

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

SUBJECT - Application January 21, 2003 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio is contrary to Z.R. §23-141.

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

COMMUNITY BOARD #14BK

202-02-BZ

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

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

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

COMMUNITY BOARD #12Q

366-02-BZ

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

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

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

COMMUNITY BOARD #14BK

375-02-BZ

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

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

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

COMMUNITY BOARD #12BK

95-03-BZ

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

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

PREMISES AFFECTED - 302 East 111th Street, between First

CALENDAR

and Second Avenues, Block 1682, Lot 46, Borough of
Manhattan.

COMMUNITY BOARD #11M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 8, 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 25, 2003, were
approved as printed in the Bulletin of March 6, 2003, Volume 88,
No. 9-10.

SPECIAL ORDER CALENDAR

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

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

ACTION OF THE BOARD - Application reopened and

MINUTES

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 March 18, 2003 after due notice by publication in *The City Record*, and laid over to April 8, 2003 for decision; and

WHEREAS, on May 18, 1993, the Board granted an application for an amendment to a previous variance granted under Calendar Number 12-19-BZ, to allow a gasoline station, auto laundry and repair facility; and

WHEREAS, the applicant now seeks a change of use of the property to a bank (Use Group 6), a reduction in the building size, and an extension of the term of the variance.

Resolved that the Board of Standards and Appeals reopens and amends the variance, said resolution having been adopted on May 18, 1993, so that as amended this portion of the resolution shall read:

“to permit a change of use from a gasoline station, auto laundry and repair facility(Use Group 16) to a bank (Use Group 6) and a reduction in the building size, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked “Received March 21, 2003”-(7) sheets; and *on further condition*;

THAT the term of the variance shall be limited to twenty (20) years from the date of this grant to expire on April 8, 2023;

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

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

THAT any change in use shall require Board approval;

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

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

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*, and laid over to April 8, 2003 for decision; and

WHEREAS, on April 20, 1999, the Board granted an application permitting in a C2-3 in an R6 district, the legalization of an eating and drinking establishment with entertainment and dancing (Use Group 12) with a capacity of more than 200 persons; and

WHEREAS, the applicant now seeks to extend the term of the variance, which expired on April 20, 2002, for a period of three (3) years, and to amend the resolution to legalize an addition to the rear of the premises, the re-arrangement of the interior layout, and a revision of floor area calculations; and

WHEREAS, the applicant states that there was an error in the previously approved zoning analysis, which

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.” (DOB Application #301327767)

Adopted by the Board of Standards and Appeals, April 8, 2003.

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: Janet Abrame.

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

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 February 28, 2003 acting on Application No. 300782160 reads:

“APPLICATION REFERRED BACK TO BSA FOR AN EXTENSION OF TERM AND AN AMENDMENT OF FLOOR AREA UNDER CALENDAR #331-98-BZ.”; and

represented more floor area than actually existed; and

WHEREAS, the applicant further represents that the addition which this application seeks to legalize, does not exceed the permitted floor area of the zoning district.

Resolved that the Board of Standards and Appeals reopens and amends the resolution to extend the term of the variance which expired on April 20, 1999, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for an additional three (3) years from April 20, 2002, to expire on April 20, 2005, to permit a revision of the zoning analysis and the legalization of an addition to the rear of the premises, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with this application marked “Received May 15, 2002”-(8) sheets; and *on further condition*;

MINUTES

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 all conditions from the prior grant shall remain in effect;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

240-55-BZ

APPLICANT - Joseph P. Morsellino, Esq., for DLC Properties, LLC, owner.

SUBJECT - Application January 23, 2003 - reopening for an extension of time to complete construction which expires on March 6, 2003.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

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

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

SUBJECT - Application July 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 11, 2002.

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

For Opposition: Anthony Scadut, Fire Department

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

77-99-BZ

Negative:0

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

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.

SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Nelly Bravo.

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

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

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

25-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative

MINUTES

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 - None.

ACTION OF THE BOARD - Appeal 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 Queens Borough Commissioner, dated December 24, 2002 acting on ALT

1. Application No. 401548697, reads in pertinent part:

“A1- The proposed enlargement is on a site [which] 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.

A2- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

26-03-A

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

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

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

C 27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by letter dated February 11, 2003, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 5, 2003, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548697, is modified under the power vested in the Board by §36 & §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 January 15, 2003”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401535585, reads in pertinent part:

“A 1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C 27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

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

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Resolved, that the decision of the Queens Borough Commissioner, dated December 24, 2002 acting on ALT 1. Application No. 401548697, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 15, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

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

Resolved, that the decision of the Queens Borough Commissioner, dated January 21, 2003, acting on ALT 1. Application No. 401446440, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received January 28, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal 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 Queens Borough Commissioner, dated January 21, 2003 acting on ALT 1. Application No. 401446440, reads in pertinent part:

"1- The site and building are not fronting on an official mapped street and are contrary to Article 3, Section 36 of the General City Law; additionally, the building is contrary to section 27-291 of the New York City Building Code since does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space.";

and

WHEREAS, by the letter dated February 13, 2003, the Fire Department has reviewed the above project and has no objections; and

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

and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 8, 2003.

41-03-A

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

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

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

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Roman Franklin.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

MINUTES

THE RESOLUTION -

WHEREAS, the application from the Commissioner of the Department of Buildings dated January 31, 2003 reads, in pertinent part:

“A1. The Department of Buildings submits this application pursuant to New York City Charter Section 666 (6) (a) to review and set aside Certificate of Occupancy No. 116571 issued March 3, 1999 for the building at 347 Madison Avenue (block 12178, lot 14). The evidence before the Department demonstrates that the Certificate of Occupancy for the building on lot 14 also includes lots 15 and 17. The Department of Buildings contends that the inclusion of lots 15 and 17 on the Certificate of Occupancy for the Building on lot 14 was an error and Certificate of Occupancy No. 116571 must be modified.”; and

WHEREAS, the Department of Buildings seeks to revoke Certificate of Occupancy Number 116571 on the basis that the lot 14 building is separate from the buildings on lots 15 and 17; and

WHEREAS, the aforementioned lots collectively occupy the full blockfront along the west side of Madison Avenue between East 43rd and 44th Street; and

WHEREAS, the record indicates that during the construction of the building on lot 14 in 1921, separate buildings existed on Lots 15 and 17; and

WHEREAS, the evidence indicates that in 1921, lot 14 housed a 21-story building with 150 feet-10 inches of frontage on Madison Avenue, lot 15, a four-story residential

WHEREAS, a Certificate of Occupancy was issued in 1928 for a bank and offices on Lot 17 and then superseded in 1945 by a Certificate of Occupancy that permitted light storage as an additional use on Floors 2 through 5, and in 1932 a Certificate of Occupancy for a store, offices and show room was issued for lot 15; and

WHEREAS, the appellant notes that the individual Certificates of Occupancy for the buildings on Lots 15 and 17 have never been superseded and contends that therefore the inclusion of Lots 15 and 17 on the 1962 and 1999 Certificates of Occupancy issued for the lot 14 Building has been a perpetuation of the original administrative error; and

WHEREAS, therefore, the Board finds, that the appellant has submitted adequate evidence to warrant the modification of Certificate of Occupancy Number 116571.

Resolved, that the application of the Commissioner of the Department of Buildings dated January 31, 2003 seeking modification of Certificate of Occupancy No. 116571 is hereby granted eliminating the inclusion of lots 15 and 17 on the Certificate of Occupancy for the Building on lot 14 .

Adopted by the Board of Standards and Appeals, April 8, 2003.

building with 25 feet of frontage on Madison Avenue and lot 17 a six-story office building with 25 feet of frontage on Madison Avenue; and

WHEREAS, the Department of Buildings notes that despite the aforementioned history of development, Certificate of Occupancy Number 40605 issued in 1921 for the lot 14 building, the erroneously indicated that the subject building occupied the full 200 feet-10 inches of frontage along the west side of Madison Avenue; and

WHEREAS, a further examination of the plans also revealed that while the 1921 Certificate of Occupancy was for “a fireproof, basement and 21-story Church and Office Building, it incorrectly included all of the lots on the block along Madison Avenue, including lots 15 and 17 which the Department of Buildings represents are holdout lots; and

WHEREAS, the appellant notes that lots 15 and 17 were hold out lots because they were never part of the development with lot 14 and the evidence indicates that the developer of lot 14 unsuccessfully tried to acquire the buildings on lots 15 and 17; and

WHEREAS, the Board agrees with the appellant’s assertion that while the 1921 Certificate of Occupancy erroneously included Lots 15 and 17, it appears that the administrative error was perpetuated on subsequent Certificates of Occupancies issued in 1962 and again in 1999; and

WHEREAS, the application history on lots 15 and 17 demonstrates that these lots were treated as individual lots with separate buildings and separate Certificates of Occupancy; and

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

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

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

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437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.
320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

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

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, APRIL 8, 2003
2:00 P.M.**

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

ZONING CALENDAR

363-01-BZ thru 365-01-BZ

CEQR #02-BSA-071X/072X/073X

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

“PROPOSED RESIDENTIAL USE IN M1-1 ZONING DISTRICT CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION, THEREFORE MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS”;

WHEREAS, a public hearing was held on July 23, 2002, after due notice by publication in the *City Record*, and laid over to September 24, 2002, November 19, 2002, January 7, 2003, and January 28, 2003 and then to April 8, 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §42-00; and

WHEREAS, Community Board No. 2 in The Bronx recommends approval of the subject application; and

WHEREAS, the subject site is known as block 5245, lot numbers 39 and 42 which fronts 75 feet on Rombouts Avenue and has a depth of 100 feet; and

WHEREAS, a subdivision application has been filed to create tentative zoning lots 39, 40 and 41; and

WHEREAS, the record indicates that the subject site is currently vacant and has no previous history of

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §42-00.

PREMISES AFFECTED -

3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of 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 - 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 22, 2001 acting on Application Nos. 200623780, 200623806 & 200623799 reads:

development;

WHEREAS, the record indicates that the site is burdened with a sloping condition with a change of grade varying from approximately 9 to 11 feet across the zoning lot rising from east to west and a change in grade from approximately 4 to 6 feet across the zoning lot rising from south to north; and

WHEREAS, the applicant represents that these grade conditions will result in additional costs from foundation walls required to be constructed and support the structure;

WHEREAS, due to the site's lack of development, there are no City sewer utilities fronting on the subject site; and

WHEREAS, the applicant proposes to enter an easement agreement with the adjoining property in order to tap into their existing sewer line; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions present 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, evidence in the record indicates that the surrounding neighborhood is substantially residential in character; and

WHEREAS, therefore, the Board finds that the instant applications will not alter the essential character of the

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surrounding neighborhood nor impair the use or future 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 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, in an M1-1 zoning district, the erection of three (3) three-family multiple dwellings (Use Group 2) which is contrary to Zoning Resolution §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 March 26, 2003"-(8) sheets; and on further condition;

152-02-BZ

CEQR #02-BSA-199M

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

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 Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT.

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

Application No. 103044055 reads:

"Obtain special permit per ZR section 32-31 Physical Culture/Health Establishment.."; and

WHEREAS, a public hearing was held on this application on December 17, 2002 after due notice by publication in *The City Record* and laid over to January 14, 2003 for decision, reopened on January 14, 2003, and laid over for a Continued Hearing on February 25, 2003 and then to April 8, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building; and

WHEREAS, the subject site is located on Second Avenue between 92nd and 93rd Street and consists of approximately 74,719 square feet; of which 5,890 is currently being utilized by the physical culture establishment on portions of the cellar and first floor; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial and residential tenants, and that there are no residential units directly above or adjacent to the subject facility; and

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WHEREAS, the applicant proposes to limit the hours of operation to Monday through Friday 5:00 a.m. to 11:00 p.m. and Saturday and Sunday 8:00 A.M. to 9:00 p.m.; and

WHEREAS, the record indicates that the subject facility commenced operation in November 1998; and

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

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

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

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

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

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

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

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

THAT, fire protection measures, including an automatic wet- sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to hours of operation to Monday through Friday 5:00 a.m. to 11:00 p.m. and Saturday and Sunday 8:00 A.M. to 9:00 p.m.;

THAT above hours of operation shall be permitted as long as there are no residential units directly above or adjacent to the subject facility;

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, April 8, 2003.

Statement; and

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit, within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 18, 2003"--(3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the November 1, 1998:

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 the premises shall be maintained free of debris and graffiti;

223-02-BZ & 224-02-A CEQR #03-BSA-018M

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

SUBJECT - Application August 6, 2002 - under Z.R. §73-621 to permit in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 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

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

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Miele.....4
Negative:.....0

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 July 31, 2002 acting on Application
No. 102820066 reads:

- “1. Since cellar space used for dwelling purposes is included in floor area. Change of use from medical office in cellar to an apartment increases the degree of non-compliance with respect to floor area ratio, contrary to Sections 23-142, Z.R.; and
2. Reduction of open space ratio resulting from increase in residential floor area creates a non-compliance contrary to Section 23-142, Z.R. (Note: Conversion occurred prior to Quality Housing Zoning change).
3. New cellar apartment in a new law tenement does not comply with sections 34.6 and 216 of the Multiple Dwelling Law, and sections 27-2082 and 27-2085 of the Housing Maintenance Code.”; and

WHEREAS, the record indicates that the permissible FAR is 4.15 and that the existing legal FAR reflected by the uses authorized on the Certificate of Occupancy is 4.31 with 22,015 square feet of zoning floor area, the instant application requests the addition of 942 square feet of residential floor area in the cellar for a total of 22,957 square feet; and

WHEREAS, at 22,957 square feet, the proposal would yield an FAR of 4.49 square feet or 108.2 percent of the FAR of 4.15 allowed under Section 23-14 which would only permit a complying floor area of 21,200 square feet; and

WHEREAS, the applicant represents that the relief requested is only for floor area ratio and open space ratio, does not include a physical enlargement and results in a reduction in the number of occupants in the cellar; and

WHEREAS, moreover, the existing non-complying rear yard is unchanged and with an elevation below the floor level of the cellar apartments, the windows provide the same light and air as the apartments above; and

WHEREAS, further, the degree of non-compliance with regard to interior density is unchanged, with 37 apartments previously authorized (Six on each of the upper floors, and a janitor’s apartment in the cellar), and although an additional apartment has been created in the cellar from the former medical office, two (2) apartments have been combined into one on the fifth floor, thus retaining the number of apartments at 37; 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

WHEREAS, a public hearing was held on this application on February 11, 2003 after due notice by publication in *The City Record* and laid over to March 18, 2003 and then to April 8, 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 Joel Miele; and

WHEREAS, this is an application for a special permit under Z.R. Sections 73-03 and 73-621, in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 27-2082 and 27-2085 of the Housing Maintenance Code; and

WHEREAS, the Board notes that the instant application was heard with a companion Appeals case under Calendar Number 224-02-A, objection #3; and

WHEREAS, the applicant seeks to legalize the extension of residential uses in the cellar of the subject premises; and

WHEREAS, the subject building is a Class A multiple dwelling located on the south side of West 84th Street, between West End Avenue and Riverside Drive; and

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. §§73-261 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 for a special permit under Z.R. Sections 73-03 and 73-621, in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, contrary to Z.R. Sections 23-142, and 54-31 and does not comply with Sections 34.6 and 210 of the Multiple Dwelling Law and Sections 27-2082 and 27-2085 of the Housing Maintenance Code, *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”-(4) sheets, “March 4, 2003”-(1) sheet and “April 8, 2003”-(1) sheet; and on further condition;

THAT the applicant shall provide sprinklers within the subject apartment and in the corridors adjacent to the

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superintendent's apartment and building office;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

248-02-BZ

CEQR #03-BSA-036M

"A physical culture establishment is not permitted as of right in a C6-3A district. Provide Special Permit from Board of Standards and Appeals-Sec. 73-36 ZR."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record* and laid over to April 8, 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. §73-36 to permit, within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building; and

WHEREAS, the subject building is located on Church Street between Chambers and Reade Streets and consists of approximately 45,378 square feet of which 8,860 square feet is utilized by the PCE; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial and residential tenants, and that there are no residential units directly above or adjacent to the subject facility; and

WHEREAS, the record indicates that the subject facility commenced operation on January 5, 2003; and

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

WHEREAS, the Board finds that the proposed use will

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 within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building.

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.

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 Manhattan Borough Commissioner, dated May 2, 2002 acting on ALT Application No. 102540001 reads:

not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit, within a C6-3A (Special Tribeca Mixed Use) zoning district, the legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar level of a five-story commercial and residential building, *on condition*

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that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received September 12, 2002"- (9) sheets ; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from January 5, 2003;

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 the above conditions shall appear on the Certificate of Occupancy;

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

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

THAT the 24 hour operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the applicant shall comply with all provisions of Local Law 58/87;

341-02-BZ

CEQR #03-BSA-083M

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 variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building.

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.

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. 103244954 reads:

"Z-3 A use group 6 retail store, proposed at first floor is not permitted in an R8B zoning district as per section 22-10 Z.R."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of 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, April 8, 2003.

Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and former 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 R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building; and

WHEREAS, the subject building was erected in 1889 as a five story and cellar Old Law Class "A" Multiple Dwelling and the record indicates that in 1955, the zoning was changed to a "Retail Use District" because much of the ground floor uses were developed for retail; and

WHEREAS, in 1961, the zone was changed to an R8 and then changed to an R8B; and

WHEREAS, in 1967, under Calendar Number 633-66-BZ, the Board permitted the conversion of the four apartments on the first floor to a retail store; and

WHEREAS, applicant represents that, at the time of the above conversion, since the building had a central hall exiting to the street from the interior stair, it was proposed to rebuild the last run of the double-run stair so that the stair exit to the street could be relocated to the east wall of the building, thus allowing a single store; and

WHEREAS, however, the above work was never done, the ground floor remained divided in two sections and was converted to retail stores on either side of the center hall entrance; and

WHEREAS, the 1967 variance was granted for 15 years until 1982, however in 1980, the building was sold to the present owner who was unaware that use of the ground floor was subject to Board approval; and

WHEREAS, the applicant has documented that the

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same hardships that existed in 1967, namely, the narrowness of the lot, the existence of the old tenement that lacks and elevator still exist; and

WHEREAS, the applicant notes that if the instant application were denied, the owner would have to rebuild the entire ground floor for residential use on a block that has many ground floor commercial uses in almost every building on both sides of East 58th Street from 2nd to 3rd Avenues; 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 that have intensified since 1967; 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, in an R8B zoning district to permit the reestablishment of a variance granted under Calendar Number 633-66-BZ which allowed a retail store, Use Group 6, on the first floor of a five-story building, *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"- (9) 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 April 8, 2013;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

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 §72-21 of the Zoning Resolution; and

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

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

346-02-BZ

CEQR #03-BSA-087R

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

SUBJECT - Application November 19, 2002 - under Z.R. §72-21 to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and 107-46.

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 W. Rothkrug.

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 decisions of the Borough Commissioner, dated July 25, 2002, acting on Application No. 301349164, reads:

- "1. The proposed enlargement of the existing one story, one family residence to a three story, one family detached residence in an R3X zone within the special South Richmond District, with side yards of 3.71' and 5.00', is contrary to Section 107-462 Z.R.
2. The proposed enlargement from a one story building to a three story building in a R3X zone within the special South Richmond District with a lot width of 30' is contrary to Section 107-42 Z.R."; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*,

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laid over to April 8, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and 107-46; and

WHEREAS, the record indicates that the subject premises has a frontage of 30 feet and a depth of 180.7 feet with a total of 5,368 square feet of area, improved with an existing one-story, single family, frame construction "bungalow"-type dwelling; and

WHEREAS, the applicant seeks to construct a two-story enlargement in the rear and on one side of the dwelling, and two

WHEREAS, the aforementioned unique physical conditions, the narrowness of lot and the history of use, make its occupancy for a complying use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the record indicates that the adjacent dwellings have similar non-complying side yard situations and that the proposed enlargement is in context with the area; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; 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 evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit in an R3X (special South Richmond Development) zoning district, the proposed enlargement of a single family residence which will increase the degree of non-compliance with regards to side yards and lot width, and is contrary to Z.R. §§107-462 and

stories above the existing dwelling, which will not provide the required side yards and will decrease the width of one of the existing side yards; and

WHEREAS, the subject premises does not comply with the minimum lot width of 40 feet for the zoning district, nor will it comply with the minimum of 50 feet for a three-story building; and

WHEREAS, the regulations of the special South Richmond Development require a three-story building to have two side yards, totaling 20 feet with each being a minimum of 8 feet wide; and

WHEREAS, the Board notes that compliance with the side yard regulations would result in a building with a width of 10 feet which is impractical; and

WHEREAS, the applicant represents that the existing one-story frame dwelling was constructed as part of a group of seasonal bungalows around 1920, which are undersized and lacking modern conveniences; and

107-46, 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 19, 2002"- (9) sheets; and on further condition;

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, April 8, 2003.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.
SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

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

114-02-BZ

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

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

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

215-02-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit the legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

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

218-02-BZ

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

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

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

COMMUNITY BOARD #7BK

APPEARANCES -

corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Kathleen Vorwick, Heather Forbes, Thomas J. Caffey and John F. Belnavis.

ACTION OF THE BOARD - Laid over to May 6, 2003, at 2 P.M., for continued hearing.

For Applicant: Howard Hornstein and Peter Geis.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

241-02-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES - None.

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

271-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO REOPEN 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 continued hearing.

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353-02-BZ

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

SUBJECT - Application December 6, 2002 - under Z.R. §73-52 to permit the proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

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

367-02-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

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

3-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Eddie Cohen, owner.

SUBJECT - Application January 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, perimeter wall height and building height, and is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 50 Dover Street, between Hampton Avenue and Shore Boulevard, Block 8729, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO REOPEN 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.

35-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Paul & Maryann Penzi, owners.

zoning lot, requires a special permit.

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

COMMUNITY BOARD #1BK

APPEARANCES -

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

THE VOTE TO REOPEN HEARING -

SUBJECT - Application January 28, 2003 - under Z.R. §73-125 to permit the proposed medical office, Use Group 4, in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit as per Z.R. §73-125.

PREMISES AFFECTED - 12-18 154th Street, a/k/a 152-61 12th Road, northwest corner, Block 4537, Lot 90, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Lucille A. Cremen, Albert Albrizio, Catherine McCaffrey and Moriq Guerra.

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:15 P.M.