
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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May 22, 2003

DIRECTORY

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DOCKETS

144-03-BZ B.Q. 188-16 Northern Boulevard, southwest corner of 189th Street, Block 5510, Lot 38, Borough of Queens. N.B. #401604019. Proposed development of a two story building on vacant land, for stores, Use Group 6, on the first floor with accessory storage in the cellar, two dwelling units, Use Group 2, on the second floor, and open accessory parking, located in an R3-2 zoning district, is contrary to Z.R. §§22-00 and 23-00.

COMMUNITY BOARD #11Q

145-03-BZ B.BK. 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn. Alt. #301523750. Proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

COMMUNITY BOARD #15BK

146-03-BZ B.M. 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan. Alt.1 #102589110. The legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #8M

147-03-BZ B.M. 567 Third Avenue, east side, between 37th and 38th Streets, 74.1' north of 37th Street, Block 918, Lot 4, Borough of Manhattan. Applic. #103411265. Proposed operation of a physical culture establishment, on the second floor of a five story commercial structure, located in a C1-9 zoning district, is contrary to Z.R. §32-10.

COMMUNITY BOARD #6M

148-03-BZ B.M. 111/13 West 28th Street, between Sixth and Seventh Avenues, 164'-4" west of Sixth Avenue, Block 804, Lots 1101-1105 (formerly 28 and 29),

Borough of Manhattan. Alt. #103390910. Proposed conversion of the remaining two units on the second and third floors, and the addition of two floor and a penthouse for residential use, in an existing small basement and three-story loft building, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5M

149-03-BZ B.Q. 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens. N.B. #401606393. Proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

COMMUNITY BOARD #1Q

150-03-BZ B.BK. 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn. Alt.1 #301341402. Proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

151-03-BZ B.BK. 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn. Alt. #301527122. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

COMMUNITY BOARD #15BK

DOCKETS

152-03-BZ B.BK. 41 Varick Avenue,
northwest corner of Harrison Place, Block 2999, Lot 24,
Borough of Brooklyn. Alt.1 #301531411. Proposed
conversion of the Third and Fourth floors, of an existing four
story and cellar building, located in an M1-2 zoning district,
to residential use, Use Group 2, is contrary to Z.R. §42-00.
COMMUNITY BOARD #1BK

153-03-A B.M. 114/16 Hudson Street,
between North Moore and Franklin Streets, Block 189,
Lots 18 and 19, Borough of Manhattan. Applic.
#103437112. Application pursuant to Section 666 of the
City Charter for an interpretation of Z.R. §23-145,
regarding lot coverage regulations as it applies to said
premises.

154-03-BZ B.Q. 100-05 92nd Avenue,
corner of 102nd Street, Block 9306, Lot 30, Borough of
Queens. Applic. #401579449. Proposed change of use
of a vacant industrial building, to a multiple dwelling, Use
Group 2, located within an R3-1 zoning district, is contrary
to Z.R. §22-00.
COMMUNITY BOARD #9Q

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

CALENDAR

JUNE 24, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 24, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

—————
SPECIAL ORDER CALENDAR

812-61-BZ

APPLICANT - Omer Fenik Architects, for 80 Park Avenue Condominium, owner.

SUBJECT - Application February 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 24, 2002.

PREMISES AFFECTED - 74-82 Park Avenue, East 39th Street, Block 868, Lot 42, Borough of Manhattan.

COMMUNITY BOARD #6M

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202-62-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owners.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 3, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 950 Allerton Avenue, triangular lot bound by Allerton Avenue, Williamsbridge Road and Paulding Avenue, Block 4447, Lot 62, Borough of The Bronx.

COMMUNITY BOARD #11BX

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36-70-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 200 West 79th Street Owners, Inc., owner; Amstore Limited Partnership, lessee.

SUBJECT - Application April 22, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 200-204 West 79th Street, aka 380 Amsterdam Avenue, west side of Amsterdam between West 78th Street and 79th Streets, Block 1170,, Lot 7501 FKA 29, 30, 32, 34, 35, 36, Borough of Manhattan.

COMMUNITY BOARD #7M

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136-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Roberta Ludovico, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped

206-91-BZ

APPLICANT - Rampulla Associates, Architects, for Thomas Nicolosi, owner.

SUBJECT - Application April 16, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 4300 Hylan Boulevard, south side of Hylan Boulevard and Windchester Avenue, Block 5319, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3.S.I.

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121-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Edward Kelly, lessee.

SUBJECT - Application April 16, 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 - 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

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122-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; April Forgina, lessee.

SUBJECT - Application April 16, 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 - 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

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135-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; David Kelly, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located 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 - 31 Marion Walk, east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens.

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street, and has an upgraded private disposal system located 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 - 5 Irving Walk, east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

CALENDAR

COMMUNITY BOARD #14Q

137-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, owner; Bradley J. Palummeri, lessee.

SUBJECT - Application April 29, 2003 - Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Arcadia Walk, east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

153-03-A

APPLICANT - Francis R. Angelino, Esq, c/o DeCampo, Diamond & Ash, for Hudson Street Properties, LLC, c/o AFC Company, owner.

SUBJECT - Application May 15, 2003 - Pursuant to Section 666 of the City Charter for an interpretation of Z.R. §23-145, regarding lot coverage regulations as it applies to said premises.

PREMISES AFFECTED - 114/16 Hudson Street, between North Moore and Franklin Streets, Block 189, Lots 18 and 19, Borough of Manhattan.

COMMUNITY BOARD #1M

JUNE 24, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 24, 2003, at 1:30 P.M., at 40 Rector
COMMUNITY BOARD #14BK

75-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner.

SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit the legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

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

ZONING CALENDAR

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.

SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

234-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., Steve Tallidis, owner.

SUBJECT - Application August 23, 2002 - under Z.R. § 72-21 to permit the proposed construction of a three-story, four family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, front yard, open space, height and/or setback is contrary to Z.R. §23-45, §23-12C and §23-631.

PREMISES AFFECTED - 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

377-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Rabbi Naftali Babad, owner; Cong. Kahal Tamopol (long term lessee).

SUBJECT - Application December 31, 2002- under Z.R. §72-21 to permit the proposed merging and expansion of two, two-story plus basement buildings, to become one-three story, cellar and basement synagogue, with Rabbi's apartment, Use Group 4, located in an R5 zoning district, which creates non-compliance with respect to lot coverage ratio, also side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 163/65 Parkville Avenue, north side, 198' west of Ocean Parkway, Block 5423, Lots 60 and 61, Borough of Brooklyn.

COMMUNITY BOARD #5M

93-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for John Mauro, owner.

SUBJECT - Application March 25, 2003 - under Z.R. §72-21 to permit the 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.

PREMISES AFFECTED - 217-20 39th Avenue, northeast corner of

CALENDAR

218th Street, Block 6255, Lots 18, Borough of Queens.

COMMUNITY BOARD #7Q

99-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Yeheskel & Beatrice Frankel, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the 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.

PREMISES AFFECTED - 1173 East 24th Street, between Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

104-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gila Realty, owner; 61 Strickland Fitness Center, LLC, lessee.

SUBJECT - Application May 20, 2003 - under Z.R. §72-21 to permit

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

PREMISES AFFECTED - 6161 Strickland Avenue, between Mill Avenue and East 60th Place, Block 8470, Lot 1110, Borough of Brooklyn.

COMMUNITY BOARD #18BK

111-03-BZ thru 115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit the proposed three story, three family residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, wall and building height, front yard and the

**REGULAR MEETING
TUESDAY MORNING, MAY 20, 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, April 8, 2003, were approved as printed in the Bulletin of April 17, 2003, Volume 88, No. 15-16.

SPECIAL ORDER CALENDAR

421-62-BZ

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

parking requirements, is contrary to Z.R. §23-141, §23-631, §23-45 and §25-23.

PREMISES AFFECTED -

1685 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

1687 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

1689 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

1691 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

1693 60TH Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

146-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

Pasquale Pacifico, Executive Director

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

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

MINUTES

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expires on November 20, 2003; 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 to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, on November 20, 1962, the Board granted an application to permit transient parking for passenger cars for the surplus tenant spaces within the existing Multiple Dwelling accessory garage.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expires on November 20, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from November 20, 2003 to expire on November 20, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 6, 2003”- (1) sheet; and on further condition;

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

WHEREAS, on November 20, 1962, the Board granted an application to permit transient parking for passenger cars for the surplus tenant spaces within the existing Multiple Dwelling accessory garage.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the term of the Variance which expires on November 20, 2003, so that as amended this portion of the resolution shall read:

“to permit the legalization of an existing business sign and to extend the term of the Variance for an additional ten (10) years from November 20, 2003 to expire on November 20, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 6, 2003”- (2) sheets; and on further condition;

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

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

THAT the above conditions and all conditions from

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 # 528/62)

Adopted by the Board of Standards and Appeals, May 20, 2003.

830-62-BZ

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

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

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

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Peter Hirshman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION-

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 April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening, an extension of the term of the variance which expires on November 20, 2003; and

WHEREAS, the subject application also seeks an amendment to the variance for the legalization of an existing illuminated business sign; and

prior resolutions shall appear on the certificate of occupancy;

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

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

(DOB Application # 998/62)

Adopted by the Board of Standards and Appeals, May 20, 2003.

716-82-BZ

APPLICANT - Joseph P. Morsellino, for Cigarette Realty, owner; Staples Inc., lessee.

SUBJECT - Application February 20, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

PREMISES AFFECTED - 209-30 Northern Boulevard, Northern Boulevard, east of Oceania Street, Block 7309, Lots 9, 11, 13 and

MINUTES

49, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening, an extension of the term of the variance which expires on June 13, 2003; and

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 for decision; and

WHEREAS, on February 26, 1991, the Board granted an application under §§72-01 and 72-22 to amend the variance to permit retail stores, offices and accessory parking at the rear of the building, and to merge Cal. No. 477-69-BZ into Cal. No. 716-82-BZ.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution to extend the term of the Variance which expires on June 13, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from June 13, 2003 to expire on June 13, 2013, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received February 20, 2003”- (2) sheets and “May 6, 2003”- (1) sheet; and on further **ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on April 29, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 for decision; and

WHEREAS, on March 20, 1986, the Board granted an application permitting the operation of a physical culture establishment.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a Certificate of Occupancy which expired on July 27, 2002, so that as amended this portion of the resolution

condition;

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

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

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

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

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

(DOB Application # 400112980)

Adopted by the Board of Standards and Appeals, May 20, 2003.

286-86-BZ

APPLICANT - Sheldon Lobel, P.C., for George Kotsonis, owner; Union Fitness Organization, lessee.

SUBJECT - Application February 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 100 7th Avenue, a/k/a 808 Union Avenue, portion of block bounded by 7th Avenue, Union Street, 6th Avenue and President Street, Block 957, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Jordan Most.

shall read:

“to permit the extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on May 20, 2005, *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 conditions from prior resolutions shall appear on the certificate of occupancy;

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

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

(DOB Alt. Application #301022783)

Adopted by the Board of Standards and Appeals, May 20, 2003.

MINUTES

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to September 30, 2003, at 10 A.M., for continued hearing.

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.

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.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

190-75-BZ

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 - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

763-59-BZ

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

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

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

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

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 -

For Applicant: Kevin B. McGrath and other.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

660-77-BZ

APPLICANT - Joseph P. Morsellino, for 41st Realty LLC, owner; Fogarty Funeral Home, lessee.

SUBJECT - Application March 7, 2003 - reopening for an extension of term of variance which expired March 7, 2003.

PREMISES AFFECTED - 136-50 41st Avenue, 41st Avenue, east of Kissena Boulevard, Block 5044, Lot 32, Borough of Queens.

MINUTES

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

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 W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 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 Absent: Commissioner Miele.....1

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

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.

For Opposition: BC Eugene J. Carty and Anthony Scaduto, Fire Department.

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

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

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: Philip Agusta.

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

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: John Ronan and Higinio Caballero.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

PREMISES AFFECTED - 26 Court Street, aka 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application November 27, 2002- reopening for an amendment to the resolution.

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PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

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.

86-03-A & 87-03-A

APPLICANT - Richard Bowers, Stadtmauer Bailkin LLP, owner.

SUBJECT - Application March 19, 2003 - Proposed erection of a contractor's establishment with offices, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

11-19 132nd Street, south of eleventh Avenue, Block 4012, Tentative Lot 144, Borough of Queens.

132-01 14th Avenue, north side, 418.57' west of 133rd Place, Block 4012, Tentative Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: BC Eugene J. Carty, Fire Department and Steven Sinacori.

For Opposition: Judith Panaciali.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

REGULAR MEETING

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.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

TUESDAY AFTERNOON, MAY 20, 2003

2:00 P.M.

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

ZONING CALENDAR

114-02-BZ

CEQR #02-BSA-181R

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 on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

ACTION OF BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 1, 2002 acting on Application No. 500509773

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reads:

1. Subject site has been a subject of a previous board grant to permit in a R-2 district, A florist and a general business office and an(sic) voluntary parking lot which would be Used jointly accessory to an existing off-site eating and drinking establishment, under Cal. # 817-80-BZ.
2. The proposed removal of the above existing building and the development of a new two-story building with retail on the first floor, and offices on the second floor with accessory parking facility is contrary to Cal #817-80-BZ and 22-10 and 25-50 of the N.Y.C. Zoning resolution.”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in *The City Record* and laid over to January 28, 2003, March 4, 2003, April 18, 2003, and May 6, 2003 and then to May 20, 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

WHEREAS, in 1992, the Board granted an amendment permitting a retail florist (Use Group 6) and allowed occupancy to general office uses on condition that a landscaped buffer be provided and that lighting be minimized; and

WHEREAS, the subject site is a corner lot with frontages on Odin Street (a 60' wide mapped Street) and Richmond Road (an 80' wide mapped street), and the record indicates that Richmond Road is a heavily traveled roadway and that there is a 10' wide widening area along Odin Avenue precluding utilization of the full depth of 100' (perpendicular to Odin Avenue);

WHEREAS, the applicant represents that the subject building which was converted in the early 1980's to a commercial use, both retail and office uses, has become obsolete and costly to maintain; and

WHEREAS, the site's corner lot location developed with an existing two-story residential structure fronting on a heavily traveled roadway, its history of development with a prior non-conforming Board approved Use Group 6 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 proposed development has been designed to minimize adverse impacts on the surrounding neighbors as lighting will be directed away from adjacent residential users, and will provide landscaping and fences to buffer the site from residential neighbors; and

WHEREAS, the Board notes that the existing character of the neighborhood has not changed since the

Satish Babbar and former Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50; and

WHEREAS, the applicant states that no more than a third of the proposed cellar floor shall be used for additional offices and the remaining area shall be used for accessory uses such as storage, utility rooms, mechanical space and toilets; and

WHEREAS, on February 3, 1981, under Calendar #817-80-BZ, the Board permitted the conversion of a then two-story dwelling into a medical and professional office building that encroached into the required side yard and the use of an open area as an off-site accessory parking lot for and eating and drinking establishment; and

WHEREAS, the above grant was limited to a renewable five year term, restricted the hours of operation and restricted the office uses to certain professions; and

original Board grant which permitted the first conversion of the existing residence to the present commercial use; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §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, on a site previously before the Board, in an R-2 zoning district, a one-story commercial building with offices on the first floor and cellar level (Use Group 6) which is contrary to Cal. #817-80-BZ and Z.R. §22-10 and §25-50, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 8, 2003”- (4) sheets; and on further condition;

THAT no more than a third of the proposed cellar floor shall be used for additional offices and the remaining area

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shall be used for accessory uses;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant expiring on May 20, 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 PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 10, 2002 acting on N.B. Application No. 301361452 reads:

- “(1) LOT COVERAGE DEFICIENT FROM REQUIRED BY SECTION 24-11
- 2) PROPOSED SIDE, FRONT & REAR YARD CONTRARY TO 24-34, 24-35 & 24-36
- 3) PROPOSED BALCONY PROJECTION IS CONTRARY TO SECTION 24-51 & 23-131”;

and

WHEREAS, a public hearing was held on this application on February 25, 2003 after due notice by publication in *The City Record* and laid over to April 8, 2003, April 29, 2003 and then to May 20, 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R5 zoning district, which does not comply with zoning requirements for lot coverage, front, side and rear yards, and balcony projection, which is contrary to Z.R. §§24-11, 24-34, 24-35, 24-36, 24-51 and 23-131; and

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 20, 2003.

271-02-BZ

CEQR #03-BSA-052K

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.

WHEREAS, Community Board #12 recommends approval of this application provided that the premises will not be used for commercial catering; and

WHEREAS, the subject site is a single lot, situated within an R2 zoning district, located on 46th Street between 16th and 17th Avenues, and is currently vacant; and

WHEREAS, the site was previously developed with a two-story, two family dwelling; and

WHEREAS, the proposal seeks to construct a three-story plus cellar synagogue with: a changing room, multi-purpose room, kitchen, and bathroom in the cellar; a main sanctuary to be used for prayer on the first floor; and housing for the Rabbi and his family on the upper two floors; and

WHEREAS, the applicant represents that the proposed cellar will be used to host events for the members of the congregation and will not be used for catering events for the general public; and

WHEREAS, the applicant states that the proposed facility is necessary in order to meet the programmatic needs of the community facility to provide suitable religious environment; and

WHEREAS, the applicant further states that without the variance, a smaller facility would leave inadequate room for the congregation and its anticipated growth; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

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

WHEREAS, at the request of the Board and in response to community concerns, the applicant has substantially reduced the bulk of the proposal from an initial FAR of 2.75 to a proposed FAR of 1.99, resulting in a structure that has greater setbacks and less physical impact on the community;

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and

WHEREAS, the Board notes that a synagogue is an as-of-right use in an R2 zoning district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future 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 is the minimum variance necessary to afford relief; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R5 zoning district, which does not comply with zoning requirements for lot coverage, front, side and rear yards, and balcony projection, which is contrary to Z.R. §§24-11, 24-24, 24-34, 24-35, 24-36, 24-51 and 23-131, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 22, 2003"- (11) 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 there shall be no commercial catering on the premises;

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, May 20, 2003.

285-02-BZ

CEQR #03-BSA-064X

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

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

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

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

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

factory building.

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

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Philip Augusta.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 24, 2002 acting on ALT. Application No. 200745266 reads:

"1. Proposed Use Group 6A as an Eating and Drinking Establishment in a R4 Zoning District is contrary to Sec. 22-00 and is contrary to BS + A CAL 905-53-BZ and 1052-66-BZ."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record* and laid over to May 20, 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 Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R4 zoning district the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary Z.R. Section 22-00, and also contrary to two prior variances granted under Calendar Numbers 905-53-BZ and 1052-66-BZ which allowed a factory building; and

WHEREAS, the subject building was erected in 1953 as a factory under 905-53-BZ with a subsequent enlargement granted under Calendar Number 1052-66-BZ; and

WHEREAS, on January 13, 1976, the Board granted a ten year extension of the prior variance which expired January 13, 1986; and

WHEREAS, in 1986, the current owner, unaware that the property was subject to a variance purchased the building and converted the factory into an eating and drinking establishment; and

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WHEREAS, applicant represents that, the subject parcel is unique because it is a corner irregular parcel that has housed a non-conforming use since 1953 when it received Board approval; and

WHEREAS, the applicant has documented that the same hardships that existed in 1953, still exist and that the property was designed, built and used for a non-conforming manufacturing use; 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, 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.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 on a site previously before the Board, to permit, in an R4 zoning district the legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, which is contrary Z.R. Section 22-00, and also contrary to two prior variances granted under Calendar Numbers 905-53-BZ and 1052-66-BZ which allowed a factory 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 October 23, 2002"- (2) 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 May 20, 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

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

WHEREAS, the record indicates that the proposed use for the subject property is less detrimental to residential development than the factory use previously approved; and

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

329-02-BZ

CEQR #03-BSA-076Q

APPLICANT - The Agusta Group by Paul Bonfilio, R.A., for Yuri Abramov, owner.

SUBJECT - Application November 7, 2002 - under Z.R. §72-21 to permit the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461.

PREMISES AFFECTED - 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip Agusta.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated January 9, 2003, acting on Application No. 401102427, reads:

1. The minimum total width of required side yards in an R1-2 zone is 20'-0" feet with the required minimum width of any side yard 8'-0" feet. Therefore, the side yards proposed, 5.87' and 10.83' are contrary to Section 23-461 of the

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Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to May 20, 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, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461; 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 proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §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; 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, to permit, the proposed addition to an existing one-family dwelling creating non-compliance with respect to the required side yard contrary to Z.R. §23-461 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 21, 2003”-(4) sheets and “May 13, 2003”-(1) sheet; and on further condition;

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

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

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

WHEREAS, the subject parcel is located on an interior irregular trapezoidal lot on Radnor Road between the Grand Central Parkway North Service Road and Kent Street, with approximately 90' of frontage along Radnor Road narrowing down to a 60' rear lot line; and

WHEREAS, the side lot line are also regular measuring 157.47 feet on the south side and 170.39 feet on the north side resulting in a small side yard encroachment at two points when the addition was built symmetrical to the existing building; and

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

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

368-02-BZ

CEQR #03-BSA-108M

APPLICANT - Jesse Masyr, Esq., for Astor Place Holding Corporation, owner; Astor Place Associates, LLC c/o The Related Companies, lessees.

SUBJECT - Application December 24, 2002 - under Z.R. §73-52 to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B zoning district.

PREMISES AFFECTED - 22/36 Astor Place, a/k/a 443/49 Lafayette Street and a/k/a 64/78 Cooper Square, blockfront of Astor Place, between Lafayette Street and Cooper Square, Block 544, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Gerry Johnson.

For Opposition: Dorris Diether, Community Board #2.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 29, 2002, acting on Application No. 103219553, reads:

“On a zoning lot split by a district boundary between a C6-2 and an M1-5B district with more than 50% of

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the zoning lot area located in the C6-2 zoning district, the extension of C6-2 use regulations into the M1-5B district exceeds the maximum permitted pursuant to Section 77-11 Z.R. (25'-0") from the mapped district boundary). The proposed extension of the C6-2 use and bulk regulations to the 25 foot area within the M1-5B district is contrary to Section 42-00 ZR and 43-00 ZR.”; and

WHEREAS, this is an application for a special permit, on a site previously before the Board, pursuant to Z.R. §§73-03 and 73-52, to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B zoning district; and

WHEREAS, the record indicates that the subject premises is an irregularly shaped lot, bounded by Lafayette Street, Astor Place and Fourth Avenue, and is currently improved with a public parking lot; and

WHEREAS, the applicant proposes to develop a mixed-use building containing retail and art gallery uses (Use Group 6) on the first floor, retail uses (Use Group 6) on the second floor and residential uses (Use Group 2) on floors 3 through 22, with 14 accessory parking spaces located in the cellar; and

WHEREAS, in addition to the subject special permit, the applicant is also seeking from the City Planning Commission an authorization pursuant to Z.R. §13-553 to relocate an existing curb cut sixty feet south on Fourth Avenue and a ministerial certification pursuant to Z.R. §27-00 for compliance with the residential plaza regulation; and

WHEREAS, the subject zoning lot is located within two zoning districts, with the majority of the site (13,184 sf) zoned C6-2 with this district extending 100 feet south from Astor Place, leaving a small triangular portion of the zoning lot (4,544 sf) zoned M1-5B; and

WHEREAS, §73-52 states that:

“Whenever a zoning lot existing in single ownership on December 15, 1961, or on the effective date of any applicable subsequent amendment to the zoning maps is divided by a boundary between two or more districts in which different uses are permitted, the Board of Standards and Appeals may permit a use which is a permitted use in the district in which more than 50 percent of the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot, where such use is not a permitted use, provided that the following findings are made:

- (a) that, without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and
- (b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area.

Where such an extension of a use is permitted,

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in *The City Record*, laid over to April 29, 2003 and then to May 20, 2003 for decision; and

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

the Board may permit the bulk, off-street parking and loading, and all other regulations of the district in which more than 50 percent of the lot area of the zoning lot is located, to apply for the distance, not exceeding 25 feet, that such use is permitted to extend into the remaining portion of the zoning lot. Any portion of the zoning lot beyond such distance shall be subject to all the regulations of the district in which it is located, and shall not be counted as lot area for a building or other structure, or portion thereof, used for such extended use.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.”; and

WHEREAS, the subject zoning lot has existed in single ownership since the creation of the M1-5B district in 1976 and more than 50% of the lot area is located within the C6-2 district which permits residential and commercial uses, and it is proposed to extend the district boundary 25 feet into the M1-5B district which prohibits residential uses and retail uses below the floor level of the second story; and

WHEREAS, the record indicates that it is not economically feasible to use or develop the portion of the zoning lot located in the M1-5B district for a permitted manufacturing or commercial use because its triangular shape and small lot area create massing difficulties and floor plates that are too small and impractical to develop as-of-right and the use limitations prohibit the integration with an as-of-right building in the C6-2 district; and

WHEREAS, therefore, the Board finds that the applicant satisfies the requirements of §73-52 (a); and

WHEREAS, the record indicates that the extension of the C6-2 district regulations is consistent with the essential character and future development in this neighborhood, which is characterized by a mix of cultural and educational institutions and retail uses; and

WHEREAS, the upper floors of many of the surrounding buildings are characterized by residential uses; and

WHEREAS, the Board notes that the proposed mixed-use building will have a total floor area ratio that is less than would be permitted as-of-right without the relocated district boundary; and

WHEREAS, based upon letters of opposition and testimony during public hearings, the Board notes that a significant number of opponents to the project based their opposition largely upon an earlier application approved by the City Planning Commission over the objections of the Community Board and others, which allowed a zoning map change and a Large Scale Development Plan to permit The Cooper Union for the Advancement of Science and Art to

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provide improved educational, institutional and commercial facilities; and

WHEREAS, however, the record demonstrates that this application is independent and different from the aforementioned approvals; and

WHEREAS, in response to Board concerns, by letter dated April 10, 2003, the New York City Department of Transportation has reviewed the application and has

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §§73-03 and 73-52 of the Zoning Resolution; and

WHEREAS, the Board, as lead agency, has conducted an environmental review with the Department of City Planning for the proposed action and has carefully considered all relevant areas of environmental concern, including parking, traffic, socio-economic impacts, historical and archaeological resources, shadows, noise, open space and hazardous materials; and

WHEREAS, the subject application is considered a Type I action because of the zoning lot's adjacency to an historic district; and

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

Resolved that the Board of Standards and Appeals issues a Type I 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. §§73-03 and 73-52, to permit the proposed construction of a 22-story and cellar mixed-use building on a zoning lot divided by a district boundary by extending the C6-2 district regulations 25 feet into the adjacent M1-5B zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, December 24, 2002"-(15) sheets; and on further condition;

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

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

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

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

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

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

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

concluded that "the proposed project would not create any significant traffic impacts."; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare, thus satisfying the requirements of §73-52 (b); and

Adopted by the Board of Standards and Appeals, May 20, 2003.

370-02-BZ

CEQR #03-BSA-110Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-14 Main Street, between Booth Memorial and 56th Avenues, 100' south of 56th Avenue, Block 5133, Lot 40, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482766 reads:

"Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 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 and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

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WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 371-02-BZ, 372-02-BZ and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

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

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

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

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

373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community-based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 24, 2002"- (2) sheets and "May 15, 2003"- (1) sheet; and *on further condition*;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

371-02-BZ

CEQR #03-BSA-111Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

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SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482841 reads:

“Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14, ZR 24-35 (side Yard 8' Min.) and ZR 24-36 (Rear Yard 30Ft. Min) Therefore must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 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 and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 372-02-BZ and 373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community -based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure

PREMISES AFFECTED - 56-24 Main Street, between Booth Memorial and 56th Avenues, 210' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

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

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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.

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,

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limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 24, 2002"-(2) sheets and "May 15, 2003"-(1) sheet; and *on further condition*;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

372-02-BZ

CEQR #03-BSA-112Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-26 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 47, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482891 reads:

"Proposed Medical Offices at the second floor of the

existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 ZR 24-35 (side yard 8' Min.) and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred back to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 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 and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 371-02-BZ and 373-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community-based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

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

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WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 24, 2002"-(2) sheets and "May 15, 2003"-(2) sheets; and *on further condition*;

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

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

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

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

WHEREAS, this is an application under Z.R. §72-21, to permit in an R-4 zoning district, the legalization of an

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

373-02-BZ

CEQR #03-BSA-113Q

APPLICANT - Sheldon Lobel, P.C., for NY Hospital Medical Center of Queens, owner.

SUBJECT - Application December 24, 2002 - under Z.R. § 72-21 to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36.

PREMISES AFFECTED - 56-44 Main Street, between Booth Memorial and 56th Avenues, 230' south of 56th Avenue, Block 5133, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated December 12, 2002 acting on Alt. Application No. 401482775 reads:

"Proposed Medical Offices at the second floor of the existing structure, which is located within an R-4 zoning district is contrary Section to ZR Sections 22-14 ZR 24-35 (side yard 8'Min.) and ZR 24-36 (Rear Yard 30Ft. Min.) Therefore must be referred back to the Board of Standards and Appeals.;" and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in The *City Record* and laid over to May 20, 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 and Commissioner Peter Caliendo; and

WHEREAS, Community Board #7, Queens recommends conditional approval of this application; and

existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35

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and 24-36; and

WHEREAS, this application is part of a four unit development and was heard with 3 companion cases under BSA Calendar Numbers 370-02-BZ, 371-02-BZ and 372-02-BZ; and

WHEREAS, the record indicates that since 1957 a community facility has occupied the premises and that the applicant, a 439-bed community teaching hospital, providing community -based health programs employing full time physicians in 14 areas of medical specialties, has occupied the subject sites since 1993; and

WHEREAS, the applicant seeks relief from Z.R. §22-14(a) which prohibits Use Group 4 medical office uses on the second floor; and

WHEREAS, the record indicates that the proposed use and design is necessary to meet the subject hospital's programmatic needs because the subject properties are directly across from the Medical Center's main campus and the additional space will allow easy access to all of the required diagnostic and continuum of care services to meet patient needs; and

WHEREAS, the applicant represents that, the existing facilities are not adequate to provide critical programs to meet the health care needs of the surrounding community; and

WHEREAS, for example, the Breast Center operates 9-5, Monday through Friday with only one examination room, has seen its number of patients grow to over 1000 current patients with a projection that the number will grow by more than 75% over the next few years; and

WHEREAS, the applicant represents that the requested variance will enable the applicant meet its programmatic needs and pursue its mission to be the premier healthcare institution, serving the greater community by delivering clinical care, education, research and service; and

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

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, the record indicates that this application does not alter the exterior of the subject premises; and

WHEREAS, the Board notes that hospital/community facility uses have occupied the site since 1957; and

WHEREAS, the applicant represents that the proposal will be constructed in such a way that it will blend harmoniously with the existing structure and will not adversely impact local residential dwellings; and

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

1-03-BZ

CEQR #03-BSA-118Q

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R-4 zoning district, the legalization of an existing two-story structures housing a community facility, medical office (Use Group 4) contrary to Z.R. §§22-14, 24-35 and 24-36, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 24, 2002"-(2) sheets and "May 15, 2003"-(1) sheet; and *on further condition*;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

APPLICANT - The Agusta Group, for BRK Properties Inc., owner.
SUBJECT - Application January 7, 2003 - under Z.R. §72-21 to

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permit the 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 lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141.

PREMISES AFFECTED - 128-05 Hawtree Creek Road, southwest corner of 109th Avenue, Block 11609, Lot 1, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2002 and updated January 6, 2003, acting on Application No. 401547643, reads:

- “1) The zoning lot for a two family detached dwelling in a R3-2 zone is less than 3,800 square feet, therefore contrary to section 23-32 of the Zoning Resolution.
- 2) The proposed front yards of 10 ft facing all streets is contrary to section 23-45 of the zoning resolution.
- 3) The proposed dwelling exceeds the F.A.R. of the .5 therefore contrary to section 23-141 of the zoning resolution.
- 4) The proposed parking space within the front yard is contrary to 23-44 of the zoning resolution.”; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to May 20, 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed 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 lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141, on condition that all work shall substantially conform to drawings as they apply to the objections above

does not comply with the zoning requirements for lot area, front yard, floor area ratio and permitted obstructions in required yards, and is contrary to Z.R. §§23-32, 23-44, 23-45 and 23-141; and

WHEREAS, the record indicates that the subject premises is triangular parcel with approximately 72 feet of frontage on 128th Street, 79 feet of frontage on 109th Avenue and 93 feet of frontage on Hawtree Creek Road; and

WHEREAS, the subject zoning lot comprises the entire block; and

WHEREAS, the subject lot is considered a corner lot and therefore has no side or rear yard requirements; and

WHEREAS, the applicant represents that the 15 foot front yard requirement was reduced to 10 feet in order to obtain a reasonable floor plan for the proposed building; and

WHEREAS, the applicant further represents that the two required parking spaces were placed in the largest available area on the zoning lot, resulting in an obstruction in the front yard; and

WHEREAS, the aforementioned unique physical condition, namely the triangular shape and small size of the subject lot, makes 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 two-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 proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §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; and

noted, filed with this application marked “Received, January 7, 2003”-(5) sheets; and on further condition;

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

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

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

THAT 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

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only for the portions related to the specific relief granted;

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

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

Adopted by the Board of Standards and Appeals, May 20, 2003.

35-03-BZ

CEQR #03-BSA-128Q

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

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 - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0
Negative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Absent: Commissioner Miele.....1
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 10, 2003 acting on Application No. 401516436, reads in pertinent part:

“Objection #1. Comply with 12-10 Medical office shall be limited to less than 1,500 square feet of floor area or cellar space.

Objection #2. Comply with ZR 73-12 and 73-125 Community Facility Uses in R1 or R2 Districts”;

and
WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in the *City Record*, laid over to April 29, 2003 and then to May 20, 2003 for decision; and

WHEREAS, this is an application under Z.R. §§73-03

WHEREAS, echoing the decisions of the Borough President and the Community Board, the Board notes that it is not adverse to the use of the site for a single practitioner, but is rather very concerned about the traffic and parking issues generated by the addition of a second medical office; and

WHEREAS, two medical offices would have a total staff of at least six employees (two dentists, two assistants and two hygienists); and

WHEREAS, the Board finds that the two medical offices with separate employees and patients, would create

and 73-125, to permit the operation of a medical office (Use Group 4) in excess of 1,500 square feet, located in an R2 zoning district, which requires a special permit; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the subject premises is an irregularly shaped corner lot with approximately 60 feet of frontage along 154th Street and approximately 87.84 feet of frontage along 12th Road, with a total area of 6,349.7 square feet, and is currently improved with a one-story and cellar dwelling; and

WHEREAS, the applicant seeks to convert the building into two medical offices, one on the first floor and one in the cellar; and

WHEREAS, the proposal also entails a 37.4 square foot addition for a new entryway; and

WHEREAS, the record indicates that the owner of the premises will occupy the first floor of the building, containing two operating rooms, two examination rooms, the doctor's office, and accessory reception waiting and laboratory areas with a staff of one dental assistant and a hygienist; and

WHEREAS, the applicant states that the cellar will have a design and layout similar to the first floor and will be leased to a second dentist who will have a similar practice and will generate a similar amount of traffic; and

WHEREAS, the applicant contends that there would not be more than 50 visits to the premises over the span of 12 hours; and

WHEREAS, the Board finds that the applicant satisfies all the requirements of §73-125 concerning open area, distribution, parking, landscaping and screening; and

WHEREAS, however, the Board finds that the applicant's application would adversely affect the character of the surrounding area; and

WHEREAS, based upon site and neighborhood inspection as well as evidence in the record, the Board notes that the adjoining lots are developed with single-family residences and the surrounding area is characterized with one and two-story residences; and

WHEREAS, by letter dated May 19, 2003, the Queens Borough President recommended disapproval of this application; and

WHEREAS, in its meeting of March 18, 2003, Community Board #7 recommended disapproval of this application; and

increased traffic and parking issues and would detract from the otherwise residential character of this neighborhood; and

WHEREAS, although the proposal provides off-street parking for six vehicles and therefore satisfies the requirement of §73-125(b), the Board finds that the parking layout provided is impractical and inappropriate within the context of the surrounding area; and

WHEREAS, therefore, the Board finds that the application would create disadvantages to the community that outweigh the advantages derived from the granting of this special permit and the application fails §73-03(a), under

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General Findings Required for All Special Permit Uses and Modifications.

Resolved, that the decision of the Borough Commissioner, dated January 10, 2003 acting on Application No. 401516436 is upheld and this application is denied.

Adopted by the Board of Standards and Appeals, May 20, 2003.

95-03-BZ

CEQR #03-BSA-155M

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 within an M1-4 zoning district, the location of a head start school.

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

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 20 2003 acting on Application No. 10340940 1 reads:

- “1. Proposed arrangement in layout indicates nursery, day care center with classrooms (community facility- Use Group 3) which is not permitted as of right in a M1-4 District as per section 42-10 ZR..”: and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in *The City Record* and laid over to May 20, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the

WHEREAS, the Board notes that the above condition meets the requirement of Section 73-19(d), that the movement of traffic through the street on which the school is located can be controlled as to protect children going to and from the school; 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 73-19; and

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

Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §§73-03 and 73-19 to permit, within an M1-4 zoning district, the location of a head start school; and

WHEREAS, Community Board #11, Manhattan recommends approval of this application; and

WHEREAS, the subject site is a 14,785 square foot building located 111th Street between First and Second Avenue; and

WHEREAS, the record indicates that for more than 50 years the applicant has provided community services focusing on the development of children and families in urban settings; and

WHEREAS, the applicant represents that the building was formerly used as a community facility and contains adequate floor space to accommodate the school's programmatic requirements including, classrooms, faculty offices, and counseling centers and can therefore be converted to a school use by rearranging the floor layout; and

WHEREAS, the Board notes that despite an extensive search for a suitable facility where the school would be permitted as-of-right, no suitable site has been found; and

WHEREAS, the record indicates that the proposed use is located immediately adjacent to an R7-2 zone meeting the requirement that the school not be located more than 400 feet from the boundary of a district where the school is permitted as-of-right; and

WHEREAS, the surrounding manufacturing district consists of a parking lot which is located more than 240 feet from the subject school thereby minimizing any adverse noise impacts; and

WHEREAS, the record indicates that the remainder of the surrounding neighborhood is characterized by a mixture of residential with ground floor retail uses and other community facility uses; 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 applicant represents that due to their young age, the children will not enter or leave the building without an escort and that the hours will be limited to 8:00 A.M to 6:00 P.M. Monday through Friday; 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. §§73-03 and 73-19 to permit, within an M1-4 zoning district, the location of a head start school, *on condition* that all work

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shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 11, 2003"- (5) 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 term of this special permit shall be limited to eleven (11) years, to coincide with the lease agreement, to expire on May 20, 2014;

THAT the hours of operation shall be limited to 8:00 A.M to 6:00 P.M. Monday through Friday;

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

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, May 20, 2003.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court,

91-02-BZ

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 -

Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Patrick W. Jones.

For Opposition: Diane O'Donnell.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 2 P.M., for continued hearing.

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: Jordan Most.

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

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Jordan Most.

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

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 15th Avenue Corp., owner; Aspen Ford, lessee.

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SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

210-02-BZ thru 213-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Grane, owner.

SUBJECT - Application July 15, 2002 - under Z.R. §72-21 to permit the proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, and is contrary to Z.R.§23-141, §23-22 and §35-40.

PREMISES AFFECTED -

78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens.

78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens.

78-05 Myrtle Avenue, between 78th and 79th Streets,

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 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.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Irving E. Minkin.

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

315-02-BZ

(39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens.

78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R.§23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss and Jack Freeman.

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

MINUTES

342-02-BZ

APPLICANT - Sheldon Lobel, P.C., for John Dioguardi, owner.
SUBJECT - Application November 15, 2002 - under Z.R. §73-53 to permit the legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, which requires a special permit.

PREMISES AFFECTED - 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

362-02-BZ

APPLICANT - Harold Weinberg, P.E., for Ronnie Hasson, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement at the level of the second floor, of an existing two story single family dwelling, which does not comply with the zoning requirements for floor area ratio, open space and lot coverage, and is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

28-03-BZ

APPLICANT -Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lavra L. Smith.

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

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.
SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-conforming commercial use building, Use Group 17B, by the

For Applicant: Harold Weinberg, Henry Hasson, Nathan Hasson, Aid Hasson, Jack Aini and Rachel Hasson.

For Opposition: Harold Rosenthal, Ed Eisenberg and Rosalie Rosenthal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

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

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

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

32-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jeffrey J. Edelman, owner.

SUBJECT - Application January 23, 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 ratio and open space ratio and rear and side yards, and is contrary to Z.R. §§23-141, 23-47 and 23-461.

PREMISES AFFECTED - 1052 East 26th Street, between Avenues

MINUTES

“J” and “M”, Block 7607, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:20 P.M.

SPECIAL MEETING

**WEDNESDAY MORNING, MAY 21, 2003
10:00 A.M.**

Adjourned: 11:45 A.M.

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

ZONING CALENDAR

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160
Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01
to permit the proposed development of a vacant six story
manufacturing building, and the addition of three floors, for
residential use, Use Group 2, located in an M2-1 zoning district,
which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay,
Verona and Commerce Streets, and Atlantic Basin, Block 515,
Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Jack Freeman, John McGetrick,
Anthony Pugliese, Lou Sones, J. Getra, Z. Fruchthandler, Szlratore
Buddy Scotto, Edie Stone, Robert Perry, Bette Stoltz and Paul
Rivera.

For Opposition: John Jerard, Terica Watson, Ernest Mcgliaccio,
Matt Yater, Jenifer Roth Nyian, Phaedra Thomas and Carolina
Salguero.

ACTION OF THE BOARD - Laid over to August 13,
2003, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.